

OFFICIAL MINUTES

August 7, 2020

Department of Health
4042 Bald Cypress Way
Tallahassee, Florida



DRAFT

Danita Heagy, D.C., *Chair*
Chris Fox, D.C., *Vice-Chair*
Anthony Spivey, DBA, *Executive Director*

40 The Florida Board of Chiropractic Medicine held a meeting on Friday, August 7, 2020,
41 commencing at 8:30 a.m. This meeting was held at the Department of Health, 4042 Bald
42 Cypress Way, Tallahassee, Florida at <https://global.gotomeeting.com/join/914418549> which all
43 persons were invited to attend. Participants in this public meeting were made aware that these
44 proceedings are being recorded and that an audio file of the meeting will be posted to the board's
45 website. This meeting is being held via GoToMeeting; you may sign in approximately 30
46 minutes prior to meeting start time. Please mute your phone upon entering the meeting site to
47 remove background noises, you will be recognized by the Chair when it is your turn to speak.
48 Thank you in advance for following these instructions to ensure a smooth meeting process.

49 AGENDA

50 **Section I started at: 8:30 a.m.**

51
52 I. CALL TO ORDER (Roll Call):

53 **Board Members Present:**

- 54
55 a. Danita Heagy, D.C., Chair
56 b. Julie Hunt, D.C., FCCJP, DICCP
57 c. Christopher Fox, D.C., ATC(L) Vice Chair
58 d. Kevin Fogarty, D.C., F.I.C.A.
59 e. Mindy Weingarten, D.C.
60 f. Gretchen Saunders, CFO
61 g. Ellen Ostman, Esquire
62

63 **Board Staff Present:**

64
65 Dr. Anthony Spivey, Board Executive Director
66 Gail Curry, CPM, Program Operations Administrator
67 Kelly Woodard, Regulatory Supervisor/Consultant
68

69 **Board Counsel:**

70 Lawrence Harris, Assistant Attorney General
71 Office of Attorney General
72

73 **Prosecution Counsel:**

74 Rose Garrison, Assistant General Counsel
75 Chad Dunn, Assistant General Counsel
76 Zachary Bell, Assistant General Counsel
77

78 **Court Reporter:**

79 For the Record
80 850-222-5491
81

82 Dr. Heagy introduced the new members, Gretchen Saunders, CFO and Gretchen
83 Saunders, CFO.
84

85 **Section I ended at: 8:32 a.m.**

86 **Section II began at: 8:32 a.m.**
87

88 II. APPROVAL OF MINUTES:

89

90 a. May 8, 2020

91 Correction to lines 137 and 139 are duplicates of 141 and 149.

92 **Action:** Motion to approve May 8, 2020 minutes with corrections was made by Dr.
93 Fogarty. Second by Dr. Weingarten.

94 **Vote:** 7 y /0 n motions carries.

95 b. June 30, 2020

96 **Action:** Motion to approve June30, 2020 minutes was made by Dr. Weingarten. Second
97 by Dr. Fogarty.

98 **Vote:** 7 y /0 n motions carries.
99

100 **Section II ended at: 8:40 a.m.**

101 **Section III began at: 8:40 a.m.**
102

103 III. MOTION TO VACATE

104 a. Tige Buchanan – Present with Counsel. Michael Lowe, Esq.

105 Dr. Fox is recused in this case due to his service on probable cause.

106 Chad Dunn presented the Motion to Vacate to the Board.

107 **Motion:** Deny the motion to vacate based on due process was served. Those provided that the
108 doctor was served with a combined, entered into an agreement with this board, they came, and
109 that was with how they came back with board. Made by Dr. Fogarty. Second by Dr. Hunt.
110

111 **Discussion:** N/A

112 **Vote:** 5 y / 1 n. Motion carries. Dr. Fox is recused.

113 Mr. Lowe addressed the Board with his issues concerning the Motion to Vacate. still need the
114 final order, the corrected final order, from the board, from the maybe, we'll let the Board know,
115 and I'll let Mr. Dunn know that at that point, we're going to appeal. This is costing Dr. Buchanan
116 time, money and his reputation. Mr. Harris, Board Counsel, explained that the order was drafted

117 on May 22 and he sent it to be executed and issued. He will investigate this issue as he has never
118 had an order not served and have it taken care of.

119 **Section III ended at: 9:10 a.m.**

120 **Section IV began at: 9:10 a.m.**

121

122 IV. FINAL ORDER ACTION

123

124 a. SETTLEMENT AGREEMENTS:

125

126 i. Andrew J. Charni, D.C., Case #:2017-20452

127 Present with counsel. Catherine Hedglon, Esq.

128 Dr. Weingarten is recused in this case because of her service on probable case panel.

129 Zachary Bell, Assistant General Counsel, presented the Settlement Agreement.

130 Ms. Hedglon addressed the Board to present Dr. Charni's work experience and the situation from
131 his point of view. Dr. Charni would like to accept the settlement and close out this case and
132 move on.

