

FLORIDA | Board of Chiropractic Medicine

OFFICIAL MINUTES

August 24, 2018

Rosen Plaza
9700 International Drive
Orlando, Florida 32819



Kevin Fogarty D.C., F.I.C.A. **Chair**
Danita Heagy, D.C., **Vice-Chair**
Anthony Spivey, DBA, **Executive Director**

The Florida Board of Chiropractic Medicine held a meeting on Friday, August 24, 2018, commencing at 8:30 a.m. This meeting was held at the Rosen Plaza, 9700 International Drive, Orlando, Florida 32819, (407) 996-1713, to which all persons were invited to attend. Participants in this public meeting were made aware that these proceedings were being recorded and that an audio file of the meeting will be posted to the board’s website.

AGENDA

Section I began: 8:30 a.m.

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

- 2
- 3 Kevin Fogarty, D.C., F.I.C.A. (Hon), Chair
- 4 Danita Heagy, D.C., Vice-Chair
- 5 Christopher Fox, D.C., ATC (L)
- 6 Mindy Weingarten, D.C.
- 7 Julie Hunt, D.C.
- 8 David Colter
- 9 Paul Licata

10
11 **Board Staff Present:**

- 12
- 13 Anthony Spivey, DBA, Executive Director
- 14 Gail Curry, Program Operations Administrator
- 15 Carla Raby, Regulatory Supervisor

16
17 **Board Counsel:**

- 18
- 19 Lawrence Harris, Assistant Attorney General

20
21 **Prosecution Services**

- 22
- 23 Louise St. Laurent, Interim General Counsel
- 24 Kimberly Marshall, Assistant General Counsel
- 25 Mary Iglehart, Assistant General Counsel

26
27 **Court Reporter:**

- 28
- 29 American Court Reporting
- 30 407-896-1813

31
32 **Section I ended: 8:35 a.m.**
33 **Section II began: 8:35 a.m.**

34
35 **II. APPROVAL OF MINUTES:**

36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80

a. July 10, 2018

Action: Motion to approve the minutes made by Dr. Fox. Second made by Dr. Heagy.

Vote: 7 yeas/0 opposed. Motion Carried.

b. May 18, 2018

Dr. Heagy addressed revisions to page 2, Line 55; page 16, Line 759; and Line 822

Action: Motion to approve the minutes made by Dr. Heagy. Second made by Dr. Hunt.

Vote: 7 yeas/0 opposed. Motion Carried.

Section II ended: 8:40 a.m.

Section III began: 8:40 a.m.

III. FINAL ORDER ACTION:

a. SETTLEMENT AGREEMENT:

i. Herman L. Carrero, D.C., Case No.: 2016-24462

Not present. Not represented by counsel. Ms. Kimberly Marshall, Assistant General Counsel presented the case details. Discussion ensued amongst board members.

Action: Motion to reject proposed settlement agreement made by Dr. Fox. Second made by Dr. Heagy.

Vote: 7 yeas/0 opposed. Motion Carried.

Action: Motion to impose a fine of \$1,000 and administrative costs to be paid within 1 year; 18 months of probation with monitor; national board ethics examination to be completed within 1 year of the settlement; issue a letter of concern; full attendance at the next board meeting and attendance at the end of probation; 30 days to accept or reject the agreement made by Dr. Heagy. Second made by Mr. Colter.

Vote: 7 yeas/0 opposed. Motion Carried.

ii. Linda D. Varisco, D.C., Case No. 2017-18004

Action: Case tabled to October 19, 2018 meeting

iii. Jason E. Davis, D.C., Case No.: 2014-04608

81 Present. Represented by counsel, Michael Delugo. Ms. Marshall presented the case
82 details. Discussion ensued amongst board members.

83
84 **Action:** Motion to accept settlement agreement made by Dr. Heagy. Second made by
85 Dr. Hunt.

86
87 **Vote:** 7 yeas/0 opposed. Motion Carried.

88
89 **b. INFORMAL HEARING:**

90
91 **i. Steven Jarecki, D.C., Case No. 2018-07404**

92
93 Present. Represented by counsel, Paul Drake. Ms. Marshall presented the case details.
94 Discussion ensued amongst board members. Mr. Drake and Dr. Jarecki explained the
95 circumstances surrounding the case.

96
97 **Action:** Ms. Marshall requested that the board grant a few motions on behalf of the
98 Department of Health.

99
100 Motion to find that the respondent was properly served and has requested an informal
101 hearing made by Dr. Heagy. Second made by Mr. Colter.

102
103 **Vote:** 7 yeas/0 opposed. Motion Carried.

104
105 **Action:** Motion to find that the material facts as alleged in the administrative complaint
106 are not in dispute and adopt the findings of fact as set forth in the administrative
107 complaint made by Dr. Hunt. Second made by Dr. Heagy.

