The Florida Board of Chiropractic Medicine held a meeting on Friday, May 18, 2018, commencing at 8:35 a.m. This meeting was held at the Embassy Suites, 4955 Kyngs Heath Road, Kissimmee, Florida 34746, (407) 597-4112, to which all persons were invited to attend. Participants in this public meeting were made aware that these proceedings were being recorded and that an audio file of the meeting will be posted to the board’s website.

AGENDA

Section I started at: 8:35 a.m.

I. CALL TO ORDER (Roll Call):

Board Members Present:
Kevin Fogarty, D.C., F.I.C.A. (Hon), Chair
Danita Heagy, D.C., Vice-Chair
Christopher Fox, D.C., ATC(L)
Mindy Weingarten, D.C.
Julie Hunt, D.C.
David Colter
Paul Licata

Board Staff Present:
Dr. Anthony Spivey, Board Executive Director
Gail Curry, CPM, Program Operations Administrator
Kelly Woodard, Regulatory Supervisor/Consultant

Board Counsel:
Lawrence Harris, Assistant Attorney General
Office of Attorney General

Prosecution Counsel:
Rose Garrison, Assistant General Counsel
Kimberly Marshal, Assistant General Counsel

Audio/Visual:
Vanguard Audio Visual
(941)334-3183

Court Reporter:
American Court Reporting
(407)896-1813

Section I ended at: 8:35 a.m.
Section II began at: 8:35 a.m.

II. APPROVAL OF MINUTES:
February 9, 2018

**Action:** Motion to approve Feb. 9, 2018 minutes was made by Dr. Heagy. Second by Dr. Weingarten.

Please put D.C. after Dr. Weingarten’s name. There was public comment on this meeting from Paul Sorgee.

**Vote:** 7 yeas / 0 opposed. Motion carried.

March 21, 2018

**Action:** Motion to approve March 19, 2018 minutes was made by Dr. Weingarten. Second by Mr. Colter.

**Vote:** 7 yeas / 0 opposed. Motion carried.

**Section II ended at: 8:40 a.m.**

**Section III began at: 8:40 a.m.**

**III. FINAL ORDER ACTION:**

**SETTLEMENT AGREEMENT:**

i. Anthony V. Filardo, D.C., Case No. 2011-02895

Present with Counsel Michael Lowe

Rose Garrison presented the case.

Attorney Michael Lowe spoke on behalf of his client for clarification of the facts in the case.

**Discussion:** There was discussion between the board and prosecution counsel to define the counts in the administrative complaint, the events and issues with this case. Cost is capped at $5000.00.

**Action:** Motion to accept the settlement agreement was made by Dr. Heagy. Second by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion carried.

Break 9:50 a.m.

**Section III resumed at: 10:02 a.m.**

ii. Jeremiah B. Joseph, D.C., Case No. 2017-10029

Present with Counsel Amanda Waesch

Kimberly Marshal presented the case.

Attorney Amanda Waesch presented the facts of her client’s events. Dr. Joseph has made corrective action plan to avoid the issues in the future.

**Discussion:** Discussion between the board members, Dr. Joseph and Ms. Waesch to explain the teaching of the employee to take x-rays.

**Action:** Motion to accept the settlement agreement was made by Dr. Heagy. Second by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion carried.
DETERMINATION OF WAIVER:
i. Joshua L. Otiniano, D.C., Case No. 2015-07948
   Not present/ No Counsel
   Kimberly Marshal presented the case.
   Ms. Marshal asked the Board to acknowledge that the respondent was properly severed and waived the
   right to a formal hearing.
   
   Action: Motion to open the floor for discussion made by Dr. Heagy. Second made by Dr. Weingarten.
   Discussion: Certified mail was returned to sender. Ms. Marshal explained Dr. Otiniano was personally
   served.
   
   Action: Motion to accept the respondent was properly served was made by Dr. Heagy. Second made by
   Dr. Weingarten. Vote: 7 yeas / 0 opposed. Motion carried.
   Ms. Marshal asked the Board to accept the investigative report into evidence for the purposes of imposing
   penalty.
   
