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FLORIDA | Board of Chiropractic Medicine

DRAFT MINUTES

February 5, 2016

B Resort and Spa
1905 Hotel Plaza Boulevard
Orlando, Florida 32830



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: 8:00 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 Deborah Loucks, Assistant Attorney General
16 Office of Attorney General

17
18 **PROSECUTION COUNSEL:**

19 Octavio Simoes-Ponce, Assistant General Counsel

20
21 **COURT REPORTER:**

22 American Court Reporting
23 Cindy Green
24 (407) 896-1813

25
26 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from this*
27 *meeting can be found online: <http://floridaschiropracticmedicine.gov/meeting-information/past-meetings>*

28
29 **Section II began: 8:03 a.m.**

30
31 **II. APPROVAL OF MINUTES:**

32
33 **a. November 13, 2015 – Board Meeting**

34 Minutes of the November 13, 2015 Full Board Meeting were reviewed.

35
36 Dr. Heagy noted that on page 15, line 7 [*sic*] should read “Drs. Fox and Heagy,” not “Drs. Fox and Hunt.”

37
38 Mr. Lesho noted that the date of the minutes on listed on page 2, line 35 should be “August 21, 2015,” not “June 5,
39 2015.”

40
41 Ms. Loucks noted that the minutes of Timothy Johnson, D.C. case omitted parts of the discussion. Mr. Lesho said he
42 would review the audio and revise that section.

43
44 **Action:** Motion to accept the minutes with the noted corrections was made by Ms. Pelaez. Seconded by Dr. Hunt.
45 Vote: 7 yeas / 0 opposed; motion carried

46
47 **b. November 13, 2015 – CE Committee Meeting**

48 Minutes of the November 13, 2015 CE Committee meeting were reviewed.

49
50 **Action:** Motion to accept the minutes as written was made by Dr. Heagy. Seconded by Dr. Hunt.
51 Vote: 7 yeas / 0 opposed; motion carried

52
53 **Section II concluded: 8:05 a.m.**

54 **Section III began: 8:05 a.m.**

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56 **III. FINAL ORDER ACTION:**

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58 **a. Settlement Agreement:**

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i. **Richard Thomas Pfaff, D.C. – Case No. 2013-10841**

Dr. Pfaff was present and was represented by counsel, Paul Drake, Esq.

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

A two count Administrative Complaint was filed on February 11, 2015 alleging that Dr. Pfaff was convicted of a crime related and/or directly related to the practice or ability to practice chiropractic medicine when he was adjudicated guilty of establishing, operating or managing an unlicensed clinic otherwise required to be licensed in violation of s. 400.9935(4), F.S. on or about June 3, 2014; and that Dr. Pfaff failed to report the conviction to the Board in writing within 30 days of being convicted. After filing of the complaint, the prosecuting attorney learned that Dr. Pfaff did in fact report the conviction to the Board in writing. A Settlement Agreement was proposed and signed by both the respondent and the department, which recommended the following discipline:

- A Letter of Reprimand
- Fine of \$1,500, paid within 4 years of the issuance of the Final Order
- Reimbursement of costs
- Compliance with criminal probation
- 40 hours of community service to be performed within 4 years of the issuance of the Final Order
- Submission of a 1,000 word article detailing Respondent's experience with the disciplinary process to be submitted to the Board within 180 days of the issuance of the Final Order
- Probation for a period of 6 months (with the Board reserving jurisdiction to extend probation for up to an additional two years)
- Dismissal of Count II of the Administrative Complaint

After explaining the considerations in support of the department's proposed discipline, Mr. Simoes-Ponce asked that the Board accept the Settlement Agreement.

Discussion:

Mr. Drake explained that he was representing Dr. Pfaff as a courtesy on behalf of Kenneth Metzger, Esq. He then explained that this case was a companion case to an August 2014 case, and requested that the Board consider that the recommended discipline before the Board was not based on new and independent grounds.

Dr. Dougherty asked for clarification on the grounds for the original criminal case, which Dr. Pfaff provided.

After the board discussed Dr. Pfaff's compliance with the Final Order of the 2014 case, a motion was made.

Action: Motion to accept the Settlement Agreement was made by Dr. Dougherty. Seconded by Dr. Fox.

Vote: 6 yeas / 0 opposed; motion carried

Ms. Loucks asked Prosecution for an exact figure for the costs. Mr. Simoes-Ponce stated that costs totaled \$1042.

ii. **Bahram Kam Habibi – Case No. 2013-19185**

Dr. Habibi was not present, but was represented by counsel, Kevin P. Mason, Esq.

