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

**MINUTES
GENERAL BUSINESS MEETING**

**Rosen Plaza
9700 International Drive
Orlando, Florida 32819**

June 21, 2013

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

18
19 **General Board Business started: 8:34 a.m.**

20
21 **CALL TO ORDER:**

22 Dr. Debra Hoffman, Chair, called the meeting to order at 8:30 a.m. Those present for all
23 or part of the meeting included the following:

24
25 **BOARD MEMBERS PRESENT:**

26 Debra Hoffman, D.C., Chair
27 Kevin Fogarty, D.C., Vice-Chair
28 Ron Wellikoff, D.C.
29 Michael Mathesie, D.C.
30 Ms. Linda Reynolds

31
32 **BOARD STAFF:**

33 William Miller, Board Director
34 Sharon Guilford, Program Operations Administrator
35 Michele Jackson, Regulatory/Supervisor Consultant

36
37 **BOARD COUNSEL:**

38 Deborah Loucks, Assistant Attorney General
39 Office of Attorney General

40
41 **PROSECUTING ATTORNEY:**

42 Tari Rossitto-Van Winkle, Assistant General Counsel
43 Department of Health

44
45 **COURT REPORTER:**

46 American Court Reporting – Cindy Green

1 (407) 896-1813

2
3 **APPROVAL OF MINUTES:**

4
5 **April 5, 2013 – Full Board Meeting**

6
7 **Dr. Wellikoff moved to approve the minutes as presented. The motion was**
8 **seconded and carried 5/0.**

9
10 **General Board Business ended: 8:34 a.m.**

11 **Disciplinary started: 8:35 a.m.**

12
13 **FINAL ORDER ACTIONS:**

14
15 **Motion for Board’s Final Order by Acceptance of Voluntary Relinquishment:**

16
17 **Jennifer Adams, D.C. – Case Number 12-11151**

18 **PCP: Waived**

19
20 Dr. Adams was neither present nor represented by counsel.

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

- 23 • Sections 456.072(1)(c)(dd)(ii)(ll) and 460.413(1)(c)(ff), F.S.

24
25 Ms. Rossitto-Van Winkle stated that the respondent requested the board to accept the
26 voluntary relinquishment of her license.

27
28 **Ms. Reynolds moved to approve the respondent’s request to voluntary relinquish**
29 **his license. The motion was seconded and carried 5/0.**

30
31 **Motion for Determination of Waiver and for Final Order by Hearing not Involving**
32 **Disputed Issues of Material Fact:**

33
34 **Brock T. Erickson, D.C. – Case Number 12-17554**

35 **PCP: Drs. Fogarty/Wolfson**

36
37 Dr. Erickson was present but was not represented by counsel.

38
39 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 40 • Section 460.413(1)(v), F.S.

41
42 **Dr. Mathesie moved to accept the investigative report and all case materials**
43 **including all confidential and addendum materials, if any, into evidence in these**
44 **proceedings. The motion was seconded and carried 4/0.**

1 **Dr. Mathesie moved that the respondent was properly served and failed to respond.**
2 **The motion was seconded and carried 4/0.**

3
4 **Dr. Mathesie moved to adopt the findings of fact into evidence as alleged in the**
5 **administrative complaint. The motion was seconded and carried 4/0.**

6
7 Dr. Erickson addressed the board.

8
9 Discussion ensued.

10
11 **Dr. Wellikoff moved to dismiss the case and to allow the June 13, 2013, board**
12 **meeting to serve as the 4th and final meeting set out in the previous Final Order.**
13 **The motion was seconded and carried 4/0.**

14
15 **Steven J. Sonenblum, D.C. – Case Number 11-12914**
16 **PCP: Drs. Harding/Hoffman**

17
18 Dr. Sonenblum was present but was not represented by counsel. Dr. Judy Rivenbark, with
19 the Professionals Resource Network, (PRN), was also present and addressed the board.

20
21 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 22 • Section 456.072(1)(hh), F.S.
- 23 • Section 456.072(1)(q), F.S.

24
25 **Ms. Reynolds moved to accept the investigative report and all case materials**
26 **including all confidential and addendum materials, if any, into evidence in these**
27 **proceedings. The motion was seconded and carried 4/0.**

28
29 **Dr. Wellikoff moved that the respondent was properly served and failed to respond.**
30 **The motion was seconded and carried 4/0.**

31
32 **Dr. Wellikoff moved to adopt the findings of fact into evidence as alleged in the**
33 **administrative complaint and conclusions of law and find that the respondent was in**
34 **violation as alleged in the administrative complaint. The motion was seconded and**
35 **carried 4/0.**

36
37 Dr. Sonenblum addressed the board.