   Action: Motion to accept the investigative report into evidence for the purposes of imposing penalty was
   made by Dr. Weingarten. Second by Dr. Heagy. Vote: 7 yeas / 0 opposed. Motion carried.
   Ms. Marshal asked the Board to accept the findings of facts set forth in the Administrative Complaint
   Action: Motion to accept the findings of facts set forth in the Administrative Complaint was made by Dr.
   Heagy. Second by Dr. Fox. Vote: 7 yeas / 0 opposed. Motion carried.
   Ms. Marshal asked the Board to adopt the conclusions of law as set forth in the administrative complaint and
   that this constitutes a violation of the practice act.
   
   Action: Motion to adopt the conclusions of law as set forth in the administrative complaint and that this
   constitutes a violation of the practice act was made by Dr. Hunt. Second by Dr. Fox. Vote: 7 yeas / 0 opposed.
   Motion carried.
   
   Action: Motion to revoke Dr. Otiniano license was made by Dr. Fox. Second by Dr. Heagy. Vote: 7 yeas /
   0 opposed. Motion carried.

VOLUNTARY RELINQUISHMENT
i. Brett Nadel, D.C. Case No.: 2018-05597
   Not present/ No Counsel
   Kimberly Marshal resented to case to the board.
   
   Action: Motion to accept the voluntary-relinquishment of Dr. Nadel’s license made by
   Mr. Colter. Second made by Dr. Fox. Vote: 7 yeas / 0 opposed. Motion carried.
VII. PROSECUTION REPORT:
Rose Garrison gave the report to the board.
18 Cases to be heard at the next PCP meeting on June 19th.

ACTION: Motion to continue prosecuting cases over 1 year old made by Dr. Heagy. Second by Dr. Fox.
Vote: 7 yeas / 0 opposed. Motion carried

IV. DECLARATORY STATEMENT
a. Nicholas J. Kirton
   Not Present
Lawrence Harris explained what a Declaratory Statement is used for and then presented the Declaratory Statement to the board. There is some concern about his bachelor’s degree from Wales. Mr. Kirton doesn’t have an application on file with the State of Florida.
Action: Motion to deny declaratory statement because there is no understanding of the question he is asking was made by Mr. Colter. Second by Dr. Fox. Vote: 7 yeas / 0 opposed. Motion carried.

Section IV ended at: 9:24 a.m.
Section V began at: 9:24 a.m.

V. PETITION FOR VARIANCE OR WAIVER
a. Timothy Holcomb, D.C.
   Not present
   Attorney Lawrence Harris presented the Petition. Dr. Holcomb is asking for the Board to waive the 4 live acupuncture hours in lieu of the course he has submitted for review.
   Action: Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undo due hardship or violate the principles of fairness was made by Dr. Fogarty. Second by Dr. Fox. Vote: 7 yeas / 0 opposed. Motion carried.

b. Nathalie DiGlorgio, D.C.
   Not present
   Mr. Harris presented the petition. Dr. DiGlorgio wants to waive the requirement for 13.004(2). There doesn’t seem to be enough information for the Board to make a determination on this petition. The course has not been approved by the CE committee.
   Dr. Fogarty would like to see all identical Petitions be investigated by the Attorney General for fraudulent submission. These petition
Action: Motion to respectfully request the department formally create a complaint to the Attorney General for a full investigation on this matter of variances that are being filed fraudulently to our Board to for the sole purposes of either costing us money as a Board or to go ahead a circumvent a CE process, which would compromise the people of the great State of Florida was made by Dr. Fogarty. Second by Dr. Weingarten. Vote: 7 yeas / 0 opposed. Motion carried.

Discussion: Mr. Colter asked if there is some requirement for a signature on the Petitions? Mr. Harris gave statute 28-104.002, Petition for Variance or Waiver, is a Department of State Rule that applies to all agencies in the State of Florida, it states the petition must include the following information. Sub paragraph a-i show the requirements. The Board would like to know how to stop these from coming in. Mr. Harris will carry the request back to the Attorney General.

