

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-16-0273-S -MQA

FILED DATE **FEB 16 2016**
Department of Health

By: Angel Saucedo
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2015-21387
LICENSE NO.: ME0062603

GWENDOLYN M. MERCER, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on February 5, 2016, in Orlando, Florida, for the purpose of considering Respondent's offer to voluntarily relinquish her license to practice medicine in the State of Florida. (Attached hereto as Exhibit A.) Said written offer of relinquishment specifically provides that Respondent agrees never again to apply for licensure as a physician in the State of Florida.

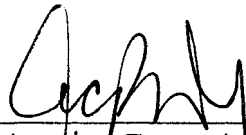
Upon consideration of the written offer of voluntary relinquishment, the charges, and the other documents of record, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED that Respondent's Voluntary Relinquishment of her license to practice medicine in the State of Florida is hereby ACCEPTED, and shall constitute discipline upon Respondent's license.

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

DONE AND ORDERED this 15 day of February, 2016.

BOARD OF MEDICINE



Adrienne Rodgers, Interim Executive Director
For Steven Rosenberg, M.D., Chair

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 GWENDOLYN M. MERCER, M.D., 615 Merioneth Drive, NE, Fort Walton, Beach, Florida 32547; by email to Yolonda Green, Assistant General Counsel, Department of Health, at Yolonda.Green@flhealth.gov; and by email to Edward A. Tellechea, Chief Assistant Attorney General, at Ed.Tellechea@myfloridalegal.com this 16th day of February, 2016.



Deputy Agency Clerk

FILED
Department Of Health
Deputy Clerk
CLERK *Angel Sanders*
DATE 12/10/2015

Department of Health
OCT. 26 2015
ISU/Pensacola

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,
Petitioner,

v.

DOH Case No. ME 2015-21387

GWENDOLYN M. MERCER, M.D.
Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent GWENDOLYN M. MERCER, M.D., license No. ME 62603, hereby voluntarily relinquishes Respondent's license to practice medicine in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Medicine (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes. As with any disciplinary action, this relinquishment will be reported to the National Practitioner Data Bank as disciplinary action. Licensing authorities in other states may impose discipline in their jurisdiction based on discipline taken in Florida.

2. Respondent agrees to never reapply for licensure as a medicine in the State of Florida.

3. Respondent agrees to voluntarily cease practicing medicine immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of medicine until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

4. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public.

5. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

6. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

7. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this

Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 20 day of October, 2015.

Gwendolyn M. Mercer M.D.
GWENDOLYN M. MERCER, M.D.

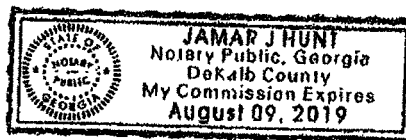
STATE OF Georgia
COUNTY OF DeKalb

Before me, personally appeared Gwendolyn Mercer, whose identity is known to me or who produced Drivers license (type of identification) and who, under oath, acknowledges that his signature appears above.

Sworn to and subscribed before me this 20th day of Oct, 2015.

Jamar J Hunt
NOTARY PUBLIC

My Commission Expires: August 09, 2019





STATE OF FLORIDA

DEPARTMENT OF HEALTH



INVESTIGATIVE REPORT

Office: Area I - Pensacola		Date of Complaint: 08/03/2015	Case Number: 201521387
Subject: GWENDOLYN M. MERCER, MD 615 Merioneth Drive NE Fort Walton Beach, FL 32547 * 850-585-0588		Source: DOH / CONSUMER SERVICES UNIT (DOH) 4052 Bald Cypress Way, Bin C-75 Tallahassee, FL 32399 850-245-4339	
Profession: MEDICAL DOCTOR		License Number and Status: ME 62603 – DELINQUENT / ACTIVE	
Related Case(s): NONE		Period of Investigation and Type of Report: 08/07/2015 through 10/23/2015 - FINAL	
Alleged Violation: FS 456.44(3)(f), FS 456.072(1)(k)(dd)(gg)(mm), FS 458.331(1)(g)(nn)			
Synopsis: This investigation is predicated upon receipt of a complaint (Case Summary and attachments) (EXHIBIT 1) from DOH regarding MERCER. On 03/13/2014, MERCER voluntarily surrendered her Florida DEA Registration # BH4926549. DEA Agents found MERCER using her Florida DEA Registration to prescribe medication to residents in Florida while MERCER was residing in Georgia. Prior to leaving Florida, but after MERCER's Florida practice closed, MERCER continued to see patients at her home and other business establishments. MERCER treated these patients and wrote prescriptions for them using her Florida DEA Registration # BH4926549.			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Subject Notification Completed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Subject Responded? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Patient Notification Completed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Above referenced licensure checked in database/LEIDS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Board certified? Name of Board: American Board of Psychiatry and Neurology Date: 01/30/1994 Specialty: Psychiatry			
Law Enforcement <input type="checkbox"/> Notified Date: <input type="checkbox"/> Involved Agency:			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Subject represented by an attorney? Attorney information:			
* The following address was discovered and confirmed during this investigation, GWENDOLYN M. MERCER, MD, 3131 N. Druid Hills Road, Apt. 7203, Decatur, GA 30033.			
Investigator/Date: 10/23/2015		Approved By/Date: 10/23/2015	
Janie M. Brissett, BI-39, Investigator		Cathy Martin, Investigator Supervisor	
Distribution: HQ/ISU			Page 1