# **FLORIDA** | Board of Chiropractic Medicine

# **OFFICIAL MINUTES**

January 25, 2019

Rosen Plaza 9700 International Drive Orlando, Florida 32819



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

The Florida Board of Chiropractic Medicine held a meeting on Friday, January 25, 2019, commencing at 8:30 a.m. This meeting was held at the Rosen Plaza, 9700 International Drive, Orlando, Florida 32819, (407) 996-1931, 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 at 8:30 a.m.

1	I.	<b>CALL TO ORDER (Roll Call):</b>
2		5 5
3		Danita Heagy, D.C., Chair
4		Julie Hunt, D.C., Vice Chair
5		Christopher Fox, D.C., ATC (L)
6		Kevin Fogarty, D.C., F.I.C.A.
7		Mindy Weingarten, D.C.
8		Paul Licata (Absence excused)
9		
10		<b>Board Staff Present</b>
11		
12		Dr. Anthony Spivey, DBA, Executive Director
13		Kelly Woodard, Regulatory Supervisor
14		
15		<b>Prosecuting Counsel</b>
16		
17		Rose Garrison, Assistant General Counsel
18		Amanda Godbey, Assistant General Counsel
19		
20		<b>Board Counsel</b>
21		
22		Lawrence Harris, Assistant Attorney General
23		
24		Court Reporter
25		
26		American Court Reporting
27		407-896-1813
28		
29		Section I ended at 8:32 a.m.
30		Section II began at 8:32 a.m.
31		
32	II.	<b>APPROVAL OF MINUTES:</b>
33		
34		a. October 19, 2018

37 38	minutes. Dr. Fogarty also requested to add his verbal report of disciplinary compliance on Line 455.
39	
40	<b>Action:</b> Motion to approve the meeting minutes made by Dr. Weingarten. Second made
41	by Dr. Fogarty.
42 43	Vote: 5 yeas/0 opposed. Motion Carried.
44	
45	Section II ended at 8:34 a.m.
46	Skipped to section VIII at 8:34 a.m.
47 49	Section III began at 8:39 a.m.
48 49 <b>III.</b>	FINAL ORDER ACTION:
50 51	a. <u>INFORMAL HEARING</u> :
52 52	i. Linda D. Varisco, D.C.
53 54	i. Linda D. Varisco, D.C.
55 55	Not present, nor represented by counsel.
55 56	Not present, not represented by counsel.
57 57	Assistant General Counsel, Rose Garrison presented the facts related to the case as well
58	as the proposed recommendation of revocation of the license.
59	as the proposed recommendation of the section.
60	Ms. Garrison requested that the board grant some motions on behalf of the
61	Department of Health.
62	•
63	Action: Motion to find that respondent was properly served and has requested an
64	informal hearing made by Dr. Fogarty. Second made by Dr. Hunt.
65	
66	Vote: 4 yeas/0 opposed. Motion Carried. Dr. Weingarten and Mr. Colter recused.
67	
68	<b>Action:</b> Motion to accept materials into evidence for the proceeding made by Dr. Hunt.
69	Second made by Dr. Fogarty.
70	
71	<b>Vote:</b> 4 yeas/0 opposed. Motion Carried. Dr. Weingarten and Mr. Colter recused.
72	
73	<b>Action:</b> Motion to adopt findings of fact as set forth within the administrative complaint
74 	made by Dr. Fox. Second made by Dr. Fogarty.
75 7.5	
76 77	Vote: 4 yeas/0 opposed. Motion Carried. Dr. Weingarten and Mr. Colter recused.
78	Action: Motion to adopt conclusions of law set forth in the administrative complaint and
79	find that it constitutes a violation of Florida Statute made by Dr. Fox. Second by Dr.
80	Fogarty.

