

STATE OF FLORIDA
BOARD OF CHIROPRACTIC

Final Order No. DOH-98-1101 Date 10-5-98

FILED

Department of Health
Angela Hall, AGENCY CLERK

By: *Stephanie J. Dyer*
Deputy Agency Clerk

DEPARTMENT OF HEALTH

Petitioner,

vs.

LLOYD A. WRIGHT, D.C.,

Respondent.

CASE NO.: 95-14457

LICENSE NO.: CH 0002775


FINAL ORDER APPROVING SETTLEMENT STIPULATION

THIS MATTER came before the Board of Chiropractic (hereinafter referred to as the "Board") pursuant to Section 120.57(4), Florida Statutes, on August 20, 1998, in Palm Beach, Florida, for a determination of whether to accept the proposed Settlement Stipulation (a copy of which is attached and incorporated herein by reference) entered into between the parties in the above-styled case. The Petitioner was represented by Craig A. McCarthy, Esq. The Respondent was present at the proceedings.

Upon consideration of the Administrative Complaint and the proposed Settlement Stipulation in this matter, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED:

1. The proposed Settlement Stipulation is hereby approved and adopted in toto and incorporated herein by reference.
2. Respondent will adhere to and abide by all of the terms and conditions of the Stipulation. Pursuant to paragraph 3 of the Stipulation, the Administrative Cost assessed shall be \$750.
3. This Order shall be placed in and become a part of Respondent's official records and shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 2nd day of October, 1998.



DR. WAYNE WOLFSON,
CHAIRMAN
Board of Chiropractic

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Lloyd A. Wright, D.C., 801 W. Granada Blvd., #301, Ormond Beach, FL 32174; James W. Smith, Esq., 605 South Ridgewood Av., Daytona Beach, FL 32114; and by hand delivery/United States Mail to the Clerk, Department of Health and its Counsel, 2020 Capital Circle S.E., Bin # C01, Tallahassee, Florida 32399-1703, on or before 5:00 p.m., this _____ day of _____, 1998.

STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF CHIROPRACTIC

DEPARTMENT OF HEALTH¹

Petitioner,

vs.

CASE NO. 95-14457

LLOYD A. WRIGHT, D.C.

Respondent.

MOTION FOR BOARD'S FINAL ORDER BY STIPULATION

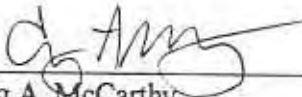
Petitioner, Department of Health, by and through its undersigned counsel, moves the above-styled cause be scheduled before the Board of Chiropractic for consideration of a Stipulation entered into between the parties as settlement of the Administrative Complaint filed in this cause. Enclosed herewith is a copy of the entire investigative report and additional

¹ Effective July 1, 1997, Petitioner, Department of Health (hereinafter referred to as the "Department"), is the state agency charged with regulating the practice of chiropractic pursuant to Section 20.43, Florida Statutes (Supp. 1996); Chapter 455, Florida Statutes, and Chapter 460, Florida Statutes. Pursuant to the authority of Section 20.43(2)(g), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration (hereinafter referred to as the "Agency") to provide consumer complaint, investigative and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

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documentation in support of this motion.

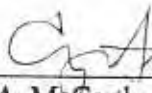
Respectfully Submitted,



Craig A. McCarthy
Attorney
Agency for Health Care
Administration
General Counsel's Office - MQA
Allied Health
P.O. Box 14229
Tallahassee, Florida 32317-4229
(904)487-2225

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been provided to JAMES W. SMITH, Smith, Schoder, Bouck & Roddenberry, P.A., 605 South Ridgewood Avenue, Daytona Beach, Florida 32114 by U.S. Mail this 20th day of July, 1998.



Craig A. McCarthy
Attorney

CAM/mt
07/20/98

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STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH
BOARD OF CHIROPRACTIC,

Petitioner,

vs.

CASE NO.: 95-14457

LLOYD A. WRIGHT, D.C.

Respondent.

_____/

STIPULATION

Pursuant to Section 120.57(4), Florida Statutes, the above named parties hereby offer this Stipulation to the Board of Chiropractic as disposition of the Administrative Complaint, attached hereto as Exhibit "A" in lieu of any other administrative proceedings. The terms herein become effective only if and when a Final Order accepting this Stipulation is issued by the Department and filed. In considering this Stipulation, the Board may review all investigative materials regarding this case. If this Stipulation is rejected, it, and its presentation to the Board, shall not be used against either party.

STIPULATED FACTS

1. For all times pertinent herein, Respondent was a licensed chiropractic physician in the State of Florida, having been issued license number CH 000275. Respondent's last known address is 801 W. Granada Blvd., #301, Ormond Beach, Florida 32174

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2. The Respondent was charged in a two count Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapters 455 and 460, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.

3. Respondent admits the factual allegations contained in the Administrative Complaint for purposes of settling these proceedings only.

STIPULATED LAW

1. Respondent admits that he is subject to the provisions of Chapters 455 and 460, Florida Statutes, and the jurisdiction of the Board, Department, and the Agency.

