

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51

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

**MINUTES  
GENERAL BUSINESS MEETING**

**Florida Hotel and Conference Center  
1500 Sand Lake Road  
Orlando, Florida 32809**

**June 21, 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. Michael Mathesie, Chairman, called the meeting to order at 4:10 p.m. Those present for all or part of the meeting included the following:

**BOARD MEMBERS:**

Michael Mathesie, D.C., Chair  
Ron Wellikoff, D.C.  
Kevin Fogarty, D.C.  
Ms. Linda Reynolds

**BOARD MEMBERS NOT PRESENT:**

Debra Hoffman, D.C., Excused  
Ms. Eileen Perman, Excused

**BOARD STAFF:**

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

**BOARD COUNSEL:**

Deborah Loucks, Assistant Attorney General  
Office of Attorney General

**PROSECUTING ATTORNEY:**

Tari Rossitto-Van Winkle, Assistant General Counsel

**APPROVAL OF MINUTES – April 12-13, 2012 – Full Board Meeting**

**Dr. Wellikoff moved to approve the above minutes with corrections to page one line 31 and 32 adding the word "Excused" next to Dr. Fogarty's name. The motion was seconded and carried 4/0.**

**CHAIR/VICE CHAIR REPORT:**

1 Mr. Deterding introduced several members of the Enforcement Unit. The staff members present  
2 were: Susie Love, Jean Clyne, KL. Redfearn, Bonnie Sumner and Charles Coates.

3  
4 Dr. Wellikoff addressed several issues he had regarding the complaint process.

- 5
- 6 • Complaints being filed with no action
- 7 • Dismissing cases
- 8 • Minor violations
- 9

10 Ms. Love and Ms. Clyne addressed his concerns and provided a detailed description of the  
11 complaint process. Several members of the Enforcement Unit addressed the Board in response to  
12 questions.

### 13 14 **BOARD COUNSEL'S REPORT:**

#### 15 16 **Annual Regulatory Plan**

17  
18 Ms. Loucks provided an overview of the 2012-2103 Annual Regulatory Plan, composed of rules  
19 that the board might address during the next fiscal year.

20  
21 Ms. Loucks advised the members to review and address the report during Friday's meeting.

#### 22 23 **Rules Status Report – June 2012**

24  
25 Ms. Loucks provided an overview of the Rules Status Report. She also provided an overview of  
26 the financial disclosure information.

### 27 28 **CHAIR/VICE CHAIR REPORT:**

- 29
- 30 • **Committee Assignments**
- 31

32 Dr. Mathesie appointed Dr. Fogarty to the Rules Committee and postponed filling the vacancy on  
33 the Unlicensed Activity Committee until a later date.

- 34
- 35 • **Future Agenda Items**
- 36

37 Dr. Mathesie requested staff to place the new PIP law on the next agenda for discussion.

### 38 39 **EXECUTIVE DIRECTOR'S REPORT:**

#### 40 41 **Renewal Updates:**

- 42 • **Chiropractic Physician**
- 43 • **Registered Chiropractic Assistant**
- 44 • **Certified Chiropractic Physician Assistant**
- 45

46 Mr. Deterding provided an overview of the Renewal Updates.

47  
48 Mr. Deterding addressed concerns regarding the department reporting to CINBAD which would  
49 then report to the NPDB. He asked if the board would consider no longer reporting to CINBAD  
50 but instead report directly to NPDB.

1  
2 **Ms. Reynolds moved to no longer require the Department of Health to utilize CINBAD as a**  
3 **means of reporting discipline and to report directly to NPDB. The motion was seconded**  
4 **and carried 4/0.**

5  
6 **UPDATE FCLB Annual Meeting – Drs. Fogarty and Hoffman**

7  
8 Dr. Fogarty stated that he believed FCLB will hold a regional meeting in the district.

9  
10 Dr. Mathesie requested two members attend all FCLB meetings.

11  
12 Dr. Fogarty recommended that Mr. Deterding attend FCLB meetings since there were several  
13 opportunities for board executive directors to be involved. The Board agreed that discussions by  
14 Mr. Deterding with board executive directors from other states about such topics as rules and  
15 laws pertaining to the regulation of Chiropractic Medicine would be of great benefit to the Board.

16  
17 **CORRESPONDENCE:**

- 18  
19
  - **Information – CCE:**
  - **CE’s Re-Recognition Criteria**
  - **USDE Recognition Letter & Stakeholders Meeting**
  - **Information – NBCE:**
  - **Opens Part IV Test Site in Florida**
  - **President Elected**
  - **Computerization of the Acupuncture Examination**

20  
21  
22  
23  
24  
25  
26  
27 Information only.

