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**DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
BOARD OF CHIROPRACTIC MEDICINE**

**MINUTES
GENERAL BUSINESS MEETING**

**Peabody Orlando
9901 International Drive
Orlando, Florida 32819**

April 12, 2012

15 Agenda items are subject to being taken up at anytime during the meeting. Participants in this
16 public meeting should be aware that these proceedings are being recorded and that an audio file
17 of the meeting will be posted to the board's website.

18
19 **CALL TO ORDER:**

20 Dr. Rod Jones, Chairman, called the meeting to order at 4:10 p.m. Those present for all or part of
21 the meeting included the following:

22
23 **BOARD MEMBERS:**

24 Rod Jones, D.C., Chair
25 Michael Mathesie, D.C., Vice-Chair
26 Ron Wellikoff, D.C.
27 Debra Hoffman, D.C.
28 Ms. Linda Reynolds

29
30 **BOARD MEMBER NOT PRESENT:**

31 Kevin Fogarty, D.C. – Excused
32 Ms. Eileen Perman – Excused

33
34 **BOARD STAFF:**

35 Bruce Deterding, Board Executive Director
36 Sharon Guilford, Program Operations Administrator
37 Michele Jackson, Regulatory Consultant/Supervisor

38
39 **BOARD COUNSEL:**

40 Deborah Loucks, Assistant Attorney General
41 Office of Attorney General

42
43 **PROSECUTING ATTORNEY:**

44 Tari Rossitto-Van Winkle, Assistant General Counsel

45
46 **COURT REPORTER:**

47 American Court Reporting
48 (407) 896-1813

1 Dr. Wellikoff was recognized to discuss his concerns with registered chiropractic
2 assistants using manual therapy codes and massage therapy codes.

3
4 Dr. Clay Hopkins was recognized from the audience to address the board. Discussion
5 ensued.

6
7 Dr. Hopkins asked if a registered chiropractic assistant, who also is licensed as a massage
8 therapist, may perform manual therapy.

9
10 Ms. Loucks stated that the board cannot provide the response as the board does not
11 regulate the medical insurance coding procedures.

12
13 Ms. Rossitto-Van Winkle stated that the RCA or CCPA working under direct supervision
14 of a licensed chiropractor could perform such service if they have been properly trained.
15 Also, if an RCA or CCPA is licensed as a massage therapist and billed for the procedure
16 under their massage therapy license it would be acceptable.

17
18 Mr. Deterding added that if the procedure was billed under the massage therapist's
19 license then the clinic would also need a massage establishment license.

20
21 Discussion ensued regarding proper training for RCAs and CCPAs, the board's statutory
22 authority for regulating licensed RCAs and other related subjects.

23
24 Ms. Loucks stated that a licensed chiropractic physician may file a Petition for
25 Declaratory Statement to request the board to assist in defining a registered chiropractic
26 assistant's duties and responsibilities. She also stated that chapter 460, Florida Statutes,
27 does not give the board any authority to create rules with regard to RCAs.

28
29 The board suggested the Florida Chiropractic Association and Florida Chiropractic
30 Society may consider addressing their membership on the chiropractic physician's
31 responsibilities in delegating indirect supervision to RCAs and CCPAs.

32
33 **INFORMATION:**

34
35 • **Electro Diagnostic Testing --**

36
37 Albert Comey, DC, DACNB, with the American Chiropractic Association, Council on
38 Neurology, was present and addressed the board.

39
40 Dr. Comey stated that their program hours have been increased from 150 to 250. The
41 National College of Health Sciences IBE recommended 300 hours (150 core training and
42 150 neurology) and 450 fellowship hours.

43
44 The board discussed their existing authority for a licensure indication of training for this
45 testing and concluded that the subject would require more discussion. As a result of the
46 corollary discussion, the board asked staff to obtain a list of all diplomate programs from

1 IACN, ACA, and ICA so that they could be added to the board's website and to possibly
2 to the physician's profile screen on a pull-down menu. The board asked staff to report
3 back to them on how this might be done.

4
5 **CHAIR/VICE-CHAIR REPORT:**

- 6
7 • **Clarification of Advertising Issues with Employing a Chiropractic Physician**
8 **(Medical and Osteopathic Board)**

9
10 Dr. Jones addressed his concerns but there was no action taken by the board.

- 11
12 • **Future Agenda Items**

13
14 No additional agenda items.

