

7/2/91

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

PETITIONER,

vs.

CASE NO. 90-05727

JAN A. SALZBERG, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against, JAN A. SALZBERG, M.D., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 458, Florida Statutes.

2. Respondent is and has been at all times material hereto a licensed physician in the State of Florida, having been issued license number ME 0041587. Respondent's last known address is 91 U.S. West 22RD CL (B), Fort Lauderdale, Florida 33324.

3. Respondent, during all pertinent time periods was practicing as a psychiatrist at the Nova University Community Mental Health Clinic (hereafter Clinic) in Coral Springs, Florida.

4. Patient #1 is a female, born October 27, 1970.

5. During the period of on or about May 11, 1988, to on or about February

28, 1990, the Respondent provided medical care and treatment to Patient #1 for depression, anxiety and post traumatic stress syndrome.

6. In or about October, 1989, Patient #1 admitted to a Clinic staff therapist that Respondent and Patient #1 had maintained a sexual and social relationship, including sexual intercourse, from on or about January, 1989, through on or about October, 1989.

7. Patient #1 stated that on numerous and diverse occasion during the period of January, 1989 - October, 1989, she and Respondent engaged in sexual intercourse in her car, at a hotel, at a cottage on a beach and at the Respondent's medical office at the clinic.

8. Patient #1 stated that Respondent bought her jewelry and clothing using his credit card.

COUNT ONE

9. Petitioner realleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein this Count One.

10. Respondent exercised influence within a patient-physician relationship for the purpose of engaging a patient in sexual activity in that Respondent established a sexual relationship with Patient #1 who was under his psychiatric care.

11. Based on the foregoing, Respondent has violated Section 458.331(1)(j), Florida Statutes, by exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his physician.

COUNT TWO

12. Petitioner realleges and incorporates paragraphs one (1) through eight (8) and ten (10) as if fully set forth herein this Count Two.

13. Respondent failed to practice medicine with an acceptable level of care, skill and treatment in that Respondent established a sexual relationship with Patient #1, who was under his psychiatric care.

14. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, in that Respondent is guilty of gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT THREE

15. Petitioner realleges and incorporates paragraphs one (1) through eight (8), ten (10), and thirteen (13) as if fully set forth herein this Count Three.

16. Respondent committed sexual misconduct in the practice of medicine in violation of Section 458.329, Florida Statutes, in that Respondent established a sexual relationship with Patient #1, [a minor] who was under his psychiatric care.

17. Based on the foregoing, Respondent has violated Section 458.331(1)(x), Florida Statutes, by violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 2 day of July, 1991.

George Stuart
Secretary

BY: Larry G. McPherson, Jr.
Chief Medical Attorney

Department of Professional Regulation
AGENCY CLERK

J. Wilson
3
CLERK

DATE 7-2-91

000007

COUNSEL FOR DEPARTMENT:

**Larry G. McPherson, Jr.
Senior Attorney
Florida Bar No. 788643
Department of Professional
Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0750**

LAQP/HJS/avs

**PCP: May 13, 1991
Burt, Campbell, Wertheimer**

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION
BOARD OF MEDICINE

Final Order No. AHCA-95-01124 Date 8-12-95

AGENCY FOR HEALTH CARE
ADMINISTRATION, BOARD OF
MEDICINE,

FILED

Agency for Health Care Administration
AGENCY CLERK

R.S. Power, Agency Clerk

By: *R.S. Power*
Deputy Agency Clerk

Petitioner,

v.

AHCA CASE NO: 90-05727
DOAH CASE NO: 91-6205
LICENSE NO: ME 0041587

JAN A. SALZBERG, M.D.,

Respondent.

