

1 The Florida Board of Chiropractic Medicine held a meeting on Friday, May 18, 2018, commencing at
2 8:35 a.m. This meeting was held at the Embassy Suites, 4955 Kyngs Heath Road, Kissimmee, Florida
3 34746, (407) 597-4112, to which all persons were invited to attend. Participants in this public meeting
4 were made aware that these proceedings were being recorded and that an audio file of the meeting will
5 be posted to the board's website.

6
7 **AGENDA**
8

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

10
11 **I. CALL TO ORDER (Roll Call):**

12
13 **Board Members Present:**

14
15 Kevin Fogarty, D.C., F.I.C.A. (Hon), Chair
16 Danita Heagy, D.C., Vice-Chair
17 Christopher Fox, D.C., ATC(L)
18 Mindy Weingarten, D.C.
19 Julie Hunt, D.C.
20 David Colter
21 Paul Licata

22
23 **Board Staff Present:**

24
25 Dr. Anthony Spivey, Board Executive Director
26 Gail Curry, CPM, Program Operations Administrator
27 Kelly Woodard, Regulatory Supervisor/Consultant

28
29 **Board Counsel:**

30 Lawrence Harris, Assistant Attorney General
31 Office of Attorney General

32
33 **Prosecution Counsel:**

34 Rose Garrison, Assistant General Counsel
35 Kimberly Marshal, Assistant General Counsel

36
37 **Audio/Visual:**

38 Vanguard Audio Visual
39 (941)334-3183

40
41 **Court Reporter:**

42 American Court Reporting
43 (407)896-1813

44
45 **Section I ended at: 8:35 a.m.**

46 **Section II began at: 8:35 a.m.**
47
48

49 **II. APPROVAL OF MINUTES:**

50
51. February 9, 2018
52 **Action:** Motion to approve Feb. 9, 2018 minutes was made by Dr. Heagy. Second by Dr.
53 Weingarten.
54 Please put D.C. after Dr. Weingarten’s name. There was public comment on this meeting from Paul
55 Sorgee.
56 **Vote:** 7 yeas / 0 opposed. Motion carried.

57
58. March 21, 2018
59 **Action:** Motion to approve March 19, 2018 minutes was made by Dr. Weingarten.
60 Second by Mr. Colter.
61 **Vote:** 7 yeas / 0 opposed. Motion carried.

62
63 **Section II ended at: 8:40 a.m.**
64 **Section III began at: 8:40 a.m.**

65
66 **III. FINAL ORDER ACTION:**

67
68. **SETTLEMENT AGREEMENT:**

69
70 i. Anthony V. Filardo, D.C., Case No. 2011-02895
71 Present with Counsel Michael Lowe
72
73 Rose Garrison presented the case.
74 Attorney Michael Lowe spoke on behalf of his client for clarification of the facts in the case.

75
76 **Discussion:** There was discussion between the board and prosecution counsel to define the counts in the
77 administrative complaint, the events and issues with this case. Cost is capped at \$5000.00.

78
79 **Action:** Motion to accept the settlement agreement was made by Dr. Heagy.
80 Second by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion carried.

81
82 **Break 9:50 a.m.**
83 **Section III resumed at: 10:02 a.m.**

84
85 ii. Jeremiah B. Joseph, D.C., Case No. 2017-10029
86 Present with Counsel Amanda Waesch
87
88 Kimberly Marshal presented the case.
89
90 Attorney Amanda Waesch presented the facts of her client’s events. Dr. Joseph has made corrective action
91 plan to avoid the issues in the future.

92
93 **Discussion:** Discussion between the board members, Dr. Joseph and Ms. Waesch to explain the teaching
94 of the employee to take x-rays.

95
96 **Action:** Motion to accept the settlement agreement was made by Dr. Heagy.
97 Second by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion carried.

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99. **DETERMINATION OF WAIVER:**

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i. Joshua L. Otiniano, D.C., Case No. 2015-07948
Not present/ No Counsel

Kimberly Marshal presented the case.

Ms. Marshal asked the Board to acknowledge that the respondent was properly served and waived the right to a formal hearing.

Action: Motion to open the floor for discussion made by Dr. Heagy. Second made by Dr. Weingarten.

Discussion: Certified mail was returned to sender. Ms. Marshal explained Dr. Otiniano was personally served.

