

**FLORIDA** | Board of Chiropractic Medicine

**OFFICIAL MINUTES**

June 28, 2019

Omni Orlando  
1500 Masters Boulevard  
Championsgate, Florida 33896



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

The Florida Board of Chiropractic Medicine held a meeting on Friday, June 28, 2019, commencing at 8:30 a.m. This meeting was held at the Omni Orlando, 1500 Masters Boulevard, Championsgate, Florida 33896, (407) 390-6664, 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

**Meeting delayed from 8:30 to 9:10 a.m.**

**Section I began: 9:10 a.m.**

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

2  
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 **Board Staff Present:**

11  
12 Anthony Spivey, DBA, Executive Director  
13 Kelly Woodard, Regulatory Supervisor  
14 Carla Raby, Regulatory Supervisor  
15

16 **Board Counsel:**

17  
18 Marlene Stern, Assistant Attorney General  
19 Lawrence Harris, Assistant Attorney General  
20

21 **Prosecution Services**

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23 Rose Garrison, Assistant General Counsel  
24 Chad Dunn, Assistant General Counsel  
25 John Wilson, Assistant General Counsel  
26

27 **Court Reporter:**

28  
29 American Court Reporting  
30 407-896-1813  
31

32 **Section I ended: 9:13 a.m.**

33 **Section II began: 9:13 a.m.**

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**II. APPROVAL OF MINUTES:**

**a. April 26, 2019**

Dr. Fogarty requested correction to Line 531 from “maintenance” to “to maintain the.”

**Action:** Motion to approve the meeting minutes made by Dr. Fogarty. Second made by Dr. Fox.

**Vote:** 5 yeas/0 opposed. Motion Carried.

**Section II ended: 9:14 a.m.**

**Section III began: 9:14 a.m.**

**III. FINAL ORDER ACTION:**

**a. SETTLEMENT AGREEMENTS:**

**i. Matthew N. Parris, D.C. Case No: 2017-23007**

Present. Represented by counsel, Dan Bachi, Esq. Chad Dunn presented case details and proposed settlement agreement.

**Action:** Motion to reject settlement agreement made by Dr. Fox. Second made by Dr. Fogarty.

**Vote:** 4 yeas/0 opposed. Motion Carried. Dr. Weingarten recused.

**Action:** Motion to issue letter of guidance made by Dr. Fogarty. Second made by Dr. Fox.

**Vote:** 4 yeas/0 opposed. Motion Carried. Dr. Weingarten recused.

**Action:** Motion to withdraw previous motion made by Dr. Fogarty. Second made by Dr. Fox.

**Vote:** 4 yeas/0 opposed. Motion Carried. Dr. Weingarten recused.

**Action:** Motion to dismiss the case made by Dr. Fox. Second made by Dr. Fogarty.

**Vote:** 4 yeas/0 opposed. Motion Carried. Dr. Weingarten recused.

**ii. Craig S. Aderholdt, D.C. Case No.: 2016-09336**

**iii. Craig S. Aderholdt, D.C., Case No.: 2016-25789**

Present. Represented by counsel, Kenneth Scaz, Esq. John Wilson presented case details and a proposed settlement agreement.

79 Refer to Subsection (c. Recommended Order). The Board’s proposal was to resolve the 2016  
80 cases with no additional penalty and that each party would bear its own fees and costs for both  
81 2016 and 2014 cases.

82  
83 **Action:** Motion to reject settlement agreement and offer counter settlement made by Dr. Fox.  
84 Second made by Dr. Hunt.

85  
86 **Vote:** 3 yeas/1 opposed. Motion Carried. Dr. Weingarten recused.

87  
88 **iv. Jonathan F. Berns, D.C., Case No.: 2015-23138**

89  
90 Present. Represented by Edwin Bayo, Esq. Chad Dunn presented case details and proposed  
91 settlement agreement.

92  
93 **Action:** Motion to accept settlement agreement made by Dr. Weingarten.

94  
95 **Vote:** 0 yeas/0 opposed. Motion Failed.

96  
97 **Action:** Motion to reject settlement agreement and impose the penalty of a reprimand, \$8,000  
98 fine to be paid within one year; 50 hours of community service within one year; passage of the  
99 NCBE ethics and boundaries exam within one year; PRN (Professional Resource Network)  
100 evaluation and comply with recommendations made by Dr. Fogarty. Second made by Dr. Hunt.

