

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
South Carolina Board of Chiropractic Examiners Board Meeting
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 108
Columbia SC 29210

Thursday, February 11, 2016

Board Members Present:

Ralph D. Roles, D.C., Chairman
John R. McGinnis, D.C., Vice Chair
Joseph Carew, D.C.
Jeanne McDaniel-Green, D.C.
Richard D. Heavner, D.C.
Douglas B. Hughes, Jr., D.C.
David H. Mruz, D.C.
Norman E. Ouzts, D.C.
Patricia Weaver, Public Member

Absent Members:

None

Staff Present:

Mary League, Esquire, Advice Counsel
Karen Blizzard, Board Assistant
Mack Williams, Board Assistant

Public notice of this meeting was properly posted at the South Carolina Board of Chiropractic Examiners, Synergy Business Park, Kingstree Building 110 Centerview Drive, Room 108 Columbia, SC 29210 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. Roles, Chairman, called the meeting to order at 9:01 a.m. The meeting was held in Room 108 located in the Synergy Business Park, Kingstree Building at 110 Centerview Drive, in Columbia, South Carolina 29210.

Approval of the Agenda:

Motion: In open session, Dr. Hughes made a motion to approve the agenda. The motion was seconded and approved.

Approval of the Minutes

Motion: In open session, Dr. Mruz made a motion to approve the minutes. The motion was seconded and approved.

New Business:

Administrator Report:

Office of Investigations and Enforcement Reports (OIE/IRC): Mr. Sanders, of OIE presented the statistic report. He presented thirteen (13) cases to the Board.

Case #: 2014-44

Case #: 2014-95

Case #: 2015-33

Case #: 2015-38

Case #: 2015-42

Motion: In open session, Dr. Outzs made a motion to accept the IRC recommendations for five (5) dismissals. The motion was seconded and approved.

Case #: 2015-62

Motion: In open session, Dr. Hughes made a motion to accept the IRC recommendations for one (1) dismissal with a cease and desist. The motion was seconded and approved.

Case #: 2015-8

Case #: 2015-36

Motion: In open session, Dr. Green made a motion to accept the IRC recommendations for two (2) formal complaints. The motion was seconded and approved.

Case #: 2014-1

Case #: 2015-7

Case #: 2015-31

Case #: 2015-34

Case #: 2015-35

Motion: In open session, Dr. Carew made a motion to accept the IRC recommendations for five (5) letters of caution. The motion was seconded and approved.

The Board reviewed the statistical report as information only.

Office of Disciplinary Counsel (ODC): Ms. Flannery presented the Office of Disciplinary Council (ODC) statistical report she stated there were fifteen (15) open cases, four (4) pending actions, three (3) pending panel hearings, two (2) pending Final Order hearings, six (6) pending new cases from OIE, two (2) cases have been closed since November 2015; FY 2014 there were twenty-five (25) closures and FY 2015 total there were twenty-eight (28) closures.

The Board reviewed and accepted the ODC report as information only.

Mr. Sym Singh, Investigator of OIE discussed the investigative and complaint process through the Office of Investigation and Enforcement (OIE). He presented a PowerPoint presentation of common examples of complaints/ allegations and issues that OIE may encountered.

Motion: In open session, Dr. Ouzts made a motion to incorporate the slides of the PowerPoint Presentation into the Board's current rules and regulations slide program. The motion was seconded and approve.

The updated rules and regulations PowerPoint presentation will be voted on at the next meeting.

Finance Report: Mr. Mack Williams, Board Assistant presented the financial report.

Statement of Economic Interest Report (SEI): Mr. Mack Williams reminded the Board members to file their Economic Interest statement with the SC Ethics Commission prior to the deadline of March 30, 2016 at 12:00 p.m.

Chair Remarks: Dr. Roles reminded members to call the SC State Ethics Commission if they have questions concerning the filing of their Statement of Economic Interest Report (SEI). He stated the telephone number is located on the form.

Approval of Attendance at National Board of Chiropractic Examiner's Meeting to Draft Part IV of the Examination:

Motion: In open session, Dr. McGinnis made a motion for Dr. Roles to attend the National Board of Chiropractic Examiners' meeting to draft Part IV questions for 2017. The motion was seconded and approved.

