

02-07-03

Final Order No. DOH-03-0335-FCF-MOA
FILED DATE - 4/10/03
Department of Health

STATE OF FLORIDA
BOARD OF OSTEOPATHIC MEDICINE

By: Vicki R. Kenon
Deputy Agency Clerk

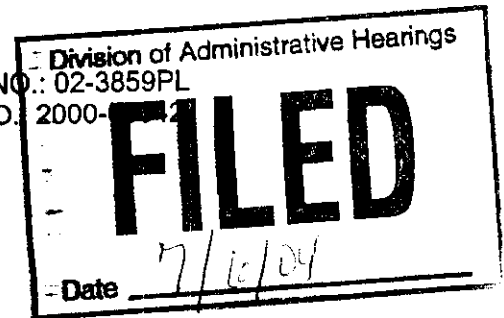
DEPARTMENT OF HEALTH,
Petitioner,

vs.

WILLIAM H. WEAVER, D.O.,
Respondent.

AT

DOAH CASE NO.: 02-3859PL
DOH CASE NO. 2000-12



FINAL ORDER

THIS MATTER was heard by the Board of Osteopathic Medicine pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on February 22, 2003, in Fort Lauderdale, Florida, for consideration of the Recommended Order entered by William F. Quattlebaum, Administrative Law Judge, dated February 7, 2003 (a copy of which is attached as Exhibit A). Petitioner was represented by Richard Shoop, Senior Attorney. Respondent was not present. Upon consideration of the Administrative Law Judge's Recommended Order, after review of the entire record and having been otherwise fully advised in its premises, the Board makes the following findings and conclusions.

WFG-0105

RULINGS ON EXCEPTIONS FILED BY RESPONDENT

1. Respondent filed exceptions to the Administrative Law Judge's Recommended Order. A copy of said exceptions is attached as Exhibit B, and by reference incorporated herein. Respondent takes exception to paragraph 15 of the Proposed Recommended Order. Respondent's exception misstates this finding of fact, in that the Administrative Law Judge found that according to the EKG the patient either had experienced a cardiac injury in the past or was experiencing one during his visit to the emergency room. The testimony of Petitioner's expert supported this finding. The rest of Respondent's exceptions take issue with the recommended penalty and are in the nature of mitigation. Respondent has failed to demonstrate that any specific finding of fact was not supported by competent substantial evidence, nor that the proceedings upon which the findings of fact were based departed from

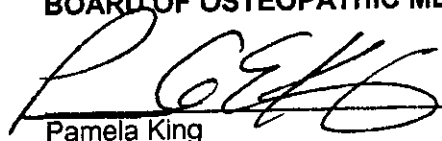
licensure renewal.

This Final Order becomes effective upon its filing with the Clerk for the Department of Health.

The parties are hereby notified that they may appeal this Final Order by filing one copy of a Notice of Appeal with the Clerk of the Department of Health and by filing a filing fee and one copy of a Notice of Appeal with the District Court of Appeal within thirty (30) days of the date this Final Order is filed.

DONE AND ORDERED this 8 day of April, 2003.

BOARD OF OSTEOPATHIC MEDICINE


Pamela King
Executive Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U. S. Mail to William H. Weaver, D.O., 15050 US Highway 441, Eustis, Florida 32726; Matthew P. Bartolomei, Esquire, P.O. Box 1090, Winter Park, Florida 32790-1090, and by hand delivery/United States Mail to the Clerk, Department of Health and its Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703, this 10th day of April, 2003.

