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# Florida Board of Chiropractic Medicine

## BOARD MEETING MINUTES

**November 5, 2021, at 8:30 A.M. ET**

The Florida Board of Chiropractic Medicine held a meeting Friday, November 5, 2021, commencing at 8:30 a.m. This meeting was held at the Holiday Inn – Disney Springs, 1805 Hotel Plaza Boulevard, Lake Buena Vista, Florida 32830.



**Gretchen Saunders**  
Chair

**Jason Comerford, D.C.**  
Vice Chair

**Christina McGinnis, MPH**  
Executive Director

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**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**

Christina McGinnis, MPH, Executive Director  
Dontavia Wilson, Program Operations Administrator

**BOARD COUNSEL**

Lawrence Harris, Senior Assistant Attorney General

**PROSECUTION COUNSEL**

Kimberly Marshall, Prosecuting Attorney

**COURT REPORTER**

Magnolia Court Reporting, (407) 896-1813

**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.

Participants were asked to mute themselves upon entering the meeting to reduce background noise. Participants were recognized by the Chair when it was their turn to speak.

**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 were 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**

- A) Roll Call  
Gretchen Saunders, Chair, Consumer – *Present*  
Jason Comerford, DC., Vice Chair – *Present*  
Julie Mayer Hunt, DC., FCCJP, DICCP – *Present*  
Walter Calvin Melton, Jr., DC. – *Present*  
Anthony Oliverio, DC. – *Present*  
Michael Roberts, DC – *Present*  
Ellen Ostman, Esquire, Consumer – *Present*

Ms Saunders requested everyone to stand for the Pledge of Allegiance.

- B) Ms. Saunders welcomed the board and thanked everyone for their help and preparation in making the meeting possible. Ms. Saunders also thanked the audience members for their participation. Ms. Saunders extended a thank you to our veterans for their service and read a quote by Randy Neugebauer, "While only one day of the year is solely dedicated to honoring our veterans, Americans must never forget the sacrifices that many of our fellow countrymen have made to defend our country and protect our freedom".

Dr. Roberts stated at the last meeting the board had discussed where a member of the

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board should be removed because of the number of absences. After discussion, the board decided it was the Governor's office who appoints and remove board members.

Mr. Lawrence Harris gave an overview of the structure of the meeting, and how the disciplinary process is handled. Mr. Harris further stated the takeaway from his explanation, if you are served an order, do not ignore it.

## II) DISCIPLINARY PROCEEDINGS

### A) Informal Hearings

1) Jonathan M. Rouffe, D.C., Case No. 2020-31927- *Absent*. Ms. Marshall presented the case.

A motion was made by Dr Melton to accept that the applicant was properly served with the administrative complaint and has requested an informal hearing. Motion seconded by Dr. Comerford. Motion passed unanimously.

A motion made by Dr. Melton to adopt the findings of facts as set forth in the administrative complaint. Dr. Comerford seconded the motion. Motion passed unanimously.

A motion was made by Dr. Melton to adopt the materials in this case and any addendum materials into evidence in these proceedings. Motion seconded by Dr. Hunt. Motion passed unanimously.

A motion was made by Dr. Melton to adopt the conclusions of law as set forth in the administrative complaint and finds that this violates the practice act. Motion seconded by Dr. Hunt. Motion passed unanimously.

Penalty Recommendation - A motion was made by Dr Melton to adopt the penalty recommendation: revocation of license, \$10,000 fine to be paid within 1 year, and costs of \$1295.65 to be paid within 1 year. Motion seconded by Dr. Hunt. Motion passed unanimously.

### B) Determination of Waiver

1) Catalina Torres, D.C., Case Nos.: 2021-10281- *Present*. – Ms. Marshall presented this case with Dr. Hunt recused.

A motion was made by Dr. Melton to accept that the applicant was properly served with the administrative complaint and has requested an informal hearing. Motion seconded by Dr. Roberts. Motion passed unanimously.

A motion made by Dr. Comerford to adopt the findings of facts as set forth in the administrative complaint. Dr. Melton seconded the motion. Motion passed unanimously.

