

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-25-0674-5 -MQA

FILED DATE APR 30 2025
Department of Health

By: Anna R. Conway
Deputy Agency

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2021-35568

LICENSE NO.: ME0048232

MICHAEL JOHN MARCHESE, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on April 4, 2025, in Kissimmee, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the following clarification:

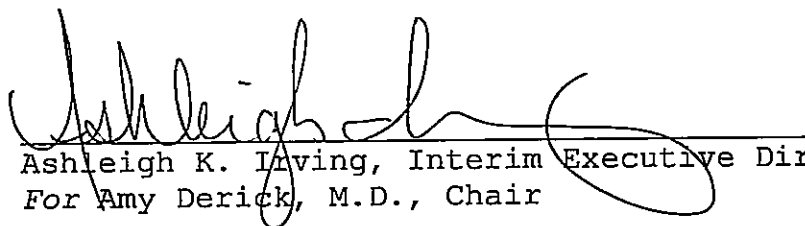
The costs set forth in Paragraph 9 of the Stipulated Disposition shall be set at \$4,864.90.

Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as clarified above.

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

DONE AND ORDERED this 29th day of April, 2025.

BOARD OF MEDICINE


Ashleigh K. Irving, Interim Executive Director
For Amy Derick, 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: Michael John Marchese, M.D., at 9303 SW 53 Lane, Gainesville, FL 32608 and Ron Kozlowski, Esq., at 102 NW Second Avenue, Gainesville, FL 32601; by email to: Ron Kozlowski, Esq., at mjmcarlisle@aol.com; Andrew Pietrylo, Chief Legal Counsel, Department of Health, at Andrew.Pietrylo@flhealth.gov; and Allison M. Dudley, Senior Assistant Attorney General, at Allison.Dudley@myfloridalegal.com this 30th day of April, 2025.

Amy P. Conway

Deputy Agency Clerk

Mission:

To protect, promote and improve the health of all people in Florida through integrated state, county and community efforts.

**Ron DeSantis**

Governor

Joseph A. Ladapo, MD, PhD

State Surgeon General

Vision: To be the Healthiest State in the Nation

MEMORANDUM

DATE: April 8, 2025

TO: Jennifer L. Wenhold, MSW, CPM, Director
Division of Medical Quality Assurance

FROM: Jessica Nijem, Bureau Chief
Bureau of Health Care Practitioner Regulation

SUBJECT: Delegation of Authority

This is to advise that beginning April 9, 2025, Ashleigh Irving is delegated authority to serve as acting Executive Director for the Board of Medicine.

Ashleigh may be reached at 850-245-4462 or by email at Ashleigh.Irving@flhealth.gov.



**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2021-35568

MICHAEL JOHN MARCHESE, M.D.,

Respondent.

_____ /

SETTLEMENT AGREEMENT

Pursuant to section 120.57(4), Florida Statutes, the above-named parties offer this Settlement Agreement ("Agreement") and agree to the entry of a Final Order by the Board of Medicine ("Board") incorporating this Agreement as disposition of this matter, in lieu of any other administrative proceedings.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 48232.
2. Respondent was charged by an Administrative Complaint with violating chapter 456 and/or 458, Florida Statutes. The Administrative Complaint was filed by the Department of Health ("Department") and properly served upon Respondent. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.
3. For purposes of these proceedings, Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

4. Respondent admits that, in their capacity as a licensed physician, they are subject to the provisions of chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

5. Respondent admits that the facts alleged in the Administrative Complaint, if proven, would constitute violations of chapter 456 and/or 458, Florida Statutes.

6. Respondent agrees that the Agreement is a fair, appropriate, and reasonable resolution to this pending matter.

STIPULATED DISPOSITION

7. **Letter of Concern** – The Board shall issue a Letter of Concern against Respondent's license.