28  
29 **COMMITTEE REPORTS:**

30  
31 **Budget – Ms. Reynolds**

- 32
  - **Disbursements by Category Report**
  - **Revenue Report**
  - **Expenditures by Function for Period Ending 3/31/2012**
  - **Cash Balance Report for 9 Months Ending 3/31/2012**
  - **Total Expenditures (Direct and Allocated) by Board for 9 Months Ending 3/31/2012**
  - **Allocations to Boards by Source Organization and Category for 9 Months Ending 3/31/2012**

33  
34  
35  
36  
37  
38  
39  
40 Information only.

41  
42 **CCPA – Dr. Mathesie**

43  
44 Dr. Mathesie stated that he has concerns with the licensing of CCPAs. CCPAs are under indirect  
45 supervision of the chiropractors and he believed that more control needs to be established in rule  
46 to delineate CCPA responsibilities.

47  
48 **Continuing Education – Dr. Wellikoff**

49  
50 No report.

1  
2 **Credentials – Dr. Wellikoff**

3  
4 No report.

5  
6 **Examination – Dr. Hoffman**

7  
8 No report.

9  
10 **Legislation – Dr. Fogarty**

11  
12 Dr. Fogarty provided a brief report.

13  
14 **Probable Cause – Ms. Reynolds/Dr. Fogarty/Dr. Hoffman**

15  
16 • **Stats**

17  
18 Information only.

19  
20 **Rules –**

- 21 • **Discussion of Rule 64B2-13.004, F.A.C. – Continuing Education (Credit to NBCE**  
22 **Examiners)**

23  
24 Dr. Mathesie requested the board to consider adding seven (7) continuing education credits of  
25 which two (2) hours in documentation and record keeping for NBCE Examiners. The board  
26 recommended postponing the discussion until Friday's meeting.

27  
28 **Unlicensed Activity – Ms. Perman**

29  
30 No report.

31  
32 **ELECTION OF VICE-CHAIR**

33  
34 **Dr. Wellikoff moved to appoint Dr. Hoffman as vice-chair. The motion was seconded and**  
35 **carried 4/0.**

36  
37 **NEXT MEETING DATE – August 23-24, 2012**

38  
39 The board requested to hold meetings on Fridays beginning at 8:00 a.m.

40  
41 **FUTURE AGENDA ITEMS: (cont.)**

42  
43 Dr. Wellikoff addressed his concerns with applicants/licensees that the board sends to PRN for an  
44 evaluation. He gave an example where, if a drug offense had occurred three years previously and  
45 the tests performed by PRN indicated no traces of drugs in the individual's system at present,  
46 then why would PRN require the individual to sign a five year contract. The board requested a  
47 representative of PRN attend the next meeting to provide an overview of their services.

48  
49 The meeting was adjourned at 6:20 p.m., to reconvene on Friday, June 22, 2012, at 8:30 a.m.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13

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

**MINUTES – DRAFT  
GENERAL BUSINESS MEETING**

**Florida Hotel and Conference Center  
1500 Sand Lake Road  
Orlando, Florida 32809**

**June 22, 2012**

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

17  
18 **CALL TO ORDER:**

19 Dr. Michael Mathesie, Chairman, called the meeting to order at 8:35 a.m. Those present for all or  
20 part of the meeting included the following:

21  
22 **BOARD MEMBERS:**

23 Michael Mathesie, D.C., Chair  
24 Debra Hoffman, D.C., Vice-Chair  
25 Ron Wellikoff, D.C.  
26 Kevin Fogarty, D.C.  
27 Ms. Linda Reynolds

28  
29 **BOARD MEMBERS NOT PRESENT:**

30 Ms. Eileen Perman, Excused

31  
32 **BOARD STAFF:**

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

36  
37 **BOARD COUNSEL:**

38 Deborah Loucks, Assistant Attorney General  
39 Office of Attorney General

40  
41 **PROSECUTING ATTORNEY:**

42 Tari Rossitto-Van Winkle, Assistant General Counsel

43  
44 **COURT REPORTER:**

45 American Court Reporting  
46 (407) 896-1813

1 **FINAL ORDER ACTIONS:**

2  
3 **Consideration of Corrected Final Order:**

4  
5 **Paul K. Christian, D.C. – Case Number 07-37566 – DOAH Case**  
6 **Number 11-0722PL**  
7 **PCP: Jones/Wolfson**  
8

9 Ms. Rossitto-Van Winkle stated that Dr. Christian’s case has been pulled from the  
10 agenda.

11  
12 **Motion for Final Order Accepting Voluntary Relinquishment of Licensure:**

13  
14 **Kevin G. Grimes, D.C. – Case Number 12-04487**  
15 **PCP: Waived**  
16

17 Dr. Grimes was neither present nor represented by counsel during the proceedings.

18  
19 Ms. Rossitto-Van Winkle stated that the respondent had violated:

- 20
  - Sections 460.413(1)(i)(q)(ff), F.S.
  - Section 456.057, F.S.  
22

23 Ms. Rossitto-Van Winkle stated that respondent has requested the board to accept the Voluntary  
24 Relinquishment of his chiropractic medicine license by discipline.