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

A four count Administrative Complaint was filed on October 29, 2014 alleging violations of s. 460.413(1)(m), (r), (n), and (k), 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 failure to keep legibly written medical records; committing gross or repeated malpractice; exercising influence on the patient or client in such a manner as to exploit the patient or client; and by making misleading, deceptive, untrue or fraudulent representations in the practice of chiropractic medicine. A Settlement Agreement was proposed and signed by both the respondent and the department, which recommended the following discipline:

- Letter of Concern
- Fine of \$5,722.91
- Costs in the amount of \$9,277.09

- Six hours of Board-approved continuing education courses in the area of Recordkeeping, Documentation and Coding
- Probation for a period of two years

After explaining the considerations in support of the department's proposed discipline, Mr. Simoes-Ponce asked that the board accept the Settlement Agreement.

Discussion:

Mr. Mason explained that Dr. Habibi was not present due to a previous commitment of which he could not get out.

Dr. Fogarty stated that he would like to question Dr. Habibi face-to-face, but told the board that he would leave it up to them to decide whether they wanted to continue the case, or proceed with the hearing and waive Dr. Habibi's appearance.

Mr. Simoes-Ponce said that the department would support waiving the appearance.

Action: Motion to continue the case to a future meeting where Dr. Habibi would appear in person was made by Dr. Heagy. Seconded by Dr. Hunt.

Vote: 6 yeas / 0 opposed; motion carried

b. Hearing – No Disputed Material Facts:

i. Carl Henry Blot, D.C. – Case No. 2015-03564

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

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

A one count Administrative Complaint was filed on September 2, 2015 alleging violation of s. 460.413(1)(v), F.S., for violating a lawful order of the Board by failing to make monthly payments towards Final Order DOH-13-1271-S-MQA. Dr. Blot returned an Election of Rights form indicating that he wished to dispute the allegations in the Administrative Complaint, but the Department opted to proceed with an informal hearing because they found that no material facts were in dispute.

On January 31, 2016, Dr. Blot contacted the department and requested that his case be continued to a future meeting due to issues with his legal representation. Dr. Fogarty requested that Dr. Blot still appear before the board to discuss his request and to reschedule his hearing. Dr. Blot did indeed appear before the board, but instead of proceeding with his request to table the case, he asked that the board proceed with the hearing.

Discussion:

Action: Motion to find that Dr. Blot was properly served and failed to dispute a material fact in his Election of Rights was made by Dr. Dougherty. Seconded by Ms. Pelaez.

Vote: 6 yeas / 0 opposed; motion carried

Action: Motion to adopt the findings of fact as set forth in the Administrative Complaint was made by Dr. Dougherty. Seconded by Dr. Fox.

Vote: 6 yeas / 0 opposed; motion carried

Action: Motion to accept the investigative report into evidence was made by Dr. Dougherty. Seconded by Dr. Fox. Vote: 6 yeas / 0 opposed; motion carried

Mr. Simoes-Ponce asked the Board for a motion to adopt the conclusions of law as set forth by the Administrative Complaint and find that they constitute a violation of the Practice Act. Ms. Pelaez made the motion, and Dr. Fox seconded the motion; however, before a vote was taken, Ms. Loucks asked that the board allow Dr. Blot to speak.

Dr. Blot explained that his failure to pay was not out of disrespect to the board, but due to an inability to pay.

Dr. Fox asked what the Board could do to modify Dr. Blot's payment plan.

1
2 Ms. Loucks explained that once the Board voted to adopt the conclusions of law, they could structure the penalty in
3 whichever way they see fit.
4

5 **Action:** Motion to adopt the conclusions of law as set forth by the Administrative Complaint and find that they
6 constitute a violation of the Practice Act was made by Ms. Pelaez. Seconded by Dr. Fox.

7 Vote: 6 yeas / 0 opposed; motion carried
8

9 Mr. Simoes-Ponce recommended that the Board impose an indefinite suspension until he becomes compliant with
10 the previous board order.
11

12 Discussion ensued regarding Dr. Blot's financial situation, and Mr. Colter suggested lowering the required monthly
13 payments from \$400 per month to \$100 per month. Dr. Dougherty agreed, but suggested imposing a suspension if
14 Dr. Blot were to miss another payment. Dr. Hunt spoke in support of Prosecution, and stated that she did not agree
15 with lowering the payment to \$100 per month. Ms. Pelaez spoke in support of Mr. Colter and Dr. Dougherty's
16 proposal.
17

18 Ms. Loucks explained that the Board could either suspend Dr. Blot's license until he's paid a certain amount, or they
19 could suspend his license indefinitely until he's paid the remaining balance in its entirety, but stay the suspension
20 until a payment is missed.
21

22 Mr. Colter was in favor of the second option.
23

24 **Action:** Motion to lower Dr. Blot's minimum payment to \$100/month with a stayed suspension contingent upon
25 remaining current with his payments was made by Mr. Colter. Seconded by Dr. Fox.

