

C 501
F 8762

FILED DATE - SEP 16 2014

Department of Health

By: *Angela Seubert*
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF CHIROPRACTIC MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2013-19889

License No.: CH 8037

LAWRENCE E. SCHECHTMAN, D.C.,

Respondent.

_____ /

FINAL ORDER

THIS MATTER came before the Board of Chiropractic Medicine (Board) at a duly noticed public meeting on August 22, 2014, in Orlando, Florida. Pursuant to the Administrative Complaint, attached hereto as Exhibit A, it was alleged that Respondent violated specified sections of Chapter 456 and 460, Florida Statutes.

Petitioner was represented by Tari Rossitto-Van Winkle, Assistant General Counsel, with the Department of Health. Respondent was neither present nor represented by counsel.

Upon receipt of service of the Administrative Complaint, Respondent submitted an Election of Rights wherein he requested a hearing before the Division of Administrative Hearings (DOAH); however, he did not identify the material facts of the Administrative Complaint that he disputed. Petitioner advised Respondent that his petition for a DOAH hearing was insufficient and allowed him the opportunity to amend his petition. Respondent failed to amend his election of rights form or petition to specify the material facts in dispute. The Board reviewed the original Election of Rights form submitted by Respondent and voted to grant Petitioner's motion for a hearing not involving disputed issues of material fact.

The prosecuting attorney offered the investigative file into evidence to prove the facts as alleged in the Administrative Complaint and for the purposes of determining penalty. The investigative file was received into evidence and the Board finds that the uncontested facts adequately support the allegations. After a complete review of the record in this matter, including consideration of the Administrative Complaint, any written evidence or testimony, and any mitigating or aggravating circumstances, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. The allegations of fact set forth in the Administrative Complaint are approved, adopted, and incorporated herein by reference as the findings of fact by the Board.
2. There is competent, substantial evidence to support the Board's findings and conclusions.

CONCLUSIONS OF LAW

3. Petitioner's Motion for Entry of Final Order Following Hearing Not Involving Disputed Issues of Material Fact is **granted**.
4. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law of the Board.
5. The violations set forth in the Administrative Complaint warrant disciplinary action by the Board.
6. Based upon the Findings of Fact, the Board concludes that the licensee violated: Section 456.072(1)(II), Florida Statutes, being convicted of, or entering a plea of guilty or nolo

contendere, to a crime that relates to health care fraud; Section 460.413(1)(k), Florida Statutes, by employing a trick or scheme in, or related to, the practice of chiropractic medicine; and Section 456.072(1)(x), Florida Statutes, by failing to report to the Board or Department in writing within 30 days after the licensee has been convicted, found guilty of, or entered a plea of nolo contendere to a crime in any jurisdiction.

7. The Board is empowered by Section 460.413(2) and/or 456.072(2), Florida Statutes, to impose a penalty against Respondent.

THEREFORE IT IS ORDERED AND ADJUDGED, that:

Respondent's license to practice as a chiropractic physician in the State of Florida is hereby **permanently revoked**.

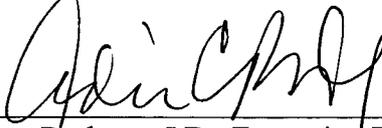
RULING ON MOTION TO ASSESS COSTS

Petitioner withdrew its Motion to Assess Costs.

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

DONE AND ORDERED this 15th day of September, 2014.

BOARD OF CHIROPRACTIC MEDICINE



Adrienne Rodgers, J.D., Executive Director
on behalf of Kevin Fogarty, 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 has been furnished by certified U.S. Mail to: Lawrence Schechtman, D.C., 11915 NW 78th Place, Parkland, Florida 33076; and by electronic mail to: Tari Rossito-Van Winkle, Assistant General Counsel, Department of Health, Tari.Rossito-VanWinkle@flhealth.gov; and Deborah B. Loucks, Assistant Attorney General, deborah.loucks@myfloridalegal.com, on September 16, 2014.



Deputy Agency Clerk

7014 1200 0000 0187 4744

**STATE OF FLORIDA
BOARD OF CHIROPRACTIC MEDICINE**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2013-19889

LAWRENCE E. SCHECHTMAN, D.C.

RESPONDENT.

ADMINISTRATIVE COMPLAINT

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

1. Petitioner is the state department charged with regulating the practice of Chiropractic Physicians 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 Chiropractic Physician within the State of Florida, having been issued license number CH 8037.



3. Respondent's address of record is 11915 NW 78th Place, Parkland, Florida 33076.

4. Respondent was charged in a federal indictment involving an alleged scheme to stage fraudulent automobile accidents and submitting fraudulent insurance claims for services related to said staged accidents.

5. On December 9, 2013, in the United States District Court for the Southern District of Florida, Case Number 11-80106-CR, Respondent entered into a plea agreement in which he plead guilty to one count of conspiracy to commit mail fraud, in violation of 18 U.S.C. §1341, and to four counts of mail fraud, in violation of 18 U.S.C. §§1341 and 1342.

