

SC

7-19-01

Final Order No. DOH-01-1498-~~FOF~~-MOA

FILED DATE - 9/5/01  
Department of Health

By: [Signature]  
Deputy Agency Clerk

FILED

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DIVISION OF ADMINISTRATIVE  
STATE OF FLORIDA  
BOARD OF CHIROPRACTIC MEDICINE

AT

DEPARTMENT OF HEALTH, BOARD OF  
CHIROPRACTIC MEDICINE,

REM-closed

Petitioner,  
vs.

DOAH CASE NO. 00-5065PL

ROY A. DAY,

Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Chiropractic Medicine (Board) pursuant to section 120.569 and section 120.57(1), Florida Statutes, on August 29, 2001, by telephone conference call for the purpose of considering the Administrative Law Judge's Recommended Order (attached hereto as Exhibit A). Petitioner was represented by Agency for Health Care Administration attorney Wings S. Benton. Respondent was not present.

Upon review and consideration of the Recommended Order and after a review of the available record in this case including Respondent's various motions and his Exceptions to the Recommended Order (attached hereto as Exhibit B), the Board made the following determinations:

## **MOTIONS**

1. The various motions filed by Respondent including requests for emergency rulings, change of venue, a face-to-face hearing, and for transcripts of this meeting were denied.

## **EXCEPTIONS TO RECOMMENDED ORDER**

2. Respondent generally objected to the entire Recommended Order. Although Respondent did not reference the paragraph numbers, he also filed Exceptions to specific items within paragraphs 16, 17, 18, and 19 of the findings of fact portion of the Recommended Order.

3. The Board rejected all Exceptions that were raised by Respondent.

## **FINDINGS OF FACT**

4. The findings of fact set forth in the Recommended Order are approved, adopted, and incorporated herein by reference.

5. The findings of fact are supported by competent, substantial evidence in the record.

## **CONCLUSIONS OF LAW**

6. The Board has jurisdiction of this matter pursuant to sections 120.569 and 120.57(1), and chapter 460, Florida Statutes.

7. The conclusions of law set forth in the Recommended Order are consistent with the findings and are approved, adopted, and incorporated herein by reference.

## **RECOMMENDATION**

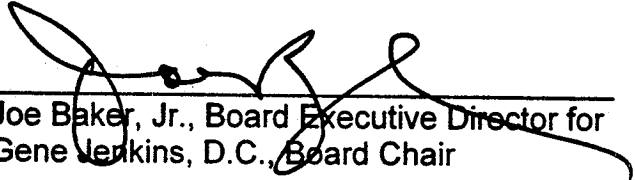
8. The Administrative Law Judge's Recommendation is hereby approved and adopted.

**WHEREFORE,**

**IT IS HEREBY ORDERED AND ADJUDGED** that Petitioner is guilty of violating section 460.413(1)(j), Florida Statutes. Petitioner's license to practice chiropractic medicine is hereby REVOKED.

**DONE AND ORDERED** this 30<sup>th</sup> day of August, 2001.

**BOARD OF CHIROPRACTIC MEDICINE**

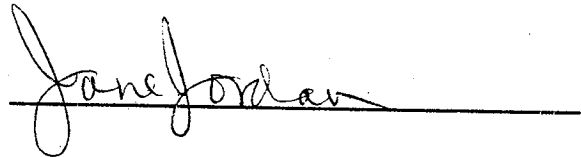
  
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Joe Baker, Jr., Board Executive Director for  
Gene Jenkins, D.C., Board Chair

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

A party who is adversely affected by this final order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a notice of appeal with the agency clerk of the Department of Health and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Appellate District where the party resides. The notice of appeal must be filed within thirty (30) days of rendition of the order to be reviewed.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U.S. Mail to Robert E. Meale, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; by U.S. and Certified Mail to Roy A. Day, Post Office Box 33, Tarpon Springs, Florida, 34688-0033; by interoffice mail to Appeals Section, Agency for Health Care Administration, General Counsel's Office, Tallahassee, Florida 32317, Wings S. Benton, Senior Attorney, Agency for Health Care Administration, General Counsel's Office - MQA, Tallahassee, Florida 32317, and Donna Erlich, Assistant General Counsel, Department of Health, Prather Building, Tallahassee, Florida, by 5:00 p.m. this 5<sup>th</sup> day of September, 2001.

  
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