133

134 **Discussion:** Dr. Fox asked if the doctor performs adjustments normally on patients on
135 extremities? Dr. Charni answered yes and has done adjustments to extremities his entire career.
136 He went on to explain with situation that occurred. There was further discussion between board
137 members.

138 **Motion:** Motion to dismiss case was made by Dr. Fogarty. Second by Dr. Fox

139 Ms. Garrison would like the record to reflect that this case did make it through probable cause. If
140 they make it through probable cause then we're not here to argue the case. There is an agreement
141 where they agreed to the disciplinary terms. They are not disputing the facts. Would like to note
142 that whether it's a formal hearing, it is a settlement, however, we're at the point where the facts
143 are being disputed. Would like to preserve that for another time. Dr. Heagy noted. Dr. Fogarty
144 isn't advocating dismissing any type of attorney's fees at this time. Mr. Harris explained to the
145 board members that before the motion is made they need to ask the respondent will waive the
146 fees and costs.

147 Attorney, Catherine Hedglon, waives on behalf of Dr. Charni, any fees and costs, if the case is
148 dismissed.

149 **Vote:** Danita Heagy, Y

150 Julie Hunt, Y

151 Christopher Fox, Y

152 Kevin Fogarty, Y

153 Mindy Weingarten, Recused

154 Gretchen Saunders, Y

155 Ellen Ostman, N

156

157 Motion passes. Case is dismissed.

158 ii. Kim M. Johnston, D.C., Case #: 2018-28412

159 Not Present, Counsel, Edwin Bayo, Esq.

160 Ms. Garrison presented the case.

161 Dr. Weingarten is recused for her participation in the probable cause.

162 Mr. Bayo addressed the Board to defend Dr. Johnston's case. Dr. Johnston is currently
163 incarcerated but would like to have to opportunity to address the board at some point.

164 **Discussion:** Dr. Fogarty would like to revoke this license. Mr. Bayo gave a comparison to
165 another case he represented.

166 **Motion:** To accept was made by Dr. Hunt. Second by Dr. Fox.

167 **Discussion:** Dr. Fogarty explained this was a tragic case and has concerns that after 15 years of
168 incarceration what would be the mental status, let alone the skills that she would possess.
169 Therefore, he would like to revoke the license and have Dr. Johnston reapply at a later date.

170 **Vote:**

171 Danita Heagy, N

172 Julie Hunt, Y

173 Christopher Fox, Y

174 Kevin Fogarty, N

175 Mindy Weingarten, Recused

176 Gretchen Saunders, N

177 Ellen Ostman, Y

178

179 Motion fails.

180

181 **Discussion:** Dr. Fogarty would like to see that the SPEC examination be taken and passed. Mr.
182 Bayo pointed out that the settlement agreement would allow the board to set requirements once
183 Dr. Johnston appears before the board. Mr. Harris agrees with this. The only thing the board
184 couldn't do is revoke the license.

185

186 **Motion:** To reconsider the vote for the motion was made by Dr. Hunt. Second by Ms. Ostman.

187

188 **Vote:**

189 Danita Heagy, Y

190 Julie Hunt, Y

191 Christopher Fox, Y

192 Kevin Fogarty, Y

193 Mindy Weingarten, Recused

194 Gretchen Saunders, Y

195 Ellen Ostman, Y

196
197 Motion carries.

198
199 **a. HEARING NO DISPUTED MATERIAL FACTS**

200
201 i. Brandon S. Wood, D.C., Case # 2016-26767

202 Not present
203 Ms. Garrison presented the facts to the Board.

204
205 First motion is to ask the Board to made a finding that the respondent was properly served and
206 adopt the administrative law judge's decision.

207
208 **Motion:** So moved by Dr. Fogarty. Second by Dr. Hunt
209 **Vote:** 7 y / 0 n motion carries.

210
211 Next motion is that the Board set the materials in this tab into evidence for today's proceedings?

212
213 **Motion:** So moved by Dr. Fogarty. Second by Dr. Weingarten.
214 **Vote:** 7 y / 0 n motion carries.

215
216 That the Board adopt the findings of facts as set forth in the administrative complaint.

217
218 Motion: So moved by Dr. Fogarty. Second by Dr. Hunt.
219 **Vote:** 7 y / 0 n motion carries.

220
221 Final motion, that the board adopt the conclusion of law set forth in the administrative complaint
222 and that you find that this constitutes a violation of Florida statute.

223 **Motion:** So moved by Dr. Fogarty. Second by Dr. Hunt.
224 **Vote:** 7 y / 0 n motion carries.

225
226 Ms. Garrison, at this time, the Department's recommendation would be revocation of licensure.

227
228 **Motion:** So moved by Dr. Fogarty. Second by Dr. Weingarten.
229 **Vote:** 7 y / 0 n motion carries.

230
231 Costs to be paid within 30 days.