Vote: 7 yeas / 0 opposed. Motion carried.

Action: Motion to deny the Petition for Variance or Waiver Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undo due hardship or violate the principles of fairness made by Dr. Heagy. Second made by Mr. Colter. Vote: 7 yeas / 0 opposed. Motion carried.

d. Richard Hodish, D.C.
Not present
Action: Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undo due hardship or violate the principles of fairness made by Dr. Heagy. Second made by Mr. Colter. Vote: 7 yeas / 0 opposed. Motion carried.

e. Bruce Levy, D.C.
Not present
Action: Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undo due hardship or violate the principles of fairness made by Dr. Weingarten. Second made by Dr. Hunt Vote: 7 yeas / 0 opposed. Motion carried.

f. Stephen Lee, D.C.
Not Present
Action: Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undo due hardship or violate the principles of fairness made by Dr. Weingarten. Second made by Mr. Licata. Vote: 7 yeas / 0 opposed. Motion carried.

g. Greg Dady, D.C.
Not Present
Withdrew Petition

h. Nicolle Schultze, D.C.
Not present
Action: Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undo due hardship or violate the principles of
fairness made by Dr. Weingarten. Second made by Mr. Licata. **Vote:** 7 yeas / 0 opposed.

Motion carried.

**i. Laura M. Valhuerdi, D.C.**

Not present

**Action:** Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undue hardship or violate the principles of fairness made by Dr. Heagy. Second made by Mr. Colter. **Vote:** 7 yeas / 0 opposed. Motion carried.

**j. Justine DeMaio, D.C.**

Not present

**Action:** Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undue hardship or violate the principles of fairness made by Dr. Weingarten. Second made by Mr. Licata. **Vote:** 7 yeas / 0 opposed. Motion carried.

**k. Nicole Jasper, D.C.**

Not present

**Action:** Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undue hardship or violate the principles of fairness made by Dr. Weingarten. Second made by Dr. Hunt. **Vote:** 7 yeas / 0 opposed. Motion carried.

**l. April Lee, D.C.**

Not present

**Action:** Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undue hardship or violate the principles of fairness made by Dr. Heagy. Second made by Mr. Colter. **Vote:** 7 yeas / 0 opposed. Motion carried.

**m. Sandra McLean, D.C.**

Not present

**Action:** Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undue hardship or violate the principles of fairness made by Dr. McLean. Second made by Mr. Colter. **Vote:** 7 yeas / 0 opposed. Motion carried.

**n. Ariel Galarza, D.C.**

Not present

**Action:** Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undue hardship or violate the principles of fairness made by Dr. Hunt. Second made by Mr. Licata. **Vote:** 7 yeas / 0 opposed. Motion carried.

**o. Robert Fady, D.C.**

Not present

**Action:** Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undue hardship or violate the principles of fairness made by Dr. Hunt. Second made by Dr. Weingarten. **Vote:** 7 yeas / 0 opposed. Motion carried.
p. David Pelosi, D.C.  
Not present  
**Action**: Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undue hardship or violate the principles of fairness made by Dr. Hunt. Second made by Dr. Weingarten. **Vote**: 7 yeas / 0 opposed. Motion carried.

q. Timothy Flynn, D.C.  
Not present  
**Action**: Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undue hardship or violate the principles of fairness made by Dr. Weingarten. Second made by Mr. Colter. **Vote**: 7 yeas / 0 opposed. Motion carried.

r. Laila Owens, D.C.  
Not present  
**Action**: Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undue hardship or violate the principles of fairness made by Dr. Hunt. Second made by Dr. Weingarten. **Vote**: 7 yeas / 0 opposed. Motion carried.

s. Stephen Gilligan, D.C.  
Not present  
**Action**: Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undue hardship or violate the principles of fairness made by Dr. Heagy. Second made by Mr. Colter. **Vote**: 7 yeas / 0 opposed. Motion carried.

