

FILED DATE **JUN 21 2022**

Department of Health

By: 
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2021-34814
LICENSE NO.: ME0083014

MARK ANTONIO HERNANDEZ, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on June 3, 2022, in Orlando, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause pursuant to Respondent's Election of Rights. At the hearing, Petitioner was represented by Kristen Summers, Chief Legal Counsel. Respondent was not present and was not represented by counsel. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and

incorporated herein by reference as the conclusions of law by the Board.

3. The violations set forth warrant disciplinary action by the Board.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

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

RULING ON MOTION TO ASSESS COSTS

At the Hearing on this matter, Petitioner waived its Motion to Assess Costs associated with this matter.

(NOTE: SEE RULE 64B8-8.0011, FLORIDA ADMINISTRATIVE CODE. UNLESS OTHERWISE SPECIFIED BY FINAL ORDER, THE RULE SETS FORTH THE REQUIREMENTS FOR PERFORMANCE OF ALL PENALTIES CONTAINED IN THIS FINAL ORDER.)

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

DONE AND ORDERED this 16th day of June, 2022.

BOARD OF MEDICINE

Paul A. Vazquez

Paul A. Vazquez (Jun 16, 2022 10:36 EDT)

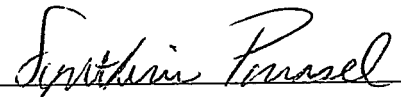
Paul A. Vazquez, J.D., Executive Director
For David A. Diamond, M.D., Chair

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 DEPARTMENT OF HEALTH 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 Certified Mail to: Mark Antonio Hernandez, M.D., 10645 Hammocks Blvd., Ste. 717, Miami, FL 33196; 8440 SW 83rd Street, Miami, FL 33129 and David Raben, Esq, 2250 SW 3rd Avenue, Miami, FL 33129; by email to: Chad Dunn, Deputy General Counsel, Department of Health, at Chad.Dunn@flhealth.gov; and by email to Edward A. Tellechea, Chief Assistant Attorney General, at Ed.Tellechea@myfloridalegal.com this 21st day of June, 2022.


Deputy Agency Clerk

|||||
Mark Antonio Hernandez, M.D.
10645 Hammocks Blvd., Ste. 717
Miami, FL 33196

Certified Article Number

9414 7266 9904 2185 1142 49

SENDER'S RECORD

|||||
Mark Antonio Hernandez, M.D.
8440 SW 83rd Street
Miami, FL 33129

Certified Article Number

9414 7266 9904 2185 1142 32

SENDER'S RECORD

|||||
Mark Antonio Hernandez, M.D.
C/o: David Raben
2250 SW 3rd Avenue
Miami, FL 33129

Certified Article Number

9414 7266 9904 2185 1142 25

SENDER'S RECORD

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

DOH CASE NO. 2021-34814

MARK HERNANDEZ, M.D.,

RESPONDENT.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through its undersigned counsel, files this Administrative Complaint before the Board of Medicine against Respondent, Mark Hernandez, M.D., and in support thereof alleges:

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

2. At all times material to this Complaint, Respondent was a licensed physician within the state of Florida, having been issued license number ME83014.

3. Respondent's address of record is 10645 Hammocks Blvd., #717, Miami, Florida 33196.

4. On or about August 16, 2021, Respondent pled guilty in the United States District Court for the Southern District of Florida to one count of conspiracy to commit health care and wire fraud, in violation of 18 U.S.C. section 1349.

5. Section 456.072(1)(II), Florida Statutes (2019), subjects a licensee to discipline for being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.

6. Respondent entered a plea of guilty to conspiracy to commit health care and wire fraud, which is a crime that is related to health care fraud.

7. Based on the foregoing, Respondent has violated section 456.072(1)(II), Florida Statutes, by being convicted of, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine 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 21st day of January 2022.

Joseph A. Ladapo, M.D.
State Surgeon General

/s/ Michael J. Williams

Michael J. Williams
Assistant General Counsel
Florida Bar No. 109786
FDOH — Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
(850) 245 - 4640 Telephone
(850) 245 - 4662 Facsimile
Michael.Williams2@flhealth.gov

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Amy Laraway*

DATE JAN 24 2022

MJW/gs

PCP: January 21, 2022

PCP Members: George El-Bahri, M.D.; Scot Ackerman, M.D., Nicholas Romanello

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Sections 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 to any other discipline imposed.