

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
49

FLORIDA | Board of Chiropractic Medicine

MEETING MINUTES
November 13, 2015

Embassy Suites Orlando - Lake Buena Vista South
4955 Kyns Heath Road
Kissimmee, FL 34746



Kevin Fogarty, D.C., F.I.C.A. (hon)
Chair

Danita Heagy, D.C.
Vice-Chair

Anthony B. Spivey, D.B.A.
Executive Director

1 **General Board Business started: 9:03 a.m.**

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

4
5 **MEMBERS PRESENT:**

6 Kevin Fogarty, D.C., F.I.C.A. (hon), Chair
7 Danita Heagy, D.C., Vice-Chair
8 Christopher Fox, D.C.
9 Julie Hunt, D.C., DICCP
10 Kenneth Dougherty, D.C.
11 David Colter
12 Ruth Pelaez

5 **STAFF PRESENT:**

6 Anthony B. Spivey, D.B.A., Executive Director
7 Joseph Lesho, Program Operations Administrator
8 Michele Jackson, Regulatory Supervisor
9 Towanda Burnett, Compliance Officer

13
14 **BOARD COUNSEL:**

15 Lawrence Harris, Assistant Attorney General
16 Office of Attorney General

17
18 **PROSECUTION COUNSEL:**

19 Christopher Dierlam, Assistant General Counsel
20 Jack Wise, Assistant General Counsel

21
22 **COURT REPORTER:**

23 American Court Reporting
24 Linda Kalkhurst
25 (407) 896-1813

26
27 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from this*
28 *meeting can be found online: <http://floridaschiropracticmedicine.gov/meeting-information/past-meetings>*
29

30 **Section II began: 9:06 a.m.**

31
32 **II. APPROVAL OF MINUTES:**

33
34 **a. August 21, 2015 – Board Meeting**

35 Minutes of the August 21, 2015 Full Board Meeting were reviewed.

36
37 **Action:** Motion to accept the minutes as written was made by Dr. Dougherty. Seconded by Dr. Heagy.

38 Vote: 7 yeas / 0 opposed; motion carried
39

40 **Section II concluded: 9:06 a.m.**

41 **Section III began: 9:06 a.m.**

42
43 **III. FINAL ORDER ACTION:**

44
45 **a. Settlement Agreement:**

46
47 **iii. Timothy Edward Johnson, D.C. – Case No. 2014-04421**

48 Dr. Johnson was present and was represented by counsel, Kenneth Scaz, Esq.

49
50 Dr. Fogarty was recused due to participation on the Probable Cause Panel. Dr. Heagy served as chair.

51
52 A two count Administrative Complaint was filed on March 11, 2015 alleging violation of s. 460.413(1)(q), F.S., for
53 being unable to practice chiropractic medicine with reasonable skill and safety; and s. 460.413(1)(v), F.S., for
54 violating a lawful order of the board. A Settlement Agreement was signed by both the respondent and the
55 department on August 7, 2015, which recommended the following discipline:

- 56
57
 - Permanent restriction on Dr. Johnson’s license prohibiting him from examining or treating male or female

58 patients under the age of 18

- Permanent restriction on Dr. Johnson’s license prohibiting him from examining or treating female patients at least 18 or older without the presence of a board-approved female chaperone
- Respondent shall be placed on permanent indirect supervision by a board-approved monitor
- All costs associated with obtaining and maintaining the monitor shall be borne by Respondent

Mr. Wise informed the board that Ron Wellikoff, D.C. has agreed to serve as the monitor. After explaining the considerations in support of the department’s proposed discipline, Mr. Wise asked that the board accept the Settlement Agreement.

Discussion:

Mr. Scaz presented mitigating factors on behalf of Dr. Johnson, and spoke in support of the proposed Settlement Agreement.

Dr. Hunt stated that she felt the proposed Settlement Agreement may not have been harsh enough. Dr. Heagy and Ms. Pelaez agreed, each stating that they were not sure the public would be protected if the settlement were approved as written.

After additional discussion, Mr. Wise warned the board that rejecting the Settlement Agreement may lead to an appeal which, if successful, would allow Dr. Johnson to practice with no restrictions. Mr. Harris agreed.

Mr. Colter spoke in favor of the proposed Settlement Agreement.

Jean D’Aprix, representing PRN, explained that Dr. Johnson failed a polygraph test on questions regarding sexual misconduct in 2014. Mr. Wise explained to the board that polygraph tests are not admissible as evidence in the State of Florida.

Dr. Fox stated that, in spite of not feeling comfortable with the Settlement Agreement, he agreed with prosecution that it would be better to accept the Settlement Agreement rather than risk the possibility of Dr. Johnson winning an appeal and being allowed to practice with no restrictions.

Action: Motion to accept the Settlement Agreement was made by Dr. Fox. Seconded by Dr. Dougherty.
Vote: 4 yeas / 2 opposed (Heagy, Pelaez); motion carried

i. Kenneth Zane Finger, D.C. – Case No. 2014-07325

Dr. Finger was present and was represented by counsel, Kevin Mercer, Esq.

Dr. Fox was recused due to participation on the Probable Cause Panel.