A motion was made by Dr. Comerford to adopt the materials in this case and any addendum materials into evidence in these proceedings. Motion seconded by Dr. Melton. Motion passed unanimously.

A motion was made by Dr. Comerford to adopt the conclusions of law as set forth in the administrative complaint and finds that this violates the practice act. Motion seconded by Melton. Motion passed unanimously.

For the current violation a motion was made by Dr. Melton to suspend the license which the suspension will remain on license until the respondent makes 12 months of payment pursuant to the prior schedule of \$200; a fine of \$1,000.00, current costs of \$88.50; and completes 3 hours of Laws and Rules and Ethics continuing

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education. On receipt of documentation showing all fines, costs and continuing education has been completed, respondent will return before the board for reinstatement of license consideration. Motion seconded by Dr. Roberts which passed unanimously.

**III) MOTION TO CLARIFY FINAL ORDER TERMS AND TO APPROVE MONITOR**

- A) Tige Robert Buchanan, D.C., Case No. 2019-03381 – *Present*. - Represented by attorney Michael Lowe. – Mr. Harris presented this application.

A motion was made by Dr. Roberts to accept the start date of August 11, 2021, and to accept the 2 hours of continuing education credits completed. The monitoring to start October 14, 2021. Motion seconded by Dr. Oliverio. Motion passed unanimously.

A motion was made by Dr. Comerford to modify the monitoring contract. Motion seconded by Dr. Roberts. Motion passed unanimously.

- B) Jeremiah Lee Kenney-Wright, D.C., Case No.: 2017-20103 – *Present*. – Represented by attorney Ed Bayo. Mr. Harris presented this application.

A motion was made by Dr. Hunt to deny the request for the licensee to have his mother as a chaperone. Motion seconded by Dr. Roberts. Motion passed unanimously.

**IV) FINAL ORDER REVIEW**

- A) Humberto Gutierrez, D.C., Case No.: 2017-03434 – *Present*. – Dr. Kenny Ross, the approved monitor was present. Mr. Harris presented the case.

A motion was made by Dr. Oliverio to approve Dr. Ross as the monitor. Motion seconded by Dr. Roberts. Motion passed unanimously.

- B) Keaton Owens, D.C., Case No.: 2018-19650 – *Not Present*. – Mr. Harris presented the case.

A motion was made by Dr. Hunt to approve the order. After discussion, Dr. Comerford moved to listen to the recording and proceed with what the recording stated at the prior meeting and place it into the order. Motion seconded by Dr. Melton. Motion passed unanimously.

**V) PROSECUTOR REPORT**

Ms Marshall presented the report. A motion was made by Dr. Hunt for allow prosecution services to continue prosecuting year and older cases. Motion seconded by Dr. Comerford. Motion passed unanimously.

*Recess: at 9:55 AM- 10:05 AM.*

After the break Ms. McGinnis called random names of licensed chiropractors. The following names were called.

- CH13150 - Brian Hutcheson – Present
- CH12796 - Sheila Decker – Present
- CH13260 - Marcelus Greenwood – Not present
- CH13433 - Michael Cohen – Present
- CH 13010 -Nakia Pinkney – Milledge - Present

**VI) DECLARATORY STATEMENT**

- A) Suncoast Physical Medicine, LLC c/o Jonathan F. Berns, DC. *Present*. Mr. Harris presented the request for a declaratory statement. Mr. Ed Bayo presented on behalf of Dr. Berns. Mr. Michael Lowe also presented on behalf of Dr. Berns as co-counsel.

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After discussion, a motion was made by Dr. Roberts to grant the petition. Motion seconded by Dr. Hunt. Motion failed 4/3, with Dr. Hunt, Dr. Roberts, and Dr. Oliverio in favor.

A motion was made by Ms. Ostman to deny the declaratory statement based on the lack of factual and legal information. Motion seconded by Dr. Comerford. Motion passed with Dr. Hunt in opposition.

Mr. Harris will draft the order and bring to the February meeting for discussion.

