

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF HEALTH, BOARD OF  
MEDICINE,

Petitioner,

vs.

Case No. 15-7083PL

SANDRA ANN LINDSTROM, P.A.,

Respondent.

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RECOMMENDED ORDER

A final hearing was held in this case on February 23, 2016, before David M. Maloney, Administrative Law Judge with the Division of Administrative Hearings in Tallahassee, Leon County, Florida.

APPEARANCES

For Petitioner: Yolonda Y. Green, Esquire  
Maciej Lewandowski, Esquire  
Department of Health  
4052 Bald Cypress Way, Bin C65  
Tallahassee, Florida 32399-3265

For Respondent: Sandra Ann Lindstrom, pro se  
6726 Pomeroy Circle  
Orlando, Florida 32810

STATEMENT OF THE ISSUES

Whether Sandra Ann Lindstrom ("Ms. Lindstrom" or "Respondent"), a licensed physician assistant, prescribed Lorcet, a medication containing a controlled substance (hydrocodone), in

violation of the Florida Statutes and the Florida Administrative Code as charged in the Amended Administrative Complaint filed at the Department of Health in DOH Case No. 2006-36542 on October 27, 2014. If so, what is the appropriate discipline?

PRELIMINARY STATEMENT

On December 15, 2015, the Department of Health ("DOH" or the "Department") filed with the Division of Administrative Hearings ("DOAH") an agency referral letter. The subject of the letter is the Department's Case No. 2006-36542, Department of Health v. Lindstrom. The letter also informed DOAH of the filing by electronic mail of one copy of the Department's Amended Administrative Complaint in the case and one copy of Respondent's Election of Rights requesting a hearing.

The case was assigned DOAH Case No. 15-7083PL, and Administrative Law Judge J. Lawrence Johnston was designated by DOAH to conduct the proceedings. Judge Johnston issued an Initial Order to which only the Department responded. The response noted that "the case was previously before the Division of Administrative Hearings and assigned case number 14-1851," in which jurisdiction was relinquished to the Department on August 14, 2014. The Department's response gave two dates of availability in February and requested the final hearings be set accordingly. The request was honored, and the case was set for final hearing by video-teleconference on February 23, 2016.

On February 3, 2016, the Department moved to consolidate the pleadings in DOAH Case No. 14-1851PL with the pleadings in this case. The motion was denied by Judge Johnston in an Order entered February 12, 2016. The Order, however, left open official recognition of the pleadings in the earlier case should the Department choose to pursue such a course of action. In the meantime, the case was transferred to the undersigned.

Respondent filed a pre-hearing statement on February 17, 2016. It contains the following under the statement of issues of law: "Whether the case should be dismissed as the [Amended] Administrative Complaint filed by Petitioner on 10-27-2014, was two years past the six year statute limit described in Florida Statute Section 456.073(13) [the "Professional Disciplinary Proceedings Statute of Limitations" or the "Statute"]." The statement was treated as a Motion to Dismiss, and the undersigned issued an Order to Show Cause why the Amended Administrative Complaint should not be dismissed.

The Department responded in writing with a filing on February 19. The Department did not contest that the date of the Amended Complaint was more than six years after the date of the prescription (the charging incident). Instead, the Department pointed out that the original Administrative Complaint (subject to DOAH Case No. 14-1851PL and which bore the same DOH case number) had been issued prior to the expiration of six years

following the charging incident. The Department argued that the Amended Administrative Complaint related back to the original Administrative Complaint and concluded, therefore, that the Amended Administrative Complaint survived the statute's application.

Despite the relinquishment of jurisdiction by DOAH to the Department of DOAH Case No. 14-1851PL and the later referral to DOAH of this case without notification of the relationship of the two, the undersigned agreed with the argument of the Department. An Order was entered accordingly. It found the Amended Administrative Complaint related back to the timely Administrative Complaint and determined that the Amended Administrative Complaint, therefore, should not be dismissed. The determination is bolstered by the assertion in the Department's Unilateral Response to the Initial Order (filed December 22, 2015) that this case is a continuation of DOAH Case No. 14-1851PL. The assertion in the response, moreover, justifies a determination that the Department's failure in its referral letter to notify DOAH of its intent to re-open or continue the earlier case is an oversight on the part of the Department.