25  
26 A brief discussion ensued.

27  
28 **Dr. Fogarty moved to accept the Voluntary Relinquishment by discipline. The motion was**  
29 **seconded and carried 5/0.**  
30

31 **Amended Motions for Determination of Waiver and Final Order by Hearing Not**  
32 **Involving Disputed Issues of Material Fact:**

33  
34 **Alan E. Kushner, D.C. – Case Number 10-22438**  
35 **PCP: Dougherty/Hoffman**  
36

37 Dr. Kushner was not present but was represented by Mr. Robert J. Conroy, Esq.

38  
39 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 40
  - Section 456.072(1)(c), F.S.
  - Section 456.072(1)(w), F.S. and 456.039(1), F.S.
  - Section 456.072(1)(x), F.S.  
43

44 **Dr. Fogarty moved that the respondent was properly served by publication. The motion**  
45 **was seconded and carried 4/0.**  
46

47 Discussion ensued.  
48

1 **Dr. Fogarty moved that the respondent has waived his right to a formal hearing by failing**  
2 **to respond within 21 days. The motion was seconded and failed 2/2 with Ms. Reynolds and**  
3 **Dr. Wellikoff opposed.**

4  
5 Further discussion ensued.

6  
7 **Dr. Fogarty moved that the respondent failed to respond within 21 days. The motion was**  
8 **seconded and carried 4/0.**

9  
10 **Ms. Reynolds moved to accept the investigative report and all case materials including all**  
11 **confidential and addendum materials, if any, into evidence in these proceedings. The**  
12 **motion was seconded and carried 4/0.**

13  
14 Mr. Conroy addressed the board on behalf of his client.

15  
16 **Dr. Fogarty moved to adopt the findings of fact into evidence as alleged in the**  
17 **administrative complaint and to adopt the conclusions of law and find that the respondent**  
18 **was in violation as alleged in the administrative complaint. The motion was seconded and**  
19 **carried 4/0.**

20  
21 **Dr. Fogarty moved that the violation constitutes a violation of the Practice Act. The motion**  
22 **was seconded and carried 4/0.**

23  
24 Ms. Rossitto-Van Winkle stated that the department recommended permanent revocation of the  
25 respondent's license.

26  
27 Discussion ensued.

28  
29 **Dr. Fogarty moved to accept the revocation of the respondent's license. The motion was**  
30 **seconded and carried 3/1 with Dr. Wellikoff opposed.**

31  
32 **Ms. Reynolds moved to deny the Motion to Assess Costs. The motion was seconded and**  
33 **carried 4/0.**

34  
35 **Carlos M. Gonzalez, D.C. – Case Number 08-23417**  
36 **PCP: Jenkins/Hoffman**

37  
38 Dr. Gonzalez was present, sworn and was represented by Mr. Bernard F. Daley, Jr., Esq.

39  
40 **Dr. Fogarty moved to deny a request by Respondent to remove the case from the docket.**  
41 **The motion was seconded and carried 4/0.**

42  
43 Ms. Rossitto-Van Winkle provided an overview of the board's actions taken at the meeting held  
44 on April 13, 2012.

45  
46 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 47 • Section 460.413(1)(m), F.S., 460.413(1)(ff), F.S. and/or Rule 64B2-17.0065, F.A.C.
- 48 • Section 460.413(1)(u), F.S.
- 49 • Section 460.413(1)(n), F.S.

1 **Dr. Fogarty moved that the respondent was properly served. The motion was seconded and**  
2 **carried 4/0.**

3  
4 **Dr. Wellikoff moved to accept the investigative report and all case materials including all**  
5 **confidential and addendum materials, if any, into evidence in these proceedings. The**  
6 **motion was seconded and carried 4/0.**

7  
8 **Dr. Fogarty moved to adopt the findings of fact into evidence as alleged in the**  
9 **administrative complaint. The motion was seconded and carried 4/0.**

10  
11 **Dr. Fogarty moved to adopt the conclusions of law and find that the respondent was in**  
12 **violation as alleged in the administrative complaint. The motion was seconded and carried**  
13 **4/0.**

14  
15 Mr. Daley addressed the board on behalf of his client. Dr. Gonzalez also addressed the board.

