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

**MINUTES  
GENERAL BUSINESS MEETING**

**Peabody  
9801 International Drive  
Orlando, Florida 32819**

**August 24, 2012**

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

18  
19 **CALL TO ORDER:**

20 Dr. Michael Mathesie, Chairman, called the meeting to order at 8:04 a.m. Those present  
21 for all or part of the meeting included the following:

22  
23 **BOARD MEMBERS:**

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

30  
31 **BOARD STAFF:**

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

35  
36 **BOARD COUNSEL:**

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

39  
40 **PROSECUTING ATTORNEY:**

41 Tari Rossitto-Van Winkle, Assistant General Counsel  
42 Karin Byrne, Assistant General Counsel

43  
44 **APPROVAL OF MINUTES – June 21-22, 2012 Full Board Meeting**

45  
46 **Dr. Fogarty moved to approve the above minutes as presented. The motion was**  
47 **seconded and carried 6/0.**

48  
49 **FINAL ORDER ACTIONS:**  
50

1 **Motions for Determination of Waiver and Final Order by Hearing Not Involving**  
2 **Dispute Issues of Material Fact:**

3  
4 **Drew D. Kycynka, D.C. – Case Number 12-01200**  
5 **PCP: Drs. Harding/Hoffman**  
6

7 Dr. Kycynka was present but was not represented by counsel.

8  
9 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 10 • Section 460.413(1)(v), F.S.

11  
12 **Dr. Fogarty moved to accept the investigative report and all case materials**  
13 **including all confidential and addendum materials, if any, into evidence in these**  
14 **proceedings. The motion was seconded and carried 5/0.**

15  
16 **Ms. Reynolds moved that the respondent was properly served by certification and**  
17 **failed to respond. The motion was seconded and carried 5/0.**

18  
19 **Dr. Fogarty moved to adopt the findings of fact into evidence as alleged in the**  
20 **administrative complaint. The motion was seconded and carried 5/0.**

21  
22 Dr. Kycynka addressed the board.

23  
24 **Dr. Shreeve moved to adopt the conclusions of law and find that the respondent**  
25 **was in violation as alleged in the administrative complaint. The motion was**  
26 **seconded and carried 5/0.**

27  
28 **Dr. Fogarty moved that the violation constitutes a violation of the Practice Act.**  
29 **The motion was seconded and carried 5/0.**

30  
31 Ms. Rossitto-Van Winkle recommended the following penalty:

- 32 • reprimand  
33 • administrative fine of \$1.00, payable in thirty days  
34 • attend two (2) chiropractic board meetings within one (1) year  
35

36 Discussion ensued.

37  
38 **Ms. Reynolds moved to accept the department's recommendation. The motion**  
39 **was seconded and carried 4/1, with Dr. Wellikoff opposed.**

40  
41 Discussion ensued.

42  
43 **Dr. Fogarty moved to assess costs in the amount of \$115.25, payable within 30**  
44 **days from the filing of the Final Order. The motion was seconded and carried 5/0.**

45  
46 **Patrick L. Fenelus, D.C. – Case Number 11-14497**  
47 **PCP: Drs. Harding/Hoffman**  
48

49 Dr. Fenelus was present, sworn and was represented by Lars K. Soreide, Esq.  
50

1 Ms. Rossitto-Van Winkle stated that Mr. Soreide on behalf of his client had agreed and  
2 signed a settlement agreement.

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

- 5 • Sections 460.413(1)(ff), and 456.072(1)(c), F.S.
- 6 • Sections 460.413(1)(ff), and 456.072(1)(w), F.S.
- 7 • Sections 460.413(1)(ff), and 456.072(1)(x), F.S.

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

- 11 • reprimand
- 12 • Indefinite suspension until compliance with the terms of the previous Final Order
- 13 • administrative fine of \$5,000, payable in two (2) years in twenty-four (24) monthly  
14 installments
- 15 • administrative costs of \$1,024.19, payable in two (2) years in twenty-four (24)  
16 monthly installments
- 17 • completion of five (5) hours continuing education in the areas of three (3) in risk  
18 management, in which two (2) hours must be laws and rules within one (1) year
- 19 • probation for a period of two (2) years
- 20 • attend four (4) chiropractic board meetings within two (2) years

21  
22 Mr. Soreide and Dr. Fenelus addressed the board.