#### **VII) PETITION FOR WAIVER/VARIANCE**

- A) Rule 64B2-13.007; Continuing Education Requirements During Initial Licensure Period
- 1) Cherrelyn Seegers, D.C, 501/15094 - *Present* – Mr. Harris presented the petition.

A motion made by Dr. Oliverio to approve the petition for variance or waiver. Motion seconded by Dr. Roberts. Motion passed unanimously.

- 2) Kody Johnson, D.C., 501/15292- *Absent* – Mr. Harris presented the petition.

A motion made by Dr. Comerford to deny the petition based on statutory requirement. Motion seconded by Dr. Roberts. Motion passed unanimously.

- 3) Dominick John Ranieri III, D.C. 501/15035 – *Absent*. Mr. Harris presented the petition.

A motion made by Dr. Hunt to grant the petition for waiver to attend the February board meeting. Motion seconded by Dr. Roberts. Motion passed unanimously.

- B) Rule 64B2-13.004, Continuing Education
- 1) Louis Salvagio, D.C.,501/5681 – *Absent*. – Mr. Harris presented the petition.

A motion made by Dr. Hunt to deny the petition. Motion seconded by Dr. Roberts. Motion passed unanimously.

#### **VIII) APPLICATIONS PRESENTED FOR BOARD REVIEW**

- A) Justin Coffeen D.C., 501/14863 - *Absent*. Dr. Coffeen represented by attorney Ephraim Livingston. Mr. Harris presented the application.

A motion made by Dr. Comerford to vacate the prior notice of intent to approve, and deny licensure based on Section 456.0635, F.S. Motion seconded by Dr. Melton. Motion passed unanimously.

- B) Joshua Dunsky D.C., 501/15640 - *Absent*. Mr. Harris presented the application.

A motion made by Dr. Comerford to approve licensure. Motion seconded by Dr. Roberts. Motion passed unanimously.

- C) Debra Logan, D.C., 501/13989 - *Absent*. Mr. Bayo, attorney for the applicant, requested the application be presented at the February 2022, board meeting.

- D) Aaron Sakevich, D.C., 501/15644 - *Present*. Mr. Harris presented the application.

A motion made by Dr. Melton to approve licensure. Motion seconded by Dr. Oliverio. Motion passed unanimously.

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E) Boyd Williams, D.C., 501/15454 - *Present*. Mr. Harris presented the application.

A motion made by Dr. Melton to approve licensure. Motion seconded by Dr. Roberts. Motion passed unanimously.

F) Jason Worrall D.C., 501/14917 - *Present*. Mr. Worrall was represented by attorney Rickey Strong. Mr. Harris presented the application.

A motion made by Dr. Comerford to approve for licensure. Motion seconded by Dr. Roberts. Motion passed unanimously.

**IX) MOTION FOR APPLICATION RECONSIDERATION**

A) David K. Perry, D.C., 501/15348 - *Absent*. Mr. Harris presented the application.

A motion made by Dr. Comerford to deny licensure, staying the order for 10 days, to allow the applicant time to withdraw their application. Motion seconded by Dr. Hunt. Motion passed unanimously.

*Recess at 12:27 PM-1:00 PM.*

After the break Ms. McGinnis called random names of licensed chiropractors. The following names were called.

- CH 13303 – Natalia Massanet – *Present*
- CH 13614 – Fatih Velijoski – *Present*
- CH 12644 – Michael Sambursky – *Present*
- CH 13515 – Derek Woodman – *Present*
- CH 13250 – Erin Long – *Present*

**X) RULES**

A) Petition for Rule Amendment

- 1) Rule 64B2-13.004. Continuing Education, Rick Warner, D.C.  
Mr. Harris explained the process of rule amendment and rulemaking to the board.  
Dr. Rick Warner provided an explanation for his request to amend the rule.

Kim Driggers from the Florida Chiropractic Association requested the board deny the requested petition to open the rule for development.

After discussion a motion was made by Dr. Hunt to grant a petition for rule making. Dr. Comerford seconded the motion which passed unanimously. Dr. Hunt suggested the workshop be held the first of the new year prior to the next board meeting.