15
16 **EXECUTIVE DIRECTOR'S REPORT**

17
18 No report provided.

19
20 **COMMITTEE REPORTS:**

21
22 **Budget – Ms. Reynolds**

- 23
24 • **Expenditures by Function for Period Ending 12/31/2012**
25 • **Cash Balance Report for 3 Months Ending 12/31/2012**
26 • **Total Expenditures (Direct and Allocated) by Board for 3 Months Ending**
27 **12/31/2012**
28 • **Allocations to Boards by Source Organization and Category for 3**
29 **Months Ending 12/31/2012**

30
31 Information only.

32
33 The board requested Mr. Deterding to send the PowerPoint presentation that was presented at the
34 Chair and Budget Committee held in Tallahassee to all the board members.

35
36 **CCPA – Dr. Mathesie**

37
38 No report.

39
40 **Continuing Education – Dr. Wellikoff**

41
42 **Update – Florida Chiropractic Physicians Association Seminar**

43
44 Dr. Wellikoff provided an overview of several courses that he had attended on behalf of
45 the board to ensure the programs were complying with the laws and rules.

46
47 **Approved CE Providers and Courses for 2/23/04 – 2/2/12**

1
2 The board discussed the list of approved CE Providers and courses.

3
4 Mr. Deterding stated that the new law would correct the problem with the courses offered
5 by chiropractic colleges.

6
7 **Rules – Dr. Jones**

8
9 Ms. Loucks requested the board to review the drafted language for the following:

10
11 **64B2-12.005 Biennial Renewal Fee/Initial Licensure Fee.**

12
13 A discussion ensued changing the biennial renewal fee to \$350.00 and the initial license fee to
14 \$300.00.

15
16 **Dr. Hoffman moved to accept the drafted language and move forward with Noticing for**
17 **Rule Development. The motion was seconded and carried 4/0.**

18
19 **Dr. Wellikoff moved that the proposed rule would not have any adverse impacts on small**
20 **businesses and would not be likely to directly or indirectly increase regulatory costs to any**
21 **entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year**
22 **after the implementation of the rule. The motion was seconded and carried 4/0.**

23
24 **64B2-13.004 Continuing Education.**

25
26 Ms. Loucks requested the board to consider reducing the number of hours a chiropractic
27 physician would have to complete when reactivating their license. The license shall
28 complete forty (40) classroom hours of continuing chiropractic education for each
29 biennium they are inactive.

30
31 The board discussed the following:

32
33 **64B2-13.004 Continuing Education.**

34 (1) For the purpose of renewing or reactivating a license, an applicant must demonstrate
35 to the Board that he or she participated in at least forty (40) classroom hours of
36 continuing chiropractic education, ~~during all bienniums during with the license was~~
37 ~~inactive, or for purposes of renewal~~ during the past two years. Of which at least three
38 hours shall be with regard to risk management with two of these three risk management
39 hours specifically relating to the laws and rules of the board and the regulatory agency
40 under which the Board operates. For the purpose of this rule, risk management means the
41 identification, investigation, analysis, and evaluation of risks and the selection of the
42 most advantageous method of correcting, reducing or eliminating identifiable risks. The
43 laws and rules of the Board and the regulatory agency under which the Board operates
44 include Chapter 456 and 460, F.S., and Rule Chapter 64B2, F.A.C.

45
46 **Dr. Mathesie moved to not change Rule 64B2-13.004, F.A.C., at this time. The**
47 **motion was seconded and carried 4/0.**

1 **64B2-13.0049 Inactive Status License.**

2 (1) Any licensee may elect at the time of license renewal to place the license into
3 inactive status by filing with the board a complete application for inactive status as
4 defined in subsection 64B2-13.001(2), F.A.C., and paying the inactive status fee.

5 (2) An inactive status licensee may change to active status at any time provided the
6 licensee meets the continuing education requirements of Rule 64B2-13.004, F.A.C., pays
7 the reactivation fee, and if the request to change licensure status is made at any time other
8 than at the beginning of a licensure cycle, pays the additional processing fee. However, a
9 licensee whose license has been in inactive status for more than two consecutive biennial
10 licensure cycles, and who has not practiced chiropractic medicine in any jurisdiction
11 during the period of inactive status, shall be required to appear before the board before
12 the license can be placed into active status. The board at the time of the appearance shall
13 impose upon the licensee reasonable conditions necessary to insure that the licensee can
14 practice with the care and skill sufficient to protect the health, safety and welfare of the
15 public.

