OFFICIAL MINUTES
August 23, 2019

Hyatt Regency
9801 International Drive
Orlando, Florida 32819

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, August 23, 2019, commencing at 8:30 a.m. This meeting was held at the Hyatt Regency, 9801 International Drive, Orlando, Florida 32819, (407) 284-1234, 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: 8:31 a.m.

I. CALL TO ORDER (Roll Call):

   Danita Heagy, D.C., Chair
   Julie Hunt, D.C., Vice Chair
   Christopher Fox, D.C., ATC(L)
   Kevin Fogarty, D.C., F.I.C.A.
   Mindy Weingarten, D.C.
   Paul Licata

Board Staff Present:

   Dr. Anthony Spivey, DBA, Executive Director
   Kelly Woodard, Regulatory Supervisor

Board Counsel:

   Lawrence Harris, Assistant Attorney General

Prosecution Services:

   Rose Garrison, Assistant General Counsel

Court Reporter:

   American Court Reporting
   407-896-1813

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

II. APPROVAL OF MINUTES:

   a. June 28, 2019
Action: Motion to Approve the meeting minutes made by Dr. Fogarty. Second made by Dr. Hunt.

Vote: 6 yeas/0 opposed. Motion Carried.

Section II ended: 8:32 a.m.
Section III began: 8:32 a.m.

III. CLARIFICATION OF FINAL ORDER:

i. Craig Aderholdt, D.C.

Not present, nor represented by counsel.

Action: Motion to reconsider final order and amend time frame for payment of costs to the period of probation (three years) made by Dr. Hunt. Second made by Dr. Fogarty.

Vote: 6 yeas/0 opposed. Motion Carried.

Section III ended: 8:40 a.m.
Section IV began: 8:40 a.m.

IV. FINAL ORDER ACTION:

a. SETTLEMENT AGREEMENTS:

i. Dawn M. Teufel, RCA. Case No: 2017-24085

Not present, nor represented by counsel.

Action: No action taken. Case tabled to November board meeting.

ii. Ayhem A. Sabry, D.C., Case No.: 2012-19061

Not Present. Represented by counsel Brian Evander, Esq.

Action: Motion to accept the settlement agreement made by Dr. Fogarty. Second made by Dr. Weingarten.

Vote: 5 yeas/0 opposed. Motion Carried. Dr. Fox recused.

iii. Michael Lampe, D.C., Case No.: 2018-06091

Not present, nor represented by counsel.
Action: Motion to accept the settlement agreement made by Dr. Fox. Second made by Dr. Hunt.

Vote: 5 yeas/0 opposed. Motion Carried. Dr. Weingarten recused.

Section IV ended: 8:57 a.m.
Section V began: 8:57 a.m.

V. PROSECUTION REPORT:

i. Prosecution Report

Assistant General Counsel, Rose Garrison presented the statistics regarding prosecution cases currently open in the department.
Cases older than 1 year continued for prosecution: 32

Action: Motion to continue prosecuting cases older than one year made by Dr. Weingarten. Second made by Dr. Fox.

Vote: 6 yeas/0 opposed. Motion Carried.

Section V ended: 8:59 a.m.
Section VI began: 8:59 a.m.

VI. PETITION OF WAIVER/VARIANCE:

i. Todd Cielo, D.C.

Present. Not represented by counsel

Action: Motion to deny the petition made by Dr. Fogarty. Second made by Dr. Weingarten.

Vote: 6 yeas/0 opposed. Motion Carried.

ii. Solomon Lallouz, D.C.

Not present, nor represented by counsel. The board agreed that if the petitioner resubmits his request with more content, they may be more inclined to accept it.

Action: Motion to deny the petition made by Mr. Licata. Second made by Dr. Fogarty.

Vote: 6 yeas/0 opposed. Motion Carried.

iii. Timothy Flynn, D.C.
Not present, nor represented by counsel.

**Action:** Motion to deny the petition made by Mr. Licata. Second made by Dr. Weingarten.

**Vote:** 6 yeas/0 opposed. Motion Carried.

Section VI ended: 9:29 a.m.
Break: 9:29- 9:39 a.m.
Section VII began: 9:39 a.m.

VII. **APPLICATIONS PRESENTED FOR BOARD REVIEW:**

a. **Charles Strickland, D.C.**

Present. Not represented by counsel.