Action: Motion to accept the respondent was properly served was made by Dr. Heagy. Second made by Dr. Weingarten. **Vote:** 7 yeas / 0 opposed. Motion carried.

Ms. Marshal asked the Board to accept the investigative report into evidence for the purposes of imposing penalty.

Action: Motion to accept the investigative report into evidence for the purposes of imposing penalty was made by Dr. Weingarten. Second by Dr. Heagy. **Vote:** 7 yeas / 0 opposed. Motion carried.

Ms. Marshal asked the Board to accept the findings of facts set forth in the Administrative Complaint

Action: Motion to accept the findings of facts set forth in the Administrative Complaint was made by Dr. Heagy. Second by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion carried.

Ms. Marshal asked the Board to adopt the conclusions of law as set forth in the administrative complaint and that this constitutes a violation of the practice act.

Action: Motion to adopt the conclusions of law as set forth in the administrative complaint and that this constitutes a violation of the practice act was made by Dr. Hunt. Second by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion carried.

Action: Motion to revoke Dr. Otiniano license was made by Dr. Fox. Second by Dr. Heagy. **Vote:** 7 yeas / 0 opposed. Motion carried.

138. **VOLUNTARY RELINQUISHMENT**

i. Brett Nadel, D.C. Case No.: 2018-05597
Not present/ No Counsel

Kimberly Marshal resented to case to the board.

Action: Motion to accept the voluntary-relinquishment of Dr. Nadel's license made by Mr. Colter. Second made by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion carried.

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

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

150

151 **VII. PROSECUTION REPORT:**

152

153 Rose Garrison gave the report to the board.

154

155 18 Cases to be heard at the next PCP meeting on June 19th.

156

157 **ACTION:** Motion to continue prosecuting cases over 1 year old made by Dr. Heagy. Second by Dr. Fox.

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

159

160

161 **IV. DECLARATORY STATEMENT**

162

163 a. Nicholas J. Kirton

164 Not Present

165

166 Lawrence Harris explained what a Declaratory Statement is used for and then presented the Declaratory
167 Statement to the board. There is some concern about his bachelor's degree from Wales. Mr. Kirton doesn't
168 have an application on file with the State of Florida.

169

170 **Action:** Motion to deny declaratory statement because there is no understanding of the question he is
171 asking was made by Mr. Colter. Second by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion carried.

172

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

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

175

176 **V. PETITION FOR VARIANCE OR WAIVER**

177

178

179 a. Timothy Holcomb, D.C.

180 Not present

181 Attorney Lawrence Harris presented the Petition. Dr. Holcomb is asking for the Board to waive the 4 live
182 acupuncture hours in lieu of the course he has submitted for review.

183

184 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
185 the requirement for live hours would not be an undo due hardship or violate the principles of
186 fairness was made by Dr. Fogarty. Second by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion
187 carried.

188

189 b. Nathalie DiGlorgio, D.C.

190 Not present

191 Mr. Harris presented the petition. Dr. DiGlorgio wants to waive the requirement for 13.004(2). There
192 doesn't seem to be enough information for the Board to make a determination on this petition. The course
193 has not been approved by the CE committee.

194

195 Dr. Fogarty would like to see all identical Petitions be investigated by the Attorney General for
196 fraudulent submission. These petition

197
198 **Action:** Motion to respectfully request the department formally create a complaint to the
199 Attorney General for a full investigation on this matter of variances that are being filed fraudulently to
200 our Board to for the sole purposes of either costing us money as a Board or to go ahead a circumvent a
201 CE process, which would compromise the people of the great State of Florida was made by Dr. Fogarty.
202 Second by Dr. Weingarten. **Vote:** 7 yeas / 0 opposed. Motion carried.
203

204 **Discussion:** Mr. Colter asked if there is some requirement for a signature on the Petitions? Mr.
205 Harris gave statute 28-104.002, Petition for Variance or Waiver, is a Department of State Rule
206 that applies to all agencies in the State of Florida, it states the petition must include the following
207 information. Sub paragraph a-i show the requirements. The Board would like to know how to
208 stop these from coming in. Mr. Harris will carry the request back to the Attorney General.
209

210 **Vote:** 7 yeas / 0 opposed. Motion carried.
211

212 **Action:** Motion to deny the Petition for Variance or Waiver Motion to deny the Petition for
213 Variance or Waiver because compliance with the requirement for live hours would
214 not be an undo due hardship or violate the principles of fairness made by Dr. Heagy. Second
215 made by Mr. Colter. **Vote:** 7 yeas / 0 opposed. Motion carried.
216

217 d. Richard Hodish, D.C.

