

**DEPARTMENT OF HEALTH**  
**DIVISION OF MEDICAL QUALITY ASSURANCE**  
**Bureau of Operations, Licensure Services-Profilng Section**  
**Summary Narrative**

John Lieurance, C.H. 7524

Date Action Taken:

June 21, 2007

Allegation:

Allegations of a violation of Section 460.413(1)(d), F.S. (2005)(2006), subjects a chiropractic physician to discipline for false, deceptive or misleading advertising. Rule 64B2-15.001(2)(e), Florida Administrative Code (F.A.C.), provides that an advertisement is false, deceptive or misleading if it: Conveys the impression that the chiropractor or chiropractors, disseminating the advertising or referred to therein, possess qualifications, skills, or other attributes which are superior to other chiropractors, other than a simple listing of earned professional post-doctoral or other professional prohibited form advertising that he has attained Diplomate status in a chiropractic specialty area recognized by the Board of Chiropractic. 1. Chiropractic Specialties recognized by the Board are those recognized by the various Councils of the American Chiropractic Association or the International Chiropractic Association. Each specialty requires a minimum of 300 hours of post-graduate credit hours and passage of a written and oral examination approved y the American Chiropractic Association or International Chiropractic Association. Titles used for the respective specialty status are governed by the definitions articulated by the respective councils. 2. A Diplomate of the National Board of Chiropractic Examiners is not recognized by the Board as a chiropractic specialty status for the purpose of this rule. 3. A chiropractor who advertises that he or she has attained recognition as a specialist in any specific chiropractic or adjunctive procedure by virtue of a certification received from an entity not recognized under this rule may use a reference to such specialty recognition only if the board, agency, or other body which issued the additional certification is identified, and only if the letterhead or advertising also contains in the same print size or volume the statement that "The specialty recognition identified herein has been received from a private organization not affiliated with or recognized by the Florida Board of Chiropractic Medicine". Respondent improperly conveyed the impression that he possessed qualifications, skills, or other attributes which are superior to other chiropractors in the following ways: by advertising that he was a CCSP; by indicating that he was one of the two doctors in Florida certified in neuro-cranial restructuring; and by indicating he was certified in Applied Kinesiology Technique, Nuero-cranial Restructuring and Organ Dysfunction, Injectable Nutrients, Triggerpoint Injections, and Neural Therapy. Violation of Section 460.413 (1)(cc), F.S. (2005)(2006), subjects a chiropractic physician to discipline for advertising free or discounted services without including the regular price for such services. Respondent failed to include the regular price for the free consultation offered in the June 2006 Natural Awakening Magazine and failed to include the regular price for the free adjustment offered on his website.

Continued pg. 2

Action:

Pursuant to a Stipulation with licensee, the following was imposed: 2,500 Fine; Assessed cost in the amount \$1,783.50 in costs; 5 hours of continuing education (4 hours in laws and rules); modify current advertisements.

PC

By: Racquel B. [Signature]  
Deputy Agency Clerk

**STATE OF FLORIDA  
BOARD OF CHIROPRACTIC MEDICINE**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**vs.**

**Case No.: 2006-29543  
License No.: CH 7524**

**JOHN LIEURANCE, D.C.,**

**Respondent.**

\_\_\_\_\_ /

**FINAL ORDER**

THIS MATTER came before the Board of Chiropractic Medicine (hereinafter "Board") at a duly-noticed public meeting on June 8, 2007, in Ft. Lauderdale, Florida. The parties asked the Board to reconsider the Order Rejecting Settlement Stipulation and Offering Counter Settlement Agreement that had been entered after the April 13, 2007, meeting of the Board. The request to reconsider the prior Order was granted. The parties requested that the Board reconsider the original Settlement Stipulation.

Petitioner filed an Administrative Complaint seeking disciplinary action against Respondent's license to practice as a chiropractic physician. A copy of the Administrative Complaint is attached to and incorporated as part of this Final Order. Petitioner was represented by Tobey Schultz, Assistant General Counsel. Respondent was present.

Petitioner and Respondent have stipulated to a disposition of this case. Upon consideration of the Settlement Stipulation, the documents submitted in support thereof, the arguments of the parties and otherwise being advised in the

premises, the proposed Settlement Stipulation was rejected. The Board offered a counter Settlement Agreement with the following terms:

1. **Letter of Concern**. Respondent shall receive a Letter of Concern from the Board.