16  
17 **Dr. Fogarty moved that the violation constitutes a violation of the Practice Act. The motion**  
18 **was seconded and carried 4/0.**

19  
20 Ms. Rossitto-Van Winkle recommended the following penalty:

- 21 • reprimand
- 22 • suspension, stayed for four (4) years
- 23 • administrative fine of \$50,000, payable in four (4) years in equal monthly installments
- 24 • continuing education of eleven (11) hours in the areas of three (3) hours in risk
- 25 management in which two (2) hours must be in laws and rules, and six (6) hours in ethics
- 26 • approved monitoring and reporting as defined in the Final Order
- 27 • submit a written article for publication – not less than 500 words explaining improper PIP
- 28 billing
- 29 • attend four (4) chiropractic board meetings
- 30 • successful completion of the National Board Part IV Ethics Examination

31  
32 Discussion ensued.

33  
34 **Ms. Reynolds moved to accept the department's recommendation. The motion was**  
35 **seconded and carried 4/0.**

36  
37 **Dr. Fogarty moved to accept the Motion to Assess Costs of \$11,396.79, payable within four**  
38 **(4) years in the amount of \$222.00 per month. The motion was seconded and carried 4/0.**

39  
40 **Carlos M. Gonzalez, D.C. – Case Number 09-16820**  
41 **PCP: Jenkins/Reynolds**

42  
43 Dr. Gonzalez was present, sworn and was represented by Mr. Bernard F. Daley, Jr., Esq.

44  
45 **Dr. Fogarty moved to deny a request by the Respondent to remove the case from docket.**  
46 **The motion was seconded and carried 4/0.**

47  
48 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 49 • Section 460.413(1)(m), F.S., 460.413(1)(ff), F.S. and/or Rule 64B2-17.0065, F.A.C.
- 50 • Section 460.413(1)(i), F.S., 460.413(1)(ff), F.S., and/or Rule 64B2-17.0055(1), F.A.C.



1  
2 **Dr. Fogarty moved that the respondent was properly served. The motion was seconded and**  
3 **carried 4/0.**

4  
5 **Dr. Fogarty moved to accept the investigative report and all case materials including all**  
6 **confidential and addendum materials, if any, into evidence in these proceedings. The**  
7 **motion was seconded and carried 4/0.**

8  
9 **Dr. Wellikoff moved to adopt the findings of fact into evidence as alleged in the**  
10 **administrative complaint. The motion was seconded and carried 4/0.**

11  
12 **Dr. Fogarty moved to adopt the conclusions of law and find that the respondent was in**  
13 **violation as alleged in the administrative complaint. The motion was seconded and carried**  
14 **4/0.**

15  
16 Mr. Daley addressed the board on behalf of his client.

17  
18 Dr. Gonzalez addressed the board as well.

19  
20 **Dr. Fogarty moved that the violation constitutes a violation of the Practice Act. The motion**  
21 **was seconded and carried 4/0.**

22  
23 Ms. Rossitto-Van Winkle recommended the following penalty:

- 24 • reprimand
- 25 • suspension, stayed for four (4) years
- 26 • administrative fine of \$7,500.00, payable within one (1) year
- 27 • submit a written article for publication not less than 500 words in the area of record
- 28 keeping and the board action taken related to PIP Billing
- 29 • approved monitoring and reporting as defined in the Final Order which includes
- 30 additional monitoring in all locations or consulting locations
- 31 • successful completion of the National SPEC Examination

32  
33 Discussion ensued.

34  
35 **Dr. Mathesie moved to issue a reprimand, administrative fine of \$3,500.00, payable within**  
36 **one (1) year, four (4) years monitoring in all locations or consulting locations that will run**  
37 **concurrent with the previous case, submitting the reports by the respondent and monitor as**  
38 **defined by the Final Order, and completing and passing the SPEC examination within 18**  
39 **months. The motion was seconded and carried 4/0.**

40  
41 Discussion ensued.

42  
43 **Dr. Fogarty moved to accept the Motion to Assess Costs of \$2,253.04, payable within four**  
44 **(4) years. The motion was seconded and carried 4/0.**

45  
46 **Motions for Final Order by Accepting Settlement Agreement:**

47  
48 **Gustavo Acosta, D.C. – Case Numbers 06-30571, 06-32322 and**  
49 **07-10151**

50 **PCP: Jones/Kirby/LaRusso/Dr. Perman/Wolfson**

1  
2 Dr. Acosta was present, sworn and was represented by Mr. Louis D. Martinez, Esq.

