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

**MINUTES  
GENERAL BUSINESS MEETING**

**The Breakers  
1 South County Road  
Palm Beach, Florida 33480**

**August 16, 2013**

Agenda items are subject to being taken up at any time 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.

**General Board Business started: 8:34 a.m.**

**CALL TO ORDER:**

Dr. Debra Hoffman, Chair, called the meeting to order at 8:34 a.m. Those present for all or part of the meeting included the following:

**BOARD MEMBERS PRESENT:**

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

**BOARD STAFF:**

William Miller, Board 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  
Department of Health

**COURT REPORTER:**

Official Court Reporting  
(954) 467-8204

**PROFESSIONALS RESOURCE NETWORK, INC. – Penny Ziegler, M.D., PRN Medical  
Director**

1 Dr. Judy Rivenbark, with the Professional Resource Network, (PRN), stated that she was retiring  
2 this year and wanted to introduce her replacement, Dr. Penny Ziegler as the new medical director.

3  
4 **APPROVAL OF MINUTES:**

5  
6 **June 21, 2013 – Full Board Meeting**

7  
8 **Dr. Fogarty moved to approve the minutes as presented. The motion was seconded and**  
9 **carried 5/0.**

10  
11 **General Board Business ended: 8:34 a.m.**

12 **Disciplinary started: 8:35 a.m.**

13  
14 **FINAL ORDER ACTIONS:**

15  
16 **Motions for Final Order by Settlement Agreement:**

17  
18 **Tanya M. Hlinka, D.C. – Case Number 10-22415**

19 **PCP: Harding/Hoffman**

20  
21 Dr. Hlinka was present, sworn and was represented by Mr. Edwin Bayo, Esq.

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

- 24
- 25 • Sections 460.413(1)(m), 460.413(1)(1)(ff), F.S.
  - 26 • Section 460.413(1)(n), F.S. (dismissed)
  - 27 • Section 460.413(1)(r), F.S. (dismissed)

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

- 30
- 31 • letter of concern
  - 32 • administrative fine of \$5,000.00, as defined in the Final Order
  - 33 • administrative costs of \$3,377.33, as defined in the Final Order
  - 34 • counts two and three dismissed
  - 35 • completion of six (6) continuing education hours in the areas of recordkeeping,  
documentation and coding within one year of the filing of the Final Order
  - 36 • attend one (1) chiropractic board meeting within two (2) years
  - 37 • probation for a period of two (2) years
  - 38 • imposed monitoring as defined in the Final Order
  - 39 • monitor shall submit reports as defined in the Final Order
  - 40 • monitor and respondent shall appear before the board at such time as directed by the  
41 board
  - 42 • tolling provision applies
- 43

44 Mr. Bayo addressed the board on behalf of his client. The respondent also addressed the board.

45  
46 Discussion ensued.

47  
48 **Dr. Wellikoff moved to reject the settlement agreement. The motion was seconded and**  
49 **carried 4/0.**

1 **Dr. Wellikoff moved to issue a counter-offer by accepting all terms as recommended, with**  
2 **the exception of reducing the administrative fine to \$2,500, and increase the continuing**  
3 **education hours in the areas of Ethics and Boundaries from two (2) hours to four (4) hours,**  
4 **and record keeping from six (6) to twelve (12) hours. The respondent shall use two (2)**  
5 **separate instructors for the required continuing education. The motion was seconded and**  
6 **carried 4/0.**

7  
8 The respondent accepted the counter-offer.

9  
10 Ms. Rossitto-Van Winkle accepted the counter-offer on behalf of the department.

11  
12 **Zachary D. Scott, D.C. – Case Number 12-16715**

13 **PCP: Fogarty/Wolfson**

14  
15 Dr. Scott was neither present and was not represented by counsel.

16  
17 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

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

19  
20 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the  
21 following provisions:

- 22 • letter of concern  
23 • indefinite suspension until he attends a board meeting and then petitions the board to lift  
24 the suspension as defined in the Final Order  
25 • if suspension is more than four years then would be required to take and pass the SPEC  
26 examination and laws & laws, compliance with the continuing education requirements  
27 during the period of time that his FL chiropractic license was indefinitely suspended  
28 • administrative fine of \$1,000.00, as defined in the Final Order  
29 • administrative costs of \$1,571.99, as defined in the Final Order  
30 • completion of three (3) hours of risk management, two (2) of which must be laws and  
31 rules within one year of the filing of the Final Order  
32 • attend two (2) chiropractic board meetings within two (2) years  
33 • probation for a period of two (2) years  
34 • imposed monitoring as defined in the Final Order  
35 • monitor shall submit reports as defined in the Final Order  
36 • monitor and respondent shall appear before the board at such time as directed by the  
37 board  
38 • tolling provision applies

39  
40 Discussion ensued.