6. The Plea Agreement states, in part, that "two or more persons in some way agreed to try to accomplish a shared and unlawful plan to commit mail fraud" and that Respondent "knew the unlawful purpose of the plan and willfully joined in it."

7. The Plea Agreement further states that Respondent "knowingly devised or participated in a scheme to defraud someone, or obtain money, using false or fraudulent pretenses, representations or promises."

8. Respondent did not report his entry of a guilty plea to the Board or the Department as required by statute and/or rule.

COUNT I

9. Petitioner realleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein.

10. Section 460.413(1)(c), Florida Statutes, states that being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of chiropractic medicine or to the ability to practice chiropractic medicine is grounds for discipline by the Board of Chiropractic Medicine.

11. On December 9, 2013, Respondent entered a guilty plea to one count of conspiracy to commit mail fraud, in violation of 18 U.S.C. §1341, and to four counts of mail fraud, in violation of 18 U.S.C. §§1341 and 1342, in the United States District Court for the Southern District of Florida.

12. The facts that gave rise to Respondent's criminal case directly relate to Respondent's practice of chiropractic medicine in that Respondent used his chiropractic license to perpetrate the crime for which he was convicted, and that without the use of his license, Respondent would have been unable to participate in the criminal activity.

13. Respondent is therefore subject to discipline under Section 460.413(1)(c), Florida Statutes.

COUNT II

14. Petitioner realleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein.

15. Section 456.072(1)(ii), Florida Statutes, states that being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. §1341 is grounds for disciplinary action.

16. Respondent pled guilty to one count plead guilty to one count of conspiracy to commit mail fraud, in violation of 18 U.S.C. §1341, and to four counts of mail fraud, in violation of, 18 U.S.C. §§1341 and 1342 in the United States District Court for the Southern District of Florida, Case Number 11-80106-CR.

17. Respondent is subject to discipline under Section 456.072(1)(ii) for his conviction for a violation of 18 U.S.C. §1341.

COUNT III

18. Petitioner realleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein.

19. Section 460.413(1)(k), Florida Statutes (2013), states that employing a trick or scheme in, or related to, the practice of chiropractic

medicine when such trick or scheme fails to conform to the generally prevailing standards of treatment in the chiropractic medical community is grounds for disciplinary action.

20. Respondent, in his Plea Agreement and related Factual Proffer, acknowledged that he knowingly and willingly devised or participated in a scheme to defraud, and that he used his practitioner's license to perpetrate and perpetuate the scheme.

21. Based on the above, Respondent violated Section 460.413(1)(k), Florida Statutes (2013), and is therefore subject to discipline.

COUNT IV

22. Petitioner realleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein.

23. Section 456.072(1)(x), Florida Statutes, states that failing to report to the board or the department in writing within 30 days after the licensee has been convicted, found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction is grounds for disciplinary action by the Board.

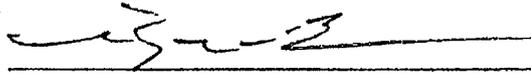
24. On December 9, 2013, Respondent entered a guilty plea to one count of conspiracy to commit mail fraud, in violation of 18 U.S.C. §1341, and to four counts of mail fraud, in violation of 18 U.S.C. §§1341 and 1342, in the United States District Court for the Southern District of Florida.

25. Respondent failed to report his conviction to the Board within the statutorily mandated 30 days set out in Section 456.072(1)(x), and is therefore subject to discipline by the Board.

WHEREFORE, Petitioner respectfully requests that the Board of Chiropractic Medicine enter an order imposing one or more of the following penalties: permanent revocation, issuance of a reprimand, imposition of fines, corrective action, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 5th day of February, 2014.

John H. Armstrong, MD, FACS
Surgeon General & Secretary



Monique M. Bryan
Assistant General Counsel
Florida Bar # 0672211
DOH-Prosecution Services Unit
4052 Bald Cypress Way-Bin C-65
Express Mail—2585 Merchants Row, Ste. 105
Tallahassee, Florida 32399-3265
(850) 245-4444, Ext. 8226
(850) 245-4684 fax
Monique.Bryan@flhealth.gov

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Bridget Coates*

DATE: *2-7-2014*

PCP: February 4, 2014

PCP Members: Danita Heagy, D.C. and Gene Jenkins, D.C.

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. Administrative hearings are governed by Rule 20-106, Florida Administrative Code.

A request or petition for a formal administrative hearing must be in writing and must be received by the Department within twenty-one (21) days from the date of service of this Administrative Complaint. A request for a formal hearing must conform with Chapter 28-106.2015(5), Florida Administrative Code, and returned to Prosecution Services Unit at the address listed above.

Mediation is not available as an alternative remedy.

If Respondent's request for formal hearing is not received within twenty-one (21) days from the date of service of this Administrative Complaint, it will constitute a waiver of Respondent's right to a formal hearing, and the Administrative Complaint will be incorporated into the final order of the Board.

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.