108
109 **Vote:** 7 yeas/0 opposed. Motion Carried.

110
111 **Action:** Motion to adopt the materials and any other addendum materials into evidence in
112 this proceeding made by Dr. Weingarten. Second made by Dr. Heagy.

113
114 **Vote:** 7 yeas/0 opposed. Motion Carried.

115
116 **Action:** Motion to adopt the conclusions of law as stated in the administrative complaint
117 and find that the respondent is in violation of the board's practice act as charged in the
118 administrative complaint made by Dr. Weingarten. Second by Mr. Licata.

119
120 **Vote:** 7 yeas/0 opposed. Motion Carried.

121
122 **Action:** Motion to dismiss the case made by Dr. Heagy. Second made by Mr. Colter

123
124 **Vote:** 6 yeas/0 opposed. Dr. Fox recused. Motion Carried.

125
126 **Break 9:35 a.m. to 9:49 a.m.**

127 c. **DETERMINATION OF WAIVER**

128
129 i. **William N. Rivera, D.C. Case No.: 2016-23944**

130 Not present. Not represented by counsel. Ms. Marshall presented the case details.
131 Discussion ensued amongst board members

132
133
134 **Action:** Ms. Marshall requested that the board grant a few motions on behalf of the
135 Department of Health.

136
137 Motion to find that the respondent was properly served and waives the right to an
138 informal hearing made by Mr. Colter. Second made by Dr. Heagy.

139
140 **Vote:** 7 yeas/0 opposed. Motion Carried.

141
142 **Action:** Motion to find that the material facts as alleged in the administrative complaint
143 are not in dispute and adopt the findings of fact as set forth in the administrative
144 complaint made by Dr. Hunt. Second made by Dr. Weingarten.

145
146 **Vote:** 7 yeas/0 opposed. Motion Carried.

147
148 **Action:** Motion to adopt the materials and any other addendum materials into evidence in
149 this proceeding made by Dr. Heagy. Second made by Dr. Hunt.

150
151 **Vote:** 7 yeas/0 opposed. Motion Carried.

152
153 **Action:** Motion to adopt the conclusions of law as stated in the administrative complaint
154 and find that the respondent is in violation of the board's practice act as charged in the
155 administrative complaint made by Mr. Colter. Second made by Mr. Licata.

156
157 **Vote:** 7 yeas/0 opposed. Motion Carried.

158
159 **Action:** Motion to suspend Dr. Rivera's license indefinitely until he has complied with
160 final order; impose a fine of \$7,500 and administrative costs of \$38.28; 1 year of
161 probation with monitor; national board ethics examination to be completed prior to
162 actively practicing again made by Dr. Heagy. Second made by Mr. Licata.

163
164 **Vote:** 6 yeas/0 opposed. Dr. Fox recused. Motion Carried.

165
166 ii. **Alberto C. Lopez, D.C., Case No.: 2015-30930**

167
168 Not present. Not represented by counsel. Ms. Marshall presented the case details.
169 Discussion ensued amongst board members.

170
171 **Action:** Ms. Marshall requested that the board grant a few motions on behalf of the
172 Department of Health.

173 Motion to find that the respondent was properly served and waives the right to an
174 informal hearing made by Mr. Colter. Second made by Dr. Fox

175
176 **Vote:** 7 yeas/0 opposed. Motion Carried.

177
178 **Action:** Motion to find that the material facts as alleged in the administrative complaint
179 are not in dispute and adopt the findings of fact as set forth in the administrative
180 complaint made by Mr. Colter. Second made by Dr. Heagy.

181
182 **Vote:** 7 yeas/0 opposed. Motion Carried.

183
184 **Action:** Motion to adopt the materials and any other addendum materials into evidence in
185 this proceeding made by Dr. Fox. Second made by Dr. Heagy.

186
187 **Vote:** 7 yeas/0 opposed. Motion Carried.

188
189 **Action:** Motion to adopt the conclusions of law as stated in the administrative complaint
190 and find that the respondent is in violation of the board's practice act as charged in the
191 administrative complaint made by Mr. Colter. Second made by Dr. Fox.

192
193 **Vote:** 7 yeas/0 opposed. Motion Carried.

194
195 **Action:** Motion to revoke Dr. Lopez's license made by Dr. Fox. Second made by Mr.
196 Licata.

197
198 **Vote:** 6 yeas/0 opposed. Dr. Weingarten recused.

