

FILED DATE AUG 07 2014

Department of Health

By:

Angelo Seabey
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

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DEPARTMENT OF HEALTH,

Petitioner,

vs.

DIVISION OF
ADMINISTRATIVE
HEARINGS

DOH CASE NO.: 2012-10692
DOAH CASE NO.: 13-4266PL
LICENSE NO.: ME0089113

CHERYL DEBBIE ACKERMAN, 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 1, 2014, in Orlando, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, Exceptions to the 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 Daniel Hernandez, Deputy General Counsel. Respondent was present but was not represented by counsel. The Respondent's request for a continuance in this matter was denied by the Board.

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 and considered the Respondent's Exceptions to the Recommended Order and denied Respondent's exceptions because they were not timely filed and the Respondent made no citations to the record in her 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 ACCEPTED. WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of \$5,000.00 to the Board within 30 days from the date

the Final Order is filed. Said fine shall be paid by money order or cashier's check.

2. Respondent's license to practice medicine in the State of Florida is hereby **SUSPENDED** until such time as her license to practice medicine in the State of New Jersey is reinstated and she demonstrates the ability to practice medicine with reasonable skill and safety. Such demonstration of skill and safety shall include an evaluation by the Professionals Resource Network (PRN). The Respondent shall appear before the Board with said PRN evaluation and the Board shall make the determination of whether Respondent is safe to practice medicine with reasonable skill and safety. The Board retains jurisdiction in this matter to impose terms and conditions upon reinstatement of Respondent's license, including, but not limited to, a period of probation with said terms and conditions to be set at the time of reinstatement.

3. Respondent shall be and hereby is reprimanded by the Board.

RULING ON COSTS

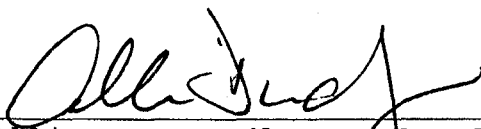
Upon the Petitioner's request to table the Motion to Assess Costs the Board agreed to table the costs in this matter.

(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 6th day of August,

2014.

BOARD OF MEDICINE


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 **Certified Mail** to CHERYL DEBBIE ACKERMAN, M.D., 368 Ridgewood Avenue, Glen Ridge, New Jersey 07028; to Kristian E. Dunn, Esquire, 517 East College Avenue, Tallahassee, Florida 32301; to Lisa Shearer Nelson, 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 7th day of
August, 2014.

Brygel Sanders

Deputy Agency Clerk

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Cheryl D. Ackerman, M.D.

7011 0110 0001 6187 0437

Kristian E. Dunn, ESQ.