

1 The Florida Board of Chiropractic Medicine held a meeting on Friday, November 3, 2017,
2 commencing at 8:30 a.m. This meeting was held at the Rosen Plaza, 9700 International Drive,
3 Orlando, Florida 32819, (407) 996-4766, to which all persons were invited to attend.
4 Participants in this public meeting were made aware that these proceedings were being recorded
5 and that an audio file of the meeting will be posted to the board's website.
6

7 **AGENDA**

8 **Section I started at: 8:35 a.m.**

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

10 **Board Members Present:**

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

18 **Board Staff Present:**

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

22 **Board Counsel:**

23 Lawrence Harris, Assistant Attorney General

24 **Prosecution Counsel:**

25 Peter Delia, Assistant General Counsel
26 John Wilson, Assistant General Counsel

27 **Court Reporter:**

28 American Court Reporting
29 (407)896-1813

30 **Section I ended at: 8:38 a.m.**

31 **Section II began at: 8:38 a.m.**

32 **II. APPROVAL OF MINUTES:**

33 September 25, 2017

34 **Action:** Motion to accept by Dr. Dougherty. Second by Ms. Pelaez.

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

36 August 25, 2017

37 **Action:** Motion to accept made by Dr. Dougherty. Second by Dr. Heagy.

48 Dr. Dougherty made the following corrections:
49 Page 3: should read “trade journals”, not trade articles.
50 Page 4/ Line 149: Dr. Marvin’s name should be Dr. Martin.
51 **Vote:** 7 yeas / 0 opposed. Motion carried.

52
53 **Section II ended at: 8:40 a.m.**
54 **Section III began at: 8:40 a.m.**
55

56 **III. FINAL ORDER ACTION:**

57
58 **a. INFORMAL HEARING:**

59
60 **i. Chedrick Neal, D.C., Case No. 2015-18148**

61 **PCP: Hunt/Jenkins**

62 Not present. Not represented by counsel. Mr. Delia presented the case. Dr. Neal violated
63 Florida Statutes 460.413(1)(c) and 460.413(1)(ff) by being convicted or found guilty of a
64 crime which relates directly to the inability to practice chiropractic medicine.
65

66 **Action:** Motion made to establish a case based on the prima facie case in the
67 administrative complaint made by Dr. Dougherty. Second by Dr. Heagy.

68 **Vote:** 7 yeas / 0 opposed. Motion carried.
69

70 **Action:** Motion made to find the allegations of fact in the administrative complaint as the
71 findings of fact by the board made by Dr. Heagy. Second by Dr. Dougherty.

72 **Vote:** 7 yeas / 0 opposed. Motion carried.
73

74 **Action:** Motion to proceed with an Informal Hearing made by Dr. Dougherty. Second by
75 Dr. Fox.

76 **Vote:** 7 yeas/ 0 opposed. Motion carried.
77

78 **Action:** Motion to find the respondent in violation of the Florida Statutes as charged in
79 the administrative complaint made by Dr. Dougherty. Second by Dr. Fox.

80 **Vote:** 7 yeas / 0 opposed. Motion carried.
81

82 **Action:** Motion for revocation of the license made by Dr. Fox. Second by Dr. Dougherty.

83 **Vote:** 7 yeas / 0 opposed. Motion carried.
84

85 **Action:** Motion to impose costs in the amount of \$8,056.55 made by Dr. Dougherty.
86 Second by Ms. Pelaez.

87 **Vote:** 7 yeas / 0 opposed. Motion carried.
88

89 **ii. Ronald Woodley, D.C., Case No. 2016-09061**

90 **PCP: LaRusso/Fox**

91 Not present. Not represented by counsel. Mr. Wilson presented the case. Dr. Woodley
92 was charged with violating a lawful order of the Board. The respondent still owes
93 \$2,733.10 in fines and \$3,099.42 in costs. The terms of the order have not been complied
94 with. The respondent was on a monthly payment plan to pay \$131.90 per month. The last

95 payment was September 2016. The respondent filed an Election of Rights incorrectly and
96 the respondent has not rectified the request.