A motion made was made by Dr. Roberts to hold a workshop online in January to discuss and come up with Laws and Rules. The motion was seconded by Dr. Melton. Motion passed 6/1 with Dr. Comerford opposing.

Discussion

- 2) 64B2-17.006: Retention of Chiropractic Records; Time Limitations, Kimberly Driggers, JD.

Ms. Driggers requested direction on whether the rule should be changed regarding the requirement of posting information in the newspaper when a practitioner has passed away or has closed their practice.

Dr. Melton made a motion for Mr. Harris to initiate rule making which would

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omit the language for the notice to be published in the newspaper. Mr. Harris suggested he would look at what other boards were doing and return with language at the next scheduled board meeting. The motion was seconded by Dr. Comerford, which passed unanimously.

3) Chapter 64B2-12: Fee Schedule, Review Licensure Fees in Statute/Rule and Next Biennium

Ms. McGinnis gave an overview and a breakdown of the different fee structures and how changes in the fees would affect the board's baseline.

Discussion ensued.

A motion was made by Dr. Oliverio to make the fees \$300 permanently starting April 1, 2022, and thereafter. Ms. Ostman seconded the motion. Motion passed with Dr. Melton and Dr. Comerford in opposition.

*SERC Questions*

*Mr. Harris asked, "Will the proposed rule have an adverse impact on small business?" No.*

*Mr. Harris asked, "Will this increase regulatory costs directly or indirectly to any entity including government more than \$200,000 in aggregate in Florida within one year after implementation?" No.*

*Mr. Harris asked, "Should a violation of this rule or any part of this rule be designated as a minor violation?" No.*

*Mr. Harris asked, "Would a Sunset provision be applicable to this rule?" Yes*

Mr. Lawrence gave an overview, of the other fees which would be affected based on the change in the renewal fee. After discussion Dr. Melton made a motion to allow Mr. Harris to look at all the other fees associated with the fee change for Chiropractors and Certified Chiropractic Assistants.

*Recess at 3:10 PM - 3:20 PM.*

After the break Ms. McGinnis called random names of licensed chiropractors. The following names were called.

- CH 13640 – Nikola Gagic – *Present*
- CH 13318 – Paul Sawala – *Present*
- CH 13309 – Lizmar Rodriguez – *Present*
- CH 13605 – Sylvain Valcourt – *Present*
- CH 13226 – Christian Oien – *Present*

4) 64B2-13.007: Continuing Education Requirements During Initial Licensure Period.

Ms. McGinnis gave an overview of the current online registration and the current processes, and how the process can be streamlined.

After discussion Dr. Melton made a motion to amend Rule 64B2-13.007 to accept the proposed language. Motion was seconded by Dr. Hunt. Motion passed unanimously.

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*SERC Questions*

*Mr. Harris asked, "Will the proposed rule have an adverse impact on small business?" No.*

*Mr. Harris asked, "Will this increase regulatory costs directly or indirectly to any entity including government more than \$200,000 in aggregate in Florida within one year after implementation?" No.*

*Mr. Harris asked, "Should a violation of this rule or any part of this rule be designated as a minor violation?" No.*

*Mr. Harris asked, "Would a Sunset provision be applicable to this rule?" Yes*

Mr. Harris explained the Joint Administrative Procedures Committee (JAPC) comment received regarding changes in the rule. After discussion, Dr. Melton made a motion for Mr. Harris to send a response to JAPC letter. Motion seconded by Dr. Hunt. Motion passed unanimously.

**XII) BOARD COUNSEL REPORT**

- A) September, October, and November Rules Reports.  
Mr. Harris presented the Board Counsel Report. Mr. Harris stated all the rules presented were good to go.
- B) FTC Settles Antitrust Case Against Alabama Dental Board  
Mr. Harris gave an overview and advised the board to not do anti- competitive acts.
- C) Rule 64B2-17.0021: Sexual Misconduct – Mr. Harris had no comment.
- D) Rule 64B2-16.0075: Citations – Mr. Harris had no comment.

**XIII) ANNUAL DELEGATION OF AUTHORITY**

A motion was made by Dr. Hunt to accept the changes as presented. Motion was seconded by Dr. Melton. Motion passed unanimously.