26 Vote: 6 yeas / 0 opposed; motion carried
27

28 **Action:** Motion to assess \$92.92 in costs was made by Dr. Dougherty. Seconded by Mr. Colter.

29 Vote: 6 yeas / 0 opposed; motion carried
30

31 Ms. Loucks asked if the Board wished to add the \$92.92 to the balance already owed. The Board stated yes.
32

33 **Section III concluded: 8:44 a.m.**

34 **Section IV began: 8:44 a.m.**
35

36 **IV. COMPLIANCE:**

37 **a. Last Appearance –**

38 **i. Norlan A. Torres, D.C. – Case No. 2013-06052**

39 Dr. Torres was present and was represented by counsel, Paul Drake, Esq.
40

41 Dr. Torres had his license to practice chiropractic medicine placed on probation for a period of 1 year as required by
42 a Final Order filed on December 5, 2014. The Final Order also required Dr. Torres to appear before the board prior
43 to termination of the probation. Upon completion of all other terms of the Final Order, Dr. Torres came before the
44 board to make his last appearance prior to termination of probation.
45

46 **Discussion:**

47 Dr. Heagy asked Dr. Torres what he learned during the disciplinary process. Dr. Torres said that he learned the
48 importance of taking the time to review his notes to make sure they're correct and compliant.
49

50 **Action:** Motion to terminate probation was made by Dr. Dougherty. Seconded by Ms. Pelaez.

51 Vote: 7 yeas / 0 opposed; motion carried
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55 **Section IV concluded: 8:46 a.m.**

56 **Section III resumed: 8:46 a.m.**
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58 **III. FINAL ORDER ACTION:**

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c. Voluntary Relinquishment:

i. John Peter Christensen, D.C. – Case No. 2015-21480

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

On or about July 23, 2015, a Uniform Consumer Complaint was filed against Dr. Christensen alleging various allegations. A Voluntary Relinquishment of License from Dr. Christensen was received by the department and filed on October 28, 2015, which he submitted in lieu of discipline. On November 2, 2015, the department submitted a Motion for Final Order Accepting Voluntary Relinquishment of Licensure, which came before the board for final action.

Discussion:

Ms. Loucks asked for specifics of the allegations filed against Dr. Christensen. Mr. Simoes-Ponce explained the allegations were for false representation of his practice.

Action: Motion to accept the Voluntary Relinquishment was made by Dr. Dougherty. Seconded by Dr. Heagy.

Vote: 7 yeas / 0 opposed; motion carried

Section III concluded: 8:48 a.m.

Section V began: 8:48 a.m.

V. PROSECUTION REPORT:

Mr. Simoes-Ponce presented the Prosecution Report that was included in the board agenda materials. He specifically highlighted the fact that Prosecution saw a greatly reduced intake of cases during the previous year. He also mentioned that Jenifer Fortenberry was no longer with the Department, and that Prosecution was working to clear her leftover caseload. He then asked the board allow continued prosecution of cases older than one year.

Action: Motion to allow continued prosecution of cases older than one year was made by Dr. Heagy. Seconded by Dr. Dougherty.

Vote: 7 yeas / 0 opposed; motion carried

Dr. Fogarty asked the Probable Cause Panel members for feedback on the Probable Cause process, and asked if they had any questions or comments for Mr. Simoes-Ponce. There were none.

Section V concluded: 8:52 a.m.

Section VI began: 8:52 a.m.

VI. PETITIONS:

a. Variance/Waiver

i. Shannon Whitlock, D.C.:

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

Dr. Whitlock submitted a Petition for Variance/Waiver, filed on November 13, 2015, which requested that the board grant an extension of the requirement to attend a board meeting at which disciplinary cases are heard within the first year of licensure, as established by Rule 64B2-13.004(8), F.A.C. [*sic*]. Dr. Whitlock's petition explained that she had planned to attend the June 5, 2015 meeting, but would not have received credit because no disciplinary cases were heard at that meeting. She also stated that she was unable to attend the August 21, 2015 or November 13, 2015 meetings due to prior engagements to which she was committed prior to learning that she would not receive credit for the June 5, 2015 meeting. Dr. Whitlock requested that the extension last no longer than the day following this meeting, and was in attendance to have her petition heard and to fulfill the first year requirement.

Discussion:

Dr. Heagy asked Dr. Whitlock if she was present for the disciplinary cases heard earlier in the day. Dr. Whitlock stated that she was present.