Motions in limine were filed by both parties. The Department's motion was denied. Respondent's motion requested to have excluded:

Any writings or oral testimony by Petitioner, or any of Petitioner's witnesses, that are about, or relate to any criminal charges, civil charges, administrative, regulatory complaints, violations, or allegations against respondent, which are not specifically stated as allegations or violations against Respondent, within the October 27, 2014 Amended Administrative Complaint Case #36542, or within the September 21, 2012 Administrative Complaint Case #36542.

THEREFORE, Respondent respectfully requests of the Court, an order directing Petitioner, not to mention, refer to or to interrogate concerning, or voluntarily answer or attempt to convey before the Court, at any time during these proceedings in any manner, either directly or indirectly, the subject matters as stated above, and to instruct Petitioner to warn and caution all witnesses, to follow these instructions.

The Department raised no objection to the motion, and it was granted at the hearing. See Hr'g Tr. 7.

The Department presented the testimony of "RJ," a medical malpractice investigator for the Department of Health. The Department also presented the testimony by deposition in lieu of live testimony of Thomas Vastrick, an expert in forensic document examination. See Pet'r's Ex. C at 11. In addition to Petitioner's Exhibit C, the Department offered five other exhibits marked as Petitioner's Exhibits A, B, D, E, and F. All six of Petitioner's exhibits were admitted into evidence.

Ms. Lindstrom testified on her own behalf and offered seven exhibits, six of which were admitted into evidence without

objection: Respondent's Exhibits G, H, I, L, M, and N. Respondent's Exhibit K, a report of Respondent's handwriting expert was admitted over a hearsay objection by the Department. The document was declared to be hearsay, but determined to supplement and explain Respondent's sworn claim at hearing that she had not written "Lorcet 10/650 #90 (ninety)" onto the prescription form for RJ, one of three prescriptions that comprise Petitioner's Exhibit B. Respondent's Exhibit K, therefore, was ruled admissible under section 120.57(c), Florida Statutes (2015). In sum, all seven of Respondent's exhibits were admitted into evidence.

The Transcript of the final hearing was filed with DOAH on March 8, 2016. Due on March 18, 2016, the parties timely filed Proposed Recommended Orders. Respondent's proposed order included a memorandum of law supporting dismissal of the Amended Administrative Complaint on bases other than the Disciplinary Proceedings Statute of Limitations. These bases had been raised by Respondent's pre-hearing statement. Petitioner filed a memorandum of law in support of denial of dismissal. The memorandum addresses Ms. Lindstrom's claims for dismissal of the proceeding made in her pre-hearing statement and her post-hearing submittal. (Petitioner's memorandum was filed after 5:00 p.m., the close of business at DOAH and, so, was not docketed until Monday, March 21, 2016, at 8:00 a.m., but is hereby accepted by

the undersigned.) The parties' post-hearing submittals have been considered in the entry of this Recommended Order.

The Issues for Dismissal Raised by Ms. Lindstrom

Coming six days before the final hearing, the issues raised in Ms. Lindstrom's pre-hearing statement were not timely for purposes of a response, an analysis of the pleadings, and a ruling before the hearing commenced. In consideration of Ms. Lindstrom's pro se status, the parties, therefore, were given leave to address Ms. Lindstrom's arguments in their post-hearing submittals. After consideration of the parties' arguments in the post-hearing submittals, dismissal of the case is hereby denied.

References to statutes are to Florida Statutes (2015), unless otherwise noted.

FINDINGS OF FACT

a. The Parties

1. The Department of Health is the state agency responsible for regulating the practice of physician assistants in the State of Florida. The regulation is pursuant to both chapter 456 ("Health Professions and Occupations, General Provisions") and chapter 458 ("Medical Practice"), Florida Statutes.

2. Respondent is licensed as a physician assistant by the Board of Medicine. Her license number is PA 9103823. The license was effective on August 3, 2006, with an expiration date of March 31, 2008. Her license has been continuously renewed

since its effective date. See Pet'r's Ex. A. Ms. Lindstrom is not licensed to practice medicine as a physician. Id.

b. Physician Assistants

3. Physician assistants are governed by section 458.347, a section within the chapter of the Florida Statutes that governs Medical Practice.

