

FILED DATE - MAY 06 2024

Department of Health

By Amy R. Conway
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2021-38746

LICENSE NO.: ME00100019

DANIEL AARON WEINBERG, 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 5, 2024, in Tampa, 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:

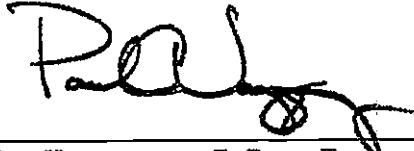
The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$3,215.71.

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 1st day of May, 2024.

BOARD OF MEDICINE

A handwritten signature in black ink, appearing to read "Paul A. Vazquez", written over a horizontal line.

Paul A. Vazquez, J.D., Executive Director
For Nicholas W. Romanello, Esquire, 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: Daniel Aaron Weinberg, M.D., at 209 Islesbrook Pkwy, St. Johns, FL 32259 and Nicole Martell, Esq., at Di Pietro Partners, Attorneys At Law, 901 E. Las Olas Blvd., Suite 202, Ft. Lauderdale, FL 33301; by email to: Nicole Martell, Esq., at nicole@ddpalaw.com; Andrew Pietrylo, Chief Legal Counsel, Department of Health, at Andrew.Pietrylo@flhealth.gov; and Christopher R. Dierlam, Senior

Assistant Attorney General, at Christopher.Dierlam@myfloridalegal.com this 6th day of

May, 2024.

Amy L. Conway

Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2021-38746

DANIEL AARON WEINBERG, M.D.,

Respondent.

SETTLEMENT AGREEMENT

Petitioner, Department of Health ("Department"), and Respondent, Daniel Aaron Weinberg, pursuant to section 120.57(4), Florida Statutes, offer this Settlement Agreement ("Agreement") and agree to the entry of a Final Order of 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 100019.
2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent alleging violations of Chapter 456 and/or 458, Florida Statutes, and the rules adopted pursuant thereto. 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

1. 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.
2. Respondent admits that the facts alleged in the Administrative Complaint, if proven, would constitute violations of Chapter 456 and/or 458, Florida Statutes.
3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. **Letter of Concern** – The Board shall issue a Letter of Concern against Respondent's license.
2. **Fine** – The Board shall impose an administrative fine of ***\$2,500*** 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

All fines shall be paid by cashier's check or money order. Payments must be made within sixty (60) days of the date of filing of the Final Order accepting this Agreement. Any change in the terms of payment of any fine imposed by the Board **must be approved in advance by the Probation Committee of the Board.**

3. **Reimbursement of Costs** – Pursuant to Section 456.072, 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 exclude

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, and 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 is **currently \$2,772.61 but shall not exceed \$4,800.00**. Respondent shall pay such Department costs to:

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

All costs shall be paid by cashier's check or money order. Payments must be made within sixty (60) days of the date of filing of the Final Order accepting this Agreement. Any change in the terms of payment of any fine imposed by the Board **must be approved in advance by the Probation Committee of the Board.**

4. **Laws, Rules, and Ethics Course** – Respondent shall document completion of five (5) hours of Continuing Medical Education (CME) in laws, rules, and ethics within one (1) year from the date the Final Order is filed.

STANDARD PROVISIONS

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

2. **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.

3. **Continuing Medical Education** – Unless otherwise provided in this Agreement Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Respondent shall submit documentation to the Board's Probation Committee of having completed a 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 medical course within one (1) year of the filing of the Final Order in this matter. All such documentation shall be sent to the Board's Probation Committee, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. 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, such CME course(s) shall consist of a formal, live lecture format.

4. **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

5. **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 or the ability to practice medicine to include, but not 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.

6. **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.

7. **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. 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.

8. **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 acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

9. **Waiver of Attorney's Fees And Costs** – Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of Department costs noted 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.

10. **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 incorporating said Agreement.

[Signatures appear on the following page.]

SIGNED this 6th day of December, 2023.

Daniel Aaron Weinberg, M.D.
Daniel Aaron Weinberg, M.D.

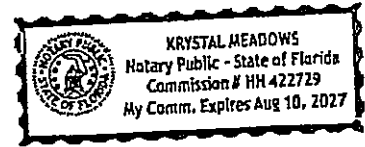
STATE OF FLORIDA
COUNTY OF St. Johns

BEFORE ME personally appeared Daniel Aaron Weinberg, whose identity is known to me or who produced FL DL (type of identification) and who, under oath, acknowledges that their signature appears above.

SWORN TO and subscribed before me this 6 day of December, 2023.

K. Meadows
NOTARY PUBLIC

My Commission Expires: 08-10-2027



APPROVED this 14th day of December, 2023.

Joseph A. Ladapo, MD, PhD
State Surgeon General

By: Richard S. Wagner
Richard S. Wagner, Esq.
Assistant General Counsel
Department of Health

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NUMBER 2021-38746

DANIEL AARON WEINBERG, M.D.,

RESPONDENT.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health hereby files this Administrative Complaint before the Board of Medicine against Respondent Daniel Aaron Weinberg, M.D., and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine 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 medical doctor within the state of Florida, having been issued license number ME 10019.

3. Respondent's address of record is 209 Islesbrook Pkwy. St. Johns, FL 32259.

4. On or about January 17, 2021, Patient K.G. was admitted to Chet Bell Crisis Center ("CBCC") and was examined by K.R., an APRN.

5. Respondent was not present at CBCC on January 17 or January 18, 2021.

6. On or about January 18, 2021, Patient K.G. was transferred to Halifax Medical Center.

7. Patient K.G. was released and transferred from Halifax Medical Center to CBCC at approximately 10:31am on or about January 19, 2021.

8. Respondent documented signing and entering their opinion on the petition for involuntary placement certificate recommending involuntary placement under the Baker Act for Patient K.G. at approximately 10am on or about January 19, 2021.

9. Section 394.467, Florida Statutes, requires that a recommendation for involuntary placement must be supported by the opinion of a psychiatrist that has personally examined the patient within the preceding 72 hours. This recommendation shall be entered on a petition for involuntary placement certificate.

10. Respondent did not personally examine Patient K.G. within the preceding 72 hours of signing and entering their opinion on the petition for involuntary placement certificate.

11. Section 458.331(1)(g), Florida Statutes (2020), subjects a licensee to discipline for failing to perform any statutory or legal obligation placed upon a licensed physician.

12. By entering and signing their opinion on the petition for involuntary placement certificate, Respondent was required to have personally examined Patient K.G. within the preceding 72 hours.

13. Based on the foregoing, Respondent violated section 458.331(1)(g), Florida Statutes (2020), by failing to personally examine Patient K.G. within the preceding 72 hours of entering and signing their recommendation on the petition for involuntary placement certificate.

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 the 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 13th day of October 2023.

Joseph A. Ladapo, MD, PhD.
State Surgeon General

Richard S Wagner
Richard S. Wagner, Esq.
Assistant General Counsel
Office of the General Counsel
Prosecution Services Unit
Florida Department of Health
Florida Bar No. 1032375
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
(850) 558-9842 Telephone
Richard.Wagner@flhealth.gov

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Elizabeth Eubanks*
DATE: October 13, 2023

PCP Date: October 13, 2023

PCP Members: Magda Averhoff, M.D., Luz M. Pages, M.D., and Nicole Justice

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 to any other discipline imposed.