1 **Action:** Motion to grant the Petition for Variance or Waiver was made by Dr. Dougherty. Seconded by Dr. Fox.
2 Vote: 7 yeas / 0 opposed; motion carried
3

4 **ii. Vikki Lynn Moore, D.C.:**

5 Dr. Moore was not present and was not represented by counsel.
6

7 Dr. Moore submitted a Petition for Variance/Waiver, filed on January 20, 2016, which requested that the board grant
8 an extension of the requirement to attend a board meeting at which disciplinary cases are heard within the first year
9 of licensure, as established by Rule 64B2-13.007, F.A.C. Dr. Moore's petition explained that she had planned to
10 attend the November 13, 2015 meeting, but was unable to due to medical issues. Dr. Moore requested that the
11 extension be granted to a meeting subsequent to the November 13, 2015 meeting.
12

13 **Action:** Motion to grant the Petition for Variance or Waiver and extend the first year requirement for 6 months/two
14 meetings was made by Dr. Heagy. Seconded by Dr. Fox.
15 Vote: 7 yeas / 0 opposed; motion carried
16

17 **iii. Bernard Alexander Greaux, D.C.:**

18 Dr. Greaux was not present and was not represented by counsel.
19

20 Dr. Greaux submitted a Petition for Variance/Waiver, filed on January 15, 2016, which requested that the board
21 approve continuing education (CE) courses attended in 2015 for which he has yet to receive credit. As stated in the
22 petition, Dr. Greaux attended a 12 hour classroom course titled "S.M.A.R.T. Module One Scoliosis Correction" in
23 May 2015, in addition to a 14 hour course titled "The Chiropractor as the Primary Spine Care Provider" in June
24 2015. Dr. Greaux, by way of his petition, requested that the 26 hours count towards his clinical area CE
25 requirements.
26

27 **Discussion:**

28 Dr. Dougherty stated that he was not inclined to approve the 12-hour course because it was not sponsored by a
29 chiropractic college, but that he would consider the 14-hour course if the provider, Texas Chiropractic College, were
30 to retroactively apply for approval.
31

32 Dr. Heagy was hesitant to approve the courses without first seeing the course content. Dr. Hunt agreed.
33

34 Ms. Loucks explained to the board the Dr. Greaux cannot compel the provider to apply for approval, so the board
35 cannot make that a condition of their approval or denial.
36

37 Motion to deny the Petition for Variance or waiver was made by Dr. Hunt. Seconded by Dr. Heagy.
38

39 Before a vote was taken, Mr. Colter stated that he was in favor of accepting the 14-hour course.
40

41 Dr. Hunt was not in favor of amending her motion to include accepting the 14-hour course. Dr. Heagy agreed,
42 reiterating that there was not sufficient information to approve the course.
43

44 **Action:** Motion to deny the Petition for Variance or Waiver was made by Dr. Hunt. Seconded by Dr. Heagy.
45 Vote: 6 yeas / 1 opposed (Colter); motion carried
46

47 **Section VI concluded: 9:04 a.m.**

48 **Section VII began: 9:04 a.m.**
49

50 **VII. APPLICATIONS PRESENTED FOR BOARD REVIEW:**

51 **a. Licensure –**

52 **i. Chiropractic Physicians –**

53 **1. Ross Aubrey Gardner, D.C.**

54 Dr. Gardner was present and was not represented by counsel.
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1 Dr. Gardner submitted an application for licensure as a Chiropractic Physician, which was received by the board
2 office on October 1, 2015. His application and supporting documentation were submitted to the board for
3 review due to affirmative answers to questions related to health history. Dr. Gardner's application and
4 supporting documentation were presented to the full board for final action.
5

6 **Discussion:**

7 After discussion regarding Dr. Gardner's treatment and continued recovery, a motion was made.
8

9 **Action:** Motion to approve the application for licensure was made by Dr. Fox. Seconded by Dr. Dougherty.
10 Vote: 7 yeas / 0 opposed; motion carried
11

12 **2. Benjamin Joseph Spears, D.C.**

13 Dr. Spears was present and was not represented by counsel.
14

15 Dr. Spears submitted an application for licensure as a Chiropractic Physician, which was received by the board
16 office on October 19, 2015. His application and supporting documentation were submitted to the board for
17 review because he indicated on his application that he had not ever been disciplined in another state or
18 jurisdiction, but the board office received documentation from the State of Kentucky contradicting that
19 statement. Dr. Spears also indicated that he had previously been terminated from employment, and submitted
20 documentation explaining that statement. The application and supporting documentation were presented to the
21 full board for final action.
22

23 **Discussion:**

24 Dr. Spears explained that he did not know that an action had been taken against his Kentucky license. He stated
25 that he signed an Agreed Order, which he believed he was signing because he was listed as an associate at a
26 practice that had committed a violation in Kentucky, and he did not know that it constituted discipline. He said
27 that he did not know that it was considered discipline until he was informed of it by the Board Office during the
28 review of his licensure application.
29

30 Brief discussion ensued.
31

32 **Action:** Motion to approve the application for licensure was made by Dr. Fox. Seconded by Ms. Pelaez.
33 Vote: 7 yeas / 0 opposed; motion carried
34

