

South Carolina Department of Labor, Licensing & Regulation  
South Carolina Board of Chiropractic Examiners Board Meeting  
110 Centerview Drive, Synergy Business Park,  
Kingstree Building Room 105  
November 7, 2013 Board Meeting Minutes  
Columbia, SC 29211

**Board Members Present:**

Harvey Garcia, DC, Chair  
Ralph D. Roles, DC, Vice Chair  
Richard D. Heavner, DC  
Brian D. Hughes, DC  
Joseph Carew, DC  
Jeanne McDaniel-Green, DC  
John R. McGinnis, DC  
David H. Mruz, DC  
E.J. Mercer, Esquire

**Advice Counsel:**

Sara McCartha , Esquire

**Others Present:**

Veronica Reynolds, Administrator  
Sherry Wilson, Board Assistant  
Larry Atkins, LLR Investigator  
Megan Flannery, Asst. General Counsel

**Public notice of this meeting was properly posted at the Board of Examiners in Chiropractor office, lobby of the Kingstree Building and provided to all requesting persons, organizations and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.**

**Call To Order**

Dr. Garcia called the meeting to order at 9:12 a.m. and stated a quorum was present to conduct business.

**Approval of Agenda**

Dr. Garcia asked for a motion to approve the agenda. Dr. Hughes made a motion to approve the agenda. The motion was seconded and approved.

**Approval of the Minutes**

Dr. Garcia asked for a motion to approve the minutes for May 23, August 20 and September 13, 2013. Mr. Mercer requested that corrections be made to reflect his name as Mr. Mercer, Esquire and rather than Dr. Mercer. Dr. Carew made a motion to make two (2) additional corrections. He stated in May 23 minutes the meeting was adjourned at 11:30 a.m. and the correct time was 3:00 p.m. In addition, the minutes for August 30, 2014 indicated he made a motion and he was not present to amend the minutes with corrections. Dr. Carew made a motion to approve the minutes for May 23 and August 8, 2013 with the corrections and September 13, 2013. The motion was seconded and approved.

## **Office of Investigation and Enforcement**

Ms. Reynolds presented the written statistical report of behalf of Mr. Sanders, OIE Chief Investigator.

**Motion:** Dr. Carew made a motion to accept the report as presented. The motion was seconded and approved.

The following IRC cases were presented to the board for approval.

### **Dismissals**

2013-2  
2013-3  
2013-14  
2013-20  
2013-20  
2013-23

### **Formal Complaints**

2013-13  
2013-18

### **Letter of Caution**

2013-19

**Motion:** Dr. Carew made a motion to accept the cases dismissed. The motion was seconded and approved

**Motion:** Mr. Mercer made a motion to accept the recommendations for formal complaints. The motion was seconded and approved.

**Motion:** Dr. Roles made the motion to accept the IRC recommendations for a letter of caution. The motion was seconded and approved.

## **Office of General Counsel**

### **Memorandum of Agreement**

- Anthony Audino, DC
- Linda B. Audino, DC
- Darrel Mitchell Davis, DC

Ms. Baldwin requested the board review the Audinos cases together.

**Anthony and Linda Audino:** Doctors Anthony and Linda Audino made personal appearances before the Board and waived their rights to be represented by legal counsel. The purpose of the hearing was to determine if a license should be granted to practice as a Chiropractor in South Carolina.

**Motion:** In open session, Mr. Mercer made a motion to hear both of the Audino's cases together. The motion was seconded and approved.

**Motion:** In open session, Mr. Mercer made a motion the Board go into Executive Session to receive legal counsel. The motion was seconded and approved.

**Motion:** In open session, Dr. Roles made a motion the Board come out of Executive Session. The motion was seconded and approved.

**[Executive Session:]** No votes were taken during Executive Session.

**Motion:** In open session, Mr. Mercer made a motion there was a violation of the South Carolina Board of Chiropractic Examiners Practice Act. The motion was seconded and approved.

**Motion:** In open session, Mr. Mercer made a motion of a public reprimand for both Doctors: Anthony and Linda Audino. The motion was approved with six (6) “yes” votes and two (2) “no” vote.

**Darrell M. Davis:** Mr. Davis made a personal appearance before the Board and was represented by William C. McDow, Esquire. The purpose of the hearing was to determine if a license should be granted to practice as a Chiropractor in South Carolina.

**Motion:** In open session, Dr. Roles made a motion the Board go into Executive Session to receive legal counsel. The motion was seconded and approved.

**Motion:** In open session, Dr. Roles made a motion the Board come out of Executive Session. The motion was seconded and approved.

**[Executive Session:]** No votes were taken during Executive Session.

**Motion:** In open session, Dr. McGinnis made a motion to accept the Memorandum of Agreement of a public reprimand with a fine of one thousand dollars (\$1000.00) and to pay the cost of investigative fees within six (6) months. The motion was seconded and approved.

### **Administrator Report**

Ms. Reynolds presented the Finance report. She stated the board currently has 1569 active licensees. During the 2013 fiscal year a total of seventy- nine (79) applications had been processed for initial licensure. In addition, nineteen (19) had reinstated the license. Ms. Reynolds stated fiscal year there had been a total of forty one (41) complaints filed and investigated. Twenty – nine (29) cases were closed. Ms. Reynolds briefed the board on filing their 2014 Economic Interest Report with the State Ethics Commission.