218 Not present

219 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
220 the requirement for live hours would not be an undo due hardship or violate the principles of
221 fairness made by Dr. Heagy. Second made by Mr. Colter. **Vote:** 7 yeas / 0 opposed. Motion
222 carried.
223

224 e. Bruce Levy, D.C.

225 Not present

226 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
227 the requirement for live hours would not be an undo due hardship or violate the principles of
228 fairness made by Dr. Weingarten. Second
229 made by Dr. Hunt **Vote:** 7 yeas / 0 opposed. Motion carried.
230

231 f. Stephen Lee, D.C.

232 Not Present

233 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
234 the requirement for live hours would not be an undo due hardship or violate the principles of
235 fairness made by Dr. Weingarten. Second
236 made by Mr. Licata. **Vote:** 7 yeas / 0 opposed. Motion carried.
237

238

239 g. Greg Dady, D.C.

240 Not Present

241 Withdrew Petition
242

243 h. Nicolle Schultze, D.C.

244 Not present

245 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
246 the requirement for live hours would not be an undo due hardship or violate the principles of

247 fairness made by Dr. Weingarten. Second made by Mr. Licata. **Vote:** 7 yeas / 0 opposed.
248 Motion carried.
249
250 i. Laura M. Valhuerdi, D.C.
251 Not present
252 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
253 the requirement for live hours would not be an undo due hardship or violate the principles of
254 fairness made by Dr. Heagy. Second made
255 by Mr. Colter. **Vote:** 7 yeas / 0 opposed. Motion carried.
256
257 j. Justine DeMaio, D.C.
258 Not present
259 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
260 the requirement for live hours would not be an undo due hardship or violate the principles of
261 fairness made by Dr. Weingarten. Second made by Mr. Licata. **Vote:** 7 yeas / 0 opposed.
262 Motion carried.
263
264 k. Nicole Jasper, D.C.
265 Not present
266 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
267 the requirement for live hours would not be an undo due hardship or violate the principles of
268 fairness made by Dr. Weingarten. Second made by Dr. Hunt. **Vote:** 7 yeas / 0 opposed.
269 Motion carried.
270
271 l. April Lee, D.C.
272 Not present
273 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
274 the requirement for live hours would not be an undo due hardship or violate the principles of
275 fairness made by Dr. Heagy. Second made by Mr. Colter. **Vote:** 7 yeas / 0 opposed. Motion
276 carried.
277
278 m. Sandra McLean, D.C.
279 Not present
280 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
281 the requirement for live hours would not be an undo due hardship or violate the principles of
282 fairness made by Dr. Heagy. Second made by Mr. Colter. **Vote:** 7 yeas / 0 opposed. Motion
283 carried.
284
285 n. Ariel Galarza, D.C.
286 Not present
287 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
288 the requirement for live hours would not be an undo due hardship or violate the principles of
289 fairness made by by Dr. Hunt. Second made by Mr. Licata. **Vote:** 7 yeas / 0 opposed. Motion
290 carried.
291
292 o. Robert Fady, D.C.
293 Not present
294 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
295 the requirement for live hours would not be an undo due hardship or violate the principles of
296 fairness made by Dr. Hunt. Second made by Dr. Weingarten. **Vote:** 7 yeas / 0 opposed. Motion

