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**DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
BOARD OF CHIROPRACTIC MEDICINE**

**MINUTES
GENERAL BUSINESS MEETING**

**Rosen Plaza Hotel
9700 International Drive
Orlando, Florida 32819**

November 4, 2011

15 **CALL TO ORDER:**

16 Dr. Ron Wellikoff, Chairman, called the meeting to order at 8:30 a.m. Those present for all or
17 part of the meeting included the following:

18
19 **BOARD MEMBERS:**

20 Ron Wellikoff, D.C., Chair
21 Rod Jones, D.C., Vice-Chair
22 Kevin Fogarty, D.C.
23 Debra Hoffman, D.C.
24 Michael Mathesie, D.C.
25 Ms. Eileen Perman
26 Ms. Linda Reynolds

27
28 **BOARD STAFF:**

29 Bruce M. Deterding, Board Executive Director
30 Sharon Guilford, Program Operations Administrator

31
32 **BOARD COUNSEL:**

33 Deborah Loucks, Assistant Attorney General
34 Office of Attorney General

35
36 **PROSECUTING ATTORNEY:**

37 Tari Rossitto-Van Winkle, Assistant General Counsel

38
39 **COURT REPORTER:**

40 American Court Reporting
41 (407) 896-1813

42
43 **Welcome New Member – Kevin Fogarty, D.C.**

44
45 Dr. Wellikoff welcomed Dr. Fogarty to the board.

46
47 Mr. Deterding stated on the record that participants in this public meeting should be aware that
48 these proceedings are being recorded and that an audio file of the meeting will be posted to the
49 board's website.

50
51 **FINAL ORDER ACTIONS:**

1
2 **Motions for Final Order by Settlement Agreement:**

3
4 **Erik S. Lerner, D.C. – Case Number 06-36736**
5 **PCP: Kirby/Wolfson**
6

7 Dr. Lerner was present, sworn, and was represented by Mr. Michael Lowe, Esq.

8
9 Ms. Reynolds joined the proceedings at this point. Also, Dr. Fogarty had recused himself from
10 participating due to knowledge of the case.

11
12 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 13 • Paragraph 460.413(1)(m), F.S.
- 14 • Paragraph 460.413(1)(n), F.S.

15
16 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the
17 following provisions:

- 18 • appearance
- 19 • reprimand
- 20 • administrative fine of \$4,000.00, payable within one year
- 21 • administrative costs of \$7,171.04, payable within one year
- 22 • monitoring shall apply within the initial 30 days of the monitoring agreement, and if
23 additional monitoring is required then the respondent and monitor shall comply with the
24 terms of the Final Order for up to one (1) year
- 25 • completion of six (6) hours of continuing education in the areas of record keeping,
26 documentation and coding within 13 months
- 27 • patient reimbursement
- 28 • tolling provision apply

29
30 Mr. Lowe addressed the board on behalf of his client.

31
32 A lengthy discussion ensued.

33
34 **Dr. Jones moved to reject the settlement agreement. The motion was seconded and carried**
35 **5/0.**

36
37 **Dr. Wellikoff moved to issue a counter-agreement to include all terms of the settlement**
38 **agreement with the modifications to include two monitoring visits within 60 days, patient**
39 **reimbursement within 30 days, and to include two (2) hours of continuing education in the**
40 **area of ethics. The motion was seconded and carried 5/0.**

41
42 **Motions for Determination of Waiver and for Final Order by Hearing Not Involving**
43 **Disputed Issues of Material Facts:**

44
45 **Kris Freund, D.C. – Case Number 11-02732**
46 **PCP: LaRusso/Reynolds**
47

48 Dr. Freund was neither present nor represented by counsel.

49
50 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 1 • Section 460.413(1)(v), F.S.

