

STATE OF FLORIDA  
BOARD OF MEDICINE

Final Order No. DOH-17-0662 **FD**-MQA  
FILED DATE - **APR 20 2017**  
Department of Health  
By: *Amy R. Conway*  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

**FILED**  
2017 APR 24 PM 4:04  
DIVISION OF  
ADMINISTRATIVE HEARINGS

Petitioner,

DOH CASE NO.: 2012-03027  
2012-16053  
2013-06688  
2014-19909  
DOAH CASE NO.: 16-6136PL  
16-6148PL  
16-6149PL  
16-6150PL  
LICENSE NO.: ME0046625

RONALD EVAN WHEELER, 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 7, 2017, in Fort Lauderdale, 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 Geoffrey Christian, Assistant General Counsel. Respondent was represented by Christopher Schulte, 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.

RULING ON EXCEPTIONS

The Board reviewed and considered the Respondent's Exceptions to the Recommended Order and ruled as follows:

1. Respondent's First Exception to Paragraph 21 of the Recommended Order is denied for the reasons set forth in the Petitioner's Response to Respondent's Exceptions and for the reasons stated orally by the Petitioner.

2. Respondent's Second Exception to Paragraph 27 of the Recommended Order is denied for the reasons set forth in the Petitioner's Response to Respondent's Exceptions and for the reasons stated orally by the Petitioner.

3. Respondent's Third Exception to Paragraphs 28 and 35 of the Recommended Order is denied for the reasons set forth in the Petitioner's Response to Respondent's Exceptions and for the reasons stated orally by the Petitioner.

4. Respondent's Fourth Exception to Paragraphs 67 and 71 of the Recommended Order is denied for the reasons set forth in the Petitioner's Response to Respondent's Exceptions and for the reasons stated orally by the Petitioner.

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.

RULING ON EXCEPTION TO PROPOSED PENALTY AND REQUEST FOR REDUCTION

The Board reviewed the Respondent's Exception to the Administrative Law Judge's Recommended Penalty and DENIED the Respondent's Exception for the reasons set forth in the Petitioner's Response to Respondent's Exceptions and for the reasons stated orally by the Petitioner.

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 \$30,000.00 to the Board within 2 years from the date this final order is filed.

2. Respondent's license to practice medicine in the State of Florida is hereby REVOKED.

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 \$77,995.50. Said costs are to be paid within 2 years from the date this Final Order is filed.

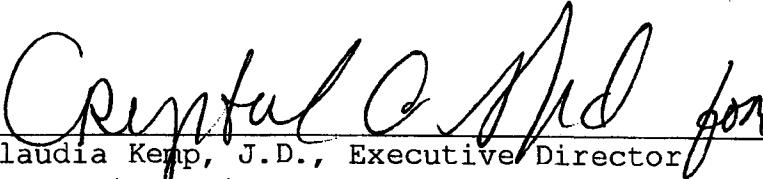
**(NOTE: SEE RULE 64B8-8.0011, FLORIDA ADMINISTRATIVE CODE. UNLESS OTHERWISE SPECIFIED BY FINAL ORDER, THE RULE SETS FORTH THE REQUIREMENTS FOR PERFORMANCE OF ALL PENALTIES CONTAINED IN THIS FINAL ORDER.)**

RULING ON MOTION TO STAY PENALTY

At the hearing in this matter, counsel for Respondent made an ore tenus Motion to Stay the penalty in this matter. The Board denied the Respondent's Motion.

DONE AND ORDERED this 20<sup>th</sup> day of April, 2017.

BOARD OF MEDICINE

  
\_\_\_\_\_  
Claudia Kemp, J.D., Executive Director  
For Enrique Ginzburg, M.D., Vice-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 RONALD EVAN WHEELER, M.D., 1819 Main Street, Suite 401, Sarasota, Florida 34236; to Christopher J. Schulte, Esquire, Weekley, Schulte, Valdes, LLC, 1635 N. Tampa Street, Suite 100, Tampa, Florida 33602-2646; to Mary Li Creasy, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; by email to Louise Wilhite-St. Laurent, Deputy General Counsel, Department of Health, at [Louise.Stlaurent@flhealth.gov](mailto:Louise.Stlaurent@flhealth.gov); and by email to Edward A. Tellechea, Chief Assistant Attorney General, at [Ed.Tellechea@myfloridalegal.com](mailto:Ed.Tellechea@myfloridalegal.com) this 20<sup>th</sup> day of April, 2017.

Angel Sanders  
**Deputy Agency Clerk**



**Mission:**

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



**Rick Scott**  
Governor

**Celeste Phillip, MD, MPH**  
Surgeon General and Secretary

**Vision:** To be the Healthiest State in the Nation

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**MEMORANDUM**

**DATE:** April 19, 2017

**TO:** Adrienne C. Rodgers, J.D. Bureau Chief  
Bureau of Health Care Practitioner Regulation

**FROM:** Claudia J. Kemp  
Executive Director, Board of Medicine

**SUBJECT:** Delegation of Authority

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This is to advise you that while I am out of the office April 19, 2017 through April 21, 2017 the following Executive Director is delegated to serve as Acting Executive Director for the Board of Medicine.

Joe Baker      Executive Director      (850) 245-4158

CK/lw

cc:

Sylvia Sanders  
Staff, Board of Medicine  
Board and Council Chairs

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**Florida Department of Health**  
**Board of Medicine**

4052 Bald Cypress Way, Bin C-03 • Tallahassee, Florida 32399  
PHONE: 850/245-4131 • FAX: 850/488-0596 and 850/412-1268

**FloridaHealth.gov**



**Accredited Health Department**  
**Public Health Accreditation Board**

**Sanford, Crystal**

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**From:** Baker, Joe  
**Sent:** Thursday, April 20, 2017 10:13 AM  
**To:** Sanford, Crystal  
**Cc:** Willis, Leonta; Kemp, Claudia J  
**Subject:** Delegation

You are authorized to sign Orders for the BOM today and tomorrow.

Thank you.

Joe Baker, Jr., Exec. Dir.  
Florida Board of Nursing  
Sent from my DOH iPad