297 carried.
298
299 p. David Pelosi, D.C.
300 Not present
301 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
302 the requirement for live hours would not be an undo due hardship or violate the principles of
303 fairness made by Dr. Hunt. Second made by Dr. Weingarten. **Vote:** 7 yeas / 0 opposed. Motion
304 carried.
305
306 q. Timothy Flynn, D.C.
307 Not present
308 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
309 the requirement for live hours would not be an undo due hardship or violate the principles of
310 fairness made by Dr. Weingarten. Second made by Mr. Colter. **Vote:** 7 yeas / 0 opposed.
311 Motion carried.
312
313 r. Laila Owens, D.C.
314 Not present
315 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
316 the requirement for live hours would not be an undo due hardship or violate the principles of
317 fairness made by Dr. Hunt. Second made by Dr. Weingarten. **Vote:** 7 yeas / 0 opposed. Motion
318 carried.
319
320 s. Stephen Gilligan, D.C.
321 Not present
322 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
323 the requirement for live hours would not be an undo due hardship or violate the principles of
324 fairness made by Dr. Heagy. Second made by Mr. Colter. **Vote:** 7 yeas / 0 opposed. Motion carried.
325
326 t. Storm Shannon, D.C.
327 Not present
328 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
329 the requirement for live hours would not be an undo due hardship or violate the principles of
330 fairness made by Dr. Weingarten. Second made by Mr. Licata. **Vote:** 7 yeas / 0 opposed.
331 Motion carried.
332
333 u. Parastou Ilbeigi, D.C.
334 Not present
335 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
336 the requirement for live hours would not be an undo due hardship or violate the principles of
337 fairness made by Dr. Hunt. Second made by Dr. Weingarten. **Vote:** 7 yeas / 0 opposed. Motion
338 carried.
339
340 v. Dennis O'Hara, D.C.
341 Not present
342 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
343 the requirement for live hours would not be an undo due hardship or violate the principles of
344 fairness made by. Heagy. Second made by Mr. Colter. **Vote:** 7 yeas / 0 opposed. Motion
345 carried.
346

- 347 w. Thomas Dean, D.C.
 348 Not present
 349 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
 350 the requirement for live hours would not be an undo due hardship or violate the principles of
 351 fairness made by Dr. Fogarty. Second made by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion
 352 carried.
 353
- 354 x. Pamela Dean, D.C.
 355 Not present
 356 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
 357 the requirement for live hours would not be an undo due hardship or violate the principles of
 358 fairness made by Dr. Hunt. Second made by Dr. Weingarten. **Vote:** 7 yeas / 0 opposed. Motion
 359 carried.
 360
- 361 y. Travis Tillman, D.C.
 362 Not present
 363 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
 364 the requirement for live hours would not be an undo due hardship or violate the principles of
 365 fairness made by Dr. Hunt. Second made by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion carried.
 366
- 367 z. Adam Klotzek, D.C.
 368 Not present
 369 **Action:** Motion to deny the Petition for Variance or Waiver because compliance with
 370 the requirement for live hours would not be an undo due hardship or violate the principles of
 371 fairness made by Dr. Fogarty. Second made by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion
 372 carried.
 373
- 374 **Section V ended at: 11:14 a.m.**
 375 **Section VI began at: 11:14 a.m.**
 376
- 377 **VI. REQUEST FOR HARDSHIP**
 378
- 379 a. Albert E. Andrion, II, D.C.
 380 Present
 381
 382 Dr. Andrion addressed the board with his concerns on the continuing education hours and the lack of
 383 communication on the number of hours received for the course he took.
 384
- 385 b. James V. Garemore, D.C.
 386 Not present
 387
 388 **Action:** Motion to deny the hardship made by Dr. Heagy. Second made by Dr. Hunt.
 389 **Vote:** 7 yeas / 0 opposed. Motion carried.
 390
- 391 c. Elizabeth Prosser, D.C.
 392 Not present
 393
 394 Moote – Dr. Prosser has renewed her license.
 395
- 396 d. Pablo M. Rivera, D.C.

397 Present

398

399 Dr. Rivera addressed the board with the same concerns on the continuing education hours and the lack of
400 communication on the number of hours received for the course he took. Is asking the Board to move his
401 excess Laws & Rules CE to his Ethics CE as he is missing 1 hour. He also has an issue with CE Broker
402 having the licensee pay for the Premium account to see details of his CE hours. Dr. Rivera does have all
403 the CE hours he needs to renew. Dr. Rivera will renew his license and pay the late fee.

404 No action taken by the Board.

405

406 e. Iris De Jesus, D.C.

407 Not present

408

409 Dr. DeJesus is asking the Board to move her excessive CE hour to her Ethics CE as she is missing 1 hour.

410

411 **Action:** Motion to deny the hardship because she is required to have 13 hours of CE which includes
412 Ethics CE made by Dr. Fogarty. Second made by Mr. Licata.

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

414

415 f. Jason Baker, D.C.

416 Not present

417

418 Moot – Dr. Baker has renewed his license.

419

420 Dr. Fox is concerned about doctor's billing insurance while the doctor's license is not active. Dr.
421 Fogarty has concerns about the 511 Chiropractor's that have not renewed their licenses. These doctor's
422 will be turned over to enforcement to investigate if the doctors are working without a license. A list will
423 go to Consumer Services to open an investigation.