2
3 **Dr. Jones moved to accept all the investigative report and all case materials including all**
4 **confidential and addendum materials, if any, into evidence in these proceedings. The**
5 **motion was seconded and carried 5/0.**

6
7 **Dr. Mathesie moved that the respondent was properly served by publication and has**
8 **waived his right to a formal hearing. The motion was seconded and carried 5/0.**

9
10 **Ms. Perman moved to adopt the findings of fact into evidence as alleged in the**
11 **administrative complaint and to adopt the conclusions of law and find that the respondent**
12 **was in violation as alleged in the administrative complaint. The motion was seconded and**
13 **carried 5/0.**

14
15 **Dr. Jones moved that the violation constitutes a violation of the Practice Act. The motion**
16 **was seconded and carried 5/0.**

17
18 Ms. Rossitto-Van Winkle recommended the following penalty:

- 19 • suspension
20 • administrative fine of \$10,000.00, payable prior to the lifting of the suspension
21 • compliance with the previous Final Order prior to the lifting of the suspension
22 • four years probation with monitoring
23 • monitoring shall comply with the terms of the Final Order
24 • board reserves jurisdiction to the board to possibly impose further penalty once
25 suspension has been lifted

26
27 Discussion ensued.

28
29 **Dr. Jones moved to accept the department's recommendation. The motion was seconded**
30 **and carried 5/0.**

31
32 **Dr. Jones moved to issue a Motion to Assess Costs of \$780.52, payable prior to the lifting of**
33 **the suspension. The motion was seconded and carried 5/0.**

34
35 **Stewart G. Gorenberg, D.C. – Case Number 08-07191**
36 **PCP: Dougherty/Hoffman**

37
38 Dr. Gorenberg was present, sworn but was not represented by counsel.

39
40 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 41 • Section 460.413(1)(c), F.S.

42
43 **Ms. Reynolds moved to accept all the investigative report and all case materials including**
44 **all confidential and addendum materials, if any, into evidence in these proceedings. The**
45 **motion was seconded and carried 6/0.**

46
47 **Ms. Reynolds moved that the respondent was properly served and has waived his rights to a**
48 **formal hearing. The motion was seconded and carried 6/0.**

1 **Dr. Fogarty moved to adopt the findings of fact into evidence as alleged in the**
2 **administrative complaint and that those facts are not in dispute. The motion was seconded**
3 **and carried 6/0.**

4
5 Dr. Gorenberg addressed the board.

6
7 Ms. Loucks asked if Dr. Gorenberg would waive his right to sue the board for attorney fees if the
8 board were to dismiss the administrative complaint after their discussion.

9
10 Dr. Gorenberg agreed.

11
12 Discussion ensued.

13
14 **Ms. Reynolds moved to reject the evidence as presented due to the respondent's rebuttal to**
15 **the presumption of guilt. The motion was seconded and carried 5/1 with Dr. Jones opposed.**

16
17 **Ms. Perman moved to dismiss the administrative complaint. The motion was seconded and**
18 **carried 5/1 with Dr. Jones opposed.**

19
20 Ms. Van-Winkle stated that the department withdrew the administrative costs in the case.

21
22 **William N. Rivera, D.C. – Case Number 10-19870**
23 **PCP: LaRusso/Reynolds**

24
25 Dr. Rivera was present, sworn but was not represented by counsel.

26
27 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 28
 - Section 460.015(1)(ff), F.S.

29
30 **Dr. Jones moved to accept all the investigative report and all case materials including all**
31 **confidential and addendum materials, if any, into evidence in these proceedings. The**
32 **motion was seconded and carried 6/0.**

33
34 **Dr. Fogarty moved that the respondent was properly served and has waived his rights to a**
35 **formal hearing. The motion was seconded and carried 6/0.**

36
37 **Dr. Mathesie moved to adopt the findings of fact into evidence as alleged in the**
38 **administrative complaint. The motion was seconded and carried 6/0.**

39
40 Dr. Rivera addressed the board.

