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FLORIDA | Board of Chiropractic Medicine
Probable Cause Panel

MINUTES
July 26, 2016

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



Kevin Fogarty, D.C. **Chair**
Gail Curry, **Program Operations Administrator**
Savada Knight, **Regulatory Supervisor/Consultant**

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35 **Conference call started: 1:02 p.m.**

36 This meeting was called to order by Dr. Dougherty Chair. Those present for all part
37 of the meeting included the following:

38 **Members Present:**

39 Kenneth Dougherty, D.C. – Chairperson
40 Linda Reynolds, B.S.

Staff Present:

Savada Knight, Regulatory Supervisor
Brandi May, Regulatory Supervisor

41 **Board Counsel:**

42 Deborah Loucks, Esq., Assistant General Counsel
43 Office of Attorney General

44 **Prosecution Counsel:**

45 Christopher Dierlam, Esq., Assistant General Counsel
46 Octavio Simoes-Ponce, Esq., Assistant General Counsel

47 **COURT REPORTER:**

48 Court Reporter: For the Record Reporting
49 Phone: (850) 222-5491
50 Contact: Kay Fitchner

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

54 **Reconsiderations started at 1:05 p.m.**

55 Before the Reconsideration portion began, Ms. Loucks asked the panel members if
56 they received all of the required materials in advance of the meeting. Dr.
57 Dougherty and Ms. Reynolds stated yes.

58 Ms. Loucks asked the panel members if they had sufficient time to review the
59 materials. Dr. Dougherty and Ms. Reynolds stated yes.

60 Ms. Loucks asked the panel members if they experienced any problems while
61 trying to review the materials Dr. Dougherty and Ms. Reynolds stated no.

62 Ms. Loucks asked the panel members if they felt that there were any
63 circumstances that would disqualify or otherwise make it improper for them to
64 hear and deliberate on any cases on the agenda. Dr. Dougherty and Ms. Reynolds
65 stated no.

66 **I. R-01 Anthony Howe, D.C**

67 Dr. Howe was not present and was represented by Jeff Bigman, Esq.

68 Mr. Simones-Ponce presented case number 2014-18953 as a
69 reconsideration of the original Administrative Complaint. The department
70 received new information from a new expert opinion which makes the
71 cases valid for reconsideration.

72 **Board action:** Motion to dismiss the case against Anthony Howe, DC due to the
73 patient was pleased, no complaint was made by the patient, and the new
74 information that was received. Motion was made by Ms. Reynolds, Seconded by
75 Dr. Dougherty.

76 Vote: 2 yeas / 0 opposed; motion carried

77 **II. R-02 Douglas A. Merlo, D.C.**

78 Dr. Merlo was present and was represented by Edwin Bayo, Esq.

79 Mr. Dierlam presented case number 2014-15036 as a reconsideration
80 of the original Administrative Complaint. The department is requesting
81 that this case be dismissed due to the responded has taken steps to
82 correct his actions.

83 **Board action:** Motion to dismiss the case against Dr. Douglas A. Merlo
84 was made by Ms. Reynolds, Seconded by Dr. Dougherty.

85 Vote: 2 yeas / 0 opposed; motion carried

86 **Reconsiderations concluded at 1:24 p.m.**

87 The public portion of the meeting was adjourned at 1:24 p.m.

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