

9-8-05 HP

Final Order No. DOH-05-1694-FOF-MOA
FILED DATE - 10-7-05
Department of Health

By: Athena McKown
Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH, BUREAU OF
EMERGENCY MEDICAL SERVICES,**

**Petitioner,
vs.**

**STEVEN R. BOX, WILLIAM BATES,
MATTHEW WILLIAMS, &
STEVEN B. THOMAS,**

Respondents.

DOAH CASE NOS. 05-1446PL
05-1447PL
05-1448PL
05-1449PL
CCA closed

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FINAL ORDER

THIS CAUSE comes before the Department of Health (Department) pursuant to section 120.569 and section 120.57(1), Florida Statutes, for the purpose of considering the attached Recommended Order issued by the Administrative Law Judge (ALJ).

Upon review and consideration of the Recommended Order and after a comprehensive review of the available record in this case including Respondents' Motion and Respondents and Petitioner's attached Exceptions to the Recommended Order, the Department arrives at the following determinations:

MOTION FOR STAY

1. Respondents filed a Motion for Stay Pending Review. The Motion is denied because it is not ripe for consideration. §120.68, Fla. Stat.

EXCEPTIONS TO RECOMMENDED ORDER

2. Respondents filed exceptions, but not to any specified paragraphs in the findings of fact or conclusions of law portions of the Recommended Order. Although the

Department need not rule on them, Respondents' objection to the conclusions of the ALJ as being supported by "no evidence" is rejected.

3. Petitioner filed Exceptions I through V. Exceptions I through III are repetitive in nature, but are adopted in part as to Paragraphs 93 and 94. Exception IV is rejected while the Exception V recommendation is partially adopted by the Department.

FINDINGS OF FACT

4. The findings of fact set forth in the Recommended Order are approved, adopted, and incorporated herein by reference, with the exception of Paragraphs 93 and 94 insofar as they mistakenly refer to the National Registry Examination. The United States Department of Transportation is not connected with the National Registry Examination. The removal of this reference has no impact on the outcome of this case.

CONCLUSIONS OF LAW

5. The Department has jurisdiction of this matter pursuant to sections 120.569 and 120.57(1), Florida Statutes, and part III of chapter 401, Florida Statutes.

6. The conclusions of law set forth in the Recommended Order are consistent with the findings and are approved, adopted, and incorporated herein by reference, with the exception of Paragraph 132. As a matter of law, the Department rejects the statement providing that Respondents "cannot be disciplined . . . related to their [emergency medical technician] EMT Certificates."

RECOMMENDATION

7. The ALJ recommended that the Department revoke the paramedic certificates held by Respondents and dismiss the cases relating to their emergency medical technician (EMT) certificates based on Paragraph 132 and that the violations for which discipline is recommended relate to the paramedic certificates.

8. Revocation of a license is the maximum penalty that may be imposed. The Department does not seek to review the record to find reasons to increase the recommended penalty, but to correctly impose it as contemplated by the statute.


9. Subsection 401.411(2), Florida Statutes, provides that the revocation of a license or certificate is "for all classifications." The Department has the sole discretion to make exceptions; however, if a violation is serious enough for revocation of one classification, ordinarily, all certificates are revoked. With regard to Respondents, the conclusions reached in Paragraphs 128, 129, and 130 are serious and do not justify a decision by the Department to allow Respondents to continue to retain their EMT certificates.

WHEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that all paramedic and emergency medical technician certificates held by Respondents are REVOKED.

DONE AND ORDERED this 7 day of October, 2005.

M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

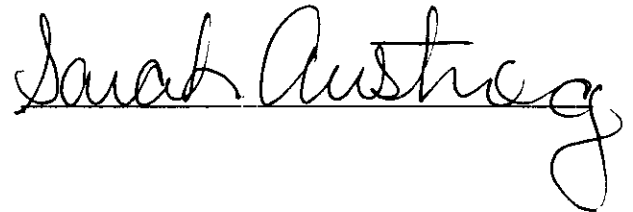
By: 
Nancy Humbert, M.S.N., A.R.N.P.
Deputy Secretary for Health

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 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 furnished by U.S. Mail to: Charles C. Adams, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; Brandt Hargrove, Esquire, 2984 Willington Circle West, Tallahassee, Florida 32309; Brian J. Stabley, Esquire, Office of the Attorney General, The Capitol, Plaza Level 01, Tallahassee, Florida 32399-1050; and by interoffice mail to Don L. Bennett, Chief, Bureau of Emergency Medical Services, Department of Health and Donna Erlich, Assistant General Counsel, Department of Health, Tallahassee, Florida 32399, this 7th day of October, 2005.



Deputy Agency Clerk