

1 The Florida Board of Chiropractic Medicine held a meeting on Friday, February 9, 2018,
2 commencing at 8:30 a.m. This meeting was held at the Radisson Resort Orlando, 2900 Parkway
3 Boulevard, Kissimmee, Florida 34747, (407) 997-7032, to which all persons were invited to
4 attend. Participants in this public meeting were made aware that these proceedings were being
5 recorded and that an audio file of the meeting will be posted to the board's website.
6

7 **DRAFT MINUTES**

8 **Section I started at: 8:30 a.m.**

9 **I. CALL TO ORDER (Roll Call):**

10 **Board Members Present:**

- 11 a. Kevin Fogarty, D.C., F.I.C.A. (Hon), Chair
- 12 b. Danita Heagy, D.C., Vice-Chair
- 13 c. Christopher Fox, D.C., ATC(L)
- 14 d. Mindy Weingarten, D.C.
- 15 e. Julie Hunt, D.C.
- 16 f. David Colter
- 17 g. Paul Licata

18 **Board Staff Present:**

19 Anthony Spivey, DBA, Executive Director
20 Gail Curry, Program Operations Administrator
21 Brandi May, Regulatory Supervisor
22

23 **Board Counsel:**

24 Lawrence Harris, Assistant Attorney General
25

26 **Prosecution Counsel:**

27 Rose Garrison, Assistant General Counsel
28 Derrick McBurrows, Assistant General Counsel
29

30 **Other Attendees Present:**

31 Paul Lambert, General Counsel to the Florida Chiropractic Association
32 Kim Driggers, Assistant General Counsel to the Florida Chiropractic Association
33 Lucas Matlock, President, Florida Chiropractic Society
34 Dr. Martha Brown, Physician's Recovery Network
35

36 **Court Reporter:**

37 American Court Reporting
38 Suzette Bragg
39 (407) 896-1813
40

41 **Section I ended at: 8:35 a.m.**

42 **Section II began at: 8:35 a.m.**

43 **II. APPROVAL OF MINUTES:**

44 **a. November 3, 2017**

45 **Action:** Motion to approve made by Dr. Heagy. Second by Dr. Fox.

46 **Vote:** 7 yeas / 0 opposed. Motion carried.
47

48 **b. January 5, 2018**

49 **Action:** Motion to approve made by Dr. Weingarten. Second by Dr. Heagy.

50 **Vote:** 7 yeas/ 0 opposed. Motion carried.

51 **Section II ended at: 8:37 a.m.**

52 **Section III began at: 8:37 a.m.**

53 **III. FINAL ORDER ACTION:**

54

55 **a. SETTLEMENT AGREEMENT:**

56 **i. Barry W. Sutphin, D.C., Case No. 2015-23119**

57 **PCP: Dougherty/Reynolds**

58 Dr. Sutphin was present. He was not represented by counsel. Ms. Garrison presented
59 the case. Dr. Sutphin was previously charged with knowingly filing a false report and
60 providing services that did not occur. Dr. Sutphin agreed to accept the settlement.

61

62 **Action:** Motion to deny the stipulation made by Dr. Weingarten. Second made by Dr.
63 Fox.

64

65 Dr. Weingarten wants monitoring for Dr. Sutphin. Dr. Heagy wants Dr. Sutphin to
66 take some courses in documentation and coding. Dr. Fogarty wants the ethics exam
67 added to the counter stipulation.

68

69 **Action:** Motion to reject the settlement agreement.

70

71 **Vote:** 7 yeas / 0 opposed. Motion carried.

72

73 Dr. Sutphin is retired but wants to keep his license. He stated he does not practice, so
74 a monitor will not be needed unless he wants to return to practice. Dr. Sutphin must
75 take the ethics exam through the national board. Dr. Heagy wants Dr. Sutphin to take
76 6 hours in documentation and coding per the next biennium in addition to the required
77 continuing education hours. Dr. Fogarty requested the fine be raised to 10,000.00.
78 The current costs are \$3,023.01. Dr. Sutphin's license is currently in active status. Dr.
79 Sutphin wants to do coverage work for other chiropractic physicians. The Board
80 advised Dr. Sutphin that a monitor will be required for two years and they must
81 submit documentation on his behalf if he wishes to work as a chiropractor.

82

83 **Action:** Motion made to change the requirements of the settlement agreement made
84 by Dr. Fogarty. Second by Dr. Heagy.

85 **Vote:** 7 yeas / 0 opposed.