232
233 **Motion:** So moved by Fogarty. Second by Weingarten
234 **Vote:** 7 y / 0 n motion carries.

235
236
237 **b. DETERMINATION OF WAIVER**

238
239 i. Andrew Noltion, D.C., Case #:2019-03876

240
241 c. DETERMINATION OF WAIVER

242
243 i. Bahram K. Habibi, D.C., Case #:2018-21077
244 ii. Vicki L. Dempsey, D.C., Case #:2018-08903

245 **Section V ended at: 9:55 a.m.**
246 **Section VI began at: 9:55 a.m.**
247

248 V. PROSECUTION REPORT

249 Ms. Garrison presented the prosecution report.

250 **Motion:** To accept the prosecution’s report and continue prosecuting the older cases was made
251 by Dr. Fogarty. Second by Dr. Fox.

252 **Vote:** 7 y / 0 n motion carries.

253
254 **Section V ended at: 10:00 a.m.**
255 **BREAK**
256 **Section VI began at: 10:10 a.m.**

257
258 VI. APPLICATION FOR REVIEW

259
260 i. Danielle Dietrich, D.C.

261 Present with Counsel, Marshall Horton (South Carolina)

262 Mr. Harris presented the application for review.

263 Dr. Dietrich addressed the board and answered questions, concerning her discipline history, from
264 the board.

265 **Motion:** To accept the application was made by Dr. Weingarten. Second by Dr. Hunt.

266 **Vote:** 7 y / 0 n motion carries.

267
268 ii. Christopher Johnson, D.C.
269 Present

270 Mr. Harris presented the application for review. Mr. Harris instructed the board that Dr. Johnson
271 was convicted of a crime under 893.13, that is a crime related to drug possession under the
272 statute. His conviction was in July 2013; therefore, he will not be eligible under Florida law for
273 licensure. It is Mr. Harris’s opinion that Dr. Johnson will not eligible for Florida license until
274 July of 2023.

275 Dr. Johnson reads the statue the same way. He will wait a few years and reapply. The board gave
276 him guidance on what he can do over the next couple of years to put himself in the best position
277 to meet the requirements for licensure.

278 Dr. Johnson would like to withdraw his application. The board accepts the withdrawal.
279

280 iii. Christopher Melchizedek, D.C.
281 Present
282

283 Mr. Harris presented the application to the Board. There are two issues for the board to consider.
284 One is a reckless driving charge reduced to a DUI in 2013. Second, he has a 2019 violation of
285 the code of conduct at the chiropractic college he was attending.

286
287 Dr. Melchizedek spoke to his charges.

288 **Discussion:** The board asked some questions of Dr. Melchizedek. He answered all questions,
289 took responsibility for his actions and gave a description of his goals to open his own office.

290 **Motion:** To accept the application was made by Dr. Weingarten. Second by Dr. Fox.
291 Vote: 6 y / 1 n motion carries.

292

293 iv. Louis Saucedo, Jr., D.C.
294 Not Present
295

296 Mr. Harris presented the application to the Board. Dr. Saucedo has discipline on an out of state
297 license. He was disciplined for a record keeping violation. His records were illegible.

298

299 **Motion:** To accept the application was made by Dr. Weingarten. Second by Dr. Hunt.

300

301 **Discussion:** Board members discussed the Texas Boards discipline.

302

303 **Vote:** 7 y / 0 n. Motion carries.

304

305 v. Mark Schroering, D.C.
306 Present
307

308 Mr. Harris presented the application to the Board. Dr. Schroering has discipline on an out of state
309 license. He was practicing on a delinquent license.

310

311 Discussion: Dr. Fogarty asked if a monitor had reviewed the records and were they up to snuff.
312 At which Dr. Schroering gave a detailed response to the affirmative. He was also asked about his
313 unlicensed activity. Dr. Schroering again gave a detailed response.

314

315 **Motion:** To accept the respondents license was made by Dr. Fogarty. Second by Dr. Fox.

316 **Vote:** 7 y / 0 n. Motion carries.

317

318 vi. Oleg Gozenpud, D.C.

319 Present

320

321 Mr. Harris presented the application to the Board. Dr. Gozenpud has a malpractice claim. Claim
322 was settled by insurance carrier and payment was made.

323

324 Dr. Gozenpud gave a description of the events that lead to the malpractice claim. Dr. Heagy and
325 Dr. Fogarty asked about the fracture. Dr. Fogarty has concerns that the doctor doesn't show any
326 remorse.

327

328 **Discussion:** Concern among board members for the lack of concern and the fact that if there
329 wasn't a fracture why didn't he fight the claim. Dr. Fox wanted clarification that the x-ray was
330 done before the adjustment and neither Dr. Gozedpud nor the radiologist saw a fracture. There
331 was much discussion between the board members and Dr. Gozenpud.

332

333 **Motion:** To reject the respondents license was made by Dr. Fogarty. Second by Dr. Weingarten.

