

STATE OF FLORIDA
BOARD OF CHIROPRACTIC MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2003-06307

License No.: CH 5913

PATRICK ST. GERMAIN, D.C.,

Respondent.

FINAL ORDER

This matter appeared before the Board of Chiropractic Medicine at a duly-noticed public meeting on August 12, 2005, in Orlando, Florida, for consideration of a Stipulation (attached hereto as Exhibit "A"). Petitioner was represented by William Miller, Assistant General Counsel. Respondent was present and represented by Michael Lowe, Esq. Upon consideration of the Stipulation, the documents submitted in support thereof, the arguments of the parties and otherwise being advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the stipulation be and hereby is approved and adopted in toto and incorporated by reference herein. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Stipulation.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 24th day of Aug, 2005.

BOARD OF CHIROPRACTIC MEDICINE

George

Joe Baker, Jr.
Executive Director *on behalf of*
Salvatore LaRusso, D.C., CHAIR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to **Patrick St. Germain, D.C.**, 877 Orange Blossom Trail, Apopka, Florida 32703; and Michael Lowe, Esq., Ruden Mcloskey, et.al, 111 North Orange Avenue, Florida 32801; and by interoffice mail to **Michael T. Flury**, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; **Ephraim Livingston**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265 this ²⁵ day of August, 2005.

Harmory McClain
Deputy Agency Clerk

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DEPARTMENT OF HEALTH
BOARD OF CHIROPRACTIC MEDICINE**

DEPARTMENT OF HEALTH,

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v.

DOH CASE NUMBER 2003-06307

PATRICK JOSEPH ST. GERMAIN, D.C.,

Respondent.

_____ /

STIPULATION

Patrick Joseph St. Germain, D.C., referred to as the "Respondent," and the Department of Health, referred to as "Department," stipulate and agrees to the following Agreement and to the entry of a Final Order of the Board of Chiropractic Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

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.

STIPULATED FACTS

1. At all times material hereto, the Respondent was a licensed chiropractic physician in the State of Florida having been issued license number DC 5913.
2. The Respondent was charged by an Administrative Complaint filed by the Agency and properly served upon the Respondent with violations of Chapter 460, Florida

Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. The Respondent admits that, in his capacity as a licensed chiropractic physician, he is subject to the provisions of Chapters 456 and 460, Florida Statutes, and the jurisdiction of the Department and the Board.

2. The Respondent admits that the facts set forth in the Administrative Complaint, if proven, would constitute violations of Chapter 460, Florida Statutes, as alleged in the Administrative Complaint.

3. Respondent admits that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. **FUTURE CONDUCT.** The Respondent shall not in the future violate Chapters 456, 460 Florida Statutes, or the rules promulgated pursuant thereto. Prior to signing this agreement, the Respondent shall read Chapters 456, 460 and the Rules of the Board of Chiropractic Medicine, at Section 64B2, Florida Administrative Code.

2. **ADMINISTRATIVE FINE.** The Board shall impose an administrative fine in the amount of five hundred dollars (\$500.00) against the Respondent. The fine shall be paid by the Respondent to the Board of Chiropractic Medicine within 30 days of its

imposition by Final Order of the Board. **THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINES IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND THE RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS STIPULATION, SPECIFICALLY: IF THE RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE WITHIN 30 DAYS OF THE FILING OF THIS FINAL ORDER, THE RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY THE RESPONDENT FROM THE BOARD. (SEE EXHIBIT B OF THIS STIPULATION FOR BOARD ADDRESS AND STANDARD TERMS).**

3. **REIMBURSEMENT OF COSTS.** In addition to the amount of any fine noted above, the Respondent agrees to reimburse the Department for any administrative costs incurred in the investigation, prosecution, and preparation of this case, including costs assessed by the Division of Administrative Hearings, if applicable, and by the Board of Chiropractic Medicine office. **The agreed upon Agency costs to be reimbursed in this case is nine hundred fifty-three-dollars and fourteen cents (\$953.14).** The costs shall be paid by the Respondent to the Board of Chiropractic Medicine within 30 days of its imposition by Final Order of the Board. **THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED TO IN THIS**

STIPULATION, SPECIFICALLY: IF THE RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE WITHIN 30 DAYS OF THE FILING OF THIS FINAL ORDER, THE RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY THE RESPONDENT FROM THE BOARD. (SEE EXHIBIT B OF THIS CONSENT AGREEMENT FOR BOARD ADDRESS AND STANDARD TERMS).

4. **Letter of Concern** – The Respondent shall receive a Letter of Concern from the Board of Chiropractic Medicine.

5. **Affidavit**. Within 90 days of the filing date of the filing of a Final Order in this cause, Respondent shall draft and execute an affidavit attesting to the fact that he/she has read and understands the laws and rules for the Board of Chiropractic Medicine.

6. **Profile**. Respondent shall update profile within 30 days of the filing of the final order in this case.

7. **Mitigating Factors**: In arriving at this disposition the parties considered the following mitigating factors: Respondent has prior discipline with the Board, however, there were no legal restraints on Respondent at the time of the offense, and the offense was a single episode.

STANDARD PROVISIONS

1. 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 a Final Order incorporating the terms of this Stipulation is entered by the Board.

2. Respondent is required to appear before the Board at the meeting of the Board where this Stipulation is considered.

3. Respondent and the Department fully understand that this joint agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit "A" herein.

4. Upon the Board's adoption of this Stipulation, 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 Stipulation and the Final Order of the Board incorporating said Stipulation.

5. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this matter.

6. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. 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 Stipulation. Furthermore,

should this joint Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this Stipulation 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.

EXHIBIT B

STANDARD TERMS APPLICABLE TO STIPULATIONS

The following are the standard terms applicable to all stipulations, including supervision and monitoring provisions applicable to licensees on probation.

A. PAYMENT OF FINES. Unless otherwise directed by the Stipulation, all fines shall be paid by check or money order and sent to the Board address as set forth in paragraph E, below. The Board office does not have the authority to change terms of payment of any fine imposed by the Board.

B. COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. Unless otherwise directed by the Stipulation, all community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to the Board of Chiropractic Medicine at the address set forth below in paragraph E, WITHIN ONE YEAR OF THE DATE OF THE FINAL ORDER.

C. ADDRESSES. The Respondent must keep current residence and practice addresses on file with the Board. The Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, if the Respondent's license is on


probation, the Respondent shall notify the Board within ten (10) days in the event that the Respondent leaves the active practice of chiropractic medicine in Florida.

D. COSTS. Respondent shall pay all costs necessary to comply with the terms of this Stipulation. Such costs include, but are not limited to, the cost of preparation of Investigative Reports detailing compliance with the terms of the Stipulation, obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative cost directly associated with the Respondent's probation.

E. BOARD ADDRESS. Unless otherwise directed by the Board office, all fines/costs shall be sent to Department of Health, HMQAMS/Client Services, P.O. Box 6320, Tallahassee, FL 32314-6320. ATTN: Chiropractic Medicine Compliance Officer. All reports, correspondence and inquiries must be sent to Department of Health, HMQAMS/Client Services/Bin C01, 4052 Bald Cypress Way, Tallahassee, FL 32399-3251, ATTN: Chiropractic Medicine Compliance Officer.

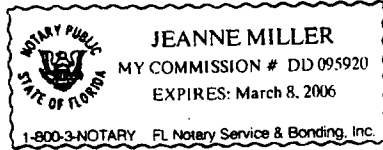
SIGNED this 11 day of JULY

2005.


Patrick Joseph St. Germain, D.C.

Before me, personally appeared PATRICK Joseph St Germain, whose identity is known to me by personally known (type of identification) and who, under oath, acknowledges that his signature appears above.

Sworn to and subscribed before me this 11th day of July, 2005.



Jeanne Miller

NOTARY PUBLIC

My Commission Expires:

APPROVED this 14th day of July, 2005.

John O. Agwunobi, M.D., M.B.A., M.P.H.
Secretary, Department of Health

By: *W.S. Benton*
Wings S. Benton
Deputy General Counsel
Department of Health

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2003-06307

PATRICK JOSEPH ST GERMAIN, D.C.,

RESPONDENT,

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through undersigned counsel, files this Administrative Complaint before the Board of Chiropractic Medicine against Respondent, Patrick Joseph St. Germain, 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 Complaint, Respondent was a licensed physician within the state of Florida, having been issued license number 5913.

3. Respondent's address of record is 877 SOBT, Apoka, Florida 32703.

4. Section 455.565, Florida Statutes, Designated health care professionals; information required for licensure, states:

(1) Each person who applies for initial licensure as a physician under chapter 458, chapter 459, chapter 460, or chapter 461, except a person applying for registration pursuant to ss. 458.345 and 459.021, must, at the time of application, and each physician who applies for license renewal under chapter 458, chapter 459, chapter 460, or chapter 461, except a person registered pursuant to ss. 458.345 and 459.021, must, in conjunction with the renewal of such license and under procedures adopted by the Department of Health, and in addition to any other information that may be required from the applicant, furnish the following information to the Department of Health:

(a)7. A description of any criminal offense of which the applicant has been found guilty, regardless of whether adjudication of guilt was withheld, or to which the applicant has pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony or misdemeanor if committed in this state must be reported. If the applicant indicates that a criminal offense is under appeal and submits a copy of the notice for appeal of that criminal offense, the department must state that the criminal offense is under appeal if the criminal offense is

reported in the applicant's profile. If the applicant indicates to the department that a criminal offense is under appeal, the applicant must, upon disposition of the appeal, submit to the department a copy of the final written order of disposition.

5. On or about April 4, 1999, Respondent signed the completed the mandatory practitioner profile questionnaire, and affirmed by signature that the information contained within the questionnaire was true and accurate.

6. The mandatory practitioner profile questionnaire for licensure included the following question:

Have you ever been convicted or found guilty, regardless of whether adjudication of guilt was withheld, or pled guilty or nolo contendere to a criminal misdemeanor or felony in any jurisdiction? (Authority: Section 455.565(1)(a)(7), Florida Statutes)

7. Respondent answered "no" to the above question.

8. On or about April 19, 1995, Respondent pled nolo contendere to reckless driving and was adjudicated guilty in Volusia County, Florida.

9. Respondent failed to disclose his criminal conviction on the profile questionnaire.

10. Based on the foregoing, Respondent has violated Section 460.413(1)(i) Florida Statutes, (1998), by failing to perform any statutory or legal obligation placed upon a licensed chiropractic physician.

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 9 day of December

2004.

John O. Agwunobi, M.D., M.B.A., M.P.H.
Secretary, Department of Health



Ephraim D. Livingston
Assistant General Counsel
DOH Prosecution Services Unit
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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Nicole Singleton
DATE 12/10/04

Reviewed and approved by: JKK (initials) 11/16/04 (date)

PCP: 12-2-04

PCP Members: Kirby & Sheldon

Patrick Joseph St. Germain DOH case No. 2003-06307

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