2. **Administrative Fine**. The Board shall impose a fine in the amount of two thousand five hundred dollars (\$2,500.00).

3. **Administrative Costs**. Respondent shall pay the costs of investigation and prosecution of this matter in the amount of one thousand seven hundred eighty-three dollars and fifty cents (\$1,783.50).

4. **Payment of Fine and Costs**. The fine and the costs are payable within **thirty (30) days** of the filing date of this Final Order.

5. **Continuing Education**. Within **one (1) year** of the filing date of this Final Order, Respondent shall complete **five (5) hours** of additional continuing education offered by the Florida Chiropractic Association or the Florida Chiropractic Society. These hours shall be in addition to the hours required for license renewal. At least **four (4)** of the additional hours shall pertain to the laws and rules regulating the practice of chiropractic medicine in the State of Florida. Within **ten (10) days** of completion of the course(s) and/or receipt of the certificate(s) of completion, Respondent shall mail a copy of the continuing education certificate(s) of completion to the Board of Chiropractic Medicine Compliance Officer.

6. **Modification of Advertising**. Respondent shall arrange to have all of his current advertisements for chiropractic services modified to comply with

the statutes and rules governing the advertising of chiropractic services in the State of Florida.

7. **Address**. Respondent shall keep his residential address and practice location address(es) on file with the Board. Respondent shall notify the Board within **ten (10) days** of any address change.

8. **Future Conduct**. Respondent shall not violate Chapter 456 or Chapter 460, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice chiropractic medicine.

9. **Violation of Order**. Respondent understands that a violation of the terms of this Order shall be considered a violation of a Final Order of the Board for which disciplinary action may be initiated pursuant to Chapters 456 and 460, Florida Statutes.

10. **No preclusion of additional proceedings**. Respondent and the Department understand that this Final Order will in no way preclude additional proceedings by the Board and/or Department against Respondent for acts or omissions not specifically set forth in the attached Administrative Complaint.

11. **Waiver of attorney's fees and costs**. Respondent waives his right to seek attorney's fees and costs.

12. **Compliance Address**. The address for submission of documents and/or monetary payments (including fines & costs) is: Department of Health, HMQ/AMS, Client Services, PO Box 6320, Tallahassee, Florida 32314-6320, attn: Chiropractic Medicine Compliance Officer.

Respondent accepted the counter Settlement Agreement on the record at the June 2007 meeting.

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

DONE AND ORDERED this 21 day of June, 2007.

**BOARD OF CHIROPRACTIC MEDICINE**

W. K. Grant for  
Joe Baker, Jr., Executive Director  
on behalf of Salvatore LaRusso, D.C., CHAIR  
Florida Board of Chiropractic Medicine

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: **John Lieurance, D.C.**, 2222 South Tamiami Trail, Suite C, Sarasota, Florida 34239; and by interoffice mail to **Deborah Bartholow Loucks**, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; **Tobey Schultz**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265, on June 21, 2007.

Kellie Davidson

**Deputy Agency Clerk**

## Causey, Sherra

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**From:** Baker, Joe Jr  
**Sent:** Wednesday, June 20, 2007 11:33 AM  
**To:** as; Bess Maxwell; CH; clp; Deby; DL MQA Board of Chiropractic/Optomety/Med  
Physicist/Podiatry/O&P/Clinical Lab/NHA; DL MQA Management Team; donna; gar;  
Jackson, Eulinda; Knepton, Jim; lag; mcl; McManus, Cassandra; nha; o&p; pod; Robison,  
Helaine; Sanders, Sylvia (MQA)  
**Subject:** Delegations of Authority

During my absence on Thursday, June 21st thru COB Tuesday, June 26th, the following POAs are delegated authority for the board office:

6/21-25 Vicki Grant, 245-4394  
6/26 Sharon Guilford, 245-4396

I will be at Board of Podiatric Medicine meetings in Orlando and also attending the Association of Regulatory Boards of Optometry annual meeting in Boston. Thx.