38
39 Discussion ensued.

40
41 **Dr Wellikoff moved to require the respondent to renew his license from delinquent**
42 **to active status, license suspension until the respondent has been evaluated by PRN,**
43 **compliant with PRN recommendation, and PRN advocates the respondent is safe to**
44 **practice, the respondent shall appear before the board to lift the suspension, once**
45 **the suspension has been lifted, probationary terms set forth in the Final Order**
46 **DOH-10-0264-S-MQA, including the tolling provisions shall apply, an**

1 **administrative fine of \$2,500, payment installments of \$500.00 shall be paid within**
2 **30 days of the Final Order; \$500.00 shall be paid within 90 days of the Final Order,**
3 **thereafter, \$100.00 shall be paid monthly for six months; \$250.00 shall be paid**
4 **monthly for the next year, thereafter, \$500.00 shall be paid monthly until the**
5 **imposed fine and costs in addition to the fine and costs imposed in Final Order**
6 **DOH-10-0264-S-MQA. The motion was seconded and carried 4/0.**

7
8 Discussion ensued.

9
10 **Dr. Mathesie moved to assess costs in the amount of \$3,331.97, within the same time**
11 **frame as outlined in the previous motion. The motion was seconded and carried 4/0.**

12
13 The board had taken a convened at 9:45 a.m. and reconvened at 10:03 a.m.

14
15 **Julie Ann Stuber, D.C. – Case Number 11-12176**
16 **PCP: Drs. Fogarty/Wolfson**

17
18 Dr. Stuber was neither present nor represented by counsel.

19
20 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 21 • Sections 460.413(1)(m), F.S., and 460.413(1)(ff), F.S., and/or Rule 64B2-
22 17.0065, F.A.C.
23 • Section 460.413(1)(n), F.S.
24

25 **Ms. Reynolds moved to accept the investigative report and all case materials**
26 **including all confidential and addendum materials, if any, into evidence in these**
27 **proceedings. The motion was seconded and carried 4/0.**

28
29 **Dr. Wellikoff moved that the respondent was properly served and failed to respond.**
30 **The motion was seconded and carried 4/0.**

31
32 **Dr. Wellikoff moved to adopt the findings of fact into evidence as alleged in the**
33 **administrative complaint and conclusions of law and find that the respondent was in**
34 **violation as alleged in the administrative complaint. The motion was seconded and**
35 **carried 4/0.**

36
37 **Dr. Wellikoff moved that the violation constitutes a violation of the Practice Act.**
38 **The motion was seconded and carried 4/0.**

39
40 Ms. Rossitto-Van Winkle recommended the following penalty:

- 41 • reprimand
42 • administrative fine of \$5,000.00
43 • reimbursement to the patient
44 • completion of eight (8) continuing education hours, with six (6) hours in
45 recordkeeping, CPT Coding, and Ethics and two (2) hours of Florida laws and
46 rules

- 1 • probation with terms and conditions outlined in the Final Order

2
3 Discussion ensued.

4
5 **Dr. Wellikoff moved to accept the department’s recommendation. The motion was**
6 **seconded and carried 4/0.**

7
8 Discussion ensued.

9
10 **Ms. Reynolds moved to assess costs in the amount of \$1,899.05, payable within 30**
11 **days. The motion was seconded and carried 4/0.**

12
13 **Motion for Final Order by Settlement Agreement:**

14
15 **Carl H. Blot, D.C. – Case Number 12-06539**
16 **PCP: Drs. Fogarty/Wolfson**

17
18 Dr. Blot was neither present nor represented by counsel.

19
20 **Dr. Wellikoff moved to waive the respondent’s requirement to appear. The motion**
21 **was seconded and carried 4/0.**

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

- 24 • Section 460.413(1)(v), F.S.

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

- 28 • appearance
29 • reprimand
30 • administrative costs of \$454.84
31 • reimbursement of costs, and payment of fine and costs from previous Final Order
32 in Case No. 2007-03435, in the amount of \$400.00 until payment has been
33 received
34 • submit a written article for publication within 30 days – not less than 500 words
35 explaining his experience regarding this case

36
37 Discussion ensued.

38
39 **Dr. Wellikoff moved to accept the settlement agreement. The motion was seconded**
40 **and carried 4/0.**

41
42 **PROSECUTION REPORT**

43
44 Ms. Rossitto-Van Winkle provided an overview of the prosecution report.

1 Ms. Reynolds moved to accept the prosecution report and continue putting special
2 emphasis on prosecuting the older cases (one year and over). The motion was
3 seconded and carried 5/0.