424

425 **Section VI ended at: 11:52 a.m.**

426 **Break for 10 minutes**

427 **Section IX began at: 12:10 p.m.**

428

429

430 **IX. PETITION FOR FINAL APPEARANCE AND TERMINATION OF PROBATION**

431

432 a. Yong H. Kim, D.C.

433 Present, with counsel, Paul Drake

434

435 Paul Drake addressed the Board with the details of the probation and asked the Board to terminate the
436 probation.

437 **Action:** Motion to approve the termination of probation made by Mr. Colter. Second by Dr. Hunt.

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

439

440 **Section IX ended at: 12:12 p.m.**

441 **Section VIII began at: 12:12 p.m.**

442

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

444

445 a. Gary L. Weddell, D.C.

446 Present, no counsel

447
448 Mr. Harris presented the application.
449
450 **Action:** Motion to approve the application based on the information provided in the application
451 made by Dr. Fox. Second made by Mr. Colter.
452

453 Discussion ensued asking what changes Dr. Weddell has taken to prevent his previous
454 behavior.
455

456 **Vote:** 7 yeas / 0 opposed. Motion carried.
457

458 b. Joshua Widjaja, D.C.
459 Present, no counsel
460

461 Mr. Harris presented the application. Applicant failed to disclose criminal history.
462

463 Discussion ensued between the Board and Dr. Widjaja concerning his arrests. Board wants Dr.
464 Widjaja to pass the Ethics and Boundaries exam before licensing him. He will have 1 year to
465 take and pass the exam.
466

467 **Action:** Motion to approve the application when he passes the Ethics and Boundaries exam
468 within 1 year made by Dr. Fox. Second made by Dr. Heagy.
469

470 **Vote:** 7 yeas / 0 opposed. Motion carried.
471

472 c. Michael Rouhana, D.C.
473 Present, no counsel
474

475 Mr. Harris presented the application. He has out of state discipline for CE and a malpractice claim.
476

477 Dr. Rouhana explained the out of state discipline and his malpractice claim.
478

479 **Action:** Motion to accept the application and give him a license made by Dr. Weingarten.
480

481 Second made by Dr.
482

483 Heagy. **Vote:** 7 yeas / 0 opposed. Motion carried.
484

485 **Section VIII ended at: 12:42 p.m.**
486 **Section X began at: 12:42 p.m.**
487

488

489 **X. RATIFICATIONS:**
490

491 **a. Licensure**
492

493 i. Chiropractic Physician
494 12418 – 12487 totals of 70 licenses
495

496 **Action:** Motion to accept the ratification of licenses made by Dr. Fox. Second made by Dr.
497 Heagy. **Vote:** 7 yeas / 0 opposed. Motion carried.
498
499

495 ii. Registered Chiropractic Assistant
496 17493-17982 total of 487

497
498 **Action:** Motion to accept the ratification of licenses made by Dr. Heagy. Second made by Dr.
499 Hunt. **Vote:** 7 yeas / 0 opposed. Motion carried.

500
501 iii. Certified Chiropractic Physician Assistant
502 887-903 total of 17

503
504 **Action:** Motion to accept the ratification of licenses made by Dr. Weingarten. Second made
505 by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion carried.

506
507 iii. Facility Certificates
508 29-30 total of 2

509
510 **Action:** Motion to accept the ratification of licenses made by Dr. Fox. Second made by Mr.
511 Licata. **Vote:** 7 yeas / 0 opposed. Motion carried.

512
513 **b. Continuing Education**

514
515 i. CE Providers and Courses approved by CE Committee Chairs

516
517 **Action:** Motion to approve the CE Providers and Courses approved by CE Committee Chairs made
518 by Dr. Heagy. Second made by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion carried.

519
520 Discussion was held regarding course number 20-16475. Dr. Weingarten wanted to know if cosmetic
521 acupuncture could be approved for CE. There was no issue with the other board members.

522
523 **Action:** Motion to approve the CE courses made by Dr. Fox. Second made by Dr. Heagy. **Vote:**
524 7 yeas / 0 opposed. Motion carried.

525
526 Discussion was held regarding course number 20-635122. Dr. Heagy was asking about the school not
527 meeting the statutory requirements to be sponsored by the Council on Chiropractic Education sponsored
528 school. Would like the other board members opinion. Dr. Fox spoke on behalf of the course being a good
529 course. It was brought to the attention to the board that the certificate must come from a dmiCCE
530 sponsored school. Mr. Harris guided the board to look at the 460.408 since the rule is open and make
531 changes so the requirement is clear. Board asked Mr. Harris to look at the rule.

