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By: Kellie Bailey
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH Case No.: 1999-61662
DOAH Case No.: 2002-00889
DCA Case No.: 1D04-1153
License No.: ME0062034

FILED
2006 APR 24 P 1:44
DIVISION OF
ADMINISTRATIVE
HEARINGS

ANTHONY GLENN ROGERS, M.D.,

Respondent.

FINAL ORDER ON REMAND

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on April 8, 2006, in Tampa, Florida, and on remand from the First District Court of Appeal. The opinion in the matter of *Anthony Glenn Rogers, M.D., v. Department of Health*, 1D04-1153 (2005), reversed the findings in the Board's final order in regards to counts I and III of the administrative complaint, dismissed those counts and affirmed the Board's findings in regard to count II. The penalty was also reversed and remanded to the Board for imposition of a penalty based solely on count II.

On remand, Petitioner was represented by John Terrel, Assistant General Counsel and Respondent was not present but was represented by Lisa Shearer Nelson, Esquire. Upon review of the Opinion from the First District Court of Appeal, the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board made the following determination. The previous Final Order filed in this matter on February 17, 2004, is hereby VACATED.

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

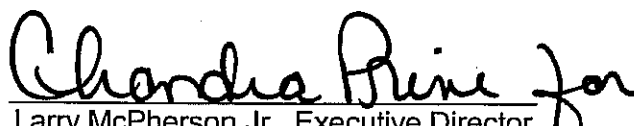
Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge be ACCEPTED.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that

1. Respondent shall pay an administrative fine in the amount of \$1,000 to the Board within 180 days from the date this Final Order is filed.
2. Respondent shall document completion of the medical records course sponsored by the Florida Medical Association (FMA) within one year from the date this Final Order is filed.

DONE AND ORDERED this 20 day of April, 2006.

BOARD OF MEDICINE


Larry McPherson, Jr., Executive Director
for Mammen P. Zachariah, M.D., Chair

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 Anthony Glenn Rogers, M.D., 3618 Lantana Road, Suite 200, Lake Worth, Florida 33462; to Lisa S. Nelson, Esquire, Holtzman Equels, 433 North Magnolia Drive, Tallahassee, Florida 32308; to Michael M. Parrish, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to John Terrel and Wings Benton, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 21st day of April, 2006.



Deputy Agency Clerk

Harmon, Aaron

From: McPherson, Larry
Sent: Tuesday, April 18, 2006 12:07 PM
To: Alls, Wendy; Alphin, Lynda; Arrington, April; Austin, Cheryl; Chester, Tammy; Clayton, Connie; Davis, Bettye; Denson, Angela; Dickens, Karrell D; Gilley, Carmelette; Graham, Cheryl; Gray, Melinda; Harmon, Aaron; Hills, Tangelo; Jackson, Tiana; Johnson, Vera M; Kress, Elizabeth; Langston, Ashley; List, Crystal A; Morss, Shirley B; Nelson, Dane; Nelson, Gloria J; O'Connor, Shannon; Prine, Chandra; Randolph, Camela; Richardson, Matt P; Smiley, Cheryl; Trexler, JoAnne; Wiggins, Tiffany; Williams, Horace; Willis, Gwyn; Dr Avila; Dr Coto; Dr. Barrau; Dr. Bearison; Dr. Cline; Dr. Davies; Dr. Farrmer; Dr. Lage; Dr. Tucker; Dr. Vijay; Monique Long; Ms. Nippert; Ron Dyches
Cc: Ed_Tellechea@oag.state.fl.us; Sanders, Sylvia (MQA); Paredes, Mike; Maxwell, Bess; Baker, Joe Jr; Poston, Rebecca; Erlich, Donna; Foster, Sue; Gee, Lucy; Hentz, James; King, Pamela E; Orcutt, Diane
Subject: Delegation of Authority

Citizens,

During my absence on April 19-21, 2006, Board of Medicine Executive Director Authority is delegated to Chandra Prine, Program Operations Administrator: 245-4135.

Larry McPherson
Executive Director
Florida Board of Medicine