

FILED DATE - SEP 18 2023

Department of Health

By:

Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF CHIROPRACTIC MEDICINE

DEPARTMENT OF HEALTH.

Petitioner.

vs.

Case No.: 2021-23245

License No.: CH 12000

Robert Raouf Abraham, D.C.,

Respondent.

FINAL ORDER

THIS MATTER came before the Board of Chiropractic Medicine (Board) at a duly noticed public meeting on August 17, 2023, in Lake Buena Vista, Florida. Pursuant to the Administrative Complaint, attached hereto as Exhibit A, it was alleged that Respondent violated specified sections of Chapter 460 and 456, Florida Statutes.

Petitioner was represented by Cynthia Nash-Early, Assistant General Counsel, with the Department of Health. Respondent was present and was not represented by counsel.

Service of the Administrative Complaint was made upon Respondent by certified mail delivery, personal service, and publication pursuant to Section 120.60(5), Florida Statutes. Respondent has not filed an Election of Rights or any other type of responsive pleading to the Administrative Complaint. Petitioner filed a Motion for Determination of Waiver and Entry of Final Order Following Hearing and a Motion to Assess Costs. Respondent has not filed a responsive pleading to either motion.

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.

3. The Board finds that Respondent was properly served, failed to timely respond to the Administrative Complaint, and waived his right to elect a method of resolution in this matter.

CONCLUSIONS OF LAW

4. Petitioner's Motion for Determination of Waiver and Entry of Final Order Following Hearing Not Involving Disputed Issues of Material Fact is **granted**.

5. 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.

6. The violation set forth in the Administrative Complaint warrants disciplinary action by the Board.

7. Based upon the Findings of Fact, the Board concludes that the licensee violated Section 460.413(1)(v), Florida Statutes, by violating a lawful order of the Board previously entered in a disciplinary proceeding.

8. 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:

9. **Suspension.** Respondent's license to practice as a chiropractic physician shall be suspended until he has attended a Board meeting in compliance with rule 64B2-13.007, F.A.C. This suspension, however, shall be stayed until November 10, 2023, as the Board's next meeting is on November 9, 2023, in St. Augustine, FL. Should the Respondent fail to attend the November 9, 2023, the stay of the suspension of his license shall be automatically lifted on November 10, 2023, and his license shall remain suspended until such time as the Respondent attends a Board meeting to come into compliance with rule 64B2-13.007, F.A.C.

10. **Continuing Education.** Within **one (1) year** of the filing date of this Final Order, Respondent shall complete **five (5) hours** of additional Board approved continuing education. **Three (3) hours** shall be in the subject area of documentation. **Two (2) hours** shall be in the subject area of Florida laws and rules. 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 Chiropractic Medicine Compliance Officer. These additional continuing education hours must be obtained from a formal, live lecture format program.

11. **Fine.** Respondent shall pay an administrative fine in the amount of **\$1,000.00**, payable within **one (1) year** of the filing date of this Final Order.

RULING ON MOTION TO ASSESS COSTS

The Board reviewed Petitioner's Motion to Assess Costs, grants the Motion, and imposes the costs associated with the investigation and prosecution of this case in the amount of **\$106.19**.

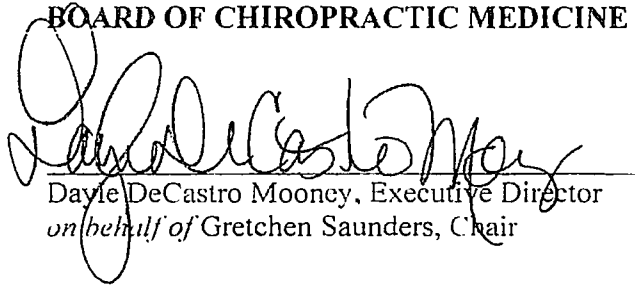
Payment of the fines and costs imposed shall be made to the Board of Chiropractic Medicine within **one (1) year** of the filing date of this Final Order and mailed to: DOH-Compliance Management Unit, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Chiropractic

Compliance Officer.

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

DONE AND ORDERED this 15 day of August, 2023.

BOARD OF CHIROPRACTIC MEDICINE


Dayle DeCastro Mooney, Executive Director
on behalf of Gretchen Saunders, 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 **Robert Raouf Abraham, D.C.**, 11954 W. State Road 426, Suite 1112, Oviedo, FL 32765; and by electronic mail to: **Cynthia Nash-Early**, Assistant General Counsel, Department of Health, Cynthia.NashEarly@flhealth.gov; and **Timothy Frizzell**, Senior Assistant Attorney General, Timothy.Frizzel@myfloridalegal.com, on September 18 2023.


Deputy Agency Clerk

Certified Article Number

9414 7266 9904 2185 1409 10

SENDER'S RECORD

Robert Raouf Abraham
11954 W. State Road 426
Ste. 1112
Oviedo, FL 32765

**STATE OF FLORIDA
BOARD OF CHIROPRACTIC MEDICINE**

**DEPARTMENT OF HEALTH,
PETITIONER,**

v.

CASE NO. 2021-23245

**ROBERT RAOUF ABRAHAM, D.C.,
RESPONDENT.**

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health (Department), files this Administrative Complaint against Respondent, Robert Raouf Abraham, D.C., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of chiropractic medicine pursuant to chapter 460, Florida Statutes.
2. At all times material to this Complaint, Respondent was a chiropractic physician within the state of Florida, having first been issued certificate CH 12000 on or about November 01, 2016.
3. Respondent's address of record is 1954 W. State Road 426, Ste. 1112, Oviedo, FL 32765.

4. Since on or about October 05, 2022, Respondent has failed to attend a Florida Board of Chiropractic Medicine board meeting at which disciplinary hearings are conducted.

5. Rule 64B2-13.007(1)(a), Florida Administrative Code (2016-2017), provides that during the first twelve (12) months after initial licensure, practitioners are required to attend one (1) full day at a Florida Board of Chiropractic Medicine meeting at which disciplinary hearings are conducted.

6. Section 460.413(1)(i), Florida Statutes (2019-2022) provides that failing to perform any statutory or legal obligation placed upon a licensed chiropractic physician constitutes grounds for discipline.

7. Respondent failed to attend a Florida Board of Chiropractic Medicine meeting at which disciplinary hearings are conducted within twelve (12) months of initial licensure on or about November 01, 2016.

8. Based on the foregoing, Respondent violated section 460.413(1)(i).

WHEREFORE, 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 21st day of March 2023.

Joseph A. Ladapo, MD, PhD
State Surgeon General

Cynthia Nash-Early

Cynthia Nash-Early
Assistant General Counsel
Florida Bar No. 20554
Florida Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-1701
Telephone: (850) 558-9872
Facsimile: (850) 245-4684
Cynthia.NashEarly@flhealth.gov

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Bridget Coates*
DATE: MAR 21 2023

PCP Date: March 21, 2023

PCP Members: Cal Melton, DC and Deborah Hoffman, DC

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. A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code.

If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Please be advised that mediation under Section 120.573, Florida Statutes, is not available for administrative disputes involving this agency action.

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.