35 **3. Keith Eugene Pyne, D.C.**

36 Dr. Pyne was not present and was not represented by counsel.
37

38 Dr. Pyne submitted an application for licensure as a Chiropractic Physician, which was received by the board
39 office on December 16, 2015. His application and supporting documentation were submitted to the board after
40 the board office review revealed that Dr. Pyne was in default on his health education loan or scholarship
41 obligations, which excluded him from Medicaid. The application and supporting documentation were presented
42 to the full board for final action.
43

44 **Discussion:**

45 Ms. Loucks explained that there appeared to be some confusion regarding whether or not Dr. Pyne's loans were
46 still in default. She told the board that they can approve or deny the application, or require that Dr. Pyne appear
47 at a future meeting.
48

49 After discussion, a motion was made.
50

51 **Action:** Motion to require that Dr. Pyne appear at one of the board's next two meetings, or provide proof that he
52 is no longer in default on his student loans was made by Dr. Heagy. Seconded by Ms. Pelaez.
53

54 Vote: 7 yeas / 0 opposed; motion carried
55

56 **ii. Registered Chiropractic Assistants –**

57 **1. Brittany Erland Hogan**

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

1
2 Ms. Hogan submitted an application for licensure as a Registered Chiropractic Assistant, which was received by
3 the board office on June 22, 2015. Her application and supporting documentation were submitted to the board
4 for review due to affirmative answers to questions related to health history. Ms. Hogan's application and
5 supporting documentation were presented to the full board for final action.
6

7 **Discussion:**

8 Ms. Loucks explained that Ms. Hogan was also licensed as an ARNP in the State of Florida, and stated that Ms.
9 Hogan had indicated that at the time of the meeting, she had three months left on her contract with IPN, the
10 Board of Nursing equivalent to PRN.
11

12 **Action:** Motion to approve the application for licensure was made by Dr. Fox. Seconded by Dr. Dougherty.
13 Vote: 7 yeas / 0 opposed; motion carried
14

15 **2. Kateshia Re'Shone Howard**

16 Ms. Howard was present and was not represented by counsel.
17

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

22 Ms. Howard's application for licensure initially came before the board at the November 13, 2015 meeting. The
23 board wished to question Ms. Howard about her criminal history, but she was not present at that meeting, so the
24 board requested that she appear to speak before the board at one of its next two meetings.
25

26 **Discussion:**

27 The board questioned Ms. Howard about her criminal history. The board was satisfied with her responses, and a
28 motion was made.
29

30 **Action:** Motion to approve the application for licensure was made by Dr. Fox. Seconded by Dr. Heagy.
31 Vote: 7 yeas / 0 opposed; motion carried
32

33 **Break: 9:22 a.m.**

34 **Resumed: 9:45 a.m.**
35

36 Before resuming business, the Board discussed some untimed items related to members of the audience.
37

38 **Late Arrivals:**

39
40 Dr. Spivey noted that there were issues with the Notice of Hearing for this meeting, and though the correct start time of
41 8:00 a.m. was noticed in the Florida Administrative Register, the Board's website indicated a start time of 9:00 a.m.
42

43 Dr. Fogarty asked the board for suggestions on how to handle licensees in the audience that arrived at 9:00 a.m. who
44 wished to receive credit for attending the meeting. He suggested either requiring the licensees to come back to a future
45 meeting, or requiring them to listen to the meeting audio and write a report detailing the disciplinary hearings. There
46 were five licensees who were faced with this issue.
47

48 Dr. Heagy stated that the Board should grant some leeway since the error was not the fault of the licensees, but that the
49 intent of the rule is to be observe disciplinary hearings, so she spoke in favor of requiring the five licensees to listen to
50 the meeting audio and provide a report to the board office. Mr. Colter and Dr. Dougherty agreed.
51

52 The Board agreed to allow the five licensees in the audience who arrived late due to inaccurate information on the
53 Board's website to listen to the audio transcription of the day's disciplinary hearings and submit a report to the board
54 office by February 17, 2016.
55

56 **Untimed Petitions:**

57
58 **Sarah-Anne Marie Bruno, D.C., License CH11336:**

1 Dr. Bruno requested that the board allow her attendance of the meeting to count towards the first year meeting
2 attendance requirement. She explained that she misread the requirement, and was not able to complete the requirement
3 within her first year of licensure.
4

5 Ms. Loucks asked Dr. Bruno when she was initially licensed. Dr. Bruno stated in October 2014.
6

7 **Action:** Motion to allow this meeting to count towards Dr. Bruno's first-year licensure requirement was made by Dr.
8 Heagy. Seconded by Dr. Hunt.
9 Vote: 7 yeas / 0 opposed; motion carried
10