41  
42 **Ms. Reynolds moved to accept the settlement agreement. The motion was seconded and**  
43 **carried 4/0.**

44  
45 **Paul M. Toma, D.C. – Case Number 12-09122**

46 **PCP: Jenkins/Reynolds**

47  
48 Dr. Toma was present, sworn and was represented by Mr. Edwin Bayo, Esq.

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

- 1           • Section 460.413(1)(r), F.S.  
2

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

- 5           • reprimand  
6           • administrative fine of \$7,500.00, as defined in the Final Order  
7           • administrative costs of \$4,019.14, as defined in the Final Order  
8           • completion of 3 hours of risk management, two of which must be laws and rules  
9           • attend two (2) chiropractic board meetings within two (2) years  
10          • practice restriction (Radiographic Diagnostic Studies) for a period of two (2) years as  
11          defined in the Final Order  
12          • after successful completion of one (1) year of practice restriction, respondent shall  
13          request the practice restriction lifted  
14          • shall be responsible to provide full access to the board approved monitor as defined in the  
15          Final Order  
16          • probation  
17          • first month of probation, monitor shall submit reports as defined in the Final Order  
18          • monitor and respondent shall appear before the board at such time as directed by the  
19          board  
20          • tolling provision applies  
21

22 Mr. Bayo addressed the board on behalf of his client. The respondent also addressed the board.  
23

24 Discussion ensued.  
25

26 **Dr. Wellikoff moved to reject the settlement agreement. The motion was seconded and**  
27 **carried 4/0.**  
28

29 **Dr. Wellikoff moved to issue a counter-offer by accepting all terms as recommended with**  
30 **the exception of replacing the reprimand with a letter of concern, reducing the**  
31 **administrative fine to \$1,000.00, continuing education in the areas of radiology, monitoring**  
32 **for two years all x-rays by a x-ray chiropractic radiologist, sending all digital scanned**  
33 **images to a radiologist with phone consultation once per month for the first six months and**  
34 **then quarterly reports within one year, if after six months the radiologist has determined**  
35 **that the records are in compliance then the remaining scanned images will be dismissed,**  
36 **successfully complied with all imposed payments, completion of continuing education of**  
37 **twelve (12) hours of radiology/pathology courses that shall be submitted to the compliance**  
38 **officer and forwarded to the Disciplinary Compliance Committee within one (1) year unless**  
39 **situating circumstances causes a change in the reporting, and early termination may be**  
40 **requested after all requirements have been met. The motion was seconded and carried 4/0.**  
41

42 The respondent accepted the counter-offer.  
43

44 **Request to Vacate Final Order:**  
45

46           **Robert E. Thompson, D.C. – Case Number 10-15074**  
47

48 Dr. Thompson was neither present nor represented by counsel.  
49

1 Ms. Rossitto-Van Winkle informed the board that the respondent had requested to vacate the  
2 Final Order No. DOH 12-0759-S filed on April 27, 2012, for failure to practice in the chiropractic  
3 profession due to his disability.

4  
5 Discussion ensued.

6  
7 **Dr. Fogarty moved to approve the respondent's request to vacate the Final Order No. DOH**  
8 **12-0759-S filed on April 27, 2012. The motion was seconded and carried 5/0.**

9  
10 **Dr. Fogarty moved to dismiss the case as presented. The motion was seconded and carried**  
11 **5/0.**

12  
13 **Motion for Final Order Based Upon a Voluntary Relinquishment of License:**

14  
15 **Robert E. Thompson, D.C. – Case Number 13-07228**  
16 **PCP: Waived**

17  
18 Dr. Thompson was neither present nor represented by counsel.

19  
20 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 21 • Sections 460.413(1)(m), 460.413(1)(ff), F.S. and/or Rule 64B2-17.0065, F.A.C.

22  
23 Ms. Rossitto-Van Winkle stated that the respondent requested the board to accept the voluntary  
24 relinquishment of his license.

