

By: Racquel B...
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF CHIROPRACTIC MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2006-41322

License No.: CH 8621

ANGELO MARINO RUBANO, JR, D.C.,

Respondent.

_____ /

FINAL ORDER

THIS MATTER came before the Board of Chiropractic Medicine (hereinafter "Board") at a duly-noticed public meeting on November 2, 2007, 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 Cecelia Jefferson, Assistant General Counsel. Respondent was present.

Petitioner and Respondent have stipulated to a disposition of this case. Upon consideration of the Settlement Stipulation, the documents submitted in support thereof, the arguments of the parties and otherwise being advised in the premises, the proposed Settlement Stipulation was rejected. The Board offered a counter Settlement Agreement with the following terms:

1. **Letter of Concern**. Respondent shall receive a Letter of Concern from the Board.
2. **Administrative Fine**. The Board shall impose a fine in the amount

of **two thousand five hundred dollars (\$2,500.00)**.

3. **Administrative Costs**. Respondent shall pay the costs of investigation and prosecution of this matter in the amount of **one thousand six hundred seventy-one dollars and ten cents (\$1,671.10)**.

4. **Payment of Fine and Costs**. The fine and the costs are payable within **one (1) year** of the filing date of this Final Order.

5. **Continuing Education**. Within **one (1) year** of the filing date of this Final Order, Respondent shall complete **four (4) hours** of additional Board approved continuing education with **two (2) hours** pertaining to the laws and rules governing the practice of chiropractic medicine in the State of Florida. These hours shall be in addition to the hours required for license renewal. Within **ten (10) days** of completion of the course(s) and/or receipt of the certificate(s) of completion, Respondent shall mail a copy of the continuing education certificate(s) of completion to the Board of Chiropractic Medicine Compliance Officer.

6. **Modification of Advertising**. To the extent that it is feasible, Respondent shall arrange to have all of his current advertisements modified to comply with the laws and rules governing the advertising of chiropractic services in the State of Florida.

7. **Address**. Respondent shall keep his residential address and practice location address(es) on file with the Board. Respondent shall notify the Board within **ten (10) days** of any address change.

8. **Future Conduct**. Respondent shall not violate Chapter 456 or

Chapter 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.

9. **Violation of Order.** Respondent understands that a violation of the terms of this Final Order 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.

10. **No preclusion of additional proceedings.** Respondent and the Department understand that this Final Order will in no way preclude additional proceedings by the Board and/or Department against Respondent for acts or omissions not specifically set forth in the attached Administrative Complaint.

11. **Waiver of attorney's fees and costs.** Respondent waives his right to seek attorney's fees and costs.

12. **Compliance Address.** The address for submission of documents and/or monetary payments (including fines & costs) is: Department of Health, HMQ/AMS, Client Services, PO Box 6320, Tallahassee, Florida 32314-6320, attn: Chiropractic Medicine Compliance Officer.

On the record during the Board proceeding, Respondent accepted the terms of the counter Settlement Agreement.

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

DONE AND ORDERED this 8th day of Nov, 2007.

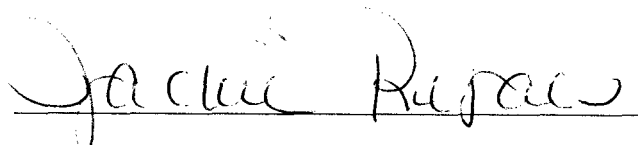
BOARD OF CHIROPRACTIC MEDICINE



Joe Baker, Jr, Executive Director
on behalf of Salvatore LaRusso, D.C., CHAIR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: **Angelo Rubano, Jr., D.C.**, 9400 Gladiolus Drive, Suite 20, Fort Myers, Florida 33908; and by interoffice mail to **Deborah Bartholow Loucks**, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; **Cecelia Jefferson**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265, on 9th November, 2007.



Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF CHIROPRACTIC MEDICINE

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: Kacaul Rose
DATE: 6-19-07

DEPARTMENT OF HEALTH

Petitioner,

v.