4. Physician assistant licensure is provided for in section 458.347(7), and the Board of Medicine is authorized to "impose any of the penalties authorized under ss. 456.072 and 458.331(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter [Ch. 458] or chapter 456." § 456.347(7)(g), Fla. Stat.

5. A physician assistant's supervisory physician may delegate authority to conduct aspects of medical practice to a physician assistant under circumstances expressed in the statutes. The limited medical practice that may be delegated to a physician assistant includes certain practices at county health departments. Whether conducting the delegated practice of medicine at a county health department, or not, physician assistants may be delegated authority to prescribe medications provided they are not listed on a formulary created pursuant to section 458.347(7)(f). See § 458.347(7)(d) and (e), Fla. Stat. The formulary must include "controlled substances as defined in



chapter 893." § 458.347(7)(f)1., Fla. Stat. In sum, physicians may not delegate to physician assistants the prescription of medications which are controlled substances as defined in chapter 893, Florida Statutes.

c. The Department's Investigative Office

6. The Department has an investigative office charged with looking into regulatory complaints. In a typical regulatory investigation, the investigator discloses his identity to any party interviewed, whether the party is the source of the complaint, a witness, or, if amenable to an interview, the licensee who is the subject of the complaint. Aside from interviews, the investigations include record reviews, the obtaining of evidence, and the preparation of an investigative report.

7. In addition to investigating complaints of regulatory violations by licensed health care practitioners, the investigative office looks into cases of unauthorized practice by unlicensed individuals. Investigations of unlicensed activity are conducted by what is known as the "ULA" section of the office. Commonly, ULA investigations are done by investigators who are "undercover," that is, the investigators hide their identity as investigators and use pseudonyms rather than their actual names. Typically, undercover ULA investigators present at the offices of the subjects of investigation. If the unlicensed

subject of the investigation offers to perform services that require a license or engages in practice that requires a license, the Department pursues remedies, including an order that the subject cease and desist from the unlawful, unlicensed activity.

8. Investigations of a licensee for practicing outside the scope of the licensed activity may be viewed as something of a hybrid of a typical regulatory investigation and a ULA investigation. It is regulatory since the subject is a licensee, but it is usually done undercover in the same manner in which a ULA investigation is conducted. One such investigation was conducted by Ryan Heal, an employee of the Department between August and December of 2006. Mr. Heal conducted the investigation undercover using a pseudonym referred to in Department documents as "RJ."

d. RJ and the 2006 Investigation of JHS

9. Mr. Heal has been a medical malpractice investigator for the Department since November 2000. During the course of his more than 15 years as a Department investigator, Mr. Heal has investigated both regulatory violations and unauthorized practice violations.

10. In 2006, allegations reached the Department that prescriptions were being written at Jacksonville Health Systems ("JHS"), a clinic located on Baymeadows Road in Jacksonville, Florida, by a physician assistant without the supervision of a

physician. In response, the Department launched an investigation. The investigation was conducted undercover by Mr. Heal using his pseudonym RJ. Commenced in August of 2006, the investigation lasted until the following December.

e. August 10, 2006

11. On August 10, 2006, Mr. Heal, using his fictitious name, presented at JHS. A woman behind the counter in the reception area accepted a cash payment for the visit. She took RJ's blood pressure and requested the name of the pharmacy for any medicine prescribed. To the best of Mr. Heal's recollection, the receptionist recorded some of the information.

12. After the interaction with staff in the reception room, Mr. Heal took a seat and waited to be called back to the examination room. Shortly thereafter, Ms. Lindstrom emerged and asked for RJ. Mr. Heal "stood up and went over to her." Hr'g Tr. 19. Ms. Lindstrom identified herself by her first name and said, "I'm the provider here." Id. Ms. Lindstrom accompanied Mr. Heal to the examination room where only she and Mr. Heal were present.

13. After Mr. Heal complained of back pain, Ms. Lindstrom asked where in his back the pain was located and what caused it, but she did not conduct a physical examination. As Mr. Heal testified at hearing, "[t]here was no examination. She never touched my back. Never took vitals or anything." Hr'g Tr. 20.

Ms. Lindstrom suggested that Mr. Heal use a chair with lumbar support, try stretching, lose weight, and have an MRI.

