

A.T

11-21-00

2/16/01

Final Order No. DOH-01-0419-~~FoF~~-MOA
FILED DATE - 3/27/01
Department of Health

STATE OF FLORIDA
BOARD OF MEDICINE

By: Vicki R. Kenon
Deputy Agency Clerk

FILED
MAR 29 PM 2:52
DIVISION OF
ADMINISTRATIVE
HEARINGS

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 1996-07717
DOAH CASE NO.: 00-0280 *mmp*
LICENSE NO.: ME0037412

LIONEL RESNICK, 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 February 2, 2001, in Tampa, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, Respondent's Exceptions to the Recommended Order, and Petitioner's Request to be Heard on Respondent's Exceptions (copies of which are attached hereto as Exhibits A, B, and C, respectively) in the above-styled cause. Petitioner was represented by Larry G. McPherson, Jr., Chief Attorney. Respondent was not present but was represented by Mark L. Pomeranz, 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 the Exceptions to the Recommended Order filed by the Respondent and denied the Exceptions, finding the facts found by the Administrative Law Judge to be supported by competent substantial evidence.

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 Respondent's license to practice medicine in the State of Florida is hereby REVOKED.

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

DONE AND ORDERED this 27th day of February, 2001.

BOARD OF MEDICINE

Gary Williams
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 Lionel Resnick, M.D., 300 Arthur Godfrey Road, 41st Street, Suite 100, Miami, Florida 33140-3330; to Mark L. Pomeranz, Esquire, Law Offices of Pomeranz & Landsman, 12955 Biscayne Boulevard, Suite 202, North Miami, Florida 33181; to Michael M. Parrish, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway,

Tallahassee, Florida 32399-3060; and by interoffice delivery to
Kathryn L. Kasprzak, 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 27th day of March, 2001.

Sonja H. Wright