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**DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
BOARD OF CHIROPRACTIC MEDICINE**

**MINUTES
GENERAL BUSINESS MEETING**

**Florida Hotel and Conference Center
1500 Sand Lake Road
Orlando, Florida 32819**

February 17, 2012

Agenda items are subject to being taken up at anytime during the meeting. Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

CALL TO ORDER:

Dr. Rod Jones, Chairman, called the meeting to order at 8:30 a.m. Those present for all or part of the meeting included the following:

BOARD MEMBERS:

Rod Jones, D.C., Chair
Michael Mathesie, D.C., Vice-Chair
Ron Wellikoff, D.C.
Kevin Fogarty, D.C.
Debra Hoffman, D.C.
Ms. Eileen Perman
Ms. Linda Reynolds

BOARD STAFF:

Bruce Deterding, Board Executive Director
Sharon Guilford, Program Operations Administrator
Michele Jackson, Regulatory Consultant/Supervisor

BOARD COUNSEL:

Deborah Loucks, Assistant Attorney General
Office of Attorney General

PROSECUTING ATTORNEY:

Tari Rossitto-Van Winkle, Assistant General Counsel

COURT REPORTER:

American Court Reporting
(407) 896-1813

1 **FINAL ORDER ACTIONS:**

2
3 **Motion for Final Order by Voluntary Relinquishment of License:**

4
5 **Frank Rodriguez, D.C. – Case Numbers 11-03282 & 11-03551**
6 **PCP: Waived**

7
8 Dr. Rodriguez was neither present nor represented by counsel.

9
10 Ms. Rossitto-Van Winkle stated that the respondent had violated:

- 11
 - Section 460.413(1)(j)(k)(x), F.S.

12
13 **Ms. Reynolds moved to accept the investigative materials as presented. The motion was**
14 **seconded and carried 7/0.**

15
16 Ms. Rossitto-Van Winkle stated that respondent had requested the board accept the Voluntary
17 Relinquishment of his license by discipline.

18
19 Discussion ensued.

20
21 **Ms. Reynolds moved to accept the Voluntary Relinquishment by discipline. The motion**
22 **was seconded and carried 7/0.**

23
24 **Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact:**

25
26 **John J. Ham, D.C. – Case Number 11-11768 & 11-11771**
27 **PCP: Dougherty/Hoffman**

28
29 Dr. Ham was neither present nor represented by counsel.

30
31 **Dr. Wellikoff moved to accept the investigative materials as presented. The motion was**
32 **seconded and carried 6/0.**

33
34 Ms. Rossitto-Van Winkle stated that respondent asked the board to accept the Voluntary
35 Relinquishment of his license by discipline.

36
37 Ms. Rossitto-Van Winkle stated that respondent had violated:

- 38
 - Section 460.413(1)(q), F.S.
 - Section 460.413(1)(m), F.S.

39
40
41 **Dr. Mathesie moved to accept the Voluntary Relinquishment by discipline. The motion was**
42 **seconded and carried 6/0.**

43
44 **Motion for Final Order by Settlement Agreement:**

45
46 **Jonathan F. Berns, D.C. – Case Number 10-20120**
47 **PCP: LaRusso/Reynolds**

48
49 Dr. Berns was present, sworn, and was represented by Mr. Ed Bayo, Esq.

50
51 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 1 • Section 460.413(1)(y), F.S.

2
3 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the
4 following provisions:

- 5 • letter of concern
6 • administrative fine of \$2,500.00, payable within 30 days
7 • administrative costs of \$2,004.61, payable within 30 days
8 • submit a written article for publication within 30 days – not less than 500 words
9 explaining what is required of a chiropractic physician to be in compliance with the Trust
10 Accounting requirements under Section 460.413(1)(y), F.S.
11 • completion of three (3) hours of continuing education in the areas of two (2) hours in
12 laws and rules within 12 months
13 • submit a written request to the Probation Committee for approval prior to taking the
14 continuing medical education course(s)

15
16 Mr. Bayo addressed the board on behalf of his client.

17
18 A lengthy discussion ensued.

19
20 **Dr. Mathesie moved to accept the settlement agreement. The motion was seconded and**
21 **carried 6/0.**

22
23 **Brock T. Erickson, D.C. – Case Number 11-05577**
24 **PCP: Dougherty/Hoffman**

25
26 Dr. Erickson was present, sworn, but was not represented by counsel.

27
28 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 29 • Section 460.413(1)(v), F.S.

30
31 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the
32 following provisions:

- 33 • reprimand
34 • administrative fine of \$1,000.00, payable within one year
35 • administrative costs of \$1,359.44, payable within one year
36 • indefinite suspension until compliance with Final Order DOH-458-S-MQA for case
37 number 2010-04376
38 • attend four (4) chiropractic board meetings within two (2) years
39 • affidavit that the respondent had read and understood chapters 456 and 460, F.S., and
40 Rules Chapter 64B2, F.A.C., submitted within 30 days

41
42 Dr. Erickson addressed the board.