8. **Fine** – The Board shall impose an administrative fine of ***\$6,500.00*** against Respondent's license, which Respondent shall pay to:

Payments – DOH Compliance Management Unit
Bin C-76
P.O. Box 6320
Tallahassee, FL 32314-6320

Payment in full of the fine must be made within **thirty (30) days** of the date of filing of the Final Order accepting this Agreement. Any change in the terms of payment of any fine imposed **must be approved in advance by the Probation Committee of the Board.**

9. **Reimbursement of Costs** – Pursuant to Section 456.072(4), Florida Statutes, Respondent agrees to pay the Department for the Department's costs incurred in the investigation and prosecution of this case ("Department costs"). Such costs do not

include the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, any other costs Respondent incurs to comply with the Final Order, or the Board's administrative costs directly associated with Respondent's probation, if any. Respondent agrees that the amount of Department costs to be paid in this case ***shall not exceed \$6,200.00***. The final amount of Department costs shall be determined at the time that the Board considers this Agreement at a public meeting. Respondent shall pay such Department costs to:

Payments – DOH Compliance Management Unit
Bin C-76
P.O. Box 6320
Tallahassee, FL 32314-6320

Payment in full of the Department costs must be made within **thirty (30) days** of the date of filing of the Final Order accepting this Agreement. Any change in the terms of payment of any costs imposed **must be approved in advance by the Probation Committee of the Board.**

10. **Drug Prescribing CME** – Respondent shall document completion of five (5) hours of continuing medical education (CME) in drug prescribing within one (1) year of the date of filing of the Final Order accepting this Agreement.

11. **Recordkeeping CME** – Respondent shall document completion of three (3) hours of continuing education (CME) in medical recordkeeping within one (1) year of the date of filing of the Final Order accepting this Agreement.

12. **Risk Management CME** – Respondent shall document completion of five (5) hours of continuing medical education (CME) in risk management within one (1) year of the date of filing of the Final Order accepting this Agreement.

STANDARD PROVISIONS

13. **Appearance** – Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

14. **No Force or Effect until Final Order** – It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless the Board enters a Final Order incorporating the terms of this Agreement.

15. **Continuing Medical Education** – Unless otherwise provided in this Agreement, Respondent shall first submit a written request to the Probation Committee for approval prior to completion of any required continuing medical education (CME) course(s). Respondent shall submit documentation to the Board's Compliance Officer of having completed an approved CME course in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this CME course, and all such documentation must be submitted by Respondent to the Board's Compliance Officer within one (1) year of the filing of the Final Order accepting this Agreement. All such documentation shall be sent to the Board's Compliance Officer, regardless of whether some or any of such documentation was provided previously during the course of any audit, discussion with counsel for the Department, or presentation to the Board. CME hours required by this Agreement shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board's Probation Committee or stated in this Agreement,

such CME course(s) shall consist of a formal live lecture format or webinar that complies with the terms of rule 64B8-8.0011, Florida Administrative Code.

16. **Addresses** – Respondent must provide current residence and practice addresses to the Board. Respondent shall notify the Board in writing within fifteen (15) days of any changes of said addresses.

17. **Future Conduct** – In the future, Respondent shall not violate Chapter 456, 458 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice of, or the ability to practice, medicine to include, but not be limited to, all statutory requirements related to practitioner profile and licensure renewal updates. Prior to presentation of this Agreement to the Board, Respondent shall read Chapters 456, 458 and 893 and the rules of the Board of Medicine, at Chapter 64B8, Florida Administrative Code.

18. **Violation of Terms** – It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 458, Florida Statutes.

19. **Purpose of Agreement** – Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of the Agreement. Respondent agrees to support this Agreement at the time it is presented to the Board and shall offer no evidence, testimony, or argument that disputes or contravenes any

stipulated fact or conclusion of law. Respondent shall not request that the Board modify any term of this Agreement at the time when it is presented to the Board, without the consent or agreement of the Department. Furthermore, should this Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of these proceedings.

