

Florida Board Of Medicine

**PCP North
August 28, 2020**

**Meet-Me #: 1 (888) 585-9008
Participation Code: 432-162-565**

Notice of Meeting/Workshop Hearing

DEPARTMENT OF HEALTH Board of Medicine

The **Board of Medicine - Probable Cause Panel North** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 28, 2020, 2:30 p.m.

PLACE: Meet-Me #: 1 (888) 585-9008, Participation Code: 432-162-565

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Jacoyia Reddick at (850) 558-9848 or email her at Jacoyia.Reddick@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Jacoyia Reddick at (850) 558-9848 or email her at Jacoyia.Reddick@flhealth.gov.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jacoyia Reddick at (850) 558-9848 or email her at Jacoyia.Reddick@flhealth.gov.

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Scott A. Rivkees, MD
State Surgeon General

Vision: To be the Healthiest State in the Nation

**NORTH PROBABLE CAUSE
BOARD OF MEDICINE AGENDA
SCHEDULED FOR AUGUST 28, 2020**

RN-01

Reconsideration

The Probable Cause Panel meeting scheduled for **August 28, 2020** will commence at **2:30 p.m.**, or thereafter, at the following location:

**MEET – ME NUMBER
Toll Free Number - 1-888-585-9008**

For this meeting, participants will need to call the number above for the **public** and **non-public** sections of the agenda.

After you dial in at the number above, please enter the following conference code number and then press #:

Public Code: 432-162-565#

**PUBLIC PORTION
Call in Number: 1-888-585-9008
Public Conference Code: 432-162-565#**

RECONSIDERATION

RN-01 Darren M Mayer, P.A.,

2019-12295

Florida Department of Health

Office of the General Counsel • Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65 • Tallahassee, FL 32399-1701
PHONE: 850/245-4640 • FAX 850/245-4682



Accredited Health Department
Public Health Accreditation Board

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State Surgeon General

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MEMORANDUM FOR RECONSIDERATION

TO: Probable Cause Panel

FROM: Cynthia Nash-Early, Assistant General Counsel

RESPONDENT: Darren M. Mayer, P.A.

DATE: June 9, 2020

CASE NO.: 2019-12295

On October 28, 2019, the Department filed a four count Administrative Complaint against Respondent. Count I of the Complaint alleged Respondent violated section 456.072(1)(x), Florida Statutes (2015), by failing to report to the board in writing within thirty days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. Count II alleged Respondent violated section 458.331(1)(b), Florida Statutes (2018), by having his license acted against in another jurisdiction. Count III alleged Respondent violated section 456.072(1)(w), Florida Statutes (2018), by failing to comply with the requirements for profiling and credentialing by failing to submit updates of required information within 15 days. Count IV alleged Respondent violated section 458.331(1)(kk), Florida Statutes (2018), by failing to report to the Board of Medicine, in writing, within 30 days, the action taken against his Texas license.

The Department recently received information from a vital statistics report that stated Respondent passed away on May 12, 2020. On or about June 8, 2020, the Department received Respondent's Death Certificate confirming Respondent passed away on May 12, 2020.

Based on the foregoing, the Department recommends the Panel reconsider and dismiss the Administrative Complaint.

Florida Department of Health

Office of the General Counsel – Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65 • Tallahassee, FL 32399-3265
EXPRESS MAIL: 2585 Merchants Row BV, Suite 105
PHONE: 850/245-4640 • FAX: 850/245-4684

FloridaHealth.gov



Accredited Health Department
Public Health Accreditation Board

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

BOARD: Medicine

CASE NUMBER: 2019-12295

COMPLAINT MADE BY: Department of Health/Board of
Medicine

COMPLAINT MADE AGAINST: Darren M. Mayer, P.A.
1071 Cascade Circle
Apartment 103
Rockledge, Florida 32955

DATE COMPLAINT RECEIVED: June 19, 2019

SUBJECT'S ATTORNEY: Rickey Strong, Esquire
2892-6 Mahan Drive
Tallahassee, Florida 32308

INVESTIGATED BY: Miles Hardison
Tallahassee CSU

REVIEWED BY: Cynthia Nash-Early
Assistant General Counsel

RECOMMENDATION: Dismiss (4099)

NOTICE OF RECONSIDERATION/DISMISSAL AND CLOSING ORDER

THE COMPLAINT: Subject is alleged to have violated section 456.072(1)(x), Florida Statutes (2015), by failing to report to the Board in writing, within 30 days after he entered a plea of nolo contendere to a crime in any jurisdiction; section 458.331(1)(b), Florida Statutes (2018), by having his license acted against in another jurisdiction; section 456.072(1)(w), Florida Statutes (2018), by failing to comply with the requirements for profiling and credentialing by failing to submit updates of required information within 15 days; and section 458.331(1)(kk), Florida

Statutes (2018), by failing to report to the Board of Medicine, in writing, within 30 days, the action taken against his license in another jurisdiction.

THE FACTS: This investigation was predicated on receipt of a board action disciplinary report stating Respondent's Texas license was revoked. On or about March 29, 2019, the Texas Medical Board (Texas Board) revoked Respondent's physician assistant license via a Default Order addressing Respondent's unprofessional or dishonorable conduct; Respondent's use of drugs or intoxicating liquors; Respondent's violation of state laws; and Respondent's removal from a licensed hospital for disciplinary action. Additionally, on or about December 8, 2015, Respondent entered a plea of guilty to Driving While Intoxicated with a blood alcohol level of 0.15 or higher in Texas. Respondent did not provide updated information for his Florida practitioner profile to disclose the March 29, 2019, action taken by the Texas Board within fifteen days. Respondent failed to notify the Florida Board of Medicine in writing within thirty days of the March 29, 2019, revocation of his physician assistant license by the Texas Board.

On October 28, 2019, the Department filed a four count Administrative Complaint against Respondent. Count I of the Complaint alleged Respondent violated section 456.072(1)(x), Florida Statutes (2015), by failing to report to the board in writing within thirty days after the licensee had been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. Count II alleged Respondent violated section 458.331(1)(b), Florida Statutes (2018), by having his license acted against in another jurisdiction. Count III alleged Respondent violated section 456.072(1)(w), Florida Statutes (2018), by failing to comply with the requirements for profiling and credentialing by failing to submit updates of required information within 15 days. Count IV alleged Respondent violated section 458.331(1)(kk), Florida Statutes (2018), by failing to report to the Board of Medicine, in writing, within 30 days, the action taken against his Texas license.

The Department recently received information from a vital statistics report that stated Respondent passed away on May 12, 2020. On or about June 8, 2020, the Department received Respondent's Death Certificate confirming Respondent passed away on May 12, 2020.

Based on the foregoing, the Department recommends the Panel reconsider and dismiss the Administrative Complaint

THE LAW: Based on the foregoing, and pursuant to section 456.073(4), Florida Statutes, there is no probable cause to believe Respondent violated chapter 456 or 458, Florida Statutes, or the rules of the Board or Department.

It is, therefore, ORDERED that this matter should be and the same is hereby DISMISSED.

DONE and ORDERED this _____ day of _____, 2020.

Chairperson, Probable Cause Panel
Board of Medicine

CNE/rr
PCP: August 28, 2020
PCP Members:

CONFIDENTIAL AND EXEMPT MATERIALS

**One or more pages have been removed
from this document for security reasons**

**Scroll down to see the available pages or
advance to the next document if all
pages have been removed.**

SOME OR ALL PAGES IN THIS DOCUMENT ARE PATIENT RECORDS
AND/OR DOCUMENTS THAT IDENTIFY THE PATIENT BY NAME AND ARE
EXEMPT FROM PUBLIC RECORDS LAWS.

456.057 - Ownership and control of patient records; report or copies of records to be
furnished.—

10)(a)All patient records obtained by the department and any other documents
maintained by the department which identify the patient by name are confidential and exempt
from s. 119.07(1) and shall be used solely for the purpose of the department and the appropriate
regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The
records shall not be available to the public as part of the record of investigation for and
prosecution in disciplinary proceedings made available to the public by the department or the
appropriate board.

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Governor

Scott A. Rivkees, M.D.
State Surgeon General

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November 22, 2019

VIA CERTIFIED MAIL

Jeffrey S. Howell, Esq.
2892-6 Mahan Drive
Tallahassee, FL 32308

Re: DOH v. Darren Mayer, P.A.
DOH Case No. 2019-12295

Dear Mr. Howell:

The Department of Health received your Election of Rights requesting a formal hearing before the Division of Administrative Hearings on November 21, 2019. I have reviewed your request and have determined that your request is in compliance with Uniform Rule 28-106.2015(5), Florida Administrative Code and Section 120.54(5)(b)(5), Florida Statutes.

The Department of Health hereby grants your request for a formal Administrative Hearing. Section 456.073(5), Florida Statutes, provides that the Department shall refer your case to the Division of Administrative Hearings within 45 days after the date the Department received your Election of Rights. You have the ability to waive that requirement. If you wish to be afforded more time prior to the referral of your case for an Administrative Hearing in order to attempt settlement negotiations with the Department, you may do so. Please fill out the portion below and return this form to me via email, facsimile or mail delivery. You should also keep a copy for your records.

X

I hereby waive the requirement that the Department of Health refer this case to the Division of Administrative Hearings within 45 days after the date the Department received my Election of Rights.

OR

I do not waive the requirement that the Department of Health refer this case to the Division of Administrative Hearings within 45 days after the date the Department received my Election of Rights.

Richard L. Strong, Esq.
Signature

12/1/19
Date

MAIN OFFICE
2898-6 Mahan Drive
Tallahassee, Florida 32308
850.877.7776

J|S|H | **JEFFREY S. HOWELL, P.A.**
ATTORNEYS AT LAW

ORLANDO OFFICE
501 N Magnolia Ave
Orlando, FL 32801
407.717.1773

November 19, 2019

VIA REGULAR U.S. MAIL and
VIA HAND DELIVERY

Cynthia Nash-Early
Assistant General Counsel
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265

2019 NOV 21 PM 2:26

Re: Department of Health v. Darren M. Mayer, P.A.
DOH Case No. 2019-12295

Dear Ms. Nash-Early:

This law firm represents Darren M. Mayer in the above-captioned matter. Enclosed please find original Acknowledgment of and Agreement to Maintain Patient Confidentiality form, the Election of Rights (EOR) for formal submission to your office. By this letter I am formally requesting that you provide my office with the following:

1. complete copy of investigative file, including notes, memorandum, medical records, and any other data pertaining to Mr. Mayer, whether via electronic mail or paper form,
2. copy of any and all additional correspondence in response to the request for the investigative file,
3. copy of any and all electronic correspondence and/or documents between the Department and Mr. Mayer,
4. copy of any and all other electronic mail and/or electronic records regarding this case,
5. copy of transcript(s), note(s) and/or minutes from Probable Cause Panel (PCP) which gave rise to the Administrative Complaint, and
6. copy of expert opinion(s), if any, supporting his/her findings.

