

---

# Florida Board of Chiropractic Medicine

## Board Meeting Minutes

**February 24, 2022 at 8:30 A.M. ET**

Embassy Suites USF  
3705 Spectrum Blvd  
Tampa



**Gretchen Saunders, Consumer  
Chair**

**Jason Comerford, DC  
Vice Chair**

**Joe Baker, Jr.  
Acting Executive Director**

---

## **BOARD MEMBERS**

Gretchen Saunders, Chair, Consumer  
Jason Comerford, DC, Vice Chair  
Julie Mayer Hunt, DC, FCCJP, DICCP  
Walter Calvin Melton Jr., DC  
Anthony Oliverio, DC  
Michael Roberts, DC  
Ellen Ostman, Esquire, Consumer

## **BOARD STAFF**

Joe Baker, Jr., Acting Executive Director  
Dontavia Wilson, Program Operations Administrator  
Jacqueline Clahar-Anderson, Regulatory Supervisor/Consultant

## **BOARD COUNSEL**

Lawrence Harris, Senior Assistant Attorney General

## **PROSECUTION COUNSEL**

Andrew Pietrylo, Prosecuting Attorney

## **COURT REPORTER**

Magnolia Court Reporting – (386) 255-2150

### **Recording**

Participants in this public meeting should be aware that these proceedings are being recorded. An audio file of the meeting will be posted on the Florida Board of Chiropractic Medicine's website.

### **Attendance and Continuing Education Credit**

Pursuant to section 456.013, Florida Statutes, and Rules 64B2-13.004 and 64B2-13.007, Florida Administrative Code, attendance requirements or Continuing Education credits are available at this meeting. First year chiropractors seeking attendance and chiropractors seeking continuing education credits must sign in, stay for the duration of the meeting, and sign out, as detailed in rule.

## **I) CALL TO ORDER**

The meeting was called to order at 8:31AM.

- A) Roll Call – all members were present.
- B) Welcome  
Madam Chair Saunders provided a few housekeeping tips.

Mr. Harris gave an overview of the structure of the meeting, and how the disciplinary process is handled.

## **II) DISCIPLINARY PROCEEDINGS**

- A) Settlement Agreement  
No Recused Board Member
  - 1) Jack Stanley Pasula, D.C., Case No. 2020-39866 – *Present*. The settlement agreement required appearance, \$2,500 fine; \$567.24 costs, 3 hours Laws & Rules continuing education, all within 1 year.

A motion was made by Dr. Roberts to accept the settlement agreement. Dr. Hunt seconded the motion. Motion passed unanimously.

- 
- B) Petition for Modification of Final Order  
1) Michael Norman, D.C., 501/5946 Case No. 2008-24991 *Not Present*. Dr. Norman was represented by legal counsel, Edwin Bayo.

A motion was made by Dr. Melton to deny the modification of the final order. Dr. Hunt seconded the motion. Motion passed unanimously.

- C) Petition for Lifting of Probation  
1) David J. Kidd, D.C., 501/5957 Case No. 2013-13871 *Present*.

A motion was made by Dr. Roberts to approve the modification of the final order and terminate his probation. Ms. Ostman seconded the motion. Motion passed unanimously.

### III) PROSECUTOR'S REPORT

Chief Legal Counsel, Mr. Pietrylo, from the Prosecution Services Unit presented the prosecutor's report. He asked for the Board to allow prosecution services to continue to prosecute the one-year and older cases.

A motion was made by Dr. Comerford to allow prosecution services to continue prosecuting all one-year and older cases. Dr. Roberts seconded the motion. Motion passed unanimously.

### IV) APPLICATION PRESENTED FOR REVIEW

- 1) Justin Coffeen, D.C., 501/14863 – *Present*. Dr. Coffeen gave additional documentation to the Board members to review while considering his application.

A motion was made by Dr. Melton to deny application for reconsideration. Dr. Comerford seconded the motion. Motion passed unanimously.

- 2) Debora Lynn Logan, D.C., 501/13989 *Not Present*. Dr. Logan was represented by legal counsel, Edwin Bayo. Mr. Bayo stated that Dr. Logan appeared at the August 7, 2020 board meeting.

A motion was made by Dr. Comerford to extend the required appearance for Dr. Logan to attend the next scheduled board meeting on May 7, 2022. Dr. Roberts seconded the motion. Motion passed unanimously.

- 3) Franco Rizzolo, D.C., 501/15740 *Not Present*. A motion was made by Dr. Roberts to approve the application. Dr. Comerford seconded the motion. Motion passed unanimously.

- 4) Shawn Verreault, D.C., 501/15696 *Not Present*. A motion was made by Dr. Roberts to require appearance at one of the next two board meetings. Dr. Comerford seconded the motion. Motion passed unanimously.