### **OGC Report**

Ms. Flannery of Office of General Counsel introduced herself to the Board. She presented the statistical report: Thirty – three (33) open cases with twenty-seven pending actions, four (4) pending hearings and nine (9) closed and two (2) on appeals. Ms. Flannery continued her concerns regarding the issue of groupons. The board discussed the issue of groupons which indicates a violation of the practice act in splitting fees. The behavior would be seen as unethical behavior. Dr. Roles made a motion the board

would review as unethical behavior and any type of advertising contracts that involves splitting the fees with the advertising person and the chiropractor involved. The motion was seconded and discussion continued. Dr. Roles withdrew his motion. The board final directive to the Ms. Flannery to advise the investigators if the contracts reveals a violation Ms. Reynolds should issue a cease and desist.

However, the item of groupons will be placed on the February 27 board meeting agenda for further review. In addition, Mr. Atkins from the office of General Counsel requested a list of expert reviewers approved by the board. Dr. Garcia discussed appointing expert reviewers and requested all board members assist in developing the list of names with at least three (3) names from each congressional district to submit to Mr. Atkins by the next Board meeting and the board will vote on the list.

### **Holistic Approach to Maternity Care**

Ms. Morris introduced herself and Ms. Brinton to the full board and stated their purpose and concerns for requesting to appear before the board. She explained House Bill 4024 that was introduced in the legislation in 2013 and that it would be active again in 2014. Ms. Morris made a request that the board considers allowing the midwives to come under the Chiropractic Board. Dr. Garcia thanked Ms. Morris and Ms. Brighton for their appearance and presentation. However, the full board would need time to review and digest the information presented and consider all options.

**[Board took a six (6) minute break]**

### **New Business**

#### **Application Hearing**

Dr. Davis called the board staff the day prior to the meeting and requested to his application hearing be reschedule for a later date in order that he may obtain legal counsel regarding his matter before the full board.

#### **Discussion Topics:**

Dr. Garcia discussed appointing a committee to meet with Massage Therapy panel and review some concerns that may indicate some encroachments within the professions.

### **Appointment of NBCE Examiners**

Dr. Garcia discussed appointments were need after reviewing the board agreed on the following appointments:

- a) **NBCE Part IV Examiners**  
May 2014 – Dr. Roles and Dr. Green were appointed and Dr. Heavner as the alternate.  
November 2014 – Dr. Hughes and Dr. Mruz were appointed and Dr. Roles as the alternate
- b) **NBCE Part III Test Committee**  
Dr. Roles was appointed to be the representative for February 2014 meeting in Colorado.
- c) **NBCE Part IV Test Committee**  
The Board appointed Dr. Garcia to attend as the representative in Colorado in June 2014

**d) Annual FCLB/NBCE Meeting in May 2014, Myrtle Beach, SC**

- Dr. Garcia was appointed as the delegate for FCLB and Dr. McGinnis as the alternate
- Dr. Roles was appointed as the delegate for NBCE and Dr. Green as the alternate

Dr. Garcia expressed his concern that all members be allowed to attend the national conference since it is being hosted in May 2014 in Myrtle Beach and South Carolina is very involved on that level. The Board expressed that would request that Ms. Reynolds and Ms. McCartha be allowed to attend. Ms. McCartha attendance would expose her to national concerns regarding the Chiropractic profession licensure issues and trends. Ms. Reynolds was directed to get approval from the necessary individuals as requested and report back to the full board at its next meeting in February 2014.

**Election of Board Officers**

Dr. Garcia asked for nomination from the floor for Vice Chair. Mr. Mercer proposed by motion that the Chair and Vice Chair remained the same. However, a question was asked when Dr. Garcia term expires in June 2014 what would happen. Ms. McCartha advised the board that when Dr. Garcia rotates off because of the vacancy of his position as Chair that Dr. Roles would begin to serve as Interim Chair until another election occurs.

**Motion:** Mr. Mercer re-stated his motion as proposed earlier. The motion was enthusiastically seconded and approved.

**Proposed 2014 Approval Board Meeting Dates**

The board discussed approving the following dates with one (1) change that the Thursday, May 8, 2014 meeting be moved to May 22, 2014 due to scheduling conflicts. Dr. Garcia called for a motion to approve the dates with the recommended changed.

**Motion:** Dr. Roles made a motion to accept the dates with the proposed change of May 8 date. The motion was scheduled and approved.

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| • Thursday, February 27, 2014 | Room 108 |
| • Thursday, May 8, 2014       | Room 105 |
| • Friday, August 15, 2014     | Room 108 |
| • Thursday, November 6, 2014  | Room 108 |

**Adjournment**

**Motion:** In open session, Dr. Carew made a motion to adjourn at 2:00 p.m. The motion was seconded and approved.

Dr. Garcia stated the motion carried. There being no further business the meeting was officially adjourned at 2:00 pm.

  
Veronica Reynolds, Administrator

  
Date