11 **Barbara Adonis, D.C., License CH11381:**

12 Dr. Adonis requested that the board allow her attendance of the meeting to count towards the first year meeting
13 attendance requirement. She explained that she overlooked the requirement, and was not able to complete the
14 requirement within her first year of licensure. Dr. Adonis stated that she was licensed in December 2014.
15

16 **Action:** Motion to allow this meeting to count towards Dr. Adonis's first-year licensure requirement was made by Dr.
17 Hunt. Seconded by Mr. Colter.
18 Vote: 7 yeas / 0 opposed; motion carried
19

20 **Mohsen Radpasand, D.C., License CH11611**

21
22 Dr. Radpasand requested that the board allow his attendance of the meeting to count towards the first year meeting
23 attendance requirement. He explained that he arrived late due to traffic coming from Tampa.
24

25 Dr. Fogarty suggested requiring him to submit a report like those who arrived at the meeting at 9:00 a.m. Dr. Heagy said
26 she was comfortable with that.
27

28 **Action:** Motion to require Dr. Radpasand to listen to the audio transcription of the day's disciplinary hearings and
29 submit a report to the board office by February 17, 2016 was made by Dr. Hunt. Seconded by Dr. Fox.
30 Vote: 7 yeas / 0 opposed; motion carried
31

32 Ms. Loucks suggested that the Board update the first year meeting attendance rule to clarify the language since so many
33 licensees seemed to have misunderstood the requirement. Dr. Hunt agreed.
34

35 **Untimed Items concluded: 9:59 a.m.**

36 **Section VII Resumed: 9:59 a.m.**
37

38 **b. Continuing Education –**

39 **i. New York Chiropractic College – “Integrative Healthcare Symposium 2016”**
40 **#20-530170**
41

42
43 Dr. Hunt explained that she wanted to bring this application before the board because she did not see a lot of
44 information in the course materials that was relevant to chiropractic medicine.
45

46 Dr. Heagy stated that she felt the course was geared more towards nurses.
47

48 **Action:** Motion to deny the application for CE Course approval because it did not meet the purpose of keeping
49 licensees apprised of advancements and new developments in compliance with Rule 64B2-13.004, F.A.C. was made
50 by Dr. Hunt. Seconded by Dr. Heagy.
51 Vote: 7 yeas / 0 opposed; motion carried
52

53 **ii. Life University – “Medicare Documentation, Understanding Active Treatment VS Maintenance Care”**
54 **#20-540234**
55

56 Dr. Fogarty stated that he attended this program, and was comfortable with the presentation. Dr. Heagy stated that
57 she was in attendance as well, and spoke in favor of approval.
58

1 **Action:** Motion to approve the application for CE Course approval was made by Dr. Heagy. Seconded by Dr. Hunt.
2 Vote: 7 yeas / 0 opposed; motion carried
3

4 **Section VII concluded: 10:05 a.m.**

5 **Section VIII began: 10:05 a.m.**
6

7 **VIII. RATIFICATION:**
8

9 **a. Licensure –**

10
11 **i. Chiropractic Physicians**

12 **Action:** Motion to ratify the issuance of Chiropractic Physician license numbers 11673 through 11741 was made by
13 Dr. Dougherty. Seconded by Dr. Fox.

14 Vote: 7 yeas / 0 opposed; motion carried
15

16 **ii. Registered Chiropractic Assistants**

17 **Action:** Motion to ratify the issuance of Registered Chiropractic Assistant license numbers 14532 through 14720
18 was made by Dr. Heagy. Seconded by Dr. Dougherty.

19 Vote: 7 yeas / 0 opposed; motion carried
20

21 **iii. Certified Chiropractic Physician Assistants**

22 **Action:** Motion to ratify the issuance of Certified Chiropractic Physician Assistant license numbers 803 and 804
23 was made by Ms. Pelaez. Seconded by Dr. Fox.

24 Vote: 7 yeas / 0 opposed; motion carried
25

26 **iv. Chiropractic Faculty Certificates**

27 **Action:** Motion to ratify the issuance of Chiropractic Faculty Certificate license numbers 23 and 24 was made by
28 Dr. Dougherty. Seconded by Dr. Hunt.

29 Vote: 7 yeas / 0 opposed; motion carried
30

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

32 **Action:** Motion to ratify the approval of CE Courses and Providers approved by the committee chairs was made by Dr.
33 Heagy. Seconded by Ms. Pelaez.