86

87 Dr. Sutphin has 30 days to accept the counter offer from the Board. Dr. Sutphin chose
88 30 days to decide if he wishes to accept the Board's offer.

89

90 The department had no objections to the Board's recommendations.

95 **ii. Troy W. Godsey, D.C., Case No. 2015-19495**

96 **PCP:Dougherty/Reynolds**

97 Dr. Godsey was present. He was represented by the counsel, Edwin Bayo, Esq. The
98 case was presented by Mr. McBurrows. The respondent pled guilty or nolo
99 contendere of being unable to practice in the licensee's profession. Dr. Godsey did not
100 report it in writing to the department within the required 30 days. The proposed
101 settlement agreement includes the following: The Respondent must appear before
102 the Board, will receive a Letter of Concern from the Board, pay a \$1,000 dollar fine
103 within 1-year of the final order and pay the original administrative costs of \$625.35
104 within 1-year. The Respondent must also successfully complete the Laws and Rules
105 Exam within 1-year of the final order.

106
107 Mr. Bayo addressed the Board. Mr. Bayo agreed to the settlement agreement.

108
109 **Action:** Motion to accept the settlement agreement made by Dr. Heagy. Second
110 made by Dr. Hunt.

111
112 **Action:** Motion to withdraw the original motion made by Dr. Heagy. Second by Dr.
113 Hunt.

114
115 **Action:** Motion to reject the settlement agreement made by Dr. Heagy. Second by
116 Dr. Weingarten.

117
118 **Action:** Motion to increase the fine to \$5,000.00. The ethics examination will be
119 added and must be passed within 1-year. A Letter of Concern will be issued. There
120 will be an additional 2 hours of Laws & Rules continuing education that must be
121 taken within 1-year made by Dr. Fogarty. Second made by Dr. Fox.

122
123 Mr. Bayo requested the fine be \$3,000.00. The Board agreed.

124
125 **Vote:** 7 yeas / 0 opposed. Motion carried.

126
127 Mr. Bayo and his client Dr. Godsey, agreed to the terms of the settlement. The
128 Prosecution had no objections. The payment of costs was included in the settlement
129 agreement.

130
131 **iii. Brandon S. Wood, D.C., Case No. 2016-26767**

132 **PCP: Dougherty/Hoffman**

133 Dr. Wood was present. He was not represented by counsel. Dr. Wood was
134 terminated from the Physician's Recovery Network (PRN). He had previously
135 agreed to voluntarily withdraw from practice. Dr. Wood was found to still be
136 practicing by PRN. Dr. Wood stated he has not seen a patient for two years.
137 Dr. Martha Brown from PRN addressed the Board. Dr. Wood was non-compliant
138 with his contract.

140 **Action:** Motion to reject the settlement agreement made by Dr. Fox. Second by Dr.
141 Heagy.

142 **Vote:** 7 yeas / 0 opposed. Motion carried.

143
144 **Action:** The license will be suspended until Dr. Wood completes a PRN evaluation
145 and PRN feels he is safe to practice. There will be a reprimand. The fine will be
146 \$1,000.00. The costs to date are \$1,352.01. The fines and costs must be paid within
147 1-year. The Board reserves the right to impose additional restrictions upon
148 reinstatement of licensure.

149 **Vote:** 7 yeas / 0 opposed. Motion carried.

150
151 Dr. Wood has 30 days to decide if he wishes to accept the counter settlement offer.

152

153 **b. DETERMINATION OF WAIVER:**

154 **i. Howard R. Van Nostrand, D.C., Case No. 2017-08468**

155 **PCP: Dougherty/Jenkins**

156 Dr. Van Nostrand was not present. He was represented by counsel Edwin Bayo,
157 Esq. Mr. McBurrows presented the case. Dr. Van Nostrand was denied by the
158 state of Alaska for licensure as a chiropractic physician. The respondent has failed
159 to respond to an amended Election of Rights form.

160
161 **Action:** Motion to determine the respondent was properly served and failed to
162 respond to an Election of Rights within the required time frame made by Dr.
163 Weingarten. Second made by Mr. Colter.

164
165 **Vote:** 7 yeas / 0 opposed. Motion carried.

166
167 **Action:** Motion to adopt the allegations of fact in the administrative complaint
168 made by Dr. Weingarten. Second by Dr. Heagy.

169
170 **Vote:** 7 yeas / 0 opposed. Motion carried.

171
172 **Action:** Motion to offer the investigative file into evidence made by Mr. Colter.
173 Second by Dr. Hunt.