43
44 A lengthy discussion ensued.

45
46 **Dr. Wellikoff moved to accept the investigative materials as presented. The motion was**
47 **seconded and carried 6/0.**

48
49 **Dr. Fogarty moved to accept the settlement agreement. The motion was seconded and**
50 **carried 6/0.**

1
2 Dr. Jones requested that Dr. Erickson read into the record the article he'd written for board
3 submission, according to the Final Order.

4
5 Dr. Erickson read the written article into the record.

6
7 Dr. Erickson requested that the board grant his attendance at this meeting as one of the required
8 board appearances.

9
10 Discussion ensued.

11
12 **Dr. Mathesie moved to accept Dr. Erickson's attendance as one of his required board**
13 **meetings. The motion was seconded and carried 6/0.**

14
15 **William J. Jensen, D.C. – Case Number 09-14734**
16 **PCP: LaRusso/Reynolds**

17
18 Dr. Jensen was present, sworn, but was not represented by counsel.

19
20 Dr. Hoffman recused herself.

21
22 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 23
 - Section 456.072(1)(w), F.S.
 - Section 456.072(1)(x), F.S.

24
25
26 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the
27 following provisions:

- 28
 - letter of concern
 - administrative fine of \$3,750.00, payable within one year
 - administrative costs of \$1,683.00, payable within one year
 - completion of three (3) hours of continuing education in the areas of two (2) hours in laws and rules within one year
 - submit a written request to the Probation Committee for approval prior to taking the continuing medical education course(s)

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34
35 Dr. Jensen addressed the board.

36
37
38 A lengthy discussion ensued.

39
40 **Dr. Mathesie moved to accept the settlement agreement. The motion was seconded and**
41 **carried 5/0.**

42
43 **Edward S. McNamara, D.C. – Case Number 08-03813**
44 **PCP: Kirby/Mathesie**

45
46 Dr. McNamara was not present, sworn or represented by counsel.

47
48 **Dr. Hoffman moved to waive the requirement that Dr. McNamara personally appear before**
49 **the board. The motion was seconded and carried 6/0.**

1 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 2 • Section 460.413(1)(m), F.S., and/or Rule 64B2-17.0065, F.A.C.
- 3 • Section 460.413(1)(n), F.S.

4
5 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the
6 following provisions:

- 7 • appearance
- 8 • reprimand
- 9 • administrative fine of \$1,500.00, payable within two years
- 10 • administrative costs of \$6,284.33, payable within two years
- 11 • completion of six (6) hours of continuing education in the areas of record keeping,
12 documentation, and coding within one year
- 13 • completion of two (2) hours of Board approved continuing education in ethics and
14 boundaries within one year
- 15 • probation for a period of two years
- 16 • monitoring shall comply with the terms of the Final Order
- 17 • tolling provisions shall apply

18
19 A lengthy discussion ensued.

20
21 **Ms. Reynolds moved to accept the settlement agreement. The motion was seconded and**
22 **carried 6/0.**

23
24 **Bartholomew M. Precourt, D.C. – Case Number 10-17909**
25 **PCP: LaRusso/Reynolds**

26
27 Dr. Precourt was present, sworn, but was not represented by counsel.

28
29 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 30 • Section 460.413(1)(b), F.S.

31
32 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the
33 following provisions:

- 34 • reprimand
- 35 • administrative fine of \$2,500.00, payable within one year
- 36 • administrative costs of \$819.91, payable within one year
- 37 • submit a written article for publication within 30 days – not less than 500 words
38 explaining his experiences regarding the licensure disciplinary process and how easily he
39 could have avoided it
- 40 • completion of three (3) hours of continuing education in risk management in the areas of
41 two (2) hours in laws and rules within 12 months
- 42 • submit a written request to the Probation Committee for approval prior to performance of
43 said continuing medical education course(s)

44
45 A lengthy discussion ensued.

46
47 **Dr. Mathesie moved to reject the settlement agreement. The motion was seconded and**
48 **carried 6/0.**

1 **Dr. Mathesie moved to issue a counter agreement by accepting all items in the agreement**
2 **with the exception to modifying the administrative fine to \$1,500. The motion was seconded**
3 **and carried 6/0.**

4
5 Ms. Loucks asked if Dr. Precourt would accept the counter agreement.

6
7 Dr. Precourt accepted the revised agreement.

8
9 Ms. Rossitto-Van Winkle accepted on behalf of the department.

10
11 **Dean A. Spirelli, D.C. – Case Number 11-03950**
12 **PCP: Dougherty/Hoffman**

13
14 Dr. Spirelli was present, sworn but was not represented by counsel.

15
16 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 17 • Section 460.408, 460.013(1)(i), 460.413(1)(ff), F.S. and Rule 64B2-13.004, F.A.C.