16 *Rulemaking Authority 456.036 FS. Law Implemented 456.036 FS. History–New 2-20-95,*
17 *Formerly 59N-13.0049, Amended 7-11-02, 1-25-04, 1-9-12.*

18
19 Ms. Loucks will have both rules on the next board agenda for discussion.
20

21 **COMMITTEE REPORTS:**

22
23 **Trust Accounting (new law)**

24
25 Ms. Loucks stated that the rule has been approved.
26

27 **Credentials – Dr. Wellikoff**

28
29 No report.
30

31 **Examination – Dr. Hoffman**

32
33 No report.
34

35 **Legislation – Dr. Fogarty/Ms. Reynolds**

36
37 Dr. Fogarty had no report.
38

39 Mr. Deterding provided an overview of the chiropractic bill that recently passed the
40 legislature and indicated that the bill had been given to the governor for signature. The
41 bill must be signed or vetoed within 15 days, or it will be approved without his signature.
42

43 **NEXT MEETING DATE – June 22nd – Orlando**

44
45 **ADJOURNMENT**
46

1 The meeting was adjourned at 7:07 p.m. and will reconvene at 8:30 a.m. on Friday, April
2 13, 2012.

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**DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
BOARD OF CHIROPRACTIC MEDICINE**

**MINUTES – DRAFT
GENERAL BUSINESS MEETING**

**Peabody Orlando
9901 International Drive
Orlando, Florida 32819**

April 13, 2012

Agenda items are subject to being taken up at anytime during the meeting. Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

CALL TO ORDER:

Dr. Rod Jones, Chairman, called the meeting to order at 8:30 a.m. Those present for all or part of the meeting included the following:

BOARD MEMBERS:

Rod Jones, D.C., Chair
Michael Mathesie, D.C., Vice-Chair
Ron Wellikoff, D.C.
Kevin Fogarty, D.C.
Debra Hoffman, D.C.
Ms. Linda Reynolds

BOARD MEMBER NOT PRESENT:

Ms. Eileen Perman, (Excused)

BOARD STAFF:

Bruce Deterding, Board Executive Director
Sharon Guilford, Program Operations Administrator
Michele Jackson, Regulatory Consultant/Supervisor

BOARD COUNSEL:

Deborah Loucks, Assistant Attorney General
Office of Attorney General

PROSECUTING ATTORNEY:

Tari Rossitto-Van Winkle, Assistant General Counsel

COURT REPORTER:

American Court Reporting
(407) 896-1813

1 Dr. Wellikoff addressed the Standard of Care and the HB 119, PIP legislative bill. The PIP bill
2 appears to undermine the scope of practice of chiropractic physicians.
3

4 **Dr. Wellikoff moved to formulate a letter to the governor and state legislature indicating**
5 **that the law violates the chiropractic physicians practice act. The motion was seconded and**
6 **carried 6/0.**
7

8 **APPROVAL OF MINUTES – February 17, 2012 – Full Board Meeting**
9

10 **Dr. Wellikoff moved to accept the above minutes as presented with the corrections to page**
11 **10 to add “Dr. Fogarty recused from participating”. The motion was seconded and carried**
12 **6/0.**
13

14 **FINAL ORDER ACTIONS:**
15

16 **Motion for Final Order Accepting Voluntary Relinquishment of License:**
17

18 **Harvey R. Lerfelt, D.C. – Case Number 11-03329**
19 **PCP: Waived**
20

21 Dr. Lerfelt was neither present nor represented by counsel during the proceedings.
22

23 Ms. Rossitto-Van Winkle stated that the respondent had violated:

- 24 • Sections 456.072(1)(f), F.S.
- 25

26 Ms. Rossitto-Van Winkle stated that respondent has requested the board to accept the Voluntary
27 Relinquishment of his chiropractic medicine’s license by discipline.
28

29 A brief discussion ensued.
30

31 **Dr. Fogarty moved to accept the Voluntary Relinquishment by discipline. The motion was**
32 **seconded and carried 6/0.**
33

34 **Motions for Determination of Waiver and for Final Order by Hearing not Involving**
35 **Disputed Issues of Material Fact:**
36

37 **Carlos M. Gonzalez, D.C. – Case Number 08-23417**
38 **PCP: Dougherty/Hoffman**
39