101  
102 **Vote:** 5 yeas/0 opposed. Motion Carried.

103  
104 **Break 11:08 – 11:28 a.m.**

105  
106 **b. DETERMINATION OF WAIVER**

107  
108 **i. Leonie Dareus, RCA Case No.: 2017-14908**

109  
110 Not present, nor represented by counsel. Rose Garrison presented case details and recommended  
111 penalty.

112  
113 **Action:** Motion to find that respondent was properly served and has waived the right to an  
114 informal hearing made by Dr. Fogarty. Second made by Dr. Hunt

115  
116 **Vote:** 5 yeas/0 opposed. Motion Carried.

117  
118 **Action:** Motion to accept the investigative report and all exhibits into evidence for the purposes  
119 of imposing penalty made by Dr. Fogarty. Second made by Dr. Hunt.

120  
121 **Vote:** 5 yeas/0 opposed. Motion Carried.

123 **Action:** Motion to adopt the findings of fact as set forth in the administrative complaint made by  
124 Dr. Hunt. Second made by Dr. Fogarty.

125  
126 **Vote:** 5 yeas/0 opposed. Motion Carried.

127  
128 **Action:** Motion to adopt conclusions of law set forth in the administrative complaint and find  
129 that it constitutes a violation of the board’s practice act made by Dr. Hunt. Second made by Dr.  
130 Fogarty.

131  
132 **Vote:** 5 yeas/0 opposed. Motion Carried.

133  
134 **Action:** Motion to impose penalty of placing license on probation until student loan is paid in  
135 full; fine of \$802.20; and administrative costs of \$532.12 (not including legal costs) made by Dr.  
136 Hunt. Second made by Dr. Fogarty.

137  
138 **Vote:** 5 yeas/0 opposed. Motion Carried.

139  
140 **c. RECOMMENDED ORDERS**

- 141  
142 **i. Craig S. Aderholdt, D.C. Case No.: 2014-02800**  
143 **ii. Craig S. Aderholdt, D.C. Case No.: 2014-04393**  
144 **iii. Craig S. Aderholdt, D.C. Case No.: 2014-04395**  
145 **iv. Craig S. Aderholdt, D.C. Case No. 2014-05653**

146  
147 Present. Represented by counsel, Kenneth Scaz, Esq. John Wilson presented case details and  
148 recommended orders.

149  
150 **Action:** Motion to accept the judge’s recommended order made by Dr. Fogarty. Second made by  
151 Dr. Weingarten.

152  
153 **Vote:** 5 yeas/0 opposed. Motion Carried.

154  
155 **Action:** Motion to adopt the administrative law judge’s (ALJ) findings of fact and conclusions of  
156 law as found in the recommended order made by Dr. Heagy. Second made by Dr. Weingarten.

157  
158 **Vote:** 5 yeas/0 opposed. Motion Carried.

159  
160 **Action:** Motion to adopt the ALJ’s proposed penalty and discuss; and set appropriate conditions  
161 of probation and continuing education requirements made by Dr. Fogarty. Second made by Dr.  
162 Weingarten.

163  
164 **Vote:** 5 yeas/0 opposed. Motion Carried.

165  
166 **Action:** Motion to impose penalty of a fine of \$3,000 to be paid within 30 days of final order; 20  
167 hours of continuing education (in addition to required CE for renewal) within one year of final

168 order; place the license on probation for three years following final order; 10% of patient records  
169 must be monitored by an approved monitor every other month and if accurate, move to quarterly  
170 monitoring; required appearance at the end of the probationary period made by Dr. Fogarty.  
171 Second made by Dr. Hunt.

172  
173 **Vote:** 5 yeas/0 opposed. Motion Carried.

174  
175 **Action:** Motion to bifurcate administrative costs made by Dr. Hunt. Second made by Dr.  
176 Fogarty.

177  
178 **Vote:** 5 yeas/0 opposed. Motion Carried.