Dr. Fogarty requested that the CE rubric mentioned in Line 319 be included in the

81	Vote: 4 yeas/0 opposed. Motion Carried. Dr. Weingarten and Mr. Colter recused.
82	
83	<b>Action:</b> Motion to accept the department's recommendation of revocation made by Dr.
84	Heagy. Second made by Dr. Fox.
85	
86	<b>Vote:</b> 4 yeas/0 opposed. Motion Carried. Dr. Weingarten and Mr. Colter recused.
87	
88	Ms. Garrison advised that there was an open motion for costs and that the department
89	wishes to dismiss the motion since the license will be revoked.
90	
91	Mr. Harris explained the process for disciplinary proceedings.
92	
93	b. <u>VOLUNTARY RELINQUISHMENTS</u>
94	
95	i. Dona J. Bernstein, D.C. Case No. 2018-06050
96	
97	Not present, nor represented by counsel. Assistant General Counsel, Amanda Godbey
98	presented case details.
99	
100	Action: Motion to accept the voluntary relinquishment made by Dr. Weingarten. Second
101	made by Dr. Fox.
102	
103	Vote: 5 yeas/0 opposed. Motion Carried.
104	
105	ii. Vanessa Claire Martinez, D.C. Case No. 2018-10479
106	
107	Not present, nor represented by counsel. Assistant General Counsel, Amanda Godbey
108	presented case details.
109	
110	<b>Action:</b> Motion to accept the voluntary relinquishment made by Dr. Fogarty. Second
111	made by Dr. Fox.
112	· · · · · · · · · · · · · · · · · · ·
113	Vote: 5 yeas/0 opposed. Motion Carried.
114	7 11
115	c. DETERMINATION OF WAIVER
116	· ====================================
117	i. Edwin Marc Nesi, D.C. Case No. 2017-21631
118	in Edwin Marchesia Die. Case 110. 2017 21001
119	Not present. Represented by Ms. Kathleen Valrun who was not present. Assistant
120	General Counsel, Amanda Godbey presented case details as well as the recommended
120	penalty of a letter of concern, \$2000.00 administrative fine, completion of a chiropractic
121	laws/rules exam within one year of final order.
122	laws/fules exam whilm one year of final order.
123	Ms. Godbay requested that the board great some motions on behalf of the
	Ms. Godbey requested that the board grant some motions on behalf of the
125	Department of Health.

126		Action: Motion to find that the respondent was properly served and waived the right to
127		formal hearing made by Dr. Fogarty. Second made by Dr. Hunt.
128		
129		Vote: 4 yeas/0 opposed. Motion Carried. Dr. Fox and Dr. Vogel recused.
130		
131		<b>Action:</b> Motion to accept the investigative report into evidence for purposes of imposing
132		penalty made by Dr. Hunt. Second made by Dr. Fogarty.
133		
134		Vote: 4 yeas/0 opposed. Motion Carried. Dr. Fox and Dr. Vogel recused.
135		
136		<b>Action:</b> Motion to adopt findings of fact as set forth in the administrative complaint made
137		by Dr. Hunt. Second made by Dr. Fogarty.
138		
139		Vote: 4 yeas/0 opposed. Motion Carried. Dr. Fox and Dr. Vogel recused.
140		
141		<b>Action:</b> Motion to adopt conclusions of law as set forth in the administrative complaint
142		and find that it constitutes a violation of the board's practice act made by Dr. Hunt.
143		Second made by Dr. Weingarten.
144		
145		Vote: 4 yeas/0 opposed. Motion Carried. Dr. Fox and Dr. Vogel recused.
146		
147		<b>Action</b> : Motion to impose the penalty of a letter of concern; completion of Florida
148		chiropractic laws/rules examination; \$2000 administrative fine per count; 3 hours of
149		continuing education in record keeping/documentation; and 3 hours of continuing
150		education in Laws/Rules in addition to what is required for renewal made by Dr. Fogarty.
151		Second made by Dr. Hunt.
152		
153		Vote: 4 yeas/0 opposed. Motion Carried. Dr. Fox and Dr. Vogel recused.
154		A (* ) M (* ) (* ) (* ) (* ) (* ) (* ) (*
155		<b>Action:</b> Motion to impose costs of \$18.05 to be paid within one year made by Dr.
156		Fogarty. Second made by Dr. Hunt.
157		Water A wass/O annesed Maties Comind Dr. Few and Dr. Wasslessed
158		Vote: 4 yeas/0 opposed. Motion Carried. Dr. Fox and Dr. Vogel recused.
159		Ma Comison avaloised that cost motions that are determination of visives or informal
160		Ms. Garrison explained that cost motions that are determination of waiver or informal
161		hearings do not include legal costs.
162		Section III ended at 9:03 a.m.
163		
164 165		Section IV began 9:03 a.m.
166	IV.	PROSECUTION REPORT:
167	1 4 .	I ROBECULION RELOKI.
168		i. Prosecution Report
100		1. Trosecutori report