174
175 **Vote:** 7 yeas / 0 opposed. Motion carried.

176
177 Mr. Bayo addressed the Board. Discussion ensued.

178
179 **Action:** Motion to issue a Letter of Concern made by Mr. Colter. Second by Dr.
180 Fox.

181
182 **Action:** Motion to make the fine \$1,000.00 made by Dr. Heagy. Second by Dr.
183 Weingarten.

184

185 **Action:** Motion to require an additional two hours of laws and rules to be
186 completed within 1-year made by Dr. Weingarten. Second by Dr. Heagy.

187 **Vote:** 7 yeas / 0 opposed. Motion carried.

188 **Action:** Motion for costs in the amount of \$352.44 made by Dr. Weingarten.
189 Second by Dr. Fox.

190 **Vote:** 7 yeas / 0 opposed. Motion carried.

191
192 The respondent has 1-year to pay the fines and costs.

193 **Section III ended at: 10:23 a.m.**

194 **Skipped to Section VI**

195 **Section VI began at: 10:23 a.m.**

196 **IV. PETITION FOR VARIANCE OR WAIVER**

197 **a. Albert E. Warner, III., D.C.**

198 Dr. Warner is present with counsel, Michelle Champion, Esq. Dr. Warner filed a
199 petition through counsel requesting a variance from Rule 64B2-13.004(2).

200
201 **Action:** Motion to deny variance based upon the current Rule only allows 10-general
202 hours of continuing education online and because there is no proof of hardship made
203 by Dr. Weingarten. Second made by Dr. Heagy.

204 **Vote:** 6 yeas / 0 opposed. Motion carried.

205
206 **b. J. Philip Palmer, D.C.**

207 Dr. Palmer was not present and not represented by counsel. Dr. Palmer would like a
208 course on brain-injury he took to be accepted by the state of Florida.

209
210 **Action:** Motion to deny the petition based on lack of information about the course
211 that was submitted and there appears to be no hardship made by Dr. Heagy. Second
212 made by Dr. Fox.

213 **Vote:** 6 yeas/ 0 opposed. Motion carried.

214
215 **c. Lyle W. Grenz, D.C.**

216 Dr. Grenz was not present and is not represented by counsel. Dr. Grenz resides
217 abroad. He submitted a course from Dan Murphy. The Board expressed concern
218 about the timeliness of this petition being filed after the fact.

219
220 **Action:** Motion to deny the course due to the request being late and unresearched
221 made by Dr. Fox. Second by Mr. Licata.

222 **Vote:** 6 yeas/ 0 opposed. Motion carried.

223
224 **d. Anthony Oliverio, D.C.**

225 Dr. Oliverio is not present and is not represented by counsel. Dr. Oliverio is asking
226 to be able to take four online courses.

227
228 **Action:** Motion to deny the petition based the petition is not legally sufficient.
229 Second by Dr. Weingarten.

230 **Vote:** 6 yeas/ 0 opposed. Motion carried.

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e. Jason Davis, D.C.

Dr. Davis is not present and not represented by counsel. Dr. Davis is asking to be able to take four online courses.

Action: Motion to deny the petition based on the petition being legally insufficient made by Dr. Heagy. Second by Mr. Colter.

Vote: 6 yeas/ 0 opposed. Motion carried.

f. Robert Ziengenfuss, D.C.

Dr. Ziengenfuss is not present and is not represented by counsel. The petition is not legally sufficient.

Action: Motion to deny the petition based on the petition being legally insufficient made by Dr. Heagy. Second by Mr. Colter.

Vote: 6 yeas/ 0 opposed. Motion carried.

g. John Kinnard, D.C.

Dr. Kinnard is not present and is not represented by counsel.

Action: Motion to deny the petition based on the petition being legally insufficient made by Dr. Heagy. Second by Dr. Fox.

Vote: 6 yeas/ 0 opposed. Motion carried.

h. Thomas Kleinman, D.C.

Dr. Kleinman is not present and is not represented by counsel.

Action: Motion to deny the petition based on the petition being legally insufficient made by Dr. Heagy. Second by Dr. Weingarten.

Vote: 6 yeas/ 0 opposed. Motion carried.

i. Louis DiDonato, D.C.

Dr. DiDonato is not present and is not represented by counsel.

Action: Motion to deny the petition based on the petition being legally insufficient made by Mr. Licata. Second by Dr. Fox.

Vote: 6 yeas/ 0 opposed. Motion carried.

Section IV ended at: 2:44 p.m.

Skipped to Section XII

Section XII began at: 2:44 p.m.