- 5) Henry Joseph Battagliola, D.C., 503/1531 *Not Present*. A motion was made by Dr. Roberts to require appearance at one of the next two board meetings. Dr. Comerford seconded the motion. Motion passed unanimously.

*Recess: 10:11am – 10:27am*

### V) DECLARATORY STATEMENT

- A) Suncoast Physical Medicine, LLC d/b/a Suncoast Spinemed, and Jonathan Berns, D.C.; *Present*. Represented by legal counsel, Michael Lowe. References: Section 456.053, F.S. and 460.413, F.S., regarding whether a proposed restructuring of an integrated

---

chiropractic medical practice would violate sections 456.053, F.S., Prohibited Referrals and 460.413(1), F.S., grounds for discipline of Chiropractic Physicians.

Discussion ensued.

A motion was made by Dr. Oliverio to reconsider with the approved provided declaratory statement, vacate the previous order, and grant the statement as provided in the agenda material. Dr. Comerford seconded the motion. Motion passed with Dr. Hunt in opposition.

## VI) **RULE DISCUSSION**

- A) Rule 64B2-13.004, FAC- Continuing Education- Mr. Harris gave an overview of the process and status of this rule. Mr. Baker advised the Board on behalf of the Department to carefully review the petition before them and that there would be SERC issues within the process. He requested the Board to reconsider the petition presented.
- 1) January 18, 2022 - Board Approved Draft for informational purposes.
  - 2) Chair Saunders Proposed Alternative Language for Consideration/Discussion provided in the agenda material for informational purposes.
  - 3) January 18, 2022 – Rules Workshop Materials provided in the agenda material for informational purposes.
  - 4) Rules Workshop Meeting Transcript provided in the agenda material for informational purposes.
  - 5) Additional Public Comment
    - (a) Life University – Comment provided in the agenda material.
    - (b) Association of Chiropractic Colleges (ACC) – Comment provided in the agenda material.
    - (c) Rick Warner (Go Learn Network) - Agree with filed petition
    - (d) Paula Hedglon (Florida Chiropractic Society (FCS)) - In opposition of the filed petition.
    - (e) Catherin Hedglon, Esq. Concerns were expressed regarding the Statement of Estimated Regulatory Cost (SERC) for the rule. The original language doesn't need to be changed by anti-trust issues creating a monopoly. Ms. Hedglon is in opposition of the filed petition.
    - (f) Arcereally Martinez, Executive Director of Florida Chiropractic Society (FCS)- In opposition of filed petition.
    - (g) Eddie Martinez, President of the Florida Chiropractic Society (FCS) – A letter from Sherman College of Chiropractic was read. Dr. Martinez is in opposition of the filed petition.
    - (h) Kim Driggers, Florida Chiropractic Association (FCA)- In opposition of the filed petition.
    - (i) Dr. Jen Gantzer, President of the Pinellas County Chiropractic Society, faculty member for the Chiropractic College, Director for Student Affairs/Mentorship for the ACA council and nutrition- In opposition of the filed petition.
    - (j) Dr. Daniel Strauss, Dean of National University of Health Sciences- In opposition of the filed petition.
    - (k) Steven Miller- In agreement with the petition. Mr. Miller wanted to provide some clarification on petition.
    - (l) Ron Watson- Florida Chiropractic Physician Association, - The FCPA is in full support of this rule and would recommend the Board to adopt this petition in rule making.

A motion was made by Dr. Melton to move forward with new language as referenced by the Board of Physical Therapy rule and have Mr. Harris to draft the language for review by the Board. Dr. Hunt seconded the motion. Motion failed with Dr. Comerford, Dr. Oliverio, Dr. Roberts, Ms. Ostman, and Ms. Saunders in opposition.

---

A motion was made by Dr. Oliverio to move forward on a Statement of Estimated Regulatory Cost (SERC) and to adopt the proposed language in the petition as the board approved preliminary language. Dr. Comerford seconded the motion. Motion passed with Dr. Hunt, Dr. Roberts, and Dr. Melton in opposition.