4
5 **Discipline ended: 10:50 a.m.**

6 **General Board Business started: 10:50 a.m.**

7
8 **PETITIONS FOR VARIANCE/WAIVER:**

9
10 **Jeremy E. Sundgren, D.C. – Rule 64B2-12.018, F.A.C. – Delinquency Fee**

11
12 Dr. Sundgren was neither present nor represented by counsel.

13
14 Ms. Loucks stated that Dr. Sundgren was requesting a variance of the required delinquent
15 fees for licensure renewal after the expiration date as referenced in Rule 64B2-12.018,
16 F.A.C., by reducing the required fee due to an economic hardship stated in Chapter
17 456.036(7), F.S.

18
19 **Dr. Mathesie moved that the Petition for Variance/Waiver of Rule 64B2-12.018,**
20 **F.A.C., was moot. The motion was seconded and carried 5/0.**

21
22 **Dr. Fogarty moved to deny Dr. Sundgren’s request to Petition for Variance/Waiver**
23 **of Rule 64B2-12.018, F.A.C., for failure to provide evidence of a hardship according**
24 **to Chapter 456.036, F.S. The motion was seconded and carried 5/0.**

25
26 **William E. Ziegenfelder, D.C. – Rule 64B2-13.004, F.A.C. – Continuing**
27 **Education**

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

30
31 Ms. Loucks stated that Dr. Ziegenfelder was requesting a Petition for Variance/Waiver of
32 Rule 64B2-13.004, F.A.C., of the required continuing education due to a financial
33 hardship.

34
35 **Dr. Fogarty moved to approve Dr. Ziegenfelder’s request to Petition for**
36 **Variance/Waiver of Rule 64B2-13.004, F.A.C. The motion was seconded and**
37 **carried 5/0.**

38
39 **General Board Business ended: 11:05 a.m.**

40 **Applications started: 11:05 a.m.**

41
42 **APPLICANT’S PRESENTED FOR BOARD REVIEW:**

43
44 **Jeanne L. Bobo, D.C.**

45
46 Dr. Bobo was present, sworn but was not represented by counsel.

1
2 Ms. Loucks stated that Dr. Bobo’s application was before the board due to answering
3 “Yes” to a health history question and had provided supporting documentation.

4
5 Dr. Bobo addressed the board.

6
7 Discussion ensued.

8
9 **Dr. Fogarty moved to conditionally approve Dr. Bobo’s application for licensure**
10 **upon successful completion of the SPEC examination. The motion was seconded**
11 **and carried 5/0.**

12
13 **Frank J. Reinhardt, Jr., D.C.**

14
15 Dr. Reinhardt was present, sworn but was not represented by counsel.

16
17 Ms. Loucks stated that Dr. Reinhardt’s application was before the board due to answering
18 “Yes” to a health history question and had provided supporting documentation.

19 Otherwise, the application is complete.

20
21 Dr. Reinhardt addressed the board.

22
23 Discussion ensued.

24
25 **Dr. Fogarty moved to approve Dr. Reinhardt’s application for licensure. The**
26 **motion was seconded and carried 5/0.**

27
28 **Bradley P. Kristiansen, R.C.A.**

29
30 Mr. Kristiansen was neither present nor represented by counsel.

31
32 Ms. Loucks stated that Mr. Kristiansen’s application was before the board due to
33 answering “Yes” to question 12 and had provided supporting documentation. Otherwise,
34 the application is complete.

35
36 Discussion ensued.

37
38 **Dr. Wellikoff moved to approve Mr. Kristiansen’s application for licensure. The**
39 **motion was seconded and carried 5/0.**

40
41 **Diana A. Lopez, R.C.A.**

42
43 Ms. Lopez was neither present nor represented by counsel.

44
45 Ms. Loucks stated that Ms. Lopez’s application was before the board due to answering
46 “Yes” to questions 4 and 4d and applicant history question 1. She had provided

1 supporting documentation as well for consideration. Otherwise, the application is
2 complete.

3
4 Discussion ensued.

5
6 **Dr. Wellikoff moved to approve Ms. Lopez’s application for licensure. The motion**
7 **was seconded and carried 5/0.**

8
9 **Alina Trett, R.C.A.**

10
11 Ms. Trett was present, sworn but was not represented by counsel.

12
13 Ms. Loucks stated that Ms. Trett’s application was before the board due to answering
14 “Yes” to question 11 and applicant history question 1. She had provided supporting
15 documentation as well for consideration.

16
17 Ms. Trett addressed the board.

18
19 Discussion ensued.