170	Assistant General Counsel, Ms. Garrison presented the statistics regarding prosecution
171	cases currently open in the department.
172	
173	<ul> <li>18 cases recommended for probable cause</li> </ul>
174	• 14 probable cause cases
175	• 5 cases are before the Division of Administrative Hearings
176	
177	Action: Motion to continue prosecution on cases older than one year made by Dr.
178	Fogarty. Second made by Dr. Fox.
179	
180	Vote: 5 yeas/0 opposed. Motion Carried.
181	
182	Section IV ended at 9:04 a.m.
183	Section V began at 9:04 a.m.
184	
185 <b>V.</b>	PETITION FOR VARIANCE OR WAIVER
186	
187	Mr. Harris explained the approval and denial process of petitions.
188	
189	i. Palmer College of Chiropractic
190 191	Action: Motion to grant the petition made by Dr. Fogarty. Second made by Dr. Hunt.
191	Action: Motion to grant the petition made by Dr. Pogarty. Second made by Dr. Hunt.
193	Vote: 5 yeas/0 opposed. Motion Carried.
194	, october journe appearant restriction
195	ii. The Amazing Balancing Act of the Woman Chiropractor
196	
197	Action: Motion to grant the petition made by Dr. Fogarty. Second made by Dr. Fox.
198	
199	Vote: 5 yeas/0 opposed. Motion Carried.
200	
201	Dr. Heagy advised that the following courses do not meet the criteria and shall not be
202	granted: Demystifying Disney; Overview of Marketing; History of Women in
203	Chiropractic; and Strategies for Money and Marketing. (Total of 6 hours)
204	
205	<b>Action:</b> Motion to amend previous motion to exclude the mentioned courses made by Dr
206	Fogarty. Second made by Dr. Hunt.
207	
208	Vote: 5 yeas/0 opposed. Motion Carried.
209	
210	iii. McKenzie Method of Mechanical Diagnosis and Therapy
211	
212	Action: Motion to grant the petition made by Dr. Fogarty. Second made by Dr. Fox
213	
214	Vote: 5 yeas/0 opposed. Motion Carried.

215			
216		iv. F	lorida Chiropractic Society
217		ъ.	
218			Heagy requested that speaker changes be reviewed by CE chair without having the
219		-	ider fill out a new application submission as long as the initial submission is 60 days
220			dvance. Dr. Spivey advised that he would reach out to staff in the board office to
221		detei	rmine if the issue may be rectified.
222		A 4.	
223		Actio	on: Motion to approve the course made by Dr. Fogarty. Second made by Dr. Hunt.
224		<b>T</b> 7 4	
225		Vote	5 yeas/0 opposed. Motion Carried.
226		G 4	
227			ion V ended at 9:21 a.m.
228		Secti	ion VI began at 9:21 a.m.
229	<b>X7T</b>	CON	
230	VI.	CON	NTINUING EDUCATION FOR BOARD REVIEW
231		•	Modelen Transport D.C.
232		i.	Madalyn Turner, D.C.
233		A offi	one Mation to majort the magnest to approve the house for anotit made by Weingarton
234			on: Motion to reject the request to approve the hours for credit made by Weingarten.
<ul><li>235</li><li>236</li></ul>		Seco	and made by Dr. Hunt
237		Voto	2: 5 yeas/0 opposed. Motion Carried
238		VOIC	5 yeas/o opposed. Wotton Carned
239		ii.	Course – The Foundation of Nutritional Therapy
240		110	Course The Foundation of Nutritional Therapy
241		Actio	on: Motion to reject the approval of the course and suggest the provider to file a
242			ion for variance/waiver made by Dr. Hunt. Second made by Dr. Fox.
243		F	
244		Vote	2: 5 yeas/0 opposed. Motion Carried
245		, , , ,	or Jensey of Present Control
246		iii.	Course – The Vast Influence of the Gut on Health & Disease
247			
248		Actio	on: Motion to reject the approval of the course and suggest the provider to file a
249			ion for variance/waiver made by Dr. Hunt. Second made by Dr. Fox.
250		•	· · · · · · · · · · · · · · · · · · ·
251		Vote	: 5 yeas/0 opposed. Motion Carried
252			
253		iv.	Course – Neurology Diplomate Program
254			
255		Dr. V	Weingarten asked for clarification of affiliation versus sponsorship when it comes to
256			ubmissions and attestation of attendance. Dr. Fogarty addressed the rule definitions.
257			
258		Actio	on: Motion to table action and request that the providers submit for sponsorship
259			igh a college made by Dr. Hunt. Second made by Dr. Fox.

