

STATE OF FLORIDA  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2010-01180  
LICENSE NO.: ME0084352

LAWRENCE W. MILLER, 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 August 5, 2011, in Jacksonville, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause pursuant to Respondent's Election of Rights. 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, Florida Statutes. At the hearing, Petitioner was represented by Jennifer Friedberg, 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's license to practice medicine in the State of Florida is hereby REVOKED.

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

RULING ON MOTION TO ASSESS COSTS

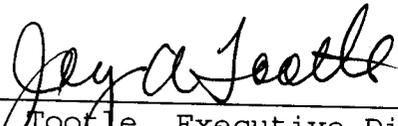
The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$662.00. Said costs are to be paid within 30 days from the date this Final Order is filed.

(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 17~~th~~ day of August, 2011.

BOARD OF MEDICINE

  
\_\_\_\_\_  
Joy A. Toofle, Executive Director  
For GEORGE THOMAS, M.D., 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 Mail** to LAWRENCE W. MILLER, M.D., 1 Elcy Lane, Savannah, Georgia 31411; and by interoffice delivery to Veronica Donnelly, Department of



**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2010-01180**

**LAWRENCE W. MILLER, 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, Lawrence W. Miller, M.D., and in support thereof alleges:

1. Petitioner is the state department 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 84352.



3. Respondent's last known address of record is 1 Elcy Lane, Savannah, Georgia 31411.

4. Respondent is board certified in Obstetrics and Gynecology by the American Board of Obstetrics and Gynecology.

5. The Georgia Composite Medical Board (GA Board) is the licensing authority regulating the practice of medicine in the State of Georgia.

6. On or about January 7, 2010, the GA Board entered a Public Consent Order (*In the Matter Of: Lawrence W. Miller, M.D., License No. 50078, Respondent*) against Respondent's Georgia Medical License Number 50078, setting forth the following findings of fact and imposing the following disciplinary action(s) on the Respondent:

A. On or about March 11, 2008, Respondent performed an incomplete abortion on B.M., a 15-year-old patient, who was pregnant with twins. The same evening, B.M. was admitted to a hospital with severe abdominal/pelvic pain and bleeding, and underwent emergency surgery to repair three uterine perforations, and to complete the abortion and a cystoscopy.

B. A Board-appointed peer reviewer concluded that Respondent's treatment of B.M. departed from and failed to conform to minimal standards of acceptable and prevailing medical practice.

C. Respondent shall obtain 20 hours of continuing medical education (CME) in the area of pregnancy termination, within one year of the effective date of the Order, and in addition to the CME required of all Georgia physicians.

D. Respondent shall pay a fine of \$7,500.00 to the GA Board within 90 days of the effective date of the Order.

E. Respondent shall pay administrative fees of \$550.00 to the GA Board within 30 days of the effective date of the Order.

F. The Consent Order shall be considered a public reprimand of Respondent and the contents of the Order shall be placed on Respondent's Physician Profile.

7. The Public Consent Order entered by the GA Board constitutes action against Respondent's license to practice medicine in the State of Georgia.

8. Respondent failed to notify the Florida Board of Medicine in writing, within 30 days, of the disciplinary action(s) taken against his license by the GA Board, on or about January 7, 2010.

COUNT ONE

9. Petitioner re-alleges and incorporates by reference Paragraphs one through seven as if fully set forth herein.

10. Section 458.331(1)(b), Florida Statutes (2009), sets forth the 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 state constitutes grounds for discipline. This Section further provides that a licensing authority's acceptance of a physician's relinquishment of license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of an administrative action against the physician's license, shall be construed as action against the physician's license.

11. The GA Board acted against Respondent's Georgia Medical License on or about January 7, 2010, by entering the above-referenced Public Consent Order.

12. Based on the foregoing Respondent has violated Section 458.331(1)(b), Florida Statutes (2009), by having his license acted against by the licensing authority of Georgia.

COUNT TWO

13. Petitioner re-alleges and incorporates by reference Paragraphs one through eight as if fully set forth herein.

14. Section 458.331(1)(kk), Florida Statutes (2009), provides that failing to report to the Board of Medicine, in writing within 30 days, when action, as defined in Section 458.331(1)(b), Florida Statutes, is taken against one's license to practice as a physician in another state, territory or country, constitutes grounds for discipline by the Florida Board of Medicine.

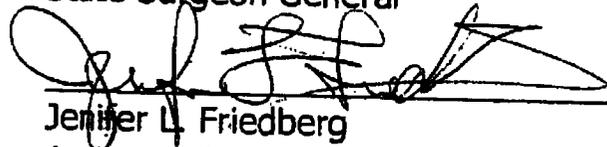
15. Respondent failed to report, in writing, the January 7, 2010, disciplinary action(s) taken against his license by the GA Board, to the Florida Board of Medicine within 30 days of that action.

16. Based on the foregoing, Respondent has violated Section 458.331(1)(kk), Florida Statutes (2009), by failing to report to the Florida Board of Medicine, in writing, within 30 days, that the GA Board took disciplinary action(s) against his license on or about January 7, 2010.