A two count Administrative Complaint was filed on May 19, 2015 alleging violations of s. 460.413(1)(i), F.S., for failing to perform any statutory or legal obligation placed upon a licensed chiropractic physician; and s. 460.413(1)(ff), F.S., for engaging in sexual misconduct in violation of Rule 64B2-17.0021, F.A.C. A Settlement Agreement was signed by both the respondent and the department on September 15, 2015, which recommended the following discipline:

- Reprimand
- Fine of \$7,500, paid within three years
- Costs capped at \$2,847.74, paid within three years
- Three hours of Board-approved continuing education in Risk Management within one year
- Two hours of Board-approved continuing education in Ethics and Boundaries within one year
- Probation for a period of four years
- Restriction requiring a chaperone be present during all visits with female patients

After explaining the considerations in support of the department’s proposed discipline, Mr. Dierlam asked that the board accept the Settlement Agreement.

Discussion:

1 Mr. Mercer explained that Dr. Finger no longer performs the procedure that lead to the sexual misconduct, and has
2 self-imposed a requirement to have a chaperone present for all patient interactions, in addition to the implementation
3 of an open door policy.
4

5 When questioned by Dr. Dougherty about the thought process that lead to the incident, Dr. Finger stated that he
6 made a terrible mistake and explained that he has changed everything in his office that lead to the incident. He stated
7 his belief that there is no possibility of it ever happening again.
8

9 Dr. Finger then explained that he no longer personally performs massage therapy in his practice.
10

11 After additional discussion, a motion was made.
12

13 **Action:** Motion to accept the Settlement Agreement was made by Dr. Heagy. Seconded by Mr. Colter.
14 **Vote:** 6 yeas / 0 opposed; motion carried.
15

16 Mr. Mercer then asked the board if they would approve David K. Rouse, D.C. as a temporary monitor. Dr. Fogarty
17 asked Ms. Burnett if Dr. Rouse was on the approved list of monitors, to which she replied yes. He then asked the
18 board if they had any objections. There were none.
19

20 **ii. Bahram Kam Habibi, D.C. – Case No. 2013-19185**
21

22 This case was tabled at the request of Respondent's counsel.
23

24 **b. Hearing – No Disputed Material Facts:**
25

26 **i. Jeremiah Benjamin Joseph, D.C. – Case No. 2014-08663**
27

28 Dr. Joseph was present and was represented by counsel, Edwin Bayo, Esq.
29

30 Dr. Fox was recused due to participation on the Probable Cause Panel
31

32 A three count Administrative Complaint was filed on May 22, 2015 alleging violations of s. 460.413(1)(l), F.S., for
33 soliciting patients either personally or through an agent; s. 460.413(1)(n), F.S., for exercising influence on the
34 patient or client in such a manner as to exploit the patient or client for financial gain; and s. 460.413(1)(ff), F.S., for
35 violating any provision of chapters 456 or 460, F.S., or any rules adopted therein. The violations were alleged
36 following a complaint filed by a patient claiming that according to Dr. Joseph's patient forms, he refuses to discuss
37 treatment plans and results unless the patient's spouse or significant other is also present. The department
38 recommended the following discipline:
39

- 40 • Reprimand
- 41 • Fine of \$3,000
- 42 • Costs
- 43 • Three hours of continuing education in laws and rules
- 44 • One year probation

45 After explaining the mitigating conditions that lead to the recommended discipline, Mr. Dierlam asked that the
46 board accept the recommendation.
47

48 **Discussion:**

49 **Action:** Motion to find that Respondent was properly served was made by Dr. Heagy. Seconded by Mr. Colter.
50 **Vote:** 6 yeas / 0 opposed; motion carried
51

52 **Action:** Motion to adopt the findings of fact as stated in the Administrative Complaint was made by Dr. Dougherty.
53 Seconded by Dr. Heagy.
54 **Vote:** 6 yeas / 0 opposed; motion carried
55

56 Mr. Bayó stated that he felt the Administrative Complaint was insufficient, and challenged the board to identify
57 specific violations by Dr. Joseph. He also stated that Dr. Joseph has already amended his forms to remove language
58 that lead to the alleged violations.

1 After discussion regarding the operations of Dr. Joseph's practice, Dr. Dougherty made a motion to adopt the
2 conclusions of law as set forth by the administrative complaint and find that they constitute a violation of the
3 practice act. Dr. Heagy seconded the motion. Before a vote was taken, additional discussion ensued, and the board
4 decided to instead handle each count of the Administrative Complaint separately. The motion and second were
5 withdrawn.
6

7 After Mr. Dierlam read the facts of count 1 into the record, Dr. Dougherty made a motion to find that such facts
8 constituted a violation of the practice act, which was seconded by Mr. Colter. After more discussion, Dr. Dougherty
9 withdrew the motion.
10

11 **Action:** Motion to dismiss count 1 was made by Dr. Heagy. Seconded by Mr. Colter.
12 Vote: 6 yeas / 0 opposed; motion carried
13

14 After Mr. Harris read the facts of count 2 into the record, Mr. Colter made a motion to dismiss the count, which was
15 not seconded.
16

17 Dr. Dougherty made a motion to find that the facts of count 2 constituted a violation of the Practice Act; however,
18 during the course of discussion, Dr. Dougherty had to excuse himself from the meeting.
19

20 **Dr. Dougherty left the meeting at 10:55 a.m.**
21

22 Since Dr. Dougherty was no longer present, Dr. Fogarty asked that another member make the motion.
23

24 **Action:** Motion to find that the facts of count 2 constituted a violation of the Practice Act was made by Dr. Heagy.
25 Seconded by Ms. Pelaez.
26 Vote: 4 yeas / 1 opposed (Colter); motion carried
27