263		v. Course – 2018 Fall Summit
264		
265		<b>Action:</b> Motion to approve the course made by Dr. Fogarty. Second made by Dr. Hunt.
266		
267		Vote: 5 yeas/0 opposed. Motion Carried.
268		Prock from 0.52 cm to 10.02cm
269		Break from 9:53 a.m. to 10:03a.m.
270		Section VII began: 10:03 a.m.
271 272	VII.	CHIROPRACTIC COURSE RUBRIC
273	<b>V 11.</b>	CHROTRACTIC COURSE RUBRIC
274		Discussion ensued. The board reviewed the revised rubric for board review. Mr. Harris
275		suggested adding statutory language or adding clarification to the rubric. Dr. Fogarty
276		suggested that the provider submit the sponsoring institution and allow the provider to
277		upload proof of attendance at the end of the course. The sponsoring institution would be
278		responsible for verifying compliance. The board agreed to revisit the rubric after final
279		changes are made.
280		č
281		Section VIII began at 8:34 a.m.
282		Section VII ended at 10:19 a.m.
283		Section VIII (Cont) at 10:19 a.m.
284		
285	VIII.	APPLICATIONS PRESENTED FOR BOARD REVIEW:
286		
287		a. Myava Rodriguez, D.C.
288		
289		Present. Not represented by counsel.
290		Actions Mation to agree the application for licensum made by Dr. Fey. Coord made
291		<b>Action:</b> Motion to approve the application for licensure made by Dr. Fox. Second made
292 293		by Dr. Hunt
293 294		Vote: 5 yeas/0 opposed. Motion Carried.
295		vote. 5 yeas/o opposed. Wotton Carned.
296		b. Jess Howard Rosenberg, D.C.
297		b. Sess Howard Rosenberg, D.C.
298		Present. Represented by counsel, Ed Bayo. Mr. Bayo presented the details surrounding
299		Dr. Rosenberg's disciplinary action in another state.
300		21. Itesticong e meripinany action in aniconer cancer
301		Action: Motion to approve the application for licensure made by Dr. Fox. Second made
302		by Dr. Fogarty.
303		
304		Vote: 5 yeas/0 opposed. Motion Carried.

Vote: 5 yeas/0 opposed. Motion Carried

305		b. David John Taylor, D.C.
306		
307		Not present, nor represented by counsel.
308		
309		Action: Motion to require Dr. Taylor's appearance at one of the next two board meetings
310		made by Dr. Fox. Second made by Dr. Fogarty.
311		
312		Vote: 5 yeas/0 opposed. Motion Carried.
313		
314		c. Jonathan B. Spages, D.C.
315		
316		Not present, nor represented by counsel
317		
318		Action: Motion to require Dr. Spages' appearance at one of the next two board meetings
319		made by Dr. Fogarty. Second made by Dr. Fox.
320		
321		Vote: 5 yeas/0 opposed. Motion Carried.
322		
323		Section VIII ended at 8:39
324		Section VIII (cont) ended at 10:26 a.m.
325		Section IX began at 10:26 a.m.
326		
327	IX.	RATIFICATIONS:
328		
329		a. <u>Licensure</u>
330		
331		i. Chiropractic Physician
332		
333		Action: Motion to ratify the approval of licensees made by Dr. Fogarty. Second made by
334		Dr. Weingarten.
335		
336		Vote: 5 yeas/0 opposed. Motion Carried.
337		
338		ii. Registered Chiropractic Assistant
339		
340		<b>Action:</b> Motion to ratify the approval of licensees made by Dr. Hunt. Second made by
341		Dr. Weingarten.
342		
343		Vote: 5 yeas/0 opposed. Motion Carried.
344		
345		iii. Certified Chiropractic Physician Assistant
346		
347		Action: Motion to ratify the approval of licensees made by Dr. Fogarty. Second made by
348		Dr. Fox.
349		
-		