CASE NO. 2006-41322

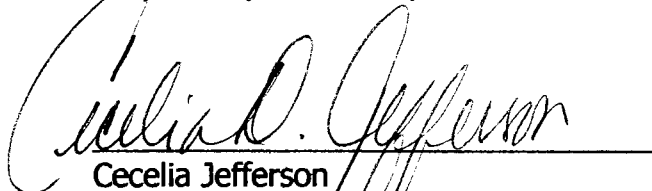
ANGELO RUBANO, D.C.

Respondent,

MOTION FOR 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 the Stipulation entered into between the parties as settlement of this cause.

Respectfully submitted,

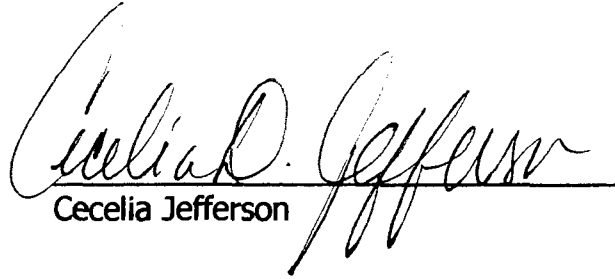


Cecelia Jefferson
Assistant General Counsel
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, Bin #C-65
Tallahassee, FL 323993265
(850) 245-4640 ext. 8167
Fax: (850) 245-4682
Florida Bar No. #0007609

00771

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via certified U.S. Mail to: Angelo Rubano, D.C., 9400 Gladiolus Drive, Suite 20, Fort Myers, Florida, 33908, this 19 day of June, 2007.


Cecelia Jefferson

STATE OF FLORIDA
DEPARTMENT OF HEALTH

2007-03-09 AM 10:22

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2006-41322

ANGELO MARION RUBANO, D.C.,

RESPONDENT,

_____ /

SETTLEMENT STIPULATION

Pursuant to Section 120.57(4), Florida Statutes, the above named parties hereby offer this Stipulation to the Board of Chiropractic Medicine 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 the Settlement Stipulation is issued by the Board 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 Chiropractor in the State of Florida, having been issued license number CH 8621.


Initial

2. The Respondent was charged in an Administrative Complaint filed by the Board of Chiropractic Medicine and properly served upon Respondent with violations of Chapters 456 and/or 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 the purposes of settlement in these administrative proceedings only.

STIPULATED LAW

1. Respondent admits that he is subject to the provisions of Chapters 456 and 460, Florida Statutes, and the jurisdiction of the Board and Department of Health.

2. Respondent admits that the stipulated facts, if proven true, constitute violations of laws.

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

PROPOSED DISPOSITION

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

2. **Fine**- The Board of Chiropractic Medicine shall impose an administrative fine in the amount of ^{2,000} ~~two thousand, five hundred dollars~~ ^{2,000} ~~(\$2,500.00)~~ against the Respondent, to be paid by Respondent to the Department of Health, HMQAMS/Client Services, Post Office Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Chiropractic Medicine Compliance Officer,

within twelve months of the Final Order accepting this Agreement. All fines shall be paid by check or money order.

3. **Reimbursement of Costs-** The Respondent shall reimburse the Board of Chiropractic Medicine for the actual cost for the investigation and prosecution of this case. Respondent will pay costs to the Department of Health, HMQAMS/Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Chiropractic Medicine Compliance Officer within twelve months from the entry of the Final Order in this cause.

4. **Continuing Education** - Within one year of the date of the filing of a Final Order in this cause, Respondent shall attend 4 hours of Continuing Education, 2 of which must be in laws and rules regulating Chiropractic Medicine administered by either the Florida Chiropractic Association or the Florida Chiropractic Society. Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as recognition awards, documenting completion of this course within one (1) year of the entry of the Final Order in this matter. All such documentation shall be sent to the Board of Chiropractic Medicine, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. These hours shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board, said continuing education course shall consist of a formal, live lecture format.


Initial

5. Modification of Current Advertisements- To the extent it is feasible, Respondent shall arrange to have all of his current advertisements modified to comply with the Board of Chiropractic Medicine.

STANDARD PROVISIONS

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

2. **No force or effect until final order** - It is expressly understood that this 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 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 or 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 agreement, the Respondent shall read Chapters 456 or 460 and the Rules of the Board of Chiropractic Medicine, at Chapter 64B2, Florida Administrative Code.