18
19 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the
20 following provisions:

- 21 • letter of concern
22 • administrative fine of \$100.00, payable within 30 days
23 • administrative costs of \$964.48, payable within one year
24 • completion of forty (40) hours of continuing education in the areas of one (1) hour in risk
25 management of which two (2) of which shall be in laws and rules; six (6) hours record
26 keeping, documentation and coding; two (2) Prevention of Medical Errors; two (2) hours
27 of Ethics and Boundaries, and twenty-seven (27) general hours
28 • attend four (4) chiropractic board meetings within two years

29
30 Dr. Spirelli addressed the board and stated that two employees with the department informed him
31 to take as many hours prior to the meeting. Therefore, he requested the board to accept the hours
32 he had already completed.

33
34 A lengthy discussion ensued.

35
36 **Dr. Jones moved to accept the continuing education hours completed. The motion was**
37 **seconded and carried 6/0.**

38
39 **Ms. Reynolds moved to accept the settlement agreement. The motion was seconded and**
40 **carried 6/0.**

41
42 **Robert E. Thompson, D.C. – Case Number 10-15074**
43 **PCP: LaRusso/Reynolds**

44
45 Ms. Rossitto-Van Winkle stated that the case had been pulled from the agenda.

46
47 **Motion for Determination of Waiver and for Final Order by Hearing Not Involving**
48 **Disputed Issues of Material Fact:**

49
50 **John K. Lenihan, D.C. – Case Number 11-11166**

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Eric A. Wiegandt, D.C. – Case Number 10-08957
PCP: LaRusso/Reynolds

Dr. Wiegandt was present, sworn but was not represented by counsel.

Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- Section 456.072(1)(w), 456.039(3), and 456.042, F.S.
- Section 456.072(1)(x), F.S.
- Section 456.072(1)(c), F.S.
- Section 460.413(1)(c), F.S.

Dr. Fogarty moved to accept all the investigative report and all case materials including all confidential and addendum materials, if any, into evidence in these proceedings. The motion was seconded and carried 6/0.

Dr. Mathesie moved that the respondent was properly served by publication and signed an election of rights that was deficient. The motion was seconded and carried 6/0.

Ms. Perman moved to adopt the findings of fact into evidence as alleged in the administrative complaint. The motion was seconded and carried 6/0.

Dr. Wiegandt addressed the board.

Dr. Fogarty moved to adopt the conclusions of law and find that the respondent was in violation as alleged in the administrative complaint. The motion was seconded and carried 6/0.

Dr. Jones moved that the violation constitutes a violation of the Practice Act. The motion was seconded and carried 6/0.

Ms. Rossitto-Van Winkle recommended the following penalty:

- reprimand
- administrative fine of \$10,000.00, payable within four (4) years
- completion of continuing education in the areas of three (3) hours in risk management of which two (2) of which shall be in laws and rules; six (6) hours record keeping, documentation and coding
- submit a written article for publication within 30 days – not less than 1,000 words explaining his experience
- attend two (2) chiropractic board meetings within two (2) years and notify the board within 30 days prior to the board meeting
- monitoring for a period of two (2) years, 5 records for first six months then quarterly
- early termination from probation may be request after completing one year

Discussion ensued.

Dr. Wellikoff moved to accept the department’s recommendation. The motion was seconded and carried 6/0.

1 **Dr. Jones moved to issue a Motion to Assess Costs of \$1,550.12, payable within four (4)**
2 **years. The motion was seconded and carried 6/0.**

3
4 **Motions for Final Order Based Upon a Voluntary Relinquishment of License:**

5
6 **Joseph B. Wagner, D.C. – Case Number 11-12244**
7 **PCP: Dougherty/Hoffman**

8
9 Dr. Wagner was present, sworn and was represented by Mr. Stephen M. Slepik, Esq.

10
11 Ms. Rossitto-Van Winkle stated that the respondent had asked the board to accept the Voluntary
12 Relinquishment of the respondent's license by discipline.

13
14 Ms. Rossitto-Van Winkle stated that the respondent had violated:

- 15 • Section 460.413(1)(x), F.S.
- 16 • Section 456.072(1)(m), F.S.
- 17 • Section 456.072(1)(ff), F.S.
- 18 • Section 460.413(1)(t), F.S. (2 counts)
- 19 • Section 460.413(1)(d), F.S.

20
21 A lengthy discussion ensued.

22
23 **Ms. Reynolds moved to accept the Voluntary Relinquishment by discipline. The motion**
24 **was seconded and carried 7/0.**

25
26 **Yanurys Tait, R.C.A. – Case Number 11-14312**
27 **PCP: Waived**

28
29 Mr. Tait was neither present nor represented by counsel.

30
31 Ms. Rossitto-Van Winkle stated that the respondent had asked the board to accept the Voluntary
32 Relinquishment of the respondent's license by discipline.

33
34 Ms. Rossitto-Van Winkle stated that the respondent had violated:

- 35 • Section 456.072(1)(II), and 460.413(c)(j)(k)(l)(x)(ff), F.S.

36
37 Discussion ensued.