350		Vote: 5 yeas/0 opposed. Motion Carried.
351		
352		b. Continuing Education
353		
354		i. CE Providers and Courses approved by CE Committee Chairs
355		
356		<b>Action:</b> Motion to ratify the approval of providers and courses made by Dr. Fox. Second
357		made by Dr. Weingarten
358		Water 5 and 10 and and Mating Coming
359		Vote: 5 yeas/0 opposed. Motion Carried.
360		C-42 IV I-1 -4 10.20
361		Section IX ended at 10:28 a.m.
362		Section X began at 10:28 a.m.
363	•	CHAIDWICE CHAID DEDODE.
364	<b>X.</b>	CHAIR/VICE-CHAIR REPORT:
365		Nothing to general
366		Nothing to report
367		Section X ended at 10:28 a.m.
368		
369		Section XI began at 10:28 a.m.
<ul><li>370</li><li>371</li></ul>	XI.	EXECUTIVE DIRECTOR'S REPORT:
372	AI.	EAECUTIVE DIRECTOR 5 REPORT.
373		a. National Board of Chiropractic Examiners (NBCE)
374		a. National Board of Chiropractic Examiners (NDCE)
375		Dr. Spivey requested that the board delegate members to serve at the NBCE meeting in
376		May 2019. Dr. Heagy and Dr. Fogarty advised that they would be attending the meeting.
377		Way 2017. Dr. Heagy and Dr. 1 ogarty advised that they would be attending the meeting.
378		b. NBCE Part IV Exams & Test Committee
379		b. NDCE lait IV Exams & Test Committee
380		Dr. Spivey requested that the board delegate members to serve on the NBCE examination
381		committee. Dr. Fox and Dr. Heagy advised that they would be available to serve in
382		Spring 2019. Dr. Hunt advised she would be available to serve on June 21 <sup>st</sup> and 22 <sup>nd</sup> . Dr.
383		Heagy advised that she would follow up with Dr. Spivey about the Winter 2019 exams.
384		riengy advised that she would follow up with Dr. Sprvey about the written 2019 exams.
385		c. Confidential and Exempt from Public Records Disclosure
386		c. Confidential and Exempt from Labite Records Disclosure
387		Dr. Spivey explained that the department determined that some of the health history
388		questions appear to be too invasive and most boards are replacing the history questions
389		with alternate questions to allow applicants to answer accurately.
390		The attended questions to allow applicants to answer accuracy.
391		Dr. Fogarty mentioned that he would not be in favor of a change with the health history
392		questions. Dr. Heagy stated the new questions were too vague. The board rejected the
393		decision to change the questions.