199
200 **d. RECOMMENDED ORDER**

201
202 **i. Hamed Kian, D.C., Case No. 2017-07671**

203
204 Present. Represented by counsel, David Spicer. Mr. Harris explained the process of a
205 recommended order. Ms. Louise St. Laurent, Interim General Counsel explained the
206 legalities of the exceptions and that the department agrees to the original penalty
207 recommendation. The department objected to anything other than convening the hearing
208 and moving forward with decision on the exceptions, findings of facts, conclusions of
209 law, and penalty. The board had no objections to proceed with the recommended order.
210 Mr. Harris addressed Chapter 120, Florida Statutes and advised that notice shall be
211 provided to all parties no less than 14 days in advance of a hearing.

212
213 **Action:** Motion to table the case to the next meeting made by Mr. Licata. Second made
214 by Dr. Weingarten.

215
216 Mr. Spicer advised that Dr. Kian would like to waive the notice and proceed with
217 resolution of his case.

218

219 **Action:** Motion to withdraw the original motion and proceed with hearing made by Mr.
220 Licata. Second made by Dr. Weingarten.

221
222 Ms. Mary Iglehart, Assistant General Counsel presented the case details. Mr. Spicer
223 presented opening statements on Dr. Kian’s behalf. Ms. Iglehart presented mitigating
224 factors by the administrative law judge and expressed probable cause in the
225 recommended order.

226
227 **Action: Exception 1** – Motion to reject the exception and accept prosecution’s response
228 and their basis made by Dr. Weingarten. Second made by Dr. Heagy.

229
230 **Vote:** 7 yeas/0 opposed. Motion Carried.

231
232 **Action: Exception 2** – Motion to reject the exception and accept prosecution’s response
233 and their basis made by Dr. Weingarten. Second made by Mr. Colter.

234
235 **Vote:** 7 yeas/0 opposed. Motion Carried.

236
237 **Action: Exception 3** – Motion to reject the exception and accept prosecution’s response
238 and their basis made by Dr. Weingarten. Second made by Dr. Heagy.

239
240 **Vote:** 7 yeas/0 opposed. Motion Carried.

241
242 **Action: Exception 4** - Motion to reject the exception and accept prosecution’s response
243 and their basis made by Dr. Weingarten. Second made by Dr. Hunt.

244
245 **Vote:** 7 yeas/0 opposed. Motion Carried.

246
247 **Action: Exception 5** - Motion to reject the exception and accept prosecution’s response
248 and their basis made by Dr. Heagy. Second made by Dr. Hunt.

249
250 **Vote:** 7 yeas/0 opposed. Motion Carried.

251
252 **Action: Exception 6** - Motion to reject the exception and accept prosecution’s response
253 and their basis made by Dr. Heagy. Second made by Dr. Hunt.

254
255 **Vote:** 7 yeas/0 opposed. Motion Carried.

256
257 **Action: Exception 7** - Motion to reject the exception and accept prosecution’s response
258 and their basis made by Dr. Heagy. Second made by Mr. Colter.

259
260 **Vote:** 7 yeas/0 opposed. Motion Carried.

261
262 **Action: Exception 8** - Motion to reject the exception and accept prosecution’s response
263 and their basis made by Dr. Heagy. Second made by Dr. Weingarten.

264

265 **Vote:** 7 yeas/0 opposed. Motion Carried.
266
267 **Action: Exception 9** - Motion to reject the exception and accept prosecution's response
268 and their basis made by Dr. Weingarten. Second made by Dr. Hunt.
269
270 **Vote:** 7 yeas/0 opposed. Motion Carried.
271
272 **Action: Exception 10** - Motion to reject the exception and accept prosecution's response
273 and their basis made by Dr. Weingarten. Second made by Dr. Hunt.
274
275 **Vote:** 7 yeas/0 opposed. Motion Carried.
276
277 **Action: Exception 11** - Motion to reject the exception and accept prosecution's response
278 and their basis made by Dr. Weingarten. Second made by Dr. Heagy.
279
280 **Vote:** 7 yeas/0 opposed. Motion Carried.
281
282 **Action: Exception 12** - Motion to reject the exception and accept prosecution's response
283 and their basis made by Dr. Heagy. Second made by Dr. Weingarten.
284
285 **Vote:** 7 yeas/0 opposed. Motion Carried.
286
287 **Action: Exception 13** - Motion to reject the exception and accept prosecution's response
288 and their basis made by Mr. Licata. Second made by Dr. Weingarten.
289
290 **Vote:** 7 yeas/0 opposed. Motion Carried.
291
292 **Action: Exception 14** - Motion to reject the exception and accept prosecution's response
293 and their basis made by Dr. Weingarten. Second made by Mr. Licata.
294
295 **Vote:** 7 yeas/0 opposed. Motion Carried.
296
297 **Action: Exception 15** - Motion to reject the exception and accept prosecution's response
298 and their basis made by Dr. Weingarten. Second made by Dr. Hunt.
299
300 **Vote:** 7 yeas/0 opposed. Motion Carried.
301
302 **Action: Exception 16** - Motion to reject the exception and accept prosecution's response
303 and their basis made by Dr. Weingarten. Second made by Mr. Licata.
304
305 **Vote:** 7 yeas/0 opposed. Motion Carried.
306
307 **Action: Exception 17** - Motion to reject the exception and accept prosecution's response
308 and their basis made by Dr. Weingarten. Second made by Dr. Heagy.
309
310 **Vote:** 7 yeas/0 opposed. Motion Carried.