279 **V. PROSECUTION REPORT:**
280 Open Cases: **66**
281 Current cases 1-year or older: **37**
282

283 Ms. Garrison gave the Board a report on the steady decline of complaints for
284 chiropractic medicine since 2013. The Prosecution Services Unit is responding to back-
285 logged inventory at a faster rate. The 4 cases at today's meeting will lower the overall
286 caseload and two of them heard today were over 1-year old. At the last Probable Cause
287 Panel meeting on December 6, 2017, five cases were resolved. For the upcoming
288 Probable Cause Panel, there are currently four cases scheduled to be heard on March 7,
289 2018.

290
291 **Action:** Motion to continue to prosecute cases 1-year and older made by Dr. Heagy.
292 Second by Dr. Fox.

293 **Vote:** 7 yeas / 0 opposed. Motion carried.
294

295 Reducing the probable cause panels from three sets of panels to two sets of panels was
296 discussed and will be tabled until later on.

297 **Section V ended at: 10:57 a.m.**

298 **Skipped to Section XIII**

299 **Section XIII began at: 10:57 a.m.**

300 **VI. APPLICATIONS PRESENTED FOR BOARD REVIEW:**

301 **a. Michael Rouhana, D.C.**

302 Dr. Rouhana was not present. He was not represented by counsel. Dr. Rouhana has
303 previous disciplinary history in another state and a malpractice claim.

304 **Action:** Motion to require the applicant to appear before the Board at the one of the
305 next two board meetings made by Dr. Fox. Second by Mr. Licata. If the applicant
306 does not appear at one of the next two meetings, he will be denied for licensure.

307 **Vote:** 7 yeas / 0 opposed. Motion carried.
308

309 **b. Braheem Tolbert, D.C.**

310 Dr. Tolbert was not present and was not represented by counsel. Dr. Tolbert
311 answered yes to discipline and health history questions. He has appeared before the
312 Board previously. Dr. Tolbert did not comply with the PRN requirement in the
313 previous final order.

314 **Action:** Motion to not allow the applicant to withdraw his application and allow the
315 Final Order to stand as issued made by Dr. Heagy. Second by Mr. Colter.

316 **Vote:** 7 yeas / 0 opposed. Motion carried.
317

317 **Section VI ended at: 10:35 a.m.**

318 **Break 10:35 a.m. until 10:50 a.m.**

319 **Section V began at: 10:50 a.m.**

320 **VII. CONTINUING EDUCATION HOURS TO BE APPROVED**

321 **a. René M. Reed, D.C.**

322 Dr. Reed is not present and is not represented by counsel. Dr. Reed submitted a
323 naturopathic course he attended in the state of California. He is asking for 19 general
324 hours.

325 **Action:** Motion to deny by Dr. Heagy. Second by Dr. Fox.

326 **Vote:** 6 yeas / 0 opposed. Motion carried.

327
328 **VIII. REQUEST FOR CONTINUING EDUCATION EXTENSION FOR BOARD**
329 **REVIEW**

330
331 **a. Ronald L. Brenner, D.C.**

332 Dr. Brenner submitted a request for an extension for continuing education due to the
333 California wildfires.

334
335 **Action:** Motion to approve the request for extension made by Dr. Fox. Second by Dr.
336 Heagy.

337
338 **Action:** Motion for Dr. Brenner to have 1-year to complete the required continuing
339 education made by Dr. Fox. Second by Mr. Licata.

340 **Vote:** 6 yeas / 0 opposed. Motion carried.

341
342 **IX. RATIFICATIONS:**

343
344 **a. Licensure**

345
346 **i. Chiropractic Physician**

347 **Action:** Motion to approve license numbers 12329-12400 by Dr. Heagy. Second
348 by Mr. Colter.

349 **Vote:** 6 yeas / 0 opposed. Motion carried.

350
351 **ii. Registered Chiropractic Assistant**

352 **Action:** Motion to approve license numbers 17121-17428 made by Dr. Fox.
353 Second by Dr. Weingarten.

354 **Vote:** 6 yeas / 0 opposed. Motion carried.

355
356 **iii. Certified Chiropractic Physician Assistant**

357 **Action:** Motion to approve license numbers 861-881 made by Dr. Fox. Second by
358 Dr. Weingarten.

359 **Vote:** 6 yeas / 0 opposed. Motion carried.

360
361 **b. Continuing Education**

362 **i. CE Providers and Courses approved by Committee Chairs**

363 **Action:** Motion to approve by Dr. Heagy. Second by Dr. Weingarten.