532
533 **Action:** Motion to deny the CE courses because it is not sponsored by a Chiropractic college made by
534 Dr. Heagy. Second made by Dr. Hunt. **Vote:** 4 yeas / 2 opposed. Motion carried.

535
536 Dr. Fogarty is receiving numerous complaints from vendors that are saying that licensees, when they go
537 to the course and register, should get all CE hours when the student stay in the room. Dr. Fogarty will be
538 sending the letter to all vendors, colleges and universities to be sure they are all complying with the
539 requirements. There was also discussion on whose responsibility it is to be sure licensees are complying
540 with the CE requirements.

541
542

543 **Section X ended at: 1:16 p.m.**
544 **Section XI began at: 1:16 p.m.**

545
546 **XI. CHAIR/VICE-CHAIR REPORT:**
547

548 Dr. Heagy addressed the board with an overview of the Chair/Vice Chair meeting that was held in
549 Tallahassee.

550
551 Dr. Fox gave a review of the Federation of Chiropractic Licensing Boards, FCLB, meeting he attended in
552 Texas. Dr. Spivey address the FCLB to show how Florida has the new licensees come to a board meeting
553 with discipline. They were impressed and are looking at implementing

554
555 The next FCLB meeting is in Palm Beach in September. Dr. Fogarty, Dr. Fox and Dr. Spivey will be
556 attending.

557
558 **Action:** Motion to have Dr. Fogarty, Dr. Fox and Dr. Spivey attend the FCLB meeting in September
559 was made by made by Dr. Heagy. Second made by Mr. Colter. **Vote:** 7 yeas / 0 opposed. Motion
560 carried.

561
562 **Section XI ended at: 1:23 p.m.**
563 **Section XII began at: 1:23 p.m.**

564
565 **XII. EXECUTIVE DIRECTOR'S REPORT:**
566

567 a. Annual Delegation of Authority
568

569 Dr. Spivey explained the Delegation of Authority.
570

571 **Action:** Motion to accept the Delegation of Authority was made by made by Dr. Weingarten.
572 Second made by Dr. Hunt. **Vote:** 7 yeas / 0 opposed. Motion carried.

573
574 b. Chiropractic Fee Scenarios
575

576 Dr. Spivey spoke about the fee scenarios and the issues with a reduction in fees. The document was provided
577 in the agenda materials.

578
579 c. Affiliated Monitors
580

581 While at the FCLB the company Affiliated Monitors offered their services if needed. The board has spoken
582 with this company before and it is quite costly to use their monitors.

583
584 **Section XII ended at: 2:00 p.m.**
585 **Section XIII began at: 2:00 p.m.**

586
587
588 **XIII. BOARD COUNSEL'S REPORT:**
589

590 a. March Rules Report

591 b. April Rules Report

592 c. May Rules Report

593

594 Mr. Harries explained to the board that rule 64B2-13.005 and 13.007, which deal with HIV, Prevention of
595 Medical Errors and attendance at a board meeting with discipline, may be submitted to the board office for
596 signatures on the adoption certificates. Once signed they will be filed for adoption. Should be filed by the
597 end of the month.

598

599 d. Rule 64B2-13.004 Letter from JAPC dated March 27, 2018

600 e. Rule 64B2-13.004 Letter from JAPC dated March 29, 2018

601

602 f. Suggested Revision (May 2018)

603

604 Mr. Harris suggested 3 language changes to 64B2-13.004.

605

606 64B2-13.004(1)

607 One, define classroom contact hours. Contact classroom hours shall mean fifty (50) minutes of instruction
608 offered through in-person or online attendance continuing education courses.

609

610 64B2-13.004(2)

611 Two, list Department of Health instead of regulatory agency under which the Board operates.

612

613 64B2-13.004(6)

614 Three, there is no statutory authority for this rule. Delete subsection 6. Out of state must take the Florida
615 Laws & Rules exam.

616

617 **Action:** Motion to accept Mr. Harris's language changes that Joint Administrative Procedures
618 Committee, JAPC, asked for on the 3 errors was made by made by Dr. Weingarten. Second
619 made by Dr. Fox.

620

621 **Discussion:** Dr. Hunt would like to be sure the 64B2-13.004(3) also be included.