20. **No Preclusion of Additional Proceedings** – Respondent and the Department fully understand that this Agreement and subsequent Final Order will in no way preclude additional proceedings by the Board and/or the Department against Respondent for any acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

21. **Waiver of Attorney's Fees and Costs** – Upon the Board's acceptance of this Agreement, the parties hereby agree that, with the exception of Department costs set forth above, the parties will bear their own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department and the Board in connection with this matter.

22. **Waiver of Further Procedural Steps** – Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of, or to otherwise challenge or contest the validity of, the Agreement and the Final Order of the Board accepting said Agreement.

SIGNED this 19th day of December, 2024.

Michael John Marchese
Michael John Marchese, M.D.

STATE OF FLORIDA

COUNTY OF Alachua

BEFORE ME personally appeared Michael Marchese, whose identity is known to me or who produced driver license (type of identification) and who, under oath, acknowledges that their signature appears above.

SWORN TO and subscribed before me this 19th day of December, 2024.



MADELIN SMITH
Commission # HH 574092
Expires July 22, 2028

Madelin Smith
NOTARY PUBLIC

My Commission Expires:

For Department use only

APPROVED this _____ day of _____, 202____.

By: Corynn Alberto
Corynn Alberto
Assistant General Counsel
Department of Health

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2021-35568

MICHAEL JOHN MARCHESE, M.D.,

RESPONDENT.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health ("Department") files this Administrative Complaint before the Board of Medicine ("Board") against Respondent Michael John Marchese, MD, 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, and chapters 456 and 458, Florida Statutes.

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 48232.

3. Respondent's address of record is 5214 Southwest 91st Terrace, Suite A, Gainesville, Florida 32608.

4. From on or about June 19, 2021, through on or about August 17, 2021 (treatment period), Respondent treated AW, a 37-year-old female.

5. During the treatment period, Respondent documented diagnoses for AW including Obsessive Compulsive Disorder (OCD), bulimia, Attention Deficit Hyperactivity Disorder (ADHD), and depression.

6. Respondent did not identify or document any signs or symptoms which justified the diagnosis of OCD, bulimia, ADHD, and depression.

7. During the treatment period, Respondent failed to perform, or document performing, a complete history and examination for AW.

8. During the treatment period, Respondent prescribed AW Alprazolam¹ 1mg (three times a day) and Adderall² 20mg.

9. The simultaneous prescribing of Alprazolam, a benzodiazepine, and Adderall, a stimulant, is not recommended given the risks associated with their combination.

10. Respondent did not document justification for prescribing stimulants and benzodiazepines simultaneously.

¹ Alprazolam, sold under the brand name Xanax, is a fast-acting, potent tranquilizer of moderate duration within the triazolobenzodiazepine group of chemicals called benzodiazepines.⁽¹⁰⁾ Alprazolam is most commonly used in management of anxiety disorders, specifically panic disorder or generalized anxiety disorder (GAD)

² Amphetamine and dextroamphetamine, sold under brand name Adderall, combination is used to treat attention-deficit hyperactivity disorder (ADHD) and narcolepsy (uncontrollable desire for sleep or sudden attacks of deep sleep).

11. During the treatment period, Respondent inappropriately prescribed excessive amounts of Alprazolam with multiple refills at a time and without any attempts to taper off.

12. During the treatment period, Respondent did not perform, or document the performance, of urine drug screenings.

13. During the treatment period, Respondent did not inquire, or document inquiring, about AW's substance abuse history.

14. During the treatment period, Respondent did not review, or document review, of the Prescription Monitoring Drug Program (PDMP).

15. During the treatment period, Respondent did not request and/or obtain, or document requesting and/or obtaining, medical records from AW's prior providers.