MAIN OFFICE
2898-6 Mahan Drive
Tallahassee, Florida 32308
850.877.7776



ORLANDO OFFICE
501 N Magnolia Ave
Orlando, FL 32801
407.717.1773

Please provide written confirmation that Department does not possess any other records regarding other investigation(s) involving my client, Darren M. Mayer. If so, then please provide a copy of such records.

Upon receipt and review of the above documents and confirmation, I will be able to assess whether or not a resolution of this case is possible.

Should you have any questions or need additional information, please do not hesitate to contact me.

With personal regards,

Rickey L. Strong

rls/cc

enclosures

cc: Darren M. Mayer

ELECTION OF RIGHTS

DOH v. Mayer, Darren M., P.A

Case No. 2019-12295

Please sign and complete all of the information below:

I received notice of the Administrative Complaint on the following date: November 8, 2019

PLEASE SELECT ONLY 1 OF THE 2 OPTIONS

An Explanation of Rights is attached. If you do not understand these options, please consult with your attorney or contact the attorney for the Prosecution Services Unit at the address/phone number listed at the bottom of this form.

OPTION 1. I do not dispute the allegations of material fact in the Administrative Complaint. I do wish to be afforded a hearing, pursuant to Section 120.57(2), Florida Statutes, at which time I will be permitted to submit oral and/or written evidence in mitigation of the complaint to the Board.

OPTION 2. XX I do dispute the allegations of material fact contained in the Administrative Complaint and request this to be considered a petition for formal hearing, pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, before an Administrative Law Judge appointed by the Division of Administrative Hearings. Pursuant to Uniform Rule 28-106.2015(5), Florida Administrative Code, I specifically dispute the following material facts (identified by paragraph number and fact disputed) in the Administrative Complaint:

Paragraphs: 8, 9, 10, 11, 14, 19, 25, 29. Respondent contends he has not violated any rule or statute.

I also hereby waive my rights that the DOH refer this case to DOAH within 45 days after receipt of this BOR.

Respondent's Signature
Address: 1071 Cascade Cir
Mackledge, FL 32935
Lic. No.: FL PA9106001
Phone No.: (321)3121474 Fax No.:
Email: jommy4girib@hotmail.com
STATE OF FLORIDA
COUNTY OF Brevard

Attorney/Qualified Representative*
Address: 2895 G. Hobey Dr.
Tallahassee, FL 32301
Phone No.: 407-717-1773
Fax No.:
Email: Rick@TSH-PA.com

*Qualified Representatives must file written requests to appear as such pursuant to Rule 28-106.106, Uniform Rules of Procedure.

Before me, personally appeared Darren Michael Mayer whose identity is known to me or FLDL (type of identification) and who, acknowledges that his/her signature appears above.

Sworn to or affirmed by Affiant before me this 18th day of November 2019.

Notary Public-State of Florida

Josiah Michael Gottle
Type or Print Name



PLEASE MAIL AND/OR FAX COMPLETED FORM TO: Cynthia Nash-Early Assistant General Counsel, DOH, Prosecution Services Unit, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265. Telephone Number: (850) 558-9872 FAX (850) 245-4684; TDD 1-800-955-8771

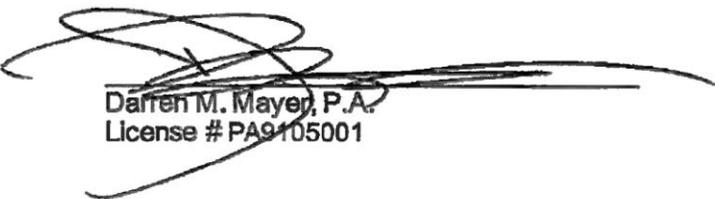
Department of Health v. Darren M. Mayer, P.A.
Case No. 2019-12295

**ACKNOWLEDGEMENT OF AND
AGREEMENT TO MAINTAIN PATIENT CONFIDENTIALITY**

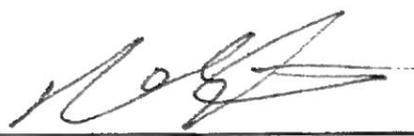
I, Darren M. Mayer., am the Subject of an investigation by the Department of Health. As the Subject of such an investigation, I am entitled to inspect or receive a copy of the investigative report, including any expert witness report or patient records connected with the investigation pursuant to Section 456.073(10), Florida Statutes, if I agree in writing to maintain the confidentiality of any information received under this provision, until ten (10) days after probable cause is found and to maintain the confidentiality of patient records pursuant to Section 456.057, Florida Statutes.

I understand the cost associated with duplicating x-rays and I want ()
OR do not want () to receive a copy of any x-rays that are contained within
the investigative file.

SIGNED this 19 day of Nov, 2019.


Darren M. Mayer, P.A.
License # PA9105001

SIGNED this 19th day of Nov., 2019, on behalf
of Darren M. Mayer.


Rickey L. Strong, Esquire

Rosa, Rose

From: NashEarly, Cynthia
Sent: Friday, November 8, 2019 1:56 PM
To: Rosa, Rose
Subject: 2019-12295 Letter of Representation
Attachments: Letter of Representation.pdf

I have saved this letter of representation for the above referenced case on Darren Mayer PA. Please note this in Leids. Thank you.

Cynthia Nash-Early
Assistant General Counsel
Office of the General Counsel
Prosecution Services Unit
Florida Department of Health
4052 Bald Cypress Way, Bin #C-65
Tallahassee, FL 32399-3265
(850) 558-9872

How am I communicating? Please contact my supervisor.

Mission: To protect, promote, and improve the health of all people in Florida through integrated state, county, & community efforts.

Vision: To be the **Healthiest State** in the Nation

Values: ICARE

I innovation: We search for creative solutions and manage resources wisely.

C collaboration: We use teamwork to achieve common goals & solve problems.

A accountability: We perform with integrity & respect.

R responsiveness: We achieve our mission by serving our customers & engaging our partners.

E excellence: We promote quality outcomes through learning & continuous performance improvement.

Purpose: To protect the public through health care licensure, enforcement and information.

Focus: To be the nation's leader in quality health care regulation.

Please note:

Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

Please consider the environment before printing this e-mail.

151
MAIN OFFICE
2898-6 Mahan Drive
Tallahassee, Florida 32308
850.877.7776

J|S|H

JEFFREY S. HOWELL, P.A.
ATTORNEYS AT LAW

DOH Consumer Services

JUL 16 2019

ORLANDO OFFICE
501 N Magnolia Ave
Orlando, FL 32801
407.717.1773

VIA EMAIL & U.S. Mail

July 10, 2019

Florida Department of Health
Division of Medical Quality Assurance
4052 Bald Cypress Way, Bin C-75
Tallahassee, Florida 32399-3275
Attn: Miles Hardison, Investigator
miles.hardison@flhealth.gov

**RE: Letter of Representation:
Department of Health v. Darren M. Mayer, Medfast Urgent Center
Case Number: 2019-12295**

Dear Mr. Hardison:

Please be advised this firm represents the interests of Darren M. Mayer in the above referenced case number. Please direct any and all communication verbal, written or electronic regarding this case to our office. With this letter, I am requesting a copy of Mr. Benson's letter of investigation and documentation readily available.

Please let me know if you have any questions or concerns. I can be reached at 850-877-7776 or 407-717-1773 or at rick@jsh-pa.com. If I am unavailable, my law partner Jeff Howell can be reached at the same, 850-877-7776 or at jeff@jsh-pa.com. Thanks, and look forward to communicating with you.

With personal regards,


Rickey E. Strong

RLS/clc

J|S|H

JEFFREY S. HOWELL, P.A.
ATTORNEYS AT LAW

MAIN OFFICE
2898-6 Mahan Drive
Tallahassee, Florida 32308
850.877.7776

ORLANDO OFFICE
501 N Magnolia Ave
Orlando, FL 32801
407.717.1773

TALLAHASSEE
FL 323
JUL 10 2019
PM 3:41

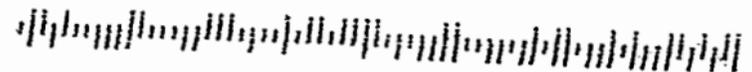


FP **US POSTAGE**
\$ 000.50

First-Class
ZIP 32301
07/10/2019
033A 0071807549

Attn: Miles Hardison, Investigator
Florida Department of Health
Division of Medical Quality Assurance
4052 Bald Cypress Way, Bin C-75
Tallahassee, Florida 32399-3275

32399-327599



Return Receipt (Form 3811) Barcode



9590 9266 9904 2149 5221 06

1. Article Addressed to:

Darren M. Mayer, P.A.
MedFast Urgent Care Center
390 N. Courtney Pkwy.
Merritt Island, FL 32953

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2149 5221 03

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
Hass. E. Wilson 10/31/19

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type:

Certified Mail
 Certified Mail Restricted Delivery

Reference Information

AC Pack 2019-12295

C. Nash-Early

Return Receipt (Form 3811) Barcode



9590 9266 9904 2149 5398 76

1. Article Addressed to:

Jeffrey S. Howell, Esq.
2892-6 Mahan Drive
Tallahassee, FL 32308

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2149 5398 73

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type:

Certified Mail
 Certified Mail Restricted Delivery

Reference Information

456 Ltr. EOR, waiver 2019-12295 May
C. Nash-Early

U.S. Postal Service®
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

USPS® ARTICLE NUMBER

9414 7266 9904 2149 5221 03

Certified Mail Fee	\$ 3.50	Postmark Here
Return Receipt (Hardcopy)	\$ 2.80	
Return Receipt (Electronic)	\$ 0.00	
Certified Mail Restricted Delivery	\$ 0.00	
Postage	\$ 0.50	
Total Postage and Fees	\$ 6.80	

Sent to: Darren M. Mayer, P.A
MedFast Urgent Care Center
390 N. Courtney Pkwy.
Merritt Island, FL 32953

Reference Information

C. Nash-Early
AC Pack 2019-12295

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Governor

Scott A. Rivkees, MD
State Surgeon General

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October 28, 2019

Darren, M. Mayer P.A.
MedFast Urgent Care Center
390 N. Courtney Pkwy.
Merritt Island, FL 32953

RE: Department of Health vs. Mayer, Darren M., P.A.
Case Number: 2019-12295

Dear Mr. Mayer:

Enclosed please find a copy of an Administrative Complaint that has been filed against your license by the Department of Health. An Election of Rights form is also provided.

Please review the attached documents and return the Election of Rights form to my attention. You **must** sign the Election of Rights form, with your signature notarized, and return the completed form to my office within twenty-one (21) days of the date you received it. Failure to return this form within twenty-one days may result in the entry of a default judgment against you without hearing your side of the case.

