

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

FLORIDA | Board of Chiropractic Medicine
Probable Cause Panel

DRAFT MINUTES
May 19, 2015

Conference Call
Department of Health
4042 Bald Cypress Way
Tallahassee, FL 32399



Sal LaRusso, D.C.

Panel Chair

Christopher Fox, D.C.

Panel Member

Anthony Spivey, DBA

Executive Director

1 **Conference call started: 1:08 p.m.**

2
3 The meeting was called to order by Dr. LaRusso, Chair. Those present for all or part of the meeting included the following:

4
5 **MEMBERS PRESENT:**

6 Sal LaRusso, D.C.
7 Christopher Fox, D.C.

8 **STAFF PRESENT:**

9 Anthony Spivey, DBA, Executive Director
10 Joseph Lesho, Program Operations Administrator
11 Michele L. Jackson, Regulatory Supervisor/Consultant

12 **BOARD COUNSEL:**

13 Deborah Loucks, Esq., Assistant Attorney General
14 Office of Attorney General

15 **PROSECUTION COUNSEL:**

16 Jenifer Fortenberry., Esq., Assistant General Counsel
17 Octavio Simoes-Ponce; Esq., Assistant General Counsel
18 Christopher Dierlam, Esq., Assistant General Counsel
19 Louise St. Laurent, Esq., Assistant General Counsel
20 Toby Schultz, Esq., Assistant General Counsel

21
22 **COURT REPORTER:**

23 Court Reporter: For the Record Reporting
24 Phone: (850) 222-5491
25 Contact: Kay Fitchner

26
27 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from*
28 *this meeting can be found online: <http://floridaschiropracticmedicine.gov/meeting-information/past-meetings/>*

29
30
31 Before the Reconsiderations portion began, Ms. Loucks asked the panel members if they received all of the required materials in
32 advance of the meeting. Drs. LaRusso and Fox stated yes.

33
34 Ms. Loucks asked the panel members if they had sufficient time to review the materials. Drs. LaRusso and Fox stated yes.

35
36 Ms. Loucks asked the panel members if they experienced any problems while trying to review the materials. Drs. LaRusso and Fox
37 stated no.

38
39 Ms. Loucks asked the panel members if they felt that there were any circumstances that would disqualify or otherwise make it
40 improper for them to hear and deliberate on any cases on the agenda. Drs. LaRusso and Fox stated no.

41
42 **Reconsiderations started at 1:12 p.m.**

43
44 **I. R-01 Robert Bruce Merritt, D.C.**

45
46 Robert Bruce Merritt, D.C. was not present on the conference call, and was not represented by legal counsel.

47
48 Ms. Fortenberry presented case number 2013-19247 as a reconsideration of the original Administrative Complaint. The
49 department is requesting that this case be dismissed due to the Voluntary Relinquishment of license at the October 14, 2014
50 Board meeting.

51
52 **Board action:** Motion to dismiss was made by Dr. LaRusso and seconded by Dr. Fox.
53 Vote : 2 yeas / 0 opposed, motion carried.

54
55
56 **II. R-02 Robert Bruce Merritt, D.C.**

57
58 Robert Bruce Merritt, D.C. was not present on the conference call, and was not represented by legal counsel.

1 Ms. Fortenberry presented case number 2013-19183 as a reconsideration of the original Administrative Complaint. The
2 department is requesting that this case be dismissed due to the Voluntary Relinquishment of license at the October 14, 2014
3 Board meeting.
4

5 **Board action:** Motion to dismiss was made by Dr. LaRusso and seconded by Dr. Fox.
6 Vote : 2 yeas / 0 opposed, motion carried.
7

8 **III. R-03 Hermann J. Diehl, D.C.**

9

10 Hermann J, Diehl, D.C. was not present on the conference call, and was represented by Edwin Bayo, Esq.

11
12 Ms. Fortenberry presented case number 2013-00951 as a reconsideration of the original Administrative Complaint. This case
13 was heard by the Probable Cause Panel on December 9, 2014 for the violation of ss. 460.413(1)(m) and (u), Florida Statutes.
14 Dr. Diehl's license was revoked on January 20, 2014 and the department is requesting that this case be dismissed.
15

16 **Board action:** Motion to dismiss was made by Dr. LaRusso and seconded by Dr. Fox.
17 Vote : 2 yeas / 0 opposed, motion carried.
18

19 **IV. R-04 Christopher L. Terry, D.C.**

20

21 Christopher L. Terry, D.C was present on the conference call, and was not represented by legal counsel.

22
23 Ms. Fortenberry presented case number 2014-07233 as a reconsideration of the original Administrative Complaint.. This
24 case was heard by the Probable Cause Panel on October 21, 2014 for the violations of ss. 460.413(1) and (ff); 456.072
25 (1)(v), Florida Statutes; and Rule 64B2-17.0021, Florida Administrative Code. The department is requesting that this case
26 be dismissed due to lack of evidence.
27

28 **Board action:** Motion to dismiss was made by Dr. LaRusso and seconded by Dr. Fox.
29 Vote : 2 yeas / 0 opposed, motion carried.
30

31 **V. R-05 Wendy L. Flynn, D.C.**

32

33 Wendy L. Flynn, D.C was not present on the conference call, and was not represented by legal counsel.
34

35 Mr. Simoes-Ponce presented case number 2014-09735 as a reconsideration of the original Administrative Complaint. This
36 case was heard by the Probable Cause Panel on December 9, 2014 for the violation of s. 460.413(1)(z), Florida Statutes.
37 The department believes that further prosecution is not necessary and is requesting that this case be dismissed because
38 Respondent is no longer behind on her payments.
39

40 **Board action:** Motion to dismiss was made by Dr. LaRusso and seconded by Dr. Fox.
41 Vote : 2 yeas / 0 opposed, motion carried.
42

43 **VI. R-06 Howard A. Hochman , D.C.**

44

45 Howard A. Hochman, D.C was not present on the conference call, and was represented by Joseph Brooks, Esq.

46
47 Mr. Simoes-Ponce presented case number 2012-09324 as a reconsideration of the original Administrative Complaint.. This
48 case was heard by the Probable Cause Panel on October 10, 2013 for the violations of ss. 460.413(1)(r) and (k), Florida
49 Statutes. The department determined that Dr. Hochman did not violate the standard of care is requesting that this case be
50 dismissed.
51

52 **Board action:** Motion to dismiss was made by Dr. Fox and seconded by Dr. Fox.
53 Vote : 2 yeas / 0 opposed, motion carried.
54

55 **The meeting was adjourned at 1:30 p.m.**