*Joe Baker, Jr.*

*Board Executive Director*

Chiropractic Medicine, Clinical Laboratory Personnel, Medical Physicists, Nursing Home Administrators,  
Optometry, Ortholists & Prosthetists, and Podiatric Medicine

- Florida Department of Health\*Division of Medical Quality Assurance\*Bureau of Health Care Practitioner Regulation
- 850.245.4355 (board office switchboard); 850.922.8876 [board office fax]
- 850.245.4393 (direct line); 954.848.0401 [direct fax]
- [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa); [joejr\\_baker@doh.state.fl.us](mailto:joejr_baker@doh.state.fl.us)

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**DOH Mission:** To promote and protect the health and safety of all people in Florida through the delivery of quality public health services and promotion of health care standards.

**MQA Mission:** The Division of Medical Quality Assurance protects the public through healthcare licensure, enforcement, and information.

**MQA Vision:** MQA will be the nation's leader in quality healthcare regulation.

**How am I communicating?** Please contact my manager

**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.

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STATE OF FLORIDA  
BOARD OF CHIROPRACTIC MEDICINE

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK: *Raenelle*  
DATE 4-28-07

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2006-29543  
License No.: CH 7524

JOHN LIEURANCE, D.C.,

Respondent.

**ORDER REJECTING SETTLEMENT STIPULATION AND OFFERING  
COUNTER SETTLEMENT AGREEMENT**

This matter appeared before the Board of Chiropractic Medicine (hereinafter "Board") at a duly-noticed public meeting on April 13, 2007, in Tampa, Florida, for consideration of a Settlement Stipulation. Petitioner filed an Administrative Complaint seeking disciplinary action against Respondent's license to practice as a chiropractic physician. A copy of the Administrative Complaint is attached to and made a part of this Order. Petitioner was represented by Tobey Schultz, Assistant General Counsel. Respondent was neither present nor represented by counsel.

Upon consideration of the Settlement Stipulation, the documents submitted in support thereof, the arguments of the parties and otherwise being advised in the premises, the Settlement Stipulation was rejected. The Board offered a counter settlement agreement with the following terms:

1. **Suspension.** Respondent's license to practice chiropractic medicine shall be suspended until such time as he appears before the Florida Board of Chiropractic Medicine.



2. **Administrative Fine.** The Board shall impose a fine in the amount of two thousand five hundred dollars (**\$2,500.00**).

3. **Administrative Costs.** Respondent shall pay the costs of investigation and prosecution of this matter in the amount of one thousand seven hundred eighty-three dollars and fifty cents (**\$1,783.50**).

4. **Payment of Fine and Costs.** The fine and the costs are payable within **thirty (30) days** of the filing date of any Order that reinstates Respondent's license to practice chiropractic medicine in the State of Florida.

5. **Retention of Jurisdiction.** The Board expressly retains the right to impose conditions, restrictions or limitations (including probation with terms and conditions) on Respondent's license at the time that the license suspension is lifted.

6. **Address.** Respondent shall keep his residential address and practice location address(es) on file with the Board. Respondent shall notify the Board within **ten (10) days** of any address change.

7. **Future Conduct.** Respondent shall not violate Chapter 456 or Chapter 460, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice chiropractic medicine.

8. **Violation of Order.** Respondent understands that a violation of the terms of any Order adopting this counter settlement agreement shall be considered a violation of a Final Order of the Board for which disciplinary action may be initiated pursuant to Chapters 456 and 460, Florida Statutes.

9. **No preclusion of additional proceedings.** Respondent and the Department understand that any Final Order incorporating this counter settlement agreement will in no way preclude additional proceedings by the Board and/or Department against Respondent for acts or omissions not specifically set forth in the attached Administrative Complaint.

10. **Waiver of attorney's fees and costs.** Respondent waives his right to seek attorney's fees and costs.

11. **Compliance Address.** The address for submission of documents and/or monetary payments (including fines & costs) is: Department of Health, HMQ/AMS, Client Services, PO Box 6320, Tallahassee, Florida 32314-6320, attn: Chiropractic Medicine Compliance Officer.


The Board's counter settlement agreement must be accepted or rejected in writing within **seven (7) days** of the filing of this order by correspondence addressed to Deborah Bartholow Loucks, Board Counsel, at the address listed below, or Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. If the counter Settlement Agreement is accepted, such acceptance shall be incorporated into a Final Order.

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

DONE AND ORDERED this 24<sup>th</sup> day of April,

2007.

