

FILED DATE: **JAN 13 2014**

Department of Health

By: *Deborah Loucks*  
Deputy Agency Clerk

**STATE OF FLORIDA  
BOARD OF CHIROPRACTIC MEDICINE**

**IN RE: THE PETITION FOR DECLARATORY STATEMENT OF  
THE FLORIDA CHIROPRACTIC ASSOCIATION, INC., and  
ROBERT WATKINS, D.C.**

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**FINAL ORDER**

THIS MATTER came before the Board of Chiropractic Medicine pursuant to Section 120.565, Florida Statutes. At a duly-noticed public meeting held on January 3, 2014, in Orlando, Florida, the Board considered the above-referenced Petition for Declaratory Statement. Petitioners were represented by counsel, Paul W. Lambert, Attorney at Law; Dr. Watkins was not present. The Board was represented by Deborah Bartholow Loucks, Assistant Attorney General.

The Petition was filed with the Department of Health on December 3, 2013. Petitioner is requesting that the Board issue a Declaratory Statement interpreting Section 456.054, Florida Statutes.

Having considered the Petition and the relevant statutes and rules, the Board issues the following:

**FINDINGS OF FACT**

1. The Petition was duly filed and noticed in the Florida Administrative Law Register; Volume 39 Number 235, published on December 5, 2013.
2. The Petition is attached hereto and incorporated herein by reference.
3. Petitioner, Dr. Robert Watkins, is a chiropractor licensed by the Florida Board of

Chiropractic Medicine.

4. Petitioner, the Florida Chiropractic Association, Inc., is an organization whose membership consists of chiropractic physicians practicing in the State of Florida.

5. The petition sets out the advertising model proposed to be used by Dr. Watkins through Groupon.

**CONCLUSIONS OF LAW**

6. The Board has jurisdiction to consider petitions for declaratory statements pursuant to section 120.565, Florida Statutes. The Board has jurisdiction to interpret Sections 456 and 460, Florida Statutes, and Rule Title 64B2, Florida Administrative Code.

7. The Florida Board of Chiropractic Medicine does not have jurisdiction to interpret Chapter 817, Florida Statutes; the Fraudulent Practices statute.

8. The Florida Board of Chiropractic Medicine does not have jurisdiction to interpret the Internal Revenue Code, section 63 and the relevant US Treasury regulations.

9. The Board voted to answer the Petition by stating that the advertising model of Groupon described in the Petition is not a kickback under state law as defined in Section 456.054, Florida Statutes.

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

**DONE AND ORDERED**, this 10<sup>th</sup> day of JANUARY, 2014.

**BOARD OF CHIROPRACTIC MEDICINE**

  
Wm. Freeman Miller, Executive Director  
*on behalf of Kevin Fogarty, D.C., Chair*

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Health and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Florida Appellate District where the party resides. The Notice of Appeal must be filed within thirty (30) days of rendition of the order to be reviewed.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. Mail to: **Robert Watkins, D.C.**, and the **Florida Chiropractic Association, Inc.**, by sending same to their counsel of record, **Paul W. Lambert**, by electronic mail to: [plambert@paullambertlaw.com](mailto:plambert@paullambertlaw.com); and by electronic mail to **Deborah B. Loucks**, Assistant Attorney General, [deborah.loucks@myfloridalegal.com](mailto:deborah.loucks@myfloridalegal.com), and **Angela Southwell**, Office of the Attorney General, [angela.southwell@myfloridalegal.com](mailto:angela.southwell@myfloridalegal.com), on January 13<sup>th</sup>, 2014.



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**Deputy Agency Clerk**