Initial

5. **Violation of terms considered** - It is expressly understood that a violation of the terms of this 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 Agreement** - Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this 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 Agreement. Respondent agrees to support this 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 Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this 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 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.


Initial

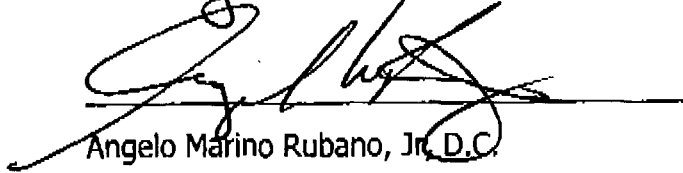
8. **Waiver of attorney's fees and costs** - Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of costs noted above, the parties will bear their own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right 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 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 Agreement and the Final Order of the Board incorporating said Agreement.


Initial

WHEREFORE, the parties hereby request the Board to enter a Final Order accepting and implementing the terms contained herein.

SIGNED this 30th day of May, 2007.


Angelo Marino Rubano, Jr. D.C.

Before me personally appeared Angelo M. Rubano, Jr. whose identity is known to me by FLDL7150013700636 (type of identification), and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed by Respondent before me this 30th day of May, 2007.



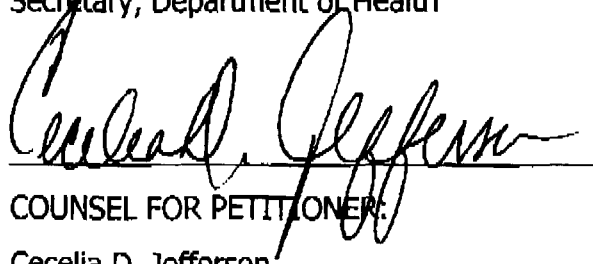
Notary Public

My Commission Expires:



APPROVED this 10th day of September, 2007.

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



COUNSEL FOR PETITIONER:

Cecelia D. Jefferson

Assistant General Counsel

(850) 245-4640 ext. 8167


Initial

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2006-41322

ANGELO MARINO RUBANO, JR, D.C.,

RESPONDENT.

_____ /

**WAIVER OF FINDING OF PROBABLE CAUSE
AND WAIVER OF CONFIDENTIALITY**

1. A confidential Uniform Complaint Form was filed in the referenced case with the Department of Health on December 6, 2006. A copy of an Administrative Complaint, which will be filed, along with this waiver, with the office of the agency clerk of the Department of Health, is attached as Exhibit A.

2. Pursuant to Section 456.073(10), Florida Statutes, I, **Angelo Marino Rubano, Jr, D.C.**, license number CH-8621, have been advised of my right to a finding of probable cause and of the confidentiality provisions of Section 456.073(4) and (10), Florida Statutes. I understand that if I choose not to waive the privilege of confidentiality or the right to a determination of probable cause by the Probable Cause Panel or by the Department, the

complaint and all information obtained pursuant to the department's investigation would be confidential until 10 days after probable cause has been found to exist by the Probable Cause Panel or by the Department. I also understand that if there is no finding by a Probable Cause Panel or the Department that probable cause exists, then in the absence of my waiver of probable cause and waiver of confidentiality, the complaint and all information obtained pursuant to the investigation would remain confidential.

3. I, **Angelo Marino Rubano, D.C.**, being fully advised of the consequences of so doing, hereby admit probable cause exists for a violation of Section 460.413(1)(d), Section 460.413(1)(e), 460.413(ff), Florida Statutes (2005) – (2006); waive the statutory privilege of confidentiality; and waive the right to a determination of probable cause by the Probable Cause Panel, or the Department when appropriate, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action in order to expedite consideration and resolution of this action by the Florida Board of Chiropractic Medicine in a public meeting.

By signing this waiver, I, **Angelo Marino Rubano, Jr, D.C.**, understand that the complaint and all information obtained pursuant to the investigation by the Department, as well as the Administrative Complaint, will

Immediately become a public record that is immediately accessible to the public. Section 456.073(10) Florida Statutes.

