

STATE OF FLORIDA
BOARD OF MEDICINE

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: Angel Sanders
DATE: FEB 22 2017

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2012-12955
DOAH CASE NO.: 16-4348PL
LICENSE NO.: ME004526

DOUGLAS M. BURKS, M.D.,

Respondent.

ORDER ON REMAND

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on February 3, 2017, in Championsgate, 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 Chad Dunn, Assistant General Counsel. Respondent was represented by A.S. Weekley, Jr., Esquire.

Upon review of the Recommended Order, and finding that the Administrative Law Judge found mitigating circumstances that he believed justified imposing a penalty less lenient than those set forth in the Board's disciplinary guidelines, and further

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finding that he failed to state in writing the mitigating circumstances upon which the recommended penalty was based as required by Section 456.079(5), Florida Statutes, the Board hereby remands this matter to the Division of Administrative Hearings and respectfully requests that the Administrative Law Judge set forth in writing the mitigating circumstances relied upon in formulating his recommended penalty as required by Section 456.079(5), Florida Statutes.

DONE AND ORDERED this 20th day of February
2017.

BOARD OF MEDICINE

Claudia Kemp
Claudia Kemp, J.D., Executive Director
For Magdalena Averhoff, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by U.S. Mail to DOUGLAS M. BURKS, M.D., 1151 Shire Street, Nokomis, Florida 34275; to A. S. Weekley, Jr., Esquire, Weekley, Schulte, Valdes, LLC, Suite 100, 1635 North Tampa Street, Tampa, Florida 33602; to J. Lawrence Johnston, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; by email to Allison Dudley, Assistant General Counsel, Department of Health, at Allison.Dudley@flhealth.gov; and by email to Edward A. Tellechea, Chief Assistant Attorney General, at Ed.Tellechea@myfloridalegal.com this 22 day of February, 2017.



Deputy Agency Clerk