41
42 **Ms. Perman moved to adopt the conclusions of law as set forth in the administrative**
43 **complaint as the conclusions of law for the Board. The motion was seconded and carried**
44 **6/0.**

45
46 **Dr. Jones moved that the violation constitutes a violation of the Practice Act. The motion**
47 **was seconded and carried 6/0.**

48
49 Ms. Rossitto-Van Winkle recommended the following penalty:

- 50
 - reprimand
 - administrative fine \$5,000, payable within one year

- 1 • indefinite suspension until the respondent provides proof of insurance from 11/20/2010
2 through present or obtains retroactively, then show current coverage paid through March
3 31, 2012
- 4 • completion of three (3) hours of continuing education in the areas of one (1) hour in risk
5 management with two (2) in laws and rules, completed within one (1) year
6

7 The board tabled the actions until Dr. Rivera could contact the insurance companies to determine
8 if he could receive the missing period of coverage.
9

10 **Edward C. Siarkowicz, D.C. – Case Number 11-03382**

11 **PCP: LaRusso/Reynolds**
12

13 Dr. Siarkowicz was neither present nor represented by counsel.
14

15 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 16 • Section 460.413(1)(v), F.S.
17

18 **Dr. Mathesie moved to accept all the investigative report and all case materials including all**
19 **confidential and addendum materials, if any, into evidence in this proceeding. The motion**
20 **was seconded and carried 6/0.**
21

22 **Dr. Jones moved that the respondent was properly served and has waived his rights to a**
23 **formal hearing. The motion was seconded and carried 6/0.**
24

25 **Dr. Hoffman moved to adopt the findings of fact into evidence as alleged in the**
26 **administrative complaint and to adopt the conclusions of law and find that the respondent**
27 **was in violation as alleged in the administrative complaint. The motion was seconded and**
28 **carried 6/0.**
29

30 **Dr. Jones moved that the violation constitutes a violation of the Practice Act. The motion**
31 **was seconded and carried 6/0.**
32

33 Ms. Rossitto-Van Winkle recommended the following penalty:

- 34 • continued suspension
- 35 • administrative fine of \$10,000.00, shall be paid prior to lifting the suspension
- 36 • SPEC examination
- 37 • reserves jurisdiction to the board to possibly impose further penalty
- 38 • compliance with DOH-10-0267-FOI-MQA
- 39 • four (4) years probation as defined by the Final Order
- 40 • completion of five (5) hours of continuing education in the area of two (2) hours in
41 ethics, one (1) hour in risk management, two (2) hours in laws and rules
- 42 • attend the Board of Chiropractic Medicine’s meeting once per year for each year the
43 respondent is on probation
44

45 Discussion ensued.
46

47 **Dr. Fogarty moved to accept the department’s recommendation. The motion was seconded**
48 **and carried 6/0.**
49

1 **Dr. Jones moved to issue a Motion to Assess Costs of \$562.57, payable prior to lifting of the**
2 **suspension. The motion was seconded and carried 6/0.**

3
4 **William N. Rivera, D.C. – Case Number 10-19870 (continued)**
5 **PCP: LaRusso/Reynolds**

6
7 The board continued the discussion.

8
9 Dr. Rivera stated that the insurance company would not be able to provide retro-insurance
10 coverage and the representatives did not know if any insurance company can provide such
11 service.

12
13 Discussion ensued.

14
15 **Dr. Mathesie moved to accept the department’s recommendation. The motion was**
16 **seconded and carried 6/0.**

17
18 **Dr. Jones moved to issue a Motion to Assess Costs of \$1,231.37, payable within one year**
19 **from the filing of the Final Order. The motion was seconded and carried 6/0.**

20
21 **Motions for Final Order by Hearing Not Involving Disputed Issues of Material Fact:**

22
23 **Octavio P. Fernandez, D.C. – Case Number 10-24153**
24 **PCP: LaRusso/Reynolds**

25
26 **Octavio P. Fernandez, D.C. – Case Number 10-24154**
27 **PCP: LaRusso/Reynolds**

28
29 Dr. Fernandez was present, sworn and was represented by Ms. Karen Barnet-Backer, Esq. and
30 Mr. Lionel Barnet, Esq.

