

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2015-22769**

**BRUCE HAL BERMAN, 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 Bruce Hal Berman, 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 57993.

3. Respondent's address of record is 2527 Doral Way, Riviera Beach, Florida 33407.

4. Respondent is board certified in family medicine by the American Board of Family Medicine.

5. On or about June 15, 2015, the Florida Board of Medicine (Board) issued a Final Order suspending Respondent's medical license.

6. The Final Order related to disciplinary cases, 2011-19539 and 2011-18151, which were brought by the Petitioner against the Respondent's medical license.

7. The suspension by the Board prohibited Respondent from practicing medicine in the state of Florida for a period of six months.

8. On or about August 19, 2015, an undercover investigator (investigator) contacted Respondent's medical practice via telephone and requested an appointment with Respondent.

9. On or about August 19, 2015, Respondent returned the investigator's call and asked the investigator to describe his health complaints. Thereafter, the investigator scheduled an appointment to see Respondent on August 21, 2015.

10. On or about August 21, 2015, the investigator presented to Respondent's medical practice at 675 West Indiantown Road, Suite 100, Jupiter, Florida 33458 for the scheduled appointment.

11. Upon arriving, the investigator was provided with a patient intake form. An office assistant checked his weight and blood pressure.

12. The investigator was then taken into the Respondent's office, where he met the Respondent.

13. Upon meeting, the Respondent took background information from the investigator and also asked the investigator a series of questions regarding his current health complaints and the symptoms he was experiencing.

14. Respondent advised the investigator that he suspected the investigator may have Lyme disease, and requested the names of the investigator's previous doctors so that he could contact them to obtain his medical records.

15. Respondent also indicated that labs would be ordered for the investigator.

16. The activities Respondent engaged in with the investigator on or about August 21, 2015, constitute the practice of medicine.

17. On or about August 21, 2015, Respondent's medical license was under suspension based on the Board's June 15, 2015 order.

### **COUNT I**

18. Petitioner re-alleges paragraphs one (1) through seventeen (17) as if fully set forth herein.

19. Section 458.331(1)(x), Florida Statutes (2015), provides that a licensee may be subject to discipline for violating a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

20. On or about August 21, 2015, Respondent violated the Board's Order suspending his license for a period of six months when he engaged in activities which constituted the practice of medicine.

21. Based on the foregoing, Respondent violated Section 458.331(1)(x), Florida Statutes (2015), by violating a lawful order of the Board previously entered in a disciplinary hearing.

### **COUNT II**

22. Petitioner re-alleges paragraphs one (1) through seventeen (17) as if fully set forth herein.

23. Section 458.331(1)(v), Florida Statutes (2015), provides that a licensee may be subject to discipline for practicing or offering to practice beyond the scope permitted by law or accepting and performing

professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.

24. On or about August 21, 2015, Respondent performed activities which constituted the practice of medicine.

25. On or about August 21, 2015, Respondent was not authorized to practice medicine because his license was suspended per the Board's order on June 15, 2015.

26. Based on the foregoing, Respondent violated Section 458.331(1)(v), Florida Statutes (2015), by practicing beyond the scope permitted by law.

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.

*[Signature appears on the following page]*

SIGNED this 29<sup>th</sup> day of April, 2016.

Celeste Philip, MD, MPH, Interim Surgeon General

*Corynn Gasbarro*

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FILED  
Department Of Health  
Deputy Clerk  
CLERK *Angel Sanders*  
DATE 4/29/2016

PCP Date: April 29, 2016

PCP Members: Georges El-Bahri, M.D.; Gary N. Dolin, M.D. and Nicholas Romanello

### **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.**