Final Order No. DOH-06-1659-S -MQA
FILED DATE - 9/6/06
Department of Health
By: Alicia Stiffler
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF CHIROPRACTIC MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2006-02789
License No.: CH 8626

JONATHAN URSHAN, D.C.,

Respondent.
_____/

FINAL ORDER

THIS MATTER came before the Board of Chiropractic Medicine (hereinafter "Board") at a duly-noticed public meeting on August 25, 2006, 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 Cynthia L. Jakeman, Assistant General Counsel. Respondent was present.

Petitioner and Respondent have stipulated to a disposition of this case. After considering the presentation of the parties and reviewing the record of the case, the Board voted to adopt the Settlement Stipulation as an appropriate settlement of the case. A copy of the Settlement Stipulation is attached to and made a part of this Final Order. The parties shall be governed accordingly.

Pursuant to Section 456.072(4), Florida Statutes, the Department is required to collect costs for investigation and prosecution. The evidence presented to the Board was that the costs associated with this matter are $745.17. Payment shall be made to

the Department of Health, Board of Chiropractic Medicine Compliance Officer, P.O. Box 6320, Tallahassee, FL 32324-6320, in accordance with the terms of the Stipulation.

IT IS THEREFORE ORDERED that the Settlement Stipulation is adopted and the Respondent is hereby ordered to reimburse the Department costs in the amount of **$745.17.**

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

DONE AND ORDERED this 5th day of September, 2006.

BOARD OF CHIROPRACTIC MEDICINE

Sharon L. Guilford for
Joe Baker, Jr., Executive Director
on behalf of Salvatore LaRusso, D.C., CHAIR
Florida Board of Chiropractic Medicine

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to **Jonathan Urshan, D.C.,** 1011 Vista Road, Longwood, Florida 32750; and by interoffice mail to **Deborah Bartholow Loucks**, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; **Cynthia L. Jakeman**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265, on 10th day of September, 2006.

Rachel Brown
Deputy Agency Clerk

Causey, Sherra

From: Baker, Joe Jr
Sent: Wednesday, August 23, 2006 5:34 PM
To: Bess Maxwell; CH; clp; Cozart, Thometta; Deby; DL MQA Board of Chiropractic/Optometry/Med Physicist/Podiatry/O&P/Clinical Lab/NHA; DL MQA Management Team; James Hentz; Jenkins, Diane (MQA); jm; june; Knepton, Jim; 'ladasiah_jackson@oag.state.fl.us'; lag; Lauren Kennedy; Lois; nha; o&p; pod; Sanders, Sylvia (MQA); Stalls, Sue
Subject: Delegations of Authority

During my absence tomorrow, August 24th, thru COB Friday, Sept 8th, the following managers are delegated authority for the board office:

8/24 & 8/28:	Michele Jackson (x4395)
8/25:	Sharon Guilford (x4396)
8/29-9/1:	Vicki Grant (x4394)
9/5-9/8:	Sharon Guilford

I will be at meetings of the Boards of Chiropractic Medicine and Optometry and on leave. Thx.

Joe Baker, Jr.

Board Executive Director

Chiropractic Medicine, Clinical Laboratory Personnel, Medical Physicists, Nursing Home Administrators, Optometry, Orthotists & Prosthetists and Podiatric Medicine

- **Florida Department of Health*Division of Medical Quality Assurance*Bureau of Health Care Practitioner Regulation**
  850.245.4355 (board office switchboard); 850.922.8876 [board office fax]
- **850.245.4393 (direct line); 954.848.0401 [direct fax]**
- www.doh.state.fl.us/mqa; **joejr_baker@doh.state.fl.us**

DOH Mission: To promote and protect the health and safety of all people in Florida through the delivery of quality public health services and promotion of health care standards.
MQA Mission: To protect and promote the health of all persons in Florida by diligently regulating health care practitioners and facilities.

How am I communicating? Please contact my manager

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF CHIROPRACTIC MEDICINE

DEPARTMENT OF HEALTH

Petitioner,

v. **CASE NO. 2006-02789**

JONATHAN URSHAN, 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,

Cynthia L. Jakeman
Assistant General Counsel
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, Bin #C-65
Tallahassee, FL 323993265
(850) 245-4444 ext. 8133
Fax: (850) 245-4682
Florida Bar No. 0714690

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via certified U.S. Mail to: Jonathan Urshan, D.C., 810 Swaying Palm Drive, Apopka, Florida, 32712, this 27th day of July, 2006.