31
32 Ms. Loucks stated that at the June Board meeting the board permanently revoked the
33 respondent’s license for failure to comply with the Final Order. Therefore, the respondent’s
34 attorney is requesting to reconsider the permanent revocation of his license.

35
36 Discussion ensued.

37
38 **Ms. Perman moved to vacate the revocation of the respondent’s license. The motion was**
39 **seconded and carried 6/0.**

40
41 Ms. Rossitto-Van Winkle objected to the board’s action.

42
43 **Dr. Hoffman moved to table the two cases on the agenda (2010-24153 and 2010-24154) until**
44 **the board meeting scheduled in February 2012. The motion was seconded and carried 6/0.**

45
46 **REQUESTS FOR DECLARATORY STATEMENT:**

47
48 **GMAC Indemnity Corporation – Operating in an Automobile Accident**
49 **Clinical Setting**

50
51 **The Joint Chiropractic Clinic – Section 460.4167, F.S.**

1
2 Mr. C. David Martinez, Esq., Mr. Ron Reckered and Mr. Matt Hail were present.

3
4 Mr. Martinez provided an overview of the Petition for Declaratory Statement in 460.4167(l), F.S.,
5 Proprietorship by persons other than licensed chiropractic physician.

6
7 Ms. Loucks stated that the petition appears to be broken down in four issues.

8
9 Dr. Jones addressed problems in the past where many individuals were abusing the system.

10
11 Discussion ensued.

12
13 Dr. Mathesie stated that he does not believe that the board needed to respond to the petition as the
14 law is very specific under Chapter 400, Part X, F.S.

15
16 **Dr. Jones moved to not respond to the Petition for Declaratory Statement. The motion was**
17 **seconded and carried 7/0.**

18
19 **Edward J. Meunier, D.C. – Case Number 11-01098**
20 **PCP: LaRusso/Reynolds**

21
22 Dr. Meunier was present, sworn but was not represented by counsel.

23
24 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 25
- Section 460.413(1)(v), F.S.
- 26

27 **Dr. Fogarty moved to accept all the investigative report and all case materials including all**
28 **confidential and addendum materials, if any, into evidence in this proceeding. The motion**
29 **was seconded and carried 6/0.**

30
31 **Dr. Fogarty moved that the respondent was properly served and has requested an informal**
32 **hearing. The motion was seconded and carried 6/0.**

33
34 **Ms. Perman moved to adopt the findings of fact into evidence as alleged in the**
35 **administrative complaint. The motion was seconded and carried 6/0.**

36
37 Dr. Meunier addressed the board.

38
39 **Dr. Fogarty moved to adopt the conclusions of law and find that the respondent was in**
40 **violation as alleged in the administrative complaint. The motion was seconded and carried**
41 **6/0.**

42
43 **Dr. Fogarty moved that the violation constitutes a violation of the Practice Act. The motion**
44 **was seconded and carried 6/0.**

45
46 Ms. Rossitto-Van Winkle recommended the following penalty:

- 47
- reprimand
 - completion of three (3) hours of continuing education in one (1) hour of risk management, two (2) of which shall be in laws and rules, two (2) hours of ethics, and to attend one (1) additional board meeting within one year
- 48
49
50
51

1 Discussion ensued.

2
3 **Dr. Fogarty moved to accept the department's recommendation. The motion was seconded**
4 **and carried 6/0.**

5
6 **Dr. Fogarty moved to issue a Motion to Assess Costs of \$476.31, payable within one year**
7 **from the filing of the Final Order. The motion was seconded and carried 6/0.**

8
9 **Motions for Final Order by Settlement Agreement:**

10
11 **Wendy S. Coren, D.C. – Case Number 09-05148**
12 **PCP: Dougherty/Hoffman**

13
14 **David N. Lundquist, D.C. – Case Number 09-14148**
15 **PCP: Dougherty/Hoffman**

16
17 Ms. Rossitto-Van Winkle requested that the board allow her to address both cases, 2009-05148
18 and 2009-14148, at once as they are very similar and are represented by the same counsel.