**XIV) PROSECUTOR REPORT**

- A) October Report – Mr. Pietrylo presented the Prosecution report.

**XV) EXECUTIVE DIRECTOR REPORT**

- A) First Year Chiropractor Licensee Updates – Ms. McGinnis provided an update.
- B) E-FORCSE Florida's Prescription Drug Monitoring Program: July & August 2021 - Ms. McGinnis provided an update.
- C) "FRN" Test Follow Up - Ms. McGinnis provided an update. Ms McGinnis provided an update and correction to state it was PRN and not FRN.

**XVI) COMMITTEE REPORT**

- A) **Budget** – Ms. Saunders provided an overview of the budget report.
- B) **Continuing Education** – (Dr. Comerford/Dr. Melton) Dr. Comerford gave a brief overview on continuing education. Dr. Comerford also commended board staff on the great job they were doing with continuing education applications.
- C) **Compliance** – (Dr. Roberts) Nothing to report.
- D) **Credentiaing Committee** – (Dr. Melton) No report.
- E) **Examination** – (Dr. Roberts) Nothing to report. Dr. Roberts stated he would be attending the National Board Exam in St Louis the following weekend.
- F) **Legislation** – (Dr. Olivero) Proposed Legislation Discussion. Dr. Olivero stated he submitted to the board for a statutory change to the continuing education rule. Mr. Harris explained to the



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board what their authority was in changing or opening the statutes. Dr. Olivero made a motion to accept the language as presented. The motion was seconded by Dr. Comerford. Discussion ensued. The motion passed with Dr. Melton, Dr. Hunt and Dr. Roberts in opposition.

- G) **Probable Cause** – (Ms. Ostman) Nothing to report.
- H) **Rules** – Dr. Olivero requested the upcoming rules workshop be scheduled on a Tuesday or a Thursday.
- I) **Unlicensed Activity** – (Dr. Hunt) Nothing to report.
- J) **Outstanding Service Award** – (Ms. Saunders) Nothing to report.

**XVII) COUNCIL ON CHIROPRACTIC EDUCATION (CCE)**

Ms. McGinnis gave a brief overview and informed the board members of the information in their meeting material.

**XVIII) OLD BUSINESS**

Update on the Federation of Chiropractic Licensing Boards (FCLB) District V October 2021 Meeting: Dr. Roberts will provide a written update on the conference he attended. Dr. Roberts will prepare a summary report to present at the next scheduled meeting.

**XIV) NEW BUSINESS:**

- A) Notice of Proposed Rule 64B2-16.0035 – No comments.
- B) Preliminary Comments on Rule 16.0035 – No comments.

**XV) RATIFICATIONS**

- B) Licensure
  - 1) Chiropractic Physician – A motion was made by Dr. Hunt to approve the license numbers CH 13672- CH 13776. The motion was seconded by Dr Melton. The motion passed unanimously.
  - 2) Certified Chiropractic Physician Assistant. A motion was made by Dr. Hunt to approve the license numbers 1080-1093. The motion was seconded by Dr. Melton. The motion passed unanimously.
- C) Continuing Education
  - 1) CE Providers & Courses approved by CE Committee Chair. A motion was made by Dr. Comerford to approve the continuing education courses and providers presented. The motion was seconded by Dr. Melton. The motion passed unanimously.

**II) APPROVAL OF MINUTES**

- A) August 25, 2021 - A motion was made by Dr. Comerford to approve the minutes. The motion was seconded by Dr. Hunt. The motion passed unanimously.
- B) August 27, 2021 - A motion was made by D. Comerford to approve with amendments. Dr. Hunt seconded the motion. The motion passed unanimously.

**III) PUBLIC COMMENT.**

None.

**IV) NEXT MEETING DATE**

- A) The next scheduled meeting date is February 24, 2022, in Tampa, Florida.

**V) ADJOURNMENT**

A motion was made by Dr Roberts to adjourn the meeting at 4:12 pm. Motion was seconded by Dr. Melton. Motion passed unanimously.