311 **Action: Exception 18** - Motion to reject the exception and accept prosecution's response
312 and their basis made by Dr. Weingarten. Second made by Mr. Licata.

313
314 **Vote:** 7 yeas/0 opposed. Motion Carried.

315
316 **Action: Exception 19** - Motion to reject the exception and accept prosecution's response
317 and their basis made by Dr. Heagy. Second made by Dr. Weingarten.

318
319 **Vote:** 7 yeas/0 opposed. Motion Carried.

320
321 **Action: Exception 20** - Motion to reject the exception and accept prosecution's response
322 and their basis made by Dr. Weingarten. Second made by Dr. Heagy.

323
324 **Vote:** 7 yeas/0 opposed. Motion Carried.

325
326 **Action: Exception 21** - Motion to reject the exception and accept prosecution's response
327 and their basis made by Dr. Heagy. Second made by Mr. Colter.

328
329 **Vote:** 7 yeas/0 opposed. Motion Carried.

330
331 **Action: Exception 22** - Motion to reject the exception and accept prosecution's response
332 and their basis made by Dr. Weingarten. Second made by Mr. Colter.

333
334 **Vote:** 7 yeas/0 opposed. Motion Carried.

335
336 **Action: Exception 23** - Motion to reject the exception and accept prosecution's response
337 and their basis made by Dr. Weingarten. Second made by Mr. Licata.

338
339 **Vote:** 7 yeas/0 opposed. Motion Carried.

340
341 **Action: Exception 24** - Motion to reject the exception and accept prosecution's response
342 and their basis made by Dr. Heagy. Second made by Dr. Hunt.

343
344 **Vote:** 7 yeas/0 opposed. Motion Carried.

345
346 **Action: Exception 25** - Motion to reject the exception and accept prosecution's response
347 and their basis made by Dr. Heagy. Second made by Dr. Weingarten.

348
349 **Vote:** 7 yeas/0 opposed. Motion Carried.

350
351 **Action: Exception 26** - Motion to reject the exception and accept prosecution's response
352 and their basis made by Dr. Heagy. Second made by Dr. Hunt.

353
354 **Vote:** 7 yeas/0 opposed. Motion Carried.

355
356 **Action: Exception 27** - Motion to reject the exception and accept prosecution's response

357 and their basis made by Dr. Heagy. Second made by Dr. Weingarten.

358

359 **Vote:** 7 yeas/0 opposed. Motion Carried.

360

361 **Action:** Motion to accept all findings of fact in the recommended order made by Mr.
362 Colter. Second made by Dr. Heagy.

363

364 **Vote:** 7 yeas/0 opposed. Motion Carried.

365

366 **Action:** Motion to adopt the conclusions of law in the recommended order made by Mr.
367 Licata. Second made by Dr. Hunt.

368

369 **Vote:** 7 yeas/0 opposed. Motion Carried.

370

371 **Discussion:** Dr. Fogarty and Mr. Colter expressed that they did not deem it appropriate to
372 revoke Dr. Kian's license. Dr. Heagy respectfully disagreed due to the protection of
373 citizens. Mr. Licata asked for the history of board actions for these occurrences. Mr.
374 Harris explained the disciplinary guidelines for the board's clarity. Further discussion
375 ensued of the penalties. Prosecution recommended that the female chaperone be currently
376 licensed under Chapter 460, Florida Statutes.

377

378 **Action:** Motion to reject the recommended penalty and recommend referral to
379 Professions Resources Network and follow any recommendations; issue a letter of
380 concern; completion of an ethics and boundaries examination within 1 year; 10 hours of
381 continuing education in the area of risk management within 1 year; require spot check
382 monitor to ensure a female chaperone (licensed under Chapter 460, Florida Statutes) is
383 present with female patients indefinitely and chaperone provides signed attestation; 10
384 hours of community service per month for 6 months made by Dr. Fogarty. Second made
385 by Dr. Weingarten.

386

387 **Vote:** 5 yeas/2 opposed. Motion Carried.

388

389 **Action:** Motion to bifurcate the ruling on the motion for costs and retain jurisdiction to
390 enter into costs upon agreement of the parties or litigation through Department of
391 Administrative Hearings made by Dr. Hunt. Second made by Mr. Licata

392

393 **Vote:** 7 yeas/0 opposed. Motion Carried.