20
21 **Dr. Wellikoff moved to approve Ms. Trett’s application for licensure. The motion**
22 **was seconded and carried 5/0.**

23
24 **RATIFICATION OF LICENSURE:**

25
26 **Chiropractic Physicians**
27 **(Steven Barry Schwartz, CH 10836 – Alexander Jack Kuhn, CH 10896)**

28
29 **Dr. Fogarty moved to approve the ratification list. The motion was seconded and**
30 **carried 5/0.**

31
32 **Certified Chiropractic Physician Assistant**
33 **(Jason Mark Walsh, CI 729)**

34
35 **Dr. Fogarty moved to approve the ratification list. The motion was seconded and**
36 **carried 5/0.**

37
38 **Registered Chiropractic Assistants**
39 **(Daphney Jean-Francois, RCA 11289 – Tania Rashida Altieri, RCA 11636)**

40
41 **Ms. Reynolds moved to approve the ratification list. The motion was seconded and**
42 **carried 5/0.**

43
44 **Applications ended: 11:31 a.m.**

45 **Recessed at 11:31 a.m. and reconvened at 12:02 p.m.**

1 Dr. Hoffman initiated the roll call on initial licensure practitioners @ 12:02 p.m.

2
3 **Other Disciplinary started: 12:08 P.M.**

4
5 **COMMITTEE REPORTS:**

6
7 **Disciplinary Compliance – Dr. Mathesie**

8
9 **Rafael R. Rey, D.C. – Case Number 10-23484 – Termination of Probation**

10
11 Dr. Rey was present, sworn and was represented by Ms. Louise Jeroslow, Esq.

12
13 Dr. Wellikoff provided a brief overview of Dr. Rey’s progress.

14
15 Ms. Jeroslow addressed the board on behalf of her client.

16
17 Discussion ensued.

18
19 **Dr. Wellikoff moved to approve the request for termination of probation. The**
20 **motion was seconded and carried 5/0.**

21
22 **Other Disciplinary ended: 12:17 p.m.**

23 **General Board Business started: 12:17 p.m.**

24
25 **Continuing Education – Drs. Wellikoff**

26
27 **CE Providers and Courses approved by CE Chair**

28
29 **Dr. Wellikoff moved to approve the ratification list as provided. The motion was**
30 **seconded and carried 5/0.**

31
32 **Board Reviewed:**

- 33
34
 - **Life University:**
35 **CBP Drop Table**
36 **Spinal Correction Workshop**

37
38 **Dr. Fogarty moved to approve Life University’s courses as presented. The motion**
39 **was seconded and carried 5/0.**

- 40
41
 - **Palmer College of Chiropractic:**
42 **National Board Review – Part III**
43 **National Board Review – Part IV**

44
45 **Dr. Wellikoff moved to approve Palmer College of Chiropractic’s courses as**
46 **presented. The motion was seconded and carried 5/0.**

1
2 **CORRESPONDENCE – New Zealand College of Chiropractic – Accreditation**
3 **Issues**

4
5 Dr. Pieter M. Kachelhoffer (BScED; DEd), Vice-President Academic Affairs with the
6 New Zealand College of Chiropractic, had provided the curriculum, policies, and
7 curricula vitae of the faculty for review and approval for the Florida Board of
8 Chiropractic Medicine to accept NZCC graduates.

9
10 After a lengthy discussion, the board requested to have this topic placed on the Thursday,
11 August 15th agenda.

12
13 **CHAIR/VICE-CHAIR REPORT:**

14
15 **Future Agenda Items**

- 16
17
 - Rules Workshop/Committee Meeting
 - Faculty Certificates
 - New Zealand College of Chiropractic – Accreditation Issues
 - Rule 64B2-13.004, F.A.C., regarding the continuing education providers/courses approved by the board

18
19
20
21
22
23 **Summary of FCLB & NBCE – San Antonio Meeting 5/2-6/2013**

24
25 Dr. Hoffman provided an overview of the FCLB & NBCE meeting held May 2-6, 2013
26 in San Antonio, TX. She addressed the following topics:

- 27
 - Ethics and Boundaries Breakout Sessions
 - 5 Essay questions
 - Looking for Graders
 - CCCA - Certified Chiropractic Clinical Assistant (National Certification)
 - DOT Physicals new requirements as of 2014
 - Medicare audits
 - Webster technique
 - Goupons, Facebook, Twitter

28
29
30
31
32
33
34
35
36 Dr. Hoffman requested the board to take action on sending two board members and Mr.
37 Miller to the Mid-Year Conference during September 17-27, 2013.

