

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-18-1172-~~FD~~MQA

FILED DATE **JUL 05 2018**
Department of Health

By: 
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2016-09658
DOAH CASE NO.: 17-4337PL
LICENSE NO.: ACN 244

RAQUEL C. SKIDMORE, 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 June 8, 2018, in Tampa, 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 Louise Wilhite-St. Laurent, Assistant General Counsel. Respondent was not present but was represented by Luke Lirot, 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.

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DIVISION OF

RULING ON EXCEPTIONS

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

1. Respondent's Exception to paragraph 6 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial evidence in the and based upon the written and oral statements set forth by Petitioner's counsel.

2. Respondent's Exception to paragraph 17 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

3. Respondent's Exception to paragraph 47 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

4. Respondent's Exception to paragraph 58 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

5. Respondent's Exception to paragraph 60 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

6. Respondent's Exception to paragraph 66 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

7. Respondent's Exception to paragraph 68 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

8. Respondent's next Exception to paragraph 68 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

9. Respondent's Exception to paragraph 69 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

10. Respondent's Exception to paragraph 71 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

11. Respondent's Exception to paragraph 86 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

12. Respondent's Exception to paragraph 87 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

13. Respondent's Exception to paragraph 88 of the Recommended Order is denied based upon the written and oral statements set forth by Petitioner's counsel.

14. Respondent's Exception to paragraph 89 of the Recommended Order is denied based upon the written and oral statements set forth by Petitioner's counsel.

15. Respondent's Exception to paragraphs 92, 93, 94, 95 and 96 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

16. Respondent's Exception to paragraph 97 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

17. Respondent's Exception to paragraphs 99 and 100 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

18. Respondent's Exception to paragraphs 103 and 104 of the Recommended Order is denied based because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

19. Respondent's Exception to paragraph 105 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

20. Respondent's Exception to paragraph 106 of the Recommended Order is denied because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth Petitioner's counsel

21. Respondent's Exception to paragraphs 107 and 108 of the Recommended Order is denied based because the Board finds that the finding is supported by competent substantial and based upon the written and oral statements set forth by Petitioner's counsel.

22. Respondent's Exception to paragraph 111 of the Recommended Order is denied based upon the written and oral statements set forth by Petitioner's counsel.

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:

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 \$17,803.61. Said costs are to be paid within 30 days 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.)

DONE AND ORDERED this 21st day of July,
2018.

BOARD OF MEDICINE

Claudia Kemp
Claudia Kemp, J.D., Executive Director
For Jorge J. Lopez, 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 RAQUEL C. SKIDMORE, M.D., 756 Harrison Avenue, Panama City, Florida 32401; and 105 Jazz Drive, Panama City, Florida 32405; to Alvin Lee Peters, Esquire, Peters & Scoon, 25 East 8th Street,

Panama City, Florida 32401; to Lisa Shearer Nelson,
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
Allison.Dudley@flhealth.gov; and by email to Edward A.
Tellechea, Chief Assistant Attorney General, at
Ed.Tellechea@myfloridalegal.com this 5th day of
July, 2018.

|||||||
Raquel C. Skidmore, M.D.
756 Harrison Ave.
Panama City, FL 32401

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Certified Article Number
9414 7266 9904 2104 0975 09
SENDER'S RECORD

|||||||
Raquel C. Skidmore, M.D.
105 Jazz Dr.
Panama City, FL 32405

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Certified Article Number
9414 7266 9904 2104 0974 93
SENDER'S RECORD

Bryce Sanders

Deputy Agency Clerk

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Raquel C. Skidmore, M.D.
c/o Alvin Lee Peters, Esq.
25th East 8th St.
Panama City, FL 32401

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Certified Article Number
9414 7266 9904 2104 0974 86
SENDER'S RECORD

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Lisa Shearer Nelson, Admin Law Judge
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

R-Mail ④

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DIVISION OF
ADMINISTRATIVE HEARINGS**STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE****DEPARTMENT OF HEALTH,****Petitioner,****DOAH CASE NO. 17-4337PL
DOH CASE NOS. 2016-09658****RAQUEL C. SKIDMORE, M.D.,****Respondent.**

**PETITIONER'S AMENDED MOTION TO ASSESS COSTS IN
ACCORDANCE WITH SECTION 456.072(4), FLORIDA STATUTES**

Petitioner, the Florida Department of Health (hereinafter "Petitioner"), by and through counsel, hereby moves the Florida Board of Medicine (hereinafter the "Board") for the entry of a Final Order assessing costs against Respondent, Raquel C. Skidmore, M.D. (hereinafter "Respondent"), in connection with the investigation and prosecution of the above-styled and numbered cases. As grounds therefore, Petitioner states:

1. At its next regularly scheduled meeting, the Board will take up the above-styled and numbered cases for consideration and will enter a Final Order.

2. Section 456.072(4), Florida Statutes (2017), provides in relevant part:

In addition to any other discipline imposed through final order, or citation, entered on or after July 1, 2001, under this section or discipline imposed through final order, or citation, entered on or after July 1, 2001, for a violation of any practice act, the board, or the department when there is no board, shall assess costs related to the investigation and prosecution of the case. The costs related to the investigation and prosecution include, but are not limited to, salaries and benefits of personnel, costs related to the time spent by the attorney and other personnel working on the case, and any other expenses incurred by the department for the case. The board, or the department when there is no board, shall determine the amount of costs to be assessed after its consideration of an affidavit of itemized costs and any written objections thereto. ...

3. As evidenced in the attached affidavits (Exhibits A-D), the investigation and prosecution of the above-styled and numbered cases has resulted in costs to Petitioner in the total amount of \$17,803.61, based on the following itemized statement of costs:

- a. Total costs for Complaint \$371.69
- b. Total costs for Investigation \$3,949.55
- c. Total costs for Legal \$12,264.68
- d. Total costs for Compliance \$0.00
- e. Total costs for Expenses \$1,217.69

4. Upon review of the file, the Department contends that the costs associated with attorney time spent on the above-styled and numbered cases are reasonable and justifiable. Attached Exhibit D is an affidavit and Curriculum Vitae for a qualified expert supporting the cost of attorney time spent in this matter.

5. Should Respondent file written objections to the assessment of costs within ten (10) days of the date of this motion, specifying the grounds for the objections and the specific elements of the costs to which objections are made, Petitioner requests that the Board determine the amount of costs to be assessed based upon its consideration of the attached affidavits and any timely-filed written objections.

6. Petitioner respectfully requests that the Board grant this motion and assess costs in the amount of \$17, 803.61 as supported by competent, substantial evidence. This assessment of costs is in addition to any other discipline imposed by the Board and is in accordance with Section 456.072(4), Florida Statutes (2017).

WHEREFORE, Petitioner respectfully requests that the Board enter a Final Order assessing costs against Respondent in the amount of \$17,803.61.

Celeste Philip, M.D., M.P.H.
Surgeon General and Secretary

/s/Louise Wilhite-St. Laurent

Louise Wilhite-St. Laurent
Deputy General Counsel
Florida Bar Number 0091244
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
(850) 558-9914
(850) 245-4662 FAX
Email: Louise.StLaurent@flhealth.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished via electronic mail to counsel for Respondent listed below, via electronic delivery on this 25th day of May, 2018:

Alvin L. Peters at alvinpeters@knology.net

/s/Louise Wilhite-St. Laurent
Louise Wilhite-St. Laurent
Deputy General Counsel

LSL/MLA