

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2009-10350

RODERIC A. 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 A. Lacy, D.C., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of chiropractic medicine pursuant to Chapter 20, 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.

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3. Respondent's address of record is 2300 South Orange Blossom Trail, Orlando, Florida 32805.

4. On or about April 28, 2007, the Board of Chiropractic Medicine filed a Final Order in case number DOH-07-0684-S-MQA.

COUNT I – VIOLATION OF BOARD ORDER – FAILURE TO PAY FINE

5. Petitioner reasserts and re-alleges paragraphs one (1) through four (4) as if set forth fully at length herein

6. The Final Order required, among other things, that Respondent pay a fine of ten thousand dollars (\$10,000.00), plus the prosecution and investigative costs associated with case number 2005-68704, in the amount of four thousand, two hundred, twenty dollars and eleven cents (\$4,220.11), within one (1) year of the filing date of the Final Order, which fell on or before April 27, 2008.

7. Respondent failed to pay the fine, and the prosecution and investigative costs, of fourteen thousand, two hundred, twenty dollars and eleven cents (\$14,220.11) on or before April 27, 2008.

8. As of January 26, 2010, Respondent has paid \$0.00 of the total amount of the fine, and prosecution and investigative costs, due.

9. Section 460.413(1)(v), Florida Statutes (2007 - 2009), provides that violating a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department constitutes grounds for discipline by the Board of Chiropractic Medicine.

10. Respondent failed to pay the fine, and the prosecution and investigative costs, on or before April 27, 2008, which is one (1) year following the filing of the Final Order.

11. Based on the foregoing, Respondent has violated Section 460.413(1)(v), Florida Statutes (2007 - 2009), by violating a lawful order of the Board of Chiropractic Medicine.

**COUNT II – VIOLATION OF BOARD ORDER –
FAILURE TO COMPLETE REQUIRED CONTINUING EDUCATION**

12. Petitioner reasserts and re-alleges paragraphs one (1) through four (4) as if set forth fully at length herein

13. The Final Order required, among other things, that Respondent complete ten (10) additional hours of continuing education offered by the Florida Chiropractic Association or the Florida Chiropractic Society within one (1) year of the filing date of the Final Order, in addition to the hours required for license renewal, which fell on or before April 27, 2008.

14. Respondent failed to complete the ten (10) additional hours of continuing education offered by the Florida Chiropractic Association or the Florida Chiropractic Society on or before April 27, 2008.

15. As of January 26, 2010, Respondent has not completed any additional hours of continuing education offered by the Florida Chiropractic Association or the Florida Chiropractic Society.

16. Section 460.413(1)(v), Florida Statutes (2007 - 2009), provides that violating a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department constitutes grounds for discipline by the Board of Chiropractic Medicine.

17. Respondent failed to complete ten (10) additional hours of continuing education offered by the Florida Chiropractic Association or the Florida Chiropractic Society within one (1) year of the filing date of the Final Order, in addition to the hours required for license renewal, which fell on or before April 27, 2008.

18. Based on the foregoing, Respondent has violated Section 460.413(1)(v), Florida Statutes (2007 - 2009), by violating a lawful order of the Board of Chiropractic Medicine.

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 17th day of February, 2010.

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: Angela Becton
DATE 2/17/2010

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

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PCP: 2/16/2010

PCP Members: Dougherty & Hoffman

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.