

Final Order No. DOH-20-1540-~~FOF~~MQA  
FILED DATE - SEP 30 2020  
Department of Health  
By *Amy L. Conway*  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF OSTEOPATHIC MEDICINE

DEPARTMENT OF HEALTH

Petitioner,  
  
vs.

Case No: 2018-07389  
DOAH Case No.: 19-4724PL  
License No.: OS 8729

JOHN JOSEPH IM, D.O.,  
  
Respondent.

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FINAL ORDER

THIS CAUSE came before the Board of Osteopathic Medicine (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, at a duly-noticed public meeting by telephone and by "GoToMeeting" on August 21, 2020, for the purpose of considering the Administrative Law Judge's Recommended Order, Respondent's Exceptions to the Recommended Order, and Petitioner's Response to Respondent's Exceptions to the Recommended Order in the above-styled cause. Petitioner was represented by William E. Walker, Assistant General Counsel. Respondent, John Joseph Im, D.O., was present and 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.

RULING ON EXCEPTIONS

The Board reviewed and considered the Respondent's Exceptions to the Recommended Order and ruled as set forth below.

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DIVISION OF ADMINISTRATIVE HEARINGS  
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1. The Board denied Respondent's Exception 1 summarizing the Administrative Law Judge's recommendations for the reasons both written and stated orally by the Petitioner. Exception 1 is not legally sufficient because there is no citation to the record and fails to identify a legal basis for the exception.

2. The Board denied Respondent's Exception 2 regarding the standard of care for the reasons both written and stated orally by the Petitioner. Exception 2 is not legally sufficient because there is no citation to the record and fails to identify a legal basis for the exception.

3. The Board denied Respondent's Exception 3 regarding Levaquin for the reasons both written and stated orally by the Petitioner. Exception 3 is not legally sufficient because there is no citation to the record and fails to identify a legal basis for the exception.

4. The Board denied Respondent's Exception 4 for the reasons both written and stated orally by the Petitioner. Exception 4 is not legally sufficient because there is no citation to the record and fails to identify a legal basis for the exception.

5. The Board denied Respondent's Exception 5 for the reasons both written and stated orally by the Petitioner. Exception 5 is not legally sufficient because there is no citation to the record and fails to identify a legal basis for the exception.

6. The Board denied Respondent's Exception 6 for the reasons both written and stated orally by the Petitioner. Exception 6 is not legally sufficient because there is no citation to the record and fails to identify a legal basis for the exception.

7. The Board denied Respondent's Exception 7 for the reasons both written and stated orally by the Petitioner. Exception 7 is not legally sufficient because there is no citation to the record and fails to identify a legal basis for the exception.

8. The Board denied Respondent's Exception 8 for the reasons both written and stated orally by the Petitioner. Exception 8 is not legally sufficient because there is no citation to the record and fails to identify a legal basis for the exception.

9. The Board denied Respondent's Exception 9 for the reasons both written and stated orally by the Petitioner. Exception 9 is not legally sufficient because there is no citation to the record and fails to identify a legal basis for the exception.

10. The Board denied Respondent's Exception 10 for the reasons both written and stated orally by the Petitioner. Exception 10 is not legally sufficient because there is no citation to the record and fails to identify a legal basis for the exception. The Petitioner stated that during the evidentiary hearing the Respondent moved to strike the expert's testimony, which was denied. The Board does not have substantive jurisdiction over evidentiary matters, and therefore, does not have the authority to change factual or legal findings which involve the admissibility of evidence into an evidentiary hearing.

11. The Board denied Respondent's Exception 11 for the reasons both written and stated orally by the Petitioner. Exception 11 is not legally sufficient because there is no citation to the record and fails to identify a legal basis for the exception.

#### 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 459, 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:

1. The Respondent's license to practice osteopathic medicine is hereby issued a Letter of Concern.
2. Within six (6) months of the filing of this Final Order, the Respondent shall document completion of five (5) hours of a prescribing practices course which includes identifying contraindications with drug interactions. Respondent is required to submit a course syllabus for the Chair's approval prior to taking the course. The Respondent may complete the course in an on-line format.
3. Respondent shall pay an administrative fine in the amount of \$2,500.00 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.



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 \$35,007.20. Said costs are to be paid within twelve (12) months from the date this Final Order is filed.

Payment of Fine and Costs. Payment of all fine and costs shall be made by the dates specified in the Final Order to the Board of Osteopathic Medicine and mailed to: DOH-Compliance Management Unit, Bin C-76, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Osteopathic Compliance Officer.

(NOTE: SEE RULE 64B15-19.0041, 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.)

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

**DONE AND ORDERED** this 28 day of September, 2020.

**BOARD OF OSTEOPATHIC MEDICINE**



Kama Monroe, J.D., Executive Director  
*on behalf of* Joel Rose, D.O., CHAIR

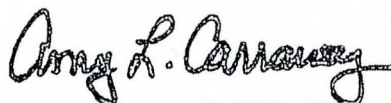
**NOTICE OF RIGHT TO JUDICIAL REVIEW**

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 Florida 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 U.S. Mail to **John Joseph Im, D.O.**, 11950 County Road 101, Ste. 101, The Villages, FL 32162, and at 13940 US Highway 441, Suite 501, Lady Lake, FL 32159; and **Yolanda Y. Green**, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060; and by email to **Donna C. McNulty**, Special Counsel, at [Donna.McNulty@myfloridalegal.com](mailto:Donna.McNulty@myfloridalegal.com); **William Edward Walker**, Assistant General Counsel, at [William.Walker@flhealth.gov](mailto:William.Walker@flhealth.gov); **Virginia Edwards**, Assistant General Counsel, at [Virginia.Edwards@flhealth.gov](mailto:Virginia.Edwards@flhealth.gov); and **Sarah Corrigan**, Assistant General Counsel, at [Sarah.Corrigan@flhealth.gov](mailto:Sarah.Corrigan@flhealth.gov); this 30 day of September, 2020.



**Deputy Agency Clerk**