334 **Vote:**

335 Danita Heagy, Y

336 Julie Hunt, Y

337 Christopher Fox, Y

338 Kevin Fogarty, Y

339 Mindy Weingarten, Y

340 Gretchen Saunders, Y

341 Ellen Ostman, Y

342

343 7 y / 0 n. Motion carries.

344

345 **Discussion:** Dr. Heagy wants to know if there should be an option for the doctor to withdraw his
346 application. Mr. Harris gave several options. Doctor could withdraw, with the board's approval,
347 or the decision will be in an order and that will give him hearing rights. The Board could also
348 grant a license contingent on him passing the SPEC's exam.

349

350 Dr. Gozenpud would like to withdraw his application or receive a conditional license to take the
351 SPEC exam.

352 Fogarty stands by his vote.

353 Reconsideration of vote.

354

355 **Motion:** To vacate was made by Dr. Weingarten. No second.

356 Motion fails as there was no second on the vote.

357

358 vii. Debora Logan, D.C.

359 Not present.

360
361 Mr. Harris presented the application to the Board. Dr. Logan has not met current licensing
362 standards. She is missing part IV of the national exam.
363

364 **Motion:** Deny the license was made by Dr. Fogarty. Second by Dr. Hunt.

365 **Discussion:** Board could deny but give Dr. Logan ten days to withdraw her application.

366 **Motion:** Dr. Fogarty amends the motion to reject the application and give Ms. Logan 10 days to
367 withdraw her application. Second by Dr. Hunt.

368 **Vote:** 7 Y/ 0 N. Motion carries.

369 viii. C Seegers
370 Present

371
372 Mr. Harris presented the application to the Board. Dr. Seegers has not met current licensing
373 standards. She is missing part IV of the national exam.

374
375 Dr. Seegers addressed the Board. She has an active license in good standing in Washington state
376 for 24 years. Never had a complaint against her license.

377
378 **Discussion:** The statute doesn't allow leeway to allow this to happen. Dr. Fox explained this
379 situation comes before the Board every meeting. The Board has tried to get this passed through
380 legislature to help many doctor's, but the Board can't do anything more than what the legislature
381 will allow.

382 Dr. Seegers application will be tolled pended part IV of the exam.

383

384 **Section VII ended at: 11:46 a.m.**

385 **Section VIII began at: 11:46 a.m.**

386

387 VII. APPLICATION FOR CHANGE OF STATUS FROM INACTIVE TO ACTIVE

388

389 i. Christa Flaherty
390 Not present

391

392 Mr. Harris presented the application for change of status to the Board. Dr. Flaherty has an
393 inactive license and wished to renew to an active status. That is authorized under the rules. He
394 explained that if a license is inactive for two renewal cycles the licensee shall appear before the
395 board.

396

397 **Motion:** Deny the application based on that, she hasn't practiced in her state of Texas and that
398 we cannot assure that the patient or the doctor is not a risk to public safety and this license is in

399 delinquent status. Also, Give the licensee 10 days to withdraw the application, was made by Dr.
400 Fogarty. Second by Dr. Weingarten.

401
402 **Vote:** Vote: 7 Y/ 0 N. Motion carries.

403 ii. Aaron Alford
404 Not present.

405 Mr. Harris presented the application for change of status to the Board. Dr. Alford has an inactive
406 license and wished to renew to an active status. Dr. Alford is in the same situation as Dr.
407 Flaherty.

408
409 **Motion:** To deny with the opportunity to withdraw was made by Dr. Hunt. Second by Dr.
410 Fogarty.

411
412 **Vote:** 7 Y/ 0 N. Motion carries.

413 **Section VII ended at: 12:01 p.m.**

414 **BREAK**

415 **Section VIII began at: 12:16 p.m.**

416

417 VIII. BOARD COUNSEL REPORT:

418

419 I. DOE State Authorization Letter

420 Mr. Harris advised the Board that the Department of Education has decided to get rid of the
421 regional accreditation. More schools are going to a national scope of practice.

422

423 II. 2020-2021 Annual Regulatory Plan

424 This is on the agenda every year for the Board to vote on. Mr. Harris gave details of what the
425 Regulatory Plan consists of and what is expected of the Board.

426

427 **Motion:** Approve 2020-2021 Annual Regulatory Plan was made by Dr. Hunt. Second by
428 Fogarty.

429 **Vote:** 7 Y/ 0 N. Motion carries

430 III. 64B2-10.006

431 IV. Board Meeting Motions

432 V. 016.003 letter to JAPC

433 VI. Disciplinary guidelines

434 VII. 2020 Comprehensive Rule Review Discussion and Approval

435 Governor directs a comprehensive review of all agencies in the state to go through every rule,
436 look at it and essentially approve or disapprove.