40 Dr. Gonzalez was present, sworn but was not represented by counsel.
41

42 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 43 • Section 456.072(1)(w), 456.039(3), and 456.042, F.S.
 - 44 • Section 456.072(1)(x), F.S.
 - 45 • Section 456.072(1)(c), F.S.
 - 46 • Section 460.413(1)(c), F.S.
- 47

1 **Dr. Wellikoff moved to accept the investigative report and all case materials including all**
2 **confidential and addendum materials, if any, into evidence in these proceedings. The**
3 **motion was seconded and carried 5/0.**

4
5 **Ms. Reynolds moved that the respondent was properly served by publication and has**
6 **waived his right to a formal hearing. The motion was seconded and carried 5/0.**

7
8 Dr. Gonzalez addressed the board stating that he had been represented by counsel, but his
9 attorney had not responded to the notice.

10
11 **Dr. Wellikoff moved to adopt the findings of fact into evidence as alleged in the**
12 **administrative complaint. The motion was seconded and carried 5/0.**

13
14 Dr. Gonzalez addressed the board.

15
16 The board stated that in light of the situation with the actions of the respondent's attorney the
17 following action was taken:

18
19 **Dr. Wellikoff moved to grant an extension for hearing the respondent's case until the June**
20 **2012 board meeting. The motion was seconded and carried 4/1 with Ms. Reynolds opposed.**

21
22 Ms. Rossitto-Van Winkle stated that the department opposed the extension.

23
24 **Alan E. Kushner, D.C. – Case Number 10-22438**
25 **PCP: Dougherty/Hoffman**

26
27 Ms. Rossitto-Van Winkle stated that the respondent requested the case to be postponed until the
28 June 2012, board meeting.

29
30 **Motions for Final Order by Settlement Agreement:**

31
32 **Karen A. Cann, D.C. – Case Number 08-26997**
33 **PCP: Jenkins/Reynolds**

34
35 Dr. Cann was present, sworn and was represented by Mr. Brian Newman, Esq.

36
37 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 38
 - Section 460.413, (1)(d), F.S.

39
40 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the
41 following provisions:

- 42
 - appearance
 - 43 • letter of concern
 - 44 • administrative fine of \$500.00, payable within in thirty (30) days
 - 45 • administrative costs of \$5,228.33, payable within one (1) year
 - 46 • completion of three (3) hours continuing education with two (2) hours in laws and rules
 - 47 • tolling provision applies

1 **Dr. Wellikoff moved to reject the Settlement Agreement. The motion was seconded and**
2 **carried 5/0.**

3
4 **Dr. Wellikoff moved to counter Settlement Agreement to accept the all of the terms of the**
5 **proposed Settlement Agreement and adding four (4) hours of continuing education on laser**
6 **treatment. This requirement would be in addition to the renewal CE `requirements. The**
7 **motion was seconded and carried 5/0.**

8
9 **Alejandro O. Nalda, D.C. – Case Number 07-06192**
10 **PCP: Dougherty/Hoffman**

11
12 Dr. Nalda was present, sworn and was represented by Dr. Henry Rubinstein, Esq.

13
14 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 15 • Sections 460.413, (1)(m), F.S., 460.413(1)(ff), F.S., and/or Rule 64B2-17.0065, F.A.C.
- 16 • Sections 460.413(1)(j), F.S., and/or 460.413(1)(ff), F.S.
- 17 • Section 460.413(1)(x), F.S.
- 18 • Sections 456.072(1)(ff), (ff), and 460.413(1)(ff), F.S.
- 19 • Section 460.413(1)(i) and (ff), F.S., and Rules 64B2-18.001 and 18.007, F.A.C.
- 20 • Section 460.413(1)(u), F.S.

21
22 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the
23 following provisions:

- 24 • reprimand
- 25 • administrative fine of \$1.00, payable within in thirty (30) days
- 26 • administrative costs of \$11,554.74, payable within four (4) years in equal monthly
27 installments
- 28 • completion of three (3) hours continuing education with two (2) hours in laws and rules
- 29 • attend three (3) chiropractic board meetings within two (2) years and notify the board
30 within 30 days prior to board meeting
- 31 • suspension for a period of four (4) years to run concurrent with the four (4) years
32 imposed in Final Order Number DOH-11-2179-S-MQA (resolving DOH Case Numbers
33 2007-36328 & 2010-21221)
- 34 • probation for a period of four (4) years to run concurrent with the four (4) years imposed
35 in Final Order Number DOH-11-2179-S-MQA (resolving DOH Case Numbers 2007-
36 36328 & 2010-21221)
- 37 • imposed monitoring as defined in the Final Order
- 38 • monitor shall submit quarterly reports to the Probationary Committee
- 39 • tolling provisions apply

40
41 Dr. Rubinstein addressed the board on behalf of his client.