t. Storm Shannon, D.C.  
Not present  
**Action**: Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undue hardship or violate the principles of fairness made by Dr. Weingarten. Second made by Mr. Licata. **Vote**: 7 yeas / 0 opposed. Motion carried.

u. Parastou Ilbeigi, D.C.  
Not present  
**Action**: Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undue hardship or violate the principles of fairness made by Dr. Hunt. Second made by Dr. Weingarten. **Vote**: 7 yeas / 0 opposed. Motion carried.

v. Dennis O’Hara, D.C.  
Not present  
**Action**: Motion to deny the Petition for Variance or Waiver because compliance with the requirement for live hours would not be an undue hardship or violate the principles of fairness made by Heagy. Second made by Mr. Colter. **Vote**: 7 yeas / 0 opposed. Motion carried.
Action: Motion to deny the Petition for Variance or Waiver because compliance with
the requirement for live hours would not be an undue hardship or violate the principles of
fairness made by Dr. Fogarty. Second made by Dr. Fox. Vote: 7 yeas / 0 opposed. Motion
carried.

w. Thomas Dean, D.C.
  Not present

x. Pamela Dean, D.C.
  Not present

Action: Motion to deny the Petition for Variance or Waiver because compliance with
the requirement for live hours would not be an undue hardship or violate the principles of
fairness made by Dr. Hunt. Second made by Dr. Weingarten. Vote: 7 yeas / 0 opposed. Motion
carried.
y. Travis Tillman, D.C.
  Not present

Action: Motion to deny the Petition for Variance or Waiver because compliance with
the requirement for live hours would not be an undue hardship or violate the principles of
fairness made by Dr. Hunt. Second made by Dr. Fox. Vote: 7 yeas / 0 opposed. Motion
carried.
z. Adam Klotzek, D.C.
  Not present

Action: Motion to deny the Petition for Variance or Waiver because compliance with
the requirement for live hours would not be an undue hardship or violate the principles of
fairness made by Dr. Fogarty. Second made by Dr. Fox. Vote: 7 yeas / 0 opposed. Motion
carried.

Section V ended at: 11:14 a.m.
Section VI began at: 11:14 a.m.

VI. REQUEST FOR HARDSHIP

a. Albert E. Andrion, II, D.C.
  Present
  Dr. Andrion addressed the board with his concerns on the continuing education hours and the lack of
  communication on the number of hours received for the course he took.
b. James V. Garemore, D.C.
  Not present

Action: Motion to deny the hardship made by Dr. Heagy. Second made by Dr. Hunt.
Vote: 7 yeas / 0 opposed. Motion carried.
c. Elizabeth Prosser, D.C.
  Not present
  Moote – Dr. Prosser has renewed her license.
d. Pablo M. Rivera, D.C.
Dr. Rivera addressed the board with the same concerns on the continuing education hours and the lack of communication on the number of hours received for the course he took. Is asking the Board to move his excess Laws & Rules CE to his Ethics CE as he is missing 1 hour. He also has an issue with CE Broker having the licensee pay for the Premium account to see details of his CE hours. Dr. Rivera does have all the CE hours he needs to renew. Dr. Rivera will renew his license and pay the late fee. No action taken by the Board.

e. Iris De Jesus, D.C.
Not present

Dr. DeJesus is asking the Board to move her excessive CE hour to her Ethics CE as she is missing 1 hour.

**Action:** Motion to deny the hardship because she is required to have 13 hours of CE which includes Ethics CE made by Dr. Fogarty. Second made by Mr. Licata.

**Vote:** 7 yeas / 0 opposed. Motion carried.

f. Jason Baker, D.C.
Not present

Moot – Dr. Baker has renewed his license.

Dr. Fox is concerned about doctor’s billing insurance while the doctor’s license is not active. Dr. Fogarty has concerns about the 511 Chiropractor’s that have not renewed their licenses. These doctor’s will be turned over to enforcement to investigate if the doctors are working without a license. A list will go to Consumer Services to open an investigation.