437 Motion: Approve the 2020 Comprehensive Rule Review, allow Mr. Harris to enter the database
438 and certify the rules review has been accomplished by the Governor's deadline of September 1
439 made by Dr. Hunt. Second by Dr. Fogarty.

440 **Vote:** 7 Y/ 0 N. Motion carries

441
442 Yellow sheet is a set of questions that you will have to answer whenever you are doing
443 rulemaking. Anytime you are voting to amend or propose rule language, you will have to answer
444 these questions.

445
446 VIII. 16.003 Letter from JAPC 071020

447 Mr. Harris believes that statutory discipline needs to be tightened up. Dr. Weingarten believed
448 that the Board should look at this. Dr. Weingarten, Dr. Fox and Dr. Saunders are willing to work
449 with Mr. Harris on this rule. Present new language at the November meeting.

450
451 **Section IX ended at: 12:50 p.m.**

452 **Section X began at: 12:50 p.m.**

453
454 IX. RATIFICATIONS

455
456 a. Licensure
457 i. Chiropractic Physician

458 **Motion:** to approve 13129 – 13186 was made by Dr. Fogarty. Second by Dr. Fox.
459 **Vote:** 7 Y/ 0 N. Motion carries

460
461 ii. Registered Chiropractic Assistant

462 **Motion:** to approve 20563 – 20716 was made by Dr. Fogarty. Second by Dr. Weingarten.
463 **Vote:** 7 Y/ 0 N. Motion carries

464
465 iii. Certified Chiropractic Physician Assistant

466 **Motion:** to approve 1005 – 1009 was made by Dr. Fogarty. Second by Dr. Fox.
467 **Vote:** 7 Y/ 0 N. Motion carries

468
469 b. Continuing Education

470 **Motion:** to approve continuing Education was made by Dr. Weingarten. Second by Dr. Fox.
471 **Vote:** 7 Y/ 0 N. Motion carries

472
473 **Palmer Course Review**

474
475 **Discussion:** Dr. Fox wanted to have other Board members look at this course for clarification.

476
477 **Motion:** to deny was made by Dr. Fox. Second by Dr. Fogarty.

478 **Discussion:** The Board discussed if this was a history lesson on Chiropractic medicine.
479 **Vote:** 7 Y/ 0 N. Motion carries

480

481 **Section IX ended at: 12:57 p.m.**

482 **Section X began at: 12:57 p.m..**

483

484 X. ONLINE CONTINUING EDUCATION

485

486 I. PACE Guideline for Online Distance Learning

487 Mr. Harris explained that a lot of states take Pace approval as if it's approved by Pace, it is
488 approved for our state. This was brought up in previous meetings and would include an approval
489 process that would be called the Pace pre-check. Chapter 456 says that continuing education
490 must be approved by the board and this is pursuant to something called non-delegation doctrine.
491 You would have to be very careful how you write up the rule.

492 **Discussion:** There was much discussion between the board members concerning parameters, live
493 streaming, asynchronous and online.

494 Tabled for now.

495 **Section X ended at: 1:10 p.m.**

496 **Section XIV began at: 1:10 p.m. Taken out of order**

497

498 Dr. Weingarten presented her Rules Committee report. She worked with Mr. Harris to change
499 verbiage for online versions. Gave options for the new verbiage.

500

501 **Discussion:** Board members gave ideas and suggestions.

502

503 **Motion:** to accept the embedded questions in the exam was made by Ms. Saunders. Second by
504 Dr. Weingarten.

505

506 **Vote:** 6 Y/ 0 N. Dr. Fogarty recused himself. Motion carries

507

508 **Section X ended at: 1:16 p.m.**

509 **Section VI began at: 1:16 p.m.**

510

511 **VI. Live Streaming Options**

512 Dr. Heagy isn't in favor of all CE being done by live streaming. Mr. Harris gave the two options.
513 One being Live and the other Live Stream (video). He explained the difference between them
514 and how they are presented. Other Boards are considering live stream as a live course. Live
515 streaming is live not on demand. You can raise your hand and ask questions. There was much
516 discussion on details of all learning styles. Dr. Heagy is ok with this for the period of the
517 pandemic but not permanent. Dr. Fogarty wants to address synchronous. There needs to be live
518 presenters and students. Should be interaction. Ms. Ostman believes there needs to be potions in
519 place. Dr. Weingarten said it is important to have personal contact for techniques. Dr. Hunt
520 thinks some things can be taught adequately online but some other need to be hands on. Dr. Fox
521 also believes that adjusting techniques need to be in person but with the situation right now the
522 doctor's need options to get CE. Dr. Fogarty is in favor of asynchronous, go ahead and have a

523 program that meets all the required hours. Photo ID some type of monitoring process for timing
524 and interaction between themselves and the instructor. This is the synchronous portion.

525

526 There was also talk about the requirement for our first year Chiropractors requirement and would
527 these live board meetings give the credit.

528

529 **Motion:** to allow live synchronous through renewal of March 31, 2022 and include first year
530 chiropractors was made by Dr. Hunt. Second by Dr. Weingarten.