179  
180 **Section III ended: 11:31 a.m.**

181 **Section IV began: 11:31 a.m.**

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183 **IV. PROSECUTION REPORT:**

184  
185 **i. Prosecution Report**

186  
187 Assistant General Counsel, Chad Dunn presented the statistics regarding prosecution cases  
188 currently open in the department.

189  
190 Cases older than 1 year continued for prosecution: 85

191  
192 **Action:** Motion to continue prosecution on cases older than one year made by Dr. Fox. Second  
193 made by Dr. Hunt.

194  
195 **Vote:** 5 yeas/0 opposed. Motion Carried.

196  
197 **Section IV ended: 11:33 a.m.**

198 **Section V began: 11:33 a.m.**

199  
200 **V. APPLICATIONS PRESENTED FOR BOARD REVIEW:**

201  
202 **a. Wanda Perez, RCA**

203  
204 Present. Not represented by counsel.

205  
206 **Action:** Motion to approve the application for licensure made by Dr. Fox. Second made by Dr.  
207 Hunt.

208  
209 **Vote:** 5 yeas/0 opposed. Motion Carried.

210  
211 **b. Michael T. Sherman, D.C.**

212

213 Present with counsel, Edwin Bayo, Esq. Mr. Bayo requested that Dr. Sherman receive credit for  
214 his first-year attendance in which the board permitted.

215  
216 **Action:** Motion to approve the application for licensure made by Dr. Fogarty. Second made by  
217 Dr. Fox.

218  
219 **Vote:** 5 yeas/0 opposed. Motion Carried.

220  
221 **c. Kirt W. Repp, D.C.**

222  
223 Present. Not represented by counsel.

224  
225 **Action:** Motion to approve the application for licensure made by Dr. Fox. Second made by Dr.  
226 Hunt.

227  
228 **Vote:** 5 yeas/0 opposed. Motion Carried.

229  
230 **d. Mikkil Bahamondes, D.C.**

231  
232 Present. Not represented by counsel, but by PRN (Professional Resource Network)  
233 representative, Dr. Martha Brown.

234  
235 **Action:** Dr. Bahamondes was given the option to withdraw his application. Withdrawal was  
236 accepted.

237  
238 **Vote:** 5 yeas/0 opposed. Motion Carried.

239  
240 **e. John K. Lenihan, D.C.**

241  
242 Present with counsel, Edwin Bayo, Esq.

243  
244 **Action:** Motion to approve the application for licensure contingent upon passing Florida  
245 Laws/Rules, Physiotherapy, and Part IV of the NBCE examination (National Board of  
246 Chiropractic Examiners) within one year made by Dr. Heagy. Second made by Dr. Weingarten.

247  
248 **Vote:** 5 yeas/0 opposed. Motion Carried.

249  
250 **Section V ended: 12:08 p.m.**

251 **Break 12:08 p.m. – 1:26 p.m.**

252 **Section VI began: 1:30 p.m.**

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254 **VI. PETITION FOR RULE AMENDMENT**

255  
256 **i. Rule Amendment (64B2-13.004)**

257

258 Dr. Fogarty recused himself from discussion.

259

260 Dr. Albert R. Warner presented his petition to initiate rulemaking. Dr. Warner asked the board to  
261 remove language from the rule which would allow doctors to have a choice of completing the  
262 40-hour requirements online.

263

264 Fellow colleagues and those in favor of the petition provided commentary.

265

266 **Steven Warfield, DC** – Dr. Warfield provided information of course experiences he has  
267 encountered.

268

269 **Michael Kenemuth, DC** – Dr. Kenemuth expressed that physicians should have a choice and  
270 provided examples of course experiences that he has encountered.

271

272 **Rick Hodish, DC** – Dr. Hodish asked that the board consider the request and expressed the  
273 advantages and disadvantages of online courses.

274

275 **Ron Watson, Lobbyist for Florida Chiropractic Physician Association** – Mr. Watson  
276 discussed statutory authority and legislation.

277

278 **Kim Driggers, Counsel for Florida Chiropractic Association** – Ms. Driggers advised that the  
279 FCA was opposed to the petition and requested for the board to deny the petition. Ms. Driggers  
280 provided research results and statistics.

281

282 Dr. Weingarten expressed that the board would not be in favor of the revision due to the fact that  
283 providers continue to have difficulty complying with the requirements of the 10 hours that are  
284 currently allowed online.

