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3 **OFFICIAL MINUTES**

4 September 4, 2020

5
6 Department of Health
7 4042 Bald Cypress Way
8 Tallahassee, Florida
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30 Danita Heagy, D.C., *Chair*
31 Chris Fox, D.C., *Vice-Chair*
32 Anthony Spivey, DBA, *Executive Director*
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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.

50 **AGENDA**

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

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55 **Board Members Present**

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

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63 **Absent**

64 Ellen Ostman, Esq., Excused

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66 **Board Staff Present**

67 Anthony Spivey
68 Gail Curry

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70 **Board Attorney Present**

71 Lawrence Harris

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73 **Prosecution Services Present**

74 Rose Garrison
75 Zachary Bell
76 Chad Dunn

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78 **Attendees**

79 Chase DenBeste
80 Christina Shideler
81 J, Renaud
82 Mo C
83 Paul Drake
84 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 Harris, 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

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Weingarten Yea
Saunders Yea
Heagy Yea
3 Y / 3 N. Motion fails.

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

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

Vote:
Heagy Yea
Fox Recused
Fogarty N
Hunt N
Weingarten Yea
Saunders Yea
3 Y / 2 N. Motion passes.

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

Vote:
4 Y/ 1 N, Dr. Fogarty 1 recused, Dr. Fox. Motion carries.

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

Vote:
4 Y/ 1 N, Dr. Fogarty 1 recused, Dr. Fox. Motion carries

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

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

Vote:
Fox Recused
5 Yeas/ 0 nays, 1 recused, Dr. Fox
Motion carries.

Mr. Harris addressed the board to make a motion to accept or deny the administrative law judges penalties.

Mr. Bayo addressed the board to only have a fine. Ms. Garrison gave the details of the penalties and the previous actions taken by the board.

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

Vote:
Heagy Yea

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Fox Recused
Hunt Yea
Weingarten Yea
Fogarty Yea
Hunt Yea
Saunders Yea

5 Y/ 0, 1 recused Motion carries.

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

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

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

Vote: 5 yeas / 1 nay. Saunders.

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

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

Vote: 6 yeas / 0 nays.

III. ADJOURNMENT

Action: Motion to adjourn made by Dr. Fogarty. Second by Weingarten.

Vote: 6 yea/0 nays