

Final Order No. DOH-10-2344 ^{FOF} MQA
FILED DATE - 10-13-10
Department of Health
By: *Brandi May*
Deputy Agency Clerk

FILED
STATE OF FLORIDA
BOARD OF MEDICINE

2010 OCT 14 A 11:56

DIVISION OF
ADMINISTRATIVE
HEARINGS

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2009-08871
DOAH CASE NO.: 10-1678PL
LICENSE NO.: ME0034315

JOHN D. CAMPBELL, 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 October 1, 2010, in Orlando, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (a copy of which is attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by Diane Kiesling, Assistant General Counsel. Respondent appeared pro se.

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

1. The Board reviewed and considered the Respondent's filing of a letter dated August 11, 2010, which appear to be exceptions to Paragraph 10 of the findings of fact in the

Recommended Order and denied the exception for the reasons set forth by the Petitioner on the record.

2. The Board reviewed and considered the Respondent's filing of a letter dated August 10, 2010, which appears to be exceptions to the recommended penalty set forth in the Recommended Order and denied the exception for the reasons set forth by the Petitioner on the record.

Ruling on Department's Motion to Strike

The Board considered the Department's Motion to Strike the Respondent's materials which were submitted beyond the deadline provided for filing exceptions. The Board granted the Department's Motion to Strike because the filings were not timely and attempted to add factual information to the record that was not presented or considered by the ALJ below.

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 penalty recommended by the Administrative Law Judge is ACCEPTED. WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

Respondent's license to practice medicine in the State of Florida is hereby SUSPENDED until such time as he personally appears before the Board and demonstrates the ability to practice medicine with reasonable skill and safety. The Board reserves jurisdiction in this matter to impose a period and terms of probation at the time, if any, that Respondent's license is reinstated.

RULING ON MOTION TO ASSESS COSTS

The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$32,701.57. The costs associated with the neuropsychological assessment must be paid within one year from the date this Final Order is filed. The remaining costs shall be paid within one year of reinstatement of Respondent's license to practice medicine.

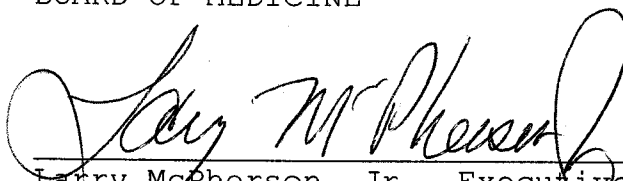
(NOTE: SEE RULE 64B8-8.0011, FLORIDA ADMINISTRATIVE CODE. UNLESS OTHERWISE SPECIFIED BY FINAL ORDER, THE RULE SETS FORTH THE

REQUIREMENTS FOR PERFORMANCE OF ALL PENALTIES CONTAINED IN THIS FINAL ORDER.)

DONE AND ORDERED this 12 day of OCTOBER,

2010.

BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director
For Onelia Lage, 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 JOHN D. CAMPBELL, M.D., 529 Berkley Road, Auburndale, Florida 33823; and 5805 Spirit Lake Road, Winter Haven, Florida 33880; to Susan B. Harrell, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Veronica Donnelly, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 13 day of October, 2010.

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Brandi May

Deputy Agency Clerk