23  
24 Discussion ensued.

25  
26 **Dr. Fogarty moved to reject the settlement agreement. The motion was seconded  
27 and carried 5/0.**

28  
29 **Dr. Wellikoff moved to issue a counter settlement agreement requiring a  
30 reprimand, administrative fine of \$5,000, and administrative costs of \$1,024.19,  
31 payable within two (2) years; laws and rules affidavit submitted within 90 days;  
32 monitoring would be required once at each clinic and reviewing 10 files, if the  
33 records are in compliance then no further monitoring will be required, if the  
34 records are not in compliance then the respondent shall be placed on a two (2)  
35 year probation; and the respondent may request early termination if the monitor  
36 later determines the records are in compliance; five (5) hours of continuing  
37 education in the area of risk management including two (2) hours in laws & rules,  
38 six (6) hours in record keeping, documentation and coding, and two (2) hours in  
39 ethics. The motion was seconded and carried 5/0.**

40  
41 **Motions for Final Hearing Not Involving Disputed Issues of Material Fact:**

42  
43 **Edward S. McNamara, D.C. – Case Number 12-00938**  
44 **PCP: Drs. Harding/Hoffman**

45  
46 Dr. McNamara was present, sworn but was not represented by counsel. Also Debbie  
47 Troupe, with Professional Resource Network (PRN), was present and sworn.

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

- 50 • Section 460.413(1)(v), F.S.

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

5  
6 **Ms. Reynolds moved that the respondent was properly served by publication and**  
7 **signed an election of rights. The motion was seconded and carried 5/0.**

8  
9 **Ms. Reynolds moved to adopt the findings of fact into evidence as alleged in the**  
10 **administrative complaint are not in dispute. The motion was seconded and**  
11 **carried 5/0.**

12  
13 Dr. McNamara addressed the board.

14  
15 **Dr. Fogarty moved to adopt the conclusions of law and find that the respondent**  
16 **was in violation as alleged in the administrative complaint. The motion was**  
17 **seconded and carried 5/0.**

18  
19 **Ms. Reynolds moved that the violation constitutes a violation of the Practice Act.**  
20 **The motion was seconded and carried 5/0.**

21  
22 Ms. Rossitto-Van Winkle recommended the following penalty:

- 23 • reprimand
- 24 • administrative fine of \$1.00, payable within two (2) years
- 25 • shall comply with any and all PRN recommendations
- 26 • must appear with PRN at the board meeting after the second year of PRN
- 27 contract, during the fourth year of PRN contract, and at the end of PRN contract
- 28 in order to be released from PRN

29  
30 Discussion ensued.

31  
32 **Ms. Reynolds moved to accept the department's recommendation. The motion**  
33 **was seconded and carried 5/0.**

34  
35 **Dr. Wellikoff moved to assess costs of \$164.91, payable within two years. The**  
36 **motion was seconded and carried 5/0.**

37  
38 **David E. Yachter, D.C. – Case Number 11-10582**  
39 **PCP: Drs. Fogarty/Wolfson**

40  
41 Dr. Yachter was present, sworn and was represented by Mr. Ed Bayo, Esq.

42  
43 Ms. Rossitto-Van Winkle stated that Dr. Yachter had agreed and signed a settlement  
44 agreement.

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

- 47 • Section 460.413(1)(m), F.S.
- 48 • Section 460.413(1)(y), F.S.
- 49 • Section 460.413(1)(r), F.S.