CORRECTED FINAL ORDER

THIS MATTER was heard by the Board of Medicine (hereinafter Board) pursuant to Section 120.57(1)(b)10, Florida Statutes, on June 10, 1995, in Gainesville, Florida, for consideration of the Hearing Officer's Recommended Order (Attached as App. A), Respondent's Exceptions to the Recommendation of the Hearing Officer and Supplemental Exceptions to the Recommendation of the Hearing Officer (Attached as App. B.), Petitioner's Response to the Respondent's Exceptions to the Recommended Order and to Respondent's Supplemental Exceptions to the Recommendation of the Hearing Officer (Attached as App. C), The Hearing Officer's Order on Remand (attached as App. D), Respondent's Exceptions to The Order on Remand (Attached as App. E) and Petitioner's Response to Respondent's Exceptions to the Order on Remand (Attached as App. F) in the case of Agency for Health Care Administration, Board of Medicine v. Jan A. Salzberg, M.D. At the hearing before the Board, Petitioner was represented by Monica Felder, Medical Attorney.

Respondent was present and represented by E. Ross Zimmerman, Esquire. Upon consideration of the Hearing Officer's Recommended Order, the Hearing Officer's Order on Remand, the Exceptions and Responses of the parties thereto and after review of the complete record and having been otherwise fully advised in its premises, the Board makes the following findings and conclusions:

BULINGS ON EXCEPTIONS TO THE HEARING OFFICER'S ORDER ON REMAND

1. The Respondent's Exception that the Hearing Officer erred in the decision not to reopen this case is rejected. For reasons stated in the Petitioner's Response to the Respondent's Exceptions (Attached as App. F), the Hearing Officer accepted as true the proffered evidence and applied the established case law and found that the proffered evidence did not meet the legal requirements because the new evidence proffered by the Respondent would not change the result and was cumulative and impeaching at best.

2. The Respondent's Exception that the Hearing Officer erred by not revisiting the appropriateness of the recommended penalty, is rejected. For reasons stated in the Petitioner's Response to the Respondent's Exceptions (Attached as App. F), the Hearing Officer clearly stated in the Order on Remand that none of the evidence proffered by the Respondent would change his recommendation in this case. His recommendation in this case included a penalty of revocation.

3. The Board accepts and adopts the Hearing Officer's Order that Respondent's Motion to Reopen the case is denied, that the issues raised in the Respondent's Motion to The Hearing Officer to

reopen the case do not provide any basis upon which changes should be made to the Recommended Order and that the case is returned to the Board for final action.

RULINGS ON RESPONDENT'S EXCEPTIONS TO THE FINDINGS OF FACT

1. Respondent's Exception to paragraph 5 of the Findings of Fact of the Recommended Order of the Hearing Officer regarding the patient's hallucinations at the Nova Clinic, is rejected. For reasons stated in the Petitioner's Response to the Respondent's Exceptions (Attached as App. C), this finding of fact was based upon competent, substantial evidence.

2. Respondent's Exception to paragraph 6 of the Findings of Fact of the Recommended Order of the Hearing Officer regarding the credibility of the patient in her recollection of events, is rejected. For reasons stated in the Petitioner's Response to the Respondent's Exceptions (Attached as App. C), this finding of fact was based upon the Hearing Officer determining credibility of witnesses and reweighing evidence or the credibility of witnesses is not a matter subject to review by the Board.

3. Respondent's Exception to paragraph 7 of the Findings of Fact of the Recommended Order of the Hearing Officer regarding the credibility of the witness Ms. Bertera in her recollection of events, is rejected. For reasons stated in the Petitioner's Response to the Respondent's Exceptions (Attached as App. C), this finding of fact was based upon the Hearing Officer determining credibility of witnesses and reweighing evidence or the credibility of witnesses is not a matter subject to review by the Board.

4. Respondent's Exception to paragraphs 9 and 10 of the Findings of Fact of the Recommended Order of the Hearing Officer regarding the credibility of the patient and the Respondent, is rejected. For reasons stated in the Petitioner's Response to the Respondent's Exceptions (Attached as App. C), this finding of fact was based upon the Hearing Officer determining credibility of witnesses and reweighing evidence or the credibility of witnesses is not a matter subject to review by the Board.

5. Respondent's Exception to paragraph 11 of the Findings of Fact of the Recommended Order of the Hearing Officer regarding the credibility of the patient and her father, is rejected. For reasons stated in the Petitioner's Response to the Respondent's Exceptions (Attached as App. C), this finding of fact was based upon the Hearing Officer determining credibility of witnesses and reweighing evidence or the credibility of witnesses is not a matter subject to review by the Board.

