

STATE OF FLORIDA
BOARD OF MEDICINE

By: Angela Barton
Deputy Agency Clerk

2009 AUG 31 A 10:55

DIVISION OF
ADMINISTRATIVE
HEARINGS

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2005-63004
DOAH CASE NO.: 08-4403PL
LICENSE NO.: ME0033997

LUCIEN ARMAND, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on August 14, 2009, in Jacksonville, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order and Response to Exceptions to the Recommended Order (copies of which are attached hereto as Exhibits A, B, and C, respectively) in the above-styled cause. Petitioner was represented by Diane K. Kiesling, Assistant General Counsel. Respondent was present and represented by Sean Ellsworth, 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.

RULING ON EXCEPTIONS

The Board reviewed the Respondent's Exceptions to the Recommended Order and denied the Respondent's exceptions because he failed to clearly identify the disputed portions of the recommended order by page number or paragraph; and for the reasons stated in the Petitioner's Response to Respondent's Exceptions.

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.

PENALTY

Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge be modified as follows: The Administrative Law Judge recommended an indefinite suspension of

Respondent's license to practice medicine in Florida but allowing him to practice outside the United States through Respondent's relationship with the U.S. Department of State after full disclosure of the Board's Final Order to the U.S. Department of State. The Administrative Law Judge also recommended that should a medical license not be a condition of employment by the U.S. Department of State, Respondent's license should be revoked. The Board finds that revocation of licensure is an appropriate penalty based upon the following aggravating circumstances:

1. Respondent has been subject of three prior disciplines by the Board of Medicine arising out of five previous disciplinary cases.

2. Respondent has been required to undergo a Florida CARES evaluation as the result of Final Orders filed in two previous disciplinary cases.

3. Respondent has been required to serve a probationary period as the result of Final Orders filed in two previous disciplinary cases.

4. There have been three previous violations of the standard of care arising out of the five previous disciplinary cases.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent's license to practice medicine in the State of Florida is hereby REVOKED.

2. Respondent shall pay an administrative fine in the amount of \$7,500.00.

RULING ON MOTION TO ASSESS COSTS

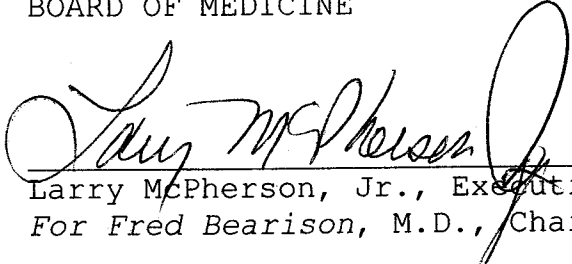
The Board reviewed the Petitioner's Motion to Assess Costs; Respondent's Objections to the Department of Health's Motion to Assess Costs and Petition for Formal Administrative Hearing; and the Petitioner's Response to Respondent's Objections to the Department of Health's Motion to Assess Costs and Petition for Formal Administrative Hearing (copies of which are attached hereto as Exhibits D, E, and F, respectively). Upon consideration of the above Motions the Board imposes the costs associated with this case in the amount of \$21,512.13. Said costs are to be paid within 30 days from the date this Final Order is filed.

(NOTE: SEE RULE 64B8-8.0011, FLORIDA ADMINISTRATIVE CODE. UNLESS OTHERWISE SPECIFIED BY FINAL ORDER, THE RULE SETS FORTH THE REQUIREMENTS FOR PERFORMANCE OF ALL PENALTIES CONTAINED IN THIS FINAL ORDER.)

DONE AND ORDERED this 27 day of AUGUST,

2009.

BOARD OF MEDICINE



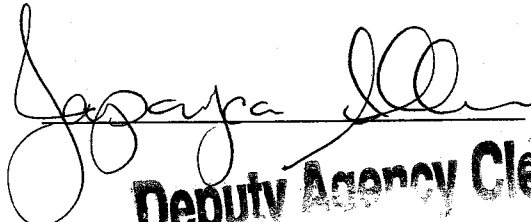
Larry McPherson, Jr., Executive Director
For Fred Bearison, M.D., Chair

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 **Certified Mail** to LUCIEN ARMAND, M.D., 2071 Southwest 52nd Way, Plantation, Florida 33317; to Sean Ellsworth, Esquire, 1501 Collins Avenue, Suite 208, Miami Beach, Florida 33139; to Larry J. Sartin, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Ephraim Livingston, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 28 day of August, 2009.


Deputy Agency Clerk

7008 1830 0001 1616 9371

Return Receipt Fee (Endorsement required)	Postage
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