28 After Mr. Harris read the facts of count 3 into the record, Dr. Hunt made a motion to dismiss.
29

30 **Action:** Motion to dismiss count 3 was made by Dr. Hunt. Seconded by Mr. Colter.
31 Vote: 4 yeas / 1 opposed (Pelaez); motion carried
32

33 Mr. Harris explained that the costs assessed to Dr. Joseph must be adjusted since the board found that only one of
34 the three counts constituted a violation.
35

36 **Action:** Motion to accept the investigative report for the purpose of imposing penalty was made by Dr. Heagy.
37 Seconded by Mr. Colter.
38 Vote: 5 yeas / 0 opposed; motion carried
39

40 Mr. Dierlam then presented to the board the following revisions to the recommended discipline:
41

- 42 • Fine of \$1,000, paid within three years
- 43 • 1 year of probation, including a review of Dr. Joseph's forms
- 44 • Costs in the amount of \$1,301.24, paid within three years
45

46 Dr. Fogarty then asked about the terms of the probation. Dr. Heagy suggested that 10 new patient files be reviewed
47 after the first 6 months of probation, and if there are no problems with the files then Dr. Joseph can petition for early
48 termination of probation. Dr. Fogarty then suggested that the fine and costs be paid within one year instead of three.
49

50 **Action:** Motion to impose a fine of \$1,000 to be paid within one year and place Dr. Joseph's license on probation
51 for one year, including a review of 10 new patient files within the first 6 months, was made by Dr. Fogarty.
52 Seconded by Dr. Heagy.
53 Vote: 4 yeas / 1 opposed (Colter); motion carried
54

55 **Action:** Motion to assess costs in the amount of \$1,301.24 to be paid within one year was made by Dr. Heagy.
56 Seconded by Mr. Colter.
57 Vote: 5 yeas / 0 opposed; motion carried
58

1 **The board took a break at 11:16 a.m.**

2 **The board resumed at 11:37 a.m.**

3
4 **c. Voluntary Relinquishment:**

5
6 **i. Peter J. Maffetone, D.C. – Case No. 2015-17940**

7 Respondent was not present and not represented by counsel.

8
9 A Voluntary Relinquishment of License from Dr. Maffetone was received by the department and filed on July 29,
10 2015. On September 11, 2015, the department submitted a Motion for Final Order Accepting Voluntary
11 Relinquishment of Licensure, which came before the board for final action.

12
13 **Discussion:**

14
15 **Action:** Motion to accept the Voluntary Relinquishment was made by Dr. Hunt. Seconded by Dr. Heagy.

16 Vote: 6 yeas / 0 opposed; motion carried

17
18 **d. Determination of Waiver:**

19
20 **i. Joshua Lee Otiniano, D.C. – Case No. 2015-07945**

21 This case was withdrawn from the agenda.

22
23 **Section III concluded: 11:40 a.m.**

24 **Section V began: 11:40 a.m.**

25
26
27 **V. PROSECUTION REPORT:**

28
29 Mr. Dierlam presented the prosecution report that was included in the board agenda, highlighting the 29 year-old cases. He
30 explained to the board that the number of incoming cases are low, and that overall there was no backlog.

31
32 **Action:** Motion to accept the prosecution report was made by Dr. Heagy. Seconded by Mr. Colter.

33 Vote: 6 yeas / 0 opposed; motion carried

34
35 **Section V concluded: 11:43 a.m.**

36 **Section IV began: 11:43 a.m.**

37
38 **IV. COMPLIANCE:**

39
40 **a. Last Appearance –**

41
42 **ii. Leonard J. Kronen, D.C. – Case Nos. 2005-69017, 2008-14573, and 2010-05869**

43 Dr. Kronen was present and was represented by counsel, Edwin Bayó, Esq.

44
45 Dr. Kronen appeared before the board to make his final appearance before termination of suspension.

46
47 **Discussion:**

48 Ms. Burnett informed the board that Dr. Kronen was in compliance with all terms of his final order and his
49 payments were up to date.

50
51 Dr. Kronen discussed with the board what he learned during the disciplinary process.

52
53 **Action:** Dr. Fogarty asked the board if they would be in favor of terminating the suspension.

54 Vote: 6 yeas / 0 opposed; motion carried

55
56 **Section IV concluded: 11:47 a.m.**

57 **Addendum Item began: 11:47 a.m.**

1 **ADDENDUM ITEM – PETITION:**

2
3 **a. Variance/Waiver**

4
5 **i. Giuliana Virginia Gallo**

6 Dr. Gallo was not present but was represented by counsel, Edwin Bayó, Esq.

7
8 Dr. Gallo submitted a Petition for Variance or Waiver, filed October 26, 2015, requesting that the board allow her to
9 obtain her required continuing education hours by means other than classroom courses as required by Rule 64B2-
10 13.004, F.A.C., as she is unable to attend live courses due to health concerns.

11
12 **Action:** Motion to grant the Petition for Variance or Waiver for the 2014-2016 and 2016-2018 biennia was made by
13 Dr. Heagy. Seconded by Mr. Colter.

