

By: Theresa McKown  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2003-12350  
DOAH CASE NO.: 05-2796PL  
LICENSE NO.: ME0085786

KEITH J. DIETRICK, M.D.,

Respondent.

FILED  
06 FEB 16 AM 11:17  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on February 3, 2006, in Fort Lauderdale, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order and Exceptions to the Recommended Order, and (copies of which are attached hereto as Exhibits A and B, respectively) in the above-styled cause. Petitioner was represented by Irving Levine, Assistant General Counsel. Respondent was not present but was represented by Dennis Vandenberg, Esquire.

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.

RULINGS ON EXCEPTIONS

The Board reviewed and considered the Petitioner's Exception to the Recommended Order and voted to accept the Exception to paragraph 17 of the Conclusions of Law in the Recommended Order.

The Board substitutes the following language as paragraph 17 in the Recommended Order:

"Based upon the findings of fact in paragraphs 4 and 5 and the conclusion of law in paragraph 16, the Board concludes that it is unnecessary to address the issue of the applicability of Section 766.103, Florida Statutes, to the facts of this case."

#### 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, as modified above.
3. The Board finds that its substituted Conclusion of Law for paragraph 17 of the Recommended Order is more reasonable than that of the Administrative Law Judge as found in the Recommended Order.

#### DISPOSITION

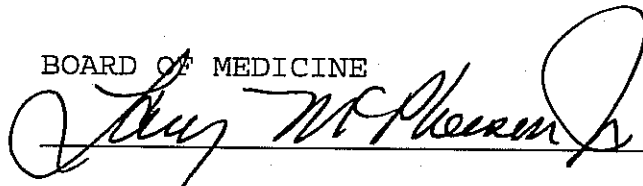
Upon a complete review of the record in this case, the Board determines that the disposition recommended by the Administrative Law Judge be ACCEPTED.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the Administrative Complaint filed in this matter is hereby DISMISSED.

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

DONE AND ORDERED this 14 day of FEBRUARY, 2006.

BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director  
for MAMMEN P. ZACHARIAH, M.D., Chair

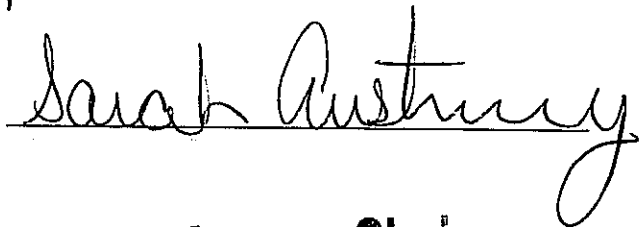
NOTICE OF RIGHT TO JUDICIAL REVIEW

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 KEITH DIETRICK, M.D., 440 N. State Road 7, Suite #107, Royal Palm Beach, Florida 33411; and 458 SR 7, Suite 201, Royal Palm Beach, Florida 33411; to Dennis Vandenberg, Esquire, Peterson Bernard, 1550

Southern Boulevard, Suite 300, West Palm Beach, Florida 33406; to Robert E. Meale, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Denise O'Brien, and Dana Baird, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 15 day of February, 2006.



**Deputy Agency Clerk**