6. Respondent's Exception to paragraphs 12 and 13 of the Findings of Fact of the Recommended Order of the Hearing Officer regarding independent evidence to support the finding of the Respondent's public affection to the patient, is rejected. For reasons stated in the Petitioner's Response to the Respondent's Exceptions (Attached as App. C), this finding of fact was based upon competent, substantial evidence of several witnesses and receipts for gifts purchased by Respondent for the patient.

7. Respondent's Exception to paragraphs 14 and 16 of the Findings of Fact of the Recommended Order of the Hearing Officer

regarding the credibility of the patient recollection of events based upon a psychiatric disorder, is rejected. For reasons stated in the Petitioner's Response to the Respondent's Exceptions (Attached as App. C), this finding of fact was based upon the Hearing Officer determining credibility of witnesses and reweighing evidence or the credibility of witnesses is not a matter subject to review by the Board.

8. Respondent's Exception to paragraph 15 of the Findings of Fact of the Recommended Order of the Hearing Officer regarding the credibility of the witness Carol Trick's recollection of events, is rejected. For reasons stated in the Petitioner's Response to the Respondent's Exceptions (Attached as App. C), this finding of fact was based upon the Hearing Officer determining credibility of witnesses and reweighing evidence or the credibility of witnesses is not a matter subject to review by the Board.

9. Respondent's Exception to paragraph 18 of the Findings of Fact of the Recommended Order of the Hearing Officer that the relationship between the Respondent and the patient was below an acceptable standard of care, is rejected. For reasons stated in the Petitioner's Response to the Respondent's Exceptions (Attached as App. C), this finding of fact was based upon competent, substantial evidence.

10. Respondent's last exception to the Findings of Fact of the Recommended Order of the Hearing Officer that the case should be reopened for what the Respondent describes as new evidence, is rejected for reasons stated in the Hearings Officer's Order on

Remand.

FINDINGS OF FACT

1. The Hearing Officer's Recommended Findings of Fact are approved and adopted and are incorporated herein by reference as the Findings of Fact of the Board in this cause.

2. There is competent, substantial evidence to support the board's findings herein.

EXCEPTIONS TO THE CONCLUSIONS OF LAW

1. At the time the Board considered the Conclusions of Law of the Recommended Order of the Hearing Officer, the Respondent and the Petitioner specifically agreed to accept a burden of proof of preponderance of the evidence, not clear and convincing evidence, as the applicable standard of proof in this case with the clear understanding that the Board would be limited in imposing any penalty which included revocation or suspension.

2. The Board accepted the agreement of the parties and therefore rejected paragraph 20 of the Conclusions of Law of the Recommended Order and substituted therefore: "Based upon the agreement of the parties being accepted by the Board, in this license discipline proceeding the Petitioner bears the burden of proving its charges by a preponderance of the evidence."

3. The following sentence in paragraphs 24, 25 and 26 of the Conclusions of Law of the Recommended Order is rejected, " This violation has been proved by clear and convincing evidence." The following sentence is hereby substituted therefore: " This violation has been proved by a preponderance of the evidence."

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the parties and subject matter of this case pursuant to Section 120.57 and Chapter 458, Florida Statutes.

2. The Conclusions of Law of the Recommended Order, as amended, are approved and adopted and incorporated herein.

DISPOSITION

Based upon the Recommended Findings of Fact and Conclusions of Law, as amended, the Respondent has violated Sections 458.331(1)(j), (t) and (x), Florida Statutes.

In light of the foregoing Findings of Fact and Conclusions of Law, as amended, the Board hereby determines that pursuant to Section 458.331(1)(3), Florida Statutes, the penalty recommended by the Hearing Officer is inappropriate.

WHEREFORE, it is found, ordered and adjudged that the Respondent is guilty of violating Section 458.331(1)(j), (t) and (x), Florida Statutes as alleged in the Administrative Complaint and pursuant to Rule 59R-8, F.A.C., the Board of Medicine imposes the following penalty.