364 **Vote:** 6 yeas / 0 opposed. Motion carried.

365 **Section IX ended at: 3:36 p.m.**

366 **Section X began at: 3:38 p.m.**

367 **X. CONTINUING EDUCATION:**

368 **a. New York Chiropractic College**

369 **i. Course #20-587969**

370 **Action:** Motion to approve because it does have SCORM and an adequate
371 description made by Dr. Heagy. Second by Dr. Weingarten.

372 **Vote:** 5 yeas / 1 opposed. Dr. Hunt opposed. Motion carried.

373 **ii. Course #20-631790**
374 **Action:** Motion to deny made by Dr. Weingarten. Second by Dr. Heagy.
375 **Vote:** 6 yeas / 0 opposed. Motion carried.
376 **iii. Course #20-631794**
377 **Action:** Motion to approve made by Dr. Weingarten. Second by Dr. Heagy.
378 **Vote:** 6 yeas / 0 opposed.
379 **iv. Course #20-631804** Motion carried.
380 **Action:** Motion to approve made by Dr. Heagy. Second by Dr. Weingarten.
381 **Vote:** 6 yeas / 0 opposed. Motion carried.
382 **v. Course #20-631816**
383 **Action:** Motion to approve made by Dr. Heagy. Second by Dr. Weingarten.
384 **Vote:** 6 yeas / 0 opposed. Motion carried.
385 **vi. Course #20-631822**
386 **Action:** Motion to approve made by Dr. Heagy. Second by Mr. Colter.
387 **Vote:** 6 yeas / 0 opposed. Motion carried.
388 **vii. Course #20-631832**
389 **Action:** Motion to deny the application due to insufficient documentation made
390 by Dr. Heagy. Second by Dr. Fox.
391 **Vote:** 6 yeas / 0 opposed. Motion carried.
392 **viii. Course #20-631840**
393 **Action:** Motion to deny due to insufficient documentation made by Dr. Heagy.
394 Second by Dr. Weingarten.
395 **Vote:** 6 yeas / 0 opposed. Motion carried.
396 **ix. Course #20-632872**
397 **Action:** Motion to approve made by Dr. Weingarten. Second by Dr. Heagy.
398 **Vote:** 6 yeas / 0 opposed. Motion carried.
399
400 **b. The Wise DC**
401 **i. Course #20-597575**
402 **Action:** Motion to deny based on an insufficient syllabus made by Dr. Heagy.
403 Second made by Dr. Weingarten.
404 **Vote:** 6 yeas / 0 opposed. Motion carried.
405 **ii. Course #20-624388**
406 **Action:** Motion to deny based on insufficient hourly description made by Dr.
407 Heagy. Second by Dr. Weingarten.
408 **Vote:** 6 yeas / 0 opposed. Motion carried.
409 **iii. Course #20-624404**
410 **Action:** Motion to deny based on insufficient information made by Dr. Heagy.
411 Second by Dr. Weingarten.
412 **Vote:** 6 yeas / 0 opposed. Motion carried.
413
414 **c. Chirocredit.com/Onlinece.com**
415 **i. Course #20-626286**
416 **Action:** Motion to deny based on insufficient description by Dr. Heagy. Second
417 by Dr. Weingarten.
418 **Vote:** 6 yeas / 0 opposed. Motion carried.

419 **ii. Course #20-603819**
420 **Action:** Motion to deny based on insufficient description made by Mr. Colter.
421 Second by Dr. Weingarten.

422 **Vote:** 6 yeas / 0 opposed. Motion carried.

423 **iii. Course #20-603825**

424 **Action:** Motion to deny based on insufficient description made by Mr. Colter.
425 Second by Dr. Heagy.

426 **Vote:** 6 yeas / 0 opposed. Motion carried.

427 **iv. Course #20-630542**

428 **Action:** Motion to deny made by Dr. Fox. Second by Dr. Heagy.

429 **Vote:** 6 yeas / 0 opposed. Motion carried.

430 **v. Course #20-630546**

431 **Action:** Motion to deny made by Dr. Heagy. Second by Dr. Fox.

432 **Vote:** 6 yeas / 0 opposed. Motion carried.

433 **vi. Course #20-604721**

434 **Action:** Motion to deny made by Dr. Heagy. Second by Mr. Licata.

435 **Vote:** 6 yeas / 0 opposed. Motion carried.

436 **viii. Course #20-631250**

437 **Action:** Motion to deny made by Dr. Heagy. Second by Mr. Licata.