BOARD OF CHIROPRACTIC  
MEDICINE

  
\_\_\_\_\_  
Joe Baker, Jr.  
Executive Director on behalf of  
Salvatore LaRusso, D.C., CHAIR

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to **John Lieurance, D.C.**, 2222 South Tamiami Trail, Suite C, Sarasota, Florida 34239; and by interoffice mail to **Deborah Bartholow Loucks**, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; **Tobey Schultz**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265, on 25 of April, 2007.

  
\_\_\_\_\_

**Deputy Agency Clerk**

STATE OF FLORIDA  
DEPARTMENT OF HEALTH  
BOARD OF CHIROPRACTIC MEDICINE

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK: *Racone Ben*  
DATE 3-4-07

DEPARTMENT OF HEALTH,  
PETITIONER,

v.

CASE NO.: 2006-29543

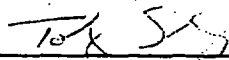
JOHN LIEURANCE, D.C.,  
RESPONDENT.

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**MOTION FOR FINAL ORDER BY STIPULATION**

Petitioner, Department of Health, by and through its undersigned counsel, moves the above-styled cause be scheduled before the Board of Chiropractic for consideration of the Stipulation entered into between the parties as settlement of this cause.

Respectfully submitted,

  
\_\_\_\_\_  
Tobey Schultz  
Assistant General Counsel  
Department of Health  
Prosecution Services Unit  
4052 Bald Cypress Way, Bin #C-65  
Tallahassee, FL 32399  
(850) 245-4640 ext. 8176  
Fax: (850) 245-4682  
Florida Bar No. 0542131

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished via U.S. Mail to: John Lieurance, D.C., 2222 South Tamiami Trail Suite C, Sarasota, Florida 34239, this 6<sup>th</sup> day of March, 2007.

Respectfully submitted,



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Tobey Schultz  
Assistant General Counsel

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2006-29543**

**JOHN LIEURANCE, D.C.,**

**RESPONDENT,**

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**SETTLEMENT STIPULATION**

Pursuant to Section 120.57(4), Florida Statutes, the above named parties hereby offer this Stipulation to the Board of Chiropractic Medicine as disposition of the Administrative Complaint, attached hereto as Exhibit "A," in lieu of any other administrative proceedings. The terms herein become effective only if and when a Final Order accepting the Settlement Stipulation is issued by the Board and filed. In considering this Stipulation, the Board may review all investigative materials regarding this case. If this Stipulation is rejected, it, and its presentation to the Board, shall not be used against either party.

**STIPULATED FACTS**

1. For all times pertinent herein, Respondent was a licensed Chiropractor in the State of Florida, having been issued license number CH 7524.

2. The Respondent was charged in an Administrative Complaint filed by the Board of Chiropractic Medicine and properly served upon Respondent with violations of Chapters 456 and/or 460, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.

3. Respondent admits the factual allegations contained in the Administrative Complaint for the purposes of settlement in these administrative proceedings only.

#### STIPULATED LAW

1. Respondent admits that he is subject to the provisions of Chapters 456 and 460, Florida Statutes, and the jurisdiction of the Board and Department of Health.

2. Respondent admits that the stipulated facts, if proven true, constitute violations of laws.

3. Respondent admits that the stipulated disposition in this case is fair, appropriate, and acceptable to Respondent.

#### PROPOSED DISPOSITION

1. **Letter of Concern** - Respondent shall receive a Letter of Concern from the Board of Chiropractic Medicine.

2. **Fine**- The Board of Chiropractic Medicine shall impose an administrative fine in the amount of **two thousand five hundred dollars (\$2,500.00)** against the Respondent, to be paid by Respondent to the Department of Health, HMQAMS/Client Services, Post Office Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Chiropractic Medicine Compliance Officer,

within 30 days of the Final Order accepting this Agreement. All fines shall be paid by check or money order.

3. **Reimbursement of Costs**- The Respondent shall reimburse the Board of Chiropractic Medicine for the actual costs for the investigation and prosecution of this case. Respondent will pay costs to the Department of Health, HMQAMS/Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Chiropractic Medicine Compliance Officer within 30 days from the entry of the Final Order in this cause.

4. **Continuing Education** - Within one year of the date of the filing of a Final Order in this cause, Respondent shall attend 5 hours of Continuing Education, 2 of which must be in laws and rules regulating Chiropractic Medicine administered by either the Florida Chiropractic Association or the Florida Chiropractic Society. Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as recognition awards, documenting completion of this course within one (1) year of the entry of the Final Order in this matter. All such documentation shall be sent to the Department of Health, HMQAMS/Client Services, Post Office Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Chiropractic Medicine Compliance Officer, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. These hours shall be in addition to those hours required for renewal of licensure. Continuing education hours taken in anticipation of approval of this agreement shall count



towards fulfilling this requirement. Unless otherwise approved by the Board, said continuing education course shall consist of a formal, live lecture format.