1. The Respondent shall pay an administrative fine in the amount of five thousand (\$5,000) dollars to be paid in full before probation is lifted.

2. During the next two years, Respondent shall be restricted to practicing in a prison setting with only male inmates. He shall not treat female patients unless and until he appears before the Board and demonstrates he can practice with skill and safety, at

which time the Board may modify the terms of probation, if necessary.

3. Upon the filing of the Final Order in this cause, the Respondent's license to practice medicine in the State of Florida shall be placed on probation for a period of five (5) years the terms and conditions of which are as follows:

1. Respondent shall comply with all state and federal statutes, rules, and regulations pertaining to the practice of medicine, including Chapters 455, 458, 893, Florida Statutes, and Rule 59R, Florida Administrative Code.

2. Respondent shall appear before the Board's Probationer's Committee at the first meeting after said probation commences, at the last meeting of the Board's Probationer's Committee preceding termination of probation, annually, and at such other times as requested by the Board's Probationer's Committee. Respondent shall be noticed by Board staff of the date, time and place of the meeting 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 the Final Order entered in this matter, and shall subject the Respondent to disciplinary action.

3. In the event the Respondent leaves the State of Florida for a period of thirty days or more or otherwise does not engage in the active practice of medicine in the State of Florida, then certain provisions of Respondent's probation (and only those provisions of said probation) shall be tolled as enumerated below

and shall remain in a tolled status until Respondent returns to active practice in the State of Florida. Respondent must keep current residence and business addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, Respondent shall notify the Board within ten (10) days in the event that Respondent leaves the active practice of medicine in Florida.

4. In the event that Respondent leaves the active practice of medicine in this state for a period of thirty days or more, the following provisions of his probation shall be tolled:

a. The time period of probation shall be tolled.

b. The provisions regarding supervision, whether direct or indirect by another physician, included in paragraphs 6 through 9 below (where applicable).

c. The provisions regarding preparation of investigative reports detailing compliance with this Stipulation.

5. In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Board's Probationer's Committee may require Respondent to appear before the Probationer's Committee and demonstrate his ability to practice medicine with skill and safety to patients prior to resuming the practice of medicine in this State.

6. Respondent shall not practice except under the indirect supervision of a physician fully licensed under Chapter 458 who has been approved by the Board or its Probationer's Committee. Absent provision for and compliance with the terms

regarding temporary approval of a monitoring physician set forth in paragraph 2 below, Respondent shall cease practice and not practice until the Board's Probationer's Committee approves a monitoring physician. Respondent shall have the monitoring physician with him at his first probation appearance before the Board's Probationer's Committee. A failure of the Respondent or his monitoring physician to appear at the scheduled probation meeting shall constitute a violation of the Board's Final Order. Failure of the Respondent or the monitoring physician to appear at the scheduled Probation Committee shall constitute a violation of this Order. Prior to approval of the monitoring physician by the Board's Probationer's Committee, the Respondent shall provide to the monitoring physician a copy of the Administrative Complaint and Final Order filed in this case. Prior to the approval of the monitoring physician by the Board's Probationer's Committee, Respondent shall submit to the Board's Probationer's Committee a current curriculum vitae and description of the current practice from 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 attached definition of a monitoring physician is incorporated herein. 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.

Respondent shall be responsible for ensuring that the monitoring physician submits the required reports.

(b) Review 15% percent of Respondent's patient records selected on a random basis at least once every month. In order to comply with this responsibility of random review, the monitoring physician shall go to Respondent's office once every month. At that time, the monitoring physician shall be responsible for making the random selection of the records to be reviewed by the monitoring physician.

(c) Report to the Board any violations by the probationer of Chapter 455 and 458, Florida Statutes, and the rules promulgated pursuant thereto.