14 Vote: 6 yeas / 0 opposed; motion carried

15
16 **Addendum Item concluded: 11:55 a.m.**

17 **Section VI began: 11:55 a.m.**

18
19 **IV. APPLICANTS PRESENTED FOR BOARD REVIEW:**

20
21 **b. Registered Chiropractic Assistants –**

22
23 **v. Courtney Elizabeth Infanger**

24 Ms. Infanger was present and was represented by counsel, Edwin Bayó, Esq.

25
26 Ms. Infanger submitted an application for licensure as a Registered Chiropractic Assistant, which was received by
27 the board office on August 10, 2015. The application and supporting documentation were presented to the full board
28 for review and final action because of affirmative answers to questions regarding health history and discipline
29 against a license in another jurisdiction. Ms. Infanger holds a license in the State of Florida as a Registered
30 Pharmacy Technician—license number RPT13154—which was the subject of her discipline in another jurisdiction.

31
32 **Discussion**

33 Ms. Infanger explained that her contract with PRN, which was entered into as a result of the disciplinary action
34 taken by the Florida Board of Pharmacy, was signed for a 2-year period, with an option for a third year. She
35 explained that the third year would not be required if she remained 100% compliant during the first two years, and
36 that the third year option terminated.

37
38 Dr. Heagy asked Ms. Infanger to discuss her experience with PRN. Ms. Infanger explained that she voluntarily
39 remains in contact with PRN counselors, and that a primary focus of their discussions is prevention of relapse. She
40 also stated that she is subject to random drug tests at her place of employment.

41
42 **Action:** Motion to approve the application for licensure.

43 Vote: 6 yeas / 0 opposed; motion carried

44
45 **Section VI concluded: 11:59 a.m.**

46 **Section IV resumed: 11:59 a.m.**

47
48 **IV. COMPLIANCE:**

49
50 **c. Petition to Modify Settlement Agreement –**

51
52 **i. Greg T. Trotta, D.C. – Case No. 2007-13073**

53 Dr. Trotta was present and was represented by counsel, Sanford Topkin, Esq.

54
55 On December 22, 2008, a Final Order was filed in case number 2007-13073 imposing discipline upon Dr. Trotta's
56 chiropractic physician license. The charges that lead to Dr. Trotta's discipline were eventually dropped, meaning
57 that Dr. Trotta no longer had any record of convictions or pending charges. Dr. Trotta subsequently submitted a

Petition to Modify Final Settlement Agreement, filed August 7, 2015, requesting that the board revisit and modify the terms of the Settlement Agreement. Dr. Trotta's license became Null & Void on March 31, 2012.

Discussion:

Dr. Trotta requested that the board vacate the Final Order because the basis of the Final Order (the criminal charges) no longer exists.

Mr. Topkin asked the board to also reinstate Dr. Trotta's license. Mr. Harris explained that per the Florida Statutes, a license in Null & Void status cannot be reinstated or renewed, and that in order for Dr. Trotta to be allowed to practice in the State of Florida again, he will need to apply for a new license.

Action: Motion to vacate Final Order 2007-13073 was made by Dr. Heagy. Seconded by Dr. Fox.

Vote: 6 yeas / 0 opposed; motion carried

d. Last Appearance/Termination of Probation and Petition to Lift Suspension –

i. William Thomas Labonte, D.C. – Case No. 2013-11680 (Petition to Lift Suspension) and 2012-00632 (Last Appearance/Termination of Probation)

Dr. Labonte was present and was not represented by counsel.

Dr. Labonte appeared before the board to petition to lift his suspension in case number 2013-11680, and to make his final appearance before termination of probation in case number 2012-00632.

Discussion:

Ms. Burnett informed the board that Dr. Labonte was in compliance with all terms of his final order and his payments were up to date.

Dr. Labonte discussed with the board what he learned during the disciplinary process.

Dr. Heagy asked Dr. Labonte if all of his issues have been resolved, to which he replied yes.

Action: Motion to lift the suspension in case number 2013-11680 and terminate the probation in case number 2012-00632 was made by Dr. Fox. Seconded by Dr. Hunt.

Vote: 6 yeas / 0 opposed; motion carried

a. Last Appearance –

i. Clifford A. Goldstein, D.C. – Case No. 2012-17983

Dr. Goldstein was present and was not represented by counsel.

Dr. Goldstein appeared before the board to make his final appearance before termination of probation.

Discussion:

Dr. Goldstein addressed the board, stating that he learned a lot from the disciplinary process, and saw it as an education tool, rather than a punishment.

Ms. Burnett informed the board that Dr. Goldstein was in compliance with the continuing education portion of the final order, but that he was behind on the repayment of the fines and costs. She explained that the last payment she had received was in September 2015.

Dr. Goldstein stated that he was unaware of any missed payments. Dr. Fox asked if Dr. Goldstein had ever missed any payments in the past. Ms. Burnett confirmed that he had not.

Dr. Heagy stated that she would be open to terminating the probation as long as the past due payments are handled.

Action: Motion to terminate the probation contingent upon Dr. Goldstein becoming current in his payment of fines and costs was made by Dr. Heagy. Seconded by Dr. Hunt.

Vote: 6 yeas / 0 opposed; motion carried

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
49
50
51
52
53
54
55
56
57

b. Request for Payment Plan –

i. Edward Schalk McNamara, D.C. – Case No. 2008-03813

Dr. McNamara was present and was not represented by counsel. Jean D’Aprix from PRN was present on his behalf.