622

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

624

625 g. Draft statutory language education equivalency May 2018.

626

627 Mr. Harris suggested that since the rule is open for changes the board might change 64B2-13.004(5)(b)
628 to read "Duration of approval. All continuing education courses are approved for credit during the biennium
629 in which the course is initially approved and for the following biennium, but no continuing education course
630 shall be valid for more than four (4) years from the date the course is approved, unless resubmitted for
631 renewal/re-approval"

632

633 Add 64B2-13.004(5)(c) change "Should" to "Shall" in 64B2-13.004(5)(c)1 and add "at least (30)
634 days" prior to the date of the scheduled presentation.

635

636 **Action:** Motion to allow Mr. Harris's to open rule making on 64B2-13.004(5)(c) to change "30"
637 days to "60" days, change rule 64B2-13.004(5)(b) to reflect 2 years instead of 4, and change the
638 procedures in continuing education language as it relates to the chiropractic sponsors was made
639 by Mr. Colter. Second made by Dr. Heagy. **Vote:** 7 yeas / 0 opposed. Motion carried.

640
641 Mr. Harris asked the board if a Statement of Regulatory Costs to the 5 changes, deletion of the Out
642 of State Laws & Rules, definition of classroom contact hour, the change of the regulatory
643 agency to the department, duration to two years from the date of approval, and 60 days
644 submission prior to the course being given, will any of these proposed Rule amendments have an
645 adverse impact on the small business or be likely to directly or indirectly increase regulatory cost to any
646 industry including Government in excess of \$200,000 in the aggregate in Florida within 1 year of after
647 the implementation of the rule?

648
649 Board answered No.

650
651 Would this be likely to directly or indirectly increase regulatory cost to any industry including
652 Government in excess of \$200,000 in the aggregate in Florida within 1 year of after the implementation
653 of the rule?

654
655 Board answered No.

656
657 Mr. Harris asked the board, Will the language, as proposed, increase cost in excess of \$1,000,000 within
658 5 years of implementation?

659
660 Board answered No.

661
662 Mr. Harris asked the board, can a violation of the rule or any part of the rule be resolved by an issuance
663 of a Notice of Non-Compliance?

664
665 Board answered No.

666
667 h. Fee Reductions

668
669 i. Licensure Exam (64B2-11.001)

670
671 Mr. Harris explained the privacy notices for the fingerprinting and these notices must be put on the
672 application.

673
674 **Action:** Motion to accept the changes to the language on the application was made by made
675 Dr. Hunt. Second made by Dr. Heagy. **Vote:** 7 yeas / 0 opposed. Motion carried.

676
677 j. Chiropractic Physician Assistant (64B2-18.002)

678
679 **Action:** Motion to remove the, National Board of Chiropractic Examiners, NBCE, examination
680 and leave in the application should be completed in every detail was made by made by Dr. Hunt.
681 Second made by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion carried.

682
683 The Chiropractic Physician Assistant application will need to be update according the changes.

684
685 k. Certified Chiropractic Physician Assistant

686
687 **Action:** Motion to accept the changes to the Certified Chiropractic Physician Assistant

688 application was made by made by Dr. Weingarten. Second made by Dr. Hunt. **Vote:** 7 yeas / 0
689 opposed. Motion carried.

690
691 I. Application for Chiropractic Physician

692
693 **Action:** Motion to accept the changes to the Chiropractic Physician application was made by made
694 by Dr. Heagy. Second made by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion carried.

695
696 **Section XIII ended at: 2:36 p.m.**

697 **Section XIV began at: 2:36 p.m.**

698
699 **XIV. COMMITTEE REPORTS**

700
701 a. Budget – Mr. Colter

702 Nothing further to add.

703
704 b. Certified Chiropractic Physician’s Assistant – Dr. Hunt

705 There are about 30 interviews. The interviews will be done at 7:30 a.m. Going very well.

706
707 c. Continuing Education – Drs. Heagy/Weingarten

708 Dr. Heagy would like to get with Keri Kilgore to come up with a standard for approving courses. Dr.
709 Weingarten also has concerns. A CE Committee meeting will be established.