38
39 **Dr. Wellikoff moved to accept the Voluntary Relinquishment by discipline. The motion was**
40 **seconded and carried 7/0.**

41
42 **Motions for Final Order by Settlement Agreement:**

43
44 **Octavio P. Fernandez, D.C. – Case Numbers 10-24153, 10-24154 & 10-18950**
45 **PCP: Dougherty/Hoffman/LaRusso/Reynolds**

46
47 Dr. Fernandez was present, sworn and was represented by Ms. Karen Barnet-Backer, Esq.

48
49 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

1 **10-24153**
2 • **Section 460.413(1)(v), F.S.**

3
4 **10-24154**
5 • **Section 460.413(1)(v), F.S.**

6
7 **10-18950**
8 • **Section 460.413(1)(v), F.S.**

9
10 Dr. Wellikoff stated that he had previously spoken to Dr. Fernandez and informed him that he
11 could not provide assistance.

12
13 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the
14 following provisions:

- 15 • reprimand
16 • administrative costs \$5,136.53 payable in seven (7) years in equal installments
17 • administrative fines of \$62,000, payable in equal quarterly payments
18 • suspension, stayed
19 • probation with 4 years to run concurrent with prior probation with the noted records to be
20 reviewed by the board approved monitor
21 • nine (9) hours of continuing education in the areas of six (6) hours in CPT coding; and
22 three (3) hours of risk management that includes two (2) hours in laws and rules

23
24 A lengthy discussion ensued.

25
26 **Dr. Wellikoff moved to accept the settlement agreement with the modified payment of time**
27 **to ten years. The motion was seconded and carried 6/0.**

28
29 **Jared B. Silberstein, D.C. – Case Number 07-21258**
30 **PCP: Fogarty/Jones/Wolfson**

31
32 Dr. Silberstein was present, sworn and was represented by Mr. Michael Lowe, Esq.

33
34 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 35 • Section 460.413, (1)(ff), F.S.

36
37 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the
38 following provisions:

- 39 • letter of concern
40 • administrative fine of \$3,500, payable within in one (1) year
41 • administrative costs of \$6,614.26, payable within one (1) year
42 • dismissing count two
43 • probation for a period of one (1) year
44 • monitoring for a period of the first six months, the monitor shall review a minimum of
45 five (5) files of respondent's active patient records once every other month
46 • monitor shall submit quarterly reports to the Probationary Committee
47 • completion of three (3) hours continuing education with two (2) hours in laws and rules
48 and record keeping, documentation and coding
49 • tolling provision applies

50

1 **Ms. Reynolds moved to accept the settlement agreement. The motion was seconded and**
2 **carried 5/0.**

3
4 **Tamer A. Sabry, D.C. – Case Number 10-03232**
5 **PCP: Dougherty/Hoffman**

6
7 Ms. Rossitto-Van Winkle stated that the case has been pulled from the agenda.

8
9 **Motion for Final Order Following Recommended Order:**

10
11 **Paul K. Christian, D.C. – Case Number 07-37566 – DOAH Case**
12 **Number 11-0722PL**
13 **PCP: Jones/Wolfson**

14
15 Dr. Christian was present, sworn and was represented by Mr. Michael Lowe, Esq.

16
17 Dr. Mathesie provided an overview of the Recommended Order by the Florida Administrative
18 Law Judge and the proper procedures in the actions necessary by the board.

19
20 Mr. Lowe provided an opening statement in the case indicating that two (2) of the three (3) counts
21 were unsupported and unsubstantiated

22
23 Ms. Rossitto-Van Winkle stated that the administrative complaint reflected three (3) counts as
24 follows:

- 25 • Section 460.413(1)(m), F.S.
- 26 • Section 460.413(1)(n), F.S.
- 27 • Section 460.413(1)(r), F.S.

28
29 Ms. Loucks stated that the board may review the exceptions provided in the agenda.

30
31 Ms. Lowe and then Ms. Rossitto-Van Winkle addressed each Exception to the Recommended
32 Order as follows:

- 33
34 1. Exception 1-paragraph 7 – Findings of Fact

35
36 Discussion ensued.

37
38 **Dr. Fogarty moved to deny Exception 1. The motion was seconded and carried 4/2 with Dr.**
39 **Wellikoff and Ms. Perman opposed.**

- 40
41 2. Exception 2 - paragraph (8)

42
43 Discussion ensued.

44
45 **Dr. Fogarty moved to deny Exception 2. The motion was seconded and carried 6/0.**

- 46
47 3. Exception 3 - paragraph (9)

48
49 **Dr. Fogarty moved to deny Exception 3. The motion was seconded and carried 6/0.**

1 **Dr. Fogarty moved to withdraw the previous motion. The motion was seconded and carried**
2 **6/0.**

3
4 Further discussion ensued.

5
6 **Dr. Mathesie moved to accept Exception 3 to the extent that they added the May 24, 2006**
7 **date to the Findings of Fact. The motion was seconded and carried 5/1 with Dr. Fogarty**
8 **opposed.**

9
10 3. Exception 4 - Paragraph (10)

11
12 Ms. Loucks stated that the date indicated of May 24, 2011 was incorrect and needed to be
13 modified to May 24, 2006.