16. During the treatment period, Respondent did not provide or refer AW for psychotherapy.

17. At all times material, the standard of care required Respondent do one or more of the following:

a. Identify signs or symptoms which justified the diagnosis of
OCD, bulimia, ADHD, and depression;

b. Perform a complete history and examination for AW;

- c. Not prescribe Alprazolam and Adderall in combination without justification;
- d. Not prescribe excessive amount of Alprazolam with multiple refills at a time without any attempts to taper off;
- e. Perform urine drug screenings;
- f. Inquire about AW's substance abuse history;
- g. Review the PDMP report for AW;
- h. Request and/or obtain medical records from AW's prior providers; and/or
- i. Provide or refer AW for psychotherapy.

COUNT I

18. Petitioner realleges and incorporates paragraphs one (1) through seventeen (17) as if fully set forth herein.

19. Section 458.331(1)(t), Florida Statutes (2020-2021), subjects a licensee to discipline for committing medical malpractice as defined in section 456.50, Florida Statutes. Section 456.50(1)(g), Florida Statutes (2020-2021), states medical malpractice means the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure. Section 766.102, Florida Statutes (2020-

2021), provides that the prevailing standard of care for a given health care provider shall be that level of care, skill and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

20. Respondent fell below the minimum standard of care in his treatment of AW in one or more of the following ways:

- a. By failing to identify signs or symptoms which justified the diagnosis of OCD, bulimia, ADHD, and depression;
 - b. By failing to perform a complete history and examination for AW;
 - c. By prescribing Alprazolam and Adderall to AW in combination without justification;
 - d. By prescribing excessive amounts of Alprazolam with multiple refills at a time without any attempts to taper off;
 - e. By failing to perform urine drug screenings;
 - f. By failing to inquire about AW's substance abuse history;
 - g. By failing to review the PDMP report for AW;
 - h. By failing to request and/or obtain medical records from AW's prior providers; and/or
-

i. By failing to provide or refer AW for psychotherapy.

21. Based on the foregoing, Respondent violated section 458.331(1)(t), Florida Statutes.

COUNT II

22. Petitioner realleges and incorporates paragraphs one (1) through sixteen (16) as if fully set forth herein.

23. Section 458.331(1)(m), Florida Statutes (2020-2021), subjects a licensee to discipline for failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

24. Section 458.331(1)(nn), Florida Statutes (2020-2021), provides that violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto constitutes grounds for disciplinary action by the

Board of Medicine.

25. Rule 64B8-9.003, F.A.C., the board's rule, states in relevant part, regarding medical records provides in subsection (3): The medical record shall contain sufficient information to identify the patient, support the diagnosis, justify the treatment and document the course and results of treatment accurately, by including, at a minimum, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; reports of consultations and hospitalizations; and copies of records or reports or other documentation obtained from other health care practitioners at the request of the physician and relied upon by the physician in determining the appropriate treatment of the patient.

26. Respondent violated section 458.331(1)(m) and/or (nn), Florida Statutes, in one or more of the following ways:

- a. By failing to document any signs or symptoms which justified the diagnosis of OCD, bulimia, ADHD, and depression;
 - b. By failing to document a complete history and examination for AW;
 - c. By failing to document justification for prescribing stimulants and benzodiazepines simultaneously;
-

- d. By failing to document performance of urine drug screens;
- e. By failing to document inquiring about AW's substance abuse history;
- f. By failing to document review of the PDMP; and/or
- g. By failing to document requesting and/or obtaining, medical records from AW's prior providers.

27. Based on the foregoing, Respondent violated section 458.331(1)(m) and/or (nn), Florida Statutes.

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 17th day of June 2024.

Joseph A. Ladapo, MD, PhD
State Surgeon General

Corynn Alberto

Corynn Alberto
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Florida Bar Number 068814
(850) 558-9843 Telephone
(850) 245-4683 Facsimile
Corynn.alberto@flhealth.gov

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Christina Jacob*
DATE: **JUN 17** 2024

PCP Meeting: June 14, 2024

PCP Members: Georges El-Bahri, M.D., Patrick Hunter, M.D., Donald Mullins

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.