97
98 **Action:** Motion to hold an Informal Hearing made by Dougherty. Second by Ms. Pelaez.
99 **Vote:** 6 yeas / 0 opposed. Motion carried.

100
101 **Action:** Motion to find allegations of fact in the administrative complaint as the findings
102 of fact by the Board made by Dr. Weingarten. Second by Ms. Pelaez.
103 **Vote:** 6 yeas / 0 opposed. Motion carried.

104
105 **Action:** Motion that the findings of fact support the allegations found in the
106 administrative complaint and that the respondent is in violation of the practice act made
107 by Dr. Dougherty. Second by Dr. Heagy.
108 **Vote:** 6 yeas / 0 opposed. Motion carried.

109
110 **Action:** Motion to suspend the respondent's license until he is fully compliant with the
111 terms of the previous final order made by Ms. Pelaez. Second made by Dr. Dougherty.
112 **Vote:** 6 yeas / 0 opposed. Motion carried.

113
114 **Action:** Motion to grant costs in the amount of \$13.43 made by Dr. Dougherty. Second
115 by Dr. Weingarten.
116 **Vote:** 6 yeas / 0 opposed. Motion carried.

117
118 **iii. Richard T. Pfaff, D.C., Case No. 2016-09326**
119 **PCP: Dougherty/Hoffman**

120 Present. Dr. Pfaff requested an Informal Hearing. Dr. Pfaff was charged with violating
121 a previous order of the Board. The respondent still owes the department \$6,683.01
122 towards the fine. The respondent was given a payment plan allowing a monthly payment
123 of \$463.83. The last payment was February 2015. The terms of the Final Order have not
124 been complied with. Dr. Pfaff filed an Election of Rights not contesting the issues of
125 material fact. Dr. Pfaff's license cannot be renewed.

126
127 **Action:** Motion to convene an Informal Hearing made by Dr. Fox. Second by Ms. Pelaez.
128 **Vote:** 6 yeas / 0 opposed. Motion carried.

129
130 **Action:** Motion to establish a prima facie case for the violations alleged made by Dr.
131 Fox. Second by Ms. Pelaez.
132 **Vote:** 6 yeas / 0 opposed. Motion carried.

133
134 **Action:** Motion to adopt the allegations of fact in the administrative complaint as the
135 findings of fact by this Board made by Ms. Pelaez. Second by Dr. Heagy.
136 **Vote:** 6 yeas / 0 opposed. Motion carried.

137
138 **Action:** Motion to accept the voluntary-relinquishment of Dr. Pfaff's license made by Dr.
139 Fogarty. Second made by Mr. Colter.
140 **Vote:** 6 yeas / 0 opposed. Motion carried.

141

142 **b. VOLUNTARY RELINQUISHMENTS:**

143

144 **i. Lydia Suao, R.C.A., Case No. 2017-09717**

145 **PCP: Dougherty/Hoffman**

146 Not present. Not represented by counsel. The respondent was found guilty of creating
147 fraudulent insurance claims in or about November 2016. Ms. Suao failed to report her
148 guilty plea in writing to the board within 30 days. The respondent is excluded from all
149 Medicaid/Medicare programs and all other federal healthcare programs. Ms. Suao
150 submitted a request for a voluntary relinquishment of her registered chiropractic assistant
151 license.

152

153 **Action:** Motion to accept the respondent's voluntary relinquishment made by Ms. Pelaez.
154 Second by Dr. Heagy.

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

156

157 **ii. Timothy Edward Johnson, D.C., Case No. 2016-19748**

158 **PCP: Dougherty/Reynolds**

159 Not present. Not represented by counsel. Dr. Johnson violated a previous final order by
160 not having an approved female chaperone present during the examination of female
161 patients. The respondent submitted a request to the department to relinquish his
162 chiropractic license.

