

PC

Final Order No. DOH-11-1872-^{POF}MQA
FILED DATE - 8-12-11
Department of Health
By: Sandra Soto
Deputy Agency Clerk

**STATE OF FLORIDA
BOARD OF PODIATRIC MEDICINE**

**DEPARTMENT OF HEALTH,
BOARD OF PODIATRIC MEDICINE,**

Petitioner,

v.

**DOAH CASE NO.: 10-002263PL
DOH CASE NO.: 2009-12573**

KENNETH D. POSS, D.P.M.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF PODIATRIC MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, at a duly noticed public meeting on July 29, 2011, in Tampa, Florida, for consideration of the Administrative Law Judge Recommended Order (attached hereto as Exhibit A), in the above-styled case. Petitioner was represented by William Miller, Assistant General Counsel, and Michael Lawrence, Assistant General Counsel. Respondent did not appear, but was represented by Monica Rodriguez, Esq. The Board was represented by Charlyne "Khai" Patterson, Assistant Attorney General.

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:

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 found by the Board.

CONCLUSIONS OF LAW

3. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 461, Florida Statutes.

4. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

5. There is competent, substantial evidence to support the conclusions of law adopted by the Board.

DISPOSITION


The Administrative Law Judge's Recommendation is approved and adopted by the Board in its entirety.

WHEREFORE, IT IS HEREBY ORDERED and ADJUDGED that:

The Administrative Complaint against Respondent, Kenneth D. Poss, DPM is DISMISSED.

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

DONE AND ORDERED this 12th day of August, 2011.


BOARD OF PODIATRIC MEDICINE
Bruce Deterding, Executive Director
for Beth Pearce, D.P.M., Chair

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE , BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(D), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT'S CLERK OF AGENCY PROCEEDINGS, WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by United States Mail to: Kenneth D. Poss, D.P.M., 4800 Linton Blvd., Suite 301E, Delray Beach, FL 33445; Monica Rodriguez, Esq., One Datran Center, Suite 1800, Coral Gables, FL 33134; and by Inter-Office Delivery to Michael Lawrence, Assistant General Counsel, Department of Health, Prosecutorial Services Unit, 4052 Bald Cypress Way, Bin C-65, Tallahassee, FL 32399-3265, and Charlyne "Khai" Patterson, Assistant Attorney General, PL-01 The Capitol, Tallahassee, Florida 32399-1050 this 12th day of August, 2011.



Deputy Agency Clerk

Causey, Sherra

From: Deterding, Bruce
Sent: Wednesday, August 10, 2011 1:24 PM
To: Deterding, Bruce; Sanders, Sylvia (MQA); Kirkland, Hope; Baker, Joe; Foster, Sue; Grant, Vicki; Hall, Allen; Jones, Gregg; Jusevitch, Anthony; Pasley, Cassandra; Robison, Helaine; Tootle, Joy; Whitten, Mark; 'Deborah.loucks@myfloridalegal.com'; Rossitto-Van Winkle, Tari; Hanson, Mark; Schell, Carla; 'rachel.clark@myfloridalegal.com'; 'rgingras@shrinenet.org'; 'leeann.gustafson@myfloridalegal.com'; Peters, Jeff; 'naberhaus@bvcweb.com'; 'drfootmagic@aol.com'; 'bkv444@embarqmail.com'; 'Jhfrancoeur@gmail.com'; 'restoreitdoc@aol.com'; 'Khai Patterson'; Lawrence, Jr., Michael; Lopez, Laura
Cc: Guilford, Sharon; Jackson, Michele; Robison, Tiffany L; Causey, Sherra
Subject: RE: Delegation

This is to advise that I am out of the office Thursday August 11 through Friday August 12, 2011. I will return to the office on Monday August 15. In the meantime, I am delegating authority to serve as acting Executive Director for the boards of Podiatric Medicine, Chiropractic Medicine, Optometry, Orthotists and Prosthetists, Nursing Home Administrators and Clinical Laboratory Personnel, to Tiffany Robinson. She may be reached at (850) 245-4394 or tiffany_robinson@doh.state.fl.us

**Thank you,
Bruce**

**Bruce M. Deterding, Executive Director
Boards of Podiatric Medicine, Chiropractic Medicine, Optometry, Orthotists and Prosthetists,
Nursing Home Administrators and Clinical Laboratory Personnel
Bureau of Health Care Practitioner Regulation
Medical Quality Assurance
Florida Department of Health
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How am I communicating? Please contact my manager cassandra_pasley@doh.state.fl.us

Customer Satisfaction Survey

Mission: Promote, protect and improve the health of all people in Florida.

Vision: A healthier future for the people of Florida.

Purpose: To protect the public through health care licensure, enforcement and information.

Focus: To be the nation's leader in quality health care regulation.

8/12/2011