

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NUMBER 2021-38746**

**DANIEL AARON WEINBERG, M.D.,**

**RESPONDENT.**

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**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*  
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**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.**