Ms. Lindstrom then stated that she would prescribe medication to treat the pain: Lorcet, Flexeril, and Motrin. With the visit in the examination room concluded, Ms. Lindstrom took Mr. Heal back to the receptionist. The meeting in the examination room and his first visit to the JHS offices being over, Mr. Heal departed the JHS facility. He did not return until the following October.

f. October 31, 2006

14. Mr. Heal returned to the JHS facility on October 31, 2006. The process during the second visit was similar to the one followed during the visit the previous August. He presented as "RJ." A staff member took his blood pressure in the reception area and he paid her \$90 in cash.

15. Mr. Heal sat down and waited to be called. Again, Ms. Lindstrom appeared in the reception area and took him to the examination room in the back.

16. The visit was shorter than it had been in August. Ms. Lindstrom asked if his pain had improved and if an MRI had been done. With the intention of calling in his prescriptions, Ms. Lindstrom showed Mr. Heal a list of five pharmacies from which to choose. Mr. Heal, however, took a tack that was different from Ms. Lindstrom's intention and from his first visit:

I explained to her that I did not have reliable transportation and asked [for] . . . handwritten prescriptions . . . so that I could take them to whatever pharmacy was convenient . . . . She agreed that she could write them that time, but that on the next visit, I would have to arrange for proper transportation to get to the pharmacy or wherever they needed to be called into.

Hr'g Tr. 23. Ms. Lindstrom wrote out three prescriptions: Two of them were for "Flexeril 10mg (ten) #30 (thirty)" and "Ibprofen (sic) [Ibuprofen] 800mg #120 (one twenty)." Pet'r's Ex. B. The third prescription was for "Lorcet 10/650 #90 (Ninety)." Id.

17. Ms. Lindstrom explained to Mr. Heal that he should use one of the five pharmacies on her list because "several [of the Clinic's patients] had been kicked out of pharmacies . . . [that] were refusing to fill the prescriptions." Hr'g Tr. 25. Ms. Lindstrom also "mentioned that a couple of her patients had been arrested for forging prescriptions." Hr'g Tr. 25-6.

18. At no time during his visit to JHS on October 31, 2006, did Mr. Heal see a physician. No one entered the examination room where Ms. Lindstrom met with Mr. Heal that day. Nor did Ms. Lindstrom leave the examination room while Mr. Heal was present in the room. Like the first visit the previous August, Ms. Lindstrom recommended that Mr. Heal have an MRI. She explained that results from an MRI were needed "in case the DEA wanted to look at the file, to show that [she and JHS] were actually treating [Mr. Heal] for something." Hr'g Tr. 28.

g. December 1, 2006

19. Little more than a month later on December 1, Mr. Heal made a third visit to JHS. The reception process was the same. The receptionist took his blood pressure, he paid \$90 in cash, and waited in the reception area for Ms. Lindstrom to call him back. While waiting, he was informed that the number of pharmacies that would accept JHS prescriptions had been drastically reduced. Only one pharmacy would now accept JHS prescriptions: a pharmacy called New Horizon.

20. Subsequent to the third visit, Mr. Heal presented to the pharmacy identified as New Horizon. In the company of law enforcement and with its supervision, Mr. Heal had the prescriptions filled for three medications: Flexeril, Ibuprofen at a prescription-strength dosage, and Lorcet.

h. Supervising Physician and Other Claims

21. At hearing under oath, Ms. Lindstrom admitted that she treated Mr. Heal once at the JHS facility and admitted that she prescribed Flexeril and Ibuprofen for him. She claimed under oath that the supervising physician for the 2006 visit in which she prescribed the two medications was James Hendrick, M.D.

22. The Department produced documentation in the Department's official business records that shows that Dr. Hendrick cancelled his Professional Liability Insurance Policy effective October 1, 2005, the year before Ms. Lindstrom

claims to have seen Mr. Heal at the JHS facility under Dr. Hendrick's supervision. The reason for the cancellation of the policy is listed on the letter from the insurer to the Department as "Retired." Pet'r's Ex. F, letter dated October 17, 2005, from FPIC, First Professionals Insurance Company.

Department records also include an "Address Change" form that contains a section entitled "Financial Responsibility" dated November 21, 2005, the year before the incidents in this case. No boxes are checked in the section that shows "Financial Responsibility Coverage." Under a section on the form entitled, "Category II: Financial Responsibility Exemptions," Dr. Hendrick checked a box that indicated he was "retired or maintain[ed] part-time practice," id., at least as of late November 2005, 11 months or more before the October 31, 2006, visit by Mr. Heal.

