

Final Order No. DOH-21-1853<sup>S</sup> -MQA  
FILED DATE - DEC 27 2021  
Department of Health  
By: Amy R. Conway  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2021-03117  
LICENSE NO.: ME0051766

ALAN J. WALDMAN, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on December 3, 2021, in Orlando, Florida, for the purpose of considering Respondent's offer to voluntarily relinquish his 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 his 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 22nd day of December, 2021.

BOARD OF MEDICINE

*Paul A. Vazquez*

Paul A. Vazquez (Dec 22, 2021 12:05 EST)

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Paul A. Vazquez, J.D., Executive Director  
For Zachariah P. Zachariah, 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: Alan J. Waldman, M.D., 10046 SW 44<sup>th</sup> Lane, Gainesville, FL 32608; by email to: Chad Dunn, Chief Legal Counsel, Department of Health, at Chad.Dunn@flhealth.gov; and Edward A. Tellechea, Chief Assistant Attorney General, at Ed.Tellechea@myfloridalegal.com this 27 day of December, 2021.



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Deputy Agency Clerk

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK: *Amanda Morales*  
DATE: AUG 11 2021

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**v.**

**DOH Case Number 2021-03117**

**ALAN J. WALDMAN, M.D.,**

**Respondent.**

\_\_\_\_\_ /

**VOLUNTARY RELINQUISHMENT OF LICENSE**

Respondent Alan J. Waldman, M.D., license number ME 51766, hereby voluntarily relinquishes Respondent's license to practice as a medical doctor 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 medical doctor 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. If Respondent is a records owner, Respondent agrees to notify the Board specifying the new records owner and where medical records can be found.

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, 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 by the public. Respondent understands that this waiver of confidentiality is a permanent, non-revocable waiver.

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 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 10th day of August, 2021.


  
**ALAN J. WALDMAN, M.D.**  
**CASE NO.: 2021-03117**

STATE OF Florida  
COUNTY OF Alachua

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 10th day of August, 2021, by Alan J. Waldman, M.D.



Ellen Walker  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG317411  
Expires 4/16/2023



Signature of Notary Public  
Print, Type or Stamp Commissioned name of Notary Public Ellen Walker  
My Commission Expires: 4/16/23

Personally Known \_\_\_\_\_ OR Produced Identification

Type of Identification Produced FL Driver License

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2021-03117**

**ALAN J. WALDMAN, M.D.,**

**RESPONDENT.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner Department of Health (Department) files this Administrative Complaint before the Board of Medicine (Board) against Respondent Alan J. Waldman, M.D., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to section 20.43, Florida Statutes (2020); chapter 456, Florida Statutes (2020); and chapter 458, Florida Statutes (2020).

2. At all times material to this Complaint, Respondent was licensed to practice as a medical doctor within the State of Florida, having been issued license number ME 51766.



3. At all times material to this Complaint, Respondent's address of record is 10046 Southwest 44th Lane, Gainesville, Florida 32608.

4. On November 30, 2020, Jamie Smolen, M.D., (Dr. Smolen) a physician specializing in addiction medicine, evaluated Respondent.

5. Dr. Smolen diagnosed Respondent with moderate opioid use disorder, mild sedative/hypnotic/anxiolytic use disorder, and/or unspecified stimulant use disorder.

6. Dr. Smolen opined that Respondent is unable to practice as a medical doctor with reasonable skill and safety to patients.

7. Section 458.331(1)(s), Florida Statutes (2020), authorizes the Board of Medicine to impose discipline against a licensee for being unable to practice as a medical doctor with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition.

8. Respondent is unable to practice as a medical doctor with reasonable skill and safety to patients due to his moderate opioid use disorder, mild sedative/hypnotic/anxiolytic use disorder, and unspecified stimulant use disorder.

9. Based on the foregoing, Respondent violated section

458.331(1)(s).

**WHEREFORE**, Petitioner respectfully requests that the Board enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent’s license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 19th day of April 2021.

Scott A. Rivkees, M.D.  
State Surgeon General

*/s/ Kristen Summers, for*  
Gerald C. Henley, II, Esq.  
Assistant General Counsel  
Department of Health  
Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, FL 32399-3265  
(850) 558-9832 TELEPHONE  
(850) 245-4662 FAX  
Florida Bar No. 1005574  
Gerald.Henley@flhealth.gov

**FILED**  
**DEPARTMENT OF HEALTH**  
**DEPUTY CLERK**  
CLERK: *Bridget Coates*  
DATE: **APR 19 2021**

PCP Meeting: April 19, 2021  
PCP Members: Gupta, Ackerman and Romanello

### **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested. A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.**

**Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.**

### **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition any other discipline imposed.**