**Section VI ended at: 11:52 a.m.**
**Break for 10 minutes**
**Section IX began at: 12:10 p.m.**

IX. PETITION FOR FINAL APPEARANCE AND TERMINATION OF PROBATION

a. Yong H. Kim, D.C.
Present, with counsel, Paul Drake

Paul Drake addressed the Board with the details of the probation and asked the Board to terminate the probation.

**Action:** Motion to approve the termination of probation made by Mr. Colter. Second by Dr. Hunt.

**Vote:** 7 yeas / 0 opposed. Motion carried.

**Section IX ended at: 12:12 p.m.**
**Section VIII began at: 12:12 p.m.**

VIII. APPLICATIONS PRESENTED FOR BOARD REVIEW:

a. Gary L. Weddell, D.C.
Present, no counsel
Mr. Harris presented the application.

**Action:** Motion to approve the application based on the information provided in the application made by Dr. Fox. Second made by Mr. Colter.

Discussion ensued asking what changes Dr. Weddell has taken to prevent his previous behavior.

**Vote:** 7 yeas / 0 opposed. Motion carried.

b. Joshua Widjaja, D.C.

Present, no counsel

Mr. Harris presented the application. Applicant failed to disclose criminal history.

Discussion ensued between the Board and Dr. Widjaja concerning his arrests. Board wants Dr. Widjaja to pass the Ethics and Boundaries exam before licensing him. He will have 1 year to take and pass the exam.

**Action:** Motion to approve the application when he passes the Ethics and Boundaries exam within 1 year made by Dr. Fox. Second made by Dr. Heagy.

**Vote:** 7 yeas / 0 opposed. Motion carried.

c. Michael Rouhana, D.C.

Present, no counsel

Mr. Harris presented the application. He has out of state discipline for CE and a malpractice claim.

Dr. Rouhana explained the out of state discipline and his malpractice claim.

**Action:** Motion to accept the application and give him a license made by Dr. Weingarten. Second made by Dr. Heagy. **Vote:** 7 yeas / 0 opposed. Motion carried.

**Section VIII ended at:** 12:42 p.m.

**Section X began at:** 12:42 p.m.

X. RATIFICATIONS:

a. Licensure

i. Chiropractic Physician

12418 – 12487 totals of 70 licenses

**Action:** Motion to accept the ratification of licenses made by Dr. Fox. Second made by Dr. Heagy. **Vote:** 7 yeas / 0 opposed. Motion carried.
ii. Registered Chiropractic Assistant
17493-17982 total of 487

**Action:** Motion to accept the ratification of licenses made by Dr. Heagy. Second made by Dr. Hunt. **Vote:** 7 yeas / 0 opposed. Motion carried.

iii. Certified Chiropractic Physician Assistant
887-903 total of 17

**Action:** Motion to accept the ratification of licenses made by Dr. Weingarten. Second made by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion carried.

iii. Facility Certificates
29-30 total of 2

**Action:** Motion to accept the ratification of licenses made by Dr. Fox. Second made by Mr. Licata. **Vote:** 7 yeas / 0 opposed. Motion carried.

b. Continuing Education

i. CE Providers and Courses approved by CE Committee Chairs

**Action:** Motion to approve the CE Providers and Courses approved by CE Committee Chairs made by Dr. Heagy. Second made by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion carried.

Discussion was held regarding course number 20-16475. Dr. Weingarten wanted to know if cosmetic acupuncture could be approved for CE. There was no issue with the other board members.

**Action:** Motion to approve the CE courses made by Dr. Fox. Second made by Dr. Heagy. **Vote:** 7 yeas / 0 opposed. Motion carried.

Discussion was held regarding course number 20-635122. Dr. Heagy was asking about the school not meeting the statutory requirements to be sponsored by the Council on Chiropractic Education sponsored school. Would like the other board members opinion. Dr. Fox spoke on behalf of the course being a good course. It was brought to the attention to the board that the certificate must come from a dmiCCE sponsored school. Mr. Harris guided the board to look at the 460.408 since the rule is open and make changes so the requirement is clear. Board asked Mr. Harris to look at the rule.