Sincerely yours,

Cynthia Nash-Early

Cynthia Nash-Early
Assistant General Counsel
(850) 558-9872

Enclosures: As stated above

Florida Department of Health

Office of the General Counsel – Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65 • Tallahassee, FL 32399-3265
EXPRESS MAIL: 2585 Merchants Row, Suite 105
PHONE: 850/245-4640 • FAX: 850/245-4662

FloridaHealth.gov



Accredited Health Department
Public Health Accreditation Board

ELECTION OF RIGHTS

DOH v. Mayer, Darren M., P.A

Case No. 2019-12295

Please sign and complete all of the information below:

I received notice of the Administrative Complaint on the following date: _____

PLEASE SELECT ONLY 1 OF THE 2 OPTIONS

An Explanation of Rights is attached. If you do not understand these options, please consult with your attorney or contact the attorney for the Prosecution Services Unit at the address/phone number listed at the bottom of this form.

OPTION 1. _____ I do not dispute the allegations of material fact in the Administrative Complaint. I do wish to be afforded a hearing, pursuant to Section 120.57(2), Florida Statutes, at which time I will be permitted to submit oral and/or written evidence in mitigation of the complaint to the Board.

OPTION 2. _____ I do dispute the allegations of material fact contained in the Administrative Complaint and request this to be considered a petition for formal hearing, pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, before an Administrative Law Judge appointed by the Division of Administrative Hearings. Pursuant to Uniform Rule 28-106.2015(5), Florida Administrative Code, I specifically dispute the following material facts (identified by paragraph number and fact disputed) in the Administrative Complaint:

Respondent's Signature
Address: _____

Attorney/Qualified Representative*
Address: _____

Lic. No.: _____

Phone No.: _____

Phone No.: _____ Fax No.: _____

Fax No.: _____

Email: _____

Email: _____

STATE OF FLORIDA
COUNTY OF _____

*Qualified Representatives must file written requests to appear as such pursuant to Rule 28-106.106, Uniform Rules of Procedure.

Before me, personally appeared _____, whose identity is known to me or _____ (type of identification) and who, acknowledges that his/her signature appears above.

Sworn to or affirmed by Affiant before me this _____ day of _____ 20____.

Notary Public-State of Florida

My Commission Expires

Type or Print Name

PLEASE MAIL AND/OR FAX COMPLETED FORM TO: Cynthia Nash-Early Assistant General Counsel, DOH, Prosecution Services Unit, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265. Telephone Number: (850) 558-9872 FAX (850) 245-4684; TDD 1-800-955-8771

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2019-12295

DARREN M. MAYER, P.A.,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Darren M. Mayer, P.A., 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 assistant within the state of Florida, having been issued license number PA 9105001.

3. Section 458.347(7)(f), Florida Statutes (2018), provides that the Board of Medicine may impose penalties authorized under sections

456.072 and 458.331(2), Florida Statutes, upon a physician assistant if the physician assistant has been found guilty of or is being investigated for any act that constitutes a violation of Chapter 458 or Chapter 456.

4. Respondent's address of record is 390 North Courtney Parkway, Merritt Island, Florida 32953.

5. Respondent was also licensed to practice as a physician assistant in the state of Texas by the Texas Medical Board (Texas Board), the licensing authority regulating the practice of medicine in Texas.

6. On or about December 8, 2015, Respondent entered a plea of guilty to Driving While Intoxicated with a Blood Alcohol Level (BAL) 0.15 or higher in Texas.

7. On or about March 29, 2019, the Texas Board revoked Respondent's Texas physician assistant license (license number 503-18-4711) via a Default Order addressing Respondent's unprofessional or dishonorable conduct; Respondent's use of drugs or intoxicating liquors; Respondent's violation of state laws; and Respondent's removal from a licensed hospital for disciplinary action.

8. The March 29, 2019 Default Order constitutes action against Respondent's physician assistant license.

9. Respondent did not provide updated information for his Florida practitioner profile to disclose the March 29, 2019, action taken by the Texas Board within fifteen days.

10. Respondent failed to notify the Florida Board of Medicine in writing within thirty days of the March 29, 2019, revocation of his physician assistant license by the Texas Board.

11. Respondent failed to notify the Florida Board of Medicine in writing within thirty days of the December 8, 2015 guilty plea to Driving While Intoxicated with a BAL of 0.15 or higher in Texas.

Count I

12. Petitioner re-alleges and incorporates by reference paragraphs one (1) through six (6) and eleven (11), as if fully forth herein.

13. Section 456.072(1)(x), Florida Statutes (2015), provides that failing to report to the board in writing within thirty days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication a crime in any jurisdiction, constitutes grounds for disciplinary action by the Board of Medicine.

14. Respondent failed to report the December 8, 2015 guilty plea to the crime of Driving While Intoxicated with a BAL of 0.15 or higher in Texas.

15. Based on the foregoing, Respondent violated section 456.072(1)(x), Florida Statutes (2015).

Count II

16. Petitioner re-alleges and incorporates by reference paragraphs one (1) through eight (8), as if fully set forth herein.

17. Section 458.331(1)(b), Florida Statutes (2018), 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 any jurisdiction, including its agencies or subdivisions, constitutes grounds for disciplinary action by the Board of Medicine. The licensing authority's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license.

18. On or about March 29, 2019, the licensing authority of Texas revoked Respondent's Texas physician assistant license via the above-mentioned Default Order.

19. Based on the foregoing, Respondent violated section 458.331(1)(b), Florida Statutes (2018).

Count III

20. Petitioner re-alleges and incorporates by reference paragraphs one (1) through nine (9), as if fully set forth herein.

21. Pursuant to section 456.041(1)(a), Florida Statutes (2018), the Department of Health shall compile information submitted pursuant to section 456.039, Florida Statutes, into a practitioner profile for the applicant or licensee submitting the information.

22. Pursuant to section 456.039(1)(a)8., Florida Statutes (2018), an applicant or licensee must provide a description of any final disciplinary action taken within the previous ten (10) years against him or her by the agency regulating the profession in which he or she is or has been licensed to practice, whether in the state of Florida or any other jurisdiction.

23. Section 456.042, Florida Statutes (2018), provides that a practitioner must submit updates of required information within fifteen

(15) days after the final activity that renders such information a fact. An updated profile is subject to the same requirements as an original profile.

24. Section 456.072(1)(w), Florida Statutes (2018), provides that failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application, is grounds for discipline by the Florida Board of Medicine.

25. Respondent failed to timely provide updated information for his Florida practitioner profile to disclose the March 29, 2019 action of the Texas Board within fifteen (15) days.

26. Based on the foregoing, Respondent violated section 456.072(1)(w), Florida Statutes (2018) by failing to timely update his practitioner profile.

Count IV

27. Petitioner re-alleges and incorporates by reference paragraphs one (1) through eight (8) and ten (10), as if fully set forth herein.

28. Section 458.331(1)(kk), Florida Statutes (2018), 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 Board of Medicine.

29. Respondent failed to report the March 29, 2019, action taken against his license by the Texas Board to the Florida Board of Medicine, in writing, within 30 days.

30. Based on the foregoing, Respondent has violated section 458.331(1)(kk), Florida Statutes (2018).

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, 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 28th day of October 2019.

Scott A. Rivkees
State Surgeon General

Cynthia Nash-Early

Cynthia Nash-Early
Assistant General Counsel
Florida Bar Number 20554
DOH-Prosecution Services Unit
4052 Bald Cypress Way-Bin C-65
Tallahassee, Florida 32399-3265
(850) 558-9872
(850) 245-4684 fax
E-Mail: Cynthia.NashEarly@flhealth.gov

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Angel Sanders*
DATE: **OCT 28 2019**

CNE/rr

PCP Date: October 25, 2019

PCP Members: Georges El-Bahri, M.D.; Ricardo Morales, P.A.; and Brigitte Goersch

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.

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Certified Mail Fee	\$ 3.50
Return Receipt (Hardcopy)	\$ 2.80
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Certified Mail Restricted Delivery	\$ 0.00
Postage	\$ 0.50
Total Postage and Fees	\$ 6.80

Postmark
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Sent to: Jeffrey S. Howell, Esq.
2892-6 Mahan Drive
Tallahassee, FL 32308

Reference Information

C. Nash-Early
456 Ltr. EOR, waiver 2019-12295 Mayer

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2019-12295

DARREN M. MAYER, P.A.,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Darren M. Mayer, P.A., 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 assistant within the state of Florida, having been issued license number PA 9105001.

3. Section 458.347(7)(f), Florida Statutes (2018), provides that the Board of Medicine may impose penalties authorized under sections

456.072 and 458.331(2), Florida Statutes, upon a physician assistant if the physician assistant has been found guilty of or is being investigated for any act that constitutes a violation of Chapter 458 or Chapter 456.

4. Respondent's address of record is 390 North Courtney Parkway, Merritt Island, Florida 32953.

5. Respondent was also licensed to practice as a physician assistant in the state of Texas by the Texas Medical Board (Texas Board), the licensing authority regulating the practice of medicine in Texas.

6. On or about December 8, 2015, Respondent entered a plea of guilty to Driving While Intoxicated with a Blood Alcohol Level (BAL) 0.15 or higher in Texas.

7. On or about March 29, 2019, the Texas Board revoked Respondent's Texas physician assistant license (license number 503-18-4711) via a Default Order addressing Respondent's unprofessional or dishonorable conduct; Respondent's use of drugs or intoxicating liquors; Respondent's violation of state laws; and Respondent's removal from a licensed hospital for disciplinary action.

8. The March 29, 2019 Default Order constitutes action against Respondent's physician assistant license.

9. Respondent did not provide updated information for his Florida practitioner profile to disclose the March 29, 2019, action taken by the Texas Board within fifteen days.

10. Respondent failed to notify the Florida Board of Medicine in writing within thirty days of the March 29, 2019, revocation of his physician assistant license by the Texas Board.

11. Respondent failed to notify the Florida Board of Medicine in writing within thirty days of the December 8, 2015 guilty plea to Driving While Intoxicated with a BAL of 0.15 or higher in Texas.

Count I

12. Petitioner re-alleges and incorporates by reference paragraphs one (1) through six (6) and eleven (11), as if fully forth herein.

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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, 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 28th day of October 2019.