34 Vote: 7 yeas / 0 opposed; motion carried
35

36 **Section VIII concluded: 10:07 a.m.**

37 **Section IX began: 10:07 a.m.**
38

39 **IX. CHAIR/VICE REPORT:**
40

41 **a. Future Agenda Items:** Nothing to report.
42

43 **Section IX concluded: 10:07 a.m.**

44 **Section X began: 10:07 a.m.**
45

46 **X. EXECUTIVE DIRECTOR'S REPORT:**
47

48 **a. 2016 NBCE Delegate and Alternate Delegate**

49 Dr. Spivey informed the board that Dr. Fogarty was listed as the delegate, and Dr. Heagy was listed as the alternate
50 delegate.
51

52 Dr. Spivey told the board that he submitted the Travel Authorization for the FCLB meeting in April for Dr. Fogarty, Dr.
53 Heagy and himself, and that he was still waiting for approval.
54

55 Dr. Spivey then announced that the process for board member travel reimbursements will soon be changing, and a
56 training will be conducted at a future meeting.
57

58 The board then discussed NBCE test committee volunteers.

1
2 **Section X concluded: 10:13 a.m.**

3 **Section XI began: 10:13 a.m.**

4
5 **XI. BOARD COUNSEL’S REPORT:**

6
7 **a. Rules Status Report – January 2016**

8 Ms. Loucks presented the rules report that was included in the agenda materials. She explained that the one rule listed on
9 the report was scheduled to take effect within the next 30 days.

10
11 **b. Anti-Trust Presentation:** This presentation was given later in the meeting.

12
13 **Section XI concluded: 10:14 p.m.**

14 **Section XII began: 10:14 p.m.**

15
16 **XII. COMMITTEE REPORTS:**

17
18 **a. Budget – Mr. Colter:** Nothing to report

19
20 **b. CCPA – Dr. Dougherty:** Nothing to report

21
22 **c. Continuing Education – Drs. Heagy/Hunt:**

23
24 Dr. Heagy asked for a status update on the CE Broker changes requested by the CE Committee at the November 13,
25 2015 meeting.

26
27 Mr. Lesho explained that CE Broker was in the process of updating the provider portal, but that they would implement
28 the requested changes as soon as possible.

29
30 **d. Disciplinary Compliance – Dr. Fogarty:**

31
32 Dr. Fogarty wished to discuss a compliance issue concerning Kathy Anne Ragone, D.C. in case number 2003-23494.

33
34 Ms. Burnett explained that Dr. Ragone appeared before the board at the June 5, 2015 meeting, where she requested that
35 her lifelong probation be terminated, which the board denied. Ms. Burnett went on to explain that she received a report
36 on January 18, 2016 indicating that Dr. Ragone was not working as a chiropractor in the State of Florida at the time due
37 to an incident at her place of employment. She then asked the Board if they would like to toll Dr. Ragone’s probation.

38
39 After discussion, it was recommended that the probation be tolled until Dr. Ragone resumes practice, but that she must
40 submit a report upon resuming.

41
42 **e. Examination – Dr. Heagy:** Nothing to report

43
44 **f. Healthiest Weight – Dr. Hunt:** Nothing to report

45
46 **g. Legislation – Dr. Heagy/Mr. Colter:**

47
48 Mr. Colter asked for an updated on the proposed revisions to Chapter 460, F.S., that the board approved at the August
49 2015 meeting.

50
51 Dr. Spivey explained that the proposal was not picked up by the Department for the 2016 legislative session, but stated
52 that it is not uncommon for the Department to not pick up proposals that are specific to a profession; rather, they tend to
53 submit legislation dealing with broader topics related to healthcare regulation. He went on to explain that if the
54 Department does not pick up a legislative proposal, the next best option would be to find an organization or legislature
55 that would sponsor the proposal. He told the board that he would have additional discussions with the Department and
56 keep the board apprised of any changes.

57
58 **h. Probable Cause – Drs. Dougherty/Fox/Heagy**

1
2 i. **Stats:** Probable Cause was discussed during the Prosecution Report
3

4 i. **Rules – Dr. Hunt:** Nothing to report
5

6 j. **Unlicensed Activity – Ms. Pelaez:**
7

8 Ms. Pelaez told the board that only one Cease & Desist order had been issued since the Board's last meeting, relating to a
9 CCPA. She then encouraged the audience to report any and all ULA, emphasizing that the reports can be submitted
10 anonymously.
11

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

14 Dr. Heagy explained the Outstanding Service Award program, and asked for those in attendance to submit nominations.
15

16 **Section XII concluded: 10:31 a.m.**

17 **Section XIII began: 10:31 a.m.**
18

19 **XIII. OLD BUSINESS** 20

21
22 **Section XIII concluded: 10:31 a.m.**

23 **Section XIV began: 10:31 a.m.**
24

25 **XIV. NEW BUSINESS** 26

27 **Untimed Petitions:** 28

29 **Nathan Lea, D.C., License CH11404:**

30 Dr. Lea explained that he had intended on practicing out of state, but setting up his out of state office had taken longer
31 than expected; consequently, he had not attended a meeting within his first year of licensure. He stated that he was
32 initially licensed on January 23, 2015.
33

34 **Action:** Motion to allow this meeting to count towards Dr. Lea's first-year licensure requirement was made by Dr. Hunt.
35 Seconded by Dr. Heagy.