395		d. Direct Primary Care Agreement
396		
397		Dr. Spivey announced new legislation regarding direct care (House Bill 37).
398		
399		Motion to reflect the board's support for the bill made by Dr. Fogarty. Second made by
400		Dr. Fox.
401		
402		Vote: 5 yeas/0 opposed. Motion Carried.
403		
404		Dr. Spivey met with some of the department's investigative staff. He advised that he was
405		asked about cryogenics chambers and whether the board had discussed the recent issues
406		with it. Dr. Fox explained the background behind the cryotherapy.
407		
408		e. Chair/Vice Chair 2019 Meeting
109		
410		Dr. Spivey announced the first Chair/Vice chair meeting to be held in Tallahassee on
411		May 31, 2019 and will provide additional information as it becomes available.
412		
413		Section XI ended at 10:56am
414		Section XII began at 10:56 a.m.
415		
416	XII.	BOARD COUNSEL'S REPORT:
417		
418		a. Letter from JAPC dated December 12, 2018
419		b. Fee reduction suggested language
420		c. Letter to JAPC interim dated December 18, 2018
421		d. 12005 120018 NPR 12 12 18
122		
123		Mr. Harris discussed the language regarding the one-time fee reduction of the renewal
124		and delinquency fees for the upcoming biennium. Mr. Harris asked the board to consider
125		a notice of change to revise the language to notify licensees of what the fee will return to
126		at the conclusion of the one-time reduction. Mr. Harris advised that the fee will return to
127		\$350 on April 1, 2022.
128		
129		<b>Action:</b> Motion to process a notice of change made by Dr. Hunt. Second made by Dr.
430		Fogarty.
431		
432		e. Rule 13.004
133		
134		Mr. Harris suggested changes to Rule 13.004. He advised that the rule was improperly
135		coded and requires board approval once corrected.
436		
137		Action: Motion to adopt revised language, open rule for development, and proceed with
138		rulemaking made by Dr. Hunt. Second made by Dr. Fox

440		Vote: 5 yeas/0 opposed. Motion Carried
441		
442		Discussion ensued regarding submission of a photo and challenge questions.
443		
444		Mr. Harris asked whether the proposed rules would have adverse impacts on small
445		business and whether regulatory costs would exceed two hundred thousand dollars within
446		one year of implementation. The board agreed there would be no adverse impact or
447		increase of costs.
448		
449		Mr. Harris asked whether the proposed rules would have adverse impacts on small
450		business and whether regulatory costs would exceed one million dollars within five years
451		of implementation. The board agreed there would be no adverse impact or increase of
452		costs.
453		
454		Mr. Harris asked whether the proposed rules would be subject to a minor violation. Minor
455		violation means that it will not directly affect the public health, safety, or welfare and is
456		able to be resolved with citation or notice of non-compliance.
457		•
458		Action: Motion that there would be no minor violations made by Dr. Hunt. Second made
459		by Dr. Weingarten
460		, c
461		Vote: 5 yeas/0 opposed. Motion Carried.
462		f. January Board Cost
463		
464		Mr. Harris presented the rules report.
465		
466		Section XII ended at 11:16 a.m.
467		Section XIII began at 11:16 a.m.
468		
469	XIII.	COMMITTEE REPORTS
470		
471		Dr. Heagy and Dr. Spivey announced that Mr. Colter is no longer on the board due to
472		board appointments by the governor.
473		
474		a. Budget – Mr. Licata
475		u. Buget Mit Deum
476		Dr. Spivey presented the budget on behalf of Mr. Licata.
477		Dr. sprvey presented the budget on behan of wir. Eleata.
477		b. CCPA – Dr. Hunt
479		D. COLA - DI. Hulli
		Nothing to report
480		Nothing to report
481		Continuing Education Due II AV-1 AV-1 (D. II + 1 - DACE / 1
482		c. Continuing Education – Drs. Heagy/Weingarten (Dr. Hunt when PACE takes
483		place)

484		Nothing to report
485		
486		d. Disciplinary Compliance – Dr. Fogarty
487		
488		Nothing to report
489		
490		e. Examination – Dr. Fox
491		NT (1)
492		Nothing to report
493		f Logislation Du Hangu
494 495		f. Legislation – Dr. Heagy
493 496		Nothing to report
490		Nothing to report
498		g. Probable Cause – Drs. Weingarten/Fox
499		g. 1100able Cause Dis. Weingartein ox
500		Nothing to report
501		Troubles to Topoto
502		h. Rules – Dr. Weingarten
503		
504		Nothing to report
505		
506		i. Unlicensed Activity – Mr. Licata
507		
508		Nothing to report
509		
510		j. Outstanding Service Award – Dr. Fox
511		
512		Dr. Fox explained the award process and proposed 2 doctors to receive the 2018 award
513		
514		Section XIII ended at 11:20a.m.
515		Section XIV began at 11:20 a.m.
516	*****	
517	XIV.	OLD BUSINESS:
518		NT-41 in a day man and
519		Nothing to report
520 521		Section XIV ended at 11:20 a.m.
522		Section XV began at 11:20 a.m.
523		bection A v began at 11.20 a.m.
524	XV.	NEW BUSINESS:

Dr. Hunt advised that a colleague of hers asked about hiring personnel such as ARNP to do injections on fake birth tissues and stem cell products. The board agreed to invite colleague to next board meeting for discussion. Dr. Hunt will provide more information.