285

286 **Action:** Motion to deny the petition made by Dr. Weingarten. Second made by Dr. Hunt.

287

288 **Vote:** 5 yeas/0 opposed. Motion Carried.

289

290 **Section VI ended: 2:17 p.m.**

291 **Section VII began: 2:17 p.m.**

292

## 293 **VII. RATIFICATIONS:**

294

### 295 **a. Licensure**

296

#### 297 **i. Chiropractic Physician**

298

299 **Action:** Motion to ratify the approval of licensees made by Dr. Fogarty. Second made by Dr.  
300 Hunt.

301

302 **Vote:** 5 yeas/0 opposed. Motion Carried.



303 **ii. Registered Chiropractic Assistant**

304

305 **Action:** Motion to ratify the approval of licensees made by Dr. Fox. Second made by Dr.  
306 Weingarten.

307

308 **Vote:** 5 yeas/0 opposed. Motion Carried.

309

310 **iii. Certified Chiropractic Physician Assistant**

311

312 **Action:** Motion to ratify the approval of licensees made by Dr. Fox. Second made by Dr.  
313 Weingarten.

314

315 **Vote:** 5 yeas/0 opposed. Motion Carried.

316

317 **b. Continuing Education**

318

319 **i. CE Providers and Courses approved by CE Committee Chairs**

320

321 **Action:** Motion to approve the ratification of providers and courses made by Dr. Weingarten.  
322 Second made by Dr. Fox.

323

324 **Vote:** 5 yeas/0 opposed. Motion Carried.

325

326 **Section VII ended: 2:19 p.m.**

327 **Section VIII began: 2:19 p.m.**

328

329 **VIII. CONTINUING EDUCATION**

330

331 **i. Course #20-667680 Southern Chiropractic Conference hosted by TCA**

332

333 **Action:** Motion to deny the approval of the course made by Dr. Weingarten. Second made by  
334 Dr. Fox.

335

336 **Vote:** 5 yeas/0 opposed. Motion Carried.

337

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

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

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341 **IX. PUBLIC DISCLOSURE NOTICE**

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343 **i. Public Disclosure Notice**

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345 Dr. Heagy advised that the disclosure was for informational purposes.

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347 **Section IX ended: 2:21 p.m.**

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**Section X began: 2:21 p.m.**

**X. CHAIR/VICE-CHAIR REPORT:**

**i. Highlights from the Federation of Chiropractic Licensing Board**

Dr. Heagy advised that the highlights were for informational purposes. Dr. Heagy directed the board to a slide that could be found on the FCLB (Federation of Chiropractic Licensing Board) website.

**Section X ended: 2:21 p.m.**

**Section XI began: 2:21 p.m.**

**XI. EXECUTIVE DIRECTOR'S REPORT:**

**i. FCLB letter to the Governor**

Dr. Spivey announced that the FCLB council wrote a letter to Governor DeSantis thanking Dr. Heagy and Dr. Fogarty for their participation in the Chair/Vice Chair meeting. Dr. Spivey advised that the next Chair/Vice Chair meeting will be held on October 18, 2019 in Tallahassee, Fl and that the format of the meetings are to be more engaging.

**Section XI ended: 2:23 p.m.**

**Section XII began: 2:23 p.m.**

**XII. BOARD COUNSEL'S REPORT:**

**a. May Rules Report**

**b. 64B2-13.004**

Ms. Stern presented the rules report and revised language to Rule 64B2-13.004, Florida Administrative Code.

**Action:** Motion to accept the revised language made by Dr. Hunt. Second made by Dr. Fox.

**Vote:** 4 yeas/0 opposed. Motion Carried. Dr. Fogarty recused himself.

Ms. Stern asked whether the proposed rules would have adverse impacts on small business and whether regulatory costs would exceed two hundred thousand dollars within one year of implementation. The board agreed there would be no adverse impact or increase of costs.

**Action:** Motion to accept the board's response made by Dr. Heagy. Second made by Dr. Fox.

**Vote:** 4 yeas/0 opposed. Motion Carried. Dr. Fogarty recused himself.

393 Ms. Stern asked whether the proposed rules would be subject to a minor violation. Minor  
394 violation means that it will not directly affect the public health, safety, or welfare and is able to  
395 be resolved with citation or notice of non-compliance. The board agreed there would be no minor  
396 violation.

