

3 OFFICIAL MINUTES

4 September 4, 2020

5
6 Department of Health
7 4042 Bald Cypress Way
8 Tallahassee, Florida
9



30 Danita Heagy, D.C., *Chair*
31 Chris Fox, D.C., *Vice-Chair*
32 Anthony Spivey, DBA, *Executive Director*
33

41 The Florida Board of Chiropractic Medicine held a meeting on Friday, September 4, 2020,
42 commencing at 1:00 p.m. This meeting was held at the Department of Health, 4042 Bald Cypress
43 Way, Tallahassee, Florida at [https:// global.gotomeeting.com/ join/ 354557133](https://global.gotomeeting.com/join/354557133) which all persons were
44 invited to attend. Participants in this public meeting were made aware that these proceedings are
45 being recorded and that an audio file of the meeting will be posted to the board's website. This meeting
46 is being held via GoToMeeting; you may sign in approximately 30 minutes prior to meeting start time.
47 Please mute your phone upon entering the meeting site to remove background noises, you will be
48 recognized by the Chair when it is your turn to speak. Thank you in advance for following these
49 instructions to ensure a smooth meeting process.

AGENDA

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

Board Members Present

Danita Heagy, D.C., Chair
Christopher Fox, D.C., ATC(L) Vice Chair
Kevin Fogarty, D.C., F.I.C.A.
Julie Hunt, D.C., FCCJP, DICCP
Mindy Weingarten, D.C.
Gretchen Saunders, CFO

Absent

Ellen Ostman, Esq., Excused

Board Staff Present

Anthony Spivey
Gail Curry

Board Attorney Present

Lawrence Harris

Prosecution Services Present

Rose Garrison
Zachary Bell
Chad Dunn

Attendees

Chase DenBeste
Christina Shideler
J, Renaud
Mo C
Paul Drake
Alexander Ciupalo

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Court Reporter

For the Record
850-222-5491

II. FINAL ORDER ACTION

a. VOLUNTARY RELINQUISHMENTS:

i. Alireza Afshari, D.C., Case #:2016-12922
#:2018-09327

A continuance was filed by Dr. Afshari attorney's
Ostervitch and Bushman.

Action: Motion to deny the continuance was made by
Dr. Hunt. Second by Dr. Fox.

Vote: 6 Y/0 N Motion carries.

Action: Motion to accept the Voluntary
Relinquishment was made by Dr. Fox. Second by Dr.
Weingarten.

Vote: 6 Y/0 N Motion carries.

b. RECOMMENDED ORDER:

i. Jeremiah Lee-Kenney Wright, D.C., Case #: 2017-20103
Present with Counsel, Edwin Bayo

Ms. Garrison presented the case to the Board.

Board counsel, Lawrence Hartis, explained the process of the
recommended order and the Board's responsibility.

Mr. Bayo presented the filed exceptions to the recommended
order.

Discussion: This was discussion between Board members
concerning the responsibility to protect the citizens of Florida.
Discussion to take all exceptions at once or individually. Dr.
Fogarty has concerns in relation to double jeopardy for Dr.
Wright.

Action: Motion to deny all the exceptions that were submitted in
the petitioner's response was made by Dr. Weingarten. Second
Ms. Saunders

Vote:
Fox N
Fogarty N
Hunt N

138 Weingarten Yea
139 Saunders Yea
140 Heagy Yea
141 3 Y / 3 N. Motion fails.
142

143 Ms. Garrison interjected, saying that r. Fox had sat on the
144 Probable Cause Panel for this case and therefore could not be
145 part of the discussion or vote. Mr. Chad Dunn gave statue
146 456.073(6) as the recusal of Dr. Fox
147
148

149 **Action:** Motion to deny all the exceptions that were submitted in
150 the petitioner's response was made by Dr. Weingarten. Second
151 Ms. Saunders

152 **Vote:**
153 Heagy Yea
154 Fox Recused
155 Fogarty N
156 Hunt N
157 Weingarten Yea
158 Saunders Yea
159 3 Y / 2 N. Motion fails.
160

161 **Action:** Motion to adopt the findings of facts was made by Dr.
162 Hunt. Second by Weingarten.
163

164 **Vote:**
165 4 Y/ 1 N, Dr. Fogarty 1 recused, Dr. Fox. Motion carries.
166

167 **Action:** Motion to accept the Conclusions of Law was made by
168 Dr. Hunt. Second by Dr. Weingarten.
169

170 **Vote:**
171 4 Y/ 1 N, Dr. Fogarty 1 recused, Dr. Fox. Motion carries
172

173 Mr. Harris would like a motion to find the Conclusion of Law are
174 adequately supported by competent and substantial evidence
175 and a violation would warrant the imposition of a penalty.
176

177 **Motion:** So, moved by Dr. Weingarten. Second by Ms. Saunders
178

179 **Vote:**
180 Fox Recused
181 5 Yeas/ 0 nays, 1 recused, Dr. Fox
182 Motion carries.
183

184 Mr. Harris addressed the board to make a motion to accept or
185 deny the administrative law judges penitilies
186

187 Mr. Bayo addressed the board to only have a fine. Ms. Garrison
188 gave the details of the penitilies and the previous actions taken
189 by the board.
190

191 **Action:** Motion to reject the Administrative Law Judges legal
192 findings and interpretation's as it relates to Florida statute 460
193 and Florida Administrative Code 64B2 was made by Dr. Fogarty.
194 Second by Dr. Heagy.
195

196 **Vote:**
197 Heagy Yea

198
199 Fox Recused
200 Hunt Yea
201 Weingarten Yea
202 Fogarty Yea
203 Hunt Yea
204 Saunders Yea
205

206 5 Y/ 0, 1 recused Motion carries.
207

208 **Action:** Motion to take and pass the National Exam within 1
209 year, Take and pass the Florida Law and Rules exam and the
210 Ethics and Boundaries exam within 2 years, have a female
211 monitor if Dr. Wright was examining a female patient alone for
212 the next 5 years, 100 hours community service within 5 yrs., Pay
213 \$2,000 fine within 5 years. Dr. Fogarty. Second by Dr. Hunt.
214

215 **Discussion:** Ms. Garrison explained the details of the event and
216 feels the motion is not strong enough. There should be a female
217 monitor for life-long not 5 years with unannounced visits.
218

219 **Action:** Amended Motion to take the National Board of
220 Chiropractic Examiners (NBCE) exam, attempted and passed
221 within 1 year, a 5 year practice restriction to have a female
222 chaperone, whose is licensed or registered by CORE, if
223 examining a female patient, random spot check monitoring to
224 ensure a monitor is in place, monitor not being Dr. Wright's wife,
225 2 hours of Florida Law and Rules and 2 hours of Ethics and
226 Boundaries, 1 hour of Risk Management, CE, plus CE for
227 renewal, 100 hours community service, Pay \$2,000 fine within 5
228 years was made by Dr. Fogarty. Second by Dr. Hunt.
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230 **Vote:** 5 yeas / 1 nay. Saunders.
231

232 Ms. Garrison gave the \$38,840.90 in attorney and prosecution
233 costs. Mr. Bayo told the board that he was never served the
234 motion. This motion needs to go to another meeting.
235

236 **Action:** Motion to bifurcate to the next board meeting in
237 November was made by Dr. Fogarty. Second by Dr. Hunt.
238

239 **Vote:** 6 yeas / 0 nays.
240

241 III. ADJOURNMENT

242 **Action:** Motion to adjourn made by Dr. Fogarty. Second by Weingarten.
243 **Vote:** 6 yea/0 nays
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