7. The Board shall confer authority on the Chairman of the Board's Probationer's Committee to temporarily approve Respondent's supervisory/monitoring physician. In order to obtain this temporary approval, Respondent shall submit to the Chairman of the Board's Probationer's Committee the name and curriculum vitae of the proposed supervising/ monitoring physician. This

information shall be furnished to the Chairman of the Board's Probationer's Committee by way of the Board of Medicine's executive director, within 48 hours after Respondent receives the Final Order in this matter. This information may be faxed to the Board of Medicine at (904) 487-9622 or may be sent by overnight mail or hand delivery to the Board of Medicine at the Department of Professional Regulation, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-0750. In order to provide time for Respondent's proposed supervisory/monitoring physician to be approved or disapproved by the Chairman of the Board's Probationer's Committee, Respondent shall be allowed to practice medicine while approval is being sought, but only for a period of five working days after Respondent receives the Final Order. If Respondent's supervising/monitoring physician has not been approved during that time frame, then Respondent shall cease practicing until such time as the supervising/monitoring physician is temporarily approved. In the event that the proposed monitoring/supervising physician is not approved, then Respondent shall cease practicing immediately. Should Respondent's monitoring/supervising physician be approved, said approval shall only remain in effect until the next meeting of the Board's Probationer's Committee. Absent said approval, Respondent shall not practice medicine until a monitoring/supervising physician is approved.

8. In view of the need for ongoing and continuous monitoring or supervision, Respondent shall also submit the curriculum vitae and name of an alternate supervising/monitoring

physician to be approved by the Board or its Probationer's Committee. Such physician shall be licensed pursuant to Chapter 458, Florida Statutes, and shall have the same duties and responsibilities as specified for Respondent's monitoring/supervising physician during those periods of time which Respondent's monitoring/supervising physician is temporarily unable to provide supervision. Prior to practicing under the indirect supervision of the alternate monitoring physician or the direct supervision of the alternate supervising physician, Respondent shall so advise the Board's Probationer's Committee in writing. Respondent shall further advise the Board's Probationer's Committee in writing of the period of time during which Respondent shall practice under the supervision of the alternate monitoring/supervising physician. Respondent shall not practice unless he is under the supervision of either the approved supervising/monitoring physician or the approved alternate.

9. Respondent shall submit quarterly reports in affidavit form, the contents of which shall be specified by the Board. The reports shall include:

- (a) Brief statement of why physician is on probation..
- (b) Practice location.
- (c) Describe current practice (type and composition).
- (d) Brief statement of compliance with probationary terms.

(e) Describe relationship with monitoring/supervising physician.

(f) Advise Board of any problems.

10. Respondent shall participate and comply with the Physicians' Recovery Network. Respondent shall enter into an after care contract with the Physicians' Recovery Network and shall cause the medical director of the Network to send the Board a copy of that after care contract. Respondent shall comply with all of the conditions of his after care contract with the Florida Medical Foundation's Physicians' Recovery Network. Respondent shall execute a release for the Physicians' Recovery Network to authorize the Network to release information and medical records (including psychiatric records and records relating to treatment for drug dependence and alcoholism) to the Board as needed to monitor the progress of Respondent in the Network's program.

11. Respondent shall cause the director of the Physicians' Recovery Network to report to the Board any problems that may occur with Respondent and any violations of Chapter 458, Florida Statutes, that occur. Respondent shall cause the director to make such a report within 30 days of the occurrence of any problems, or violations of Chapter 458, Florida Statutes.

12. Respondent understands that during this period of probation, semi-annual investigative reports will be compiled with the Department concerning his compliance with the terms and conditions of probation and the rules and statutes regulating the practice of medicine.

13. Respondent shall pay all costs necessary to comply with the terms of the Final Order issued based on this proceeding. Such costs include, but are not limited to, the costs of preparation of the investigative reports detailing compliance with the terms of the Final Order entered in this case, the cost of analysis of any blood or urine specimens submitted pursuant to the Final Order entered as a result of this proceeding, and administrative costs directly associated with Respondent's probation. See Section 458.331(2), Florida Statutes.

**PROVISIONS GOVERNING PHYSICIANS PRACTICING UNDER
SUPERVISION OF ANOTHER PHYSICIAN**

I. DEFINITIONS:

A. INDIRECT SUPERVISION is supervision by a monitoring physician whose responsibilities are set by the Board. Indirect supervision does not require that the monitor practice on the same premises as the Respondent. However, the monitor shall practice within a reasonable geographic proximity to Respondent, which shall be within 20 miles unless otherwise provided by the Board's Probationer's Committee, and shall be readily available for consultation. The monitor shall be board-certified in the same specialty area in which Respondent practices, unless otherwise ordered by the Board's Probationer's Committee.