Cynthia L. Jakeman

Cynthia L. Jakeman

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v. **CASE NO. 2006-02789**

JONATHAN URSHAN, 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 8626.

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 two thousand, five hundred dollars ($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

JPU Initial

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 5 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 26 day of July, 2006.

Jonathan Urshan

Before me personally appeared Jonathan Urshan whose identity is known to me by FL DL (type of identification), and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed by Respondent before me this 26 day of July, 2006.

Notary Public

Tracey Havens
My Commission DD348131
Expires August 19, 2008

My Commission Expires: 8/19/08

APPROVED this 26 day of July, 2006.

M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

COUNSEL FOR PETITIONER:
Cynthia L. Jakeman
Assistant General Counsel
(850) 245-4640 ext. 8133

Initial

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v. **CASE NO. 2006-02789**

JONATHAN URSHAN, 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 January 30, 2006. 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, **Jonathan Urshan, D.C.**, license number CH-8626, 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

Initials

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, **Jonathan Urshan, D.C.**, being fully advised of the consequences of so doing, hereby admit probable cause exists for a violation of Sections 456.062 and 460.413(1)(e) and (ff), Florida Statutes (2005); 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.

Initials

By signing this waiver, I, **Jonathan Urshan, 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.

Jonathan Urshan, D.C.

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to and subscribed before me this 26 day of July, 2006, by Jonathan Urshan who is personally known to me or who had produced FL DL (type of identification) as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Tracey Havens
My Commission DD348131
Expires August 19, 2008

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

Initials

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v. **CASE NO. 2006-02789**

JONATHAN URSHAN, D.C.

RESPONDENT.

_____/

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Chiropractic Medicine against Respondent, Jonathan Urshan, D.C., and in support thereof 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 8626 on or about June 27, 2003.

3. Respondent's address of record is 830 E. Highway 434, Suite 1,

Longwood, Florida 32750.

4. Respondent placed several advertisements for his clinic, Advanced Injury Rehab. The advertisements failed to identify the Respondent as a chiropractic physician and failed to identify his clinic as a chiropractic institution.

5. One of the written advertisements offered a free evaluation without the disclaimer language required by Section 456.062, Florida Statutes (2005).

6. The Respondent also maintained an internet website for his Clinic, www.advancedinjuryrehab.com. The Website failed to identify the Respondent as a chiropractic physician or his clinic as a chiropractic institution.

Count One

7. Petitioner re-alleges and incorporates paragraphs one through six as if set fourth fully herein.

8. Section 460.413(1)(e) Florida Statutes (2005), 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.

9. Respondent failed to identify himself as a chiropractic physician and failed to identify his clinic, Advanced Injury Rehab, as a chiropractic institution in both the written advertisements and the internet website.

10. Based on the foregoing, Respondent has violated Section 460.413(1)(e), Florida Statutes (2005), 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 Two

11. Petitioner re-alleges and incorporates paragraphs one through six as if set fourth fully herein.

12. Section 460.413(1)(ff), Florida Statutes (2005), provides that violating any provision of Chapter 456 Florida Statutes is grounds for disciplinary action by the Board of Chiropractic Medicine.

13. Section 456.062, Florida Statutes (2005), requires that in any advertisement for a free, discounted fee, or reduced fee service, examination, or treatment by a chiropractic physician, the following statement shall appear in capital letters clearly 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.

14. Respondent failed to include the disclaimer language required by Section 456.062, Florida Statutes (2005), in the advertisement which offered a free evaluation.

15. Based on the foregoing, Respondent has violated Section 460.413(1)(ff), Florida Statutes (2005), through a violation of Section 456.062, Florida Statutes (2005), by failing to include the required disclaimer language in an advertisement for free and discounted services.

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 27th **day of** July, **2006.**

M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

Tobey Schultz
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399
Florida Bar # 0542131
(850) 245-4444 ext. 8165

PCP:

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.