25  
26 **Ms. Reynolds moved to approve the respondent's request to voluntary relinquish his**  
27 **license. The motion was seconded and carried 5/0.**

28  
29 **Dr. Fogarty moved to dismiss the case as presented. The motion was seconded and carried**  
30 **5/0.**

31  
32 **Motion for Final Order After Hearing Not Involving Disputed Issues of Material Facts:**

33  
34 **Jonathan F. Berns, D.C. – Case Number 13-02838**  
35 **PCP: Harding/Shreeve**

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

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

- 40 • Section 460.413(1)(v), F.S. (2 counts)

41  
42 **Ms. Reynolds moved to accept the investigative report and all case materials including all**  
43 **confidential and addendum materials, if any, into evidence in these proceedings. The**  
44 **motion was seconded and carried 4/0.**

45  
46 **Dr. Fogarty moved that the respondent was properly served by publication and signed an**  
47 **election of rights. The motion was seconded and carried 4/0.**

48  
49 **Ms. Reynolds moved to adopt the findings of fact into evidence as alleged in the**  
50 **administrative complaint are not in dispute to adopt the conclusions of law and find that the**

1 **respondent was in violation as alleged in the administrative complaint. The motion was**  
2 **seconded and carried 4/0.**

3  
4 **Ms. Reynolds moved that the violation constitutes a violation of the Practice Act. The**  
5 **motion was seconded and carried 4/0.**

6  
7 Mr. Bayo addressed the board on behalf of his client. He requested that a minimal fine be  
8 imposed in this case.

9  
10 Discussion ensued.

11  
12 **Dr. Wellikoff moved to dismiss the administrative complaint. The motion was seconded**  
13 **and carried 4/1 with Dr. Fogarty opposed.**

14  
15 **PROSECUTION REPORT:**

16  
17 Ms. Rossitto-Van Winkle provided an overview of the prosecution report.

18  
19 **Ms. Reynolds moved to accept the prosecution report and continue putting special emphasis**  
20 **on prosecuting the older cases (one year and over). The motion was seconded and carried**  
21 **5/0.**

22  
23 **Discipline ended: 10:28 a.m.**

24 **General Board Business started: 10:28 a.m.**

25  
26 **PETITIONS FOR VARIANCE/WAIVER:**

27  
28 **Lyle W. Grenz, D.C. – Rule 64B2-13.004, F.A.C. – Continuing Education**

29  
30 Dr. Grenz was neither present nor represented by counsel.

31  
32 Discussion ensued.

33  
34 **Dr. Wellikoff moved to accept Dr. Grenz's request to Petition for Variance/Waiver of Rule**  
35 **64B2-13.004, F.A.C. The motion was seconded and carried 5/0.**

36  
37 **Jonathan D. Lavelle, D.C. – Rule 64B2-13.004, F.A.C. – Continuing**  
38 **Education and .0045, F.A.C. – Continuing Education Course Required for**  
39 **Initial Licensure, Renewal, or Reactivation**

40  
41 Dr. Lavelle was neither present nor represented by counsel.

42  
43 Ms. Loucks stated that Dr. Lavelle was requesting a Petition for Variance/Waiver of Rules 64B2-  
44 13.004, and 64B2-13.0045, F.A.C., of the required continuing education due to a financial  
45 hardship.

46  
47 Discussion ensued.

48  
49 **Ms. Reynolds moved to deny the reconsideration of Dr. Lavelle's request to Petition for**  
50 **Variance/Waiver of Rule 64B2-13.004, and 64B2-13.0045, F.A.C., for failure to provide**

1 **evidence of a financial hardship according to Chapter 456.036, F.S. The motion was**  
2 **seconded and carried 5/0.**

3  
4 **Dr. Wellikoff moved to conditionally approve Dr. Lavelle’s application for licensure upon**  
5 **taking the board approved medical errors course. The motion was seconded and carried**  
6 **5/0.**

7  
8 **General Board Business ended: 10:35 a.m.**

9 **Applications started: 10:35 a.m.**

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

12  
13 **Paul M. Braadt, D.C.**

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

16  
17 The board office received information from the National Practitioner Data Bank Healthcare  
18 integrity and Protection Data Bank revealing history that is provided for your review.

19  
20 Discussion ensued.

21  
22 **Dr. Mathesie moved to approve Dr. Braadt’s application for licensure. The motion was**  
23 **seconded and carried 5/0.**

24  
25 **Jennifer P. Brandon, D.C.**

26  
27 Dr. Brandon was present, sworn but was not represented by counsel.