5. **Modification of Current Advertisements-** To the extent it is feasible, Respondent shall arrange to have all of his current advertisements modified to comply with the Board of Chiropractic Medicine.

### **STANDARD PROVISIONS**

1. **Appearance:** The Respondent **shall be present** when this Stipulation is presented to the Board, and under oath shall answer questions by the Board concerning this case and the disposition thereof.

2. **No force or effect until final order** - It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless the Board enters a Final Order incorporating the terms of this Agreement.

3. **Addresses** - Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses.

4. **Future Conduct** - In the future, Respondent shall not violate Chapter 456 or 460 Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice chiropractic medicine. Prior to signing this agreement, the Respondent shall

read Chapters 456 or 460 and the Rules of the Board of Chiropractic Medicine, at Chapter 64B2, Florida Administrative Code.

5. **Violation of terms considered** - It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 460, Florida Statutes.

6. **Purpose of Agreement** - Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Respondent agrees to support this Agreement at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

7. **No preclusion of additional proceedings** - Respondent and the Department fully understand that this Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board

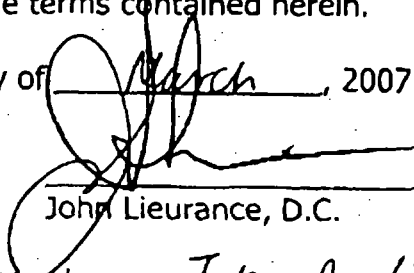
and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

8. **Waiver of attorney's fees and costs** - Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of costs noted above, the parties will bear their own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department and the Board in connection with this matter.

9. **Waiver of further procedural steps** - Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

**WHEREFORE**, the parties hereby request the Board to enter a Final Order accepting and implementing the terms contained herein.

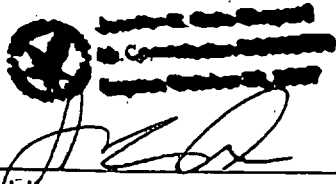
**SIGNED** this 1st day of March, 2007.

  
\_\_\_\_\_  
John Lieurance, D.C.

Before me personally appeared John A Lieurance, whose identity is known to me by Driver's license; (type of Identification), and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed by Respondent before me this 1 day of March, 2007.

\_\_\_\_\_  
Initial



Notary Public

My Commission Expires:

**APPROVED** this 1 day of March, 2007.

Ana M. Viamonte Ros, M.D.  
Secretary, Florida Department of Health




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COUNSEL FOR PETITIONER:

Tobey Schultz

Assistant General Counsel

(850) 245-4640 ext. 8176

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2006-29543

JOHN LIEURANCE, D.C.

RESPONDENT.

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ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Chiropractic Medicine against Respondent, John Lieurance, D.C., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of Chiropractic Medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 460, Florida Statutes.

2. At all times material to this order, Respondent was licensed to practice chiropractic medicine in the State of Florida, having been issued license number CH 7524 on or about September 23, 2006.

3. Respondent's address of record is 2222 South Tamiami Trail, Suite C, Sarasota, Florida 34239.

4. Respondent placed an advertisement in the June 2006, edition of the Natural Awakenings Magazine. The advertisement

indicated that Respondent was one of two doctors certified in Neuro Cranial Restructuring without indicating that such a designation was not recognized by the Florida Board of Chiropractic Medicine. The advertisement also offered a free consultation without stating that usual fee for such a service.

5. Additionally, the section of the June 2006 advertisement which described the doctor utilized the initials CCSP. CCSP stands for "Certified Chiropractic Sports Physician," and is not a specialty certification recognized by the Florida Board of Chiropractic Medicine.

