

Final Order No. DOH-05-1556-FOF-MQA
FILED DATE - 9-1-05
Department of Health

By: Heather Coleman
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

LISA GAIL APTAKER, M.D.
Petitioner,

vs.

DEPARTMENT OF HEALTH,
BOARD OF MEDICINE,
Respondent.

DOAH Case No. 04-0683 *SFH closed*

AT

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on August 5, 2005, in Jacksonville, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order in the above-styled cause, and also Petitioner's Fourth Request for Continuance. Respondent was represented by Michael Flury, Assistant Attorney General. Petitioner was not present, but was represented by Allen Grossman, Esquire.

Upon review of the record and argument of the parties,

IT IS HEREBY ORDERED AND ADJUDGED that Petitioner's Fourth Request for Continuance be DENIED.

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.

RULING ON EXCEPTIONS

Upon review of the Petitioner's Exceptions to the Recommended Order and the complete record in this case, the argument of the parties, and being duly advised on the premises, the

Board rejects Petitioner's Exceptions. There is otherwise competent substantial evidence in the record to support the findings and conclusions of the Administrative Law Judge.

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.

DISPOSITION

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

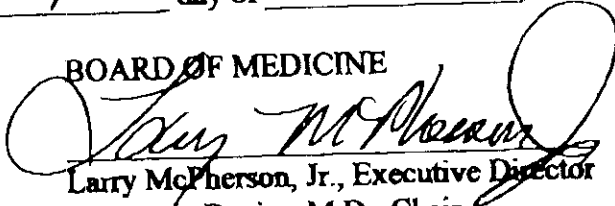
IT IS ORDERED AND ADJUDGED that Respondent's application for licensure be DENIED.

IT IS FURTHER ORDERED AND ADJUDGED, that Petitioner's *ore tenus* Motion for Stay pending appeal be DENIED.

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

DONE AND ORDERED this 1 day of SEPTEMBER 2005.

BOARD OF MEDICINE

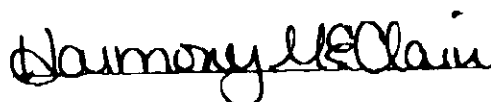

Larry McPherson, Jr., Executive Director
for Laurie Davies, M.D., Chair

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 Lisa Aptaker, M.D., 6134 Edsall Road, No. 203, Alexandria VA 22304 and Allen Grossman, Esq. 301 South Bronough, Suite 600, Tallahassee, Florida; and by interoffice delivery to Michael T. Flury, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050 this 1 day of September 2005.



Deputy Agency Clerk