**Action:** Motion to deny the CE courses because it is not sponsored by a Chiropractic college made by Dr. Heagy. Second made by Dr. Hunt. **Vote:** 4 yeas / 2 opposed. Motion carried.

Dr. Fogarty is receiving numerous complaints from vendors that are saying that licensees, when they go to the course and register, should get all CE hours when the student stay in the room. Dr. Fogarty will be sending the letter to all vendors, colleges and universities to be sure they are all complying with the requirements. There was also discussion on whose responsibility it is to be sure licensees are complying with the CE requirements.
XI. CHAIR/VICE-CHAIR REPORT:

Dr. Heagy addressed the board with an overview of the Chair/Vice Chair meeting that was held in Tallahassee.

Dr. Fox gave a review of the Federation of Chiropractic Licensing Boards, FCLB, meeting he attended in Texas. Dr. Spivey address the FCLB to show how Florida has the new licensees come to a board meeting with discipline. They were impressed and are looking at implementing the next FCLB meeting is in Palm Beach in September. Dr. Fogarty, Dr. Fox and Dr. Spivey will be attending.

**Action:** Motion to have Dr. Fogarty, Dr. Fox and Dr. Spivey attend the FCLB meeting in September was made by made by Dr. Heagy. Second made by Mr. Colter. **Vote:** 7 yeas / 0 opposed. Motion carried.

Section XI ended at: 1:23 p.m.
Section XII began at: 1:23 p.m.

XII. EXECUTIVE DIRECTOR’S REPORT:

a. Annual Delegation of Authority

Dr. Spivey explained the Delegation of Authority.

**Action:** Motion to accept the Delegation of Authority was made by made by Dr. Weingarten. Second made by Dr. Hunt. **Vote:** 7 yeas / 0 opposed. Motion carried.

b. Chiropractic Fee Scenarios

Dr. Spivey spoke about the fee scenarios and the issues with a reduction in fees. The document was provided in the agenda materials.

c. Affiliated Monitors

While at the FCLB the company Affiliated Monitors offered their services if needed. The board has spoken with this company before and it is quite costly to use their monitors.

Section XII ended at: 2:00 p.m.
Section XIII began at: 2:00 p.m.

XIII. BOARD COUNSEL’S REPORT:

a. March Rules Report

b. April Rules Report
c. May Rules Report

Mr. Harries explained to the board that rule 64B2-13.005 and 13.007, which deal with HIV, Prevention of Medical Errors and attendance at a board meeting with discipline, may be submitted to the board office for signatures on the adoption certificates. Once signed they will be filed for adoption. Should be filed by the end of the month.

d. Rule 64B2-13.004 Letter from JAPC dated March 27, 2018

e. Rule 64B2-13.004 Letter from JAPC dated March 29, 2018

f. Suggested Revision (May 2018)

Mr. Harris suggested 3 language changes to 64B2-13.004.

64B2-13.004(1)
One, define classroom contact hours. Contact classroom hours shall mean fifty (50) minutes of instruction offered through in-person or online attendance continuing education courses.

64B2-13.004(2)
Two, list Department of Health instead of regulatory agency under which the Board operates.

64B2-13.004(6)
Three, there is no statutory authority for this rule. Delete subsection 6. Out of state must take the Florida Laws & Rules exam.

Action: Motion to accept Mr. Harris’s language changes that Joint Administrative Procedures Committee, JAPC, asked for on the 3 errors was made by made by Dr. Weingarten. Second made by Dr. Fox.

Discussion: Dr. Hunt would like to be sure the 64B2-13.004(3) also be included.

Vote: 7 yeas / 0 opposed. Motion carried.

g. Draft statutory language education equivalency May 2018.