B. DIRECT SUPERVISION is supervision by a supervising physician. Direct supervision requires that the supervisor and Respondent work on the same premises. Specific responsibilities are set by the Board. The supervisor shall be board-certified in

the same specialty area in which Respondent practices, unless otherwise ordered by the Probationer's Committee.

II. Provisions governing all supervised or monitored physicians:

A. The supervisor/monitor shall be furnished with copies of the Administrative Complaint, Final Order, Stipulation (if applicable), and other relevant orders.

B. The Respondent shall not practice without a monitoring or supervising physician unless otherwise ordered by the Board. The Respondent shall appear at the next meeting of the Board's Probationer's Committee following entry of a Final Order with his proposed supervisor or monitor unless otherwise ordered by the Board. In the event that Respondent has not obtained temporary approval of his monitor or supervisor by the Chairman of the Board's Probationer's Committee prior to that first meeting of the Board's Probationer's Committee, then Respondent may not practice medicine until he has obtained such approval. Temporary approval is only available if provided for in the Final Order.

C. After the next meeting of the Board's Probationer's Committee occurs Respondent shall only practice under the supervision of the supervisor or monitor. If for any reason the approved supervisor or monitor is unwilling or unable to serve, Respondent shall immediately notify the Executive Director of the Board and shall cease practice until a temporary supervisor/monitor is approved. The chairman of the Board's Probationer's Committee may approve a temporary supervisor or monitor who may serve in that

capacity until the next meeting of the Board's Probationer's Committee at which time the Board's Probationer's Committee shall accept or reject a new proposed supervisor or monitor. If the new proposed supervisor/monitor is rejected, Respondent shall cease practice until a new supervisor or monitor is temporarily approved by the Chairman of the Board's Probationer's Committee. Furthermore, the monitoring or supervising physician shall appear at the next meeting of the Board's Probationer's Committee, and at such other times as are requested by the Board's Probationer's Committee. Failure to appear by the monitor or supervisor as directed shall constitute a violation of the Board's Final Order.

D. The supervisor or monitor must be a licensee under Chapter 458, Florida Statutes, in good standing without restriction or limitation on his license. In addition, the Board's Probationer's Committee may reject any proposed supervisor or monitor on the basis that he has previously been subject to any disciplinary action against his medical license in this or any other jurisdiction. The supervisor or monitor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board's Probationer's Committee. The Board's Probationer's Committee may also reject the proposed supervisor/monitor for good cause shown.

NOTICE

The parties are hereby notified pursuant to Section 120.59(4), Florida Statutes, that an appeal of this Final Order may be taken pursuant to Section 120.68, Florida Statutes, by filing one copy of

a Notice of Appeal with the Clerk of the Agency for Health Care Administration and one copy of a Notice of Appeal with the required filing fee with the District Court of Appeal within thirty (30) days of the date this Final Order is filed.

This Corrected Final Order takes effect upon the filing with the Clerk of the Agency Nunc Pro Tunc.

DONE and ORDERED this 10th DAY OF June, 1995.

BOARD OF MEDICINE


GARY E. WINCHESTER, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order and its attachments have been forwarded by U.S. Mail to Jan A. Salzberg, M.D., 91 U.S. West 22nd CL (b), Fort Lauderdale, Florida 33324, E. Ross Zimmerman, Esquire, Weinstein, Zimmerman and Nussbaum, Third Floor, 7880 North University Drive, Tamarac, Florida 33321 and Michael M. Parrish, Hearing Officer, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550 and by hand delivery to Larry G. McPherson, Jr., Chief Medical Attorney, Agency for Health Care Administration, 1940 North Monroe Street, Tallahassee, Florida 32399-0792 on this _____ day of _____, 1995.

Marn Harris, Ed.D.
Executive Director