163

164 **Action:** Motion to accept the voluntary relinquishment made by Ms. Pelaez. Second by
165 Dr. Weingarten.

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

167 **Section III ended at: 9:07 a.m.**

168 **Section IV began at: 9:07 a.m.**

169

170

171 **IV. COMPLIANCE:**

172

173 **a. Stanton Cooper, D.C.**

174

175 Present. Represented by Dr. Robert Rappel, Esq. Dr. Cooper is requesting the
176 reinstatement of his license. Dr. Martha Brown was in attendance from PRN. Dr. Cooper
177 was suspended until he is able to demonstrate to the Board if he is able to practice with
178 reasonable skill and safety. Dr. Cooper has entered into a five-year contract with PRN.
179 PRN feels Dr. Cooper is safe to practice.

180

181 **Action:** Motion to lift the suspension for Dr. Cooper made by Dr. Dougherty. Second by
182 Dr. Fox.

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

184

185 **b. Donald Lowery, D.C.**

186

187 Not present. Not represented by counsel. Dr. Lowery is currently on probation. He has to
188 appear before the Board prior to termination of the probation. The compliance process
189 was discussed.

190 **Action:** Motion to continue Dr. Lowery’s probation until he makes and appearance made
191 by Dr. Heagy. Second by Dr. Fox.

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

193

194 **c. Edward McNamara, D.C.**

195

196 Present. Not represented by counsel. Dr. McNamara is currently on probation and must
197 appear before the Board prior to his termination of probation. Dr. McNamara will be
198 exiting his five-year contract of PRN. PRN felt Dr. McNamara could practice with
199 reasonable skill and safety.

200

201 **Action:** Motion to terminate probation made by Dr. Dougherty. Second by Dr. Fox.

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

203

204 **Section IV ended at: 9:24 a.m.**

205 **Section V began at: 9:24 a.m.**

206

207 **V. DECLARATORY STATEMENT**

208

209 **a. Live Webinar Distance Learning Education (64B2-13.004)**

210

211 **Action:** Motion to deny the petition because it does not specify their particular
212 circumstances and it does not list the statute or rule that applies and how they intend to
213 apply it made by Dr. Weingarten. Second by Ms. Pelaez.

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

215

216 This petition is denied without prejudice.

217

218 **Section V ended at: 9:33 a.m.**

219 **Break for 10 minutes**

220 **Section VI began at: 9:48 a.m.**

221

222 **VI. PETITION FOR VARIANCE OR WAIVER**

223

224 **a. Paul Spencer Otto, Jr.**

225

226 Dr. Otto requests to waive 40 hours in this biennium of continuing education and extend
227 it to the next biennium due to being out of the country. The waiver is granted due to the
228 ninety-day deemer clause.

229

230 **Action:** Motion to deny by Dr. Heagy. Second by Mr. Colter.

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

232

233 **Action:** Motion to withdraw the denial of the petition made by Dr. Heagy. Second by Mr.
234 Colter.

235 **Action:** Motion to approve the 80 hours of continuing education due by renewal ending
236 the biennium of 2020 due to the ninety-day default of the petition made by Ms. Pelaez.
237 Second by Dr. Dougherty.

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

239

240 **b. Albert Warner, D.C.**

241

242 Present. Not represented by counsel. Dr. Warner has filed a petition for variance and
243 waiver of Rule 64B2-13.004. He would like to complete an online course called
244 Biomechanics 206-215 for 10 credit hours offered by chirocredit.com. The course was
245 approved in September 2017 at the previous board meeting. This petition is moot.