531

532 **Vote:** 6 Y/ 0 N. Dr. Fogarty recused himself. Motion carries

533

534 **Section VI ended at: 1:59 p.m.**

535 **Section XI began at: 1:59 p.m.**

536

537 XI. LETTERS FROM THE SENATE AND HOUSE

538

i. Senator Galvano

539

ii. Representative Oliva

540

iii. Discussion of live streaming options

541

iv. Online CE by Boards

542 **Discussion:** The letter from Senator Galvano basically says you will do 40 hours online. Dr.
543 Spivey explained that these letters are to move the board in the direction to allow these
544 individuals to start taking classes online to keep everyone safe. This matter will get worse if
545 something isn't done to help them get forty hours of CE's online. MR. Harris recapped Dr.
546 Fogarty's proposed policy to allow them to be taken online and you would split them into two
547 parts. Synchronous and Asynchronous. The board has dealt with the synchronous portion. Dr.
548 Hunt believes asynchronous online should also be allowed through this biennium.

549 **Section XI ended at: 2:22 p.m.**

550 **BREAK**

551 **Section XII began at: 2:32 p.m.**

552

553 XII. PUBLIC COMMENT

554

555 a. Dr. Rick Warner

556 There a world of difference between synchronous and asynchronous. There would have to be a
557 closed circuit. Simply change the ten hours to forty hours.

558

b. Dr. LaRusso

559 There is no way to replicate the amount of education that you get in a classroom environment.

560 Would hate to see the board go to all forty hours online. It would be ok for the pandemic. There
561 are things that you cannot get online that you get at a live meeting.

562

c. Dr. Mary Jane Ward

563 Not on the line.

564 d. Michelle Champion

565 This issue pertains to the petition that she filed and is on the agenda. When reading the
566 Appropriation Act it, in her opinion, states that no funds are provided for the board to adopt any
567 rules that limit restrictor prescribe the number of contact classroom hours, which may be
568 obtained through online attendance, continuing education courses. So, enacting any rule which
569 limits or restricts the number of hours rich licensee can obtain in an online format would place
570 report and direct violation of the statute vis-a-vis the preparation language.

571 e. Dr. Todd Cielo

572 Dr. Cielo believes the nine-month extension that was given at the last meeting isn't the solution.
573 Doctor have misses 10 to 15 live seminars since the lockdown. He has spoken to this board five
574 times in the last two and a half years to allow forty online hours as an option for chiropractor's.
575 Students from kindergarten to college, many professions have been allowed to have their hours
576 online. No protection for chiropractor's when getting CE's. It is medically necessary to allow
577 online CE.

578 f. Dr. Rob Arsenals -

579 Not on the call.

580 g. Dr. Jason Finch

581 Not on the call.

582 h. Dr. Deborah Arnetta

583 Not on the call.

584 i. Dr. Jeff Chursner

585 Not on the call.

586 j. Dr. Townsley

587 Not on the call.

588 k. Dr. Peter Martin President of Palmer College, Florida Campus

589 Online isn't the same. You can't train without hands on. Understands that options need to be in
590 place for now but hopefully we will be back to normal soon. No substitute for in person training

591 l. Dr. Deb Hoffman (former Board Chair)

592 Classroom hours are important. Temporary online is ok but should not be permeant. Don't make
593 a permeant change for a temporary problem. Reaching out to associations for help. States that
594 have gone to complete online have lost their bargaining power within their state associations.

595 m. Dr. Peter J. Blackmon

596 Not on the call.

597 n. Dr. Bree Gindele

598 Not on the call.

- 599 o. Dr. Wayne Wolfson former Board member)
600 Former president of the Federation of Chiropractic Licensing Boards. Also, a director on the
601 National Board of Chiropractic Examiners. Currently president of MCMIC. He applauds the
602 board for allowing modification on how chiropractor obtain CE hours. Doctor's should have
603 options to obtain a portion of CE online.
- 604 p. Paul Lambert, Attorney for Florida Chiropractic Association
605 In favor of allowing the doctors who are speaking on behalf of the Florida Chiropractic
606 Association to speak, I will only speak if there is a legal point to be made.
- 607 q. Dr. Todd Naron License 6376
608 Letter received in opposition to the forty hours online continuing education.
609 Would urge that during this time make a temporary change, but I really urge for the future safety
610 of our patients have in person topics.
- 611 Also, on the call. As physicians we should require more of ourselves, especially when the
612 public's health and safety is entrusted to us. Chiropractic is a hands-on profession. To move that
613 live component that opens us up to ridicule and attacks. Urges the Board to minimum, keep the
614 status quo when it comes to in person live.
- 615 a. Dr. Eddie Martinez, President of Florida Chiropractic Society
616 Glad the Board is discussing asynchronous classes. Schools of all levels are doing this now and
617 successful using the technology available. Synchronous classes are a good temporary solution to
618 the current situation. Live conferences are still being given. Just attended an FCS conference last
619 weekend in Orlando. Conferences can be held following CDC guidelines.
- 620 b. Dr. Craig Newman
621 Past president of the Florida Chiropractic Association, Served on the House of Delegates to the
622 American Chiropractic Association for four years. Served on the ACA Board of Governors,
623 representing Florida and eight other state. I speak in opposition of the full forty hours of online
624 learning.
- 625 c. Dr. Martin Slaughter
626 If you offer forty hours of online learning that doesn't mean that no one will take live courses.
627 He sees people paying no attention in live classes. There are pros and cons to every bit of this.
628 Asking the Board to do the right thing by allowing online CE.