Mr. Harris suggested that since the rule is open for changes the board might change 64B2-13.004(5)(b) to read “Duration of approval. All continuing education courses are approved for credit during the biennium in which the course is initially approved and for the following biennium, but no continuing education course shall be valid for more than four (4) years from the date the course is approved, unless resubmitted for renewal/re-approval”

Add 64B2-13.004(5)(c) change “Should” to “Shall” in 64B2-13.004(5)(c)1 and add “at least (30) days” prior to the date of the scheduled presentation.

Action: Motion to allow Mr. Harris’s to open rule making on 64B2-13.004(5)(c) to change “30” days to “60” days, change rule 64B2-13.004(5)(b) to reflect 2 years instead of 4, and change the procedures in continuing education language as it relates to the chiropractic sponsors was made by Mr. Colter. Second made by Dr. Heagy. Vote: 7 yeas / 0 opposed. Motion carried.
Mr. Harris asked the board if a Statement of Regulatory Costs to the 5 changes, deletion of the Out of State Laws & Rules, definition of classroom contact hour, the change of the regulatory agency to the department, duration to two years from the date of approval, and 60 days submission prior to the course being given, will any of these proposed Rule amendments have an adverse impact on the small business or be likely to directly or indirectly increase regulatory cost to any industry including Government in excess of $200,000 in the aggregate in Florida within 1 year of after the implementation of the rule?

Board answered No.

Would this be likely to directly or indirectly increase regulatory cost to any industry including Government in excess of $200,000 in the aggregate in Florida within 1 year of after the implementation of the rule?

Board answered No.

Mr. Harris asked the board, Will the language, as proposed, increase cost in access if $1,000,000 within 5 years of implementation?

Board answered No.

Mr. Harris asked the board, can a violation of the rule or any part of the rule be resolved by an issuance of a Notice of Non-Compliance?

Board answered No.

h. Fee Reductions

i. Licensure Exam (64B2-11.001)

Mr. Harris explained the privacy notices for the fingerprinting and these notices must be put on the application.

Action: Motion to accept the changes to the language on the application was made by made Dr. Hunt. Second made by Dr. Heagy. Vote: 7 yeas / 0 opposed. Motion carried.

j. Certified Chiropractic Physician Assistant (64B2-18.002)

Action: Motion to remove the, National Board of Chiropractic Examiners, NBCE, examination and leave in the application should be completed in every detail was made by made by Dr. Hunt. Second made by Dr. Fox. Vote: 7 yeas / 0 opposed. Motion carried.

The Chiropractic Physician Assistant application will need to be update according the changes.

k. Certified Chiropractic Physician Assistant

Action: Motion to accept the changes to the Certified Chiropractic Physician Assistant
application was made by Dr. Weingarten. Second made by Dr. Hunt. **Vote:** 7 yeas / 0 opposed. Motion carried.

l. Application for Chiropractic Physician

**Action:** Motion to accept the changes to the Chiropractic Physician application was made by made by Dr. Heagy. Second made by Dr. Fox. **Vote:** 7 yeas / 0 opposed. Motion carried.

**Section XIII ended at:** 2:36 p.m.

**Section XIV began at:** 2:36 p.m.

**XIV. COMMITTEE REPORTS**

a. Budget – Mr. Colter  
   Nothing further to add.

b. Certified Chiropractic Physician’s Assistant – Dr. Hunt  
   There are about 30 interviews. The interviews will be done at 7:30 a.m. Going very well.

c. Continuing Education – Drs. Heagy/Weingarten  
   Dr. Heagy would like to get with Keri Kilgore to come up with a standard for approving courses. Dr. Weingarten also has concerns. A CE Committee meeting will be established.

d. Disciplinary Compliance – Dr. Fogarty  
   Everything is doing well in the discipline.

e. Examination – Dr. Heagy  
   Dr. Fox will be leaving to attend the National Board Part 4 also attending the November one as well. Dr. Heagy will not be able to attend the one in November. Dr. Heagy will address the National Board to be sure that the Laws & Rules exam is easy or too hard. She will carbon copy Dr. LaRusso and Dr. Norman Ouzts of the National Board of Chiropractic Examiners.