*Recess: 12:45pm- 1:20pm*

*Random Roll Call*

**VII) BOARD REPORTS**

- A) Chair/Vice Chair  
Nothing to report.
- B) Committee
- 1) Budget – Ms. Saunders
    - (a) January 2022 Revenue Report- It is anticipated to have the financial reports included on the upcoming May 2022 agenda.
  - 2) Certified Chiropractic Physician’s Assistant – Dr. Hunt – All is going well.
  - 3) Continuing Education – Dr. Comerford/Dr. Melton - Nothing to report.
  - 4) Compliance – Dr. Roberts – Nothing to report.
  - 5) Credentials – Dr. Melton - Nothing to report.
  - 6) Examination – Dr. Roberts - Nothing to report.
    - (a) NBCE Part IV Exam Update
  - 7) Legislation – Dr. Oliverio/Dr. Comerford - Nothing to report.
  - 8) Probable Cause – Ms. Ostman/Dr. Melton - Nothing to report.
  - 9) Rules – Dr. Oliverio - Nothing to report.
  - 10) Unlicensed Activity – Dr. Hunt- Nothing to report.
- C) Board Counsel
- 1) Rules Reports
    - (a) November 2021
    - (b) December 2021
    - (c) January 2022
    - (d) February 2022

All rules report were provided in the agenda material as informational items.
  - 2) Rule 64B2-13.007, FAC- Continuing Education Requirements During Initial Licensure Period- No action necessary.
  - 3) 64B2-16.003, FAC- Guidelines for the Disposition of Disciplinary Cases – No action necessary.
  - 4) 64B2-16.011, FAC- Notice of Noncompliance and 64B9-16.0075, FAC- Citations- No action necessary.
  - 5) 64B2-17.0021, FAC- Sexual Misconduct- No action necessary.
- D) Executive Director
- 1) August 26, 2022 - Meeting Date Conflict– Mr. Baker made the Board members aware that the August Board meeting that is scheduled to take place on August 26, 2022, had a date conflict with the Florida Chiropractic Association (FCA) national convention which is held on August 25<sup>th</sup> – 28<sup>th</sup>.  
  
Mr. Baker commented that the August board meeting couldn’t be rescheduled as his predecessor had previously noticed this scheduled meeting in the Florida Administrative Registrar to take place in West Palm Beach/Palm Beach.
  - 2) Interviews for a new Executive Director are completed and we anticipate the new ED. starting sometime in late March.

- 
- 3) The new Regulatory Specialist III (RSIII) will start on February 25, 2022.

**VIII) FCLB AND NBCE PRESENTATION**

Tabled until another meeting. A meeting date was not given.

**IX) OLD BUSINESS**

None.

**X) NEW BUSINESS**

None.

**XI) RATIFICATIONS**

- A) Consideration of Course Approval – Abraham Ovadia, Esq.
- 1) Updates on the PIP Law (Two hours- Laws & Rules) – A motion was made by Dr. Comerford to approve the CE Course. Dr. Olivero seconded the motion. Motion passed with Dr. Hunt in opposition.
- B) Licensure
- 1) Chiropractic Physician
  - 2) Certified Chiropractic Physician Assistant

A motion was made by Dr. Roberts to approve the license numbers for Chiropractic physicians and Certified Chiropractic Physician Assistants. Dr. Hunt seconded the motion. Motion passed unanimously.

- C) Continuing Education
- 1) CE Providers & Courses Approved by CE Committee Chair
  - 2) CE Providers & Courses Approved by Board Staff

A motion was made by Dr. Comerford to approve the CE ratification list. Dr. Oliverio second the motion. Motion passed unanimously.

**XII) APPROVAL OF MINUTES**

- A) November 5, 2021 – A motion was made by Dr. Comerford to approve the minutes. Dr. Roberts seconded the motion. Motion passed unanimously.
- B) January 18, 2022 – A motion was made by Dr. Comerford to approve the minutes. Ms. Ostman seconded the motion. Motion passed unanimously

**XIII) PUBLIC COMMENTS**

Dr. Hunt stated there is a FCLB meeting in Denver on May 12, 2022. Dr. Melton was designated as the Board's voting delegate and Mr. Baker will look into the process for him to obtain a scholarship from the NBCE to attend.

- 1) Ron Watson- based on the vote in November, FCPA went to the legislature recently and was attempting to help the Board with an amendment to codify "physicians' choice on CE" in Ch. 460. He wanted to let the Board know there was opposition but that he will continue to pursue the issue.

A motion was made by Dr. Oliverio to support Mr. Ron Watson taking this to legislature during the current session. Ms. Ostman seconded the motion. Motion passed unanimously.

- 2) Kim Driggers- provided comments on the new rule change regarding the testing requirement and the challenge questions to apply to in person CE's.

- 
- 3) Cris Langheier- He wanted to advise the graduates and students of the importance of hands on live CEUs.

**XIV) NEXT MEETING DATE**

- A) The next scheduled meeting will be held on May 12, 2022, in Orlando.

**XV) ADJOURNMENT**

A motion was made by Ms. Ostman to adjourn the meeting at 2:08pm. Dr. Comerford seconded the motion. Motion passed unanimously.

DRAFT