

By: *Quinn Munn*  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2020-30488  
DOAH CASE NO.: 20-5447PL  
LICENSE NO.: ME0082217

STEPHANIE A. STOVER, 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 October 8, 2021, in Orlando, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, Respondent's Exceptions to the Recommended Order, Petitioner's Response to Respondent's Exceptions to the Recommended Order, Petitioner's Exceptions to the Recommended Order, and Respondent's Responses to Petitioner's Exceptions to the Recommended Order, (copies of which are attached hereto as Exhibits A, B, C, and D) in the above-styled cause. Petitioner was represented by Kristen Summers, Chief Legal Counsel. Respondent was present and represented by Sean Ellsworth, Esq., and Kenneth Metzger, Esq.

2021 NOV -5 AM 10:53  
DIVISION OF  
ADMINISTRATIVE HEARINGS

FILED

---

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 RESPONDENT'S EXCEPTIONS

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

1. Respondent's Exception One to the "Statement of the Issues" in the Recommended Order is denied for the reasons set forth in Petitioner's Response to Respondent's Exceptions to the Recommended Order.

2. Respondent's Exception Two to paragraph 51 and 52 of the Recommended Order is denied for the reasons set forth in Petitioner's Response to Respondent's Exceptions to the Recommended Order and because the Board finds that the factual findings set forth therein are supported by competent substantial evidence.

3. Respondent's Exception Three to paragraphs 54, 65, 82, and 89 in the Recommended Order is denied for the reasons set forth in Petitioner's Response to Respondent's Exceptions to the Recommended Order and because the Board finds that the factual findings set forth therein are supported by competent substantial evidence.

4. Respondent's Exception Four to paragraphs 99 and 101 in the Recommended Order is denied for the reasons set forth in

---

Petitioner's Response to Respondent's Exceptions to the Recommended Order and because the Board finds that the findings set forth therein are supported by competent substantial evidence.

5. Respondent's Exception Five to paragraph 100 in the Recommended Order is denied for the reasons set forth in Petitioner's Response to Respondent's Exceptions to the Recommended Order and because the Board finds that the findings set forth therein are supported by competent substantial evidence.

6. Respondent's Exception Six to paragraphs 98 and 99 in the Recommended Order is denied for the reasons set forth in Petitioner's Response to Respondent's Exceptions to the Recommended Order and because the Board finds that the findings set forth therein are supported by competent substantial evidence.

7. Respondent's Exception Seven to the conclusion that "Dr. Stover violated Rule 64B8-9.009(2)(f), and thus violated section 458.331(1)(nn) to the extent the Recommended Order interprets the Board's BBL Rule to impose strict liability" (paragraph 99) is denied for the reasons set forth in Petitioner's Response to Respondent's Exceptions to the Recommended Order and because the Board finds that the finding

---

set forth therein is supported by competent substantial evidence.

8. Respondent's Exception Eight to the conclusion that Dr. Stover violated "section 458.331(1)(t) and/or 458.331(1)(nn) to the extent that the use of the conjunctive "and" suggests Dr. Stover could be found to have violated both statutory provisions on the basis of precisely the same conduct" (paragraph 99) is denied for the reasons set forth in Petitioner's Response to Respondent's Exceptions to the Recommended Order and because the Board finds that the finding set forth therein is supported by competent substantial evidence.

9. Respondent's Exception Nine to paragraph 106 in the Recommended Order is granted for the reasons set forth in Respondent's Exceptions to the Recommended Order.

#### RULING ON PETITIONER'S EXCEPTIONS

Petitioner's exception the recommended penalty is denied because the Board could not ascertain any justification in the record for the increase in penalty.

#### 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 as in the Recommended Order, and as amended by the exceptions, are approved, adopted, and incorporated herein by reference.

3. The Board hereby finds the Respondent in violation of Section 458.331(1)(t), Florida Statutes, and imposes a penalty consistent with Rule 64B8-8.001(1)(t), Florida Administrative Code.