14
15 **Dr. Wellikoff moved to deny the Exception 4, but to modify the Findings of Fact to correct**
16 **the scriveners error. The motion was seconded and carried 6/0.**

17
18 4. Exception 5 – Paragraph (44) Conclusions of Law

19
20 **Dr. Fogarty moved to deny the Exception 5. The motion was seconded and carried 5/1 with**
21 **Ms. Perman opposed.**

22
23 5. Exception 6 – Paragraph (45) Conclusions of Law

24
25 **Dr. Fogarty moved to deny the Exception 6. The motion failed for lack of second.**

26
27 Discussion ensued.

28
29 **Dr. Wellikoff moved to deny Exception 6. The motion was seconded and carried 5/1 with**
30 **Ms. Perman opposed.**

31
32 6. Exception 7 – Paragraph (46) Conclusion of Law

33
34 **Dr. Wellikoff moved to accept the Exception 7 due to the board’s rejection of the conclusion**
35 **of law that chiropractors need to document changes in vision when the patient has been**
36 **referred to a specialist. The motion was seconded and carried 6/0.**

37
38 **Dr. Hoffman moved to accept the findings of fact as amended. The motion was seconded**
39 **and carried 6/0.**

40
41 **Ms. Reynolds moved to accept the conclusions of law as amended. The motion was**
42 **seconded and carried 6/0.**

43
44 Ms. Loucks provided the necessary actions needed:

45
46 The board reviewed the Administrative Law Judge recommendation and discussed the following
47 penalty:

- 48 • administrative fine of \$2,500
- 49 • one year probation including the monitoring provisions
- 50 • early termination after successful completion of six months of acceptable monitoring

- completion of six (6) hours of continuing education in the areas of record-keeping prior to the March 31, 2014
- tolling provision applied

Dr. Mathesie moved to issue a stay on the penalty upon completion of consideration of the recommended order in this matter, Respondent’s legal counsel made an ore tenus motion for stay of the penalty in anticipation of an appeal of the final order. Upon consideration of the motion and being duly advised on the premises, the Board granted the motion and stayed the penalty throughout the pendency of all review proceedings in Florida courts until a mandate issues. If Respondent fails to file a timely notice of appeal, the stay shall be automatically lifted upon the 31st day after the filing of this final order. The motion was seconded and carried 6/0.

APPROVAL OF MINUTES – November 4, 2011 – Full Board Meeting

Dr. Wellikoff moved to accept the above minutes as presented with the exception of the noted correction on page 10 modifying the 6,000 to 500 word article... . The motion was seconded and carried 7/0.

PEITION FOR VARIANCE/WAIVER:

Carol A. DeWilde, D.C. – Rule 64B2-13.004, F.A.C.

Dr. Jones moved to deny the petition/waiver for failure to meet the underlying purpose of the statute. The motion was seconded and carried 7/0.

Dr. Jones moved to grant an extension until March 31, 2014 for Dr. DeWilde to make up the deficient continuing education. The motion was seconded and carried 7/0.

Bruce Harris, D.C. – Rule 64B2-13.004, F.A.C.

Dr. Jones moved to deny the petition/waiver for failure to meet the underlying purpose of the statute. The motion was seconded and carried 7/0.

Dr. Jones moved to grant an extension until March 31, 2014 to make up the deficient continuing education but not grant the hours for any future biennium at this time. The motion was seconded and carried 7/0.

APPROVAL OF EXEMPTION – AHCA – Samantha Morales

Dr. Morales was neither present nor represented by counsel.

Ms. Loucks stated that Dr. Morales had submitted an Exemption Request to receive certification by AHCA and provided an overview of the process.

Discussion ensued.

Dr. Jones moved to reject the request, for failure to show a reason for the exemption by clear and convincing evidence. The motion was seconded and carried 7/0.

TERMINATION OF PROBATION – LICENSURE

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Benjamin Balarezo, D.C.

Dr. Balarezo was present, sworn and was represented by Mr. Ed Bayo, Esq.
Mr. Bayo addressed the board on behalf of his client.
Dr. Wellikoff provided an overview of Dr. Balarezo’s probationary period.
Discussion ensued.

Dr. Jones moved to accept Dr. Balarezo’s request for Termination of Probation effective today. The motion was seconded and carried 7/0.

Peter Smith, D.C.

Dr. Smith was present, sworn and was represented by Mr. Ed Bayo, Esq.
Mr. Bayo addressed the board on behalf of his client.
Dr. Smith addressed the board.
Discussion ensued.

Dr. Jones moved to accept Dr. Smith’s request for Termination of Probation effective today. The motion was seconded and carried 7/0.

APPLICANTS PRESENTED FOR BOARD REVIEW:

Bryan D. Beller, D.C.

Dr. Beller was present, sworn but was not represented by counsel.
Ms. Loucks provided an overview of the application.
Dr. Beller addressed the board.
Discussion ensued.

