

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D20-2648

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TIGE ROBERT BUCHANAN, D.C.,

Appellant,

v.

DEPARTMENT OF HEALTH,

Appellee.

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On appeal from the State of Florida Board of Chiropractic  
Medicine.

Danita T. Heagy, D.C., Chair.

July 21, 2021

LONG, J.

Appellant appeals the Department of Health's order modifying a final order of disciplinary action for malpractice and its order denying his motion to vacate the original final order. After an investigation, the Department alleged that Appellant allowed one of his subordinates to operate an x-ray machine on patients without proper licensure. In response to the Department's administrative complaint against him, Appellant waived his right to an administrative hearing and accepted a settlement agreement. A final order disciplining his license was then issued. Appellant agreed not to, and did not, appeal the final order. No legal issues were raised in that proceeding.

Months later, Appellant moved to modify the final order, seeking clarification on his obligations under the agreement. All parties agreed to modify the final order for clarity, and that order was entered. Shortly after the hearing, Appellant moved to vacate the final order. In his motion to vacate, he argued there were fundamental due process flaws with the *original* proceeding and so the entire disciplinary action must be set aside. No issues were raised regarding the modification proceeding. The Department denied the motion, both on its merits and based on Appellant's notice of and opportunity to be heard at the original hearing, along with his agreement to the discipline. We affirm the order.

The doctrine of administrative finality, the administrative sister of *res judicata*, states a "decision, once final, may only be modified if there is a significant change in circumstances or if modification is required in the public interest." *Florida Power Corp. v. Garcia*, 780 So. 2d 34, 44 (Fla. 2001). The Board's granting Appellant's requested modifications did not breathe new life into issues he failed to address during his original proceeding—a proceeding in which he waived his right to appeal.

AFFIRMED.

RAY and TANENBAUM, JJ., concur.

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***Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.***

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Michael R. Lowe, Brian C. Evander and Sara D. McLaughlin of Lowe & Evander, P.A., Sanford, for Appellant.

Sara Young Hodges, Chief Appellate Counsel, and Rose Garrison, Assistant General Counsel, Tallahassee, for Appellee.