

1 **FLORIDA** | Board of Chiropractic Medicine

2 Probable Cause Panel

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6 **MINUTES**

7 October 17, 2017

8 1:00 p.m.

9 Conference Call

10 Department of Health

11 4042 Bald Cypress Way

12 Tallahassee, FL 32399



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29 Kevin Fogarty, D.C., Chair
30 Anthony Spivey, DBA, Executive Director
31 Brandi May, Regulatory Supervisor / Consultant
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35 The conference call started at 1:01 p.m.

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37 This meeting was called to order by Dr. Christopher Fox. Those present for the meeting
38 included the following:

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40 **Members Present:**

41 Christopher Fox, D.C., Chair

42 Trudi Vogel, D.C., Panel Member

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44 **Board Counsel:**

45 Lawrence Harris, Esq., Assistant Attorney General

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47 **Prosecution Services:**

48 Peter Delia, Esq., Assistant General Counsel

49 John Wilson, Esq., Assistant General Counsel

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51 **Court Reporter:**

52 For the Record Reporting

53 (850) 222-5491

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55 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the 50*
56 *agenda outline. AUDIO from this meeting can be found online:*

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58 <http://floridaschiropracticmedicine.gov/meeting-information/past-meetings/>

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60 Reconsiderations started at 1:05 p.m.

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62 **RN-01 Stephen Diamantides, D.C. 2014-01630**

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64 Dr. Diamantides was present. Attorney Noel Flasterstein was present on behalf of Dr.
65 Diamantides. Mr. Harris made opening remarks to the panel members. Mr. Delia told the panel
66 members they should have received a copy of the draft closing order and a copy of the
67 administrative complaint as well as any other materials deemed appropriate to the case. Dr.
68 Diamantides was charged with violating Section 460.413(1)(0) which provides for delegating
69 responsibilities to a person when knowing that person is not qualified to perform them. This is a
70 violation of the chiropractic medicine act. There is no clear evidence that Dr. Diamantides
71 actively delegated any duties to any individuals. Dr. Vogel expressed concern that Dr.
72 Diamantides was knowingly aware of unlawful delegation. This case is limited because the
73 original administrative complaint does not contain as many violations as it should have. The
74 case cannot be sent back for further investigation.

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76 **Action:** Vote to dismiss case due to lack of evidence to prosecute made by Dr. Fox. Second
77 made by Dr. Vogel.

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79 **Vote:** 2 yeas / 0 opposed. Motion carried.

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81 Reconsiderations concluded at 1:15 p.m.

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