

**FLORIDA** | Board of Chiropractic Medicine

**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.**

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
- 9

10   **Board Staff Present:**

- 11
- 12       Dr. Anthony Spivey, DBA, Executive Director
- 13       Kelly Woodard, Regulatory Supervisor
- 14

15   **Board Counsel:**

- 16
- 17       Lawrence Harris, Assistant Attorney General
- 18

19   **Prosecution Services:**

- 20
- 21       Rose Garrison, Assistant General Counsel
- 22

23   **Court Reporter:**

- 24
- 25       American Court Reporting
- 26       407-896-1813
- 27

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

30

31   **II. APPROVAL OF MINUTES:**

- 32
- 33       **a. June 28, 2019**
- 34

35 **Action:** Motion to Approve the meeting minutes made by Dr. Fogarty. Second made by  
36 Dr. Hunt.

37  
38 **Vote:** 6 yeas/0 opposed. Motion Carried.

39  
40 **Section II ended: 8:32 a.m.**

41 **Section III began: 8:32 a.m.**

42  
43 **III. CLARIFICATION OF FINAL ORDER:**

44  
45 **i. Craig Aderholdt, D.C.**

46  
47 Not present, nor represented by counsel.

48  
49 **Action:** Motion to reconsider final order and amend time frame for payment of costs to  
50 the period of probation (three years) made by Dr. Hunt. Second made by Dr. Fogarty.

51  
52 **Vote:** 6 yeas/0 opposed. Motion Carried.

53  
54 **Section III ended: 8:40 a.m.**

55 **Section IV began: 8:40 a.m.**

56  
57 **IV. FINAL ORDER ACTION:**

58  
59 **a. SETTLEMENT AGREEMENTS:**

60  
61 **i. Dawn M. Teufel, RCA. Case No: 2017-24085**

62  
63 Not present, nor represented by counsel.

64  
65 **Action:** No action taken. Case tabled to November board meeting.

66  
67 **ii. Ayhem A. Sabry, D.C., Case No.: 2012-19061**

68  
69 Not Present. Represented by counsel Brian Evander, Esq.

70  
71 **Action:** Motion to accept the settlement agreement made by Dr. Fogarty. Second made  
72 by Dr. Weingarten.

73  
74 **Vote:** 5 yeas/0 opposed. Motion Carried. Dr. Fox recused.

75  
76 **iii. Michael Lampe, D.C., Case No.: 2018-06091**

77  
78 Not present, nor represented by counsel.

80 **Action:** Motion to accept the settlement agreement made by Dr. Fox. Second made by  
81 Dr. Hunt.

82  
83 **Vote:** 5 yeas/0 opposed. Motion Carried. Dr. Weingarten recused.

84  
85 **Section IV ended: 8:57 a.m.**

86 **Section V began: 8:57 a.m.**

87  
88 **V. PROSECUTION REPORT:**

89  
90 **i. Prosecution Report**

91  
92 Assistant General Counsel, Rose Garrison presented the statistics regarding prosecution  
93 cases currently open in the department.

94 Cases older than 1 year continued for prosecution: 32

95  
96 **Action:** Motion to continue prosecuting cases older than one year made by Dr.  
97 Weingarten. Second made by Dr. Fox.

98  
99 **Vote:** 6 yeas/0 opposed. Motion Carried.

100  
101 **Section V ended: 8:59 a.m.**

102 **Section VI began: 8:59 a.m.**

103  
104 **VI. PETITION OF WAIVER/VARIANCE:**

105  
106 **i. Todd Cielo, D.C.**

107  
108 Present. Not represented by counsel

109  
110 **Action:** Motion to deny the petition made by Dr. Fogarty. Second made by Dr.  
111 Weingarten.

112  
113 **Vote:** 6 yeas/0 opposed. Motion Carried.

114  
115 **ii. Solomon Lallouz, D.C.**

116  
117 Not present, nor represented by counsel. The board agreed that if the petitioner  
118 resubmits his request with more content, they may be more inclined to accept it.

119  
120 **Action:** Motion to deny the petition made by Mr. Licata. Second made by Dr. Fogarty.

121  
122 **Vote:** 6 yeas/0 opposed. Motion Carried.

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124 **iii. Timothy Flynn, D.C.**

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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.

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

171

172 **e. Ginger L. Chouinard, D.C.**

173

174 Present. Not represented by counsel.

175

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

178

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

180

181 **f. Joan Housley, D.C.**

182

183 Not present, nor represented by counsel.

184

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

187

188 **Vote:** 4 yeas/2 opposed. Motion Carried.