2. Respondent admits that the stipulated facts, if proven true, constitute violations of law as alleged in the Administrative Complaint.

3. Respondent admits that the stipulated disposition in this case is fair, appropriate, and acceptable to Respondent.

PROPOSED DISPOSITION

1. The Respondent shall be present when this Stipulation is presented to the Department and under oath shall answer questions by the Board concerning this case and the disposition thereof.

2. The Board of Chiropractic shall impose an administrative fine of two thousand (\$2,000) dollar against the license of the Respondent, to be paid by the Respondent to the Executive Director of the Board of Chiropractic, within thirty (30) days of entry of the Final Order accepting this Stipulation.

3. The Respondent shall reimburse the Department in an amount up to seven hundred and fifty (\$750) dollars to be set by the Board for the cost of complaint analysis and investigation of this case.

4. The license of Respondent shall be placed on probation for a period of six (6) months. During this period of probation, the Respondent shall be subject to the following terms and conditions:

a. Within one (1) year of the filing of the Board's Final Order in this cause, the Respondent will successfully complete twenty five (25) hours of continuing medical education, with at least one unit in record keeping relating to the practice of chiropractic in the State of Florida. This continuing education course shall be in addition to the continuing education credits normally required for renewal of Respondent's license. Home study courses will not be accepted to satisfy this condition unless specifically authorized by the Board. Verification of successful completion and documentation of course content shall be submitted to the Probation Supervisor within thirty (30) days after completion of the continuing education course.

b. The Respondent shall within thirty (30) days of entry of the Final Order accepting this stipulation, provide the Board office with an affidavit stating that he has read and understands the laws and rules governing the practice of chiropractic in the State of Florida.

c. The Respondent shall sign an agreement for indirect supervision of practice with a Board approved supervising monitor. The supervision of the Respondent's practice shall continue for a period of one (1) year. The Respondent agrees to contact the Board of Chiropractic office within fifteen (15) days of the filing of a Final

Order adopting this stipulation for the purpose of obtaining a qualified supervising monitor. The Respondent agrees to sign an agreement for supervision of practice within thirty (30) days of the filing of the Final Order adopting this stipulation.

ci. During the period of supervised practice, the Respondent shall meet with his supervising monitor once per month for at least one (1) hour.

cii. The supervision of the Respondent's practice shall extend to all areas of the Respondent's practice relating to record keeping.

d. If the Respondent leaves the State of Florida or otherwise does not actively engage in the professional practice of chiropractic for a period of thirty days or more, or ceases the professional practice of chiropractic in the State of Florida, Respondent's probation shall be tolled until such time as the licensee returns to the active, professional practice of chiropractic in the State of Florida, unless prior approval has been obtained from the Board. Respondent shall notify the Board within ten (10) days of any changes in either the Respondent's current residence and/or business address. The Respondent shall notify the Board office in writing within ten (10) days if the Respondent leaves the active practice of chiropractic in Florida.

e. If the probationer fails to fulfill the terms of probation, the supervisor will so advise the probation monitor designated by the Board, and the monitor will so advise Board staff. The staff will notify the probationer of the noncompliance and schedule the matter for consideration by the Board at the next scheduled meeting, with notice to the probationer and the supervisor. The probationer expressly understands that the Board will lift the stay of suspension of the probationer's license if no stayed suspension was imposed, noncompliance with the Board's Final Order may result in

further disciplinary action against the Respondent. The Board may extend the period of probation until such time as the Respondent complies with all of the terms of probation.

5. Respondent shall pay all costs necessary to comply with the terms of the Final Order issued to resolve this cause. Such costs include, but are not limited to, the costs of preparation of the investigative reports detailing compliance with the terms of the proceeding, the cost of analysis of any blood or urine specimens submitted pursuant to the Final Order entered as a result of this proceeding, and administrative costs directly associated with the Respondent's probation.

6. Respondent shall not in the future violate Chapters 455 and 460, Florida Statutes, 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.

7. It is expressly understood that a violation of the terms of this Stipulation shall be considered a violation of a Final Order of the Board of Chiropractic, for which disciplinary action may be initiated pursuant to Chapter 455 or 460, Florida Statutes.

8. It is expressly understood that this Stipulation is subject to approval of the Department and has no force or effect until an Order is based upon it by the Board.

9. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action by the Board of Chiropractic regarding the acts or omissions specifically set forth in the Administrative Complaint, attached as Exhibit A. 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 Stipulation. Respondent agrees to support this stipulation 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 Stipulation not be accepted by the Board, it is agreed that the presentation and consideration of this Stipulation 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.

10. The Respondent and the Department fully understand that this Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Department against the Respondent for acts or omissions which are not the subject of the Administrative Complaint, attached as Exhibit A. This Stipulation relates solely to the current disciplinary proceedings arising from the aforementioned complaint and does not preclude further action by other divisions, departments, and/or sections of the Department, including but not limited to the Agency's Medicaid Program integrity Office.

11. The Respondent waives the right to seek attorney's fees and/or costs from the Department in connection with this disciplinary proceeding.