394

395 **Section III ended: 12:16 p.m.**

396 **Section IV began: 12:16 p.m.**

397

398 **IV. PROSECUTION REPORT:**

399

400 Ms. St. Laurent presented the statistics regarding prosecution cases currently open in the
401 department.

402

403 Cases older than 1 year continued for prosecution: 41

404

405 **Action:** Motion to continue prosecution on cases older than one year made by Dr. Heagy.
406 Second made by Dr. Fox.

407

408 **Vote:** 7 yeas/0 opposed. Motion Carried.

409

410 **i. CE in disciplinary cases**

411

412 Ms. St. Laurent requested guidance from the board of how they would categorize the
413 continuing education requirements following a violation. The continuing education would
414 be applicable to the type of violation. Ms. Marshall requested a general number of hours
415 that may be required. The board agreed that they would require at least 10 hours.

416

417 **Section IV ended: 12:28 p.m.**

418 **Section V began: 12:28 p.m.**

419

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

421

422 **i. Matthew Karcher, D.C.**

423

424 Not present. Not represented by counsel.

425

426 **Action:** Motion to approve the petition made by Dr. Hunt. Second by Mr. Colter.

427

428 Dr. Heagy explained that the information provided is insufficient to approve 16 hours.
429 Dr. Hunt suggested that the board review additional documents for approval. Dr. Hunt
430 and Mr. Colter withdrew the previous motion.

431

432 **Action:** Motion to deny the petition due to insufficient information made by Dr.
433 Weingarten. Second made by Dr. Heagy.

434

435 **Vote:** 7 yeas/0 opposed. Motion Carried.

436

437 **Section V ended: 12:42 p.m.**

438 **Section VI began: 12:42 p.m.**

439

440 **VI. APPLICATIONS PRESENTED FOR BOARD REVIEW:**

441

442 **a. David J. Fleck, D.C.**

443

444 Not present. Not represented by counsel.

445

446 **Action:** Motion to approve the application and require Dr. Fleck's appearance at one of
447 the next two board meetings made by Dr. Fox. Second made by Dr. Heagy.

448 **Vote:** 7 yeas/0 opposed. Motion Carried.

449

450 **b. Christian A. Knechtel, D.C.**

451

452 Not present. Not represented by counsel.

453

454 **Action:** Motion to require Dr. Knechtel's appearance at one of the next two board
455 meetings made by Dr. Fox. Second made by Mr. Colter.

456

457 **Vote:** 7 yeas/0 opposed. Motion Carried.

458

459 **c. Ryan Price, D.C.**

460

461 Present. Not represented by counsel. Mr. Harris presented the application details. Dr.
462 Price explained his arrest and discipline.

463

464 **Action:** Motion to approve the application made by Mr. Colter. Second made by Dr. Fox

465

466 **Vote:** 7 yeas/0 opposed. Motion Carried.

467

468 **d. Alan C. Ashkinazy, D.C.**

469

470 Present. Not represented by counsel. Mr. Harris presented the application details. Dr.
471 Ashkinazy explained the circumstances of his health history.

472

473 **Action:** Motion to approve the application made by Dr. Heagy. Second made by Dr. Fox.

474

475 **Vote:** 7 yeas/0 opposed. Motion Carried.

476

477 **e. Edward Katz, D.C.**

478

479 Present. Not represented by counsel. The board determined that Dr Katz had not
480 completed Parts III and IV of the national examination.

481

482 **Action:** Dr. Katz withdrew the application.

483

484 **f. Ilya Spivak, D.C.**

485

486 Present. Represented by counsel, Abe Spivak. Discussion ensued amongst board
487 members regarding the accreditation of the school Dr. Spivak attended.

488

489 **Action:** Motion to approve the application made by Dr. Heagy. Second made by Dr. Fox.

490

491 **Vote:** 7 yeas/0 opposed. Motion Carried.

492

493 **Break 1:40-1:59 p.m.**

494

495 **g. Eric M. Kusher, D.C.**

496

497 Present. Not represented by counsel.

498

499 **Action:** Motion to approve the application made by Dr. Hunt. Second made by Dr.
500 Heagy.

501

502 **Vote:** 7 yeas/0 opposed. Motion Carried.

503

504 **h. Sophia Bang, RCA**

505

506 Not Present. Not represented by counsel.

507

508 **Action:** Motion to approve the application made by Dr. Hunt. Second made by Dr.
509 Heagy.

510

511 **Vote:** 7 yeas/0 opposed. Motion Carried.

512

513 **i. Steven K. Wunnenberg, D.C.**

514

515 Not present. Not represented by counsel. The board requested that staff contact the doctor
516 to advise of the ramifications of an application that is denied.