3  
4 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 5 • Section 460.413(1)(m), F.S.
- 6 • Section 460.413(1)(ff), F.S.
- 7 • Section 460.413(1)(x), F.S. (dismissed)
- 8 • Section 456.072(1)(dd), F.S.
- 9 • Section 460.413(1)(u), F.S. (dismissed)
- 10 • Section 460.413(1)(n), F.S.
- 11 • Section 460.413(1)(j), F.S.
- 12 • Section 460.413(1)(k), F.S.

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

- 16 • reprimand
- 17 • administrative fine of \$10,000.00, payable within in two (2) years, in eight (8) equal  
18 payments
- 19 • administrative costs of \$65,000.00, payable within two (2) years, in eight (8) equal  
20 payments
- 21 • dismissing counts 3 and 5
- 22 • probation for a period of four (4) years
- 23 • imposed monitoring as defined in the Final Order
- 24 • monitor shall submit quarterly reports
- 25 • after two and one-half (2 ½) years of probation the respondent may request for early  
26 termination
- 27 • completion of three (3) hours continuing education in risk management, in which two (2)  
28 hours must be laws and rules within one (1) year
- 29 • completion of six (6) hours continuing education in record keeping, documentation and  
30 coding within one (1) year
- 31 • completion of two (2) hours continuing education in ethics and boundaries within one (1)  
32 year
- 33 • attend four (4) chiropractic board meetings
- 34 • tolling provision applies

35  
36 **Dr. Wellikoff moved to reject the Settlement Agreement. The motion was seconded and**  
37 **carried 5/0.**

38  
39 **Dr. Wellikoff moved to issue a counter agreement incorporating all terms in the**  
40 **original settlement agreement but including a requirement that the Respondent take**  
41 **and pass the National Ethics examination within one (1) year, and require the**  
42 **Respondent's attendance at four chiropractic board meetings within two (2) years.**  
43 **The motion was seconded and carried 5/0.**

44  
45 Mr. Martinez accepted the counter agreement on behalf of his client.

46  
47 Ms. Rossitto-Van Winkle accepted on behalf of the department.

48

1                   **Jonathan F. Berns, D.C. – Case Number 11-13162**  
2                   **PCP: Dougherty/Hoffman**

3  
4 Dr. Berns was present, sworn and was represented by Mr. Edwin Bayo, Esq.

5  
6 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 7                   • Section 460.413, (1)(d), F.S.  
8                   • Section 460.413(1)(y), F.S.

9  
10 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the  
11 following provisions:

- 12                   • letter of concern  
13                   • administrative fine of \$4,000.00, payable within one (1) year, in four (4) equal quarterly  
14                   payments  
15                   • administrative costs of \$2,264.08, payable within one (1) year, in four (4) equal quarterly  
16                   payments  
17                   • completion of six (6) hours of continuing education in record keeping, documentation  
18                   and coding within one (1) year  
19                   • submit a written article for publication within 30 days – not less than 500 words  
20                   explaining his experience

21  
22 **Dr. Fogarty moved to accept the Settlement Agreement. The motion was seconded and**  
23 **carried 4/0.**

24  
25                   **David H. Fleming, D.C. – Case Number 11-05544**  
26                   **PCP: Dougherty/Hoffman**

27  
28 Dr. Fleming was present, sworn but was not represented by counsel.

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

- 31                   • Section 460.413(1)(l), and/or Section 460.413(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 \$1,500.00, payable within ninety (90) days  
37                   • administrative costs of \$2,000.00, payable within ninety (90) days  
38                   • completion of three (3) hours of continuing education in risk management, in which two  
39                   (2) hours must be laws and rules within one (1) year

40  
41 **Ms. Reynolds moved to accept the Settlement Agreement. The motion was seconded and**  
42 **carried 3/1 with Dr. Wellikoff opposed.**

43  
44                   **Thomas L. Hupp, D.C. – Case Number 10-21103**  
45                   **PCP: Jenkins/Reynolds**

46  
47 Dr. Hupp was not present but was represented by Mr. Edwin Bayo, Esq.

1 Mr. Bayo stated that he was representing Dr. Hupp, standing in for a partner in his law firm who  
2 was unavailable.

3  
4 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 5 • Section 456.072(1)(hh), F.S.

6  
7 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the  
8 following provisions:

- 9 • reprimand
- 10 • administrative fine of \$734.65, payable within six (6) months
- 11 • administrative costs of \$867.69, payable within six (6) months
- 12 • indefinite suspension until such time as an evaluation by PRN, and PRN determines that  
13 the respondent is safe to practice. If contract is required, compliance with all terms of the  
14 contract and all PRN treatment recommendations shall be a continuing condition of the  
15 Final Order

16  
17 **Dr. Fogarty moved to accept the Settlement Agreement. The motion was seconded and**  
18 **carried 4/0.**

19  
20 **Dennis C. Nobbe, D.C. – Case Number 09-01007**

21 **PCP: Jenkins/Reynolds**

22  
23 Dr. Nobbe was present, sworn and was represented by Dr. Henry Rubinstein, D.C., Esq.

