

15701

3-21-01

AT

Final Order No. DOH-01-1114-FOF-MQA

FILED DATE - 7/17/01

Department of Health

STATE OF FLORIDA  
BOARD OF MEDICINE

JUL 17 11 11 AM '01

By: Wicki R. Kern  
Deputy Agency Clerk

ADMINISTRATIVE  
HEARINGS

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 1996-15720  
DOAH CASE NO.: 00-2588 *OMK*  
LICENSE NO.: ME0046912

IRA W. FREILICH, 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 June 2, 2001, in Dania, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, Exceptions to the Recommended Order, Supplement to Exceptions, and Response to Exceptions (copies of which are attached hereto as Exhibits A, B, C, and D, respectively) in the above-styled cause. Petitioner was represented by Larry G. McPherson, Jr., Chief Attorney. Respondent was represented by Richard S. Womble, 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.

### RULINGS ON EXCEPTIONS

The Board reviewed and considered the Respondent's Exceptions to the Recommended Order and rejects the exceptions for the reasons stated in the Petitioner's Response to Respondent'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.
3. There is competent substantial evidence to support the conclusions of law.

### 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 that

1. Respondent shall pay an administrative fine in the amount of \$5,000 within six (6) months from the date this Final Order is filed.
2. Respondent shall receive a REPRIMAND.
3. Respondent shall be SUSPENDED for a period of one (1) year

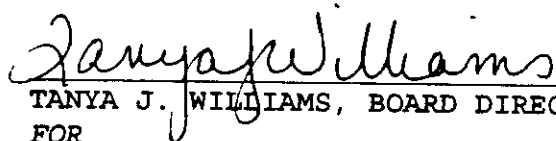
and until such time as he appears and demonstrates the ability to practice with reasonable skill and safety.

4. At the time, if any, the Board determines that reinstatement is appropriate, Respondent may be placed on probation with the terms and conditions to be set at the time of reinstatement.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 20<sup>th</sup> day of June, 2001.

BOARD OF MEDICINE

  
TANYA J. WILLIAMS, BOARD DIRECTOR  
FOR  
GASTON ACOSTA-RUA, M.D.  
CHAIRMAN

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 AGENCY FOR HEALTH CARE ADMINISTRATION 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 Ira W. Freilich, M.D., P.O. Box 161533, Altamonte Springs, Florida 32716-1533; to Richard S. Womble, Esquire, P.O. Box 4940, Orlando, Florida; to Daniel M. Kilbride, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Nancy M. Snurkowski, Chief Medical Attorney, and Simone Marstiller, Senior Attorney - Appeals, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this 14<sup>th</sup> day of July, 2001.

Jane Ford