Discussion:

Ms. Burnett told the board that Dr. McNamara had an outstanding balance of \$7,784.33, and has been in compliance with his payments since an extension was granted to him in 2013.

Dr. Fogarty asked what type of payment plan Dr. McNamara was proposing. Dr. McNamara proposed that he pay \$1000 as a good faith payment by January 2016, and then \$150 per month thereafter until the balance is paid in full.

Jean D’Aprix stated that Dr. McNamara was in full compliance with his PRN contract, which runs until 10/17/2017.

Dr. Heagy stated that she was ok with the proposed payment plan.

Action: Motion to grant the request for payment plan in accordance with the terms proposed by Dr. McNamara was made by Dr. Heagy. Seconded by Mr. Colter.

Vote: 6 yeas / 0 opposed; motion carried

Dr. Fogarty suggested that the board handle Dr. McNamara’s other two outstanding cases. Ms. Burnett was not ready to provide information relating to those cases at this time, so the board agreed to return to the issue later to allow her time to do additional research.

Section IV concluded: 12:32 p.m.

Section VI began: 12:32 a.m.

VI. APPLICANTS PRESENTED FOR BOARD REVIEW:

a. Chiropractic Physicians –

i. Nancy Melissa Bertelmann, D.C.

Dr. Bertelmann was present and was not represented by counsel.

Dr. Bertelmann’s application for Chiropractic Physician licensure was presented to the board because her transcripts did not specifically state that a bachelor’s degree was awarded to her from Xavier University, in spite of the fact that she holds a Doctor of Pharmacy (PharmD) degree. On October 28, 2015, the board office received documentation from Xavier University confirming that they were able to award Dr. Bertelmann a bachelor’s degree based on the credit hours obtained during her PharmD program, which allowed the board office to issue the license without the need for board approval. Dr. Bertelmann attended the meeting anyway to fulfill the first-year continuing education requirement.

ii. Carrie Michelle Coleman, D.C.

Dr. Carrie Michelle Coleman was present and was not represented by counsel. The board deliberated on Dr. Phillip Norman Coleman’s application at the same time.

Drs. Carrie Michelle and Phillip Norman Coleman each submitted an application for licensure as a Chiropractic Physician, and were both referred to the full board due to affirmative answers to the question regarding other state discipline. Each of their State of Tennessee Chiropractic Physician licenses were disciplined for failure to fulfill their continuing education requirements.

Discussion:

Dr. Phillip Coleman explained that their proof of completion of their continuing education requirements was sent via standard mail, but they were not sent certified and were lost somewhere in the delivery process. The issue has since been resolved.

1 **Action:** Motion to approve the applications for licensure of Dr. Carrie Michelle Coleman and Dr. Phillip Norman
2 Coleman was made by Dr. Fox. Seconded by Dr. Hunt.
3 Vote: 6 yeas / 0 opposed; motion carried
4

- 5 **iii. Phillip Norman Coleman, D.C.**
6 See above.
7

8 **c. Registered Chiropractic Assistants –**
9

10 **i. Erin Frances Debile**

11 Ms. Debile was present and was not represented by counsel.
12

13 Ms. Debile submitted an application for licensure as a Registered Chiropractic Assistant, which was received by the
14 board office on July 13, 2015. Her application and supporting documentation were submitted to the board for review
15 due to affirmative answers to questions related to health history and criminal history.
16

17 **Discussion:**

18 Ms. Debile explained that she was arrested because her fiancé at the time was growing marijuana in their basement.
19 She stated that she has since moved on and taken steps to have those charges dismissed.
20

21 **Action:** Motion to approve the application for licensure was made by Dr. Heagy. Seconded by Ms. Pelaez.
22 Vote: 6 yeas / 0 opposed; motion carried
23

24 **ii. Katesia Re’Shone Howard**

25 Ms. Howard was not present and was not represented by counsel.
26

27 Ms. Howard submitted an application for licensure as a Registered Chiropractic Assistant, which was received by
28 the board office on May 21, 2015. Her application and supporting documentation were submitted to the board for
29 review due to an affirmative answer to a question related to criminal history.
30

31 **Discussion:**

32 After discussion, the board agreed to require that Ms. Howard appear before the board at one of its next two
33 meetings so that they can speak with her about her criminal history.
34

35 **Action:** Motion to require Ms. Howard to appear at one of the next two full board meetings was made by Dr. Hunt.
36 Seconded by Ms. Pelaez.
37 Vote: 6 yeas / 0 opposed; motion carried
38

39 **iii. Brett Olen Meyer**

40 Mr. Meyer was not present and was not represented by counsel.
41

42 Mr. Meyer submitted an application for licensure as a Registered Chiropractic Assistant, which was received by the
43 board office on August 27, 2015. His application and supporting documentation were submitted to the board for
44 review due to an affirmative answer to a question related to disciplinary history.
45

46 **Discussion:**

47 Mr. Harris explained that Mr. Meyer also holds a license with the Florida Board of Massage, which was the subject
48 of the past disciplinary action. He noted that the license was current as of the time of the meeting.
49

50 After discussion, the board agreed to require that Mr. Meyer appear before the board at one of its next two meetings
51 so that they can speak with him about his disciplinary history.
52

53 **Action:** Motion to require Mr. Meyer to appear at one of the next two full board meetings was made by Dr. Fox.
54 Seconded by Mr. Colter.
55 Vote: 6 yeas / 0 opposed; motion carried
56

57 **iv. Alyssa J. Renae Harvey**

58 Ms. Harvey was present and was not represented by counsel.

1
2 Ms. Harvey submitted an application for licensure as a Registered Chiropractic Assistant, which was received by the
3 board office on September 21, 2015. Her application and supporting documentation were submitted to the board for
4 review due to an affirmative answer to a question related to health history.
5

6 **Discussion:**

7 Ms. Harvey explained that the actions related to her health history were an isolated incident, and that she has been
8 released from treatment.
9

10 Dr. Heagy asked if there were things in her life at the time of the incident that provoked the actions, and if so, if
11 those things have been removed. Ms. Harvey stated yes to both questions.
12

13 **Action:** Motion to approve the application for licensure was made by Dr. Heagy. Seconded by Mr. Colter.