24  
25 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 26 • Section 460.413(1)(m), 460.413(1)(ff), F.S. and/or Rule 64B2-17.0065, F.A.C.
- 27 • Section 460.413(1)(n), F.S.
- 28 • Section 460.413(1)(u), F.S.
- 29 • Section 460.413(1)(y), F.S., and/or Rule 64B2-14.001(2), F.A.C.

30  
31 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the  
32 following provisions:

- 33 • reprimand
- 34 • administrative fine of \$7,500.00, payable within one (1) year with minimum monthly  
35 payments of \$625.00
- 36 • administrative costs of \$4,734.14, payable within one (1) year with minimum monthly  
37 payments of one-twelfth (1/12<sup>th</sup>)
- 38 • suspension for a period of four (4) years
- 39 • practice restrictions - prohibited from offering, or in any way participating in, any type of  
40 pre-payment plan where patients are offered the option of purchasing one or more  
41 treatments in advance
- 42 • supervised probation for a period of four (4) years
- 43 • monitoring shall comply with the terms of the Final Order
- 44 • tolling provisions shall apply
- 45 • completion of eleven (11) hours of continuing education in the areas of six (6) hours in  
46 CPT coding, compliance and documentation, two (2) hours in laws and rules, one (1)  
47 hour in risk management, and two (2) hours in ethics and boundaries within thirteen (13)  
48 months
- 49 • attend four (4) chiropractic board meetings within two (2) years

1  
2 Dr. Rubinstein addressed the board on behalf of his client.

3  
4 The board addressed the respondent regarding several concerns.

5  
6 Dr. Nobbe responded.

7  
8 **Dr. Fogarty moved to reject the Settlement Agreement. The motion was seconded and**  
9 **carried 4/0.**

10  
11 **Dr. Fogarty moved to issue a counter agreement to accept all conditions in the**  
12 **original settlement agreement and include a requirement for Respondent to take**  
13 **and pass the national board Ethics and Boundaries examination within 18 months**  
14 **and removing the language dealing with probation and suspension. The motion was**  
15 **seconded and carried 4/0.**

16  
17 **Gregory S. Rodriguez, D.C. – Case Number 10-17385**  
18 **PCP: Fogarty/Wolfson**

19  
20 Dr. Rodriguez was present, sworn but was not represented by counsel.

21  
22 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 23
  - Section 460.413(1)(i), F.S.

24  
25 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the  
26 following provisions:

- 27
  - letter of concern
  - administrative fine of \$1,000.00, payable within one (1) year with minimum monthly payments of \$84.00
  - administrative costs of \$2,178.35, payable within twelve (12) months with minimum monthly payments of one-twelfth (1/12<sup>th</sup>)
  - completion of three (3) hours of continuing education in risk management of which two (2) hours must be in laws and rules within 12 months

28  
29  
30  
31  
32  
33  
34  
35 Dr. Rodriguez addressed the board.

36  
37 **Ms. Reynolds moved to accept the Settlement Agreement. The motion was seconded and**  
38 **carried 4/0.**

39  
40 **Kevin J. Wood, D.C. – Case Number 11-05546**  
41 **PCP: Dougherty/Hoffman**

42  
43 Dr. Wood was present, sworn but was not represented by counsel.

44  
45 Ms. Rossitto-Van Winkle stated that Ms. Julie Gallagher, Esq. would not be present but if  
46 necessary available by telephone.

47  
48 Ms. Loucks asked if the respondent would like to proceed without his attorney.

1 Dr. Wood agreed that he would like to proceed without his attorney.

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

- 4 • Section 460.413(1)(l), and/or Section 460.413(1)(ff), F.S.  
5

6 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the  
7 following provisions:

- 8 • letter of concern  
9 • administrative fine of \$1,500.00, payable within ninety (90) days  
10 • administrative costs of \$2,000.00, payable within ninety (90) days  
11 • completion of three (3) hours continuing education in risk management, in which two (2)  
12 hours must be in laws and rules within one (1) year  
13

14 **Dr. Fogarty moved to accept the Settlement Agreement. The motion was seconded and**  
15 **carried 3/1 with Dr. Wellikoff opposed.**

16  
17 **Eric J. Nye, D.C. – Case Number 11-18797**  
18 **PCP: Fogarty/Wolfson**  
19