397  
398 **Action:** Motion to accept the board’s response made by Dr. Hunt. Second made by Dr.  
399 Weingarten.

400  
401 **Vote:** 4 yeas/0 opposed. Motion Carried. Dr. Fogarty recused himself.

402  
403 **Section XII ended: 2:29 p.m.**  
404 **Section XIII began: 2:29 p.m.**

405  
406 **XIII. COMMITTEE REPORTS**

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408 **a. Budget – Mr. Licata**

409  
410 Nothing to report. Dr. Fogarty asked the board to update the website to reflect the lower cost of  
411 upcoming renewals.

412  
413 **b. CCPA – Dr. Hunt**

414  
415 Dr. Hunt advised that all is going well.

416  
417 **c. Continuing Education – Drs. Heagy/Weingarten**

418  
419 Nothing to report

420  
421 **d. Disciplinary Compliance – Dr. Fogarty**

422  
423 Dr. Fogarty advised that there has been a pushback from monitors. Dr. Fogarty suggested a  
424 taskforce to create specific criteria for monitors. Dr. Heagy asked Ms. Stern if she would be  
425 willing to serve on the taskforce to which Ms. Stern agreed.

426  
427 **e. Examination – Dr. Fox**

428  
429 Dr. Fox announced that Part 4 went smooth and that the next examination is on November  
430 15<sup>th</sup> through 17<sup>th</sup>.

431  
432 **f. Legislation – Dr. Heagy**

433  
434 Dr. Heagy presented two bills that would impact the chiropractic profession which are  
435 HB851 (Human Trafficking Continuing Education) and HB23 (Telehealth) .

436  
437 **g. Probable Cause – Drs. Weingarten/Fox**

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Nothing to report

**h. Rules – Dr. Weingarten**

Nothing to report

**i. Unlicensed Activity – Mr. Licata**

Nothing to report

**j. Outstanding Service Award – Dr. Fox**

Dr. Fox announced that the award will be presented at the next meeting to Dr. Scott Patton of Lutz, Fl.

**Section XIII ended: 2:44 p.m.**

**Section XIV began: 2:44 p.m.**

**XIV. OLD BUSINESS:**

None

**Section XIV ended: 2:44 p.m.**

**Section XV began: 2:44 p.m.**

**XV. NEW BUSINESS**

Dr. Hunt requested continuing education credit for her participation in the National Board of Chiropractic Examiners (NBCE). Dr. Heagy advised Dr. Hunt to attempt to upload the credit into CE Broker.

Dr. Fogarty requested that the Chair consider sending a representative to the FCLB’s bi-yearly meeting in Jersey City on October 3<sup>rd</sup> through the 6<sup>th</sup>. Dr. Spivey advised that he is seeking authorization for attendance.

**Section XV ended: 2:46 p.m.**

**Section XVI began: 2:46 p.m.**

**XVI. NEXT MEETING DATE:**

**August 23, 2019**

**Section XVI ended: 2:46 p.m.**

482 **Section XVII began: 2:46 p.m.**

483

484 **XVII. PUBLIC COMMENT**

485

486 **Kim Driggers, Counsel for Florida Chiropractic Association** – Ms. Driggers advised that she  
487 did not move the supporting case laws into record. She was unsure of whether it was procedurally  
488 required. Ms. Stern confirmed that the documents were in the record. Dr. Hunt asked Ms.  
489 Driggers about the statistics as it relates to the accuracy of such.

490

491 **Andrew Cave, DC** – Commented that it should not matter whether continuing education may be  
492 completed online or in person; and that it's difficult to make time and income to attend live  
493 courses.

494

495 **Paul Sorche, DC** – Commented that Dr. Warner is simply requesting the providers to test  
496 on live continuing education courses.

497

498 **Section XVII ended: 2:53 p.m.**

499 **Section XVIII began: 2:53 p.m.**

500

501 **XVIII. ADJOURNMENT:**

502

503 Motion to adjourn at 2:53 p.m. made by Dr. Hunt. Second by Dr. Fogarty.

504

505