246

247 The following petitions are moot:

248

249 **c. Mark Loving, D.C.**

250 Not present. Not represented by counsel.

251

252 **d. Christopher Goetz, D.C.**

253 Not present. Not represented by counsel.

254

255 **e. David Magnano, D.C.**

256 Not present. Not represented by counsel.

257

258 **f. Anthony Oliverio, D.C.**

259 Not present. Not represented by counsel.

260

261 **g. Barry Shapiro, D.C.**

262 Not present. Not represented by counsel.

263

264 **h. Kristin Kidgell, D.C.**

265 Not present. Not represented by counsel.

266

267 **i. Thomas Kleinman, D.C.**

268 Not present. Not represented by counsel.

269

270 **j. John Baker, D.C.**

271 Not present. Not represented by counsel.

272

273 **k. Joseph Penge, D.C.**

274 Not present. Not represented by counsel.

275

276 **Action:** Motion to deny the petitions as they are moot made by Dr. Dougherty. Second
277 made by Dr. Heagy.

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

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I. Evan Welfare, D.C.

Not present. Not represented by counsel. Dr. Welfare is requesting a variance of Rule 64B2-13.007. Dr. Welfare had not attended a live board meeting until after the 1-year licensure requirement had already passed. Dr. Welfare attended in August 2017.

Action: Motion to grant the waiver made by Dr. Heagy. Second by Dr. Dougherty.

Vote: 7 yeas / 0 opposed. Motion carried.

m. Travis M. Hunt, D.C.

Present. Not represented by counsel. Dr. Hunt requested a waiver for completing the required initial HIV/AIDS course outside of the required timeframe.

Action: Motion to approve the waiver made by Dr. Weingarten. Second by Dr. Dougherty.

Vote: 7 yeas / 0 opposed. Motion carried.

Section VI ended at: 10:04 a.m.

Section VII began at: 10:04 a.m.

VII. PROSECUTION REPORT:

Mr. Wilson gave a breakdown of current cases.

Total Cases: **70**

Emergency Action Unit: **2**

Cases under legal review: **41**

Cases with probable cause recommendation pending: **8**

Cases with probable cause found: **14**

Cases being heard at present meeting: **5**

Cases for board meeting scheduled for February 9, 2017: **2**

Cases in inventory 1-year and older: **36** cases

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

Vote: 7 yeas / 0 opposed. Motion carried.

Mr. Delia presented data from the probable cause panels since 2013 as requested by the Board at the previous meeting.

Only the data from 2 meetings in 2013 can be presented as data does not go back further.

2013:

33 cases; data cannot go back the entire 2013 year.

2014:

Total cases: **102** sent to PCP

327 **2015:**
328 Total cases: **68** sent to PCP
329 **2016:**
330 Total cases: **76** sent to PCP
331 **2017:**
332 Total cases: **53** cases sent to PCP. There are 8 cases scheduled for December 6, 2017.
333
334 There are currently three probable cause panels and if the trend of cases continues
335 downward, three panels may not be necessary. This is an issue to be considered in the
336 future.

337
338 **Section VII ended at: 10:19 a.m.**
339 **Section VIII began at: 10:19 a.m.**
340

341 **VIII. APPLICATIONS PRESENTED FOR BOARD REVIEW:**

342 **a. Benjamin Nelson, D.C.**

343 Present. Not represented by counsel. Dr. Nelson answered positive for health history on
344 his application. Dr. Nelson is subject to random drug testing currently.

345 **Action:** Motion to approve the application made by Mr. Colter. Second by Dr. Fox.
346 **Vote:** 7 yeas / 0 opposed. Motion carried.
347

348 **b. Daniel MacDougall, D.C.**

349 Present. Not represented by counsel. Dr. MacDougall's health history is related to the
350 criminal history. Dr. MacDougall received a DUI in 2013 and underwent counseling and
351 community service due to this. Dr. MacDougall's Pennsylvania driver's license was
352 suspended while in school.