14 Vote: 6 yeas / 0 opposed; motion carried
15

16 **c. Certified Chiropractic Physician Assistant –**

17
18 **i. Nadine Laurent**

19 Ms. Laurent was not present and not represented by counsel.
20

21 Ms. Laurent submitted an application to modify her supervisor, which the board office received on May 20, 2015. A
22 telephone interview with both her and her proposed supervisor was scheduled for June 22, 2015, which both her and
23 her proposed supervisor missed. A second telephone interview was scheduled for July 1, 2015, which again was
24 missed by both parties. The application and supporting documentation were then submitted to the full board for final
25 action.
26

27 **Action:** Motion to deny the Application to Modify Supervision was made by Dr. Heagy. Seconded by Dr. Fox.

28 Vote: 6 yeas / 0 opposed; motion carried
29

30 **Section VI concluded: 12:50 p.m.**

31 **Section IV resumed: 12: 50 p.m.**
32

33 **IV. COMPLIANCE:**

34
35 **b. Request for Payment Plan –**

36
37 **i. Edward Schalk McNamara, D.C. –**

38 Ms. Burnett informed the board that she had the appropriate information to handle Dr. McNamara's other cases. She
39 explained that in case number 2012-00938, Dr. McNamara was required to appear before the board after two years,
40 which he did not fulfill. She suggested that the board accept his appearance at this meeting, and then require him to
41 attend again in 2016. The board agreed unanimously.
42
43

44 Ms. Burnett then informed the board that all terms of Final Order 2010-21079 have been fulfilled, including
45 repayment of fines and costs, and that the case can be considered closed.
46

47 **Section VI concluded: 12:52 p.m.**

48 **The board took a break and 12:52 p.m.**

49 **The board resumed at 1:12 p.m.**
50

51 **Addendum Item resumed: 1:12 p.m.**
52

53 **ADDENDUM ITEM – PETITION:**

54
55 **a. Variance/Waiver**

56
57 **ii. Lyle W. Grenz, D.C.**
58

1 **iii. Lyle W. Grenz, D.C.**

2 Dr. Grenz was not present and was not represented by counsel.

3
4 Dr. Grenz submitted two Petitions for Variance/Waiver of Rule 64B2-13.004, F.A.C. requesting that the board
5 accept continuing education hours earned through non-approved providers.

6
7 **Discussion:**

8 Dr. Fogarty stated that he knows the presenter of the courses personally, and felt comfortable that the courses were
9 sufficient.

10
11 Dr. Heagy stated that she was fine with approving the courses.

12
13 **Action:** Motion to grant the Petitions for Variance/Waiver was made by Dr. Heagy. Seconded by Ms. Pelaez.

14 Vote: 6 yeas / 0 opposed; motion carried

15
16 **b. Thomas E. Hyde, D.C.**

17 Dr. Hyde was not present and was not represented by counsel.

18
19 Dr. Hyde submitted a petition to the board requesting that they grant a continuing education hardship extension for the
20 2014-2016 biennial renewal period, citing health concerns that would prevent him from completing the requirement on
21 time.

22
23 **Action:** Motion to grant an extension through September 1, 2016 was made by Dr. Fox. Seconded by Dr. Heagy.

24 Vote: 6 yeas / 0 opposed; motion carried

25
26 **Addendum Item concluded: 1:20 p.m.**

27 **Section VII began: 1:20 p.m.**

28
29 **VII. CONTINUING EDUCATION COURSE APPLICATION:**

30
31 **a. National University of Health Sciences – “Clinical Application of Classic Principles: Zang Fu”**
32 **Course #20-483356**

33
34 Dr. Hunt stated that the provider did not provide enough information about what will be taught during the course.

35
36 Dr. Heagy sought clarification, asking whether this was a case of the course being rejected, and the provider failing to
37 provide additional information. Dr. Hunt stated that it was.

38
39 **Action:** Motion to deny the course was made by Dr. Hunt. Seconded by Dr. Fox.

40 Vote: 6 yeas / 0 opposed; motion carried

41
42 **b. New York Chiropractic College – “The Herbs of Belize – A Rainforest Adventure”**
43 **Course #20-521500**

44
45 Dr. Heagy stated like she did not feel that the course content was sufficient for continuing education purposes.

46
47 Dr. Hunt stated that she felt that not enough information about the course was provided.

48
49 **Action:** Motion to deny the course was made by Dr. Hunt. Seconded by Dr. Heagy.

50 Vote: 6 yeas / 0 opposed; motion carried

51
52 **c. Logan College of Chiropractic – Post Grad: “The Professional Baseball Chiropractic Society 2nd Annual Spring**
53 **Training Workshop”**
54 **Course #20-509017**

55
56 Dr. Hunt stated that she felt that not enough information about the course was provided.