517

518 **Action:** Motion to deny the application or allow withdrawal of the application within 10
519 business days made by Dr. Heagy. Second made by Dr. Fox.

520

521 **Vote:** 7 yeas/0 opposed. Motion Carried.

522

523 **j. Stacey Kisting, D.C.**

524

525 Not present. Not represented by counsel.

526

527 **Action:** Motion to approve the application contingent upon receiving proof of graduation
528 made by Dr. Heagy. Second made by Dr. Fox.

529

530 **Vote:** 7 yeas/0 opposed. Motion Carried.

531

532 **k. Denise Smithgail, RCA**

533

534 Not present. Not represented by counsel.

535

536 **Action:** Motion to deny the application made by Dr. Fox. Second made by Dr. Hunt

537

538 **Vote:** 7 yeas/0 opposed. Motion Carried.

539

540 **Section VI ended: 2:19 p.m.**

541 **Section VII began: 2:19 p.m.**

542

543 **VII. OPIOIDS AND MEDICAL MARIJUANA**

544

545 The board addressed a request regarding the acceptance of continuing education courses
546 in the categories of opioids and medical marijuana. The requestor sought advice of
547 whether the courses would fit into the enumerated categories within the field of
548 chiropractic. Dr. Fox commented that the course should be accepted and chiropractors
549 should be educated on the topic. Dr. Weingarten stated as long the provider has followed
550 the required guidelines, she finds no issues with approving the courses.

551

552 **Section VII ended: 2:20 p.m.**

553 **Section VIII began: 2:20 p.m.**

554

555 **VIII. COMPLIANCE**

556

557 **a. Jeremiah Joseph Final Order**

558 **b. Jeremiah Joseph Appearance Memorandum**

559

560 **Action:** Case deferred to October 19, 2018 board meeting.

561

562 **Section VIII ended: 2:20 p.m.**

563 **Section IX began: 2:20 p.m.**

564

565 **IX. CONTINUING EDUCATION**

566

567 **a. Continuing Education Distance Learning**

568

569 **b. Request for consideration of CE Credit from NBCE**

570

571 Dr. Hunt requested approval of 13 hours of General continuing education for her
572 participation in writing a portion of the board examination.

573

574 **Action:** Dr. Hunt was advised to report the hours to board staff to enter into CEBroker.

575

576 **c. Request for language change in CE Broker**

577

578 Dr. Heagy advised of the discussion and decisions made during the CE Committee
579 meeting held in July 2018. Discussion ensued amongst board members regarding the
580 required documentation for approval of a course. Mr. Harris asked whether the proposed
581 requirements would require changes to the rules or if it is a procedural matter. Dr. Heagy

582 advised that the requested information was procedural to make the review process more
583 efficient.

584
585 **Section IX ended: 2:22 p.m.**
586 **Section X began: 2:22 p.m.**

587
588 **X. RATIFICATIONS:**

589
590 **a. Licensure**

591
592 **i. Chiropractic Physician**

593
594 **Action:** Motion to ratify the approval of licensees made by Dr. Heagy. Second made by
595 Dr. Hunt.

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

598
599 **ii. Registered Chiropractic Assistant**

600
601 **Action:** Motion to ratify the approval of licensees made by Dr. Heagy. Second made by
602 Mr. Licata.

603
604 **Vote:** 7 yeas/0 opposed. Motion Carried.

605
606 **iii. Certified Chiropractic Physician Assistant**

607
608 **Action:** Motion to ratify the approval of licensees made by Dr. Weingarten. Second made
609 by Dr. Fox.

610
611 **Vote:** 7 yeas/0 opposed. Motion Carried.

612
613 **b. Continuing Education**

614
615 **i. CE Providers and Courses approved by CE Committee Chairs**

616
617 **Action:** Motion to ratify the approval of the courses made by Dr. Heagy. Second made
618 by Mr. Licata.

619
620 **Vote:** 7 yeas/0 opposed. Motion Carried.

621
622 **ii. Continuing Education Committee Recommendation**

623
624 **a. Hawkgrrips**

625
626 **Action:** Motion to deny the approval of the course for no affiliation to an approved

627 college made by Dr. Heagy. Second made by Dr. Weingarten.

628

629 **b. Smart Tools**

630

631 **Action:** Motion to deny the approval of the course for no affiliation to an approved
632 college made by Dr. Heagy. Second made by Mr. Licata.

