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FILED  
STATE OF FLORIDA  
BOARD OF MEDICINE  
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Final Order No. DOH-01-1807- FOF-MQA  
FILED DATE - 10/31/01  
Department of Health

By: Vicki R. Kenon  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

AT

WRC-CWS

vs.

DOH CASE NO.: 1999-59654  
DOAH CASE NO.: 00-4817PL  
LICENSE NO.: ME0071706

ZAFAR S. SHAH, 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 October 5, 2001, in Miami, 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 Larry G. McPherson, Jr, Chief Attorney. Respondent was not present nor was he represented by counsel at the hearing.

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.

DISPOSITION


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 Counts 7-10 of the Administrative Complaint are hereby DISMISSED.

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

DONE AND ORDERED this 23<sup>rd</sup> day of October, 2001.

BOARD OF MEDICINE

  
TANYA WILLIAMS, BOARD DIRECTOR  
FOR  
GASTON ACOSTA-RUA, 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 DEPARTMENT OF HEALTH 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 Zafar S. Shah, M.D., 2921 Ramada Drive, #397, Tampa, Florida 33613; to Jack D. Hoogewind, Esquire, 33283 Cortez Boulevard, Dade City, Florida 33523; to William R. Cave, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Nancy M. Snurkowski, Chief Medical Attorney, and Lisa Pease, Senior Attorney - Appeals, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this 31<sup>ST</sup> day of October, 2001.