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

- 3 • letter of concern
- 4 • administrative fine of \$6,000.00, payable within two (2) years in twenty-four (24)  
5 monthly payments
- 6 • administrative costs of \$5,233.31, payable within two (2) years in twenty-four (24)  
7 monthly payments
- 8 • dismissal of count 3
- 9 • probation for a period of two (2) years
- 10 • imposed monitoring as defined in the Final Order
- 11 • monitor shall submit reports as defined in the Final Order
- 12 • if the respondent leaves active practice of chiropractic medicine for a period of  
13 one (1) year or more, the board may require respondent to appear before the  
14 board
- 15 • completion of three (3) hours continuing education in risk management, in which  
16 two (2) hours must be laws and rules within one (1) year
- 17 • completion of six (6) hours continuing education in record keeping,  
18 documentation and coding within one (1) year
- 19 • completion of two (2) hours continuing education in ethics and boundaries within  
20 one (1) year
- 21 • completion of an affidavit indicating he has read the laws and rules within one (1)  
22 year
- 23 • after one (1) year of probation the respondent may request for early termination
- 24 • attend two (2) chiropractic board meetings within two years
- 25 • tolling provision applies

26  
27 Discussion ensued.

28  
29 Mr. Bayo and Dr. Yachter addressed the board.

30  
31 **Dr. Shreeves moved to accept the Settlement Agreement. The motion was**  
32 **seconded and carried 5/0.**

33  
34 **Motions for Final Orders by Settlement Agreement:**

35  
36 **Stephen W. Forbess, D.C. – Case Number 10-05495**  
37 **PCP: Drs. Harding/Hoffman**  
38

39 Dr. Forbess was present, sworn but was not represented by counsel.  
40

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

- 42 • Section 460.413(1)(m), F.S.
- 43 • Section 460.413(1)(n), F.S.
- 44 • Sections 460.413(1)(i) and 460.413(1)(ff), F.S.

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

- 48 • letter of concern
- 49 • administrative fine of \$5,000.00, payable within four (4) years

- 1 • administrative costs of \$2,828.12, payable within four (4) years
- 2 • probation for a period of two (2) years
- 3 • imposed monitoring as defined in the Final Order
- 4 • monitor shall submit reports as defined in the Final Order
- 5 • after two (2) years of probation the respondent may request for early termination
- 6 • completion of six (6) hours continuing education in record keeping,
- 7 documentation and coding within one (1) year
- 8 • attend two (2) chiropractic board meetings within two (2) years
- 9 • appearance before the board as directed by the board
- 10 • tolling provision applies

11  
12 Discussion ensued.

13  
14 Dr. Forbess addressed the board.

15  
16 **Dr. Wellikoff moved to reject the Settlement Agreement. The motion was**  
17 **seconded and carried 4/1 with Dr. Fogarty opposed.**

18  
19 Further discussion ensued.

20  
21 **Dr. Mathesie moved to issue a Counter Settlement Agreement imposing a letter of**  
22 **concern, administrative fine of \$2,500.00, administrative costs of \$2,828.12, one**  
23 **year probation, the board retains jurisdiction to extend the length of the probation**  
24 **if respondent fails to comply with the terms of probation or if additional time is**  
25 **required to ensure that his patient records comply with the requirements of the**  
26 **chiropractic statutes and rules, the terms of the monitoring have been modified to**  
27 **require that the monitor review ten (10) files on the initial visit and five (5) files at**  
28 **each subsequent visit, the monitor shall review respondent's records every other**  
29 **month for the duration of probation, all other terms and requirements of the**  
30 **probation are the same as set forth in the proposed Settlement Agreement. The**  
31 **motion was seconded and carried 3/2 with Drs. Fogarty and Shreeve opposed.**

32  
33 Ms. Rossitto-Van Winkle accepted on behalf of the department.

34  
35 Dr. Forbess accepted the Counter Settlement Agreement as presented.

36  
37 **Alexander C. Frank, D.C. – Case Number 12-03476**  
38 **PCP: Drs. Harding/Hoffman**

39  
40 Dr. Frank was present, sworn and was represented by Mr. Lars K. Soreide, Esq.

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

- 43 • Sections 456.072(1)(k), 460.413(1)(i), and/or 460.413(1)(ff), F.S.

44  
45 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the  
46 following provisions:

- 47 • letter of concern
- 48 • appearance
- 49 • administrative fine of \$1,000.00, payable within in one (1) year
- 50 • administrative costs of \$193.95, payable within thirty (30) days

- 1 • attend two (2) chiropractic board meetings within two (2) years  
2

3 **Dr. Wellikoff moved to accept the scrivener's error by correcting page 308 in the**  
4 **agenda under the Stipulated Disposition in replacing letter of guidance with letter**  
5 **of concern. The motion was seconded and carried 5/0.**

6 Discussion ensued.

7  
8 Mr. Soreide and Dr. Frank addressed the board.