23. Ms. Lindstrom made other claims with regard to RJ's visit that she asserted occurred on October 3, 2006, rather than October 31, 2006, as charged. Among them was that she left the examination room after completing the prescriptions for Flexeril and Ibuprofen and partially completing a third prescription by inserting all the information, including her signature, except for the medicine to be prescribed and how often it should be taken. Ms. Lindstrom claimed that she intended to write a prescription for Lodine, but failed to write down "Lodine" on the third prescription form because she was distracted by a

discussion with Mr. Heal about the need for RJ to have an MRI. She says she left the room to make arrangements for an MRI and when she returned, RJ was gone, together with the two filled out prescriptions, the third incomplete prescription, and her prescription pad. Ms. Lindstrom's testimony about the theft of the pad and other details about the event, including when it occurred, is not credible. In contrast, Mr. Heal's testimony about the visits he made to the JHS facility, seeing Ms. Lindstrom, and her prescription of Lorcet, is credited as truthful.

i. Lorcet

24. Lorcet contains hydrocodone, which is a controlled substance.

CONCLUSIONS OF LAW

25. The Division of Administrative Hearings has jurisdiction over the subject matter of this proceeding and of the parties. §§ 120.569 and 120.57(1).

26. A proceeding, such as this one, to suspend, revoke, or impose other discipline upon a license is penal in nature. State ex rel. Vining v. Fla. Real Estate Comm'n, 281 So. 2d 487, 491 (Fla. 1973). Accordingly, to impose such discipline, Petitioner must prove the allegations in the Administrative Complaint by clear and convincing evidence. Dep't of Banking & Fin., Div. of Sec. & Investor Prot. v. Osborne Stern & Co., 670 So. 2d 932,



933-34 (Fla. 1996) (citing Ferris v. Turlington, 510 So. 2d 292, 294-95 (Fla. 1987)); Nair v. Dep't of Bus. & Prof'l Reg., Bd. of Med., 654 So. 2d 205, 207 (Fla. 1st DCA 1995).

27. Regarding the standard of proof, in Slomowitz v. Walker, 429 So. 2d 797, 800 (Fla. 4th DCA 1983), the court developed a "workable definition of clear and convincing evidence" and found that, of necessity, such a definition would need to contain "both qualitative and quantitative standards." The court held that clear and convincing evidence "require[s] that the witnesses to a fact must be found to be credible; the facts to which the witnesses testify must be distinctly remembered; . . . the testimony must be clear, direct and weighty, and the witnesses must be lacking in confusion as to the facts in issue." Additionally, the evidence must be of such weight that it "produces in the mind of the trier of fact a firm belief or conviction, without hesitancy, as to the truth of the precise facts in issue." Id. The Florida Supreme Court later adopted the Slomowitz court's description of clear and convincing evidence. See In re Davey, 645 So. 2d 398, 404 (Fla. 1994). The First District Court of Appeal also followed the Slomowitz test, adding the interpretive comment that "[a]lthough this standard of proof may be met where the evidence is in conflict . . . it seems to preclude the evidence that is ambiguous." Westinghouse Elec. Corp., Inc. v. Shuler Bros., Inc., 590 So. 2d 986, 988 (Fla. 1st

DCA 1991) (citations omitted), rev. denied, 599 So. 2d 1279 (Fla. 1992).

28. Disciplinary statutes and rules "must be construed strictly, in favor of the one against whom the penalty would be imposed." Munch v. Dep't of Prof'l Reg., Div. of Real Estate, 592 So. 2d 1136, 1143 (Fla. 1st DCA 1992); see Camejo v. Dep't of Bus. & Prof'l Reg., 812 So. 2d 583, 583-84 (Fla. 3d DCA 2002); McClung v. Crim. Just. Stds. & Training Comm'n, 458 So. 2d 887, 888 (Fla. 5th DCA 1984) ("[W]here a statute provides for revocation of a license the grounds must be strictly construed because the statute is penal in nature. No conduct is to be regarded as included within a penal statute that is not reasonably proscribed by it; if there are any ambiguities included, they must be construed in favor of the licensee.") (citing State v. Pattishall, 126 So. 147 (Fla. 1930)).