28  
29 Ms. Loucks stated that Dr. Brandon’s application was before the board due to answering “no” to a  
30 disciplinary history question on her online application. He had omitted licensure held in other  
31 states; however, upon research by board staff, he was requested to make corrections to include the  
32 information and to very licensure held in Georgia, Massachusetts and Colorado. The board also  
33 received additional information from the Federation of Chiropractic Licensing Boards (CIN-  
34 BAD) regarding disciplinary action taken against Dr. Brandon (Peet) from the State of Vermont,  
35 on November 26, 2001.

36  
37 Dr. Brandon addressed the board.

38  
39 Discussion ensued.

40  
41 **Dr. Mathesie moved to approve Dr. Brandon’s application for licensure. The motion was**  
42 **seconded and carried 5/0.**

43  
44 **Sandra D. Fewox, R.C.A.**

45  
46 Ms. Fewox was present, sworn but was not represented by counsel.

47  
48 Ms. Loucks stated that Ms. Fewox’s application was before the board due to answering “yes” to  
49 question 11. She had provided supporting documentation as well for consideration.

1 Discussion ensued.

2  
3 **Dr. Wellikoff moved to approve Ms. Fewox's application for licensure. The motion was**  
4 **seconded and carried 5/0.**

5  
6 **Shaniel S. Jernigan, R.C.A.**

7  
8 Ms. Jernigan was neither present nor represented by counsel.

9  
10 Ms. Loucks stated that Ms. Jernigan's application was before the board due to answering "yes" to  
11 questions 4, 4c, 4d, 5, and 11 which is a violation of Chapter 893, F.S. She had provided  
12 supporting documentation as well for consideration. Ms. Jernigan had requested the board to  
13 consider her application even after staff had informed her of Chapter 456.0635, F.S.

14  
15 Discussion ensued.

16  
17 **Dr. Wellikoff moved to deny Ms. Jernigan's application, for failure to meet the**  
18 **requirements in Chapter 456.0635, F.S., but would allow Ms. Jernigan the opportunity to**  
19 **withdraw her application within 30 days. The motion was seconded and carried 5/0.**

20  
21 **RATIFICATION OF LICENSURE:**

22  
23 **Chiropractic Physicians**  
24 **(Margaux Blair Allen, CH 10897 – Rachel King, CH 10941)**

25  
26 **Dr. Fogarty moved to approve the ratification list. The motion was seconded and carried**  
27 **5/0.**

28  
29 **Certified Chiropractic Physician Assistant**  
30 **(Christa Marie Blose, CI 730 – Jonna Lynn Henry-Norton, CI 735)**

31  
32 **Ms. Reynolds moved to approve the ratification list. The motion was seconded and carried**  
33 **5/0.**

34  
35 **Registered Chiropractic Assistants**  
36 **(Arielle Shira Leavitt, RCA 11637 – Ariadna Fuentes Torres, RCA 11789)**

37  
38 **Dr. Fogarty moved to approve the ratification list. The motion was seconded and carried**  
39 **5/0.**

40  
41 **Applications ended: 10:48 a.m.**  
42 **Other Disciplinary started: 10:48 a.m.**

43  
44 **COMMITTEE REPORTS:**

45  
46 **Disciplinary Compliance – Dr. Mathesie**

47  
48 **Matthew N. Boucher, D.C. – Case Number 08-13387 – Termination of Probation**

49  
50 Dr. Boucher was present, sworn and was represented by Mr. Gregory Eisenmenger, Esq.



1 Dr. Mathesie provided a brief overview of Dr. Boucher's progress. He stated that the compliance  
2 officer had indicated Dr. Boucher had fulfilled all obligations of the Final Order.

3  
4 Mr. Eisenmenger addressed the board on behalf of his client.

5  
6 Discussion ensued.

7  
8 **Dr. Mathesie moved to approve the request for termination of probation. The motion was**  
9 **seconded and carried 5/0.**

10  
11 **Diana L. Finley, D.C. – Case Number 07-29217 – Extension Request**

12  
13 Dr. Finley was present, sworn and was represented by Mr. Edwin Bayo, Esq.

14  
15 Dr. Mathesie provided a brief overview of Dr. Finley's progress. He stated that Dr. Finley had  
16 requested the board an extension to pay the balance of administrative fine in the amount of  
17 \$3,000.00.

18  
19 Mr. Bayo addressed the board on behalf of his client.

20  
21 Discussion ensued.