19
20 Drs. Coren and Lundquist were present, sworn and represented by Mr. Ed Bayo, Esq.

21
22 Ms. Rossitto-Van Winkle informed the board that the respondents had violated:

- 23
 - Section 460.413(1)(t), F.S.

24
25 Ms. Rossitto-Van Winkle advised the board that the settlement agreements contained the
26 following provisions:

- 27
 - administrative fine of \$2,500.00
 - administrative costs of \$5,000.00 (modified to \$2,500.00)
 - completion of two (2) hours of continuing education in laws and rules within one year

28
29
30
31 Mr. Bayo addressed the board on behalf of both clients.

32
33 A lengthy discussion ensued.

34
35 **Dr. Wellikoff moved to reject the settlement agreement as presented. The motion was**
36 **seconded and carried 6/0.**

37
38 **Dr. Wellikoff moved to offer a counter settlement agreement by imposing an advertising**
39 **violation only, issuing an administrative fine of \$2,500, administrative costs of \$2,500, and**
40 **completion of two (2) hours of continuing education in laws and rules within 30 days from**
41 **the filing of the Final Order. The motion was seconded 5/1 with Dr. Fogarty opposed.**

42
43 **Wendy L. Flynn, D.C. – Case Number 08-18046, 08-19925 & 08-21377**
44 **PCP: Kirby/Mathesie**

45
46 Dr. Flynn was neither present, nor represented by counsel.

47
48 Ms. Loucks stated that Dr. Wellikoff waived the respondent's appearance.

49
50 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

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08-18046

- Section 460.413(1)(i), F.S.
- Section 460.413(1)(n), F.S.

08-19925

- Section 460.413(1)(m), F.S.; 460.413(1)(ff), and/or Rule 64B2-17.0065, F.A.C.
- Section 460.413(1)(n), F.S.
- Section 460.413(1)(k), F.S.

08-21377

- Section 460.413(1)(i), F.S.
- Section 460.413(1)(n), F.S.

Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the following provisions:

- reprimand
- administrative fine of \$10,500, payable within four (4) years to be paid in equal monthly installments beginning thirty (30) days from the filing of the Final Order
- administrative costs of \$15,087.41, payable within four (4) years to be paid in equal monthly installments beginning thirty (30) days from the filing of the Final Order
- completion of twenty (20) hours of continuing education in the areas of three (3) hours in risk management of which two (2) of which shall be in laws and rules; six (6) hours record keeping, documentation and coding; two (2) hours of Ethics and Boundaries, and nine (9) general hours
- affidavit that the respondent had read and understood chapters 456 and 460, F.S., and Rules Chapter 64B2, F.A.C.
- probation for a period of two years
- monitoring shall comply with the terms of the Final Order
- tolling provisions shall apply

A lengthy discussion ensued.

Dr. Jones moved to approve the settlement agreement. The motion was seconded and carried 6/0.

**Sha’Meka V. Mixon, D.C. – Case Number 10-17016 & 10-13645
PCP: Dougherty/Hoffman/Mathesie**

Dr. Mixon was present, sworn and was represented by counsel.

Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- Section 460.413(1)(v), F.S.
- Section 460.4167(, F.S.

Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the following provisions:

- reprimand
- indefinite suspension until compliance with the previous Final Order in case number 2009-10720

- 1 • administrative fine \$5,000.00, payable within one year
- 2 • administrative costs \$4,189.21, payable within one year
- 3 • completion of four (4) hours of continuing education in the area of risk management, two
- 4 (2) of which in laws and rules
- 5 • submit a 600 word article to the Florida Chiropractic Society and Florida Chiropractic
- 6 Association

7
8 A lengthy discussion ensued.