Dr. Jones moved to conditionally approve licensure upon receiving an evaluation from PRN. In the meantime, Dr. Beller would be allowed to take the Florida Jurisprudence examination. The motion was seconded and carried 7/0.

Nanci A. Lee, D.C.

Dr. Lee was present, sworn but was not represented by counsel.
Dr. Loucks provided an overview of the application.
Dr. Lee addressed the board.

1 Discussion ensued.

2
3 **Dr. Mathesie moved to approve the application. The motion was seconded and carried 6/1**
4 **with Dr. Fogarty opposed.**

5
6 **Frederick L. Knochel, D.C.**

7
8 Dr. Knochel was present, sworn but was not represented by counsel.

9
10 Ms. Loucks provided an overview of the application.

11
12 Dr. Knochel addressed the board.

13
14 Discussion ensued.

15
16 **Dr. Jones moved to approve licensure upon successful completion of the Florida Laws and**
17 **Rules examination. The motion was seconded and carried 7/0.**

18
19 **Dr. Wellikoff moved to conditionally approve licensure upon receiving an evaluation from**
20 **PRN. In the meantime, Dr. Knochel would be allowed to take the Florida jurisprudence**
21 **examination. The motion was seconded and carried 4/2 with Drs. Fogarty and Mathesie**
22 **opposed.**

23
24 Dr. Knochel stated that he is currently residing in Michigan.

25
26 Ms. Loucks requested Dr. Knochel to contact PRN to determine if they would assist him in
27 Michigan.

28
29 **Vicente O. Saraco, D.C.**

30
31 Dr. Saraco was present, sworn but was not represented by counsel.

32
33 Ms. Loucks provided an overview of the application.

34
35 Dr. Saraco addressed the board. He stated that he currently is not making payments on the
36 student loan but has an agreement with them. He is currently practicing in New York.

37
38 Discussion ensued.

39
40 **Dr. Jones moved to approve Dr. Saraco's application. The motion was seconded and**
41 **carried 7/0.**

42
43 **Joseph J. Thomas, D.C.**

44
45 Dr. Thomas was neither present nor represented by counsel.

46
47 Ms. Loucks provided an overview of the application.

48
49 Discussion ensued.

1 The board directed staff to draft language to inform the NCLB that the Board does not want them
2 to submit minor issues to the national practitioner databank.

3
4 **Dr. Jones moved to approve Dr. Thomas' application. The motion was seconded and**
5 **carried 7/0.**

6
7 **Dr. Jones moved to delegate to staff the approval of these type of applications and to dismiss**
8 **any reporting from NCLB, Healthcare Network, etc. The motion was seconded and carried**
9 **7/0.**

10
11 **Dr. Jones moved to draft a letter to be sent to NCLB, Healthcare Network, etc. and Dr.**
12 **Jones review the letter. The motion was seconded and carried 7/0.**

13
14 **Marlaine Raymond, C.C.P.A.**

15
16 Ms. Raymond was neither present nor represented by counsel.

17
18 Ms. Loucks provided an overview of the application.

19
20 Discussion ensued.

21
22 **Dr. Jones moved to deny Ms. Raymond's request to approve the modified supervisor for**
23 **failure to meet the statutory requirements. The motion was seconded and carried 7/0.**

24
25 Dr. Jones requested to place Rule 64B2-18, F.A.C., on the next rules workshop. That rule is
26 related to the direct/indirect supervision of a CCPA in a licensed clinic.

27
28 **Gizelle L. Best, R.C.A.**

29
30 Ms. Best was present, sworn but was not represented by counsel.

31
32 Ms. Loucks provided an overview of the application.

33
34 Ms. Best addressed the board regarding the reasons why her massage therapy license was revoked
35 by the Board of Massage Therapy.

36
37 Discussion ensued.

38
39 **Dr. Jones moved to approve for licensure. The motion was seconded and carried 7/0.**

40
41 **Monise Clermont, R.C.A.**

42
43 Ms. Clermont was present, sworn but was not represented by counsel.

44
45 Ms. Loucks provided an overview of the application.

46
47 Ms. Best addressed the board.

48
49 Discussion ensued.

50
51 **Dr. Mathesie moved to approve for licensure. The motion was seconded and carried 7/0.**

1
2 Dr. Jones commended the court reporter on her detailed minutes.

3
4 **RATIFICATION OF LICENSURE:**

5
6 **Chiropractic Physicians**
7 **(Kyle Garrett Corbin, CH 10430 – Mohamed Tariq Inshan, CH 10519)**

8
9 **Dr. Wellikoff moved to approve the ratification list. The motion was seconded and carried**
10 **7/0.**

11
12 **Certified Chiropractic Physician Assistants**
13 **(Sarah Helene Leman, CI 696 – Tamara Lynn Burkhead, CI 699)**

14
15 **Ms. Reynolds moved to approve the ratification list. The motion was seconded and carried**
16 **7/0.**

17
18 **Registered Chiropractic Assistants**
19 **(Melanie Michelle Vumbaca, RCA 9618 – Rachel Ana Bird, RCA 9777)**

20
21 **Ms. Reynolds moved to approve the ratification list. The motion was seconded and carried**
22 **7/0.**

23
24 Dr. Jones requested the staff to research the fee rule to reduce the fees.