57
58 Dr. Fox stated he was familiar with the course and the instructor, and stated that it would be an excellent presentation.

1 **Action:** Motion to approve the course was made by Dr. Fox. Seconded by Dr. Hunt.
2 Vote: 6 yeas / 0 opposed; motion carried
3
4

5 **d. University of Bridgeport – “FCPA February 2016 CE Seminar”**

6 **Course #20-504359**

7 Drs. James Lehman and Guy DiMartino were present on behalf of the provider.
8

9 **Discussion:**

10 Drs. Hunt and Heagy stated their concerns regarding the way the course information was submitted, and the information
11 provided.
12

13 After discussion, the board agreed to allow the University of Bridgeport to resubmit their materials for approval.
14

15 **Action:** Motion to delegate the authority of course review to Dr. Hunt was made by Dr. Heagy. Seconded by Dr. Hunt.
16

17 Vote: 6 yeas / 0 opposed; motion carried
18

19 **Section VII concluded: 1:56 p.m.**

20 **Section VIII began: 1:56 p.m.**

21 **VIII. AHCA EXEMPTION:**
22

23 **a. David Ross Slavens, D.C. –**

24 Dr. Slavens was present and was not represented by counsel.
25

26 Dr. Slavens submitted an Application for Exemption pursuant to s. 435.07, F.S., which was received by the board office
27 on July 17, 2015.
28

29 **Discussion:**

30 Dr. Slavens stated he was disqualified from enrollment as a Medicaid provider due to a conviction of simple larceny in
31 1971. He explained that he was required to complete 50 hours of community service and pay a \$50 fine. He went on to
32 explain that he has previously worked for a federal agency, and has participated in Medicare as a chiropractor since
33 1986.
34

35 After discussion, a motion was made.
36

37 **Action:** Motion to grant the exemption was made by Dr. Fox. Seconded by Dr. Heagy.
38

39 Vote: 6 yeas / 0 opposed; motion carried
40

41 **Section VIII concluded: 2:05 p.m.**

42 **Section IX began: 2:05 p.m.**
43

44 **IX. RATIFICATIONS:**
45

46 **a. Licensure –**

47 **i. Chiropractic Physicians**

48 **Action:** Motion to ratify the issuance of Chiropractic Physician license numbers 11578 through 11672 was made by
49 Ms. Pelaez. Seconded by Dr. Heagy.

50 Vote: 6 yeas / 0 opposed; motion carried
51

52 **ii. Registered Chiropractic Assistants**

53 **Action:** Motion to ratify the issuance of Registered Chiropractic Assistant license numbers 14235 through 14531
54 was made by Dr. Fox. Seconded by Dr. Heagy.

55 Vote: 6 yeas / 0 opposed; motion carried
56

57 **iii. Certified Chiropractic Physician Assistants**

1 **Action:** Motion to ratify the issuance of Certified Chiropractic Physician Assistant license numbers 800 through 802
2 was made by Dr. Hunt. Seconded by Ms. Pelaez.
3 Vote: 6 yeas / 0 opposed; motion carried
4
5

6 **b. CE Courses and Providers Approved by Committee Chairs –**

7 **Action:** Motion to ratify the approval of CE Courses and Providers approved by the committee chairs was made by Dr.
8 Fox. Seconded by Dr. Heagy.
9 Vote: 6 yeas / 0 opposed; motion carried
10

11 **Section IX concluded: 2:08 p.m.**

12 **Section X began: 2:08 p.m.**

13
14 **X. CHAIR/VICE REPORT:**

15
16 **a. FCLB Report – Dr. Heagy**

17 Dr. Heagy presented her report of the Federation of Chiropractic Licensing Boards (FCLB) District Meeting that was
18 included in the agenda materials.
19

20 **b. Chair/Vice Chair Meeting Summary**

21 Dr. Heagy presented her report of the department’s Chair/Vice Chair meeting that was included in the agenda materials.
22

23 **c. Future Agenda Items**

24 Nothing to report
25

26 **d. Discussion – Federation of Chiropractic Licensing Boards for CE Approval**

27
28 An e-mail was received by the board office from FCLB requesting that the board approve FCLB seminars for continuing
29 education credit in Florida.
30

31 **Action:** Motion to approve FCLB seminars for 5 hours in Risk Management was made by Dr. Hunt. Seconded by Dr.
32 Fox.
33

34 Vote: 6 yeas / 0 opposed; motion carried
35

36 **Section X concluded: 2:16 p.m.**

37 **Section XI began: 2:16 p.m.**

38 **XI. EXECUTIVE DIRECTOR’S REPORT:**

39
40 **a. MQA SWOT Analysis:**

41 Dr. Spivey discussed the SWOT analysis that was originally given at the department’s Chair/Vice Chair meeting held on
42 September 24, 2015.
43

44 **Untimed Items:**

45 **Board start times –**

46 The board requested future meetings begin at 8:00 a.m.
47
48

49 **2016 FCLB meeting in Arizona:**

50 Dr. Spivey explained to the board that in order to have justification to send more than one member to the meeting, the
51 meeting agenda will have to show substantial overlap that would prevent one member from attending all events. He also
52 stated that he is planning on attending the meeting himself, and that he will work on presenting travel authorization for
53 approval.
54

55 **Liability Insurance:**

56 Dr. Spivey informed the board that applicants for licensure can obtain an insurance binder for liability insurance in order
57 to meet the requirements for licensure.
58

1 **Section XI concluded: 2:24 p.m.**

2 **Section XII began: 2:24 p.m.**

3
4 **XII. BOARD COUNSEL’S REPORT:**

5
6 **a. Rules Status Report – October 2015**

7 Mr. Harris explained that all rules in process were filed for adoption.

8
9 **b. Anti-Trust Dental North Carolina Board Presentation**

10 Mr. Harris discussed the Anti-Trust presentation that was originally given at the department’s Chair/Vice Chair meeting
11 on September 24, 2015.