529530

531

532

Dr. Weingarten addressed receiving emails from physicians that offer to pay for patient records related to auto accidents for the purposes of insurance billing. Mr. Harris suggested that one of the board members should draft a letter to the Board of Medicine expressing the concerns.

533534535

Section XV ended at 11:26 a.m. Section XVI began at 11:26 a.m.

536537538

# XVI. <u>NEXT MEETING DATE</u>:

539540

April 26, 2019

541542

Section XVI ended at 11:26 a.m. Section XVII began at 11:26 a.m.

543544545

## XVII. PROPOSED 2020 MEETING DATES

546547

Dr. Spivey advised the board members to review proposed dates and send availability to Gail Curry. Dr. Fogarty advised of some conflicting dates.

548549550

Section XVII ended at 11:32 a.m. Section XVIII began at 11:32 a.m.

551552553

## XVIII. PUBLIC COMMENT

Kevin Segall, DC

554555556

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558

559

560

# Dr. Segall asked the board if his scope of practice allows him to use Cone beam CT-imaging technology typically used in dentistry. Dr. Segall advised that it provides a lot of diagnostics information with a lower radiation dose and is FDA approved. Mr. Harris advised that licensee may ask for a declaratory statement if they would like a hard,

binding opinion by the board. Dr. Hunt advised that an opinion by Paul Lambert (General counsel for Florida Chiropractic Association) is that CT is within scope of practice.

563564

#### Louis Miller, DC

565566

567

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Dr. Miller addressed 2013 question regarding use of mild hyperbaric oxygen therapy. Dr. Miller asked if his scope of practice allows him to use the chamber. Discussion ensued. Mr. Harris advised that discussion by the board would be a non-binding opinion. Mr. Harris advised that the licensee may ask for a declaratory statement, but that it needs to

be in much greater detail.

# **Michelle Champion**

Ms. Champion addressed CE petitions regarding the 60-day requirement and speaker change and would like the issue addressed with CE Broker. Ms. Champion asked the board to consider adding a procedure to the rule regarding change of speaker and emergency situations. Ms. Champion mentions that there was a mistake in the October 2018 board meeting minutes—Line 839 and Lines 843-45. Ms. Champion testified that the statement made was by another doctor and not Dr. Warner. Ms. Champion was aware of who it was but did not disclose. The board directed staff to amend the minutes.

## Alan Tannenbaum, DC

License ME 69039 for 24 years- Dually licensed. Dr. Tannenbaum stated he was the director of post graduate education in Lee county and representing people of Florida and chiropractors. Dr. Tannenbaum asked for further online education or education that involves seminars. Dr. Tannenbaum advised that no chiropractors are able to attend his training and to research EEDS (Electronic Education Documentation System- similar to CEBroker).

# Todd Ciello, DC

Dr. Ciello advised that he was a CE speaker and his lectures have been approved. Dr. Ciello expressed the need for online courses and the inconveniences of live seminars. Dr. Ciello presented an article for board review and mentioned family ordeals.

### Albert R. Warner, DC

Dr. Warner asked if FCA tried to "sneak" in 10 hours of CE or if they received consultation from board members. Dr. Warner presented an article for board review. Dr. Warner mentioned that Dr. Hunt was a speaker at the ICA convention. Dr. Warner expressed the difficulty in attending courses versus online and mentioned family ordeals.

# Section XVIII ended at 12:34 p.m.

# XIX. <u>ADJOURNMENT</u>:

 Action: Motion to adjourn made by Dr. Weingarten. Second made by Dr. Hunt 12:34