

Agency Snapshot: Department of Health

by Paul P. Drake

The Florida Department of Health (DOH) was established by the Legislature in 1996 through the creation of chapter 456, F.S. DOH is an executive branch agency, established in section 20.43, F.S. The Department is led by a State Surgeon General, who serves as the State Health Officer and is directly appointed by the Governor, and confirmed by the Senate. The Surgeon General's role is to be the state's leading advocate for wellness and disease prevention. DOH has three deputy secretaries that oversee all of its business and programmatic operations.

DOH administers the health practitioner regulation program and oversees the state's public health programs through county health departments and DOH divisions. In addition, DOH is responsive to priorities identified by the Governor and the Legislature in determining services, associated funding, and delivery mechanisms.

DOH's total budget for fiscal year 2016-2017 is roughly \$2.9 billion dollars.

State Surgeon General:

Celeste Philip, MD, MPH
Florida Department of Health
4052 Bald Cypress Way, Bin A-00
Tallahassee, Florida 32399
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Dr. Philip first joined DOH in 2009. Prior to being appointed as the State Surgeon General in 2016, Dr. Philip served as the Medical Director for DOH in Polk County, Florida; Director for DOH in Polk County, Florida; the Assistant Director for Public Health; and the Deputy Secretary for Health/Deputy State Health Officer for Children's Medical Services.

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Prior to becoming the General Counsel for DOH, Ms. Geary was an associate at Broad and Cassel and provided regulatory guidance to healthcare organizations and health-care professionals. Before this, Ms. Geary was an associate attorney at Rumberger, Kirk, and Caldwell, and a judicial intern to the Honorable Frank A. Shepherd with the Third District Court of Appeal. Ms. Geary received her J.D. in 2011 from the University of Miami School of Law

Number of lawyers on staff: 93

Kinds of Cases:

The largest volume of cases handled by DOH's staff attorneys are disciplinary proceedings resulting from complaints against practitioners, or emergency orders entered against practitioners who pose a threat to the public's health, safety, or welfare. These cases are litigated at the Division of Administrative Hearings, with the appropriate board entering a final order.

Other kinds of administrative cases include denials of applications for licensure, rule challenges, bid protests, benefits programs cases, and citations for unsanitary conditions that may pose a threat to public health.

Practice Tips:

A lawyer representing a health care practitioner who may be the subject of a disciplinary investigation must be familiar with section 456.073, F.S., and the applicable statutes and rules governing each specialty. Section 456.073, F.S., describes the disciplinary process from informal complaint through investigation and disposition, and the process when an emergency order has been placed on a licensee.

A lawyer should also be familiar with chapter 120, F.S., the Administrative Procedure Act. This chapter of the Florida Statutes guides most of the cases handled by the office of general counsel attorneys, including adjudicatory proceedings.

For information related to requesting public records, visit: <http://www.floridahealth.gov/about-the-department-of-health/about-us/sunshine-info/public-records-requests/index.html>

Visit the Administrative Law Section's Website:

<http://www.fladminlaw.org>