42
43 **Dr. Fogarty moved to accept the settlement agreement. The motion was seconded and**
44 **carried 5/0.**

45
46 **Fred H. Quintana, D.C. – Case Number 07-15322**
47 **PCP: Dougherty/Hoffman**

48
49 Dr. Quintana was present, sworn and was represented by Mr. Henry Rubinstein, Esq.

1
2 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 3 • Sections 460.413, (1)(m), F.S., and/or Rule 64B2-17.0065, F.A.C.
- 4 • Sections 400.9935(1)(f) and (g), 400.9935(6), Section 460.413(1)(m), and/or Section
- 5 460.413(1)(i), and/or Section 460.413(1)(ff), F.S. and Rule 64B2-17.0065 F.A.C.,
- 6 • Section 460.413(1)(ff), and/or Section 460.403(7), F.S., and/or Rule 64B2-18.001, and/or
- 7 Rule 64B2-18.0075, F.A.C..
- 8 • Sections 460.413(1)(x) and (1)(ff), F.S.
- 9 • Section 456.072(1)(ff), and/or Section 460.413(1)(ff), F.S.
- 10 • Sections 460.413(1)(n), and (1)(ff), F.S.

11
12 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the
13 following provisions:

- 14 • reprimand
- 15 • administrative fine of \$10,000.00, payable within in four (4) years in equal monthly
- 16 installments
- 17 • administrative costs of \$14,155.74, payable within four (4) years in equal monthly
- 18 installments
- 19 • suspension stayed for a period of four (4) years
- 20 • probation for a period of four (4) years
- 21 • may request early termination after the successful completion of the first two and one-
- 22 half (2 ½) years of probation
- 23 • imposed monitoring as defined in the Final Order
- 24 • monitor shall submit quarterly reports to the Probationary Committee
- 25 • completion of nine (9) hours continuing education in the areas of six (6) hours in CPT
- 26 coding, compliance and documentation; two (2) hours in laws and rules; and one (1) hour
- 27 in risk management within one year
- 28 • attend four (4) chiropractic board meetings within two (2) years and notify the board
- 29 within 30 days prior to board meeting
- 30 • tolling provisions apply

31
32 Dr. Rubinstein addressed the board on behalf of his client.

33
34 **Ms. Reynolds moved to accept the Settlement Agreement. The motion was seconded and**
35 **carried 5/0.**

36
37 **Rafael R. Rey, D.C. – Case Number 10-23484**
38 **PCP: Dougherty/Hoffman**
39

40 Dr. Rey was present, sworn and was represented by Ms. Louise T. Jeroslow, Esq.

41
42 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 43 • Sections 460.413, (1)(m), F.S., 460.413(1)(ff), F.S., and/or Rule 64B2-17.0065, F.A.C.
- 44 • Sections 460.413(1)(y), (1)(ff), F.S., and/or Rule 64B2-14.001(2), F.A.C.

45
46 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the
47 following provisions:

- 48 • reprimand
- 49 • administrative fine of \$5,000.00, payable within one (1) year

- 1 • administrative costs of \$3,887.80, payable within one (1) year
- 2 • completion of three (3) hours continuing education with two (2) hours in laws and rules;
- 3 and six (6) hours in record keeping, documentation and coding within one (1) year
- 4 • probation for a period of two (2) years
- 5 • imposed monitoring as defined in the Final Order
- 6 • monitor shall submit quarterly reports to the Probationary Committee
- 7 • tolling provisions apply

8
9 Ms. Jeroslow addressed the board on behalf of her client.

10
11 Discussion ensued.

12
13 **Dr. Fogarty moved to reject the Settlement Agreement. The motion was seconded and**

14 **carried 5/0.**

15
16 **Dr. Fogarty moved to issue a Counter Settlement Agreement to include all provisions in the**

17 **original agreement but to include four (4) hours continuing education course in Medicare**

18 **documentation within one year, and increasing the number of files being audited to 10. The**

19 **motion was seconded and carried 5/0.**

20
21 Ms. Rossitto-Van Winkle accepted the counter agreement.