38
39 **Dr. Wellikoff moved to send Drs. Fogarty, Hoffman and Mr. Miller to the Mid-Year**
40 **Conference during September 17-27, 2013. The motion was seconded and carried**
41 **5/0.**

42
43 **EXECUTIVE DIRECTOR'S REPORT:**

44
45 **Fines/Costs Imposed with Amount/Percent Collected by Profession and**
46 **License Status**

1
2 Mr. Miller provided an overview of the above report.

3
4 **Forensic Science specialty**

5
6 Mr. Miller stated that the specialty Forensic Science was recognized.

7
8 **Changes to Chapter 456, F.S. – CS/SB 248**

9
10 Mr. Miller stated that the changes in Chapter 456, F.S., would impose new provisions
11 regarding impaired treatment programs. He requested the board to vote on whether to
12 allow the board chair, credentials committee chair, or to continue allowing the board to
13 review the applications. A copy of the language was provided to the members.

14
15 **Dr. Fogarty moved to continue with the board reviewing the applicants. The motion**
16 **was seconded and carried 5/0.**

17
18 Mr. Miller also stated that the Department of Health will be mailing information to the
19 practitioners of the new changes to Chapter 381.003, F.S.

20
21 Mr. Miller requested the board to assist the board office in reviewing the Algorithm
22 created by Dr. Mathesie in regards to the educational qualifications in applicants meeting
23 the requirements in Chapter 460.406(1), F.S.

24
25 **BOARD COUNSEL’S REPORT:**

26
27 **Rules Status Report**

28
29 Ms. Loucks provided an overview of the above report.

30
31 **Annual Regulatory Plan (Insert)**

32
33 Ms. Loucks provided an overview of the Annual Regulatory Plan and requested the board
34 to approve the report.

35
36 Discussion ensued.

37
38 **Dr. Wellikoff moved to approve the Annual Regulatory Plan. The motion was**
39 **seconded and carried 5/0.**

40
41 **COMMITTEE REPORTS: (continued)**

42
43 **Budget – Ms. Reynolds**

44
45 Ms. Reynolds provided a brief report.

1 **CCPA – Dr. Shreeve**

2
3 Ms. Reynolds will be handling this committee in the future. No report.

4
5 Dr. Hoffman stated that she will serve on the CE Committee only to review courses
6 offered or presented by Dr. Wellikoff. Dr. Mathesie will serve on the PCP Panel C.

7
8 **Credentials – Dr. Wellikoff**

9
10 No report.

11
12 **Examination – Dr. Hoffman**

13
14 No report.

15
16 **Legislation – Dr. Fogarty/Ms. Reynolds**

17
18 No report.

19
20 **Probable Cause – Ms. Reynolds/Dr. Fogarty/Dr. Shreeve**

21
22 **Stats**

23
24 Information only.

25
26 **Rules – Dr. Fogarty**

27
28 **Rule 64B2-14.008, F.A.C. – Retired Status License**

29
30 Ms. Loucks provided an overview of the drafted language to Rule 64B2-14.008, F.A.C.

31
32 The members voted on the following changes:

33
34 **64B2-13.008 Retired Status License.**

35 (1) Any licensee may elect at the time of licensure renewal to place the license on
36 retired status by paying the retired status fee of \$50.00.

37 (2) A retired status licensee may change to active status provided:

38 (a) The licensee must meet the continuing education requirements of Rules 64B2-
39 13.004 and 64B2-13.0045, F.A.C., for each biennium the licensee was in retired status
40 and pay all past renewal fees;

41 (b) If the license has been in retired status for more than 5 years, the licensee must
42 take and pass the SPEC examination and take an approved laws and rules course as set
43 forth in Rule ~~64B4-6.0045~~, 64B2-11.001(2)F.A.C.

1 **Dr. Wellikoff moved to Notice for Rule Development and to adopt the changes as**
2 **presented. The motion was seconded and carried 5/0.**

3
4 **Dr. Hoffman moved that the proposed rule would not have any adverse impacts on**
5 **small businesses and the proposed rule would not be likely to directly or indirectly**
6 **increase regulatory costs to any entity (including government) in excess of \$200,000**
7 **in the aggregate in Florida within 1 year after the implementation of the rule. The**
8 **motion was seconded and carried 5/0.**

9
10 **Unlicensed Activity – Vacant**

11
12 No report.

13
14 **2014 MEETING DATES**

15
16 The board reviewed and accepted the proposed dates for 2014 Meeting Dates as follows:
17 January 3rd, April 4th, June 6th, August 22nd (FCA-Peabody-Orlando), and October 31st.

18
19 **NEXT MEETING DATE – August 16th – Palm Beach (FCS)**

20
21 **General Board Business ended: 2:10 p.m.**

22
23 **ADJOURNMENT:**

24
25 The meeting was adjourned at 2:10 p.m.