

PC

Final Order No. DOH-11-2111-^{FOF}
FILED DATE - 8-30-11 ^{-MQA}
Department of Health

STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED
by: *Angelo Sanders*
Deputy Agency Clerk

11 AUG 31 PM 1:37

DEPARTMENT OF HEALTH,
BOARD OF CHIROPRACTIC MEDICINE,

DIVISION OF
ADMINISTRATIVE
HEARINGS

Petitioner,

vs.

**DOAH Case No.: 10-2796PL
DOH Case No.: 2004-50405**

MIA ANN HIGGINBOTHAM, D.C.

Respondent.

_____ /

FINAL ORDER

THIS MATTER came before the Board of Chiropractic Medicine (hereinafter "Board") pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on August 12, 2011, in Palm Beach, Florida. for the purpose of considering the Administrative Law Judge's Recommended Order (a copy is attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by Tari Rossito-Van Winkle, Assistant General Counsel. Respondent was present with her counsel, Sean M. Ellsworth, Attorney at Law.

Petitioner had filed exceptions to the Recommended Order and Respondent filed a Motion to Strike the Exceptions and Response to Exceptions. Prior to the hearing, Petitioner withdrew the exceptions, thereby rendering the Motion to Strike moot.

Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated by reference herein.
2. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 460, Florida Statutes.
2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated by reference herein.

PENALTY

Upon a complete review of the record in this case, the Board determines that the Recommendation of the Administrative Law Judge that the Board find that Dr. Higginbotham is not guilty of the charge alleged in the Administrative Complaint, is accepted.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that

The Administrative Complaint filed in this matter is hereby dismissed and Dr. Higginbotham is not guilty of the charge alleged in the Administrative Complaint.

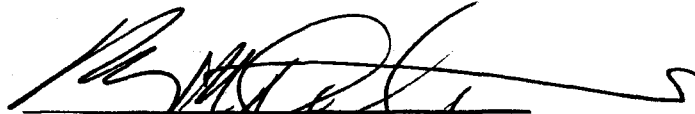
MOTION TO ASSESS COSTS

Petitioner's Motion to Assess Costs is rendered moot with the acceptance of the recommended penalty of the Administrative Law Judge.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 26th day of August, 2011.

BOARD OF CHIROPRACTIC MEDICINE



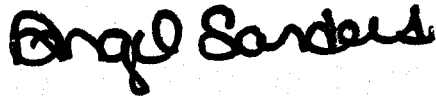
Bruce M. Deterding, Executive Director
on behalf of Ronald Wellikoff, D.C., CHAIR

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 FLORIDA APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF THE FILING DATE OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to: **Mia Higginbotham, D.C.**, by sending same to her counsel of record, **Sean M. Ellsworth**, Ellsworth Law Firm, P.A., 1501 Collins Avenue, Suite 208, Miami Beach, Florida 33139; and by interoffice mail to: **Tari Rossito-Van Winkle**, Assistant General Counsel, Department of Health, Prosecution Services Unit, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399; and **Deborah Bartholow Loucks**, Office of the Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-1050; 3265; and by regular US Mail to **John G. Van Laningham**, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, on August 30, 2011.



Deputy Agency Clerk