Scott A. Rivkees
State Surgeon General

Cynthia Nash-Early

Cynthia Nash-Early
Assistant General Counsel
Florida Bar Number 20554
DOH-Prosecution Services Unit
4052 Bald Cypress Way-Bin C-65
Tallahassee, Florida 32399-3265
(850) 558-9872
(850) 245-4684 fax
E-Mail: Cynthia.NashEarly@flhealth.gov

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Angel Sanders*
DATE: **OCT 28 2019**

CNE/rr

PCP Date: October 25, 2019

PCP Members: Georges El-Bahri, M.D.; Ricardo Morales, P.A.; and Brigitte Goersch

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STATE OF FLORIDA



DEPARTMENT OF HEALTH

INVESTIGATIVE REPORT

Office: Consumer Services	Date of Complaint: 06/19/19	Case Number: 201912295
Subject: DARREN M. MAYER MedFast Urgent Care Center 390 N. Courtney Pkwy. Merritt Island, FL 32953 806-443-0483	Source: DOH / BOARD OF MEDICINE	
Profession: Physician Assistant	License Number / Status: PA 9105001 / Clear, Active	
Related Case(s): None	Period of Investigation and Type of Report: 06/19/19 - 06/19/19 / FINAL	
Alleged Violation: ss. 458.331(1)(b)(c)(g)(kk)(nn), 456.072(1)(c)(f)(k)(x)(dd), F.S.		
<p>Synopsis: This investigation is predicated upon receipt of the complaint, documents from the Texas Medical Board, and documents from Potter County Court. Documents from the Texas Medical Board state that MAYER'S Texas physician assistant license was revoked on 03/29/19 based on findings that they had engaged in unprofessional conduct and had a previous conviction in Potter County, Texas. Documents from Potter County Court state that MAYER was convicted of misdemeanor Driving While Intoxicated on 04/18/16. MAYER failed to report the Texas disciplinary action from 2019 or the Texas conviction from 2016 in writing within 30 days. (Exhibit #1)</p> <p>MAYER has not responded to this investigation as of the date of this report.</p> <p> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Subject Notification Completed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Patient Notification Completed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Above referenced licensure checked in database/LEIDS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Board certified? Board: Specialties: <input type="checkbox"/> Notified <input type="checkbox"/> Involved <input checked="" type="checkbox"/> N/A Law Enforcement <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Subject represented by an attorney? Attorney information: </p>		
Investigator/Date: <i>Miles Hardison</i> 06/19/19 Miles Hardison Government Analyst I	Approved By/Date: <i>Shane Walters</i> 06/24/2019	
Distribution: PSU		Page 1

TABLE OF CONTENTS

I. INVESTIGATIVE REPORT COVER 1

II. TABLE OF CONTENTS 2

III. INVESTIGATIVE DETAILS

 Statement of DOH / BOARD OF MEDICINE (Source) 3

 Statement of DARREN M. MAYER (Subject)..... 3

IV. EXHIBITS

 1. Case summary, complaint, and initiating documents.....4-38

 2. Copy of notification letters to MAYER39-40

* Exhibits contain information which identifies patient(s) by name and are sealed pursuant to section 456.057(9)(a) Florida Statute.

*** This exhibit contains confidential records concerning reports of abuse, neglect or exploitation of the vulnerable adult, including reports made to the central abuse hotline, and is sealed pursuant to section 415.107(1), Florida Statutes

INVESTIGATIVE DETAILS

STATEMENT OF DOH / BOARD OF MEDICINE - Source

No additional information has been attained from this source.

STATEMENT OF DARREN M. MAYER - Subject

MedFast Urgent Care Center
390 N. Courtney Pkwy.
Merritt Island, FL 32953
806-443-0483

MAYER has not responded to this investigation as of the date of this report.

A new Board Action Disciplinary Alert Report has been generated for DAS Florida Board of Medicine for the following practitioners.

Practitioner

Darren Micheal Mayer

Alt Names

Darren Michael Mayer

License

PA9105001

Degree Code

PA

Reporting Board

Texas Medical Board

Date Issued

03/29/2019

Actions

REVOCATION OF PHYSICIAN ASSISTANT LICENSE/REGISTRATION/PERMIT

Basis for Order

Failure to Conform to Minimal Standards of Acceptable Medical Practice

Conduct Likely to Deceive or Defraud or Harm the Public

Unprofessional Conduct

Violation of Statute or Rule of the Board

Failure to Respond to Request of the Board

Practitioner Profile

[Click here](#)

Download Order

[321Z34G_08R8G28GM00DMWZ.pdf](#)

DAS Florida Board of Medicine

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Vision: To be the **Healthiest State** in the Nation

April 17, 2019

Texas Medical Board
Mail Code 251
P.O. Box 2018
Austin, TX 78768-2018

DOH Reference Number: 201912295
Subject: Darren M. Mayer
Texas License Number: PA07087
Action Date: 03/29/2019

Dear Sir or Madam:

The Consumer Services Unit is reviewing disciplinary action taken by your state against the above Florida licensed health care provider. Please provide copies of the following information:

- * The Administrative Complaint/Charging Document
- * The Final Order/Disposition Document

Sincerely,

Miles Hardison
Government Analyst I

Florida Department of Health

Division of Medical Quality Assurance • Bureau of Enforcement
4052 Bald Cypress Way, Bin C-75 • Tallahassee, FL 32399-3275
PHONE: (850) 245-4339 • FAX : (850) 488-0796



Accredited Health Department
Public Health Accreditation Board

Exhibit 1
006

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Vision: To be the **Healthiest State** in the Nation

May 15, 2019

Texas Medical Board
Mail Code 251
P.O. Box 2018
Austin, TX 78768-2018

DOH Reference Number: 201912295
Subject: Darren M. Mayer
Texas License Number: PA07087

Dear Sir or Madam:

The Consumer Services Unit is reviewing disciplinary action taken by your state against the above Florida licensed health care provider. Please provide copies of the following information:

* Default Order dated 03/29/2019

Sincerely,

Miles Hardison
Government Analyst I

Florida Department of Health

Division of Medical Quality Assurance • Bureau of Enforcement
4052 Bald Cypress Way, Bin C-75 • Tallahassee, FL 32399-3275
PHONE: (850) 245-4339 • FAX : (850) 488-0796



Accredited Health Department
Public Health Accreditation Board

Exhibit 1
007

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Ron DeSantis
Governor

Vision: To be the **Healthiest State** in the Nation

June 6, 2019

Potter County Clerk
P.O. Box 9638
Amarillo, Texas 79105

Subject: Darren M. Mayer
Date of Birth: 09/24/1962
DOH Reference Number: 201912295
Charge: Driving While Intoxicated
Disposition Date: On or About April 2016

Dear Sir or Madam:

The above healthcare practitioner was found guilty of a crime in your court that may be related to the practice as a PHYSICIAN ASSISTANT in Florida. The Department of Health is required to investigate possible violations of the laws and rules regulating this practitioner's profession.

We need the following information so that the department can review this matter and take appropriate action. Please forward copies of:

- the warrant/arrest;
- the Bill of Indictment;
- the Judgment or Conviction

If there is a charge for these certified copies, please send an itemized invoice, with your **Federal Employer Identification number**, the amount per page, and the total number of pages.

The mission of the Department of Health is to protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts. If you have any questions, please call the Consumer Services Unit at (850) 245-4339.

Sincerely,

Miles Hardison
Government Analyst I

DOH-Form207

Florida Department of Health

Division of Medical Quality Assurance • Bureau of Enforcement
4052 Bald Cypress Way, Bin C-75 • Tallahassee, FL 32399-3275
PHONE: (850) 245-4339 • FAX : (850) 488-0796



Accredited Health Department
Public Health Accreditation Board

Exhibit 1
008

201912295

157

Open Records Ref. No. 29998



TEXAS MEDICAL BOARD

April 30, 2019

Miles Hardison
Government Analyst I
Florida Department of Health
4052 Bald Cypress Way, Bin C-75
Tallahassee, FL 323993275

DOH Consumer Services

MAY 6 2019

Re: Open Records Request Regarding Darren Mayer

Dear Miles Hardison:

We received your open records request on April 23, 2019. As you requested, enclosed are copies of the following documents:

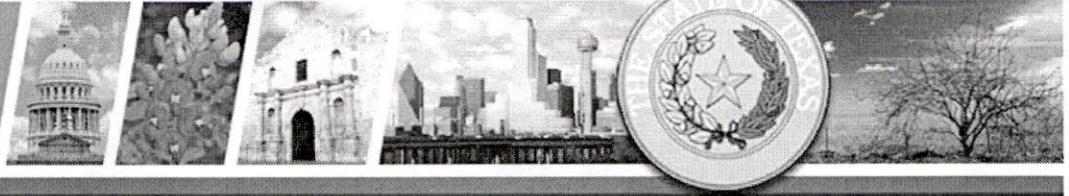
Public Physician Verification
2018 Formal Complaint
2018 Order No. 3 Conditional Order of Default Dismissal and Reprimand

Please contact me if you need further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Tiffany Garcia".

Tiffany Garcia
Open Records Coordinator
TEXAS MEDICAL BOARD



PUBLIC VERIFICATION / PHYSICIAN PROFILE

PHYSICIAN ASSISTANT

NAME: DARREN MICHEAL MAYER PA

DATE: 04/30/2019

THE INFORMATION IN THIS BOX HAS BEEN VERIFIED
BY THE TEXAS MEDICAL BOARD

Date of Birth: 1962

PA License Number: PA07087

Issuance Date: 02/18/2011

Expiration Date: 02/28/2019

Registration Status: NOT ACTIVE

Registration Date: 04/02/2019

Disciplinary Status: CANCELLED BY BOARD

Disciplinary Date: 03/29/2019

Licensure Status: NONE

Licensure Date: NONE

Mailing Address

3409 FLEETWOOD DR
AMARILLO, TX 79109

Education

Year of graduation from physician assistant school: 1989

Program: SUNY AT STONY BROOK, STONY BROOK

Board Action (includes all actions regardless of license/permit type)

View the documents containing action taken by the Board against this individual.

[View Board Actions](#)

[Get Adobe Reader](#)

Action Date: 03/29/2019

Description: ON MARCH 29, 2019, THE TEXAS PHYSICIAN ASSISTANT BOARD ENTERED A DEFAULT ORDER REGARDING DARREN MICHAEL MAYER, P.A., WHICH REVOKED HIS TEXAS PHYSICIAN ASSISTANT LICENSE. ON JULY 13, 2018, THE BOARD FILED A COMPLAINT WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS (SOAH), ALLEGING UNPROFESSIONAL CONDUCT. MR. MAYER FAILED TO APPEAR AT THE SOAH HEARING AND NO RESPONSIVE PLEADING WAS EVER FILED BY MR. MAYER. THE BOARD GRANTED A DETERMINATION OF DEFAULT AND MR. MAYER'S LICENSE WAS REVOKED BY DEFAULT ORDER. THIS ORDER RESOLVES A FORMAL COMPLAINT FILED AT SOAH. MR. MAYER HAS

25 DAYS FROM THE SERVICE OF THE ORDER TO FILE A MOTION FOR REHEARING.

Action Date: 07/13/2018

Description: ON JULY 13, 2018, A FORMAL COMPLAINT WAS FILED BY THE BOARD.