353 **Action:** Motion to approve the application contingent upon PRN evaluation made by Dr.
354 Heagy. Second made by Dr. Dougherty.
355 **Vote:** 7 yeas / 0 opposed. Motion carried.
356

357 **c. Daniel Mark Jarvis, D.C.**

358 Not present. Not represented by counsel. The application was previously reviewed due to
359 out of state discipline. Dr. Jarvis was to undergo a PRN evaluation. Dr. Jarvis did not
360 comply.
361

362 **Action:** Motion to deny the application made by Dr. Dougherty. Second by Ms. Pelaez.
363 **Vote:** 7 yeas / 0 opposed. Motion carried.
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d. Martin Richard Zipkin D.C.

Present. Not represented by counsel. Dr. Zipkin had student loans in default. Dr. Zipkin claims he has paid them off. Dr. Zipkin is unaware if he has been restored to the Medicaid/Medicare programs. The Medicaid/Medicare exclusion was based on failure to repay loans. Dr. Zipkin finalized under oath he was unaware of any Medicaid/Medicare exclusions for any reason.

Action: Motion to approve the application made by Dr. Fox. Second by Dr. Weingarten.
Vote: 7 yeas / 0 opposed. Motion carried.

e. Stacy Kisting, D.C.

Not present. Not represented by counsel. Dr. Kisting does not have an official bachelor's degree. Dr. Kisting has filed two previous waivers. She was requested by the Board to appear at this meeting. Dr. Kisting would be able to obtain a bachelor's degree from Excelsior College but states she is unable to pay the required fees. Dr. Kisting says she cannot attend meetings. She will have to withdraw her current application and then reapply once she officially has a bachelor's degree so the matriculation dates match.

Action: Motion to deny the application by Ms. Pelaez based on the required statute. No second. Motion fails.

Action: Motion to require an appearance at the next meeting with proof of a bachelor's degree made by Mr. Colter. Second by Dr. Weingarten.
Vote: 7 yeas / 0 opposed. Motion carried.

Section VIII ended at: 11:04 a.m.
Break for 10 minutes
Section IX began at: 11:14 a.m.

IX. RATIFICATIONS:

a. Licensure

i. Chiropractic Physician

Action: Motion to approve license numbers 12271-12328 made by Dr. Heagy. Second by Dr. Dougherty.

Vote: 7 yeas / 0 opposed. Motion carried.

ii. Registered Chiropractic Assistant

Action: Motion to approve license numbers 16954-17120 made by Ms. Pelaez. Second by Dr. Dougherty.

Vote: 7 yeas / 0 opposed. Motion carried.

422 **iii. Certified Chiropractic Physician Assistant**

423
424 **Action:** Motion to approve license number 860 made by Dr. Dougherty. Second by Dr.
425 Heagy.

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

427
428 **b. Continuing Education**

429
430 **i. CE Providers and Courses approved by Committee Chair**

431
432 **Action:** Motion to approve by Dr. Dougherty. Second by Mr. Colter.

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

434
435 **ii. National University of Health Sciences**

436
437 Dry needling is not within the scope of practice within the state of Florida.

438
439 **Action:** Motion to deny the application made by Dr. Weingarten. Second by Dr.
440 Fogarty.

441 **Action:** 6 yeas / 1 opposed. Motion carried.

442
443 **Section IX ended at: 11:19 a.m.**

444 **Section X began at: 11:19 a.m.**

445
446 **X. CONTINUING EDUCATION**

447
448 **a. Dr. Salvatore LaRusso**

449
450 Dr. LaRusso is approved for 10 hours of continuing education for attending the FCLB
451 convention.

452
453 **Action:** Motion approve Dr. LaRusso's request made by Dr. Dougherty. Second by Ms.
454 Pelaez.

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

456
457 **Section X ended at: 11:21 a.m.**

458 **Section XI began at: 11:21 a.m.**

459
460 **XI. CHAIR/VICE-CHAIR REPORT:**

461
462 Nothing to add at this time.

463
464 **Section XI ended at: 11:22 a.m.**

465 **Section XII began at: 11:22 a.m.**

466
467 **XII. EXECUTIVE DIRECTOR'S REPORT:**

468
469 The Chair/Vice-Chair meeting will take place on April 23, 2018 in Tallahassee.