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

**Vote:** 6 yeas/0 opposed. Motion Carried.

b. **Vanessa James, RCA**

Not present, nor represented by counsel.

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

**Vote:** 6 yeas/0 opposed. Motion Carried.

c. **Jill Herzberg, RCA**

Present. Not represented by counsel.

**Action:** Board allowed applicant to withdraw and reapply for licensure at a later time.

d. **Garth B. Ahner, D.C.**

Present. Not represented by counsel.

**Action:** Motion to approve the application for licensure made by Dr. Fox. Second made by Dr. Hunt.
Vote: 6 yeas/0 opposed. Motion Carried.

e. Ginger L. Chouinard, D.C.

Present. Not represented by counsel.

Action: Motion to approve the application for licensure made by Dr. Weingarten. Second made by Mr. Licata.

Vote: 6 yeas/0 opposed. Motion Carried.

f. Joan Housley, D.C.

Not present, nor represented by counsel.

Action: Motion to require appearance at one of the next two board meetings made by Dr. Fox. Second made by Dr. Hunt.

Vote: 4 yeas/2 opposed. Motion Carried.

g. Paola M. Ramos Motalvo, D.C.

Present. Not represented by counsel.

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

Vote: 6 yeas/0 opposed. Motion Carried.

h. Debra J. Roche, D.C.

Present. Not represented by counsel.

Action: Motion to approve the application for licensure made by Dr. Fogarty. Second made by Dr. Hunt.

Vote: 6 yeas/0 opposed. Motion Carried.

i. Mark E. Hines, D.C.

Not present, nor represented by counsel.

Action: Motion to approve the application for licensure made by Dr. Fox. Second made by Dr. Weingarten.
VIII. REQUEST FOR CONTINUING EDUCATION APPROVAL:

Mr. Harris directed the board to consider the request as a petition for rulemaking.

Action: Motion to deny the request for approval made by Dr. Fogarty. Second made by Mr. Licata

Vote: 5 yeas/1 opposed. Motion Carried.

Break 10:45-10:52 a.m.

Section VII ended: 10:27 a.m.
Section VIII began: 10:27 a.m.

IX. RATIFICATIONS:

a. Licensure

i. Chiropractic Physician

Action: Motion to ratify the approval of licensees made by Dr. Fogarty. Second made by Dr. Fox.

Vote: 6 yeas/0 opposed. Motion Carried.

ii. Registered Chiropractic Assistant

Action: Motion to ratify the approval of licensees made by Dr. Fox. Second made by Dr. Fogarty.

Vote: 6 yeas/0 opposed. Motion Carried.

iii. Certified Chiropractic Physician Assistant

Dr. Hunt noted that a ratification list was not part of the agenda materials, but that she documented the number of licensees as 12 from 6/27/19 to 08/20/19.

Action: Motion to ratify the approval of licensees made by Dr. Hunt. Second made by Dr. Fogarty.
Vote: 6 yeas/0 opposed. Motion Carried.

b. Continuing Education

i. CE Providers and Courses approved by CE Committee Chairs

Action: Motion to ratify the approval of providers and courses made by Dr. Weingarten. Second made by Dr. Fox.

Vote: 6 yeas/0 opposed. Motion Carried.

Section IX ended: 10:58 a.m.
Section X began: 10:58 a.m.

X. CHAIR/VICE-CHAIR REPORT:

Dr. Heagy advised that award recipient was unable to attend and therefore, will be announced at the next meeting.

Section X ended: 10:59 a.m.
Section XI began: 10:59 a.m.

XI. EXECUTIVE DIRECTOR’S REPORT:

i. Annual Delegation of Authority

Action: Motion to approve the Annual Delegation of Authority made by Dr. Fogarty. Second made by Dr. Weingarten.

Vote: 6 yeas/0 opposed. Motion Carried.

ii. Certified Chiropractic Physician Assistant
iii. Registered Chiropractic Assistant

iv. Chiropractic Medical Faculty
v. Application for Chiropractic Acupuncture Certification
vi. Registered Chiropractic Assistant to Modify Supervisor
vii. Application for Chiropractic Examination and Initial Licensure
viii. Application to Modify Supervisor for Certified Chiropractor
ix. 64B2-11.012
xii. 64B2-18.005
xiii. 64B2-18.002
xiv. 64B2-12.0155
xv. 64B2-12.022
xvi. 64B2-11.001
Dr. Spivey presented the proposed licensure applications for review and approval. Dr. Fogarty was concerned about the legalities of the notary and electronic signature.