633

634 **Section X ended: 2:33 p.m.**

635 **Section XI began: 2:33 p.m.**

636

637 **XI. CHAIR/VICE-CHAIR REPORT:**

638

639 Dr. Heagy discussed her and Dr. Fox’s attendance at the Federation of Chiropractic
640 Licensing Board meeting.

641

642 **Section XI ended: 2:36 p.m.**

643 **Section XII began: 2:36 p.m.**

644

645 **XII. EXECUTIVE DIRECTOR’S REPORT:**

646

647 **a. Federation of Chiropractic Licensing Board (FCLB)**

648

649 **b. Proposed Application changes**

650

651 Dr. Spivey presented a letter written to Governor Rick Scott from the FCLB. Dr. Spivey
652 provided information of the upcoming annual meeting and advised that the meeting will
653 be more interactive for Chair and Vice Chair participation. The licensure application was
654 addressed as well as the health history questionnaire in the application.

655

656 **Section XII ended: 2:42 p.m.**

657 **Section XIII began: 2:42 p.m.**

658

659 **XIII. BOARD COUNSEL’S REPORT:**

660

661 **a. August Rules Report**

662

663 **b. 64B2-13.004**

664 **Letter from FCA with attachments**

665 **Letter from FCS with attachments**

666 **Correspondence from Florida Chiropractic Society**

667 **460.408 FS**

668 **2012 Meeting Minutes excerpts**

669 **Email from Paul Powers**

670

671 Mr. Harris explained the changes that occurred during the last meeting to rule Chapter
672 64B2-13.004, Florida Administrative Code. Mr. Harris asked for the board’s clarification
673 of whether only one speaker shall be affiliated with an accredited school or if all speakers
674 must be affiliated. Mr. Harris suggested additional language to be added to the rule.

675
676 **Section XIII partially deferred (b.) Began again at 3:08 p.m.**

677
678 The board accepted public comments relating to the rule as follows:

679
680 **Dr. Lucas Matlock, DC, Florida Chiropractic Society; Paul Lowell, Counsel for FCS**
681 – Dr. Matlock advised that the FCS was required to be an affiliate of an approved school
682 and that they interpreted the statute differently than what the board members interpreted.
683 Mr. Lowell suggested that the statute was unclear and open to more than one
684 interpretation.

685
686 **Dr. George Forster, DCAP** – Dr. Forster expressed that he would like to have the ability
687 to receive all continuing education online.

688
689 **Regina Forster, CCPA** – Mrs. Forster expressed that she would like to be provided a
690 choice between online courses or in person courses.

691
692 **Ron Watson, Lobbyist, Florida Chiropractic Physician’s Association** – Mr. Watson
693 informed the board of corrections to May 18th meeting minutes. Mr. Watson agreed with
694 the Florida Chiropractic Association and expressed his opinion that the statute and rule
695 are clear. Mr. Watson believes that providers should be affiliated with a college as well as
696 the instructors. Mr. Watson agreed that there should be no changes to the rule and is not
697 opposed to the language drafted by board counsel.

698
699 **Paul Lambert, General Counsel, Florida Chiropractic Association** - Mr. Lambert
700 suggested that parts A and B within Chapter 460.408, Florida Statutes must be read
701 together. Mr. Lambert discussed the history of the legislative changes.

702
703 Dr. Fogarty asked the board if they would like to further consider the changes and
704 address them at the next meeting or amend the rule. The board agreed that the statute is
705 clear and disagreed to proposing new language to the rule. Mr. Harris presented written
706 comment by Dr. Paul Powers.

707
708 Mr. Licata requested that the board take all public comments under advisement and
709 discuss at a future meeting.

710
711 **Action:** No action on Chapter 64B2-13.004, FAC.

- 712
713 **c. 64B2-11.001**
714 **Rules 64B2-11.001**
715 **Chiropractic Examination & Initial Licensure**

716 **d. 64B2-18.002**
717 **Rules 64B2-18.002**
718 **Certified Chiropractic Physician’s Assistant**
719

720 Mr. Harris provided details of suggested rule changes.
721

722 **Action:** Motion to approve the recommended changes by the Joint Administrative
723 Procedures Committee (JAPC) made by Dr. Fox. Second made by Dr. Hunt
724

725 **Vote:** 7 yeas/0 opposed. Motion Carried.
726

727 **e. Annual Regulatory Plan**
728

729 Mr. Harris presented the proposed plan.
730

731 **Action:** Motion to approve the annual regulatory plan made by Dr. Heagy. Second made
732 by Dr. Weingarten.
733

734 **Vote:** 7 yeas/0 opposed. Motion Carried.
735

736 **Section XIII ended: 4:27 p.m.**

737 **Section XIV began: 2:52 p.m.**
738

739 **XIV. COMMITTEE REPORTS**
740

741 **a. Budget – Mr. Colter**
742

743 Mr. Colter discussed the cash balance and additions to the reports.
744

745 **b. CCPA**
746

747 Nothing to report.
748

749 **c. Continuing Education – Drs. Heagy/Weingarten**
750

751 Dr. Heagy advised of her absence for the full month of September and requested
752 assistance from Dr. Fox.
753

754 **d. Disciplinary Compliance – Dr. Fogarty**
755

756 Nothing to report.
757

758 **e. Examination – Dr. Heagy**

759 Dr. Heagy advised that the National Board of Chiropractic Examiners requested an
760 increase in the number of questions within the laws and rules examination and to
761 provide names of other chiropractors (not currently on the board) to review the new
762 questions. Dr. Heagy requested the assistance of Dr. Kenneth Dougherty and Dr.
763 Michael Shreeve.

