

Final Order No. DOH-19-0169- FOF -MQA
 FILED DATE - 1.28.2019
 Department of Health
 By: Bridget Coates
 Deputy Agency Clerk

**STATE OF FLORIDA
 THE FLORIDA BOARD OF PODIATRIC MEDICINE**

DEPARTMENT OF HEALTH, PETITIONER, VS. BRIAN J. ALTMAN, DPM, RESPONDENT.	CASE NO.: 2018-00496 DOAH CASE NO.: 18-3349PL LICENSE NO.: PO 3818
---	--

FINAL ORDER

This cause came before the FLORIDA BOARD OF PODIATRIC MEDICINE (hereinafter Board), pursuant to Chapters 456; 461; and sections 120.569 and 120.57(1), *Florida Statutes*, at a duly noticed public meeting held on January 11, 2018, in Orlando, Florida. The purpose of the cause was for consideration of the Honorable Linzie F. Bogan's (hereinafter Administrative Law Judge or ALJ) Recommended Order issued on November 15, 2018 (attached hereto as Exhibit "A"). The Petitioner was present and represented by Judson Searcy, Esquire. The Respondent was present without counsel.

Upon review of the Recommended Order (hereinafter RO), and having heard argument of the parties and after a review of the complete record in this case, the Board makes the following rulings, findings, and conclusions:

I. RULINGS ON EXCEPTIONS

1. Neither Respondent nor Petitioner filed Exceptions to the Recommended Order's Findings of Fact.
2. Neither Respondent nor Petitioner filed Exceptions to the Recommended Order's Conclusions of law.

2019 JAN 31 PM 1:30
 DIVISION OF
 ADMINISTRATIVE HEARINGS
FILED

II. FINDINGS OF FACT

1. There is competent, substantial evidence to support the Findings of Facts made in the Recommended Order.
2. Accordingly, the Findings of Facts set forth in the Recommended Order are hereby approved, adopted and incorporated herein by reference as the Findings of Fact of the Board.

III. CONCLUSIONS OF LAW

1. The Board has personal jurisdiction, subject matter jurisdiction, and final order authority, in this cause pursuant to sections 120.569; 120.57(1); and Chapters 456 and 461, *Florida Statutes*.
2. The Board does not find a more reasonable interpretation of the law than that which was found by the Administrative Law Judge.
3. Accordingly, the Conclusions of Law as set forth in the Recommended Order are approved, adopted, and incorporated herein by reference as the Conclusions of Law of the Board.

IV. VIOLATION

1. Based on the foregoing adopted Findings of Fact and the adopted Conclusions of Law, the Administrative Law Judge's recommendation is **ACCEPTED**.
2. Accordingly, Respondent is found in **VIOLATION** of section 456.072(1)(hh), *Florida Statutes* by being terminated from the Professionals Resource Network (PRN), for failing to comply, without good cause, with the requirements of his monitoring contract with PRN.

V. DISCIPLINE

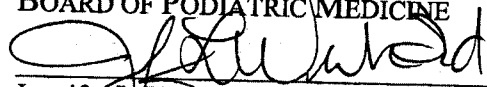
The violation set forth warrants disciplinary action by the Board and the Board accepts the recommendation of the Administrative Law Judge.

WHEREFORE, it is hereby **ORDERED** and **ADJUDGED**, that the Respondent's license is hereby **SUSPENDED**. The Board shall not lift the suspension in this cause unless and until the Respondent files a Petition for Reinstatement of Suspended License and the Respondent's license shall remain suspended until Respondent personally appears before the Board and demonstrates that he is safe to practice with reasonable skill and safety. The Respondent shall demonstrate, at a minimum that Respondent has had a mental health and substance abuse evaluation by Professionals Resource Network, Inc., (PRN) and that Respondent is in compliance with all recommendations of PRN to include entering into a monitoring contract if deemed necessary by the evaluation process. The lifting of the suspension must be supported by a PRN recommendation that the Respondent is safe to practice with reasonable skill and safety.

VI. MOTION TO ASSESS COSTS

1. The Board considered the "Petitioner's Motion To Assess Costs in Accordance With Section 456.072(4).", and the attached exhibits thereto. Respondent did not file any objections to the Motion. After a complete review of the Motion for Costs and the attached exhibits and affidavits and having heard from the respective parties to this cause, the Board hereby **GRANTS** the Motion for Costs and pursuant to section 456.072(4), *Florida Statutes*, assesses costs of investigation and prosecution in the amount of **\$20,927.05**.
2. All costs shall be paid in full within 5 years from the date that the Respondent's suspension of license is lifted.

DONE AND ORDERED this 28th day of January, 2019.
THIS FINAL ORDER SHALL BECOME EFFECTIVE UPON BEING FILED WITH THE
AGENCY CLERK FOR THE DEPARTMENT OF HEALTH

BOARD OF PODIATRIC MEDICINE

Jennifer L. Wenhold, MSW,
Interim Executive Director
on behalf of
Joseph Sindone, DPM, Chair of the Board

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

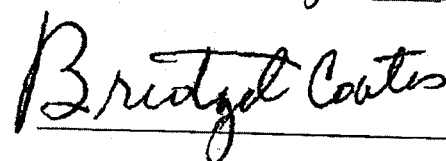
I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Certified Mail to Brian J. Altman, DPM, 18251 Merchants Ave., Port Charlotte, Florida 33948 and 15953 Hometown Dr., Plainfield, IL 60586; and via US Mail to the Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by Electronic Mail to Judson M. Searcy, Assistant General Counsel, Judson.Searcy@flhealth.gov, ; and to David D. Flynn, Senior Assistant Attorney General, david.flynn@myfloridalegal.com this 28th day of January, 2019.

Certified Article Number

9414 7266 9904 2104 1129 12

SENDER'S RECORD

|||
Brian J. Altman
18251 Merchants Avenue
Port Charlotte, FL 33948



DEPUTY AGENCY CLERK

Certified Article Number

9414 7266 9904 2104 1129 05

SENDER'S RECORD

|||
Brian J. Altman
15953 Hometown Drive
Plainfield, IL 60586