

By: *[Signature]*
Deputy Agency Clerk

**STATE OF FLORIDA
BOARD OF CHIROPRACTIC MEDICINE**

DEPARTMENT OF HEALTH,

Petitioner,

vs.

**Case No.: 2009-10350
License No.: CH 2730**

RODERIC A. LACY, D.C.,

Respondent.

_____ /

FINAL ORDER

THIS MATTER came before the Board of Chiropractic Medicine (hereinafter "Board") at a duly-noticed public meeting on June 25, 2010, in Orlando, Florida. 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 Tari Rossitto-Van Winkle, Assistant General Counsel. Respondent was neither present nor represented by counsel.

Petitioner and Respondent have stipulated to a disposition of this case. After considering the presentation of the parties and reviewing the record of the case, the Board voted to adopt the Settlement Agreement as an appropriate settlement of the case. A copy of the Settlement Agreement is attached to and made a part of this Final Order.

The parties shall be governed accordingly.

Pursuant to Section 456.072(4), Florida Statutes, the Department is authorized to collect costs for investigation and prosecution. The evidence presented to the Board was that the costs associated with this matter are **nine hundred eighty-three dollars and**

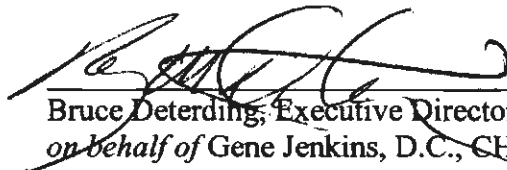
twenty-five cents (\$983.25). Payment shall be made by certified or cashier's check or money order to the Department of Health, Compliance Management Unit, Board of Chiropractic Medicine Compliance Officer, P.O. Box 6320, Tallahassee, FL 32324-6320, within ninety (90) days of the filing date of this Final Order.

IT IS THEREFORE ORDERED that the Settlement Agreement is adopted and Respondent is hereby ordered to reimburse the Department costs in the amount of **\$983.25**.

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

DONE AND ORDERED this 2nd day of July, 2010.

BOARD OF CHIROPRACTIC MEDICINE


Bruce Deterding, Executive Director
on behalf of Gene Jenkins, D.C., CHAIR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by **certified U.S. Mail** to: **Roderic Lacy, D.C.**, 2300 South Orange Blossom Trail, Orlando, Florida 32805; and by interoffice mail to **Deborah B. Loucks**, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; **Tari Rossitto-Van Winkle**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265, on July 6th, 2010.



Deputy Agency Clerk

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**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2009-10350

RODERIC A. LACY, D.C.,

RESPONDENT.

SETTLEMENT AGREEMENT

Roderic A. Lacy, D.C., referred to as the "Respondent," and the Department of Health, referred to as "Department", stipulate and agree to the following Settlement Agreement and to the entry of a Final Order of the Board of Chiropractic Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

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

STIPULATED FACTS

1. At all times material hereto, Respondent was licensed as a Chiropractic Physician in the State of Florida having been issued license number 2730, first issued October 7, 1977.

2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent with violations of Chapters 456 and 460, Florida Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit "A".

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint for purposes of these proceedings only.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in her capacity as a Chiropractic Physician, she is subject to the provisions of Chapters 456 and 460, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts alleged in the Administrative Complaint, if proven, would constitute violations of Chapter 456 and 460, Florida Statutes, as alleged in the Administrative Complaint.

3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

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

2. **Fine** - The Board of Chiropractic Medicine shall impose an administrative fine of **ten thousand dollars and no cents (\$10,000.00)** against the Respondent, to be paid by Respondent to the Department of Health, Compliance Management Unit, Bin C76, Post Office Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Chiropractic Medicine Compliance Officer. This fine must be paid in full prior to Respondent appearing before the Board and requesting that the suspension of his license implemented in paragraph four (4) be lifted. All fines shall be paid by certified funds or money order. The Board office does not have

the authority to change the terms of payment of any fine imposed by the Board.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO NOT PRACTICE UNTIL THE FINE IS PAID IN FULL AS AGREED TO IN THIS SETTLEMENT AGREEMENT, SPECIFICALLY: RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO NOT PRACTICE CHIROPRACTIC MEDICINE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.

