

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

Sean S. Stringer, CH 8148

Date Action Taken:

November 13, 2007

DOH Case Number: 2006-39161

Allegations of a violation of Section 460.413(1)(d) F.S. (2005)-(2006), subject a Chiropractic Physician to discipline for false, deceptive or misleading advertising. Rule 64b2-15.001 (1) Florida Administrative Code (F.A.C.), states that any advertisement shall be deemed by the Board to be false, deceptive or misleading if it creates false, or unjustified expectation of beneficial treatment or successful cures. When Respondent's advertisements indicated the Treatment was the "most powerful state of the art technology" for people suffering with herniated and/ or bulging disc. When Respondent's advertisements indicated that the treatment being given was 86 % effective. When Respondent advertisement indicated that the technology being used was "space age technology" Section 460.413(1) (e) F.S. (2005) (2006), subjects a chiropractic physician to discipline when a practitioner causes to be advertised, by means Whatsoever, any advertisement which does not contain an assertion or Statement which would identify herself or himself as a chiropractic physician or identify such Chiropractic physician or identify such chiropractic clinic or related institution in which she or he practices or in which she or he is owner, in whole or part, as a chiropractic institution. Respondent failed to identify himself as a chiropractic physician when he advertised in the November 2006 and December 2006 Sarasota editions of "Your Health" magazine. Rule 64b2-15.001(2)(b), F.A.C. (2005)-(2006) prohibits a chiropractor from disseminating or Causing to be disseminated any advertisement or advertising which is any way fraudulent, false, deceptive, or misleading . Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, or misleading when in its content or in the context in which it is presented it is presented it makes only partial disclosure of relevant facts. Respondent advertisement is deceptive and misleading because Respondent fails to disclose that the alleged 86% success rate is based on one study group only without a control group. Fails to disclose that there were different modalities used during the course of the study Section 460.413(1)(d) F.S. (2005)-(2006), subjects chiropractic physician to discipline for false , deceptive or misleading advertising .Rule 64b2-15.001(2)(d) F.A.C.(2005) prohibits a chiropractor from disseminating or causing to be disseminated any advertisement which contains representations relating to the quality of the chiropractic services offered. Respondent advertisement contains representations regarding the quality of care that a patient can expect to receive by: (a) advertising that the spinal decompression treatments is the most powerful state of the art technology available. Advertising the spinal decompression method as "space age" technology.

Action:

Pursuant to a Consent Agreement the following was imposed: \$ 1,000 fine; \$2,059.75 Cost; 4 hours additional continuing education (2 hours laws and rules); modify current advertising; letter of concern.