9  
10 **Dr. Wellikoff moved to approve the Settlement Agreement as corrected. The**  
11 **motion was seconded and carried 4/1 with Dr. Shreeve opposed.**

12  
13 **Ronald S. Gold, D.C. – Case Numbers 08-05773 & 08-06554**  
14 **PCP: Drs. Fogarty/Wolfson**

15  
16 Dr. Gold was present, sworn and was represented by Mr. Michael Lowe, Esq.

17  
18 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

19  
20 **Case Number 08-06554**

- 21 • Sections 460.413(1)(m),(i), and/or (ff), F.S.  
22 • Sections 460.413(1)(ff), and/or (n), F.S.  
23 • Section 460.413(1)(e), F.S.  
24 • Section 460.413(1)(d), and/or (ff), F.S., and/or Rule 64B2-15.000(2)(f), F.A.C.  
25 • Section 460.413(1)(x), F.S.  
26 • Section 460.413(1)(r), F.S.

27  
28 **Case Number 08-05773**

- 29 • Sections 460.413(1)(m), and/or (i), F.S., and/or Rule 64B2-17.0065, F.A.C.  
30 • Sections 460.413(1)(ff), and (n), F.S., and Rule 64B2-17.005, F.A.C.  
31 • Section 460.413(1)(e), F.S.  
32 • Section 460.413(1)(d), and/or (ff), F.S., and/or Rule 64B2-15.000(2)(f), F.A.C.  
33 • Section 460.413(1)(x), F.S.  
34 • Section 460.413(1)(r), F.S.

35  
36 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the  
37 following provisions:

- 38 • reprimand  
39 • appearance  
40 • administrative fine of \$20,000.00, payable within four (4) years, in forty-eight (48)  
41 equal payments  
42 • administrative costs of \$13,729.38 (08-05773 - \$6,771.06 and 08-06554 -  
43 \$6,958.32), payable within four (4) years, in forty-eight (48) equal payments  
44 • probation for a period of four (4) years  
45 • imposed monitoring as defined in the Final Order  
46 • monitor shall appear before the board at such time as directed by the board.  
47 • after two and one-half (2 ½) years of probation the respondent may request for  
48 early termination  
49 • cannot perform manipulations under anesthesia (MUAs) while on probation

- 1 • completion of three (3) hours continuing education in risk management, in which
- 2 two (2) hours must be laws and rules within one (1) year
- 3 • completion of six (6) hours continuing education in record keeping,
- 4 documentation and coding within one (1) year
- 5 • completion of two (2) hours continuing education in ethics and boundaries within
- 6 one (1) year
- 7 • attend four (4) chiropractic board meetings
- 8 • tolling provision applies

9  
10 Discussion ensued.

11  
12 Mr. Lowe and Dr. Gold addressed the board.

13  
14 **Dr. Shreeve moved to reject the Settlement Agreement. The motion was seconded**

15 **and carried 5/0.**

16  
17 **Dr. Shreeve moved to issue a counter-settlement agreement accepting the**

18 **language in the original settlement agreement but modifying the monitoring**

19 **requirements. The monitoring shall be once per month for 12 months (the**

20 **monitoring as indicated in the original settlement agreement), then once every**

21 **other month for the next 18 months, at which point the monitor may determine if**

22 **additional monitoring is required; successful completion of the National Board of**

23 **Chiropractic Examiners' Ethics and Boundaries examination within 12 months;**

24 **Florida Laws & Rules examination; reduction of the administrative fine to**

25 **\$15,000.00; and after at least four (4) years Dr. Gold may petition the board to lift**

26 **the permanent practice restriction as presented. The motion was seconded and**

27 **carried 5/0.**

28  
29 Ms. Rossitto-Van Winkle accepted on behalf of the department.

30  
31 Mr. Lowe stated that his client accepted the counter settlement agreement.