36 Vote: 7 yeas / 0 opposed; motion carried
37

38 **Amy Schulz, D.C., License CH11387:**

39 Dr. Schultz explained that the reason for her request was similar to Dr. Lea's in that she too had delays in opening an out
40 of state practice, and requested that this meeting count towards the first year of licensure requirement. She stated that she
41 was initially licensed on December 25, 2014.
42

43 **Action:** Motion to allow this meeting to count towards Dr. Schulz's first-year licensure requirement was made by Dr.
44 Hunt. Seconded by Dr. Fox.

45 Vote: 7 yeas / 0 opposed; motion carried
46

47 **Andrew Harris, D.C., License CH11213:**

48 Dr. Harris explained that he did not become a full time resident of Florida until January 2015, and was unable to meet the
49 first year of licensure requirement. He asked that this meeting count towards that requirement.
50

51 **Action:** Motion to allow this meeting to count towards Dr. Harris's first-year licensure requirement was made by Dr.
52 Fox. Seconded by Dr. Dougherty.

53 Vote: 7 yeas / 0 opposed; motion carried
54

55 **Alina Benin, D.C., License CH11306:**

56 Dr. Benin asked that this meeting count towards her first year of licensure meeting attendance requirement. She
57 explained that she was licensed in September 2014. Dr. Dougherty asked why the requirement wasn't fulfilled, and Dr.
58 Benin explained that health issues prevented her from being able to drive until approximately January 2016.

1
2 **Action:** Motion to allow this meeting to count towards Dr. Benin’s first-year licensure requirement was made by Dr.
3 Fox. Seconded by Dr. Heagy.
4 Vote: 7 yeas / 0 opposed; motion carried
5

6 Dr. Fogarty implored the audience to take their licensure requirements seriously, and to pass along to their colleagues the
7 importance and severity of the matter.
8

9 **a. Committee Assignments**

10
11 Mr. Lesho asked the Board how they felt about their committee assignments. The Board opted to leave all committee
12 assignments as they were in 2015, save for the appointment of Dr. Hunt to Probable Cause, which was done prior to the
13 meeting.
14

15 **Section XIV concluded: 10:43 a.m.**

16 **Break: 10:43 a.m.**

17 **Resumed: 11:00 a.m.**
18
19

20 Before resuming business, the Board discussed some untimed items related to members of the audience.
21

22 **Untimed Petitions:**

23
24 **Robert Augustine, D.C., License CH11628:**

25 Dr. Augustine explained that he and a colleague rode to the meeting together, and got lost along the way, which caused
26 them to arrive an hour and a half late. He requested that the meeting count towards his first year of licensure
27 requirement.
28

29 Because Dr. Augustine had missed such a large portion of the meeting, Dr. Fogarty suggested granting him an extension
30 and requiring him to come back and attend a future meeting.
31

32 **Action:** Motion to grant an extension for two additional meetings to allow Dr. Augustine to complete his first year of
33 licensure meeting attendance requirement was made by Dr. Dougherty. Seconded by Dr. Heagy.

34 Vote: 7 yeas / 0 opposed; motion carried
35

36 **Adam St. Laurent, D.C., License CH11528:**

37
38 Dr. St. Laurent was the colleague alluded to during Dr. Augustine’s statement. The Board granted Dr. St. Laurent the
39 same extension as Dr. Augustine.
40

41 **Action:** Motion to grant an extension for two additional meetings to allow Dr. St. Laurent to complete his first year of
42 licensure meeting attendance requirement was made by Dr. Dougherty. Seconded by Dr. Hunt.

43 Vote: 7 yeas / 0 opposed; motion carried
44

45 **Untimed Items concluded: 11:06 a.m.**

46 **Section XI resumed: 11:06 a.m.**
47

48 **XI. BOARD COUNSEL’S REPORT:**

49 **b. Anti-Trust Presentation:**

50
51 Ms. Loucks gave a presentation on Anti-Trust and how it relates to the Board following the North Carolina Board of
52 Dental Examiners v FTC ruling. The presentation provided background information on the case, the FTC’s guidelines in
53 response to the ruling, and possible changes that may arise in the State of Florida.
54
55

56 **Section XI concluded: 11:50 a.m.**

57 **Section XV began: 11:50 a.m.**
58

1 **XV. NEXT MEETING DATE – April 8, 2016 – Orlando**

2
3 **Section XV concluded: 11:50 a.m.**

4 **Section XVI began: 11:50 a.m.**

5
6 **XVI. ADJOURNMENT**

7 **Action:** Motion to adjourn was made by Dr. Heagy. Seconded by Dr. Dougherty.

8 Vote: 7 yeas / 0 opposed; motion carried

9
10 **The meeting was adjourned at 11:50 a.m.**