

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-11-2099-^{DOH}-MQA
FILED DATE - 8-29-11
Department of Health

By: Angelo Saudez
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

MARK N. SCHEINBERG, M.D.,

Respondent.

2011 AUG 30 A 11:07
DIVISION OF
ADMINISTRATIVE
HEARINGS

DOH CASE NO.: 2008-14406
DOAH CASE NO.: 10-1004PL
LICENSE NO.: ME0033016

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on August 5, 2011, in Jacksonville, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order and Petitioner's Exceptions (copies of which are attached hereto as Exhibits A and B) in the above-styled cause. Petitioner was represented by Shirley Bates, Assistant General Counsel. Respondent was not present but was represented by Julia Ingle, 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 denied Petitioner's motion seeking an extension of time to file exceptions to the Recommended Order and accordingly rejected the Petitioner's written Exceptions to the Recommended Order as timely filed.

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.

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:

The Administrative Complaint filed in this matter is hereby DISMISSED.

DONE AND ORDERED this

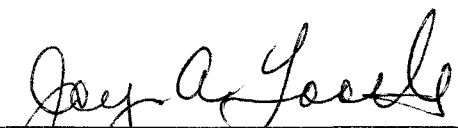
25th

day of

August

2011.

BOARD OF MEDICINE


Joy A. Tootle, Executive Director
For George Thomas, 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 MARK N. SCHEINBERG, M.D., 2345 W. Hillsboro Boulevard, Suite 201, Deerfield Beach, Florida 33442; to Steven Lubell, Esquire, Lubell & Rosen, Museum Plaza, 200 South Andrews Avenue, Fort Lauderdale, Florida 33301; to John G. Van Laningham, 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 29th day of
August, 2011.

Angel Sanders

Deputy Agency Clerk

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