

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

IN RE: The Petition for

Declaratory Statement of:

JOSEPH M. ZETERBERG, M.D.,
Petitioner.

PROPOSED FINAL ORDER

THIS MATTER came before the Board of Medicine pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code, on December 2, 1989, and February 2, 1990, in Miami, Florida, for the purpose of considering the Petition for Declaratory Statement filed by Joseph M. Zeterberg, M.D.

Having considered the Petition, the Petitioner's written argument, the applicable laws, and being otherwise fully advised in the premises, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. Petitioner is licensed in the State of Florida, having been issued license number ME 0020445.

2. The factual scenario Petitioner presents is as follows:

Petitioner desires to engage a medical practice management company (hereinafter "AAC" or "Corporation") to manage the business aspects of Petitioner's medical practice. Toward that end, Petitioner proposes a business arrangement with the Corporation as follows:

a) AAC proposed to purchase all the tangible and intangible assets comprising Petitioner's medical practice, except for Petitioner's patient charts and patient records.

b) AAC and Petitioner will enter into a management agreement pursuant to which AAC will provide all office space, equipment, staff, practice supplies, medical transcription, billing and accounts receivable services, and all marketing, business and medical support services, required for Petitioner to practice his profession of medicine. AAC, after consultation and Petitioner's concurrence, will maintain and administer the overall charge structure for Petitioner's practice. AAC, with the consent of Petitioner, will hire, discharge, supervise and manage all employees used in Petitioner's practice to the extent that such activities do not adversely affect Petitioner's delivery of health care. Petitioner will be responsible for the supervision of nurses, physician's trained assistants, physician's assistants or any other direct medical care employees in accordance with applicable law. AAC will develop all practice forms and will maintain all patient charts and records in accordance with applicable law. AAC also will market Petitioner's medical practice in the territory.

c) AAC will be responsible for developing a "circuit" within the territory surrounding Petitioner's market area. The concept of the circuit is that there are various outlying medical clinics and medical practice groups which do not have the capability to maintain a full time specialist in allergy care. By developing a contractual affiliation agreement with such practices, AAC can assure such practices that an allergy specialist can be available to see patients on a regular basis (typically one day a week). The affiliated clinics agree to make space and ancillary services and supplies available in their