I AFFIRM THAT I HAVE READ AND UNDERSTOOD THE FOREGOING AND CONSENT TO ALL TERMS HEREIN.



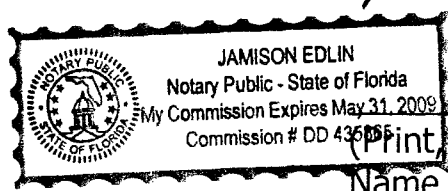
Angelo Marino Rubano, Jr, D.C.

STATE OF FLORIDA
COUNTY OF Lee

Sworn to and subscribed before me this 30 day of May, 2007, by Angelo Marino Rubano, Jr. who is personally known to me or who had produced FLORIDA ID 13700630 (type of identification) as identification.



NOTARY PUBLIC, STATE OF FLORIDA



(Print, Type of Stamp Commissioned Name of Notary Public)

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2006-41322

ANGELO MARINO RUBANO, JR, D.C.

RESPONDENT.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through its undersigned counsel, files this Administrative Complaint before the Board of Chiropractic Medicine against Respondent, Angelo Marino Rubano, Jr, D.C., and in support alleges:

1. Petitioner is the state department charged with regulating the practice of chiropractic medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 460, Florida Statutes.
2. At all times material to this order, Respondent was licensed to practice chiropractic medicine in the State of Florida, having been issued license number CH 8621 on or about June 27, 2003.
3. Respondent's address of record is 9400 Gladiolus Drive, Suite

10.13.07

20, Fort Myers, Florida 33908.

4. Respondent distributed a flyer advertising his practice and the use of non surgical spinal decompression treatment for back pain sufferers.

5. Respondent's advertisement offered "non-surgical spinal decompression as the "eighth wonder of the world."

6. Respondent's flyer advertised that "clinical studies have shown non-surgical spinal decompression to be successful (good or excellent relief) in 86% of patients with herniated discs and degenerative joint disease without the side effects" and "75% of patients with facet arthrosis reported good to excellent results" after using the spinal decompression method.

7. Respondent's advertisement further claimed that "through the combination of proven scientific principles, the latest technological developments and the brilliant work of a specialized team of physicians and medical engineers" this "space age technology" was now available.

8. Respondent's advertisement further stated that spinal decompression equipment was "FDA approved" and that the DRX 9000 was "successful with even the most severe cases, even when nothing else worked and even after failed surgery".

9. Respondent's advertisement warned people to take advantage of the DRX 9000 experience "before it's too late; before you lose your career; before you become a surgical statistic and end up in a wheel chair; before you live your entire life in misery; before you are beyond help".

10. The DRX 9000 is not FDA approved but it is FDA cleared.

11. Respondent's claim that the treatment offered has an 86% success rate is misleading. The claim is based on one study only. The study used for the basis of the claim did not have a control group and it involved the use of multiple treatment modalities in addition to non-surgical spinal decompression.

12. Respondent's claim that the technology is "space age technology" is also misleading, as it implies that the technology is one used, discovered, or endorsed by NASA.

13. Respondent's flyer offered a free back pain evaluation but failed to include the required disclosure language in the advertisement.

14. Respondent's flyer failed to identify him as a Chiropractor.

Count One

15. Petitioner re-alleges and incorporates paragraphs one (1) through fourteen (14) as if set forth fully herein.

17. Section 460.413(1) (c), Florida Statutes (2005)-(2006), subjects a chiropractic physician to discipline for false, deceptive or misleading advertising.

18. 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 in 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 makes only partial disclosure of relevant facts.

19. Respondent's advertisement only made a partial disclosure of relevant facts when Respondent:

a). failed to disclose that the alleged 86% success rate is based on one study group only without a control group;

b). failed to disclose that there were different modalities used during the course of the study;

c). failed to disclose that the DRX 9000 was not developed or associated with NASA; and

d). advertised that the discovery of the treatment was as the result of a medical breakthrough.

20. Based on the foregoing, Respondent has violated Florida Statutes 460.413(1)(d), (2005) – (2006).

Count Two

21. Petitioner re-alleges and incorporates paragraphs one (1) through fourteen (14) as if set forth fully herein.

22. Section 460.413 (1) (d) Florida Statutes (2005)-(2006), subjects a chiropractic physician to discipline for false, deceptive or misleading advertising.