f. Healthiest Weight – Dr. Weingarten  
   The Healthy Weight is no longer addressed at the Chair/Vice Chair meeting. It can be addressed at the board meetings. This committee will be dissolved.

g. Legislation – Dr. Heagy/Mr. Colter  
   Dr. Heagy asked about the Draft statutory language education equivalency May 2018 that was in the Board Councils Report as it wasn’t discussed. Mr. Harris explained that the Board cannot propose legislation. They can come up with statutory language changes and present them to Department of Health to be included in the legislative bills. Individuals can approach their legislators to sponsor the changes.

**Action:** Motion to adopt the draft language given by Mr. Harris was by made by Dr. Weingarten. Second made by Dr. Heagy.

**Discussion:** Mr. Colter would like to have the language read “has received a degree which is substantially equivalent to United States four-year under graduate degree from an accredited university
or college”. Also, in 460.xxx(1)(B) 2, take out the word “a” and replace it with “from”.

No objections to the amended language.

**Vote:** 7 yeas / 0 opposed. Motion carried.

h. Probable Cause – Dr. Weingarten/Dr. Fox
   Emergency Suspension was heard last night.

i. Rules – Dr. Weingarten
   Nothing at this time.

j. Unlicensed Activity – Mr. Licata
   Nothing at this time.

k. Outstanding Service Award – Dr. Fox.
   Dr. Fox addressed the audience about the award and how to nominate someone.

l. Florida Chiropractic Society

Dr. Heagy asked for clarity from the board on the Florida Chiropractic Society, FCS, not having a Chiropractic college affiliation and the course and speakers that were previously approved. She has some concern that the FCS isn’t affiliated with a college. Board agrees that the college needs to be affiliated with a chiropractic college. Dr. Lucas Matlock, President of the FCS, and Paul Sorgee, PAC Chair for FCS, addressed the board stating they have never been asked for an affiliation with a chiropractic college and have had many continuing education courses approved. Board Chair, Dr. Fogarty, told the representative that they will need to meet the requirements to offer courses. Counsel, Mr. Harris advised that if the rule has been applied consistently forever then the board should initiate rule making and consistently apply the same standard.

**Action:** Motion for FCS to reach out to their sponsor Sherman College of Chiropractic to have the sponsorship as required by this board was by made by Dr. Fogarty. Second made by Dr. Hunt.

**Discussion:** Mr. Colter wants the motion to say that the board has seen fit to enforce the past president of requiring all vendors to have affiliation of CE hours. Dr. Weingarten feels that this course has been approved and should not be revoked.

**Vote:** 3 yeas, (Hunt, Colter, Fogarty) / 4 opposed, (Heagy, Weingarten, Fox, Licata). vote fails.

There will be no notice of Intent to deny. Notice of intent to allow the approval to stand. In the future the courses will be associated with a school or college of chiropractic.

Section XIV ended at: 3:28 p.m.
Section XV began at: 3:28 p.m.

**XV. OLD BUSINESS:**
XVI. NEW BUSINESS:

Section XVI ended at: 3:29 p.m.
Section XVII began at: 3:29 p.m.

XVII. NEXT MEETING DATE:

August 24, 2018

Section XVII ended at: 3:29 p.m.
Section XVIII began at: 3:29 p.m.

XVIII. PUBLIC COMMENT:

Ron Watson, Lobbyist for the Florida Chiropractic Association, Legislative effort for the upcoming year will include 460.403 to add language to authorize injections for nutrition. Shared the language with the board and asked for the board assistants with this issue.

Section XVIII ended at: 3:32 p.m.
Section XIX began at: 3:32 p.m.

XIX. ADJOURNMENT:

Action: Motion to adjourn made by Dr. Heagy. Second by Mr. Colter.
Vote: 7 yeas / 0 opposed. Motion carried.

Adjourned at 3:32 p.m.