

Department of Health

By *Amy L. Conway*  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2017-14819  
DOAH CASE NO.: 19-1931PL  
LICENSE NO.: ME0060438

JOHN CAREY TOMBERLIN, 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 14, 2020, via a duly noticed telephone conference call meeting, 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 Cynthia Nash-Early, Assistant General Counsel. Respondent was represented by Kathryn L. Hood, 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.

2020 SEP -8 PM 3:49  
DIVISION OF  
ADMINISTRATIVE HEARINGS

FILED

### RULING ON EXCEPTION

The Board reviewed and considered the Petitioner's single Exception to Paragraph 35 of the Recommended Order and denied the exception on the grounds that the finding of fact was based on competent substantial evidence and for the reasons set forth in the Respondent's response to the Petitioner's exceptions.

### 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.

### DISPOSITION

Upon a complete review of the record in this case, the Board determines that the disposition recommended by the

---

Administrative Law Judge be ACCEPTED. WHEREFORE, IT IS HEREBY  
ORDERED AND ADJUDGED:

The Administrative Complaint filed in this matter is hereby  
DISMISSED.

DONE AND ORDERED this 17 day of August, 2020.

BOARD OF MEDICINE



---

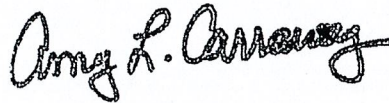
Claudia Kemp, J.D., Executive Director  
For Zachariah P. Zachariah, M.D., Chair

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 U.S. Mail to JOHN CAREY TOMBERLIN, M.D., P.O. Box 789, Geneva, Alabama 36340; to Kathryn L. Hood, Esquire, Pennington Law Firm, 215 South Monroe Street, Suite 200, Tallahassee, Florida 32302; to Yolanda Y. Green, 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 4 day of September, 2020.



---

**Deputy Agency Clerk**