629 **Section XII ended at: 2:22 p.m.**

630 **Section XIII began at: 2:32 p.m.**

631

632 XIII. EMAIL FROM CHIROPRACTIRS

633

634 i. George Forster, D.C.

635 ii. Neil Wieder, D.C.

- 636 iii. Mary Jane Ward, D.C.
- 637 iv. Lori Kindle, D.C.
- 638 d. Dr. Michael Chance (email)

639 Not on the call.

- 640 e. Dr. Bill Ali (email)

641 Not on the call.

- 642 f. Dr. Jiggy

643 Spending time in our office with staff and our families is going to help us a lot. The Board
644 members are paying attention. Thanks for the forty hours online.

645 **Motion:** to include synchronous hours for live as well as online for forty hours until end of
646 biennium, March 31, 2022 was made by Dr. Hunt. Second by Dr. Weingarten

647 **Amended Motion:** To consider the synchronous training online for the biennium through 2022
648 as a consideration for live hours was made by Dr. Hunt. Second by Dr. Fox.

649 **Motion:** to include asynchronous hours for live as well as online for forty hours until end of
650 biennium, March 31, 2022 was made by Dr. Hunt. Second by Dr. Fox

651 **Motion:** To allow first year licensees may satisfy the requirement for a live board meeting
652 through synchronous was made by Dr. Hunt. Second by Dr. Fox

653 Mr. Harris explained in detail what the statute means and how it is implemented, then changed to
654 allow ten hours of online CE hours. How it can be changed to include forty hours online. The
655 proviso says you will spend money to develop a model, including an online classroom course.
656 We are not sure what that is. It is not in our statute. Mr. Harris believes that the Legislature and
657 Mr. Galvao meant was to develop a model of what an online course would look like because that
658 could be different than what Dr. Fogarty proposed, which was live streaming, and live streaming,
659 and asynchronous. This is for the Board to decide. Legislature wants 40 hours online. I believe
660 that Dr. Fogarty said we already have a live model. We know what live contact hours are. We
661 know we have WebEx and GoToMeetings and we can do this. So, it is very easy for us to say
662 live, virtual, live, live streaming, synchronous. Now we must do something with asynchronous
663 because that's different from live. It's online, but it is a different law.

664 Allow 40 hours of live, synchronous, and 30 hours of asynchronous, in addition to the existing
665 10 hours.

666 **Vote:**

- 667 Julie Hunt, Y
- 668 Christopher Fox, Y
- 669 Kevin Fogarty, Recused
- 670 Mindy Weingarten, Y
- 671 Gretchen Saunders, Y
- 672 Ellen Ostman, Y
- 673 Danita Heagy, Y

674

675 6 y/ 1 recused. motion carries.

676
677 For purposes of this rule a Live, synchronous online, being equivalent of “Virtual live” shall be
678 considered a live-in person course.

679
680 For purposes of this rule a Live, synchronous online, being equivalent of “Virtual live” shall be
681 considered a live-in person course. It is considered equivalent to in person attendance.

682
683 This should take place immediately.

684 All the three policy decisions will have to be implemented through rulemaking. It can’t go into
685 effect today.

686
687 Delete general hours. Include definition 64B2-13.004 (F.A.C.) and for purposes of this rule a live
688 synchronous online course shall be considered to be a live course.

689
690 64B2-13.007
691 Delete general hours. Include definition 64B2-13.007 (F.A.C.) and for purposes of this rule a live
692 synchronous online course shall be considered to be a live course.

693 64B2-13.007(3)(d) Each licensee may elect to obtain all forty hours through online continuing
694 education courses.

695
696 Board explored the possibility for an independent study to be performed. Dr. Spivey will check
697 into this for the Board.

698
699 Mr. Harris shared with the Board, via screen shot, the language he drafted for both 64B2-13.004
700 and 64B2-13.007.

701
702 Add language that no online attendance, continuing education course may be repeated for credit
703 Motion: Approve the language drafted by Mr. Harris was made by Weingarten. Second by Dr.
704 Hunt.

705 **Vote:** 6 Y / 0 N Dr. Fogarty recused himself.
706 Motion carried.