764
765 **f. Healthiest Weight – Dr. Weingarten**

766
767 Dr. Fogarty requested removal of this report from the agenda.

768
769 **g. Legislation – Dr. Heagy/Mr. Colter**

770
771 Nothing to report.

772
773 **h. Probable Cause – Drs. Weingarten/Fox**

774
775 Nothing to report.

776
777 **i. Rules – Dr. Weingarten**

778
779 Nothing to report.

780
781 **j. Unlicensed Activity – Mr. Licata**

782
783 Dr. Fogarty advised of the presentation that will be made during the October
784 meeting.

785
786 **k. Outstanding Service Award – Dr. Fox**

787
788 Nothing to Report.

789
790 **Section XIV ended: 3:01 p.m.**
791 **Section XVIII addressed out of order**
792 **Section XV began: 4:27 p.m.**

793
794 **XV. OLD BUSINESS:**

795
796 None

797
798 **Section XV ended: 4:28 p.m.**
799 **Section XVI began: 4:28 p.m.**

800
801 **XVI. NEW BUSINESS:**

802
803 None

804 **Section XVI ended: 4:28 p.m.**
805 **Section XVII began: 4:28 p.m.**

806
807 **XVII. NEXT MEETING DATE:** October 19, 2018

808
809 **Section XVII ended: 4:29 p.m.**
810 **Section XVIII address out of order at 3:01 p.m.**

811
812 **XVIII. PROPOSED 2019 BOARD DATES:**

813
814 The board agreed upon five board meeting dates/locations as follows: January 25, 2018 -
815 Orlando; April 26, 2018 - Orlando; June 28, 2018 - Champions Gate; August 23, 2018 –
816 Ft. Lauderdale; November 8, 2018 – Orlando.

817
818 **Section XVIII ended: 3:08 p.m.**
819 **Referred back to Section XIII at 3:08 p.m.**
820 **Section XIX began 4:00 p.m.**

821
822 **XIX. PUBLIC COMMENT:**

823
824 **Jeff Kinnard, DC** – Dr. Kinnard requested that the board take action on allowing 40
825 hours of continuing education online.

826
827 **Martin Slaughter, DC** – Dr. Slaughter requested the opportunity to take classes online.
828 Dr. Slaughter explained that continuing education information would be relayed at a
829 faster pace which would maintain public safety.

830
831 **Mark Loving, DC, PT** – Dr. Loving advised the board if the continuing education
832 changes with physical therapy and how they may now take all courses online. Dr. Loving
833 would like to be given a choice of how they would like to complete their CE.

834
835 **Jason Davis – DC** - Dr. Davis provided information of reputable online courses he
836 completed which he stated were of much value. Dr. Davis also requested that licensees be
837 given a choice.

838
839 **Albert E. Warner III, DC** – Dr. Warner requested that 40 hours of continuing education
840 be online using the software his group has created (Go Learn Network). Dr. Warner
841 asked what the delay was and when licensees may expect a change. Dr. Fogarty advised
842 that the board was not ready to make change with the 40 hours until the board has moved
843 forward with the determination of the 10 hours of online education.

844
845 **Rick Hodish, DC** – Dr. Hodish expressed his hopes that the board will come to a
846 settlement agreement that positively impacts the licensees.

847

848 **Navjot Gill, DC** – Dr. Gill requested that the board allow 40 hours of continuing
849 education online and expressed that it would be beneficial.

850 **Matthew Bellinger, DC** – Dr. Bellinger requested online continuing education.

851 **Michael Weiss, DC** – Dr. Weiss advised of the free seminars provided by Go Learn
852 Network. Dr. Weiss expressed the benefits and quality of the seminars.

853 **Art Argenio, DC** – Dr. Argenio requested that the board allow freedom of choice.

854 **Section XIX ended: 4:26 p.m.**

855 **Section XX began: 4:30 p.m.**

856 **XX. ADJOURNMENT:**

857 **Action:** Motion to adjourn made by Dr. Heagy. Second made by Mr. Colter

858 **Meeting adjourned at 4:30 p.m.**

859
860
861
862
863
864
865
866
867
868