**Action:** Motion to authorize staff to continue work on the applications made by Dr. Fogarty. Second made by Mr. Licata.

**Vote:** 6 yeas/0 opposed. Motion Carried.

Dr. Spivey advised that he needed one or two of the board members to participate the Part IV NBCE examination on November 15th-17th. Dr. Fox is scheduled to attend.

Dr. Spivey announced that the Chair/Vice Chair meeting will be held in Tallahassee, Fl in October and that the formatting of the meeting is to be more interactive and engaging.

Dr. Spivey announced the legislative changes impacting the board which are Telehealth and Human Trafficking.

Section XI ended: 11:22 a.m.
Section XII began: 11:22 a.m.

**XII. BOARD COUNSEL’S REPORT:**

**a. August Rules Report**

Mr. Harris presented the rules report. Mr. Harris asked that the board to consider creating disciplinary violation guidelines for the Telehealth bill. Discussion ensued regarding Telehealth and the mandated continuing education course for Human Trafficking. Dr. Heagy asked if she could be provided any resources for the Human Trafficking course to help her determine who is qualified to provide the course.

**b. Clarification of 64B2-13.004**

Mr. Harris addressed clarification of the rule as it relates to Dr. Lyle Grenz’ request for continuing education credit. Mr. Harris advised that he would correspond with Dr. Grenz about his options.

**c. 2019-2020 Annual Regulatory Plan**

**Action:** Motion to approve the Annual Regulatory Plan made by Dr. Hunt. Second made by Dr. Fox.

**Vote:** 6 yeas/0 opposed. Motion Carried.
Section XII ended: 11:49 a.m.
Section XIII began: 11:49 a.m.

XIII. COMMITTEE REPORTS:

   a. Budget – Mr. Licata
      Nothing to report

   b. CCPA – Dr. Hunt
      Dr. Hunt reiterated the issue of the ratification list.

   c. Continuing Education – Drs. Heagy/Weingarten
      Dr. Weingarten/Heagy reported that things are going well.

   d. Disciplinary Compliance – Dr. Fogarty
      Nothing to report

   e. Examination – Dr. Fox
      Nothing to report

   f. Legislation – Dr. Heagy
      Dr. Heagy advised that she is working with legislature regarding foreign graduates and licensure by endorsement.

   g. Probable Cause – Drs. Weingarten/Fox
      Nothing to report

   h. Rules – Dr. Weingarten
      Nothing to report

   i. Unlicensed Activity – Mr. Licata
      Nothing to report

   j. Outstanding Service Award – Dr. Fox
Nothing to report

Section XIII ended: 11:50 a.m.
Section XIV began: 11:50 a.m.

XIV. OLD BUSINESS:

None to report

Section XIV ended: 11:50 a.m.
Section XV began: 11:50 a.m.

XV. NEW BUSINESS:

i. 64B8-8.0011 Chiropractic Monitoring Criteria
ii. Board approved Chiropractic Monitors REV
iii. Approved of Proposed Supervising Monitor

Mr. Harris presented chiropractic monitor information and suggested that the board have rules similar to Board of Medicine. Dr. Fogarty and Dr. Heagy discussed creating criteria and a rubric. Dr. Fogarty advised that Dr. Rubenstein and Dr. Benning should be removed from the list; and Dr. Weingarten should be added. Mr. Harris and Dr. Fogarty agreed to creating rules and a rubric for review.

Section XV ended: 12:01 p.m.
Section XVI began: 12:01 p.m.

XVI. NEXT MEETING DATE:

November 8, 2019

Dr. Heagy dismissed 1st year and continuing education attendees.

Section XVI ended: 12:01 p.m.
Section XVII began: 12:01 p.m.

XVII. PETITION FOR RULE AMENDMENT:

i. Rick Warner, D.C.

Action: Motion to deny the petition made by Dr. Weingarten. Second made by Mr. Licata.

Vote: 5 yeas/0 opposed. Motion Carried. Dr. Fogarty recused himself.
Section XVII ended: 12:25 p.m.
Section XVIII began: 12:25 p.m.

XVIII. PUBLIC COMMENT:

None

Section XVIII ended: 12:25 p.m.
Section XIX began: 12:25 p.m.

XIX. ADJOURNMENT:

Motion to adjourn made by Dr. Fogarty. Second made by Dr. Fox.