

FILED DATE - **AUG 16 2019**
Department of Health

By: *Angela Sanders*
Deputy Agency Clerk

Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2017-09663
DOAH CASE NO.: 18-0430PL
LICENSE NO.: ME0059800

NEELAM TANEJA UPPAL, 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 2, 2019, in Coral Gables, 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 Virginia Edwards, Assistant General Counsel. Respondent was present but 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.

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DIVISION OF
ADMINISTRATIVE HEARINGS

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 4 of the Recommended Order is denied for the reasons stated by the Petitioner orally and in its Response to Exceptions to the Recommended Order.

2. Respondent's second exception to the Recommended Order is denied for the reasons stated by the Petitioner orally and in its Response to Exceptions to the Recommended Order.

3. Respondent's third exception to paragraph 6 of the Recommended Order is denied for the reasons stated by the Petitioner orally and in its Response to Exceptions to the Recommended Order.

4. Respondent's fourth exception to paragraph 9 of the Recommended Order is denied for the reasons stated by the Petitioner orally and in its Response to Exceptions to the Recommended Order.

5. Respondent's fifth exception to paragraph 10 of the Recommended Order is denied for the reasons stated by the Petitioner orally and in its Response to Exceptions to the Recommended Order.

6. Respondent's sixth exception to paragraph 11 of the Recommended Order is denied for the reasons stated by the

Petitioner orally and in its Response to Exceptions to the Recommended Order.

7. Respondent's seventh exception to paragraph 12 of the Recommended Order is denied for the reasons stated by the Petitioner orally and in its Response to Exceptions to the Recommended Order.

8. Respondent's eighth exception to paragraph 13 of the Recommended Order is denied for the reasons stated by the Petitioner orally and in its Response to Exceptions to the Recommended Order.

9. Respondent's ninth exception to paragraph 14 of the Recommended Order is denied for the reasons stated by the Petitioner orally and in its Response to Exceptions to the Recommended Order.

10. Respondent's tenth exception to paragraphs 15-20 of the Recommended Order is denied for the reasons stated by the Petitioner orally and in its Response to Exceptions to the Recommended Order.

11. Respondent's eleventh exception is denied for the reasons stated by the Petitioner orally and in its Response to Exceptions to the Recommended Order.

12. Respondent's twelfth exception to paragraph 22 of the Recommended Order is denied for the reasons stated by the

Petitioner orally and in its Response to Exceptions to the Recommended Order.

13. Respondent's thirteenth exception to paragraph 23 of the Recommended Order is denied for the reasons stated by the Petitioner orally and in its Response to Exceptions to the Recommended Order.

14. Respondent's fourteenth exception to the Recommended Order is denied for the reasons stated by the Petitioner orally and in its Response to Exceptions to the Recommended Order.

15. The Respondent's fifteenth exception to paragraphs 24 and 25 of the Recommended Order is denied for the reasons stated by the Petitioner orally and in its Response to Exceptions to the Recommended Order.

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 with the following modification: Because Respondent has already entered into a payment plan for the fine and costs imposed by Final Order DOH-15-0017-FOF-MQA, the suspension recommended by the Administrative Law Judge is not appropriate in this matter.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of \$1,000.00 to the Board within 30 days from the date the Final Order is filed. Said fine shall be paid by money order or cashier's check.

2. Respondent shall be and hereby is REPRIMANDED by the Board.

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 \$21,630.03. 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 15th day of August,
2019.

BOARD OF MEDICINE

Claudia Kemp
Claudia Kemp, J.D., Executive Director
For Hector Vila, 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 U.S. Mail to NEELAM TANEJA UPPAL, M.D., P.O. Box 1002, Largo, Florida 33779; 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 16th day of

August, 2019.

Angel Sanders

Deputy Agency Clerk