20 Dr. Nye was present, sworn and was represented by Mr. Ken Scaz, Esq.  
21

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

- 23 • Section 460.413(1)(d), F.S. and Rule 64B2-15.001(2)(e), F.A.C. and/or Rule 64B2-  
24 15.001(2)(i), F.A.C.  
25 • Section 460.413(1)(d), F.S. and Rule 64B2-15.001(2)(l), F.A.C.  
26

27 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the  
28 following provisions:

- 29 • letter of concern  
30 • administrative fine of \$2,500.00, payable within one (1) year with minimum  
31 monthly payments of \$209.00  
32 • administrative costs of \$2232.93, payable within one (1) year with minimum  
33 monthly payments of one-twelfth (1/12<sup>th</sup>)  
34 • cannot advertise as a physical therapist or certified physical therapist  
35 • all advertisements shall be reviewed by a Board certified Healthcare Law or  
36 Government Administration Law attorney  
37 • completion of three (3) hours of continuing education in Risk Management in which two  
38 (2) hours must be laws and rules within one (1) year  
39 • attend one (1) chiropractic board meeting within one (1) year  
40 • laws and rules affidavit  
41

42 **Ms. Reynolds moved to accept the settlement agreement. The motion was seconded**  
43 **and carried 4/0.**

44  
45 **Prosecution Report**  
46

47 Ms. Rossitto-Van Winkle provided an overview of the prosecution report.  
48

1 **Dr. Fogarty moved to continue prosecuting with the year old cases. The motion was**  
2 **seconded and carried 5/0.**

3  
4 **APPLICANTS PRESENTED FOR BOARD REVIEW:**

5  
6 **Rodney R. Abrahams, II, D.C.**

7  
8 Dr. Abrahams was present, sworn but was not represented by counsel.

9  
10 Ms. Loucks provided an overview of the application.

11  
12 Dr. Abrahams addressed the board.

13  
14 Discussion ensued.

15  
16 **Dr. Wellikoff moved to approve Dr. Abrahams' application for licensure upon passing the**  
17 **Florida Jurisprudence examination. The motion was seconded and carried 5/0.**

18  
19 **Larry G. Frydman, D.C.**

20  
21 Ms. Loucks stated the application was pulled due to Dr. Frydman's education qualified  
22 him for licensure upon successful completion of the Florida Laws and Rules examination.

23  
24 **Ronald J. Cody, R.C.A.**

25  
26 Mr. Cody was present, sworn and addressed the board.

27  
28 Ms. Loucks provided an overview of the application.

29  
30 Mr. Cody addressed the board.

31  
32 Discussion ensued.

33  
34 **Dr. Fogarty moved to approve Mr. Cody's application for licensure as a Registered**  
35 **Chiropractic Assistant. The motion was seconded and carried 5/0.**

36  
37 **Kaneisha Q. Symonette, R.C.A.**

38  
39 Ms. Symonette withdrew her application.

40  
41 **Lucile Vergneau, R.C.A.**

42  
43 Ms. Vergneau was present, sworn and addressed the board.

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

1 **Dr. Fogarty moved to approve Ms. Vergneau’s application for licensure as a**  
2 **Registered Chiropractic Assistant. The motion was seconded and carried 5/0.**

3  
4 Dr. Mathesie readdressed the following items:

5  
6 **Rules Committee**

- 7 • **Discussion of Rule 64B2-13.004, F.A.C. – Continuing Education (Credit for NBCE**  
8 **Examiners)**

9  
10 Dr. Mathesie provided an overview of drafted language.

11  
12 (14) In addition to the continuing chiropractic education credits authorized above, any Florida  
13 licensee who participates as an examiner/grader for the National Board of Chiropractic Examiners  
14 (NBCE) shall receive seven (7) hours of general continuing chiropractic education for each  
15 examination administration in which he/she participates, up to a maximum of fourteen (14) hours  
16 per biennium.

17  
18 (15) Board members shall receive thirteen hours of continuing education for the required hours in  
19 laws and rules, risk management, prevention of medical errors, boundaries and ethics, and record-  
20 keeping and documentation credit for each full or partial biennium served on the Board.

21  
22 Discussion ensued.

