

FILED DATE - FEB 21 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.: 2023-09174

LICENSE NO.: ME00147052

ZINIA THOMAS, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57, Florida Statutes, on February 2, 2024, in Jacksonville, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause pursuant to Petitioner's Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact. Respondent was served with the Administrative Complaint by certified mail. Because Respondent failed to submit an Election of Rights or otherwise dispute the facts or respond in any other way, Respondent waived the right to a hearing pursuant to Section 120.57(1), Florida Statutes. At the hearing, Petitioner was represented by Kathryn Ball, Assistant General 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:

1. Respondent shall pay an administrative fine in the amount of \$5,000.00 to the Board within thirty (30) days from the date the Final Order is filed. Said fine shall be paid by money order or cashier's check.

2. Respondent's license to practice medicine in the State of Florida is hereby **SUSPENDED** until such time as she demonstrates to the Board that her Colorado license is unencumbered and free from any restrictions or conditions. The Board retains jurisdiction in this matter to impose terms and conditions upon reinstatement of Respondent's license, including, but not limited to, a period of probation with said terms and conditions to be set at the time of reinstatement.

RULING ON MOTION TO ASSESS COSTS

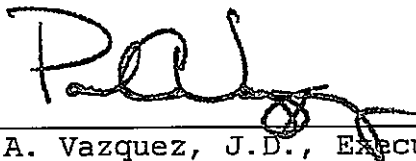
Respondent shall pay the costs associated with this case in the amount of \$289.79. Said costs shall be paid within 30 days from the date the Final Order is filed. The costs shall be paid by money order or cashier's check

(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 15th day of February, 2024.

BOARD OF MEDICINE

A handwritten signature in black ink, appearing to read "Paul", with a stylized flourish extending to the right.

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Paul A. Vazquez, J.D., Executive Director  
For Nicholas W. Romanello, Esquire, 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 and U.S. Mail to: Zinia Thomas, M.D., 13041 Tapawingo Place, Saint Louis, MO 63127; by email to: 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 21<sup>st</sup> day of February, 2024.



Deputy Agency Clerk

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**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**DOH Case No. 2023-09174**

**ZINIA THOMAS, 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 Zinia Thomas, 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 physician within the state of Florida, having been issued license number ME 147052.

3. Respondent's address of record is 13041 Tapawingo Place, Saint Louis, Missouri.

4. At all times material to this Complaint, Respondent was also a licensed physician within the state of Colorado, having been issued license number 0065524.

5. The Colorado Medical Board ("Colorado Board") is the licensing authority regulating the practice of medicine.

6. On or about On January 20, 2023, the Colorado Board entered an Order Pursuant to Section 12-240-125(8)(a), C.R.S. ("Initial Order").

7. The Initial Order was in response to reports that Respondent was in possession of a large amount of marijuana and ecstasy pills, and that Respondent qualified patient medical marijuana cards in the State of Michigan by diagnosing them with certain conditions without seeing the patients in question.

8. The Initial Order required, among other things, that Respondent to:

- a. Submit to a mental or physical examination by Colorado Physician Health Program ("CPHP"); and,
- b. Contact CPHP before January 27, 2023; and,

c. Otherwise cooperate and continue to fully cooperate with CPHP and comply with any and all requests or recommendations of CPHP.

9. On February 17, 2023, the Colorado Board reviewed communication from CPHP on January 30, 2023, that Respondent had failed to contact CPHP by January 27, 2023.

10. On or about February 28, 2023, the Colorado Board entered an Order of Suspension.

11. The Order of Suspension stipulated that Respondent's Colorado medical license is suspended indefinitely, until Respondent comes into compliance with CPHP's orders, Respondent is appropriately evaluated, and the Colorado Board reviews Respondent's request of suspension termination.

12. The February 28, 2023, Order of Suspension constitutes action taken against Respondent's Colorado medical license.

13. Section 458.331(1)(b), Florida Statutes (2022), subjects a licensee to discipline for having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions.



14. The licensing authority of Colorado acted against Respondent's medical license through its Order of Suspension issued on February 28, 2023.

15. Based on the foregoing, Respondent violated section 458.331(1)(b), Florida Statutes (2022), by having her medical license acted against by licensing authority of Colorado.

**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.

[signatures on following page]

SIGNED this 11th day of September, 2023.

Joseph Ladapo, MD, PhD  
State Surgeon General

Corynn Alberto

Corynn Alberto  
Assistant General Counsel  
Florida Bar Number 68814  
Florida Department of Health  
Office of the General Counsel  
4052 Bald Cypress Way, Bin C-65  
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Email: Corynn.Alberto@flhealth.gov

**FILED**  
**DEPARTMENT OF HEALTH**  
**DEPUTY CLERK**  
**CLERK:** Elizabeth Eubanks  
**DATE:** September 11, 2023

PCP Date: September 8, 2023  
PCP Members: Dr. Orr, Dr. Wasyluk, Ms. 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.**