

FILED

January 22, 2002

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
ERNESTO COLINA, M.D.	:	FINAL ORDER
License No. MA 32425	:	OF DISCIPLINE
	:	
TO PRACTICE MEDICINE AND SURGERY	:	
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Respondent is a medical physician in the State of New Jersey and has been a licensee at all times relevant hereto. Respondent has been inactive since 1983 and has therefore been precluded from practicing medicine in New Jersey for more than 15 years. As an "inactive" licensee, respondent retains the right of reinstatement pursuant to N.J.S.A. 45:9-6.1.

2. On June 28, 2000, the State of Florida Board of Medicine filed a Final Order wherein Dr. Colina's license to practice medicine was revoked by default, after respondent made no

appearance and the allegations were deemed to have been admissions. Specifically, the Florida Board of Medicine found that Dr. Colina had practiced medicine below that level of care, skill and treatment which is recognized by a reasonably similar physician as been acceptable under similar conditions and circumstances in the treatment of a patient for the following reasons. Respondent's treatment fell below the standard of care when treating impotence by injecting Prostaglandin E-1 into the corpora of the 61 year old patient's penis and failing to inform the patient of the risks of priapism resulting from the injection. Additionally, Dr. Colina failed to instruct the patient to return for immediate evaluation within four to six hours of persistent rigidity and instead recommended inadequate treatment which had no effect on counteracting the priapism, such as packing the penis with ice and taking Ibuprofen for the priapism lasting approximately 56 hours. The Florida Board also found that Dr. Colina knew or had reason to know that he was not competent to perform treatment of impotence through a pharmacological erection program with injectable vasoactive agents. (A copy of the Final Order which adopts the Recommended Order and Administrative Complaint are annexed hereto and made a part hereof.)

3. The State of Florida Board of Medicine revoked Dr. Colina's license effective June 28, 2000.

CONCLUSIONS OF LAW

1. The above disciplinary action provides grounds for the revocation of his license to practice medicine in New Jersey pursuant to N.J.S.A. 45:1-21(g) in that respondent had his authority to engage in the practice of medicine revoked by the State of Florida Board of Medicine.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") was entered by this Board on June 8, 2001 and served upon respondent. The POD was subject to finalization by the Board at 5:00 PM on the 30th business day following entry unless Respondent requested a modification or dismissal of the states Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The record reflects that the Provisional Order was served upon respondent. On June 9, 2001, copies of the POD were mailed to respondent by regular and certified mail, return receipt requested, to 427 Willow Road, Salisbury, NC 23144 and 4002 West Thonatossa

Road, Plant City, FL 33565-8593, the addresses which he had supplied to the Board pursuant to N.J.A.C. 13:35-6.19, which requires all licensees to notify the Board in writing of any change in address. The certified return-receipt and regular mail sent to the North Carolina address were returned to the Board office as "attempted not known." The certified return-receipt envelope sent to the Florida address was not returned to the Board office, but the signed certification card was returned to the Board office. The envelope sent by regular mail to the Florida address was not returned to the Board office as undeliverable. Accordingly the Board considered the matter, determines that further proceedings were not necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 22nd day of January, 2002 ORDERED that Respondent's license to practice medicine and surgery in the State of New Jersey is hereby revoked.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

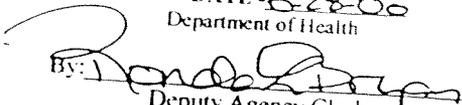
By:



William V. Harrer, M.D., B.L.D.
Board President

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,
Petitioner,

Final Order No. DOH-00-1113-~~FoF~~-MQA
FILED DATE 6-28-00
Department of Health
By: 
Deputy Agency Clerk

vs.

DOAH CASE NO.: 99-1417
DOH CASE NO.: 94-01468
LICENSE NO.: ME0031020

ERNESTO SINDA COLINA, M.D.,
Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on June 2, 2000, in Ft. Lauderdale, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (a copy of which is attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by Kristy Johnson, Senior Attorney. Respondent was not present nor was he represented by counsel.

Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

2. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 458, Florida Statutes.

2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

3. There is competent substantial evidence to support the conclusions of law.

PENALTY

Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge be accepted. WHEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that

Respondent's license to practice medicine in the State of Florida is hereby REVOKED.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 23rd day of June, 2000.

BOARD OF MEDICINE

for George A. Bahri
GEORGES A. EL-BAHRI, M.D.
CHAIRMAN

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE AGENCY FOR HEALTH CARE ADMINISTRATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Ernesto Sinda Colina, M.D., 4002 West Thonatosassa Road, Plant City, Florida 33565-8593; to Carolyn S. Holifield, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Kathryn L. Kasprzak, Chief Medical Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this 28th day of June, 2000.

Camie Singletary