9
10 **Dr. Fogarty moved to approve the settlement agreement with the noted scrivener's errors.**
11 **The motion was seconded and carried 6/0.**

12
13 **Prosecution Report**

14
15 Ms. Rossitto Van-Winkle provided a detailed Prosecution Report.

16
17 **Dr. Hoffman moved to approve the pending cases for prosecution services and to move**
18 **forward with the one year old cases. The motion was seconded and carried 7/0.**

19
20 **REQUESTS FOR DECLARATORY STATEMENT: (continued)**

21
22 **GMAC Indemnity Corporation – Operating in an Automobile Accident**
23 **Clinical Setting**

24
25 Mr. Randall A. Wainoris, Esq., representing GMAC Indemnity Corporation was present and
26 addressed the board.

27
28 Mr. Wainoris provided an overview of the Petition for Declaratory Statement filed on September
29 26, 2011.

30
31 Ms. Loucks stated that she believed the board should decline responding to the petition as the
32 board does not have statutory jurisdiction over Massage Therapy, Section 480, F.S.

33
34 Discussion ensued.

35
36 **Dr. Jones moved to not respond to the Petition of Declaratory Statement. The motion was**
37 **seconded and carried 7/0.**

38
39 **APPROVAL OF MINUTES:**

40
41 **August 12, 2011 – Full Board Meeting**
42 **August 5, 2011 – Telephone Conference Call Meeting**

43
44 **Dr. Wellikoff moved to accept the above minutes with the correction to page 16, line 37,**
45 **replacing Society with Association. The motion was seconded and carried 7/0.**

46
47 **Disciplinary Compliance – Ronald Wellikoff, D.C.**

48
49 **John A. Lieurance – Case Number 07-12659 – Termination of Probation**

1 Dr. Lieurance was present, sworn and addressed the board.

2
3 Dr. Wellikoff provided an overview of Dr. Lieurance's probationary period.

4
5 Discussion ensued.

6
7 **Dr. Wellikoff moved to accept Dr. Lieurance's request for Termination of Probation. The**
8 **motion was seconded and carried 6/0.**

9
10 **APPLICANTS PRESENTED FOR BOARD REVIEW:**

11
12 **David S. Ellis, D.C.**

13
14 Dr. Ellis was present, sworn but was not represented by counsel.

15
16 Dr. Loucks provided an overview of the application.

17
18 Dr. Ellis addressed the board.

19
20 Discussion ensued.

21
22 **Dr. Jones moved to approve for licensure upon successful completion of the Florida Laws**
23 **and Rules examination. The motion was seconded and carried 7/0.**

24
25 **Joseph R. Indelicato, D.C.**

26
27 Dr. Indelicato was present, sworn but was not represented by counsel.

28
29 Ms. Loucks provided an overview of the application.

30
31 Dr. Indelicato addressed the board.

32
33 Discussion ensued.

34
35 **Dr. Jones moved to approve for licensure upon successful completion of the Florida Laws**
36 **and Rules examination. The motion was seconded and carried 7/0.**

37
38 **Frederick L. Knochel, D.C.**

39
40 The application was pulled from the agenda.

41
42 **George M. Samuel, D.C.**

43
44 Dr. Samuel was present, sworn but was not represented by counsel.

45
46 Ms. Loucks provided an overview of the application.

47
48 Dr. Samuel addressed the board.

49
50 Discussion ensued.

1 **Dr. Mathesie moved to approve for licensure upon successful completion of the Florida**
2 **Laws and Rules examination. The motion was seconded and carried 7/0.**

3
4 **Joseph J. Thomas, D.C.**

5
6 Dr. Thomas' case was tabled until the February 2012 board meeting.

7
8 **Brittany A. Allen**

9
10 Ms. Allen was neither present, nor represented by counsel.

11
12 Dr. Loucks provided an overview of the application.

13
14 Discussion ensued.

15
16 **Dr. Wellikoff moved to approve for licensure. The motion was seconded and carried 4/3**
17 **with Drs. Mathesie and Fogarty and Ms. Reynolds opposed.**

18
19 **Gizelle L. Best**

20
21 Ms. Best was neither present, nor represented by counsel.