Status History

Status history contains entries for any updates to the individual's registration, licensure or disciplinary status types (beginning with 1/1/78, when the board's records were first automated). Entries are in reverse chronological order; new entries of each type supersede the previous entry of that same type. These records do not display status type. Should you have any questions, please contact our Customer Information Center at 512-305-7030 or verificic@tmb.state.tx.us

Status Code: NA

Effective Date: 04/02/2019

Description: NOT ACTIVE

Status Code: CB

Effective Date: 03/29/2019

Description: CANCELLED BY BOARD

Status Code: DQ

Effective Date: 03/01/2019

Description: DELINQUENT ANNUAL REG.

Status Code: AC

Effective Date: 04/19/2011

Description: ACTIVE

Status Code: LI

Effective Date: 02/18/2011

Description: LICENSE ISSUED

Status Code: FB

Effective Date: NONE

Description: FILED BY BOARD

THE INFORMATION IN THIS BOX WAS REPORTED BY THE LICENSEE AND
HAS NOT BEEN VERIFIED BY THE TEXAS MEDICAL BOARD

Gender: MALE

Current Primary Practice Address:

NOT GIVEN

Active Supervising Physician(s)

Note: An asterisk (*) will appear next to the name of any supervising physician that has an active Board order. Please see the physician's profile for any information regarding a restriction on prescriptive delegation.

NONE

Summary of all License/Permit Types

Issue Date:

02/18/2011

Type:

PHYSICIAN ASSISTANT

[Contact Us](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Compact with Texans](#) | [Website Linking Policy](#)
Please contact Pre-Licensure, Registration and Consumer Services at (512) 305-7030 for assistance.

HEARING CONDUCTED BY THE
TEXAS STATE OFFICE OF ADMINISTRATIVE HEARINGS
SOAH DOCKET NO. 503-18-~~4711~~.PA
TEXAS PHYSICIAN ASSISTANT LICENSE NO. PA07087

IN THE MATTER OF THE
COMPLAINT AGAINST
DARREN MICHAEL MAYER, P.A.

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

COMPLAINT

TO THE HONORABLE TEXAS PHYSICIAN ASSISTANT BOARD AND THE
HONORABLE ADMINISTRATIVE LAW JUDGE TO BE ASSIGNED:

COMES NOW, the Staff of the Texas Physician Assistant Board (Board), by and through its attorney of record, Michelle A. McFaddin, and files this Complaint against Darren Michael Mayer, P.A., (Respondent), for alleged violations of the Physician Assistant Licensing Act (Act), Title 3, Subtitle C, TEX. OCC. CODE ANN. §§204.001 *et seq.* (Vernon Supp. 2017) and the rules adopted thereunder, and would respectfully show the following:

I. SUMMARY OF FACTUAL ALLEGATIONS

Board Staff alleges that Respondent has engaged in unprofessional conduct. Respondent was terminated from his job at Texas Tech University's Health Science Center – Clements Unit for behavioral concerns and his failure to take appropriate corrective action in August, 2016. In addition, Board Staff alleges that Respondent was arrested and pleaded guilty to a Class B misdemeanor, driving while intoxicated, in April, 2016 in Potter County, Texas, conduct that is also defined as being unprofessional and dishonorable.

II. LEGAL AUTHORITY AND JURISDICTION

1. Respondent is a Texas physician assistant and holds Texas Physician Assistant License No. PA07087, which was originally issued by the Board on February 18, 2011. Respondent is also licensed to practice as a physician assistant in Florida and Alabama. Respondent's license was in full force and effect at all times material and relevant to this Complaint.

2. Respondent received notice of one or more Informal Settlement Conferences (ISC). The Board complied with all procedural rules, including but not limited to, Board Rules 182, 185 and 187, as applicable.

3. No agreement to settle this matter has been reached by the parties.

4. All jurisdictional requirements have been satisfied.

5. The filing of this Complaint and the relief requested are necessary to protect the health and public interest of the citizens of the State of Texas.

III. APPLICABLE STATUTES AND STATUTORY VIOLATIONS

The following statutes, rules, and agency policy are applicable to the procedures for conduct of the hearing this matter:

A. General Statutes and Rules:

1. Section 204.314(g) of the Act authorizes the Board to proceed with the filing of a formal complaint to initiate a contested case before the State Office of Administrative Hearings (SOAH) in the event that the Board is not able to reach settlement of a disciplinary action.

2. 22 TEX. ADMIN. CODE CHAPTER 187 sets forth the procedures adopted by the Board that govern formal Board proceedings before SOAH.

3. 22 TEX. ADMIN. CODE CHAPTER 190 sets forth aggravating factors that warrant more severe or restrictive action by the Board.

4. 1 TEX. ADMIN. CODE CHAPTER 155 sets forth the rules of procedure adopted by SOAH for contested case proceeding.

5. 1 TEX. ADMIN. CODE §155.507 requires the issuance of a Proposal for Decision (PFD) containing Findings of Fact and Conclusions of Law.

6. Section 204.314(g) of the Act and Board Rules 185, 187, and 190 provide the Board with the sole and exclusive authority to determine the charges on the merits, to impose sanctions for violation of the Act or a Board rule, and to issue a Final Order.

B. Specific Violations Cited:

Respondent has violated one or more of the following provisions of the Act:

1. Section 204.302(4) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public, as further defined by the following Board Rules: 190.8(2)(B), failure to respond to a Board request for information; 190.8(2)(C), providing false information to the Board; 190.8(2)(D), failure to cooperate with Board Staff; and 190.8(2)(R)(iv), commission of a violation of state or federal law whether or not there is a complaint, indictment, or conviction.

2. Section 204.303(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a rule adopted under the Act; specifically, Board Rules 185.17(3), violates the Act or any rules relating to the practice of a physician assistant; 185.17(5), uses drugs or intoxicating liquors; 185.17(9), acting in an unprofessional or dishonorable manner that is likely to deceive, defraud or injure the public, 185.17(10), failing to practice as a physician assistant in an acceptable manner consistent with public health and welfare; 185.17(11), committing any act that is a violation of the laws of the State of Texas if that act is connected with practice as a physician's assistant; and 185.17(20), is removed or suspended or has disciplinary action taken by his peers in any professional association or society, whether the association or society is local, regional, state, or national in scope, or is being disciplined by a licensed hospital or medical staff of a hospital, including removal, suspension, limitation of privileges, or other disciplinary action, if that action, in the opinion of the board, was based on unprofessional conduct or professional incompetence that was likely to harm the public. This action does not constitute state action on the part of the association, society, or hospital medical staff;

3. Section 204.303(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of state laws in connection with his physician assistant practice.

4. Section 204.304(a)(9) of the Act authorizes the Board to take disciplinary action against Respondent based on his removal or suspension from, or has had disciplinary action taken by his peers, or has been disciplined by a licensed hospital or its medical staff, including removal, suspension, limitation of privileges, or other disciplinary action if the reason for the disciplinary action is unprofessional conduct or professional incompetence likely to harm the public.

IV. FACTUAL ALLEGATIONS

Based on information and belief, Board Staff alleges:

1. On or around February 1, 2015, Respondent commenced employment as a physician assistant at Texas Tech University Health Sciences Center - Clements Unit (TTUHSC – Clements) Correctional Management Healthcare unit.

2. On or around August 19, 2015, TTUHSC – Clements performed an evaluation of Respondent that documented several deficiencies in his performance including the need to better maintain a regular schedule for care areas and to maintain a 40-hour work week on the unit. Respondent was also counseled to refrain from using expletives, to provide a more positive attitude towards staff, and to increase his medical recordkeeping documentation regarding medical decisions and treatment plans.

3. On or around December 3, 2015, Respondent was arrested for driving while intoxicated (DWI) in Potter County, Texas. He pleaded guilty to a Class B misdemeanor and was sentenced by the Potter County Court of Law No. 2 to 120 days in jail, which was probated. His probation was discharged on or around April 18, 2017. His DWI arrest and conviction constitute violations of the Act and Board Rules; specifically:

Section 204.302(4) of the Act authorizes the Board to take disciplinary action against Respondent for unprofessional conduct that is likely to deceive, defraud, or injure the public.

Section 204.303(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent for violating the following Board Rules: 185.17(5), using drugs or intoxicating liquors; and 185.17(9), acting in an unprofessional or dishonorable manner that is likely to deceive, defraud, or injure the public.

4. TTUHSC – Clements performed a subsequent evaluation of Respondent's performance on or around February 18, 2016 and concluded that there was "some improvement in the deficiencies" but that Respondent "continued to have unanticipated absences, sudden changes in his work schedule, and began a pattern of abusing sick leave." On August 11, 2016, Respondent was terminated by TTUCMHC for "behavior violations and failure to achieve corrective actions." Respondent's conduct violated the Act and Board Rules; specifically:

Section 204.303(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent for violating Board Rule 185.17(20) by having disciplinary action taken by a licensed hospital against him that included the removal, suspension, limitation of privileges, or other disciplinary action, if that action was based on unprofessional conduct or professional incompetence that was likely to harm the public.

Section 204.304(a)(9) of the Act authorizes the Board to take disciplinary action against Respondent because Respondent was disciplined by a licensed hospital including removal, suspension, limitation of privileges, or other disciplinary action and the disciplinary action was based on unprofessional conduct or professional incompetence that was likely to harm the public.

5. On August 28, 2016, Respondent signed an employment acceptance letter from Amarillo Urgent Care under the supervision of Naeem Ullah Khan, M.D. On or around September 9, 2016, Dr. Khan and Respondent entered into a prescriptive authority agreement. However, Respondent did not see any patients until December 28, 2016 and, according to Amarillo Urgent Care, he worked less than six hours on December 28, 2016 because his employment was terminated based on his reluctance to follow his supervisor's instructions and his argumentative behavior with fellow providers.

Section 204.302(4) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public, as further defined by Board Rule 190.8(2)(P), behaving in a disruptive manner towards licensees, hospital personnel, other medical personnel, patients, family members or others that interferes or could be reasonably expected to adversely impact the quality of care rendered to a patient.

V. AGGRAVATING AND MITIGATING FACTORS

Board Rule 190.14(1) provides that the Board may impose more restrictive sanctions when there are multiple violations of the Act. Board Rule 190.15 provides that the Board may consider aggravating factors that warrant more severe or restrictive disciplinary action. This case includes the following aggravating factors: (1) increased potential for harm to the public; (2) attempted concealment of the act constituting the violation; (3) intentional, premeditated, knowing, or grossly negligent act constituting a violation; (4) previous disciplinary action by a health care entity; and (5) other relevant circumstances increasing the seriousness of the misconduct.

Board staff is aware of no mitigating factors that apply and demands that Respondent submit proof to substantiate any alleged mitigating factors.