438 **Vote:** 6 yeas / 0 opposed. Motion carried.

439 **ix. Course #20-631512**

440 **Action:** Motion to deny made by Dr. Heagy. Second by Mr. Licata.

441 **Vote:** 6 yeas / 0 opposed. Motion carried.

442 **x. Course #20-631516**

443 **Action:** Motion to deny made by Dr. Heagy. Second by Dr. Fox.

444 **Vote:** 6 yeas / 0 opposed. Motion carried.

445 **xi. Course #20-631520**

446 **Action:** Motion to deny made by Dr. Fox. Second by Mr. Licata.

447 **Vote:** 6 yeas / 0 opposed. Motion carried.

448 **Section X ended at 4:08 p.m.**

449 **Section XI began at 4:08 p.m.**

450 **Skipped to Section XIV**

451 **Section XIV began at 4:19 p.m.**

452 **XI. CHAIR/VICE-CHAIR REPORT:**

453 Nothing to report.

454 **Section XI ended at 4:08 p.m.**

455 **XII. EXECUTIVE DIRECTOR'S REPORT:**

456 **a. Online CE hours**

457 Dr. Spivey received a letter from the Florida Chiropractic Society stating that Dr.
458 Warner is not a representative of the Society. Dr. Warner testified previously under oath
459 to the Board that he was. A response was also received from the Florida Chiropractic
460 Physician's Association stating that Dr. Warner is not a representative for the FCPA.

461
462
463 **b. Chiropractic Fee Scenarios**

464 Several scenarios were discussed with fee reductions and budgets. Dr. Fogarty wanted
465 the fee reduced permanently by \$50.00. Mr. Licata discussed a permanent \$50.00 fee

466 reduction and a \$50.00 holiday. Mr. Harris stated this was possible. Dr. Spivey will run
467 some scenarios with the budget office and come back to the May meeting with some
468 suggestions.

469
470 **c. Annual Delegation of Authority**

471 Dr. Spivey reviewed the report with the Board Members.

472
473 **d. National Board of Chiropractic Examiners**

474 The annual meeting is coming up in May. Dr. Heagy and Dr. Fox will be approved as
475 voting delegates.

476
477 **e. Healthcare Practitioners Application**

478 Dr. Spivey explained the proposed standardized healthcare application.

479
480 **Action:** Motion to open the rule for development made by Dr. Heagy. Second by Dr.
481 Weingarten.

482 **Vote:** 6 yeas / 0 opposed. Motion carried.

483 **Section XII ended at: 3:35 p.m.**

484 **Skipped to Section IX**

485 **Section IX began at: 3:36 p.m.**

486 **XIII. BOARD COUNSEL'S REPORT:**

487 **a. November Rules Report**

488 **b. December Rules Report**

489 **c. January Rules Report**

490 **d. Mandatory Courses (64B14-5.005)**

491 **e. Continuing Education (64B2-13.004)**

492 Mr. Harris gave the Board some ideas for revisions to this rule. Online continuing
493 education was discussed by the Board members. Online continuing education can be
494 reported immediately through CE Broker. The language real-time was agreed to be
495 deleted. The provision to be able to ask the instructor questions and get a response in
496 a timely fashion will be added in the language. Timely fashion was not defined and it
497 was decided to leave any time-limit language vague. There could be some post-test
498 language added at a later date.

499
500 Public comment was allowed and limited to five minutes. Mr. Bayo approached the
501 Board as a continuing education provider himself, providing an opinion to the Board
502 recommending online continuing education. Ms. Driggers with the FCA felt the
503 current requirement still represented 25% of the required continuing education and
504 the current rule was fine. Ms. Driggers added online continuing education should
505 still be competency based learning but the FCA agreed with the Board on their
506 recommendations. Mr. Warner was present with his attorney, Michelle Champion,
507 Esq. and Dr. Schmidt. Ms. Champion did agree with what was being proposed.

508
509 Mr. Harris suggested a definition for competency based learning. The definition for
510 an online attendance course is for purposes of this rule: online continuing education
511 course means a course presented through live synchronous technology or through

512 pre-recorded video coupled with a means for students to ask questions of the
513 instructor and receive a timely response. Six courses may be presented through video
514 conferencing technologies or interactive computer based applications and shall be
515 competency based learning. Mr. Harris added some proposed definition language to
516 competency based learning that included the following: Competency based learning
517 shall mean a course in which a pre-test and a post-test are required to assess the
518 learner's mastery of the material. A minimum score of 75% on all questions is
519 required to achieve credit for the course.