22
23 Ms. Loucks stated that the board determined at the August 2011 Board Meeting to require Ms.
24 Best's personal appearance within the next two board meetings with failure to appear resulting in
25 a denial of her application

26
27 **Erica N. Diaz**

28
29 Ms. Diaz was neither present, nor represented by counsel.

30
31 Ms. Loucks provided an overview of the application.

32
33 Discussion ensued.

34
35 **Dr. Jones moved to approve for licensure. The motion was seconded and carried 7/0.**

36
37 **Suze Mezidor**

38
39 Ms. Loucks stated that Ms. Mezidor has withdrawn her application for licensure. Therefore, no
40 action was needed by the board.

41
42 **RATIFICATION LISTS:**

43
44 **Registered Chiropractic Assistants**

45 (Jose Ramiro Penate, RCA 9451 through Dailin Hernandez, RCA 9617)

46
47 **Dr. Jones moved to approve the ratification list. The motion was seconded and carried 7/0.**

48
49 **Certified Chiropractic Physician's Assistants**

50 (Vitalia Ramirez, CI 700 through Countess Odessa Randolph, CI 702)

51

1 **Dr. Jones moved to approve the ratification list. The motion was seconded and carried 7/0.**

2
3 **Chiropractic Physicians**

4 (Melissa Ly Cruz, CH 10360 through Marc Jay Kerschner, CH 10429)

5
6 **Ms. Reynolds moved to approve the ratification list. The motion was seconded and carried**
7 **7/0.**

8
9 **CCE ANNOUNCEMENT – Accreditation Actions**

10
11 Information purposes only.

12
13 **NBCE – Hosts CBCN Standard Setting Meeting**

14
15 Informational purposes only.

16
17 **CHAIR/VICE-CHAIR REPORT:**

18
19 **Update from Chair/Vice-Chair’s Meeting**

20
21 Dr. Jones provided an overview of the Chair/Vice-Chair’s Meeting.

22
23 **Committee Assignments**

24
25 Dr. Wellikoff appointed Dr. Fogarty to the Legislative Committee.

26
27 **Future Agenda Items**

28
29 There were no future agenda items presented.

30
31 **EXECUTIVE DIRECTOR’S REPORT**

32
33 No report.

34
35 **BOARD COUNSEL’S REPORT:**

- 36
37
 - **JAPC Correspondence – Rule 64B2-11.0015, F.A.C.**
 - **Interim Guidance Regarding the Office of Fiscal Accountability and Regulatory Reform (OFARR)**

38
39
40
41 Ms. Loucks asked if the board wanted to send the rules to FAW and provide a copy to OFARR.

42
43 **Dr. Jones moved to send any rule changes to FAW and OFARR simultaneously. The**
44 **motion was seconded and carried 7/0.**

45
46 **Rules Report**

- 47
48
 - **64B2-11.001 – Application for Licensure Examination**

49
50 Ms. Loucks asked the board to review the Chiropractic Physician’s application with the noted
51 recommended changes from JAPC.

1
2 **Dr. Wellikoff moved to accept the recommended changes from JAPC. The motion was**
3 **seconded and carried 7/0.**

4
5 **Dr. Wellikoff moved that the proposed rule would not have any adverse impacts on small**
6 **businesses and would not be likely to directly or indirectly increase regulatory costs to any**
7 **entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year**
8 **after the implementation of the rule. The motion was seconded and carried 7/0.**

9
10 • **64B2-12.0155 – Fee for Registered Chiropractic Assistants**

11
12 Ms. Loucks requested the board to review the Registered Chiropractic Assistant’s application
13 with noted changes to question 6.