VI. NOTICE TO RESPONDENT

IF YOU DO NOT FILE A WRITTEN ANSWER TO THIS COMPLAINT WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS AFTER THE DATE OF RECEIPT, A DEFAULT ORDER MAY BE ENTERED AGAINST YOU, WHICH MAY INCLUDE THE DENIAL OF LICENSURE OR ANY OR ALL OF THE REQUESTED SANCTIONS, INCLUDING THE REVOCATION OF YOUR LICENSE. A COPY OF ANY ANSWER YOU FILE WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ALSO BE PROVIDED TO THE HEARINGS COORDINATOR OF THE TEXAS PHYSICIAN ASSISTANT BOARD.

VII. PRAYER

WHEREFORE, PREMISES CONSIDERED, Board Staff requests that an administrative law judge employed by the State Office of Administrative Hearings conduct a contested case hearing on the merits of the Complaint, and issue a Proposal for Decision containing Findings of Fact and Conclusions of Law necessary to support a determination that Respondent violated the Act and Board Rules, as set forth in this Complaint.

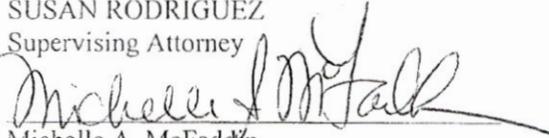
Respectfully submitted,

TEXAS PHYSICIAN ASSISTANT BOARD

CHRISTOPHER PALAZOLA
Litigation Manager

SUSAN RODRIGUEZ
Supervising Attorney

By:

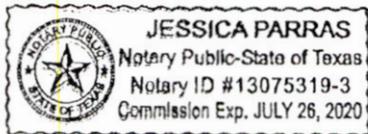

Michelle A. McFaddin
Texas State Bar No. 13594020
333 Guadalupe, Tower 3, Suite 610
Austin, Texas 78701
Email: Michelle.McFaddin@tmb.state.tx.us
Telephone: (512) 305-7015
FAX: (512) 305-7007

THE STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

SUBSCRIBED AND SWORN to before me by Michelle A. McFaddin, J.D., on this 13th
day of July, 2018.



Notary without Bond


Notary Public, State of Texas

Filed with the Texas Physician Assistant Board on this 12th day of July, 2018.

A handwritten signature in cursive script that reads "Stephen Brint Carlton". The signature is written in black ink and is positioned above a horizontal line.

Stephen Brint Carlton, J.D.
Executive Director
Texas Physician Assistant Board

CERTIFICATE OF SERVICE

I certify that on the 13th day of July, 2018, a true and correct copy of the foregoing Complaint has been served as follows:

By Email to: docketing@soah.texas.gov

Docket Clerk
State Office of Administrative Hearings
William P. Clements Bldg.
300 W. 15th Street, Suite 504
Austin, TX 78701-1649

By CMRRR No. 7008 2810 0000 1412 1399, and

by First Class Mail to:

Darren Michael Mayer, P.A.
3409 Fleetwood Drive
Amarillo, Texas 79109

By Hand Delivery to:

Robin Etheridge
Hearings Coordinator
Texas Medical Board
333 Guadalupe, Tower 3, Suite 610
Austin, TX 78701



Michelle A. McFaddin, J.D.
Senior Staff Attorney

SOAH DOCKET NO. 503-18-4711.PA

TEXAS PHYSICIAN ASSISTANT
BOARD,
Petitioner

v.

DARREN MICHEAL MAYER, P.A.,
Respondent

§
§
§
§
§
§
§
§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORDER NO. 3
CONDITIONAL ORDER OF
DEFAULT DISMISSAL AND REMAND

This matter was set for hearing on October 25, 2018, before Administrative Law Judge (ALJ) Joanne Summerhays. Attorney Michelle McFaddin appeared on behalf of the staff (Staff) of the Texas Physician Assistant Board (Board). Respondent Darren Michael Mayer, P.A. did not appear and was not represented at the hearing. Upon receiving Staff's Exhibits 1-4 showing proof of adequate notice to Respondent, the ALJ granted Staff's oral motion for default.¹

Due to Respondent's failure to appear, this matter may be dismissed from the docket of the State Office of Administrative Hearings and returned to the Board for informal disposition on a default basis in accordance with Texas Government Code § 2001.056. **IT IS, THEREFORE, ORDERED** that this case is **CONDITIONALLY DISMISSED AND REMANDED** pursuant to 1 Texas Administrative Code § 155.501(d)(1). **This order of dismissal will become final, without further action by the ALJ, unless Respondent files a motion to set aside the default not later than 15 days from the date of this order.** Such a motion must show good cause for reopening the hearing, or show that the interests of justice require setting aside the default dismissal.


JOANNE SUMMERHAYS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

SIGNED October 30, 2018.

¹ 1 Tex. Admin. Code § 155.501(d)(1). Exhibits 1-4 were submitted after the hearing. The ALJ kept the record open to allow the submission of the exhibits, and admits all four exhibits. The ALJ only reviewed the adequacy of the notice and not the sufficiency of Staff's factual allegations.

TEXAS MEDICAL BOARD
P.O. BOX 2018
AUSTIN, TX 78768-2018

503-08

Miles Hardison
Florida Department of Health
4052 Bald Cypress Way, Bin C-75
Tallahassee, FL 32399-3275

Exhibit 1
023



TEXAS MEDICAL BOARD

2019-12295
hals

May 22, 2019

DOH Consumer Services

MAY 20 2019

Miles Hardison
Florida Department of Health
4052 Bald Cypress Way, Bin C-75
Tallahassee, FL 32399-3275

Re: Open Records Request Regarding Darren M. Mayer

Dear Miles Hardison:

We received your open records request on May 20, 2019. As you requested, enclosed are copies of the following documents:

2019 Default Order

Please contact me if you need further assistance.

Sincerely,

Tiffany Garcia

Tiffany Garcia
Open Records
TEXAS MEDICAL BOARD

HEARING CONDUCTED BY THE
TEXAS STATE OFFICE OF ADMINISTRATIVE HEARINGS
SOAH DOCKET NO. 503-18-4711.MD
TEXAS PHYSICIAN ASSISTANT LICENSE NO. PA07087

IN THE MATTER OF THE
COMPLAINT AGAINST
DARREN MICHAEL MAYER, P.A.

BEFORE THE
TEXAS PHYSICIAN ASSISTANT BOARD

DEFAULT ORDER

During open meeting at Austin, Texas, the Texas Physician Assistant Board (Board) considered Board Staff's request for Determination of Default and Issuance of Order of Default (Motion) against Darren Michael Mayer, P.A. (Respondent).

I. FINDINGS

1. Respondent is a Texas physician assistant and holds Texas Physician Assistant License No. PA07087. Respondent was licensed to practice as a physician assistant at all times material and relevant to this Order.

2. All jurisdictional requirements have been satisfied under the Texas Physician Assistant Licensing Act, TEX. OCC. CODE ANN., Title 3, Subtitle C, §§204.001 *ET SEQ.* (VERNON SUPP. 2017) (Act).

3. Respondent received all notice that may be required by law and by the rules of the Board.

4. A Complaint was filed by the Board on July 13, 2018 with the State Office of Administrative Hearings (SOAH) alleging that Respondent violated the Act and the Board's rules and was therefore subject to disciplinary action by the Board. The Complaint is attached hereto and incorporated by reference.

5. On or about July 16, 2018, the Board attempted to serve Respondent with a copy of the Complaint via United States Postal Service (USPS) by certified mail/return receipt requested at Respondent's mailing address of record on file with the Board.

6. A hearing on the merits was set for October 25, 2018 at SOAH. Notice of that hearing was sent to the last known address for Respondent on September 26, 2018. That notice contained the following **NOTICE: PURSUANT TO SOAH RULE §155.501, UPON FAILURE TO APPEAR AT THE HEARING, THE FACTUAL ALLEGATIONS IN THE NOTICE AND COMPLAINT WILL BE DEEMED ADMITTED AS TRUE, AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.**

7. No answer or responsive pleading was ever filed by Respondent.

8. Respondent failed to appear at the hearing on October 25, 2018.

9. The court issued its Order No. 3, Conditional Order of Default Dismissal and Remand on October 30, 2018.

10. Pursuant to 22 TEX. ADMIN. CODE §187.27, the Board finds that this Determination of Default is meritorious, and satisfies all jurisdictional and legal requirements. The Board further finds that the issuance of a Default Order is warranted.

II. CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes the following:

1. Violations of the Act: The actions of Respondent as specified in the Complaint violate one or more of the following provisions of the Act:

a. Section 204.302(4) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public, as further defined by the following Board Rules: 190.8(2)(B), failure to respond to a Board request for information; 190.8(2)(C), providing false information to the Board; 190.8(2)(D), failure to cooperate with Board Staff; and 190.8(2)(R)(iv), commission of a violation of state or federal law whether or not there is a complaint, indictment, or conviction.

b. Section 204.303(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a rule adopted under the Act; specifically, Board Rules 185.17(3), violates the

Act or any rules relating to the practice of a physician assistant; 185.17(5), uses drugs or intoxicating liquors; 185.17(9), acting in an unprofessional or dishonorable manner that is likely to deceive, defraud or injure the public, 185.17(10), failing to practice as a physician assistant in an acceptable manner consistent with public health and welfare; 185.17(11), committing any act that is a violation of the laws of the State of Texas if that act is connected with practice as a physician's assistant; and 185.17(20), is removed or suspended or has disciplinary action taken by his peers in any professional association or society, whether the association or society is local, regional, state, or national in scope, or is being disciplined by a licensed hospital or medical staff of a hospital, including removal, suspension, limitation of privileges, or other disciplinary action, if that action, in the opinion of the board, was based on unprofessional conduct or professional incompetence that was likely to harm the public. This action does not constitute state action on the part of the association, society, or hospital medical staff.

- c. Section 204.303(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of state laws in connection with his physician assistant practice.
 - d. Section 204.304(a)(9) of the Act authorizes the Board to take disciplinary action against Respondent based on his removal or suspension from, or has had disciplinary action taken by his peers, or has been disciplined by a licensed hospital or its medical staff, including removal, suspension, limitation of privileges, or other disciplinary action if the reason for the disciplinary action is unprofessional conduct or professional incompetence likely to harm the public.
2. Aggravating Factors: Board Rule 190.15 provides that aggravating factors may be considered by the Board in reaching a determination of sanctions. Aggravating factors applicable in this case include the following: (a) increased potential for harm to the public; (b) attempted concealment of the act constituting the violation; (c) intentional, premeditated, knowing, or grossly negligent act constituting a

violation; (d) previous disciplinary action by a health care entity; and (e) other relevant circumstances increasing the severity of the misconduct.

III. ORDER

IT IS THEREFORE the Board's finding, having reviewed the administrative record, that this Determination of Default is meritorious.

Based on the above finding that this Determination of Default is meritorious, the Board ORDERS that:

1. All allegations set forth in the Complaint filed in SOAH No. 503-18-4711.PA are deemed true.
2. Respondent's Texas Physician Assistant License No. PA07087 is hereby REVOKED.