29. Pursuant to section 458.347(7)(g) (2006), the Board of Medicine may impose any of the penalties authorized under sections 456.072 and 458.331(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of chapter 456 or chapter 458.

30. Respondent is charged with violating section 458.331(1)(nn) (2006), which subjects Respondent to disciplinary

action for violating any provision of chapter 456 or chapter 458, or any rules adopted pursuant thereto.

31. Florida Administrative Code Rule 64B8-30.008(1) (2006), provides in pertinent part that physician assistants approved to prescribe medicinal drugs under the provisions of section 458.347(4) (e) (2006), are not authorized to prescribe the following medicinal drugs, in pure form or combination: controlled substances, as defined in chapter 893.

32. Lorcet is the brand name for medication containing hydrocodone and acetaminophen. According to sections 893.02(4) and 893.03(3) (c), hydrocodone as found in Lorcet 10/650 is a schedule III controlled substance. A substance in schedule III has a high potential for abuse and has a currently accepted, but restricted medical use in treatment. Abuse of this substance may lead to severe psychological or physical dependence.

33. The evidence is clear and convincing that Respondent, a physician assistant, wrote a prescription for a controlled substance for RJ without authorization to do so. Specifically, Respondent was licensed as a physician assistant when she wrote the prescription for Lorcet. A physician assistant is not authorized to prescribe any medicinal drug in combination that is classified as a controlled substance under chapter 893. On or about October 31, 2006, Respondent saw Mr. Heal for a visit at JHS and prescribed, among other drugs, Lorcet 10/650, 90 tablets.

Petitioner proved by clear and convincing evidence that Respondent violated section 458.331(1)(nn) (2006), by violating rule 64B8-30.008(1) by prescribing Lorcet, a controlled substance, without authorization.

34. Section 456.079 requires the Board of Medicine to adopt disciplinary guidelines for specific offenses. Penalties imposed must be consistent with any disciplinary guidelines prescribed by rule. See Parrot Heads, Inc. v. Dep't of Bus. & Prof'l Reg., 741 So. 2d 1231, 1233-34 (Fla. 5th DCA 1999). Penalties in a licensure discipline case may not exceed those in effect at the time a violation was committed. Willner v. Dep't of Prof'l Reg., Bd. of Med., 563 So. 2d 805, 806 (Fla. 1st DCA 1990), rev. denied, 576 So. 2d 295 (Fla. 1991).

35. The Board of Medicine adopted rule 64B8-30.015, which at all times relevant to this proceeding, provided that the discipline for a violation of any provision of chapter 456 or chapter 458, or any rules adopted pursuant thereto, for any offense and the potential for patient harm, ranged from a reprimand to revocation and an administrative fine, ranging from \$1,000 to \$5,000.

36. At all times relevant to this proceeding, rule 64B8-30.015(3) sets forth possible aggravating and mitigating circumstances for the Board of Medicine to consider when imposing discipline. Among those factors are: the exposure

of the patient to injury or potential injury, the pecuniary benefit or self-gain to the licensee, and the disciplinary history of the licensee in any jurisdiction.

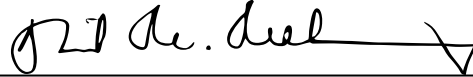
37. Here, as aggravating factors, Respondent exposed the public to potential injury or harm due to her prescription of a controlled substance without a physical examination to justify the prescription. Also, unauthorized prescription of a controlled substance by a physician assistant could cause harm to the public. Respondent benefitted from financial gain through the cash payments in exchange for prescriptions. Finally, as a mitigating factor, Respondent has no prior disciplinary history.

#### RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Board of Medicine enter a final order:

1. Finding that Respondent Sandra A. Lindstrom, P.A., violated section 458.331(1)(nn), Florida Statutes (2006), by violating Florida Administrative Code Rule 64B8-30.008 (2006), as charged in the Amended Administrative Complaint;
2. Imposing a \$2,500 fine; and
3. Revoking Respondent's license as a physician assistant.

DONE AND ENTERED this 30th day of March, 2016, in  
Tallahassee, Leon County, Florida.



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DAVID M. MALONEY  
Administrative Law Judge  
Division of Administrative Hearings  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 30th day of March, 2016.

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.