

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2022-11053**

**MARK GEORGE AGRESTI, M.D.,**

**RESPONDENT.**

\_\_\_\_\_ /

**ADMINISTRATIVE COMPLAINT**

Petitioner, Department of Health, by and through its undersigned counsel, hereby files this Administrative Complaint before the Board of Medicine against Respondent, Mark George Agresti, 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; 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 the license number of ME60460.

3. Respondent's address of record is 44 Cocoanut Row, Suite M202, Palm Beach, Florida 33480.

4. Respondent was also licensed to practice medicine in the state of New York by the New York State Board for Medicine (hereinafter "New York State Board"), the licensing authority charged with regulating the practice of medicine in the state of New York.

5. On or about March 10, 2022, the New York State Board issued an order accepting Respondent's surrender of his license after an investigation was opened related to alleged health care fraud by Respondent.

6. The March 10, 2022 order by the New York State Board accepting Respondent's surrender of his license constitutes action against Respondent's medical license.

7. Section 458.331(1)(b), Florida Statutes (2021), sets forth grounds for disciplinary action by the Board of Medicine and provides that having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction constitutes grounds for discipline.

8. The New York State Board acted against Respondent's license by issuing an order accepting Respondent's surrender of his license.

9. Based on the foregoing, Respondent has violated section 458.331(1)(b), Florida Statutes (2021).

WHEREFORE, 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.

*[Signature on following page.]*

SIGNED this 29th day of August, 2022.

Joseph A. Ladapo, MD, PhD  
State Surgeon General

Richard S Wagner  
Richard Schyler Wagner  
Assistant General Counsel  
Prosecution Services Unit  
Florida Department of Health  
4052 Bald Cypress Way, Bin #C-65  
Tallahassee, FL 32399-3265  
Florida Bar Number 1032375  
(850) 558-9842

**FILED**  
**DEPARTMENT OF HEALTH**  
**DEPUTY CLERK**

**CLERK:** Elizabeth Eubank

**DATE:** August 29, 2022

PCP Date: August 26, 2022

PCP Members: Georges El-Bahri, M.D., David Diamond, M.D., Andre Perez

## **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.**

**Please be advised that mediation under Section 120.573, Florida Statutes, is not available for administrative disputes involving this agency action.**

## **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.**