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 17<sup>th</sup> day of December 2010.

Ana M. Viamonte Ros, M.D., M.P.H.  
State Surgeon General



Jennifer L. Friedberg  
Assistant General Counsel  
DOH, Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399-3265  
Florida Bar No. 0021640  
Telephone: (850) 245-4640  
Facsimile: (850) 245-4681

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Angel Sanders  
DATE DEC 20 2010

JLF/

PCP: December 17, 2010

PCP Members: Georges El-Bahri, M.D.; Frank F. Farmer M.D.; and Mr. Donald Mullins

**DOH VS. LAWRENCE M. MILLER, M.D., CASE No. 2010-01180**

**21251**

**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.**

**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.**

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

**FILED**

DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK: *Angel Sardenes*

DATE: 10-14-11

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2010-01180

LAWRENCE W. MILLER, M.D.

Respondent.

**MOTION TO ASSESS COSTS**  
**IN ACCORDANCE WITH SECTION 456.072(4)**

COMES NOW the Department of Health, by and through undersigned counsel, and moves the Board of Medicine for the entry of a Final Order assessing costs against the Respondent for the investigation and prosecution of this case in accordance with Section 456.072(4), Florida Statutes (2003). As grounds therefore, the Petitioner states the following:

1. At its next regularly scheduled meeting, the Board of Medicine will take up for consideration the above-styled disciplinary action and will enter a Final Order therein.

2. Section 456.072(4), Florida Statutes (2003),<sup>1</sup> states as follows:

<sup>1</sup> Ch. 2003-416, § 19, Laws of Fla., effective September 15, 2003, amended Section 456.072(4), Florida Statutes (2003), to include the underlined language.

In addition to any other discipline imposed through final order, or citation, entered on or after July 1, 2001, pursuant to this section or discipline imposed through final order, or citation, entered on or after July 1, 2001, for a violation of any practice act, the board, or the department when there is not board, shall assess costs related to the investigation and prosecution of the case. Such costs related to the investigation and prosecution include, but are not limited to, salaries and benefits of personnel, costs related to the time spent by the attorney and other personnel working on the case, and any other expenses incurred by the department for the case. The board, or the department when there is no board, shall determine the amount of costs to be assessed after its consideration of an affidavit of itemized costs and any written objections thereto. . . . (emphasis added)

3. The investigation and prosecution of this case has resulted in costs in the total amount of \$662.00, based on the following itemized statement of costs:

- a. Total costs for Complaints \$67.15
- b. Total costs for Investigations \$170.92
- c. Total costs for Legal \$423.93
- d. Total costs for expenses \$0.00

Therefore, the Petitioner seeks an assessment of costs against the Respondent in the amount of \$662.00, as evidenced in the attached affidavit. (Exhibit A).

4. Should the Respondent file written objections to the assessment of costs, within ten (10) days of the date of this motion,

specifying the grounds for the objections and the specific elements of the costs to which the objections are made, the Petitioner requests that the Board determine the amount of costs to be assessed based upon its consideration of the affidavit attached as Exhibit A and any timely-filed written objections.

5. Petitioner requests that the Board grant this motion and assess costs in the amount of \$662.00 as supported by competent, substantial evidence. This assessment of costs is in addition to any other discipline imposed by the Board and is in accordance with Section 456.072(4), Florida Statutes (2003).

WHEREFORE, the Department of Health requests that the Board of Medicine enter a Final Order assessing costs against the Respondent in the amount of \$662.00.

DATED this 14<sup>th</sup> day of June, 2011.

Respectfully submitted  
  
Jennifer L. Friedberg  
Assistant General Counsel  
DOH Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, FL 32399-3265  
Florida Bar 21640  
(850) 245-4640  
(850) 245-4681 FAX

21258

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Assess Costs has been furnished to Lawrence Whitfield Miller, M.D., 1 Elcy Lane, Savannah, GA 31411 by  postage-paid U.S. mail,  Facsimile Transmission and/or  E-mail,  Hand-Delivery,  Certified Mail,  Over-Night.

  
Jennifer L. Friedberg

**AFFIDAVIT OF FEES AND COSTS EXPENDED**

STATE OF FLORIDA  
COUNTY OF LEON:

**BEFORE ME**, the undersigned authority, personally appeared **JULIE M. WEEKS**, who was sworn and states as follows:

- 1) My name is Julie M. Weeks.
- 2) I am over the age of 18, competent to testify, and make this affidavit upon my own personal knowledge and after review of the records at the Florida Department of Health (DOH).
- 3) I am a Operations Management Consultant for the Consumer Services Unit for DOH. The Consumer Services Unit is where all complaints against Florida health care licensees (e.g., medical doctors, dentists, nurses, respiratory therapists) are officially filed. I have been in my current job position for more than one year. My business address is 4052 Bald Cypress Way, Bin C-75, Tallahassee, Florida 32399-3275.
- 4) As a Operations Management Consultant, my job duties include reviewing data in the Time Tracking System and verifying that the amounts correspond. The Time Tracking System is a computer program which records and tracks DOH's costs regarding the investigation and prosecution of cases against Florida health care licensees.
- 5) As of today, DOH's total costs for investigating and prosecuting DOH case number 2010-01180 (Department of Health v. Lawrence W. Miller, M.D.) are six hundred sixty-two dollars (**\$662.00**).
- 6) The costs for DOH case number 2010-01180 (Department of Health v. Lawrence W. Miller, M.D.) are summarized in Exhibit 1 (Cost Summary Report), which is attached to this document.
- 7) The itemized costs and expenses for DOH case number 2010-01180 (Department of Health v. Lawrence W. Miller, M.D.) are detailed in Exhibit 2 (Itemized Cost Report and Itemized Expense Report and receipts), which is attached to this document.
- 8) The itemized costs as reflected in Exhibit 2 are determined by the following method: DOH employees who work on cases daily are to keep track of their time in six-minute increments (e.g., investigators and lawyers). A designated DOH employee in the Consumer Services Unit, Legal Department, and in each area office, inputs the time

worked and expenses spent into the Time Tracking System. Time and expenses are charged against a state health care Board (e.g., Florida Board of Medicine, Florida Board of Dentistry, Florida Board of Osteopathic Medicine), and/or a case. If no Board or case can be charged, then the time and expenses are charged as administrative time. The hourly rate of each employee is calculated by formulas established by the Department. (See the Itemized Cost Report)

9) Julie M. Weeks, first being duly sworn, states that he has read the foregoing Affidavit and its attachments and the statements contained therein are true and correct to the best of his knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Julie M Weeks  
Julie M. Weeks, Affiant

State of Florida  
County of Leon

Sworn to and subscribed before me this 19<sup>th</sup> day of April, 2011,  
by Julie M. Weeks, who is personally known to me.

Shirley Hamilton  
Notary Signature

Shirley Hamilton  
Name of Notary Printed

Stamp Commissioned Name of Notary Public:



## Complaint Cost Summary

Complaint Number: 201001180

Subject's Name: MILLER, LAWRENCE WHITFIELD

	***** Cost to Date *****	
	Hours	Costs
<b>Complaint:</b>	1.10	\$67.15
<b>Investigation:</b>	2.80	\$170.92
<b>Legal:</b>	3.80	\$423.93
<b>Compliance:</b>	0.00	\$0.00
	*****	*****
<b>Sub Total:</b>	7.70	\$662.00
<b>Expenses to Date:</b>		\$0.00
<b>Prior Amount:</b>		\$0.00
<b>Total Costs to Date:</b>		\$662.00

**Time Tracking System  
Itemized Cost by Complaint**

Report Date: 04/14/2011

Complaint 201001180

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
<b>CONSUMER SERVICES UNIT</b>						
HA101	0.70	\$61.04	\$42.73	01/28/2010	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
HA101	0.40	\$61.04	\$24.42	01/29/2010	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
HA101	0.40	\$61.04	\$24.42	03/02/2010	4	ROUTINE INVESTIGATIVE WORK
HA101	0.20	\$61.04	\$12.21	03/08/2010	4	ROUTINE INVESTIGATIVE WORK
HA101	0.40	\$61.04	\$24.42	05/18/2010	4	ROUTINE INVESTIGATIVE WORK
HA101	0.20	\$61.04	\$12.21	05/19/2010	4	ROUTINE INVESTIGATIVE WORK
HA101	1.00	\$61.04	\$61.04	05/26/2010	76	REPORT PREPARATION
HA101	0.60	\$61.04	\$36.62	05/28/2010	76	REPORT PREPARATION
Sub Total	3.90		\$238.07			

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
<b>PROSECUTION SERVICES UNIT</b>						
HLL83B	0.60	\$111.56	\$66.94	08/27/2010	25	REVIEW CASE FILE
HLL83B	2.50	\$111.56	\$278.90	10/25/2010	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL83B	0.30	\$111.56	\$33.47	12/22/2010	90	POST PROBABLE CAUSE PROCESSING
HLL83B	0.20	\$111.56	\$22.31	01/03/2011	90	POST PROBABLE CAUSE PROCESSING
HLL83B	0.20	\$111.56	\$22.31	01/04/2011	36	PREPARATION OR REVISION OF LETTER
Sub Total	3.80		\$423.93			

**Total Cost** \$662.00



**\*\*\* CONFIDENTIAL \*\*\***  
**Time Tracking System**  
**Itemized Cost by Complaint**

Complaint 201001180

Report Date: 04/14/2011

Page 2 of 2

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
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21264



\*\*\* CONFIDENTIAL \*\*\*  
Time Tracking System  
Itemized Expense by Complaint  
Complaint

Report Date: 04/14/2011

Staff Code	Expense Date	Expense Amount	Expense Code	Expense Code Description
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SubTotal  
Total Expenses

21265