

**STATE OF FLORIDA
BOARD OF CHIROPRACTIC MEDICINE**

**DEPARTMENT OF HEALTH,
PETITIONER,**

v.

CASE NO. 2020-07698

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

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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 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 licensed chiropractor within the State of Florida, having been issued certificate number CH 12000.

3. Respondent's address of record is 1954 W. State Road 426, Suite 1112, Oveido, Florida 32765.

4. On or about February 20, 2020, Patient F.T., an 87-year-old woman, presented to Respondent's practice for treatment of suspected diabetic neuropathy.

5. Respondent delegated the initial evaluation of Patient F.T. to a registered chiropractic assistant.

6. A registered chiropractic assistant is not qualified by training, experience, or licensure to perform an initial evaluation of a patient.

7. The records document that Patient F.T.'s blood pressure was 174/84 mmHg, which is classified as hypertension.

8. Respondent failed to refer Patient F.T. to her primary care physician for evaluation of her elevated blood pressure.

9. At all times relevant to this Complaint, the prevailing professional standard of care required Respondent to refer Patient F.T. to her primary care physician for further evaluation of her elevated blood pressure.

10. Respondent devised a neuropathy treatment plan for Patient F.T. that cost \$9,294.52, itemized as follows:

- a. \$2,500.00 for light therapy equipment;
- b. \$2,000.00 for a rebuilder therapy unit;
- c. \$1,000.00 for a nutrition education program;

- d. \$1,800.00 for supplements;
- e. \$90.52 for a re-evaluation in the clinic;
- f. \$404.00 for an oxygen mask; and,
- g. \$1,500.00 for in-clinic treatment.

11. Patient F.T.'s neuropathy treatment plan included the administration of non-emergency medical oxygen.

12. Respondent informed Patient F.T. that the light therapy equipment, rebuilder therapy unit, supplements, and nutrition education program became her property once she signed the treatment agreement and that the cost of these items was non-refundable.

13. On or about February 21, 2021, Patient F.T. signed the treatment agreement and paid Respondent \$8,829.79 via personal check to cover the cost of the treatment plan, which included a 5% discount for payment in full.

14. Shortly after signing up for the treatment plan, Patient F.T. changed her mind and decided not to proceed with treatment.

15. In approximately early March 2020, Patient F.T., through her stepdaughter, requested a refund of the money she had paid for the treatment plan.

16. Respondent failed to reimburse Patient F.T. for any amounts paid.

17. Respondent never provided Patient F.T. with any of the nonrefundable supplies that she had paid for under the treatment plan.

Count One

18. Petitioner incorporates and re-alleges paragraphs one through six.

19. Section 460.413(1)(u), Florida Statutes (2019), provides that delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them constitutes grounds for discipline.

20. Respondent delegated professional responsibilities to a person when Respondent knew or had reason to know that such person was not qualified by training, experience, or licensure to perform them when he delegated the initial evaluation of Patient F.T. to a registered chiropractic assistant.

21. Based upon the foregoing, Respondent violated section 460.413(1)(u), Florida Statutes (2019).

Count Two

22. Petitioner incorporates and re-alleges paragraphs one through nine.

23. Section 460.413(1)(r), Florida Statutes (2019), provides that the failure to practice chiropractic medicine at a level of care, skill, and treatment which is recognized by a reasonably prudent chiropractic physician as being acceptable under similar conditions and circumstances constitutes grounds for discipline. The Board shall give great weight to the standards for malpractice in section 766.102, Florida Statutes (2019), in interpreting this provision.

24. Section 766.102(1), Florida Statutes (2019), provides that the prevailing professional standard of care for a given health care provider shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

25. Respondent failed to practice chiropractic medicine with a level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably

prudent similar healthcare providers by failing to refer Patient F.T. to her primary care physician for further evaluation of her elevated blood pressure.

26. Based upon the foregoing, Respondent violated section 460.413(1)(r), Florida Statutes (2019).

Count Three

27. Petitioner incorporates and re-alleges paragraphs one through four, ten, and eleven.

28. Section 460.403(9)(c)2, Florida Statutes (2019), provides, in part, that chiropractors are not authorized to prescribe medical oxygen as described in chapter 499, Florida Statutes (2019).

29. Section 499.82(10), Florida Statutes (2019), defines “medical oxygen” as “oxygen USP which must be labeled in compliance with labeling requirements for oxygen under the [Federal Food, Drug, and Cosmetic Act].”

30. Respondent prescribed medical oxygen for Patient F.T. in conjunction with her neuropathy treatment plan.

31. Based upon the foregoing, Respondent violated section 460.403(9)(c)2, Florida Statutes (2019).

Count Four

32. Petitioner incorporates and re-alleges paragraphs one through seventeen.

33. Section 460.413(1)(y), Florida Statutes (2019), provides, in part, that a chiropractor may not accept advance payments for costs and expenses of examination or treatment in excess of \$1,500.00.

34. As set forth above, Respondent violated section 460.413(1)(y) by accepting more than \$1,500.00 from Patient F.T. as advance payment for costs and expenses of examination or treatment.

35. Based upon the foregoing, Respondent violated section 460.413(1)(y), Florida Statutes (2019).

Count Five

36. Petitioner incorporates and re-alleges paragraphs one through seventeen.

37. Section 460.413(1)(y), Florida Statutes (2019) provides, in part, that a chiropractic physician shall promptly pay or deliver to the patient, as requested by the patient, the funds, securities, or other properties in the possession of the physician which the patient is entitled to receive. Section 460.413(1)(y), Florida Statutes (2019) further provides that a failure to

deliver such money and property upon demand shall be deemed a conversion.

38. Respondent failed to promptly pay or deliver to Patient F.T., upon her request, the funds, securities, or other properties in his possession which she was entitled to receive in one or more of the following ways:

- a. By failing to refund the funds paid by Patient F.T. as an advance payment for the costs and expenses of examination and treatment; and/or,
- b. By failing to provide Patient F.T. with one or more supplies which she had paid for.

39. Based upon the foregoing, Respondent violated section 460.413(1)(y), Florida Statutes (2019).

WHEREFORE, Petitioner respectfully requests that the Board enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's certificate, 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.

Signatures appear on following page

SIGNED this 29th day of April 2022.

Joseph A. Ladapo, MD, PhD
State Surgeon General

Cynthia Nash-Early

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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Elizabeth Eubanks*

DATE: MAY 02 2022

PCP Date: April 28, 2022

PCP Members: Gene Jenkins, DC and Julie Mayer-Hunt, DC

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with sections 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.