12
13 **c. Rule 64B2-11.001, F.A.C. and Application for Licensure Examination (Revised)**

14 Mr. Harris presented changes to Rule 64B2-11.001, F.A.C. and the incorporated application, which were updated to
15 reflect the change in the Laws and Rules examination process.

16
17 **Action:** Motion to approve the rule and application amendments was made by Dr. Heagy. Seconded by Dr. Fox.

18 **Vote:** 6 yeas / 0 opposed; motion carried

19
20 Mr. Harris asked the board if the amendments to the rule would have an adverse impact on small business; or be likely to
21 increase regulatory costs to any entity, including the government, in excess of \$200,000 within one year of
22 implementation, or \$1,000,000 within five years of implementation. The board answered no; therefore, no statement of
23 estimated regulatory cost was required.

24
25 **d. FTC Staff Guidance: Active Supervision**

26 Given in conjunction with b.

27
28 **Section XII concluded: 2:35 p.m.**

29 **Section XIII began: 2:35 p.m.**

30
31 **XIII. COMMITTEE REPORTS:**

32
33 **a. Budget – Mr. Colter:**

34
35 **i. Budget Report**

36 Mr. Colter provided an update on the board’s financial situation, stating that they are no longer headed towards a
37 deficit, and that the cash balance is going up.

38
39 **b. CCPA – Dr. Dougherty:** Dr. Dougherty was not present.

40
41 **c. Continuing Education – Drs. Heagy/Hunt:** Nothing to report.

42
43 **d. Credentials – Dr. Fogarty:** This committee was abolished at the board’s August meeting.

44
45 **e. Disciplinary Compliance – Dr. Fogarty:** Nothing to report.

46
47 **f. Examination – Dr. Heagy:** Dr. Heagy stated that everything was going great, and that Drs. Fox and Heagy were
48 scheduled to help administer Part IV of the examination.

49
50 **g. Healthiest Weight – Dr. Hunt:**

51
52 **i. Healthiest Weight Liaison Strategy Development**

53
54 **ii. Handouts**

55 Dr. Hunt discussed the Healthiest Weight materials included in the agenda.

56
57 **h. Legislation – Dr. Heagy/Mr. Colter:** Nothing to report.

1
2 **i. Probable Cause – Drs. Dougherty/Fox/Heagy**

3
4 **i. Stats:**

5 The probable cause members stated that there have been no issues with their materials.

6
7 **j. Rules – Dr. Hunt:** Nothing to report.

8
9 **k. Unlicensed Activity – Ms. Pelaez:**

10 Ms. Pelaez told the board that only two cease and desist orders have been issued since the last meeting. She then urged
11 everyone to be sure to report any unlicensed activity.

12
13 **l. Outstanding Service Award – Dr. Heagy:**

14 Dr. Heagy explained the purpose of the award for the audience, and asked that any nominations be sent to her.

15
16 **Section XIII concluded: 2:41 p.m.**

17 **Section XIV began: 2:41 p.m.**

18
19 **XIV. OLD BUSINESS**

20
21
22 **Section XIV concluded: 2:41 p.m.**

23 **Section XV began: 2:41 p.m.**

24
25 **XV. NEW BUSINESS**

26 The board office received a request from a licensee who wished to have his hypnosis certification reflected on his practitioner
27 profile, which was presented to the board. After discussion, the board agreed that a request for a rule change could be
28 submitted to allow for the certification to be added.

29
30 **Section XV concluded: 2:42 p.m.**

31 **Section XVI began: 2:42 p.m.**

32
33 **XVI. 2016 CHAIR/VICE CHAIR ELECTIONS**

34
35 **Action:** Motion to nominate Dr. Fogarty as the 2016 Chair was made by Dr. Hunt. Seconded by Dr. Heagy.
36 Vote: 6 yeas / 0 opposed; motion carried

37
38 **Action:** Motion to nominate Dr. Heagy as the 2016 Vice Chair was made by Dr. Hunt. Seconded by Dr. Fox.
39 Vote: 6 yeas / 0 opposed; motion carried

40
41 **Section XVI concluded: 2:43 p.m.**

42 **Section XVII began: 2:43 p.m.**

43
44 **XVII. NEXT MEETING DATE – February 5, 2016 – Orlando**

45
46 **Section XVII concluded: 2:43 p.m.**

47 **Section XVIII began: 2:43 p.m.**

48
49 **XVIII. ADJOURNMENT**

50 **Action:** Motion to adjourn was made by Dr. Heagy. Seconded by Dr. Hunt.

51 Vote: 6 yeas / 0 opposed; motion carried

52
53 **The meeting was adjourned at 2:43 p.m.**