32  
33 **Eduardo Jubis, D.C. – Case Number 08-18511**

34 **PCP: Drs. Fogarty/Wolfson**

35  
36 Dr. Jubis was present, sworn and was represented by Mr. Michael Lowe, Esq.

37  
38 Dr. Shreeve was recused from participating due to having been the expert witness in the

39 case.

40  
41 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 42 • Sections 460.413(1)(m), and 460.413(1)(l)(ff), F.S., and/or Rule 64B2-17.0065,
- 43 F.A.C.
- 44 • Section 460.413(1)(n), F.S. (dismissed)

45  
46 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the

47 following provisions:

- 48 • letter of concern
- 49 • administrative fine of \$5,000.00, payable within in two (2) years, in twenty-four
- 50 (24) equal payments



- 1 • administrative costs of \$5,479.47, payable within two (2) years, in twenty-four
- 2 (24) equal payments
- 3 • dismissal of count 2
- 4 • probation for a period of two (2) years
- 5 • imposed monitoring as defined in the Final Order
- 6 • monitor shall appear before the board at such time as directed by the board.
- 7 • completion of three (3) hours continuing education in risk management, in which
- 8 two (2) hours must be laws and rules within one (1) year
- 9 • completion of six (6) hours continuing education in record keeping,
- 10 documentation and coding within one (1) year
- 11 • completion of two (2) hours continuing education in ethics and boundaries within
- 12 one (1) year
- 13 • tolling provision applies

14  
15 Mr. Lowe and Dr. Jubis addressed the board.

16  
17 Discussion ensued.

18  
19 **Dr. Wellikoff moved to approve the settlement agreement. The motion was**

20 **seconded and carried 3/1 with Dr. Hoffman opposed.**

21  
22 **Eric H. Lampinstein, D.C. – Case Number 10-18982**

23 **PCP: Drs. Dougherty/Hoffman**

24

25 Dr. Lampinstein was present, sworn and was represented by Mr. Michael Lowe, Esq.

26

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

- 28 • Section 460.413(1)(m), and 460.413(1)(l)ff, F.S.
  - 29 • Section 460.413(1)(n), F.S.
- 30

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

32 following provisions:

- 33 • letter of concern
  - 34 • appearance
  - 35 • administrative fine of \$2,000.00, payable within in two (2) years, in eight (8) equal
  - 36 payments
  - 37 • administrative costs of \$4,877.54, payable within two (2) years, in eight (8) equal
  - 38 payments
  - 39 • probation for a period of one (1) year
  - 40 • imposed monitoring as defined in the Final Order
  - 41 • monitor shall appear before the board at such time as directed by the board.
  - 42 • completion of three (3) hours continuing education in risk management, in which
  - 43 two (2) hours must be laws and rules within one (1) year
  - 44 • completion of six (6) hours continuing education in record keeping,
  - 45 documentation and coding within one (1) year
  - 46 • attend three (3) chiropractic board meetings within two (2) years
  - 47 • tolling provision applies
- 48

49 **Discussion ensued.**

1  
2 Mr. Lowe and Dr. Lampinstein addressed the board.

3  
4 **Dr. Fogarty moved to reject the settlement agreement. The motion was seconded**  
5 **and carried 5/0.**

6  
7 **Dr. Fogarty moved to issue a Counter Settlement Agreement with a letter of**  
8 **concern; administrative fine of \$2,000.00 and administrative costs of \$4,877.54,**  
9 **payable within two (2) years in eight (8) equal payments; probation for a period of**  
10 **one (1) year; monitor imposed; monitoring of ten (10) files for the first month and**  
11 **five files for every month thereafter, attendance at one (1) chiropractic board**  
12 **meeting within one (1) year, and dismissal of count two of the administrative**  
13 **complaint. The motion was seconded and carried 5/0.**

14  
15 Ms. Rossitto-Van Winkle accepted on behalf of the department.

16  
17 Mr. Lowe stated that his client accepted the counter settlement agreement.

18  
19 **Sabrina R. Morgen, D.C. – Case Number 07-31958**  
20 **PCP: Drs. Fogarty/Wolfson**

21  
22 Dr. Morgen was present, sworn and was represented by Dr. Henry Rubenstein, Esq.

