


FILED DATE - APR 19 2013

Department of Health

B:   
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MEDICINE

**FILED**

DEPARTMENT OF HEALTH,

Petitioner,

2013 APR 22 PM 1 03

vs.

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

DOH CASE NO.: 2010-06064  
DOAH CASE NO.: 12-0079PL  
LICENSE NO.: ME0036889

HERBERT R. SLAVIN, 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 April 5, 2013, in Deerfield Beach, 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 Sharmin Hibbert, Assistant General Counsel. Respondent was present and was represented by Andrea Wolfson, 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.

### 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.

### RESPONDENT'S REQUEST FOR ATTORNEY'S FEES

At the hearing in this matter and in Respondent's Response to Petitioner's Exceptions (the Exceptions were withdrawn by the Petitioner prior to the hearing), Respondent requested she be awarded attorneys fees and costs in this matter. The Board has

no jurisdiction to award attorneys fees in this matter and the Respondent's request was denied by the Board.

DONE AND ORDERED this 17th day of April, 2013.

BOARD OF MEDICINE

*Allison M. Dudley*

Allison M. Dudley, J.D., Executive Director  
For Zachariah 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 HERBERT R. SLAVIN, M.D., 6781 NW 45<sup>th</sup> Court, Fort Lauderdale, Florida 33319-4036; to Andrea L. Wolfson, Wolfson & Konigsburg, P.A., 4491 South State Road 7, Suite 314, Davie, Florida 33314; to Edward T. Bauer, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee

Parkway, Tallahassee, Florida 32399-3060; and by interoffice  
delivery to Doug Sunshine, Department of Health, 4052 Bald  
Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this  
19<sup>th</sup> day of April, 2013.

Angel Sanders

**Deputy Agency Clerk**