520
521 The pre-test suggestion was removed by the Board. Competency based learning must
522 obtain a minimum passing score of 75% was agreed to by the Board. The language
523 that will be put in the new definition will read as follows: the challenge questions for
524 each credit hour must be passed before the next credit hour may be attempted.

525
526 Mr. Harris stated the Section (3) b will read each licensee may obtain no more than
527 10 general hours each biennium through online attendance continuing education
528 courses.

529
530 Mr. Harris discussed standard for approval for all continuing education courses
531 whether live, live webinar or online attendance would require approval prior to the
532 date of presentation. Competency based learning will be deleted because it is now in
533 the online. The procedure to be used for recording attendance of those attendees
534 seeking to apply for continuing education credit and the procedure for certification
535 by the program's register of attendance is to be submitted to the board as
536 verification. The provider must require that a licensee provide a photo identification
537 and sign-in and out each time they enter or exit the meeting site. Providers of online
538 attendance courses must explain how this requirement will be substantially met
539 through the courses technology. Mr. Harris asked the Board if they would be
540 comfortable deleting this and saying instead, for live courses, they must provide the
541 photo identification and sign-in and out. The online technology would not need this
542 language because the challenge questions and the post-tests would solve the
543 verification problem. Dr. Heagy did not agree and discussed facial recognition even
544 though it is an emerging technology. The language needed to stay vague for now.
545 Online providers will have additional burdens in the current draft language. The
546 continuing education provider must explain the appropriate level of technology
547 required for the licensee to participate in the course. The continuing education
548 provider must have technical assistance available as appropriate to the format. The
549 provider must allow access to the online program to a board member for auditing
550 purposes. Copies of all tests, quizzes and/or attendance challenge questions must be
551 submitted for board review. Mr. Harris did not include the SCORM format. The
552 provider must show what security is available. The Board will still consider genuine
553 hardships. Licensees already have the ability to get Florida approved continuing
554 education pre-approved by submitting it to the board 30 days ahead of time for
555 approval by the CE Chair. Section (d) will be struck-thru.

556

557 Public comment was opened.

558

559 * Break 12:55 p.m. until 1:15 p.m.

560

561 **Action:** Motion to approve the language of Rule 64B2-13.004 continuing education
562 as so discussed of the language that was agreed on made by Dr. Hunt. Second made
563 Dr. Heagy.

564

565 **Vote:** 7 yeas / 0 opposed. Motion carried.

566

567 **Action:** Motion to designate a board member to review the language prior to it being
568 submitted for publication made by Dr. Fox. Second by Dr. Heagy.

569

570 Dr. Weingarten will review the language prior to publication.

571

572 **Vote:** 7 yeas / 0 opposed. Motion carried.

573

574 The Statement of Annual Regulatory Costs (SERC) is requested when considering
575 any rule-making.

576

577 1. Would this have an adverse effect on small business?

578

579 No, this should not have any effect on small business. This Rule being opened up
580 would allow the possibilities for more small businesses for chiropractors to
581 achieve continuing education.

582

583 **Vote:** 7 yeas / 0 opposed. Motion carried.

584

585 2. Would any part of the Rule language increase regulatory costs to any entity
586 including the government in the excess of \$200,000.00 within 1-year of
587 implementation?

588

No.

589

590 3. Do you believe the Rule amendments to increase regulatory costs to any entity in
591 excess of \$1,000,000.00 within five years of the last part of the Rule to become
592 effective.

593

No.

594

595 Therefore, the Rule does not need to be submitted to the Legislature for
596 ratification.

597

598 4. Per Chapter 120.695 Florida Statutes, do you believe a violation of any part of
599 the Rule can be remedied through a Notice of Non-Compliance?

599

600

No, it is not a minor violation.

601

602 Violation to the continuing education rules violate the public’s health, safety, and
603 welfare.

604 **Vote:** 7 yeas / 0 opposed. Motion carried.

605

606 The language will be published to start the 21-day comment period.

607

608 **f. Continuing Education Courses (64B2-13.0045)**

609 Mr. Harris presented the draft language to the Board. Subsection 2 should be
610 stricken. Once a practitioner relocates to or starts practice in the state of Florida,
611 the 1-year requirement must be met that requires the licensee to appear at a live
612 board meeting. The Board was good with subsection (1). Strike number three.
613 Strike number 2. Add the language: If a licensee starts practicing in the state of
614 Florida or if they start residency, the 12-month clock starts then. The words “after
615 locating” should be replaced with “establishing practice” in Florida to start the 1-
616 year requirement.