6. Respondent also maintained a website for his clinic, Advanced Wellness Center, at [www.advancedwellnesscenter.us](http://www.advancedwellnesscenter.us)

7. The website also indicated that Respondent was a CCSP without stating such a designation is not recognized by the Florida Board of Chiropractic Medicine and offered a free adjustment without stating the usual fee for such an examination

8. The website also indicated that the Respondent was certified in: Applied Kinesiology Technique, Neurocranial Restructuring and Organ Dysfunction treatment through Applied Kinesiology, Neuro Transmitter Dysfunction, Injectable Nutrients, Triggerpoint Injections, and Neural Therapy. Respondent failed to indicate that these "certifications" are not recognized by the Florida Board of Chiropractic Medicine. Moreover, chiropractors are not permitted to utilize injectable

nutrients or triggerpoint injections as these treatments involve the use of legend drugs other than topical analgesics specified in Section 460.403(9)(c), Florida Statutes, and as such, are beyond the scope of chiropractic medicine.

Count One

9. Petitioner re-alleges and incorporates paragraphs one through eight as if fully set forth herein.

10. Section 460.413(1)(d), Florida Statutes (2005)-(2006), subjects a chiropractic physician to discipline for false, deceptive or misleading advertising.

11. Rule 64B2-15.001(2)(e), Florida Administrative Code (F.A.C.), provides that an advertisement is false, deceptive or misleading if it:

Conveys the impression that the chiropractor or chiropractors, disseminating the advertising or referred to therein, possess qualifications, skills, or other attributes which are superior to other chiropractors, other than a simple listing of earned professional post-doctoral or other professional achievements. However, a chiropractor is not prohibited from advertising that he has attained Diplomate status in a chiropractic specialty area recognized by the Board of Chiropractic.

1. Chiropractic Specialities recognized by the Board are those recognized by the various Councils of the American Chiropractic Association or the International Chiropractic Association. Each speciality requires a minimum of 300 hours of post-graduate credit hours and passage of a written and oral examination approved by the American Chiropractic Association or International Chiropractic Association. Titles used for the respective specialty status are governed by the definitions articulated by the respective councils.

2. A Diplomate of the National Board of Chiropractic Examiners is not recognized by the Board as a chiropractic specialty status for the purpose of this rule.

3. A chiropractor who advertises that he or she has attained recognition as a specialist in any specific chiropractic or adjunctive procedure by virtue of a certification received from an entity not recognized under this rule may use a reference to such specialty recognition only if the board, agency, or other body which issued the additional certification is identified, and only if the letterhead or advertising also contains in the same print size or volume the statement that "The specialty recognition identified herein has been received from a private organization not affiliated with or recognized by the Florida Board of Chiropractic Medicine".

12. Respondent improperly conveyed the impression that he possessed qualifications, skills, or other attributes which are superior to other chiropractors in the following ways: by advertising that he was a CCSP; by indicating that he was one of two doctors in Florida certified in neuro-cranial restructuring; and by indicating he was certified in: Applied Kinesiology Technique, Neurocranial Restructuring and Organ Dyfunction treatment through Applied Kinesiology, Neuro Transmitter Dysfunction, Injectable Nutrients, Triggerpoint Injections, and Neural Therapy .

13. Based on the foregoing, Respondent has violated Section 460.413(1)(d), Florida Statutes (2005)-(2006), by false, deceptive or misleading advertising.



Count Two

14. Petitioner re-alleges and incorporates paragraphs one through eight as if fully set forth herein.

15. Section 460.413(1)(cc), Florida Statutes (2005)-(2006), subjects a chiropractic physician to discipline for advertising free or discounted services without including the regular price for such services.

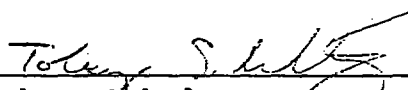
16. Respondent failed to include the regular price for the free consultation offered in the June 2006 Natural Awakening Magazine and failed to include the regular price for the free adjustment offered on his website.

17. Based on the Foregoing, Respondent has violated Section 460.413(1)(cc), Florida Statutes (2005)-(2006), by advertising free services without including the regular price for such services.

**WHEREFORE**, the Petitioner respectfully requests that the Board of Chiropractic Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an 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 21<sup>st</sup> day of January, 2007.

Ana M. Viamonte Ros, M.D.  
Secretary, Florida Department of Health

  
\_\_\_\_\_  
Tobey Schultz  
Assistant General Counsel  
DOH Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, FL 32399  
Florida Bar # 0542131  
(850) 245-4640 ext. 8176  
(850) 245-4682 FAX  
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**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK: Rachael Blen  
DATE 01-23-07

PCP: 1/18/07 Kirby & Wolfson

**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.

**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.