

**STATE OF FLORIDA
BOARD OF ACUPUNCTURE**

Final Order No. DOH-19-1117-~~FOI~~-MQA

FILED DATE - **JUL 03 2019**

Department of Health

By: 
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2017-11096

License No.: AP 3365

TADEUSZ ADAM SZTYKOWSKI

Respondent.

_____ /

FINAL ORDER

This matter appeared before the Board of Acupuncture at a duly-noticed public meeting on June 28, 2019 in Champions Gate, Florida, for a hearing not involving disputed issues of material fact pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Petitioner filed an Administrative Complaint seeking disciplinary action against the licensee. A copy of the Administrative Complaint is attached to and made a part of this Final Order. Service of the Administrative Complaint was made upon Respondent by certified mail. Respondent has not filed an Election of Rights. Petitioner filed a Motion for Determination of Waiver and Entry of Final Order. Petitioner was represented by Rose Garrison, Assistant General Counsel, Florida Department of Health. Respondent was present with Counsel, Ricky Huff.

FINDINGS OF FACTS

Since the licensee has not replied to the Administrative Complaint nor contested the factual allegations, the prosecuting attorney offered the investigative as a basis to determine penalty. The investigate file was received into evidence. The Board adopts as its findings of facts the facts set

forth in the Administrative Complaint.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes the licensee has violated Section 457.109(1)(b), (x) and 456.072(1)(f), Florida Statutes.

The Board is empowered by Sections 457.109(2) and 456.072(2), Florida Statutes, to impose a penalty against the licensee.

Therefore, it is ORDERED that:

Respondent's license is REPRIMANDED.

The licensee must pay a fine of \$2,500.00 and investigative costs of \$94.59 within one year of the date of filing this Final Order. Payment shall be made to the Board of Acupunctue and mailed to: DOH-Compliance Management Unit, 4052 Bald Cypress Way, Bin C-76, Tallahassee, Florida 32399, Attention: Acupuncture Compliance Officer. **Payment must be made by cashier's check or money order ONLY.** Personal checks will not be accepted.

The licensee shall enroll in and successfully complete 3 hours of continuing education in Florida laws and rules, 3 hours in prevention of medical errors and 2 hours in ethics. This shall be in addition to the continuing education required by Rule 64B1-7.0015, Florida Administrative Code. Verification of course content and course completion must be submitted to the Acupuncture Compliance Officer within one year from the date of filing of this Final Order.

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

DONE AND ORDERED this 2 day of July, 2019.

BOARD OF ACUPUNCTURE



Kama Monroe,
Executive Director *for*
Kathy Veon, AP, DOM, Chair

NOTICE OF APPEAL RIGHTS

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 APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF THE FILING DATE OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail to: **TADEUSZ ADAM SZTYKOWSKI**, 109 13th Street, Belleair Beach, FL 33756; and C/O **RICKY HUFF**, Providence Law Group, 1744 N. Belcher Rd., Suite 150, Clearwater, FL 33765; and by e-mail to: **Diane L. Guillemette**, Assistant Attorney General, diane.guillemette@myfloridalegal.com; and to: Rose Garrison, Assistant General Counsel, at RoseGarrison@flhealth.gov, on this 3rd day of July, 2019.

Bryce Sanders

Deputy Agency Clerk

Tadeusz A. Sztykowski
109 13th St.
Belleair Beach, FL 33756

Certified Article Number

9414 7266 9904 2140 1187 87

SENDER'S RECORD

Regular Mail to

Tadeusz A. Sztykowski
c/o Ricky Huff, Esq.
1744 N. Belcher Rd.
Suite 150
Clearwater, FL 33765

**STATE OF FLORIDA
BOARD OF ACUPUNCTURE**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2017-11096

TADEUSZ ADAM SZTYKOWSKI, A.P.,

RESPONDENT.

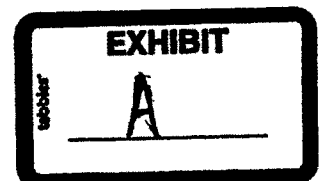
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ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Acupuncture against Respondent, Tadeusz Adam Szykowski, A.P., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of acupuncture pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 457, Florida Statutes.

2. At all times material to this Administrative Complaint, Respondent was an acupuncturist within the state of Florida, having been issued license number AP 3365.



3. Respondent's address of record is 1000 South Fort Harrison Avenue, Clearwater, Florida 33756.

4. The Rhode Island Department of Health is the licensing authority for acupuncturists in the state of Rhode Island.

5. On or about October 26, 2016, the Rhode Island Department of Health filed an administrative complaint against Respondent's Rhode Island acupuncture license.

6. The administrative complaint alleged Respondent advised patients to discontinue medications prescribed by their physicians without coordinating such advice with the prescribing physician.

7. On or about May 26, 2017, The Rhode Island Department of Health issued a Consent Order accepting Respondent's voluntary surrender of Respondent's license in Rhode Island to practice as a Doctor of Acupuncture and Oriental Medicine. The Consent Order was in lieu of further disciplinary proceedings for the above mentioned administrative complaint.

8. The Consent Order stated that the voluntary surrender was a final disciplinary action.

COUNT I

9. Petitioner re-alleges paragraphs one (1) through (8), as if fully set forth herein.

10. Section 457.109(1)(b), Florida Statutes (2016), provides that having a license to practice acupuncture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, constitutes grounds for disciplinary action.

11. As set forth above, Respondent had a license to practice acupuncture revoked, suspended, or otherwise acted against by the licensing authority of another state, territory, or country by having her Rhode Island acupuncture license acted against by the Rhode Island Department of Health on or about May 26, 2017.

12. Based on the foregoing, Respondent violated Section 457.109(1)(b), Florida Statutes (2016), by having a license to practice acupuncture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

COUNT II

13. Petitioner re-alleges paragraphs one (1) through (8), as if fully set forth herein.

14. Section 457.109(1)(x) Florida Statutes (2016), subjects an acupuncturist to discipline for violating any provision of chapter 457, or chapter 456, or any rules adopted pursuant thereto.

15. Section 456.072(1)(f) Florida Statutes (2016), states having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida Law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

16. As set forth above, Respondent had a license to practice acupuncture acted against by the licensing authority of another state, Rhode Island Department of Health, when on or about May 26, 2017, they issue a Consent Order accepting Respondent's voluntary surrender of Respondent's

license to practice as a Doctor of Acupuncture and Oriental Medicine in the state of Rhode Island, that Respondent offered in response to filed charges against his/her licensure.

17. Based on the foregoing, Respondent violated Section 457.109(1)(x), Florida Statutes, through a violation of 456.072(1)(f) Florida Statutes, by having a relinquishment of licensure offered in response to filed charges against his/her license, by the licensing authority, Rhode Island Department of Health that was accepted.

WHEREFORE, the Petitioner respectfully requests that the Board of Acupuncture 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.

[Signature follows on next page]

SIGNED this 14th day of May, 2018.

Celeste Phillip, M.D., M.P.H.
Surgeon General and Secretary of Health



Rose Garrison
Assistant General Counsel
Fla. Bar No. 105920
Florida Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, Bin #C65
Tallahassee, FL 32399-3265
Telephone: (850) 558-9842
Facsimile: (850) 245-4684
Email: rose.garrison@flhealth.gov

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Amber Greene
DATE MAY 14 2018

PCP: May 14, 2018

PCP Members: Kathy Veon, Greg Gunter

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.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

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.