DISPOSITION

Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge is hereby ACCEPTED.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of \$5,000.00 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 placed on probation for a period of one (1) year subject to the following terms and conditions:

**REQUIRED APPEARANCES:**

---

Respondent shall appear before the Board's Probation Committee at the first meeting after said probation commences, at the last meeting of the Probation Committee preceding termination of probation, and at such other times requested by the Committee. Respondent shall be noticed by Board staff of the date, time and place of the Board's Probation Committee whereat Respondent's appearance is required. Failure of the Respondent to appear as requested or directed shall be considered a violation of the terms of probation, and shall subject the Respondent to disciplinary action.

Respondent shall not practice except under the indirect supervision of a **BOARD CERTIFIED** physician fully licensed under Chapter 458 to be approved by the Board's Probation Committee. Absent provision for and compliance with the terms regarding temporary approval of a monitoring physician set forth below, Respondent shall cease practice and not practice until the Probation Committee approves a monitoring physician. Respondent shall have the monitoring physician present at the first probation appearance before the Probation Committee. Prior to approval of the monitoring physician by the committee, the Respondent shall provide to the monitoring physician a copy of the Administrative Complaint and Final Order filed in this case. A failure of the Respondent or the monitoring physician to appear at the scheduled probation meeting shall constitute a

---

violation of the Board's Final Order. Prior to the approval of the monitoring physician by the Committee, Respondent shall submit to the Committee a current curriculum vitae and description of the current practice of the proposed monitoring physician. Said materials shall be received in the Board office no later than fourteen days before the Respondent's first scheduled probation appearance. The responsibilities of a monitoring physician shall include:

(a) Submit quarterly reports, in affidavit form, which shall include:

1. Brief statement of why physician is on probation.
2. Description of probationer's practice.
3. Brief statement of probationer's compliance with terms of probation.
4. Brief description of probationer's relationship with monitoring physician.
5. Detail any problems which may have arisen with probationer.

(b) Be available for consultation with Respondent whenever necessary, at a frequency of at least twice per year.

(c) Review 25% percent of Respondent's patient records selected on a random basis at least once every six (6) months. At that time, the monitoring physician shall be responsible for

making the random selection of the records to be reviewed by the monitoring physician.

(d) Review 100% of records for gluteal fat transfer patients who were anatomical males at birth.

(e) Report to the Board any violations by the probationer of Chapter 456 and 458, Florida Statutes, and the rules promulgated pursuant thereto.

The terms and conditions of Rules 64B8-8.0011, 64B8-8.0012, and 64B8-8.0021, Florida Administrative Code, shall apply.

DONE AND ORDERED this 26 day of October, 2021.

BOARD OF MEDICINE

*Paul A. Vazquez*

Paul A. Vazquez (Oct 26, 2021 16:35 EDT)

Paul A. Vazquez, 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 Certified and U.S. Mail to: Stephanie A. Stover, M.D., 8353 NW 26<sup>th</sup> Street, Miami, FL 33166; Sean Ellsworth, Esq., 1000 5<sup>th</sup> Street, Suite 223, Miami Beach, FL 33139 and Kenneth Metzger, Esq., 1637 Metropolitan Boulevard, Suite C-2, Tallahassee, FL 32308; by mail to: Robert S. Cohen, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; by email to: Kristen Summers, Chief Legal Counsel, at [Kristen.Summers@flhealth.gov](mailto:Kristen.Summers@flhealth.gov), Chad Dunn, Assistant General Counsel, at [Chad.Dunn@flhealth.gov](mailto:Chad.Dunn@flhealth.gov); Edward A. Tellechea, Chief Assistant Attorney General, at [Ed.Tellechea@myfloridalegal.com](mailto:Ed.Tellechea@myfloridalegal.com); on this 2<sup>nd</sup> day of November, 2021.

Stephanie A. Stover, M.D.  
8353 NW 26th Street  
Miami, FL 33166

**Certified Article Number**

9414 7266 9904 2178 1396 55

**SENDER'S RECORD**

Sean Ellsworth, Esq.  
1000 5th Street, Suite 223  
Miami Beach, FL 33139

**Certified Article Number**

9414 7266 9904 2178 1384 36

**SENDER'S RECORD**

Amur Maus

Kenneth Metzger, Esq.  
1637 Metropolitan Boulevard, Suite C-2  
Tallahassee, FL 32308

**Certified Article Number**

9414 7266 9904 2178 1384 43

**SENDER'S RECORD**