

FILED DATE **AUG 07 2014**

Department of Health

By Angel Sanches
Deputy Agency ClerkSTATE OF FLORIDA
BOARD OF MEDICINE**FILED**

DEPARTMENT OF HEALTH,

Petitioner,

vs.

2014 AUG 11 AM 11 32

DIVISION OF
ADMINISTRATIVE
HEARINGSDOH CASE NO.: 2013-02931
DOAH CASE NO.: 14-1283PL
LICENSE NO.: ME0054513

ROBERTO E. RIVERA, 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 (a copy of which is attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by Diane K. Kiesling, Assistant General Counsel. Respondent was not present and was not represented by counsel.

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.

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 \$1,500.00 to the Board within 90 days from the date of reinstatement of his license to practice medicine in the State of Florida. Said fine shall be paid by money order or cashier's check.

2. The Respondent's license to practice medicine in the State of Florida is **SUSPENDED** until such time as he demonstrates that his license to practice medicine in the State of New Jersey is unencumbered and free from any restrictions or conditions. 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.


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 \$5,260.45. Said costs are to be paid within 90 days from the date of reinstatement of his license to practice medicine in the State of Florida. Said costs shall be paid by money order or cashier's check.

(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 ROBERTO E. RIVERA, M.D., 82 La Salle Drive, Yonkers, New York 10710; and c/o Bergen County Jail, Inmate #E-12, 160 South Rivera Street, Hackensack, New Jersey 07601; 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.

7011 0110 0001 6187 0390

Yonkers, NY 10710

Brygel Sanders
Deputy Agency Clerk

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Bergen County Jail