617

618 Public comment was opened. There was none.

619

620 **Action:** Motion to accept the changes to Rule 64B2-13.0045 made by Dr. Heagy.
621 Second by Dr. Fox.

622 **Vote:** 7 yeas / 0 opposed. Motion carried.

623

624 Would any of the changes to the both Rules create an adverse effect on small
625 business or increase costs to any entity in excess of \$200,000.00 within 1-year of
626 implementation.

627

628 **Vote:** No; unanimous.

629

630 For both of the Rules, would the effect of the amendments be to increase
631 regulatory costs in excess of \$1,000,000.00 within five years of the last portion of
632 the Rule to be implemented.

633

634 **Vote:** No; unanimous.

635

636 Can any portion of the Rules whether the existing portion or as amended be
637 resolved as a minor violation and therefore a notice of non-compliance could be
638 issued?

639

640 **Vote:** No; unanimous.

641

642 **Action:** Motion to approve Rule 64B2-13.007 continuing education requirements
643 made by Dr. Weingarten. Second by Dr. Fox.

644

645 **Vote:** 7 yeas / 0 opposed. Motion carried.

646

647 **g. Statutory Language to Authorize Licensure by Endorsement and**
648 **Licensure of Foreign Graduates**

649 Dr. Heagy requested the Board adopt this language.

650 **Action:** Motion Dr. Hunt requested the Board adopt this language. Second by Dr.
651 Fox.

652 **Vote:** 7 yeas / 0 opposed. Motion carried.

653 **Section XIII ended at: 1:18 p.m.**

654 **Section IV began at: 1:44 p.m.**

655 **XIV. COMMITTEE REPORTS**

656 **a. Budget – Mr. Colter**

657 \$ 413,000 was swept last year. The ending cash balances are predicted out to
658 2023.

659 **b. Certified Chiropractic Physicians Assistants – Dr. Hunt/Dr. Fox**

660 Dr. Fox volunteered for Thursdays starting @ 8:00 a.m. for 1-hour.

661 **c. Continuing Education – Drs. Hunt/Weingarten**

662 Dr. Heagy discussed curriculum vitae's and the use of certifications that are
663 not allowed in the state of Florida. Dr. Heagy asked for Dr. Hunt to take over
664 the Continuing Education Committee. Dr. Heagy will stay on for now.

665 **d. Disciplinary Compliance – Dr. Fogarty**

666 Nothing to report.

667 **e. Examination – Dr. Heagy**

668 Nothing to report.

669 **f. Healthiest Weight – Dr. Weingarten**

670 Nothing to report.

671 **g. Legislation – Dr. Heagy/Mr. Colter**

672 Previously discussed.

673 **h. Probable Cause – Drs. Weingarten/Fox**

674 Dr. Weingarten and Dr. Fox will reduce the panels to two (2).

675 **i. Rules – Dr. Weingarten**

676 Nothing to report.

677 **j. Unlicensed Activity –Mr. Licata**

678 **k. Outstanding Service Award – Dr. Heagy**

679 Dr. Fox will be taking this committee.

680
681
682
683 Dr. Fox will be attending the May Part IV Examination. Dr. Hunt would like to
684 attend for the June Part IV Examination. Dr. Fox will continue as a grader at this
685 point.

686 **Section XIV ended at 4:26 p.m.**

687 **Section XV began at 4:26 p.m.**

688 **XV. OLD BUSINESS:**

689 None.

690 **Section XV ended at 4:26 p.m.**

691 **Section XVI began at 4:27 p.m.**

692

693 **XVI. NEW BUSINESS:**

694 None.

695 **Section XVI ended at 4:27 p.m.**

696 **Section XVII began at 4:28 p.m.**

697 **XVII. NEXT MEETING DATE:**

698 **a. May 18, 2018**

699 **Section XVII ended at 4:28 p.m.**

700 **Section XVIII began at 4:29 p.m.**

701 **XVIII. PUBLIC COMMENT:**

702 No public comment.

703 **Section XVIII ended at 4:29 p.m.**

704 **Section XIX began at 4:30 p.m.**

705 **XIX. ADJOURNMENT:**

706 Motion to adjourn the meeting made by Dr. Heagy. Second by Mr. Licata.

707 Adjourned at 4:30 p.m.

708 **Vote:** 6 yeas / 0 opposed. Motion carried.

709 **Section XIX ended at 4:30 p.m.**

710

711

DRAFT