23  
24 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 25
- 26 • Sections 460.413(1)(m), 460.413(1)(1)(ff), F.S., and/or Rule 64B2-17.0065, F.A.C.
  - 27 • Section 460.413(1)(n), F.S., and/or Rule 64B2-17.005, F.A.C.
  - 28 • Section 460.413(1)(x), F.S.
- 29

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

- 32
- 33 • reprimand
  - 34 • appearance
  - 35 • administrative fine of \$12,500.00, payable within six (6) years, in seventy-two (72) equal payments
  - 36 • administrative costs of \$15,623.78, payable within six (6) years, in seventy-two (72) equal payments
  - 37 • dismissing count 3
  - 38 • probation for a period of four (4) years
  - 39 • imposed monitoring as defined in the Final Order
  - 40 • monitor shall appear before the board at such time as directed by the board.
  - 41 • completion of three (3) hours continuing education in risk management, in which two (2) hours must be laws and rules within one (1) year
  - 42 • completion of six (6) hours continuing education in record keeping, documentation and coding within one (1) year
  - 43 • completion of two (2) hours continuing education in ethics and boundaries within one (1) year
  - 44 • completion of an affidavit indicating he has read the laws and rules
  - 45 • after two and half (2 ½ ) years of probation the respondent may request for early
  - 46 termination
  - 47
  - 48
  - 49
  - 50

- 1       • attend four (4) chiropractic board meetings  
2       • tolling provision applies

3  
4 Dr. Rubinstein and Dr. Morgan addressed the board.

5  
6 Discussion ensued.

7  
8 **Ms. Reynolds moved to accept the Settlement Agreement. The motion failed for**  
9 **lack of second.**

10  
11 **Dr. Shreeve moved to reject the Settlement Agreement. The motion was seconded**  
12 **and carried 4/1 with Ms. Reynolds opposed.**

13  
14 Further discussion ensued.

15  
16 **Dr. Hoffman moved to accept the original language in the Settlement Agreement**  
17 **but to include the Florida laws and rules examination and the National Board of**  
18 **Chiropractic Examiners' Ethics and Boundaries examination to be completed**  
19 **within one (1) year. The motion was seconded and carried 5/0.**

20  
21 Ms. Rossitto-Van Winkle accepted on behalf of the department.

22  
23 Mr. Rubenstein stated that his client accepted the counter settlement agreement.

24  
25               **Catalina Torres, D.C. – Case Number 08-22113**  
26               **PCP: Drs. Fogarty/Wolfson**

27  
28 Dr. Torres was neither present nor represented by counsel.

29  
30 Ms. Rossitto-Van Winkle stated that the board chair has waived the respondent's  
31 appearance.

32  
33 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 34       • Sections 460.413(1)(m), 460.413(1)(ff), F.S., and/or Rule 64B2-17.0065, F.A.C.  
35       • Section 460.413(1)(u), F.S.  
36       • Section 460.413(1)(n), F.S.  
37       • Section 460.413(1)(ff), F.S., by violating Section 456.062, F.S.

38  
39 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the  
40 following provisions:

- 41       • reprimand  
42       • appearance  
43       • administrative fine of \$21,500.00, payable within six (6) years, in seventy-two  
44       (72) equal payments  
45       • administrative costs of \$11,343.02, payable within six (6) years, in seventy-two  
46       (72) equal payments  
47       • suspension with suspension stayed for a period of two one-half (2 ½ ) years upon  
48       successful compliance with the Final Order  
49       • probation for a period of four (4) years  
50       • imposed monitoring as defined in the Final Order

- 1 • monitor shall appear before the board at such time as directed by the board.
- 2 • completion of three (3) hours continuing education in risk management, of which
- 3 two (2) hours must be in laws and rules within one (1) year
- 4 • completion of six (6) hours continuing education in record keeping,
- 5 documentation and coding within one (1) year
- 6 • completion of two (2) hours continuing education in ethics and boundaries within
- 7 one (1) year
- 8 • completion of an affidavit indicating he has read the laws and rules
- 9 • after two and half (2 ½ ) years of probation the respondent may request for early
- 10 termination
- 11 • attend four (4) chiropractic board meetings
- 12 • tolling provision applies