470

471 **Section XII ended at: 11:24 a.m.**
472 **Section XIII began at: 11:24 a.m.**

473
474 **XIII. BOARD COUNSEL’S REPORT:**

- 475
476 **a. September Rules Report**
477 **b. October Rules Report**

478
479 The Rule 64B2-13.004 was opened previously for development. There is a workshop
480 to be held later today regarding online courses. The other issues was the number of
481 hours that an examiner can use for continuing education was 19.50 hours and had to
482 be reduced to 19.0 because CEBroker cannot recognize fractional hours. There will
483 be a rule development hearing today beginning at 1:00 p.m.

- 484
485 **c. New Statutory Language**

486
487 Currently, there is nothing pending in the upcoming session. Previously, the Board
488 had discussed some language changes about endorsement. Currently, there is no path
489 for licensure for foreign graduates. The foreign graduate language can be added to
490 the endorsement language. This discussion was tabled until the language can be
491 drafted to include both provisions and will brought back for review in February
492 2018.

- 493
494 **d. Annual Regulatory 2017-2018**

495
496 The Annual Regulatory Plan is established annually by the legislature and a response
497 from the board is required.

498
499 **Action:** Motion to move the Annual Regulatory Plan made by Dr. Heagy. Second by
500 Dr. Dougherty.

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

502
503 **Section XIII ended at: 11:39 a.m.**
504 **Section XIV began at: 11:39 a.m.**

505
506 **XIV. COMMITTEE REPORTS**

- 507
508 **a. Budget – Mr. Colter**

509
510 Nothing is pending. The budget forms will be on the agenda for the February 2018
511 meeting. Mr. Colter was interested in looking at a fee reduction. Dr. Spivey
512 explained that a fee reduction does not prevent a sweep from happening. A budget
513 analysis would need to be completed before looking at making any final decisions.

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517

- 518 **b. Certified Chiropractic Physicians Assistants – Dr. Dougherty**
519
520 Nothing to report.
521
522 **c. Continuing Education – Drs. Heagy/Weingarten**
523
524 Dr. Dougherty will be added to the continuing education committee.
525
526 **d. Disciplinary Compliance – Dr. Fogarty**
527
528 Nothing to report.
529
530 **e. Examination – Dr. Heagy**
531
532 Nothing to report.
533
534 **f. Healthiest Weight –**
535
536 Dr. Weingarten was appointed to the healthiest weight committee.
537
538 **g. Legislation – Dr. Heagy/Mr. Colter**
539
540 **h. Probable Cause – Drs. Dougherty/Fox/Heagy**
541
542 Dr. Weingarten is on probable cause and not Dr. Heagy.
543
544 **i. Rules –**
545
546 Dr. Weingarten was appointed to the rules committee.
547
548 **j. Unlicensed Activity – Ms. Pelaez**
549 Since May, one cease and desist order has been issued. Ms. Pelaez addressed the
550 audience about how to contact the department when someone suspects unlicensed
551 activity.
552
553 **k. Outstanding Service Award – Dr. Heagy**
554
555 Nothing to report.
556
557 Section XIV ended at: 11:45 a.m.
558 Section XV began at: 11:45 a.m.
559
560 **XV. OLD BUSINESS:**
561
562 **a. Highlights from District V**
563

564 There will be a District Five meeting coming up in May 2018 in Dallas, TX. Dr.'s Fox,
565 Heagy, and the Executive Director, Dr. Spivey will be attending.

566
567 **Section XV ended at: 11:47 a.m.**
568 **Section XVI began at: 11:47 a.m.**
569

570 **XVI. NEW BUSINESS:**

571
572 None at this time.

