

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO.: 2005-68704

RODERIC LACY, D.C.,

RESPONDENT.

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, Roderic Lacy, 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 Complaint, Respondent was a licensed chiropractic physician within the State of Florida, having been issued license number CH 2730 on or about October 7, 1977.

3. Respondent's address of record is 3 Washington Place, Iowa City, Iowa, 52245.

4. On or about January 13, 2005, patient A.F. presented to the Respondent's office at 2300 South Orange Blossom Trail in Orlando, Florida.

5. Patient A.F. complained of constant, severe lower back pain with intermittent burning pain radiating from the lower lumbar (sic) into the left leg, down to the upper calf, and of coccyx pain.

6. Respondent diagnosed patient A.F. with chronic lumbar strain/sprain; lumbar radiculitis and lumbar disc displacement.

7. Therapy was performed on patient A.F.; however, Respondent failed to indicate what type of therapy was performed, where on the body the therapy was performed or who performed the therapy.

8. Respondent failed to record an adequate examination or history of patient A.F. when she presented for treatment.

9. Respondent's treatment records fail to indicate the name and credentials of the licensed chiropractic physician rendering, ordering, supervising or billing for the examination or treatment procedure.

10. Respondent failed to obtain basic data of patient A.F., such as height, weight, blood pressure or pulse.

11. Patient A.F. returned to the Respondent's office on or about January 14, 2005. Respondent opined that patient A.F. had an old coccyx fracture with complete separation which then healed incorrectly.

12. Respondent still failed to record an adequate examination of patient A.F.

13. The x-rays taken by Respondent were not readable. As such, they failed to justify Respondent's diagnosis.

14. Patient A.F. returned to Respondent's office on or about, August 29, 2005, approximately seven months later, with complaints of constant lower and mid-back pain, intermittent pain radiating from the left lower lumbar region down to the lower thigh and constant anxiety.

15. According to Respondent's medical records, he took an x-ray of the anterior/posterior lumbar. However, Respondent failed to record the results of this x-ray in the medical records.

16. Respondent again failed to record an adequate examination of patient A.F.

Count One

17. Petitioner re-alleges and incorporates paragraphs one (1) through sixteen (16) as if fully set forth herein.

18. Section 460.413(1)(m), Florida Statutes (2004)-(2005), provides that failing to keep legibly written chiropractic medical records that identify clearly by name and credentials the licensed chiropractic physician rendering, ordering, supervising, or billing for each examination or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories, examination results, X rays, and diagnosis of a disease, condition, or injury is grounds for disciplinary action by the Board of Chiropractic Medicine.

19. Respondent violated Section 460.413(1)(m), Florida Statutes (2004)-(2005), in one or more of the following ways:

(a) By failing to maintain legible written chiropractic medical records for patient A.F. that identified clearly the name and credentials of the licensed chiropractic physician rendering, ordering, supervising, or billing for each examination or treatment procedure;

(b) By failing to maintain legible written chiropractic medical records for patient A.F. that justified the course of treatment provided to her.

(c) By failing to record an adequate history or examination of patient A.F.

(d) By failing to indicate what type of therapy was performed, where on the body the therapy was performed or who performed the therapy.

(e) By failing to record the results of the x-ray of patient A.F.'s anterior/posterior lumbar area.

20. Based on the foregoing, Respondent violated Section 460.413(1)(m), Florida Statutes (2004)-(2005), by failing to keep legibly written chiropractic medical records for patient A.F. that identify clearly by name and credentials the licensed chiropractic physician rendering, ordering, supervising, or billing for each examination or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories, examination results, X rays, and diagnosis of a disease, condition.

COUNT TWO

21. Petitioner re-alleges and incorporates paragraphs one (1) through sixteen (16) as if fully set forth herein.

22. Section 460.413(1)(ff), Florida Statutes (2004)-(2005), provides that violating any provision of chapter 456 or chapter 460, or any rules adopted pursuant thereto is grounds for disciplinary action by the Board of Chiropractic Medicine.

23. Rule 64B2-17.0065, Florida Administrative Code (F.A.C.), sets forth the minimal recordkeeping standards as set forth below in pertinent part:

a. Rule 64B2-17.0065(3) states that the medical record shall be legibly maintained and shall contain sufficient information to identify the patient, support the diagnosis, justify the treatment and document the course and results of treatment accurately, by including, at a minimum, patient histories; examination results; test results; records of drugs dispensed or administered; reports of consultations and hospitalizations; and copies of records or reports or other documentation obtained from other health care practitioners at the request of the physician and relied upon by the physician in determining the appropriate treatment of the

patient. Initial and follow-up services (daily records) shall consist of documentation to justify care.

b. Rule 64B2-17.0065(4) states that all patient records shall include a patient history; symptomatology and/or wellness care; examination finding(s), including X-rays when medically or clinically indicated; a diagnosis; a prognosis; assessment(s); a treatment plan; and, treatments provided.

24. Respondent failed to comply with Rule 64B2-17.0065 in one or more of the following ways:

(a) By failing to legibly maintain medical records for patient A.F. that contained sufficient information to identify the patient, support the diagnosis, justify the treatment and document the course and results of treatment accurately;

(b) By failing to include in patient A.F.'s medical records sufficient information regarding the patient's symptomatology, examination findings, a diagnosis, a prognosis, assessment(s), a treatment plan, and treatments provided.

25. Based on the foregoing, Respondent has violated Section 460.413(1)(ff), Florida Statutes (2004)-(2005), by violating Rule 64B2-17.0065, F.A.C., through a violation of minimal standards for chiropractic record keeping.

Count Three

26. Petitioner re-alleges and incorporates paragraphs one (1) through sixteen (16) as if fully set forth herein.

27. Section 460.413(1)(r), Florida Statutes (2004)-(2005), provides that the failure to practice chiropractic at a level of care, skill, and treatment which is recognized by a reasonably prudent chiropractic physician as being acceptable under similar conditions and circumstances is grounds for disciplinary action by the Florida Board of Chiropractic Medicine.

28. Respondent failed to comply with requirements of Section 460.413(1)(r), Florida Statutes (2004)-(2005) in one or more of the following ways:

(a) By failing to conduct an adequate examination and history on patient A.F. when she presented for treatment on January 13, 2005, January 14, 2005 and August 29, 2005;

(b) By failing to keep sufficient patient notes that would allow another treating physician to determine the nature of the extent of the patient A.F.'s injuries and her progress and response to the treatment provided.

29. Based on the foregoing, Respondent violated Section 460.413(1)(r), Florida Statutes (2004)-(2005), by failing to practice chiropractic at a level of care, skill, and treatment which is recognized by a reasonably prudent chiropractic physician as being acceptable under similar conditions and circumstances.

WHEREFORE, 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 1st day of December, 2006.

M. Rony Francois, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

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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.