23. Rule 64B2-15.001(2) (c) states that any advertisement shall be deemed by the Board to be false, deceptive or misleading if it creates false, or unjustified expectations of beneficial treatment or successful cures.

24. Respondent's advertisements created false or unjustified expectations of beneficial treatment or successful cures in one or more of the following ways:

a. When Respondent's advertisements indicated the treatment was the "eighth wonder of the world;

- b. When Respondent's advertisements indicated that the treatment being given was 86% effective;
- c. When Respondent's advertisement indicated that the technology being used was "space age technology";
- d. When Respondent's advertisement stated that the DRX 9000 was successful with even the most severe cases, even when nothing else worked and even after failed surgery;
- e. When Respondent stated patients needed to take advantage of the DRX 9000 before they ended up in a wheel chair.

25. Based on the Foregoing, the Respondent violated Section 460.413(1) (d), Florida Statutes (2005)-(2006), by false, deceptive, or misleading advertising.

Count Three

25. Petitioner re-alleges and incorporates paragraphs one (1) through fourteen (14) as if set forth fully herein.

26. Section 460.413(1) (e) Florida Statutes (2005)-(2006), subjects a chiropractic physician to discipline when a practitioner causes to be advertised, by any 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 clinic or related institution in which she or he practices or in which she or he is owner, in whole or in part, as a chiropractic institution.

27. Respondent failed to identify himself as a chiropractic physician or indicate that his clinic was a chiropractic institution on the flyer he distributed.

28. Based on the foregoing, Respondent has violated Section 460.413(1) (e), Florida Statutes (2005)-(2006), by causing to be advertised, by any 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 clinic or related institution in which she or he practices or in which she or he is owner, in whole or in part, as a chiropractic institution.

Count Four

29. Petitioner re-alleges and incorporates paragraphs one (1) through fifteen (15) as if set forth fully herein.

30. Section 460.413(1) (d), Florida Statutes (2005)-(2006), subjects a chiropractic physician to discipline for false, deceptive or misleading advertising.

31. Rule 64B2-15.001(2)(e), F.A.C. (2005) – (2006) prohibits a chiropractor from disseminating or causing to be disseminated any advertisement which conveys the impression that the chiropractor or chiropractors disseminating the advertising or referred to therein possess qualifications, skills or other attributes that are superior to other chiropractors.

32. Respondent's advertisement conveys the impression that Respondent has attributes superior to others by:

a. advertising that the spinal decompression treatment is breakthrough medical technology.

b. advertising that spinal decompression is amazing new technology that has revolutionized back pain treatments.

c. advertising the spinal decompression method as "space age" technology.

33. Based on the foregoing, Respondent has violated Rule 64B2-15.001(2) (c), F.A.C. (2005) – (2006).

Count Five

34. Petitioner re-alleges and incorporates paragraphs one (1) through fifteen (15) as if set forth fully herein.

35. Section 460.413(1)(ff), Florida Statutes (2005)-(2006), subjects a chiropractic physician to discipline for violating any provision of Chapter 460, 456, or any rules adopted pursuant thereto.

36. Section 456.062 Florida Statutes (2005) – (2006) requires that in any advertisement for a free, discounted fee, or reduced fee service, examination, or treatment by a health care practitioner licensed under Chapter 460 the following statement to appear in capital letters distinguishable from the rest of the text: THE PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR PAYMENT HAS A RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT THAT IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED FEE SERVICE, EXAMINATION OR TREATMENT.

37. Respondent's advertisement failed to contain the statutorily required disclaimer.

38. Based on the foregoing, Respondent has violated Section 460.413(1)(ff) through a violation of 456.062, Florida Statutes (2005) – (2006).

WHEREFORE, the 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 13th day of June, 2007.

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

Cecelia D. Jefferson

Cecelia D. Jefferson
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399
Florida Bar # 0007609
(850) 245-4640 ext. 8167
(850) 245-4682 FAX

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Richard*
DATE 6-13-07

PCP: PCP Waived

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.