22  
23 **Dr. Mathesie moved to approve the request for an extension to pay the remaining**  
24 **administrative fine of \$3,000.00 in equal monthly payments of \$150.00 per month. The**  
25 **motion was seconded and carried 5/0.**

26  
27 **Louis E. Miller, D.C. – Case Number 09-09736 – Termination of Probation**

28  
29 Dr. Miller was present, sworn and was represented by Mr. Daniel M Bachi, Esq. Ms. Rebecca  
30 Lanfort was present, sworn and addressed the board.

31  
32 Dr. Mathesie provided a brief overview of Dr. Miller's progress. He stated that the compliance  
33 officer had indicated that Dr. Miller had fulfilled all obligations with the exception of the  
34 administrative fine that is due by August 30, 2013.

35  
36 Mr. Bachi addressed the board on behalf of his client. Dr. Miller also addressed the board.

37  
38 Discussion ensued.

39  
40 Dr. Miller admitted that he had not been practicing chiropractic medicine using the hyperbaric  
41 oxygen chamber.

42  
43 Further discussion ensued.

44  
45 **Dr. Mathesie moved to approve the request for termination of probation and to request Dr.**  
46 **Miller to complete a laws and rules course related to Trust Accounting. The motion was**  
47 **seconded and carried 5/0.**

48  
49 The board requested adding hyperbaric oxygen chamber to the next agenda, and to invite Ms.  
50 Rossitto-Van Winkle to explain the use of this procedure.

1 **Virginia De L. Planas, D.C. – Case Number 05-58885 – Termination of Probation**

2  
3 Dr. Planas was present, sworn but was not represented.

4  
5 Dr. Mathesie provided a brief overview of Dr. Planas’ progress. He stated that the respondent  
6 had requested early termination of her probation period. Her monitor also advocated for the  
7 respondent.

8  
9 Discussion ensued.

10  
11 **Dr. Mathesie moved to approve the request for termination of probation. The motion was**  
12 **seconded and carried 5/0.**

13  
14 **Eric J. Springer, D.C. – Case Number 10-12261 – Early Termination of Probation**  
15 **Request**

16  
17 Dr. Springer was present, sworn and was represented by Mr. Kenneth A. Scaz, Esq.

18  
19 Dr. Mathesie provided a brief overview of Dr. Springer’s progress. He stated that the respondent  
20 had requested early termination of his probation period.

21  
22 Mr. Scaz addressed the board on behalf of his client.

23  
24 Discussion ensued.

25  
26 **Dr. Mathesie moved to approve the request for termination of probation. The motion was**  
27 **seconded and carried 5/0.**

28  
29 **Other Disciplinary ended: 11:53 a.m.**  
30 **General Board Business started: 11:54 a.m.**

31  
32 **INFORMATION – Online CE**

33  
34 Mr. Miller stated that the July 2013 issue of the Chiropractic Continuing Education Updates for  
35 Licensing Boards information was for informational purposes only.

36  
37 **CHAIR/VICE-CHAIR REPORT:**

38  
39 **Future Agenda Items**

40  
41 There were no additional future agenda items provided.

42  
43 **EXECUTIVE DIRECTOR’S REPORT:**

44  
45 **New Algorithm for Application Process**

46  
47 Information only.

48  
49 **BOARD COUNSEL’S REPORT:**

50  
51 **OIG Advisory Opinion Regarding Groupon**

1  
2 Mr. Paul Lambert, Esq., with the Florida Chiropractic Association, provided the board with an  
3 update regarding Groupon and the website advertisements.

4  
5 Information only.

6  
7 **District Court of Appeal Opinion – Exemption Statute**

8  
9 Information only.

10  
11 **Rules Stats Report**

12  
13 Ms. Loucks provided a brief report.

14  
15 **64B2-17.0025 Standard of Practice for Phlebotomy, Physiotherapy, and the**  
16 **Administration of Items for Which a Prescription is not Required; Prohibition of**  
17 **Prescribing or Administering Legend Drugs.**

18  
19 (1) Any chiropractic physician who in his or her practice uses performs or supervises  
20 physiotherapy, phlebotomizes phlebotomy, diagnostic tests, electrodiagnostic testing, or  
21 administers treatment items for which a prescription is not required must have acquired ? the  
22 competence to perform said service, procedure, or treatment through appropriate education and/or  
23 training. Any chiropractic physician who provides any treatment or service for which he or she  
24 has not been specifically educated or trained shall be deemed to be performing professional  
25 responsibilities which the licensee knows or has reason to know he or she is not competent to  
26 perform, and shall be subject to discipline pursuant to Section 460.413(1)(t), Florida Statutes.