710
711 d. Disciplinary Compliance – Dr. Fogarty

712 Everything is doing well in the discipline.

713
714 e. Examination – Dr. Heagy

715 Dr. Fox will be leaving to attend the National Board Part 4 also attending the November one as well.

716 Dr. Heagy will not be able to attend the one in November. Dr. Heagy will address the National Board
717 to be sure that the Laws & Rules exam is easy or too hard. She will carbon copy Dr. LaRusso and

718 Dr. Norman Ouzts of the National Board of Chiropractic Examiners.

719
720 f. Healthiest Weight – Dr. Weingarten

721 The Healthy Weight is no longer addressed at the Chair/Vice Chair meeting. It can be addressed at the
722 board meetings. This committee will be dissolved.

723
724 g. Legislation – Dr. Heagy/Mr. Colter

725 Dr. Heagy asked about the Draft statutory language education equivalency May 2018 that was in the

726 Board Councils Report as it wasn’t discussed. Mr. Harris explained that the Board cannot propose

727 legislation. They can come up with statutory language changes and present them to Department of

728 Health to be included in the legislative bills. Individuals can approach their legislators to sponsor the

729 changes.

730
731 **Action:** Motion to adopt the draft language given by Mr. Harris was by made

732 by Dr. Weingarten. Second made by Dr. Heagy.

733
734 **Discussion:** Mr. Colter would like to have the language read “has received a degree which is
735 substantially equivalent to United States four-year under graduate degree from an accredited university

736 or college”. Also, in 460.xxx(1)(B) 2, take out the word “a” and replace it with “from”.

737

738 No objections to the amended language.

739

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

741

742 h. Probable Cause – Dr. Weingarten/Dr. Fox

743 Emergency Suspension was heard last night.

744

745 i. Rules – Dr. Weingarten

746 Nothing at this time.

747

748 j. Unlicensed Activity – Mr. Licata

749 Nothing at this time.

750

751 k. Outstanding Service Award – Dr. Fox.

752 Dr. Fox addressed the audience about the award and how to nominate someone.

753

754 l. Florida Chiropractic Society

755

756 Dr. Heagy asked for clarity from the board on the Florida Chiropractic Society, FCS, not having a
757 Chiropractic college affiliation and the course and speakers that were previously approved. She has some
758 concern that the FCS isn't affiliated with a college. Board agrees that the college needs to be affiliated
759 with a chiropractic college. Dr. Lucas Matlock, President of the FCS, and Paul Sorgee, PAC Chair for
760 FCS, addressed the board stating they have never been asked for an affiliation with a chiropractic college
761 and have had many continuing education courses approved. Board Chair, Dr. Fogarty, told the
762 representative that they will need to meet the requirements to offer courses. Counsel, Mr. Harris advised
763 that if the rule has been applied consistently forever then the board should initiate rule making and
764 consistently apply the same standard.

765

766 **Action:** Motion for FCS to reach out to their sponsor Sherman College of Chiropractic to have
767 the sponsorship as required by this board was by made by Dr. Fogarty. Second made by Dr. Hunt.

768

769 **Discussion:** Mr. Colter wants the motion to say that the board has seen fit to enforces the past
770 president of requiring all vendors to have affiliation of CE hours. Dr. Weingarten feels that this
771 course has been approved and should not be revoked.

772

773 **Vote:** 3 yeas, (Hunt, Colter, Fogarty) / 4 opposed, (Heagy, Weingarten, Fox, Licata). vote fails.

774

775 There will be no notice of Intent to deny. Notice of intent to allow the approval to stand. In the
776 future the courses will be associated with a school or college of chiropractic.

777

778 **Section XIV ended at: 3:28 p.m.**

779 **Section XV began at: 3:28 p.m.**

780

781 **XV. OLD BUSINESS:**

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783 **Section XV ended at: 3:29 p.m.**

784 **Section XVI began at: 3:29 p.m.**

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XVI. NEW BUSINESS:

Section XVI ended at: 3:29 p.m.
Section XVII began at: 3:29 p.m.

XVII. NEXT MEETING DATE:

August 24, 2018

Section XVII ended at: 3:29 p.m.
Section XVIII began at: 3:29 p.m.

XVIII. PUBLIC COMMENT:

Ron Watson, Lobbyist for the Florida Chiropractic Association, Legislative effort for the upcoming year will include 460.403 to add language to authorize injections for nutrition. Shared the language with the board and asked for the board assistants with this issue.

Section XVIII ended at: 3:32 p.m.
Section XIX began at: 3:32 p.m.

XIX. ADJOURNMENT:

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

Adjourned at 3:32 p.m.