14
15 **Dr. Wellikoff moved to file a Notice for Rule Change with the application and form**
16 **number. The motion was seconded and carried 7/0.**

17
18 **Dr. Wellikoff moved that the proposed rule would not have any adverse impacts on small**
19 **businesses and would not be likely to directly or indirectly increase regulatory costs to any**
20 **entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year**
21 **after the implementation of the rule. The motion was seconded and carried 7/0.**

22
23 **Future Agenda Item:**

24
25 The board requested the Florida Chiropractic Society and Florida Chiropractic Association
26 provide an update to the issue related to electro diagnostic procedures.

27
28 **COMMITTEE REPORTS:**

29
30 **Budget – Linda Reynolds**

- 31
32 • **Revenue Report**
33 • **Expenditures by Function Ending June 30, 2011**
34 • **Cash Balance Ending June 30, 2011**
35 • **Total Expenditures (Direct and Allocated) Ending June 30, 2011**
36 • **Allocations to Boards by Source Organization and Category Ending**
37 **June 30, 2011**

38
39 Ms. Reynolds provided an overview of the Budget Report. She commented about the
40 fingerprinting services fees.

41
42 Ms. Guilford stated that the same fees are imposed by the professions that require background
43 screening.

44
45 **CCPA – Michael Mathesie, D.C.**

46
47 Dr. Mathesie provided a brief report.

48
49 **Continuing Education –**
50

1 **Report of Continuing Education Providers & Courses Approved by CE Chair**

2
3 The board directed staff to send all continuing education to the Continuing Education Committee
4 Chair, especially courses being offered by colleges.
5

6 **Dr. Jones moved to accept the ratification list as provided. The motion was seconded and**
7 **carried 7/0.**

8
9 **Discussion of CE Course – 2008 Neurolinguistic Psychology**

10
11 The board discussed the course.
12

13 **Dr. Jones moved to deny the 2008 Neurolinguistic Psychology for failure to meet the course**
14 **criteria. The motion was seconded and carried 7/0.**

15
16 **Credentials –**

17
18 Dr. Wellikoff was assigned the duty of Credentials Committee Chair.
19

20 **Disciplinary Compliance – Ronald Wellikoff, D.C.**

21
22 **Compliance Monitoring Report**

23
24 Dr. Wellikoff provided a brief report and will inform the Compliance Officer of the board’s
25 request for information related to the monitor’s costs to be included in their report.
26

27 **Examination – Debra Hoffman, D.C.**

28
29 No report.
30

31 **Legislation –**

32
33 Mr. Lambert stated that he received an email from the staff of a House committee, regarding HB
34 413, concerning the RCA registration for licensure. The House was concerned that the
35 registration of RCAs would violate the Sunrise Law regarding the creation of new regulation.
36 They wanted answers to some lengthy questions. Mr. Lambert indicated that the referenced
37 section might be dropped from the bill to ensure passage of the rest of the bill.
38

39 Mr. Deterding indicated that he would be happy to go through the proposed legislation with the
40 board.
41

42 **Probable Cause – Debra Hoffman, D.C. and Linda Reynolds**

43
44 **Stats**

45
46 Dr. Hoffman provided a brief overview of the Probable Cause Stats report.
47

48 Dr. Danita Thomas-Heagy, former board member, to possibly serve on the probable cause panel.
49

1 Mr. Deterding stated that he would research the board's request regarding changing the probable
2 cause panels around so that one board member would not always have to be in the position of
3 being recused. He promised to provide an update at the next scheduled meeting.
4

5 **Rules – Rod Jones, D.C.**

6
7 No report.
8

9 **Unlicensed Activity – Eileen Perman**

10
11 No report.
12

13 **ELECTION OF OFFICERS**

14
15 **Dr. Wellikoff moved to nominate Dr. Jones as Chair. The motion was seconded and carried**
16 **7/0.**

17
18 **Dr. Fogarty moved to nominate Dr. Mathesie as Vice-Chair. The motion was seconded and**
19 **carried 7/0.**

20
21 **NEXT MEETING DATE – February 17th - Orlando**

22
23 **ADJOURNMENT:**

24
25 The meeting was adjourned at 6:45 p.m.