

8-5-98

STATE OF FL
BOARD OF CHIRO

Final Order No. DOH-99-00052 Date 1-22-98

FILED

Department of Health

Angela Hall, AGENCY CLERK

By: *Stephanie J. ...*
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

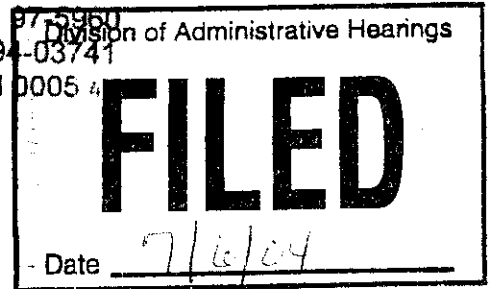
DOUGLAS N. GRAHAM, D.C.,

Respondent.

AT

WSK-C105

DOAH CASE NO.: 97-5950
DOH CASE NO.: 94-03741
LICENSE NO.: CH 0005 4



FINAL ORDER

THIS MATTER came before the Board of Chiropractic (hereinafter referred to as the "Board") pursuant to Section 120.57(1), Florida Statutes, on December 10, 1998 in Naples, Florida, for consideration of the Recommended Order (a copy of which is attached hereto and incorporated herein by reference) entered in this matter by the Honorable William J. Kendrick, Administrative Law Judge. The Petitioner was represented by Deirdre Gillis, Esquire. The Respondent was present and represented by E. Renee Alsobrook, Esquire.

Upon consideration of the Administrative Law Judge's Recommended Order, the Exceptions filed by Respondent, the Motion to Increase Penalty filed by the Department, the arguments of the parties and after a review of the complete record in this matter, the Board rules as follows:

FINDINGS OF FACT

1. The Board REJECTS the Exceptions filed by Respondent.
2. The Administrative Law Judge's Findings of Fact are hereby approved and adopted in toto.
3. There is competent, substantial evidence to support the Findings of Fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to the provisions of Section 120.57(1), and Chapter 460, Florida Statutes.

2. The Administrative Law Judge's Conclusions of Law are hereby approved and adopted in toto.

3. Respondent is guilty of violating Sections 460.413(1)(m),(r), and (v) Florida Statutes.

4. The Motion to Increase Penalty filed by the Department is DENIED.

5. The penalty recommended by the Administrative Law Judge is hereby approved and adopted in toto.

6. There is competent, substantial evidence to support the Board's findings and conclusions.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

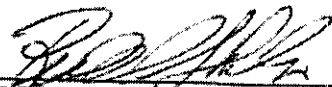
Respondent's license shall be SUSPENDED for one year, followed by a two year term of PROBATION. Respondent shall pay an Administrative Fine of \$1,000 within 30 days of the effective date of this Order. As a condition of probation, Respondent shall practice under the indirect supervision of a monitor approved by the Board, and the chair of the Board is authorized to conditionally approve said monitor. The monitor shall review 10% of Respondent's patient files on a monthly random basis, and shall file quarterly reports concerning his findings and the quality of Respondent's practice. All costs of monitoring shall be borne by Respondent. The suspension imposed by this Order is stayed for a period of thirty (30) days from the effective date of this Order, and thereafter if an appeal of this Order is filed and until the resolution of said appeal. As a

condition of the stay, Respondent shall practice under the terms of probation outlined in this Order; however, such practice shall not reduce the term of probation to follow the suspension.

Pursuant to Section 120.569, Florida Statutes, the Parties are hereby notified that they may appeal this Final Order by filing one copy of a Notice of Appeal with the Clerk of the Department of Health, 2020 Capital Circle S.E., Bin #C01, Tallahassee, Florida 32399-1703, and by filing the filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the effective date of this Order.

This Order shall become effective upon filing with the clerk of the Department.

DONE AND ORDERED this 15 day of January, 1999.



DR. RICHARD SHELDON,
CHAIRMAN
Board of Chiropractic

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Douglas Graham, D.C., c/o E. Renee Alsobrook, Esq., P.O. Box 10426, Tallahassee, FL 32312, and by hand delivery/United States Mail to the Clerk, Department of Health and its Counsel, 2020 Capital Circle S.E., Bin #C01, Tallahassee, Florida 32399-1703, on or before 5:00 p.m., this _____ day of _____.

AMENDED CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Douglas N. Graham, 8095 Overseas way, Marathon, Fl. 33050, E. Renee Alsobrook. Esq., Post Office Box 10426, Tallahassee, Fl. 32312, and interoffice delivery to Clerk. Department of Health and its Counsel, 2020 Capital Circle S.E., Bin C01. Tallahassee, Fl. 32399-1703 at or before 5:00 p.m., this _____ day of _____, 1999.

72

STATE OF FLORIDA
BOARD OF CHIROPRACTIC

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK *Stephanie O. Dier*

DATE 11-24-98

DEPARTMENT OF HEALTH

Petitioner,
vs.

DOUGLAS N. GRAHAM, D.C.,

Respondent.
_____ /

CASE NO.: 94-04741
DOAH CASE NO.: 97-5960

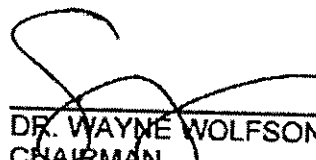
ORDER

THIS MATTER came before the Board of Chiropractic (hereinafter referred to as the "Board") on October 22, 1998, in Orlando, Florida, for consideration of Respondent's Motion for Continuance. Upon consideration, it is ORDERED:

That the Motion be and the same is hereby GRANTED.

This Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 17 day of Nov., 1998.



DR. WAYNE WOLFSON,
CHAIRMAN
Board of Chiropractic

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to E. Renee Alsobrook, Esq., P.O. Box 10426 Tallahassee, FL 32302-2426, and by hand delivery/United States Mail to the Clerk, Department of Health and its Counsel, 2020 Capital Circle S.E., Bin # C01, Tallahassee, Florida 32399-1703, on or before 5:00 p.m., this _____ day of _____, 1998.

AMENDED CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Douglas N. Graham, D.C., 105 Bruce Court and 8095 Overseas Hwy, Marathon, FL 33050, E. Renee Alsobrook, Esquire, P.O. Box 10426, Tallahassee, FL 32302-2426 at or before 5:00 p.m., this 24 day of November, 1998.

Vicki Elman