SIGNED AND ENTERED by the presiding officer of the Texas Physician Assistant Board on this 29 day of March, 2019.



Karrie Lynn Crosby, MPAS, PA-C, Presiding Officer
Texas Physician Assistant Board

TEXAS MEDICAL BOARD
P.O. BOX 2018
AUSTIN, TX 78768-2018

503-08

AUSTIN

TX 787

22 MAY '19

FW 3-L



U.S. POSTAGE >> PITNEY BOWES



ZIP 78701 \$ 000.65⁰
02 4W
0000333704 MAY 22 2019

Miles Hardison
Florida Department of Health
4052 Bald Cypress Way, Bin C-75
Tallahassee, FL 32399-3275

32399-327599



Exhibit 1
029

DOH Consumer Services

JUN 18 2019 RACE White SEX Male AGE 53 DOB 9/24/1962

Cause No. 143593

Code 54040014 Offense DRIVING WHILE INTOXICATED BAC >= 0.15 Citation 49.04(d) Class MA

Name of Defendant: DARREN MICHAEL MAYER

DOH Consumer S

COMPLAINT

JUN 18 2019

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS.

CRAIG SMITH, Affiant, swears upon his oath that in Potter County, Texas, on or about the 3rd day of December, 2015, DARREN MICHAEL MAYER did then and there operate a motor vehicle in a public place while intoxicated by not having the normal use of his mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, or a combination of two or more of those substances, or any other substance into the body, or by having an alcohol concentration of 0.08 or more,

ENHANCEMENT

and the Affiant further swears that at the time of performing an analysis of a specimen of the defendant's blood, breath or urine the analysis showed an alcohol concentration level of 0.15 or more.

Against the Peace and Dignity of the State of Texas.

[Signature of Julie Smith]
AFFIANT

SWORN TO AND SUBSCRIBED before me on 12/8/15

FILED FOR RECORD
POTTER COUNTY, TEXAS

2015 DEC 8: PM 4 33

Julie Smith
County Clerk, Potter Co.

By: [Signature] Deputy

[Signature of James Walter]
Assistant County Attorney
Potter County, Texas

Certified Copy: Pg. 1 of 8
143593-00-2
Attest: June 14, 2019
JULIE SMITH
County Clerk
Potter County, Texas

[Signature of Tonde Walton] Deputy
Tonde Walton



Cause No. 143593

Code	Offense	Citation	Class
54040014	DRIVING WHILE INTOXICATED BAC >= 0.15	49.04(d)	MA

Name of Defendant: **DARREN MICHAEL MAYER**

INFORMATION

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS.

SCOTT BRUMLEY, County Attorney of Potter County, presents to the County Court at Law No. 2 of Potter County, Texas.

On or about the **3rd day of December, 2015**, in Potter County, Texas, **DARREN MICHAEL MAYER** did then and there operate a motor vehicle in a public place while intoxicated by not having the normal use of his mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, or a combination of two or more of those substances, or any other substance into the body, or by having an alcohol concentration of 0.08 or more,

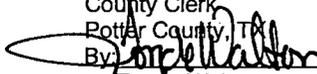
ENHANCEMENT

and it is further presented in and to said Court that at the time of performing an analysis of a specimen of the defendant's blood, breath or urine the analysis showed an alcohol concentration level of 0.15 or more.

Against the Peace and Dignity of the State of Texas.

FILED FOR RECORD
POTTER COUNTY, TEXAS
2015 DEC 8 PM 4 33
Julie Smith, Potter Co.
County Clerk
BY: ASA Deputy


Assistant County Attorney
Potter County, Texas

Certified Copy: Pg. 2 of 8
143593-00-2
Attest: June 14, 2019
JULIE SMITH
County Clerk
Potter County, TX
By:  Deputy
Tonde Walton



NO. 143593

THE STATE OF TEXAS
VS.
DARREN MICHAEL MAYER

§ IN THE COUNTY COURT AT LAW NO. 2
§ IN AND FOR
§ POTTER COUNTY, TEXAS

JUDGMENT

Judge Presiding: Pamela C. Sirmon

Date of Judgment: 04-18-16

Attorney for State: Ivan St. John

Attorney for Defendant: Ryan Brown

Offense Convicted Of: Driving While Intoxicated

Date Offense Committed: 12-03-15

Degree of Offense: Class "B" Misdemeanor

Charging Instrument: Information Plea: Guilty

Terms of Plea Bargain: One Hundred Twenty (120) days' confinement in the Potter County Jail, a \$400.00 fine, plus costs of court. Jail sentence probated.

Plea/Enhancement: N/A

Finding/Enhancement: N/A

Date Sentence Imposed: 04-18-16

Punishment and Place of Confinement: One Hundred Twenty (120) days' confinement in the Potter County Jail, a \$400.00 fine, plus costs of court. Jail sentence probated.

Date to Commence: Sentence suspended and Defendant released to Potter County Community Supervision and Corrections Department.

On the 18th day of April, 2016, this cause was called for trial, and the State appeared through her Assistant County Attorney, Ivan St. John, and the Defendant, DARREN MICHAEL MAYER, appeared in person and with counsel, Ryan Brown, and both parties announced ready for trial; and the said Defendant in open court, in person, waived the reading of the Information, and knowingly, intelligently and voluntarily waived the right to trial by jury, and in open court pleaded guilty to the charge as alleged in the Information, to-wit: Driving While Intoxicated, a Class "B" Misdemeanor.

THEREUPON, the said Defendant was admonished by the Court as to the range of punishment attached to the offense and that any recommendation of the prosecuting attorney as to punishment is not binding on the Court and if punishment assessed does not exceed the recommendation of the prosecuting attorney, the Defendant may appeal only with permission of the Court except those matters raised by written motions filed prior to trial. Having found the existence of a plea bargaining agreement, the Court informed the Defendant that if said agreement is rejected by the Court, the Defendant shall be permitted to withdraw the plea before any finding of guilt is made; and the Court announced that the plea bargaining agreement is followed; and it plainly appearing to the Court that said Defendant is mentally competent and sane, that the Defendant is uninfluenced in making said plea by any consideration of fear, persuasion or delusive hope of pardon or parole prompting such plea, and that such plea is freely and voluntarily made, and said plea of guilty is by the Court received and here now entered upon the Minutes of this Court as the plea herein of said Defendant. The Court, having heard the evidence as to said offense, is of the opinion and so finds that the Defendant is guilty, as confessed, of the offense as alleged in the Information herein.

Certified Copy: Pg. 3 of 8
143593-00-2
Attest: June 14, 2019
JULIE SMITH
County Clerk
Potter County, Texas
By: *[Signature]* Deputy
Tonde Walton



IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that said Defendant is guilty of the offense of Driving While Intoxicated, a Class "B" Misdemeanor, as alleged in the Information in this cause and as confessed by Defendant in Defendant's plea of guilty herein made; and the Court, having heard evidence on the question of punishment and plea bargaining agreement having been followed, fixed the punishment by confinement in the Potter County Jail for a period of One Hundred Twenty (120) days, a \$400.00 fine, plus costs of court.

THEREUPON, the Defendant was asked by the Court whether Defendant had anything to say why sentence should not be pronounced against said Defendant, and said Defendant answered nothing in bar thereof, whereupon, the Court proceeded to pronounce sentence against the said Defendant, in accordance with the judgment herein, as follows:

IT IS THEREFORE FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, DARREN MICHAEL MAYER, who has been adjudged guilty of the offense of Driving While Intoxicated, a Class "B" Misdemeanor, be, and is hereby, sentenced to a fine of \$400.00 and confinement in the Potter County Jail for a period of One Hundred Twenty (120) days, and that the State of Texas do have and recover of and from said Defendant all costs of this prosecution, for which execution may issue against the property of said Defendant, and the said Defendant is remanded to the Potter County Jail to remain until said Defendant shall have been purged by serving said term.

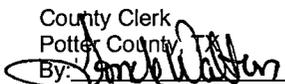
IT IS FURTHER ORDERED that any Fine, Court Costs, Court Appointed Attorney fees, and Time Payment fee (if applicable) as ordered herein be paid as follows:

Payment of FINE / COURT COSTS in one lump sum on the day this judgment is entered, payable to the Potter County Clerk or at the discretion of the Potter County Collections Department; Pay installments to the Potter County Clerk as set forth in the collection agreement made by the Potter County Collections Department or Perform community service work as an alternative to payments if determined necessary by the Potter County Collections Department

HOWEVER, the Court after due consideration is of the opinion, and so finds, that the ends of justice and the best interest of both the public and the Defendant will be served if the imposition of the sentence is suspended and the Defendant is placed on Community Supervision under the supervision of the Court.

IT IS THEREFORE FURTHER ORDERED by the Court that the imposition of the jail sentence in this cause be and the same is hereby suspended during the good behavior of the Defendant, and that the Defendant be and is hereby placed on probation for a term of One (1) year, beginning on this date, under the supervision of the Court and the duly appointed and acting Community Supervision and Corrections Officer of Potter County, Texas, provided that the Defendant shall comply with the terms of the attached probation order, which is expressly made a part hereof for all purposes.

The Defendant was informed of the right to file a motion for new trial or a motion in arrest of judgment, and of Defendant's right to appeal and that Defendant was entitled to have counsel appointed by the Court to perfect the appeal if Defendant could not afford to employ counsel for said appeal; and the Defendant waived the thirty days in which to file said motions and stated that Defendant did not wish to appeal this case and did not wish to have counsel appointed.

Certified Copy: Pg. 4 of 8
143593-00-2
Attest: June 14, 2019
JULIE SMITH
County Clerk
Potter County, Texas
By:  Deputy
Tonde Walton



VOL. 735 PAGE 266

THE COURT FURTHER FINDS that a print of the Defendant's right thumb appears below.

SIGNED AND ENTERED THIS 19th day of April, 2016.

PAMELA C. SIRMON
JUDGE PRESIDING

THE STATE OF TEXAS X Cause No.

vs. X
Darren Mayer X 143593

X



Defendant's Right
Thumbprint

Signature of Bailiff,
Acting for the Court, who took
the thumbprint immediately to
the left hereof on this

18th day of

April 2016

FILED FOR RECORD
POTTER COUNTY, TEXAS
2016 APR 20 AM 10 27
Julie Smith
County Clerk, Potter Co.
By Deputy

Certified Copy: Pg. 5 of 8
143593-00-2
Attest: June 14, 2019
JULIE SMITH
County Clerk
Potter County
By Deputy
Tonde Walton



VOL. 735 PAGE 267



NO. 143593

FILED FOR RECORD
POTTER COUNTY, TEXAS
IN THE COUNTY COURT AT LAW NO. 2
2016 APR 26 PM 2 02

VS.