13 Discussion ensued.

14  
15  
16 **Ms. Reynolds moved to accept the Settlement Agreement. The motion was**

17 **seconded by Dr. Wellikoff.**

18  
19 **After further discussion, Ms. Reynolds moved to withdraw her motion. The**

20 **motion was seconded by Dr. Wellikoff.**

21  
22 **Ms. Reynolds moved to reject the Settlement Agreement. The motion was**

23 **seconded and carried 5/0.**

24  
25 **Dr. Wellikoff moved to accept the original language in the Settlement Agreement**

26 **but to include the Florida laws and rules examination and the National Board of**

27 **Chiropractic Examiners' Ethics and Boundaries examination to be completed**

28 **within one (1) year. The motion was seconded and carried 5/0.**

29  
30 **Dr. Wellikoff moved to correct the administrative costs to \$11,834.57. The motion**

31 **was seconded and carried 5/0.**

32  
33 **Motion to Vacate Final Order in Lieu of Voluntary Relinquishment of Florida**

34 **Chiropractic Medical License by Howard Dranoff, D.C.:**

35  
36 **Howard G. Dranoff, D.C. – Case Numbers 04-34038 & 06-28974**

37 **PCP: Drs. Jones/Wolfson**

38  
39 Dr. Dranoff was not present but was represented by Mr. Michael Lowe, Esq.

40  
41 Mr. Lowe addressed the board on behalf of his client. Mr. Lowe stated that the cases

42 were before the board to vacate the Final Order and to accept the Voluntary

43 Relinquishment as discipline to resolve the pending Administrative Complaints.

44  
45 Discussion ensued.

46  
47 **Dr. Wellikoff moved to vacate the Final Order and to accept the Voluntary**

48 **Relinquishment as discipline to resolve the pending Administrative Complaints.**

49 **The motion was seconded and carried 6/0.**

1 **Prosecution Report**

2  
3 Ms. Rossitto-Van Winkle provided an overview of the prosecution report.

4  
5 **Dr. Hoffman moved to accept the prosecution report. The motion was seconded**  
6 **and carried 6/0.**

7  
8 **Dr. Shreeve moved to continue putting special emphasis on prosecuting the older**  
9 **cases (one year and over). The motion was seconded and carried 6/0.**

10  
11 **APPLICANTS PRESENTED FOR BOARD REVIEW:**

12  
13 **Brian D. Anderson, D.C.**

14  
15 Dr. Anderson was present, sworn but was not represented by counsel.

16  
17 Ms. Loucks provided an overview of the application.

18  
19 Dr. Anderson addressed the board.

20  
21 Discussion ensued.

22  
23 **Dr. Hoffman moved to approve Dr. Anderson's application for licensure upon**  
24 **passing the Florida Jurisprudence examination. The motion was seconded and**  
25 **carried 6/0.**

26  
27 **Frederick L. Knochel, D.C.**

28  
29 Ms. Loucks stated that Dr. Knochel's application was pulled from the agenda.

30  
31 **RATIFICATION LIST:**

32  
33 **Chiropractic Physicians**  
34 **(Jessica Jean Perhealth, CH 10665 – Jimmy Earl Greer, CH 10703)**

35  
36 **Dr. Fogarty moved to approve the ratification list. The motion was seconded and**  
37 **carried 6/0.**

38  
39 **Certified Chiropractic Physician Assistants**  
40 **(Junior Jeanty, CI 713 – Kyle Bryan Jennings, CI 716)**

41  
42 **Ms. Reynolds moved to approve the ratification list. The motion was seconded**  
43 **and carried 6/0.**

44  
45 **Registered Chiropractic Assistants**  
46 **(Maria Salome Guanche, RCA 10079 – Chelene Ronelus, RCA 10289)**

47  
48 **Dr. Shreeve moved to approve the ratification list. The motion was seconded and**  
49 **carried 6/0.**

1 **CONSIDERATION OF CHIROPRACTIC ASSISTANT PROGRAM APPROVAL – Allied**  
2 **Health Institute**

3  
4 Ms. Ellen Chiofalo, Vice President of Institutional Effectiveness, Allied Health Institute,  
5 Dr. Floyd, Associate Professor with Palmer University, and Dr. Gary Bofshever were  
6 present and addressed the board.