573
574 **Section XVI ended at: 11:48 a.m.**
575 **Section XVII began at: 11:48 a.m.**
576

577 **XVII. NEXT MEETING DATE:**

578
579 February 9, 2018

580
581 **Section XVII ended at: 11:49 a.m.**
582 **Section XVIII began at: 11:49 a.m.**
583

584 **XVIII. PUBLIC COMMENT:**

585
586 Discussion ensued about the issue of dry needling due to an earlier denial of a continuing
587 education course.

588
589 **Section XVIII ended at: 11:56 a.m.**
590 **Section XIX began at: 11:56 a.m.**
591

592 **XIX. ELECTION OF OFFICERS:**

593
594 **Action:** Motion to nominate Dr. Kevin Fogarty as Chair made by Dr. Heagy. Second by
595 Dr. Dougherty.

596 **Vote:** 7 yeas / 0 opposed. Motion carried.
597

598 **Action:** Motion to nominate Dr. Heagy as Vice-Chair made by Dr. Dougherty. Second by
599 Dr. Weingarten.

600 **Vote:** 7 yeas / 0 opposed. Motion carried.
601

602 **Section XIX ended at: 11:59 a.m.**
603 **Section XX began at: 11:59 a.m.**
604

605 **XX. ADJOURNMENT:**

606
607 **Action:** Motion to adjourn made by Dr. Heagy. Second by Mr. Colter.
608 **Vote:** 7 yeas / 0 opposed. Motion carried.

609 Adjourned at 12:03 p.m.
610 **Section XX ended at: 12:03 p.m.**
611 **Section XXI began at: 1:05 p.m.**
612

613 **XXI. RULE WORKSHOP @ 1:00 P.M.:**

614

615 Ms. Pelaez read aloud the following statement: according to Statute 286.012, I will be
616 abstaining from voting or participating in this workshop due to the appearance of a
617 possible conflict of interest. Statute 112.3143, I will be filing the Form 8A Memorandum
618 of Voting and I will be turning it in to Dr. Spivey prior to leaving.

619

620 **a. 64B2-13.004**

621

622 Dr. Heagy asked about security and possible scenarios to identify subjects and their valid
623 participation in online continuing education. The SCORM Format should be continued
624 with but it needs to be worded differently at the suggestion of Dr. Heagy. Dr. Amy
625 Tirpak addressed the Board. Dr. Tirpak does not currently provide continuing education
626 in the state of Florida but desires too. Dr. Tirpak gave the Board the different scenarios
627 for online security that she currently uses. Dr. Fogarty was interested in minimum
628 standard of security provisions for online courses but currently there are no minimum
629 guidelines established. Mr. Harris suggested revising this rule. Minimum security
630 guidelines were discussed by Dr. Tirpak and the Board. Mr. Colter desired to research
631 online education and deliver the results to Dr. Spivey. This will be on the next agenda
632 in February 2018. Dr. Spivey agreed to send Dr. Warner the message that ten hours of
633 continuing education in the profession of chiropractic medicine completed online is
634 acceptable.

635

636 **b. Petition for Rule Amendments 64B2-13.004**

637

638 Dr. Warner addressed the Board. Mr. Warner is requesting the Board change the rule that
639 currently allows 10 hours of online continuing education and allow 40 hours of online
640 continuing education each biennium. Discussion ensued with regards to how other states
641 allow continuing education credits to be earned. The Board members requested Dr.
642 Warner refrain from the tactics currently being used in an attempt to sway the Board's
643 vote regarding continuing education by using devices such as harassing emails and robo
644 calls. Dr. Warner was asked by the Board members to provide some data of how the
645 classes are currently being delivered and what are the current standards for online
646 security verifications.

647

648 **Action:** Motion to deny the petition because the 10 hours of continuing education that are
649 currently being allowed online was a only a recent decision and it has not been evaluated
650 by the Board as being effective made by Dr. Dougherty. Second by Dr. Heagy.

651 **Vote:** 6 yeas / 1 opposed. Motion carried.

652

653 **Action:** Motion to adjourn made by Dr. Dougherty. Second by Mr. Colter.

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

655 Adjourned at 2:44 p.m.