3. **Reimbursement Of Costs** - Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for any costs incurred in the investigation and prosecution of this case. Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative cost

directly associated with Respondent's probation, if any. The agreed upon amount of Department costs to be paid in this case is currently **five hundred, seventy-eight dollars and fifty cents (\$578.50), but shall not exceed two thousand dollars and no cents (\$2,000.00)**. Respondent will pay costs to the Department of Health, Compliance Management Unit, Bin C76, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Chiropractic Medicine Compliance Officer within ninety (90) days from the date of filing of the Final Order in this cause. Any post-Board costs, such as the costs associated with probation, are not included in this Settlement Agreement.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO NOT SEEK A LIFTING OF HIS SUSPENSION SET OUT IN PARAGRAPH FOUR (4) IF THE COSTS ARE NOT PAID AS AGREED TO IN THIS SETTLEMENT AGREEMENT, AND SPECIFICALLY: IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS

BEEN PAID IN FULL AND RECEIVED BY THE BOARD OFFICE WITHIN ONE HUNDRED, FIVE (105) DAYS OF THE DATE OF FILING OF THE FINAL ORDER, RESPONDENT AGREES NOT TO SEEK A LIFTING OF HIS SUSPENSION SET OUT IN PARAGRAPH FOUR (4) UNTIL WRITTEN CONFIRMATION OF PAYMENT IS RECEIVED.

4. **Indefinite Suspension** – Upon the filing of the Final Order accepting this Settlement Agreement Respondent's license shall be indefinitely suspended until such time as Respondent pays the fine of **ten thousand dollars and no cents (\$10,000.00)**, and costs of **four thousand, two hundred, twenty dollars and eleven cents (\$4,220.11)**, as ordered in case number 2005-68704; and pays the fines and costs as set out in paragraphs two (2) and three (3) above. Upon payment of the fines and costs as set out in paragraphs two (2), three (3) and four (4), Respondent shall be permitted to appear before the Board and petition the Board to lift the suspension provided that he has complied with all other requirements of this Settlement Agreement,

and demonstrates that he can practice chiropractic medicine with reasonable skill and safety.

The Board shall retain jurisdiction to impose additional terms of reinstatement, including probation and the authority to reject Respondent's request.

5. **Risk Management - Laws And Rules CE Hours -**

Respondent shall complete three (3) hours of Board approved risk management continuing education, of which two (2) of these (3) hours will be specifically related to the laws and rules of the Board and regulatory agency under which the Board operates, within eighteen (18) months of the date of filing of the Final Order of the Board. In addition, Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, documenting completion of this continuing education course within eighteen (18) months of the date of filing of the Final Order incorporating this Settlement Agreement.

STANDARD PROVISIONS

1. **Appearance:** Respondent is required to appear before the Board of Chiropractic Medicine at the meeting of the Board where this Settlement Agreement is considered.

2. **No force or effect until final order** - It is expressly understood that this Settlement 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 Settlement 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 and 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 Settlement Agreement, the Respondent shall read Chapters 456 and 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 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.

6. **Purpose of Settlement Agreement** - Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Settlement 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 Settlement Agreement. Respondent agrees to support this Settlement 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 Settlement Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Settlement

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 Settlement 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 Settlement 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.

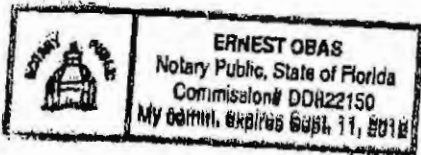
9. Waiver of further procedural steps - Upon the Board's adoption of this Settlement Agreement, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Settlement Agreement and the Final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


SIGNED this 17th day of MAY, 2010.


RODERIC A. LACY, D.C.

Before me, personally appeared **RODERIC A. LACY, D.C.**, who is personally known to me or who produced a FL DL (type of identification) and who, under oath, acknowledges that her signature appears above.

Sworn to and subscribed before me this 17th day of MAY, 2010.




Notary Public State Of Florida
Printed Name: ERNEST OBAS
Commission No.: DDR22150
Commission Expires: Sept 11, 2012

APPROVED this 17th day of May, 2010.

Ana M. Viamonte Ros, M.D., M.P.H.
Secretary, Department of Health

Tari Rossitto-Van Winkle

By: **Tari Rossitto-Van Winkle, R.N., J.D.**
Assistant General Counsel
Department of Health
Prosecution Services Unit
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