22
23 Ms. Jeroslow accepted on behalf of her client.

24
25 **Tamer A. Sabry, D.C. – Case Number 10-03232**

26 **PCP: Dougherty/Hoffman**

27
28 Dr. Sabry was present, sworn and was represented by Mr. David Shenkman, Esq.

29
30 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 31 • Sections 460.413,(1)(i), and (1)(ff), F.S.

32
33 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the

34 following provisions:

- 35 • letter of concern
- 36 • administrative fine of \$5,000.00, payable within thirty (30) days
- 37 • administrative costs of \$2,248.41, payable within thirty (30) days
- 38 • completion of three (3) hours continuing education with two (2) hours in laws and rules
- 39 and one (1) hour in risk management within one (1) year

40
41 Mr. Shenkman addressed the board on behalf of his client.

42
43 Discussion ensued.

44
45 **Dr. Fogarty moved to reject the Settlement Agreement. The motion was seconded and**

46 **carried 5/0.**

47
48 **Dr. Fogarty moved to issue a Counter Settlement Agreement to include all provisions in the**

49 **original agreement but to include four (4) hours continuing education in risk management**

1 **within one year and the payments to be in equal installment within one (1) year. The**
2 **motion was seconded and carried 5/0.**

3
4 Dr. Shenkman accepted the counter agreement.

5
6 Dr. Hoffman stated that the national ethics course is offered six (6) times per year.

7
8 **Robert E. Thompson, D.C. – Case Number 10-15074**
9 **PCP: LaRusso/Reynolds**

10
11 Dr. Thompson was not present but was represented by Mr. Kenneth A. Scaz, Esq.

12
13 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 14
 - Sections 460.413,(1)(m), and (1)(ff), F.S.

15
16 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the
17 following provisions:

- 18
 - letter of concern
 - administrative fine of \$2,500.00, payable within one (1) year
 - administrative costs of \$4,121.16, payable within one (1) year
 - completion of three (3) hours continuing education with two (2) hours in laws and rules;
and six (6) hours in record keeping, documentation and coding within one (1) year
 - probation with a board approved monitor for a period of one (1) year as defined in the
Final Order
 - monitor shall submit reports to the Probationary Committee
 - tolling provisions apply

19
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27
28 **Dr. Mathesie moved to accept the Settlement Agreement. The motion was seconded and**
29 **carried 5/0.**

30
31 **Motion for Final Order following Recommended Order:**

32
33 **John P. Christensen, D.C. – Case Number 11-12320 – DOAH Case Number**
34 **11-4936PL**

35
36 Dr. Christensen was not present but was represented by Mr. Allan L. Hoffman, Esq.

37
38 Dr. Jones provided an overview of the Recommended Order by the Florida Administrative Law
39 Judge and the proper procedures in the actions by the board.

40
41 **Dr. Fogarty moved accept the findings of facts of the recommended order. The**
42 **motion was seconded and carried 5/0.**

43
44 **Ms. Reynolds moved to accept the conclusions of law. The motion was seconded and**
45 **carried 5/0.**

46
47 Mr. Hoffman addressed the board on behalf of his client.

1 **Dr. Mathesie moved to deny the petitioner's exception. The motion was seconded**
2 **and carried 6/0.**

3
4 **Dr. Wellikoff moved to accept the Administrative Law Judge's Recommended**
5 **Order to issue a suspension for a period of one year, probation for a period of two**
6 **years requiring one visit every month for the entire two year period, review of 20**
7 **files or 100% whichever is less, imposing a fine of \$10,000.00 payable within one**
8 **year with equal monthly installments, and the tolling provisions shall apply during**
9 **the probationary period. The motion was seconded and carried 6/0.**

10
11 **Dr. Wellikoff moved to postpone the action on the costs in the case until a later date.**
12 **The motion was seconded and carried 6/0.**

13
14 **Prosecution Report**

15
16 Ms. Rossitto-Van Winkle provided an overview of the Prosecution Report and requested
17 the following action.

18
19 **Dr. Hoffman moved to allow the prosecution of any year old cases. The motion was**
20 **seconded and carried 6/0.**

21
22 **Dr. Hoffman moved to accept the report. The motion was seconded and carried 6/0.**

23
24 **PETITIONS FOR VARIANCE/WAIVER:**

25
26 **William E. Givone, D.C. – Rule 64B2-13.004, F.A.C. – Continuing**
27 **Education**

28
29 Dr. Givone was neither present nor represented by counsel.