7  
8 Ms. Chiofalo stated that part of the training was online and there was a practical  
9 component that involved working directly with the chiropractor.

10  
11 The board discussed the possibility of a former board member working with Ms. Chiofalo  
12 to review the program and to report back to the board with their findings for the next  
13 board meeting.

14  
15 **Dr. Mathesie moved to delegate a former board member, Dr. Danita Thomas-**  
16 **Heagy, to review the program with Ms. Chiofalo and to provide a report to the**  
17 **board for review at their next meeting. The motion was seconded and carried 6/0.**  
18 **Dr. Thomas-Heagy was present and accepted the delegation.**

19  
20 **OVERVIEW OF PHYSICIANS RECOVERY NETWORK (PRN) – Debbie Troupe, Chief**  
21 **Compliance Officer**

22  
23 Ms. Troupe provided a detailed report on PRN services and answered the questions  
24 from the board.

25  
26 **CHAIR/VICE-CHAIR REPORT:**

27  
28 **Percentage of Active Licensees with Disciplinary History by Profession**

29  
30 Dr. Mathesie stated that he had requested staff to provide a report on the percentage of  
31 Active Licensees with Disciplinary History by profession. In reviewing the material it  
32 appeared that the chiropractic profession ranked number five with the most disciplinary  
33 actions taken.

34  
35 Informational purposes only..

36  
37 **Committee Re-assignments(CCPA)**

38  
39 Dr. Mathesie appointed Dr. Shreeve as the CCPA Committee Chair.

40  
41 Dr. Shreeve accepted.

42  
43 **Future Agenda Items**

44  
45 No future items were provided.

46  
47 **EXECUTIVE DIRECTOR’S REPORT:**

48  
49 **FYI – The Joint**

50  
51 Information only.

1  
2 **BOARD COUNSEL'S REPORT:**

3  
4 **Rules Status**

5  
6 Ms. Loucks provided an overview of the Rules Status Report

7  
8 **COMMITTEE REPORTS:**

9  
10 **Budget – Ms. Reynolds**

11  
12 No report.

13  
14 **CCPA – Dr. Mathesie**

15  
16 No report.

17  
18 **Continuing Education – Dr. Wellikoff**

19  
20 **Recommendation of Denial – University of Miami, School of**  
21 **Medicine – Bioregenerative Aesthetic Therapy: Acupuncture &**  
22 **Bioinjection Methods for Facial Regeneration**

23  
24 **Dr. Shreeve moved to deny the course for failure to meet the educational**  
25 **requirements. The motion was seconded and carried 6/0.**

26  
27 **OTHER:**

28  
29 **Dr. Shreeve moved to approve issuing a Distinguished Service Award by the**  
30 **board. The motion was seconded and carried 6/0.**

31  
32 **Credentials – Dr. Wellikoff**

33  
34 No report.

35  
36 **Disciplinary Compliance – Dr. Mathesie**

37  
38 **Nicholas C. Pleskovick, D.C. – Case Number 05-54364 –**  
39 **Probationary Appearance**

40  
41 Drs. Pleskovick and Ken Felt (monitor) were present and sworn.

42  
43 Dr. Felt provided a brief report.

44  
45 **Dr. Wellikoff moved to accept the appearance and the report as presented. The**  
46 **motion was seconded and carried 6/0.**

47  
48 **Examination – Dr. Hoffman**

49  
50 No report.

1 **Legislation – Dr. Fogarty/Ms. Reynolds**  
2  
3 No report.  
4  
5 **Probable Cause – Drs. Fogarty and Hoffman/Ms. Reynolds**  
6  
7 **Stats**  
8  
9 Information only.  
10  
11 **Rules – Dr. Fogarty**  
12  
13 No report.  
14  
15 **Unlicensed Activity –**  
16  
17 No report.  
18  
19 **NEXT MEETING DATE – November 2<sup>nd</sup> – Orlando**  
20  
21 **ADJOURNMENT:**  
22  
23 The meeting was adjourned at 5:38 p.m.