25
26 **CORRESPONDENCE:**

- 27
28
 - **Florida Chiropractic Society – Scope of Practice to perform and Interpret Electro**
- 29 **Diagnostic Testing including Needle EMG**

30
31 Mr. Paul Lambert, with the Florida Chiropractic Association, provided a letter from the Board of
32 Directors on their recommendation related to the performance of electro diagnostic testing by
33 completing a minimum of 150 hours of training in electro diagnostic testing.

34
35 Karen Henard, D.C., with the Florida Chiropractic Society provided a letter from the Board of
36 Directors recommending a minimum of 300 hours of training in electro diagnostic testing.

37
38 Discussion ensued.

39
40 The board directed staff to research and determine if the Board of Chiropractic Medicine can
41 have a Rules Committee Meeting the afternoon of April 12, 2012.

42
43 Ms. Loucks and Dr. Fogarty will draft language and present to the board at their next meeting.

- 44
45
 - **Information – Resignation of CCE President**

46
47 Information only.

- 48
49
 - **Approval to Attend the FCLB and NBCE Annual Meeting – May 2-6, 2012 – San**
- 50 **Antonio, Texas**
- 51

1 **Dr. Jones moved to send both Drs. Hoffman as the voting delegate and Fogarty as the**
2 **alternate delegate to attend the FCLB and NBCE Annual Meeting. The motion was**
3 **seconded and carried 7/0.**

- 4
- 5 • **Approval to Pay FCLB Annual Dues**
- 6

7 **Dr. Wellikoff moved to approve to pay the FCLB Annual Dues. The motion was seconded**
8 **and carried 7/0.**

- 9
- 10 • **Approval to Attend NBCE Test Committee Meeting and Part IV Practical**
11 **Examination**
- 12

13 **Part IV Practical Examination**

14

15 Dr. Jones requested board staff to notify the NBCE that Drs. Hoffman and Mathesie will attend
16 the May 18, 2012 and November 9, 2012 Part IV examination.

17 **NBCE Test Committee Meeting**

18

19

20 Dr. Jones requested board staff to notify the NBCE that Dr. Wellikoff will attend the June 8&9,
21 2012 examination committee meeting.

22 **CHAIR/VICE-CHAIRMAN REPORT:**

- 23
- 24
- 25 • **Chiropractic Licensure Breakdown**
- 26

27 For Information only.

- 28
- 29 • **Discussion of:**
- 30
- 31 ○ **Evaluation and Treatment of Concussions**
- 32

33 Mr. Lambert addressed the 2012 bill related to the Evaluation and Treatment of Concussions.
34 The legislature is proposing to leave it with the High schools athletic committee to determine
35 qualifications.

36

37 Dr. Jones moved to grant Mr. Deterding to send a letter to the legislature on the board's position.

38 **Legislation – Kevin Fogarty, D.C.**

39 Mr. Lambert provided an overview of the 2012 legislation.

- 40
- 41
- 42
- 43 • **Identifying D.C.'s under Medical Umbrellas**
- 44

45 Dr. Jones addressed his concerns with the disclaimers on advertisements.

- 46
- 47 • **Identifying IME Physicians within the Parameters of Recent Legislation**
- 48

49 Dr. Jones stated that currently there is no way to determine/regulate identifying IME Physicians
50 within the Parameters of Recent Legislation.

1
2 The board requested staff to add the Rule 64B2-15.001, F.A.C., to the Rules Committee agenda.
3

- 4 • **Creating an Alliance with Major Insurance Groups to Assist in Locating Physicians**
- 5 • **Confirm that Sponsoring Physician's are Notified of any Posted Notices**

6
7 Discussion ensued with no action taken.
8

- 9 • **Investigators & Compliance Officers Workshop**

10
11 Dr. Jones addressed the outcome with the Department of Health, Investigators & Compliance
12 Officers Workshop. The department has no problem with a board member go to their training but
13 would make it difficult for them to have an open forum during a public setting due to how they
14 conduct investigations.
15

16 Dr. Jones stated that a meeting may be conducted in St. Augustine in June 2012; therefore, may
17 attend if possible.
18

- 19 • **Accountability and Transparency in the Monitoring Program & Substance Abuse**
20 **Program Counseling**

21
22 Dr. Mathesie provided an overview of the updated monitoring form.
23

24 The board directed Dr. Mathesie to modify the form with the noted corrections.
25

26 Dr. Jones requested PRN representative to provide an overview of their services.
27

- 28 • **Future Agenda Items**

29
30 No additional agenda items.
31

32 **EXECUTIVE DIRECTOR'S REPORT:**

33 34 **Solicitation to Publish Information about Awards or Commendations given to Board** 35 **Members**

36
37 Mr. Deterding requested the board members to provide him with any awards or commendations
38 they have received.
39

40 **BOARD COUNSEL'S REPORT:**

41 42 **Rules Status Report**

43
44 Ms. Loucks stated that two rules were adopted on February 9, 2012 on the following:
45

- 46 • Rules 64B2-11.001, F.A.C. - Application for Licensure Examination
- 47 • Rule 64B2-13.0049, F.A.C. - Inactive Status License

48
49 Dr. Jones moved to send all continuing education courses to Dr. Wellikoff, CE Committee.
50

1 Dr. Jones requested Dr. Wellikoff to attend the FCPA Convention to provide feedback at the next
2 board meeting on how they conduct their meetings.