Darren Mayer

POTTER COUNTY, TEXAS
County Court, Potter Co
By [Signature] Deputy

ORDER GRANTING COMMUNITY SUPERVISION

On the 18th day of April, 2016, came on to be heard the defendant's application for the suspension of the imposition of sentence based upon the judgment of guilty this day pronounced upon him/her in the above entitled and numbered cause and said defendant's application to be placed on Community Supervision by this Court; and it appearing to the Court that said defendant was this day found guilty of the misdemeanor offense of:

Driving While Intoxicated - B

By this Court and that his/her punishment was assessed by the Court at confinement in the Potter County jail for a period of 120 days and a fine of \$ 400.00, and the defendant having made application to the Court for the suspension of the imposition of the sentence based upon the judgment so entered herein against him/her in the above entitled and numbered cause, and to be placed on Community Supervision by the Court having heard such application and the evidence in support thereof and it appearing to the satisfaction of the Court that the ends of justice and the best interests of the public as well as said defendant will be served by granting said application of said defendant, and that said defendant has not previously been convicted of a felony.

IT IS, THEREFORE ORDERED, ADJUDGED, AND DECREED that the imposition of the jail sentence (but not the fine) based upon the judgment of conviction herein entered against said defendant in this cause be and the same is hereby suspended, and the said defendant is hereby placed on Community Supervision for a period of 1 year and the terms and conditions of said Community Supervision are as follows:

1. Commit no offense against the laws of Texas or any other State or the United States, or any Government entity;
2. Avoid injurious or vicious habits, including but not limited to the use of marijuana, narcotics, dangerous drugs, inhalants, or the abuse of prescription medication;
3. Avoid persons of disreputable or harmful character, including but not limited to _____ and specifically avoid association with any person previously convicted of a crime or currently on community supervision (adult or juvenile);
4. Avoid places of disreputable or harmful character and do not voluntarily remain at any location where a criminal act is being committed;
5. Report to the supervision officer as directed by the Court or supervision officer, but at least once each calendar month and obey all rules and regulations of the Community Supervision and Corrections Department;
6. Permit the supervision officer to visit you at home or elsewhere, and notify the supervision officer not less than forty-eight (48) hours prior to any change in your home or employment address;
7. Notify the supervision officer of any arrest within forty-eight (48) hours;
8. Work faithfully at suitable employment as far as possible, and seek the assistance of the supervision officer in your efforts to secure employment when unemployed;
9. Remain within a specified place, to-wit: the confines of Potter, Randall and Armstrong Counties of the State of Texas during the term of Community Supervision except by written permission of this Court;
10. Support his/her dependents;
11. At all times abstain from the consumption of alcohol;
12. Pay the following costs:

All court costs including Court Appointed Attorney Fee;
Fine 400.00

Payment arrangements must be made in person with a representative of the Potter County Collections Department, 500 S. Fillmore, Room 101, no later than 4:00 p.m. on the date of this order. Payment of fine and court costs shall be made pursuant to said payment arrangement;

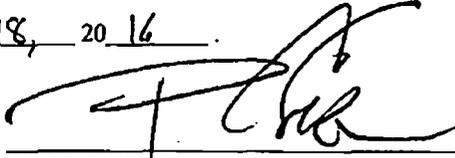
- 12a. Restitution _____
 Other _____
Payments shall be at least \$ _____ per month to be paid to the Community Supervision and Corrections Department of this court on or before the fifth day of each month hereafter during the term of supervision with payments to be applied until each item is liquidated in the following order (1) restitution, (2) other;
13. Pay a Community Supervision fee of \$ 60.00 per month to the Community Supervision and Corrections Department of this Court, on or before the fifth day of each month hereafter during the term of the Community Supervision;
14. Submit a copy of his/her fingerprints to the Potter County Sheriff's Office;

IN ADDITION TO THE ABOVE, THE FOLLOWING CHECKED CONDITIONS ALSO APPLY:

- 15. Attend and successfully complete within 90 days an educational program designed to rehabilitate persons who have driven while intoxicated;
- 16. Obtain a G.E.D. on or before _____; or remain in high school;
- 17. Serve jail time as follows: _____
- 18. Submit to testing as requested by the community supervision officer for the presence in the defendant's body of controlled substances, illegal drugs, alcohol or any substance capable of causing intoxication. A payment of \$10.00 is required within 30 days of a sample being submitted. Should confirmation be required on preliminary positive result an additional payment of \$15 shall be required within 30 days from the date each positive confirmation.
- 19. Remain at his/her residence, on file with the supervision officer, between the hours of 11:30p ~~am~~ p.m. and 6:00a ~~m~~ p.m.;
- 20. Do not enter the premises of any bar, cocktail lounge, club or other establishment that derives its primary source of income from the sale of alcohol or alcoholic beverages;
- 21. Attend one session of the DWI Victim Impact Program within 90 days;
- 22. Complete _____ hours of Community Service Restitution at the direction of the Community Supervision and Corrections Department at the rate of _____ hours per month to begin _____;
- 23. Comply with the directives of Level I Supervision as directed by the Community Supervision and Corrections Department; said directives are attached hereto as Attachment A;
- 24. Attend and successfully complete Batterers Intervention Program/Anger Management classes as directed by the supervision officer;
- 25. Submit to drug and alcohol evaluation and successfully complete any treatment as recommended including aftercare and AA attendance. If required to complete the department's SATP program, a fee of \$50.00 will be due within 30 days of placement;
- 26. Attend and successfully complete an educational program for repeat offenders approved by the Texas Commission on Alcohol and Drug Abuse;
- 27. Have a device installed, on the motor vehicle owned by the Defendant or on the vehicle most regularly driven by the Defendant, that uses a deep-lung breath analysis mechanism to make impractical the operation of the motor vehicle if ethyl alcohol is detected in the breath of the operator, within thirty (30) days, and not operate any vehicle that is not equipped with that device;
- 28. Make a payment of \$50.00 to Amarillo Crime Stoppers, Inc., within 90 days.
- 29. Complete a course in English as a second language;
- 30. Attend and successfully complete shoplifting/theft classes.
- 31. The defendant will have no contact with the complainant, their family or witness _____ during the period of supervision;
- 32. _____

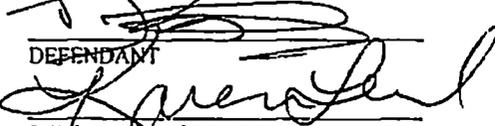
The Clerk of this Court will furnish the Defendant a written copy of this Order, taking a receipt therefore, as a written statement of the period and terms of this Community Supervision.

SIGNED AND ENTERED April 18, 2016

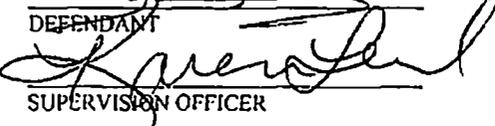


 JUDGE PRESIDING

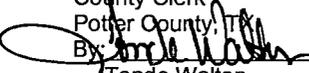
I hereby acknowledge receipt from the Clerk of this Court of one copy of the above Order on the date of entry thereof.



 DEFENDANT



 SUPERVISION OFFICER

Certified Copy: Pg. 7 of 8
 143593-00-2
 Attest: June 14, 2019
 JULIE SMITH
 County Clerk
 Potter County, TX
 By 
 Tonde Walton Deputy



Cause No 143593

FILED TO RECORD
POTTER COUNTY TEXAS

THE STATE OF TEXAS

§ IN THE COUNTY COURT AT LAW #2

v.

§ IN AND FOR APR 20 PM 10 11

DARREN MICHAEL MAYER

§ POTTER COUNTY, TEXAS
County Clerk, Potter Co.

**ORDER DISCHARGING THE DEFENDANT UNDER
MISDEMEANOR PROBATION ACT** Deputy

On this day the Court having reviewed all proceedings in above cause in which the Defendant, DARREN MICHAEL MAYER, was heretofore placed on probation under the Misdemeanor Probation Act of this State, and

It is appearing to the Court that the Defendant has paid the costs assessed against said Defendant, and has otherwise complied with the terms and conditions of the probation, and it further appearing to the Court that ends of justice and the best interest of society and of the Defendant have been served;

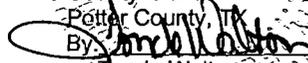
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said Defendant herein is hereby discharged from probation as of the 18th day of April, 2017.

SIGNED AND ENTERED ON

APR 20 2017



Judge Presiding

Certified Copy: Pg. 8 of 8
143593-00-2
Attest: June 14, 2019
JULIE SMITH
County Clerk
Potter County, TX
By:  Deputy
Ronde Walton



JULIE SMITH
POTTER COUNTY CLERK
PO BOX 9638
AMARILLO, TEXAS 79105-9638



U.S. POSTAGE >> PITNEY BOWES



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0000345987 JUN 14 2019

Florida Department of Health
Consumer Services Unit
4052 Bald Cypress Way, Bin C-75
Tallahassee, FL 32399-3275

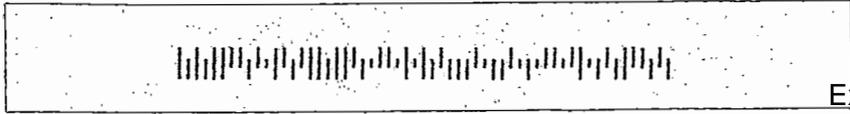


Exhibit 1
038

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Vision: To be the **Healthiest State** in the Nation

June 19, 2019

CONFIDENTIAL

Darren M. Mayer
Medfast Urgent Care Center
390 N. Courtney Pkwy.
Merritt Island, FL 32953

Complaint #: 201912295

Dear Mr. Mayer:

The Consumer Services Unit received the enclosed complaint. We have determined you may have violated the practice act regulating your profession. Therefore, we have opened an investigation. Please submit a written response within 45 days of receipt of this letter. Please include the complaint number 201912295 on any correspondence you provide to our office.

You may make a written request for a copy of the investigative file. This complaint and all investigative information will remain confidential until 10 days after the probable cause panel has determined a violation has occurred or you give up the right to confidentiality.

Sincerely,

Miles Hardison
Government Analyst I

Enclosure
DOH-Form300

Florida Department of Health

Division of Medical Quality Assurance • Bureau of Enforcement
4052 Bald Cypress Way, Bin C-75 • Tallahassee, FL 32399-3275
PHONE: (850) 245-4339 • FAX : (850) 488-0796



Accredited Health Department
Public Health Accreditation Board

Exhibit 2
039

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Vision: To be the **Healthiest State** in the Nation

June 19, 2019

CONFIDENTIAL

Darren M. Mayer
1071 Cascade Cir.
Apt. 103
Rockledge, FL 32955

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Sincerely,

Miles Hardison
Government Analyst I

Enclosure
DOH-Form300

Florida Department of Health

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Accredited Health Department
Public Health Accreditation Board

Exhibit 2
040