

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FLORIDA | Board of Chiropractic Medicine

Probable Cause Panel

Minutes

December 18, 2018

Conference Call
Department of Health
4042 Bald Cypress Way
Tallahassee, FL 32399



Mindy Weingarten D.C., *Probable Cause Chair*
Gene Jenkins, D.C., *Probable Cause Panel Member*
Anthony Spivey, DBA, *Executive Director*

29 Conference Call started at 2:00 p.m.

30 This meeting was called to order by Dr. Mindy Weingarten. Those present for the meeting
31 include all of the following:

32 **Members present:**

33 Mindy Weingarten, DC

34 Gene Jenkins, DC

35

36 **Board Counsel:**

37 Lawrence Harris, Assistant Attorney General

38 Office of Attorney General

39

40 **Prosecution Counsel:**

41 Rose Garrison, Assistant General Counsel

42 Amanda Godbey, Assistant General Counsel

43

44 **Court Reporter:**

45 For the Record

46 (850) 222-5491

47

48 *Please note the minutes reflect the actual order agenda items were discussed and may differ*
49 *from the agenda outline. AUDIO from this meeting can be found online:*

50

51 <https://floridaschiropracticmedicine.gov/meeting-information/past-meetings/>

52

53 Reconsiderations started at 2:05 p.m.

54

55 **R-01 Richard A. Saladino, DC**

56

57 Ms. Rose Garrison presented case number 2010-13690. An Administrative complaint was filed
58 alleging that the respondent violated Chapter 460.413(1) (j), Florida Statutes by making or filing
59 a false report. An expert opinion was obtained which determined that the respondent was not in
60 violation of the statute. The department requested that the probable cause panel dismiss and close
61 the case.

62

63 **Board action:** Motion to dismiss the case against Richard Saladino made by Dr. Weingarten.
64 Second made by Dr. Jenkins.

65

66 **Vote:** 2 yeas / 0 opposed; motion carried.

67

68 **R-02 Sham Mohammed, DC (AAC)**

69

70 Ms. Rose Garrison presented case number 2016-07314. An Administrative complaint was filed
71 alleging that the respondent violated Chapter 460.413(1) (aa) F.S. by failing to provide a copy of
72 submitted insurance claims and Chapter 456.0576 F.S. by failure to provide medical records.
73 Shortly after the complaint was filed, the medical records were provided and the department

74 requested for the initial case to be dismissed. An expert opinion was obtained to review the
75 medical records that were provided. Upon review, it was determined that there were multiple
76 deficiencies within the recordkeeping. Many of the records did not readily identify the treating
77 physician, did not document a treatment plan, failed to document objective findings upon
78 assessment, and were illegible. Upon further determination, the department found that the
79 respondent was in violation of Chapter 460.4131(ff) F.S. and requested that the probable cause
80 panel authorize the filing of an amended administrative complaint.

81

82 **Board action:** Motion to dismiss the first count cause made by Dr. Weingarten. Second made
83 by Dr. Jenkins.

84

85 **Vote:** 2 yeas / 0 opposed; motion carried.

86

87 **Board action:** Motion to find probable cause on second count made by Dr. Weingarten. Second
88 made by Dr. Jenkins.

89

90 **Vote:** 2 yeas / 0 opposed; motion carried.

91

92 **R-03 Alex Retana, RCA**

93

94 Ms. Rose Garrison presented case number 2017-17800. An Administrative complaint was filed
95 alleging that the respondent violated Chapter 456.0721(k) F.S. by failing to repay a student loan.
96 Shortly after the complaint was filed, the department received documentation that the respondent
97 had entered into a payment plan of the student loan with the Department of Education. Due to the
98 fact that the alleged violation has been corrected, the department requested that the probable
99 cause panel dismiss and close the case.

100

101 **Board action:** Motion to dismiss and close the case against Alex Retana made by Dr.
102 Weingarten. Second made by Dr. Jenkins.

103

104 **Vote:** 2 yeas / 0 opposed; motion carried.

105

106 Reconsiderations concluded at 2:13 p.m.

107

108 The public portion of the meeting was adjourned at 2:13 p.m.