23  
24 **Dr. Wellikoff moved to grant seven (7) continuing education hours of which two (2) hours in**  
25 **documentation and record keeping for the NBCE Examiners. The motion was seconded**  
26 **and failed 1/4 with Drs. Hoffman, Fogarty, Mathesie and Ms. Reynolds opposed.**

27  
28 **Dr. Mathesie moved to grant seven (7) continuing education hours for the NBCE**  
29 **Examiners. The motion was seconded and passed 3/2, with Dr. Wellikoff and Ms. Reynolds**  
30 **opposed.**

31  
32 **RATIFICATION OF LICENSURE:**

33  
34 **Chiropractic Physicians**

35 **(Jaskic, Senad CH 10592 – Sayles, Sandra Lee CH 10664)**

36  
37 **Dr. Fogarty moved to approve the ratification list as presented. The motion was**  
38 **seconded and carried 5/0.**

39  
40 **Certified Chiropractic Physician’s Assistants**

41 **(Ramirez, Vitalia CI 700 – Giraldez, Sergio Jesus CI 712)**

42  
43 **Ms. Reynolds moved to approve the ratification list as presented. The motion was**  
44 **seconded and carried 5/0.**

45  
46 **Registered Chiropractic Assistants**

47 **(Pizzichillo, Lisa Ann RCA 9883 – Ponce, Juan J RCA 10078)**



1 **Dr. Wellikoff moved to approve the ratification list as presented. The motion was**  
2 **seconded and carried 5/0.**

3  
4 **COMMITTEE REPORTS – Cont.:**

5  
6 **Disciplinary Compliance – Dr. Mathesie**

7  
8 **Bradley G. Semegon, D.C. – Case Number 09-09888 – Termination of**  
9 **Probation**

10  
11 Dr. Semegon was present, sworn and was not represented by counsel. Dr. Davis (board  
12 monitor) was also present and sworn.

13  
14 Dr. Semegon requested the board to consider the termination of probation.

15  
16 **Ms. Reynolds moved to accept the termination of probation. The motion was**  
17 **seconded and carried 5/0.**

18  
19 **APPROVAL OF APPLICATIONS/RULES:**

- 20  
21
  - **Chiropractic Physicians – Rule 64B2-11.001, F.A.C. – Application for Licensure**  
22 **Examination**

23  
24 **Ms. Reynolds moved to approve the modified application as presented. The motion was**  
25 **seconded and carried 5/0.**

26  
27 **Dr. Wellikoff moved that the proposed rule would not have any adverse impacts on small**  
28 **businesses and would not be likely to directly or indirectly increase regulatory costs to any**  
29 **entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year**  
30 **after the implementation of the rule. The motion was seconded and carried 5/0.**

31  
32 **Dr. Wellikoff moved to file the Notice for Rule Development on Rule 64B2-11.001, F.A.C.**  
33 **The motion was seconded and carried 5/0.**

- 34  
35
  - **Registered Chiropractic Assistant – Rule 64B2-12.0155, F.A.C. – Fee for Registered**  
36 **Chiropractic Assistants**

37  
38 **Ms. Reynolds moved to approve the modified application as presented. The motion was**  
39 **seconded and carried 5/0.**

40  
41 **Dr. Wellikoff moved that the proposed rule would not have any adverse impacts on small**  
42 **businesses and would not be likely to directly or indirectly increase regulatory costs to any**  
43 **entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year**  
44 **after the implementation of the rule. The motion was seconded and carried 5/0.**

- 45  
46
  - **Faculty Certificate – Rule 64B2-12.022, F.A.C. – Medical Faculty Certificate Fees**

47  
48 **Dr. Wellikoff moved to approve the modified application as presented. The motion was**  
49 **seconded and carried 5/0.**

1  
2 **Dr. Wellikoff moved that the proposed rule would not have any adverse impacts on small**  
3 **businesses and would not be likely to directly or indirectly increase regulatory costs to any**  
4 **entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year**  
5 **after the implementation of the rule. The motion was seconded and carried 5/0.**

- 6  
7     • **Certified Chiropractic Physicians Assistant – Rule 64B2-18.002, F.A.C. –**  
8 **Application for Certification as a Chiropractic Physician’s Assistant**  
9

10 **Ms. Reynolds moved to approve the modified application as presented. The motion was**  
11 **seconded and carried 5/0.**

12  
13 **Dr. Wellikoff moved that the proposed rule would not have any adverse impacts on small**  
14 **businesses and would not be likely to directly or indirectly increase regulatory costs to any**  
15 **entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year**  
16 **after the implementation of the rule. The motion was seconded and carried 5/0.**

17  
18 **2012-2013 Annual Regulatory Plan**

19  
20 Ms. Loucks provided an overview of the report and requested the board to consider the  
21 recommendations.

22  
23 The board concurred.

24  
25 **PROPOSED 2013 MEETING DATES:**

26  
27 The board recommended the following 2013 meeting dates with the meetings beginning @ 8:00  
28 a.m. and to be held in Orlando, Florida.

29  
30 January 18, 2013  
31 April 5, 2013  
32 June 21, 2013  
33 August 16, 2013  
34 November 1, 2013

35  
36 **ADJOURNMENT:**

37  
38 The meeting was adjourned at 2:16 p.m.