30
31 Ms. Loucks provided an overview of the petition.

32
33 Discussion ensued.

34
35 **Dr. Jones moved to deny the Petition for Waiver of Rule 64B2-13.004, F.A.C., for failure to**
36 **meet the underlying statute nor demonstrate that application of the rule would violate**
37 **principles of fairness. The motion was seconded and carried 5/1 with Dr. Wellikoff**
38 **opposed.**

39
40 **Lisa G. Raskin, D.C. – Rule 64B2-13.004, F.A.C. – Continuing**
41 **Education**

42
43 Dr. Raskin was neither present nor represented by counsel.

44
45 Ms. Loucks provided an overview of the petition.

46
47 Discussion ensued.

1
2 **Dr. Wellikoff moved to approve the Petition for Waiver as the Petitioner meets the purpose**
3 **of the underlying statute and that strict application of the rule would violate principles of**
4 **fairness. However, the Petitioner shall demonstrate the completion of 80 hours of Florida**
5 **board approved classroom continuing education courses in which 11 hours must be in the**
6 **areas specified in Rule 64B2-13.004(2), F.A.C. and two (2) hours relating to the prevention**
7 **of medical errors as required by Rule 64B2-13.0045, F.A.C. The motion was seconded and**
8 **carried 6/0.**

9
10 Dr. Jones provided a recap of the discussion held during yesterday's meeting.

11
12 **PETITION FOR DECLARATORY STATEMENT – Michael J. Hennings, D.C. –**
13 **Section 460.403, F.S. – Perform and Interpret Diagnostic Ultrasound**

14
15 Dr. Hennings was neither present nor represented by counsel.

16
17 Dr. Jones stated that he believed that performing and interpreting diagnostic ultrasound
18 was within the scope of practice if properly trained.

19
20 **Dr. Jones moved to deny the Petition for Declaratory Statement. The motion was**
21 **seconded and carried 6/0.**

22
23 **APPROVAL OF EXEMPTION – Paul Shlugman, D.C.**

24
25 Dr. Shlugman was present but was not represented by counsel.

26
27 Ms. Loucks stated that Dr. Shlugman had submitted an Exemption Request to receive
28 certification by AHCA and had provided an overview of the process.

29
30 Discussion ensued.

31
32 **Dr. Wellikoff moved to accept Dr. Shlugman's exemption effective April 25, 2012, which is**
33 **the date his probationary period in his criminal case is to be completed. The motion was**
34 **seconded and carried 4/2 with Drs. Mathesie and Fogarty opposed.**

35
36 **APPLICANTS PRESENTED FOR BOARD REVIEW:**

37
38 **Moshe Farhi, D.C.**

39
40 The application was withdrawn.

41
42 **Chad A. Fillimon, D.C.**

43
44 Dr. Fillimon was present, sworn but was not represented by counsel.

45
46 Ms. Loucks provided an overview of the application.

47
48 Dr. Fillimon addressed the board.

1
2 Discussion ensued.

3
4 **Dr. Wellikoff moved to approve licensure upon Dr. Fillimon's successful completion of the**
5 **Florida Laws & Rules examination. The motion was seconded and carried 6/0.**

6
7 **Ryan D. Hess, D.C.**

8
9 Dr. Hess was present, sworn but was not represented by counsel.

10
11 Ms. Loucks provided an overview of the application.

12
13 Dr. Hess addressed the board.

14
15 Discussion ensued.

16
17 **Dr. Fogarty moved to approve licensure upon successful completion of the Florida Laws &**
18 **Rules examination and the continued compliance with the Illinois Order. The motion was**
19 **seconded and carried 6/0.**

20
21 **Shane M. Hockemeyer, D.C.**

22
23 Dr. Hockemeyer was present, sworn but was not represented by counsel.

24
25 Ms. Loucks provided an overview of the application.

26
27 Dr. Hockemeyer addressed the board.

28
29 Discussion ensued.

30
31 **Dr. Wellikoff moved to conditionally approve licensure upon completion of a PRN**
32 **evaluation and successful completion of the Florida Laws & Rules examination. The**
33 **motion was seconded and carried 6/0.**

34
35 **Kevin M. Hogan, D.C.**

36
37 Dr. Hogan was present, sworn and was represented by Mr. Edwin Bayo, Esq.