27 (2) For the purpose of Chapter 460.403(8)(c), Florida Statutes, “items for which a  
28 prescription is not required” include “proprietary drugs” such as patent or over-the-counter drugs  
29 in their unbroken, original package and which is not misbranded under the provisions of Chapter  
30 499.001-499.081, Florida Statutes.

31 (3) For the purpose of Chapter 460.403(8)(c), Florida Statutes, and this rule “administration”  
32 is defined as the administration of one dose of any proprietary drug, and the recommendation and  
33 direction of dosage levels for the patient’s needs. Administration shall not include dispensing of  
34 repackaged proprietary drugs.

35 (4) All chiropractic physicians are explicitly prohibited by Chapter 460.403, Florida Statutes,  
36 from prescribing or administering to any person any legend drug. A legend drug is defined as a  
37 drug required by federal or state law to be dispensed only by prescription. For the purpose of this  
38 rule, any form of injectable substance is beyond the scope of practice for chiropractors.

39 (5) Notwithstanding the prohibition against prescribing and administering legend drugs under  
40 Section 460.403 or 499.0122, Florida Statutes, chiropractic physicians may order, store, and  
41 administer, for emergency purposes only at the chiropractic physician’s office or place of  
42 business, prescription medical oxygen and may also order, store, and administer the following  
43 topical anesthetics in aerosol form:

44 (a) Any solution consisting of 25 percent ethyl chloride and 75 percent  
45 dichlorodifluoromethane.

46 (b) Any solution consisting of 15 percent dichlorodifluoromethane and 85 percent  
47 trichloromonofluoromethane.

48 However, this rule does not authorize a chiropractic physician to prescribe medical oxygen as  
49 defined in Chapter 499, Florida Statutes.

50 *Specific Authority 460.405 FS. Law Implemented 460.403(8)(c), (f), 460.413(1)(t) FS. History–*

1 *New 10-17-90, Formerly 21D-17.0025, 61F2-17.0025, 59N-17.0025, Amended 2-16-98.*

2  
3 **Dr. Fogarty moved to Notice for Rule Development and accepted the drafted language on**  
4 **Rule 64B2-17.0025, F.A.C. The motion was seconded and carried 5/0.**

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

11  
12 **Dr. Wellikoff moved to withdraw the request to draft a letter to JAPC at this time. The**  
13 **motion was seconded and**

14  
15 **Rules Committee Meeting – Thursday, August 15, 2013**

- 16  
17
  - **Rule 64B2-17.0026, F.A.C. – Standard of Practice for Electrodiagnosis**
  - **Rule 64B2-13.008, F.A.C. – Retired Status License**
  - **Rule 64B2-?.???, F.A.C. - Public Comment**

18  
19  
20  
21 **Dr. Wellikoff moved to ratify the rules that were acted upon at the Thursday meeting. The**  
22 **motion was seconded and carried 5/0.**

23  
24 Ms. Reynolds and Dr. Wellikoff addressed the board regarding their time serving with the board.

25  
26 **COMMITTEE REPORTS – Cont.:**

27  
28 **Budget – Ms. Reynolds**

29  
30 No report.

31  
32 **CCPA – Ms. Reynolds**

33  
34 No report.

35  
36 **Continuing Education – Dr. Wellikoff**

37  
38 **Providers and Courses Approved by CE Chair**

39  
40 Dr. Wellikoff provided an overview of the ratification list of CE Providers & Courses approved  
41 by the CE Committee Chair and Staff.

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43 **Dr. Wellikoff moved to approve the ratification lists as provided. The motion was seconded**  
44 **and carried 5/0.**

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46 **Credentials – Dr. Wellikoff**

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48 No report.

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50 **Examination – Dr. Hoffman**

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No report.

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

No report.

**Probable Cause – Ms. Reynolds/Drs. Fogarty/Mathesie**

**Stats**

Information only.

**Rules – Dr. Fogarty**

**Approval of Proposed Rules Discussed at Rules Committee Meeting – August 15, 2013**

**Unlicensed Activity – Vacant**

**FY 11-12 and 12-13 Report**

Mr. Miller provided a brief report.

**NEXT MEETING DATE:**

**November 1<sup>st</sup> – Orlando (The Peabody)**

Information only.

**General Board Business ended: 1:13 p.m.**

**ADJOURNMENT:**

The meeting was adjourned at 1:13 p.m.