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9-8-99

Final Order No. DOH-99-1566-FOF-MOA Date 12/22/99

FILED

Department of Health
Angela Hall, AGENCY CLERK

By: Vicki R. Ellison
Deputy Agency Clerk

**STATE OF FLORIDA
BOARD OF CLINICAL LAB**

**DEPARTMENT OF HEALTH,
BOARD OF CLINICAL
LABORATORY PERSONNEL,**

Petitioner,

vs.

JAMES A. BEYER,

Respondent.

AT

Division of Administrative Hearings
FILED
7/6/04
DOAH CASE NO.: 99-2325C

AHP-CIOS

FINAL ORDER

This matter came before the Board of Clinical Laboratory Personnel (hereinafter "the Board"), pursuant to §§ 120.569 and 120.57(1), Florida Statutes, on November 29, 1999, via telephone conference call in Tallahassee, Florida, for a determination of whether to adopt the Findings of Fact and Conclusions of Law in the Recommended Order entered by the Administrative Law Judge presiding over this matter at the Division of Administrative Hearings. The Board was represented by Howard Bernstein, Prosecuting Attorney for the Agency for Health Care Administration. The Respondent, James A. Beyer (hereinafter "Respondent"), represented himself in these proceedings.

FINDINGS OF FACT

1. The Respondent is licensed in the State of Florida as a Clinical Laboratory Supervisor, license number 0033961.
2. This proceeding commenced when an Administrative Complaint was filed against the Respondent on June 1, 1998, alleging the Respondent violated § 483.825(7), Florida

Statutes, and Rule 64B3-13.003(2)(b), Florida Administrative Code.

3. On July 29, 1999, a Final Hearing was held before Arnold H. Pollock, an Administrative Law Judge of the Division of Administrative Hearings. Neither party submitted Proposed Recommended Orders to the Administrative Law Judge in this action.

4. On September 8, 1999, the Administrative Law Judge issued his Recommended Order. Neither party filed exceptions to the Recommended Order.

5. After a review of the record in its entirety, it is concluded that the Findings of Fact numbered one through nine contained in the Recommended Order are supported by competent, substantial evidence. Therefore, they are adopted and incorporated as though fully set out in this Final Order.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter of and the parties to this proceeding, pursuant to Chapter 120, Florida Statutes.

2. Based review of the record in its entirety, the Administrative Law Judge's Conclusions of Law are found to be supported by the law. Therefore, they are adopted and incorporated as thought fully set out in this Final Order.

ORDER

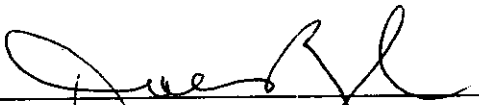
Based on the foregoing Findings of Fact and Conclusions of Law it is,

ORDERED that the Administrative Complaint dated June 1, 1998 filed against the Respondent is dismissed.

IT IS FURTHER ORDERED that this Order shall be placed in and become a part of Respondent's official records and become effective upon filing with the agency Clerk.

DONE AND ORDERED, this 7 day of Dec, 1999.

BOARD OF CLINICAL
LABORATORY PERSONNEL



Joe R. Baker, Jr., Executive Director
for Dianne Townsend, Chair

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(D), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT'S CLERK OF AGENCY PROCEEDINGS, WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct ope of the foregoing Final Order has been furnished by United States Mail to James A. Beyer, 2501 8th Street West, Lehigh Acres, Florida 33971, and Agency Clerk, Department of Health, Bin A02 2020 Capital Circle, Southeast, Tallahassee, Florida 32399-1701, this ____ day of _____, 1999.

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