707
708 **BREAK at: 4:30 p.m.**
709 **Section XIII continued at: 4:39 p.m.**

710
711 Dr. Weingarten wanted to know if these rule changes included the Certified Chiropractor
712 Physician’s Assistant, CCPA’s. Mr. Harris’s answer was no.

713
714 **Motion:** make the same amendments to the CCPA rules for continuing education as the
715 chiropractor’s made by Dr. Weingarten. Second by Julie Hunt.

716 **Vote:** 6 Y / 0 N, Dr. Fogarty recused himself.

717
718 Mr. Harris ask the Statement of Estimated Regulatory Costs (SERC) Questions

719 If the aggregate value of the rule amendments would be to increase regulatory cost to any entity
720 in excess of \$200,000 in a year, you have to do a SERC.

721 No

722 Will the proposed Rule amendment have an adverse impact on small business?

723 Yes

724 Dr. Spivey will do the estimated cost and provide the SERC.

725 **Motion:** Put a 90-day emergency rule in place to allow licensees to get their CE was made by
726 Dr. Weingarten. Second by Dr. Hunt.

727 **Vote:** 7 Y / 0 N. Motion carries.

728 Other SERC questions will be addressed once the first SERC is answered.

729 **Section XIII ended at: 5:07 p.m.**

730 **Section XIV began at: 5:07 p.m.**

731

732 XIV. PETITION FOR RULE AMENDMENT

733

734 i. Petition to Initiate Rulemaking – Michelle Champion

735 Dr. Fogarty recused himself.

736 Ms., Champion addressed the Board. She believes that the language is mandatory. The rule
737 should be permanent not temporary according to the letter submitted to the Board. Petition
738 indicates that permanent

739 rule making should be for forty hours online. Mr. Harris denied the petition due to rule making.

740 **Motion:** To deny the petition was made by Dr. Weingarten. Second by Dr. Hunt.

741 **Vote:** 4 Y / 2 N Dr. Fogarty is recused. Motion carries

742 **Section XIV ended at: 5:17 p.m.**

743 **Section XV began at: 5:17 p.m.**

744

745 XV. CHAIR/VICE CHAIR REPORT

746 Nothing to report

747 **Section XV ended at: 5:18 p.m.**

748 **Section XVI began at: 5:1 p.m.**

749

750 XVI. EXECUTIVE DIRECTORS REPORT

751 A meeting will need to be scheduled for a special case. Schedule towards the end of the month.

752 Dr. Spivey will set up the meeting.

753 **Section XVI ended at: 5:18 p.m.**
754 **Section XVII began at: 5:18 p.m.**

755
756 XVII. OLD BUSINESS

757 **Section XVII ended at: 5:20 p.m.**
758 **Section XVIII began at: 5:20 p.m.**

759
760 XVIII. NEW BUSINESS
761 None

762 **Section XVIII ended at: 5:20 p.m.**
763 **Section XIX began at: 5:20 p.m.**

764
765 XIX. COMMITTEE REPORTS

766 i. Budget – Saunders
767 Nothing to report.

768 ii. CCPA – Dr. Hunt
769 Nothing to report.

770 iii. Continuing Education – Dr. Fox
771 Caught up with all applications.

772 iv. Disciplinary Compliance – Dr. Fogarty
773 Caught up. Nothing further to add.

774 v. Examination – Dr. Fox
775 No information at this time

776 vi. Legislation – Dr. Heagy
777 Nothing to report.

778 vii. Probable Cause – Drs. Weingarten/Hunt

779
780 viii. Rules – Dr. Weingarten (Taken out of order.)

781
782 Has already given report.

783
784 ix. Unlicensed Activity – Ostman
785 Nothing to report.

786 x. Outstanding Service Award – Dr. Hunt

787 **Section XIX ended at: 5:25 p.m.**

788 **Section XX began at: 5:25 p.m.**

789

790 XX. OLD BUSINESS

791 Dr. Tyler Chapin asked if his attendance at this meet would count for his first-year
792 requirement. Dr. Heagy explained that she had announced at the beginning of the meeting
793 this would not count.

794 Dr. Paula Houser is also a first year licensee.

795 Dr Don Morris announced some tips for prevention of COVID 19.

796 **Section XX ended at: 5:33 p.m.**

797 **Section XXI began at: 5:33 p.m.**

798

799 XXI. NEW BUSINESS

800 Nothing

801 **Section XXI ended at: 5:34 p.m.**

802 **Section XXII began at: 5:34 p.m.**

803

804 XXII. NEXT MEETING DATE: November 6, 2020

805 **XXIII. Section XXI ended at: 5:34 p.m.**

806 **XXIV. Section XXII began at: 5:34 p.m.**

807

808 XXV. ADJOURNMENT

809 **Motion:** to adjourn was made by Dr. Fogarty. Second by Dr. Weingarten

810 **Vote:** 7 Y / 0 N Motion carries.

811 **Meeting adjourned at 5:35**

812