3
4 Dr. Wellikoff stated that the National Board requested if the Florida Board of Chiropractic
5 Medicine would be interested in accepting the National Board CA examination. The
6 qualifications require completion of 30 hour course training program.

7
8 Ms. Loucks stated that the board's statute would have to be modified to regulate CAs in Florida.

9
10 **COMMITTEE REPORTS:**

11
12 **Budget – Linda Reynolds**

- 13
14 • **Expenditures by Function for Period Ending September 30, 2011**
15 • **Cash Balance Report for 3 Months Ending September 30, 2011**
16 • **Total Expenditures (Direct and Allocated) by Board for 3 Months Ending**
17 **September 30, 2011**
18 • **Allocations to Boards by Source Organization and Category for 3 Months Ending**
19 **September 30, 2011**

20
21 Information only.

22
23 **CCPA – Michael Mathesie, D.C.**

24
25 Dr. Mathesie provided a brief report.

26
27 **Continuing Education – Ronald Wellikoff, D.C.**

28
29 **Providers and Courses Approved by CE Committee**

30
31 **Dr. Mathesie moved to accept the ratification list as provided. The motion was seconded**
32 **and carried 7/0.**

33
34 The board requested staff to have Ms. Meany research CEBroker and to run a report on the
35 courses offered by approved chiropractic colleges.

36
37 **Credentials – Ronald Wellikoff, D.C.**

38
39 No report provided.

40
41 **Disciplinary Compliance – Michael Mathesie, D.C.**

42
43 **Compliance Report for Discipline**

44
45 Information only.

46
47 **Neil L. Gilwit, D.C. – Termination of Probation – Case Number 09-17610**

48
49 Dr. Gilwit was present and addressed the board.

50

1 Discussion ensued.

2
3 **Ms. Reynolds moved to approve the termination of probation effective today. The motion**
4 **was seconded and carried 7/0.**

5
6 **Timothy E. Johnson, D.C. – Release from Inspections – Case Number 02-04390**

7
8 Dr. Johnson was present, sworn and also present was Ms. Tammy Trupp with PRN.

9
10 Dr. Johnson addressed the board.

11
12 Discussion ensued.

13
14 **Dr. Jones to approve the release from inspections. The motion was seconded and carried**
15 **7/0.**

16
17 **David C. Magnano, D.C. – Termination of Probation – Case Number 07-25333**

18
19 Dr. Magnano was present, sworn and was represented by Dr. Henry Rubinstein, Esq.

20
21 Dr. Rubinstein addressed the board on behalf of his client.

22
23 Discussion ensued.

24
25 **Dr. Jones moved to approve the termination of probation effective today. The motion was**
26 **seconded and carried 7/0.**

27
28 **Edward J. Meunier, D.C. – Required Appearance – Case Number 11-01098**

29
30 Dr. Meunier was neither present.

31
32 Discussion ensued.

33
34 It was determined that Dr. Meunier had one year to complete the requirement of attending a board
35 meeting. No action was necessary.

36
37 **Stephen G. Prefer, D.C. – Termination of Probation – Case Number 08-04414**

38
39 Dr. Prefer was present and addressed the board.

40
41 Discussion ensued.

42
43 **Ms. Reynolds moved to approve the termination of probation effective today. The motion**
44 **was seconded and carried 7/0.**

45
46 **Peter A. Smith, D.C. – Termination of Probation – Case Number 09-21748**

47
48 Dr. Smith was present and addressed the board.

49
50 Discussion ensued.

51

1 **Dr. Jones moved to approve the termination of probation effective today. The motion was**
2 **seconded and carried 7/0.**
3
4 **Examination – Debra Hoffman, D.C.**
5
6 No report.
7
8 **Legislation – Kevin Fogarty, D.C.**
9
10 No report.
11
12 **Probable Cause – Linda Reynolds/Kevin Fogarty, D.C./Debra Hoffman, D.C.**
13
14 **Stats**
15
16 Information only.
17
18 **Rules – Rod Jones, D.C.**
19
20 **Discussion – Rule 64B2-13.004, F.A.C. – Continuing Education**
21
22 **Unlicensed Activity – Eileen Perman**
23
24 No report.
25
26 **NEXT MEETING DATE – April 13th – Orlando**
27
28 **ADJOURNMENT**
29
30 The meeting was adjourned at 9:03 p.m.