

1 The Florida Board of Chiropractic Medicine held a meeting on Friday, January 5, 2018,
2 commencing at 1:00 p.m. This meeting was held at the Department of Health, 4042 Bald Cypress
3 Way, Tallahassee, Florida at meet me number (888) 670-3525, participant code 7342425515, to
4 which all persons were invited to attend. Participants in this public meeting were made aware that
5 these proceedings were being recorded and that an audio file of the meeting will be posted to the
6 board's website.

7
8 **AGENDA**

9 **Section I started at: 1:01 p.m.**

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

11 **Board Members Present:**

- 12 a. Kevin Fogarty, D.C., F.I.C.A. (Hon), Chair
- 13 b. Danita Heagy, D.C., Vice-Chair
- 14 c. Christopher Fox, D.C., ATC(L)
- 15 d. Mindy Weingarten, D.C.
- 16 e. Julie Hunt, D.C. (**unable to vote**)
- 17 f. David Colter
- 18 g. Paul Licata (**unable to vote**)

19
20 **Board Staff Present:**

21 Anthony Spivey, DBA, Executive Director
22 Gail Curry, Program Operations Administrator
23 Kelly Woodard, Regulatory Supervisor
24 Keri Kilgore, Regulatory Specialist II

25
26 **Board Counsel:**

27 Lawrence Harris, Assistant Attorney General

28
29 **Other Attendees:**

30 Kim Driggers, Assistant General Counsel, Florida Chiropractic Association
31 Michelle Champion, Attorney for Dr. Rick Warner
32 Kenneth Dougherty, D.C., former Board Member

33
34 **Court Reporter**

35 For the Record
36 (850) 222-5491

37
38 **Section II started at: 1:04 p.m.**

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40 **II. DEFINITIONS OF CLASSROOM CONTACT HOURS**

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42 The purpose of the meeting today is for the Board to determine whether online continuing
43 education can be accepted when the Chiropractic Medicine Practice Act is specific to the phrase
44 "contact classroom hours."

45
46 **a. Possible Options for Definition of Contact Classroom Hours**

48 Currently, the requirement is a live classroom setting in which the students are monitored. But
49 there are other options. One of them is webinars that are held at a set time and are recorded.
50 Some examples were given. There were concerns about filtering out all of the courses that could
51 be submitted to the Board if no exact criteria are set. The Board currently has standards for live
52 courses. The Board would need to set criteria for online courses if the Board feels it has the
53 authority to set the type of continuing education that can be allowed.

54
55 Mr. Harris advised the definition of contact hours could be defined if the number of online
56 hours are limited and would likely hold up in a rule challenge. The Board can go ahead and
57 write a rule that allows all 40-hours to be achieved online or just leave it split as it is currently.

58
59 The Board determined it does have the statutory authority to define the phrase “contact
60 classroom hours.” The 10-hours of online continuing education has not been determined to be
61 effective or ineffective. Legal action for limiting online credits was discussed but it is still open
62 for discussion at a later date.

63
64 Dr. Weingarten discussed Option C and wanted this section to be discussed later. Section C
65 creates separate standards for approval of physical attendance and online attendance courses.
66 Identity authentication was discussed and will be followed-up on. Dr. Hunt spoke about
67 Activator, a set of coursework she would like the Board to consider when considering a rule
68 change for online continuing education. Dr. Heagy has not seen a live webinar course for
69 approval since serving on the Continuing Education Committee.

70
71 Courses approved under the old rule will stay approved; only new applicants will be subject to
72 the changes.

73
74 Public comment was opened. Each discussion was limited to three minutes.

75
76 **Speaker one:** Dr. Dougherty, a former Florida Board of Chiropractic Medicine member spoke
77 to follow-up with some previous board business. He was present at the November 3, 2017
78 Board Meeting as a voting member. Dr. Dougherty addressed the Board and discussed the
79 Florida Chiropractic Society or the FCS and the Florida Chiropractic Physician Association or
80 the FCPA. Both Organizations do not favor 100% online continuing education. Dr. Warner did
81 not appear as he originally claimed to partner with the Florida Chiropractic Society and the
82 Florida Chiropractic Physician Association.

83
84 **Speaker two:** Ms. Driggers with the Florida Chiropractic Association addressed the Board on
85 the legalities of the Board’s current dilemma with continuing education. Ms. Driggers stated her
86 legal opinion was the phrase contact hours meant face to face. Ms. Driggers used the University
87 of Bridgeport case to make some points. Ms. Driggers cited Rule 64B2-13.004(3)(h) is in direct
88 conflict with online continuing education involving a webcast.

89
90 **Speaker three:** Ms. Champion’s opinion was the Board had the authority to interpret its own
91 laws and rules. Her opinion was the Board had the ability to define the phrase contact classroom
92 hours.

93

94 Public comment was closed at 2:30 p.m.
95
96 Dr. Fogarty reemphasized the Board does have the statutory authority for the current online
97 issue. The current 10-hours does not appear to be going well as originally structured.
98
99 **Action:** Motion to allow contact classroom hours that are face to face and virtual but it must be
100 real-time interaction for the students and for the educators made by Dr. Heagy. No second.
101
102 **Action:** Motion to define a contact classroom hour shall mean 1-hour of continuing education
103 with real time face to face interaction between an instructor and student that occurs in a
104 classroom type environment made by Dr. Heagy. Second made by Mr. Colter.
105
106 Discussion continued. Dr. Fox proposed the concept of pre-recorded continuing education being
107 accepted.
108
109 **Action:** Motion to define classroom contact hours as 1-hour of continuing education in which
110 real-time face to face interaction between instructor and student occurs in classroom type
111 environment and add this could also include pre-recorded material with a moderator made by
112 Dr. Heagy. Second made by Mr. Colter.
113
114 **Action:** Mr. Colter withdrew the second after discussion. Amended motion fails.
115
116 Discussion ensued about the flexibility required to obtain continuing education credits.
117
118 The Board decided to leave the current requirement of only allowing 10-hours of continuing
119 education attained thru online systems to remain in place. There will be no expansion of this at
120 this time.
121
122 **Action:** Motion to accept Option C as the Board's definition of classroom contact hours made
123 by Mr. Colter. Second made by Dr. Fox.
124
125 When the Board defines contact classroom hours, it applies to all 40 hours, not a portion of
126 them.
127
128 **Vote:** Roll-call:
129
130 Dr. Fogarty, No.
131 Dr. Heagy, No.
132 Dr. Fox, Yes.
133 Dr. Weingarten, No.
134 Mr. Colter, Yes.
135
136 **Action:** Motion fails.
137
138 The decision to define classroom contact hours will be postponed until the February 2018 Board
139 Meeting.
140

141 **III. NEXT MEETING DATE**

142

143 February 9, 2018

144

145 **IV. ADJOURNMENT:**

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147 **Action:** Motion to adjourn made by Dr. Heagy. Second made by Dr. Fox.

148 **Vote:** 5 yeas / 0 opposed. Motion carried.

149 Meeting adjourned at 3:21 p.m.