38
39 Ms. Loucks provided an overview of the application.

40
41 Dr. Hogan addressed the board.

42
43 Discussion ensued.

44
45 **Dr. Wellikoff moved to approve licensure upon Dr. Hogan's successful completion of the**
46 **Florida Laws & Rules examination. The motion was seconded and carried 6/0.**

1 **RATIFICATION OF LICENSURE:**

2
3 **Chiropractic Physicians**

4 **(Amy Leigh Byrley, CH 10576 – Suzanne Frank, CH 10591)**

5
6 **Dr. Wellikoff moved to approve the ratification list. The motion was seconded and**
7 **carried 6/0.**

8
9 **Registered Chiropractic Assistants**

10 **(Daniella E Guillet, RCA 9788 -**

11
12 **Dr. Hoffman moved to approve the ratification list. The motion was seconded and**
13 **carried 6/0.**

14
15 **Chiropractic Faculty Certificate**

16 **(Vincent F Debono, CFC 13)**

17
18 **Dr. Hoffman moved to approve the ratification list. The motion was seconded and**
19 **carried 6/0.**

20
21 **COMMITTEE REPORTS:**

22
23 **Disciplinary Compliance – Dr. Mathesie**

24
25 **Disciplinary Report 1/1/2012 – 3/6/2012**

26
27 Information only.

28
29 **Thomas E. Vallorani, D.C. – Termination of Probation 00440**

30
31 Dr. Vallorani was not present but was represented by Mr. Edwin Bayo, Esq.

32
33 Ms. Loucks stated that Dr. Vallorani requested the board to consider termination of probation.

34
35 Dr. Wellikoff provided an overview of Dr. Vallorani's probationary period.

36
37 Discussion ensued.

38
39 **Dr. Wellikoff moved to dismiss the monitoring but to maintain Probation until December**
40 **11, 2012. The motion was seconded and carried 6/0.**

41
42 **Continuing Education – Dr. Wellikoff (continued)**

43
44 **Board Review – Medical Practice Solutions, RMS LLC – Rehab Pro**

45
46 Dr. Wellikoff addressed his concerns with the program submitted.

1 **Dr. Mathesie moved to approve Medical Practice Solutions courses submitted for**
2 **three (3) general hours under rehab. The motion was seconded and carried 6/0.**

3
4 The board addressed their concerns regarding the Torque Release Seminar course offered
5 by Life College

6
7 **Dr. Wellikoff moved to deny approval for the Torque Release Seminar course offered by**
8 **Life College as an appropriate continuing. The motion was seconded and carried 6/0.**

9
10 The board directed staff to contact Life University, Kathy Stavovy, Interim Director Postgraduate
11 Education and Greg Harris informing them the course was denied and provide a copy of the Final
12 Order.

13
14 The following items were discussed:

- 15
16
 - Revisiting the supervision in Rule 64B2-18.001, F.A.C.
 - Chiropractic Faculty Certificates possibly requiring continuing education or successful
18 completion of a laws and rules examination

19
20 Ms. Loucks stated that the board cannot require Chiropractic Faculty Certificates that would
21 require a statutory change.

22
23 **COMMITTEE REPORTS: (continued)**

24
25 **64B2-15.001, F.A.C. – Deceptive and Misleading Advertising**
26 **Prohibited; Policy; Definition**

27
28 No action was taken.

29
30 **INFORMATION:**

- 31
32
 - **Council of Chiropractic Education – Accreditation Actions**

33
34 Information only.

- 35
36
 - **CE Providers and Courses Approved by Committee**

37
38 **Dr. Wellikoff moved to accept the ratification list as provided. The motion was seconded**
39 **and carried 6/0.**

40
41 **Rules – Dr. Jones**

- 42
43
 - **64B2-12, F.A.C. – Fee Schedule**
 - **64B2-13.004, F.A.C. – Continuing Education**
 - **64B2-15.001, F.A.C. – Deceptive and Misleading Advertising**
46 **Prohibited; Policy; Definition**
 - **64B2-18, F.A.C. – Certified Chiropractic Physician’s Assistants**

1 The above rules were addressed previously in the meeting.

2

3 **Unlicensed Activity**

4

5 No report.

6

7 **Probable Cause – Drs. Fogarty/Hoffman/Ms. Reynolds**

8

9 **Stats**

10

11 Information only.

12

13 **ADJOURNED**

14

15 The meeting was adjourned at 3:30 p.m.