189

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

191

192 Present. Not represented by counsel.

193

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

196

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

198

199 **h. Debra J. Roche, D.C.**

200

201 Present. Not represented by counsel.

202

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

205

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

207

208 **i. Mark E. Hines, D.C.**

209

210 Not present, nor represented by counsel.

211

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

214

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

216

217 **Section VII ended: 10:27 a.m.**

218 **Section VIII began: 10:27 a.m.**

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220 **VIII. REQUEST FOR CONTINUING EDUCATION APPROVAL:**

221

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

223

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

226

227 **Vote:** 5 yeas/1 opposed. Motion Carried.

228

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

230 **Section VIII ended: 10:52 a.m.**

231 **Section IX began: 10:52 a.m.**

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233 **IX. RATIFICATIONS:**

234

235 **a. Licensure**

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237 **i. Chiropractic Physician**

238

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

241

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

243

244 **ii. Registered Chiropractic Assistant**

245

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

248

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

250

251 **iii. Certified Chiropractic Physician Assistant**

252

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

255

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

258

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

260

261 **b. Continuing Education**

262

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

264

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

267

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

269

270 **Section IX ended: 10:58 a.m.**

271 **Section X began: 10:58 a.m.**

272

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

274

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

277

278 **Section X ended: 10:59 a.m.**

279 **Section XI began: 10:59 a.m.**

280

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

282

283 **i. Annual Delegation of Authority**

284

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

287

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

289

290 **ii. Certified Chiropractic Physician Assistant**

291 **iii. Registered Chiropractic Assistant**

292

293 **iv. Chiropractic Medical Faculty**

294 **v. Application for Chiropractic Acupuncture Certification**

295 **vi. Registered Chiropractic Assistant to Modify Supervisor**

296 **vii. Application for Chiropractic Examination and Initial Licensure**

297 **viii. Application to Modify Supervisor for Certified Chiropractor**

298 **ix. 64B2-11.012**

299 **xii. 64B2-18.005**

300 **xiii. 64B2-18.002**

301 **xiv. 64B2-12.0155**

302 **xv. 64B2-12.022**

303 **xvi. 64B2-11.001**



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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 15<sup>th</sup>-17<sup>th</sup>. 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.

348 **Section XII ended: 11:49 a.m.**  
349 **Section XIII began: 11:49 a.m.**

350  
351 **XIII. COMMITTEE REPORTS:**

352  
353 **a. Budget – Mr. Licata**

354  
355 Nothing to report

356  
357 **b. CCPA – Dr. Hunt**

358  
359 Dr. Hunt reiterated the issue of the ratification list.

360  
361 **c. Continuing Education – Drs. Heagy/Weingarten**

362  
363 Dr. Weingarten/Heagy reported that things are going well.

364  
365 **d. Disciplinary Compliance – Dr. Fogarty**

366  
367 Nothing to report

368  
369 **e. Examination – Dr. Fox**

370  
371 Nothing to report

372  
373 **f. Legislation – Dr. Heagy**

374  
375 Dr. Heagy advised that she is working with legislature regarding foreign graduates  
376 and licensure by endorsement.

377  
378 **g. Probable Cause – Drs. Weingarten/Fox**

379  
380 Nothing to report

381  
382 **h. Rules – Dr. Weingarten**

383  
384 Nothing to report

385  
386 **i. Unlicensed Activity – Mr. Licata**

387  
388 Nothing to report

389  
390 **j. Outstanding Service Award – Dr. Fox**

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392 Nothing to report

393

394 **Section XIII ended: 11:50 a.m.**

395 **Section XIV began: 11:50 a.m.**

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397 **XIV. OLD BUSINESS:**

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399 None to report

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401 **Section XIV ended: 11:50 a.m.**

402 **Section XV began: 11:50 a.m.**

403

404 **XV. NEW BUSINESS:**

405

406 **i. 64B8-8.0011 Chiropractic Monitoring Criteria**

407 **ii. Board approved Chiropractic Monitors REV**

408 **iii. Approved of Proposed Supervising Monitor**

409

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

415

416 **Section XV ended: 12:01 p.m.**

417 **Section XVI began: 12:01 p.m.**

418

419 **XVI. NEXT MEETING DATE:**

420

421 **November 8, 2019**

422

423 Dr. Heagy dismissed 1<sup>st</sup> year and continuing education attendees.

424

425 **Section XVI ended: 12:01 p.m.**

426 **Section XVII began: 12:01 p.m.**

427

428 **XVII. PETITION FOR RULE AMENDMENT:**

429

430 **i. Rick Warner, D.C.**

431

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

434

435 **Vote:** 5 yeas/0 opposed. Motion Carried. Dr. Fogarty recused himself.

436

437           **Section XVII ended: 12:25 p.m.**  
438           **Section XVIII began: 12:25 p.m.**

439  
440   **XVIII. PUBLIC COMMENT:**

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442           None

443  
444           **Section XVIII ended: 12:25 p.m.**  
445           **Section XIX began: 12:25 p.m.**

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447   **XIX. ADJOURNMENT:**

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

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