Advice Counsel-Use of Specialty Designations or Affiliations by Chiropractors. The Board discussed the use of specialty designations or affiliations by chiropractors and the designations that are allowed according to statutes and regulation.

Disciplinary Hearings

Final Order Hearings

Case # 2014-80: The respondent did not make a personal appearance before the Board. The record reflects that the hearing was scheduled for 10:00 a.m. and by 11:30 a.m. respondent still had not appeared for Board hearing.

Ms. Flannery, Esq. from the Office of Disciplinary Council presented the Final Order Hearing to the Board.

Motion: In open session, Dr. McGinnis made a motion to accept the hearing officer's recommendation to reprimand a suspended license and in addition impose a \$1000.00 fine be paid within six months from the date the Order and public reprimand. The motion was seconded and approved with one dissent.

Case # 2012-45: The respondent made a personal appearance before the Board and was not represented by legal counsel.

Ms. Flannery, Office of Disciplinary Council presented the Final Order Hearing to the Board.

Motion: In open session, Dr. Outzs made a motion to accept the hearing officer's recommendation to issue a letter of caution. The motion was seconded and approved with one dissent.

Application Hearings

Endorsement:

Christopher Komarnisky, DC: The purpose of this hearing was to determine should Christopher Komarnisky be granted a Chiropractic license. Dr. Komarnisky made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Carew made a motion to go into executive session to receive legal advice from counsel regarding the application. The motion was seconded and approved.

Executive Session: No votes were taken during executive session. [9:57 a.m. – 10:16 a.m.]

Motion: In open session, Dr. Hughes made a motion to come out of executive session. The motion was seconded and approved.

Motion: In open session, Dr. Carew made a motion to grant Dr. Komarnisky's request for a Chiropractic license through endorsement, contingent upon the payment of a \$1000.00 fine for failure to answer truthfully on his application. The motion was seconded and approved.

Initial SC License Application Hearing

Lori Clark, DC: The purpose of this hearing was to determine should Lori Clark be granted an initial SC Chiropractic license. Dr. Clark made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Outzs made a motion to grant Dr. Clark's request for an initial SC Chiropractic license. The motion was seconded and approved.

Russell Edgar, DC: The purpose of this hearing was to determine should Russell Edgar be granted an initial SC Chiropractic license. Dr. Edgar made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Hughes made a motion to go into executive session to receive legal advice from counsel regarding the application. The motion was seconded and approved.

Executive Session: No votes were taken during executive session. [10:35 a.m. – 10:42 a.m.]

Motion: In open session, Dr. Hughes made a motion to come out of executive session. The motion was seconded and approved.

Motion: In open session, Dr. Outzs made a motion to grant Dr. Edgar's request for an initial SC Chiropractic license upon successful completion of the Special Purposes Examination for Chiropractic the SPEC exam of the Nation Board. The motion was seconded and approved.

Ekechi Nwoga, DC: The purpose of this hearing was to determine should Ekechi Nwoga be granted a Chiropractic license. Dr. Nwoga made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Mruz made a motion to go into executive session to receive legal advice from counsel regarding the application. The motion was seconded and approved.

Executive Session: No votes were taken during executive session. [11:04 a.m. – 11:24 a.m.]

Motion: In open session, Dr. Outzs made a motion to come out of executive session. The motion was seconded and approved.

Motion: In open session, Dr. Heavner made a motion to grant Dr. Nwoga's request for an initial SC Chiropractic license upon passing the National Board SPEC exam and the license to be immediately placed on probation for a period of five years to run concurrent with the California order. In addition, he will remain in RPP or the current monitoring company and all other conditions stated in the board's order must be met to include quarterly reports. Failure to comply with the board's order will result in the license being immediately suspended pending appearance before the Board. The motion was seconded and approved.

Discussion Topic:

Information on Social Media Coupons and Advertising: Discussion regarding the social media was tabled until the next meeting pending additional information.

Motion: In open session, Dr. Mruz made a motion to table the discussion to the next meeting. The motion was seconded and approved.

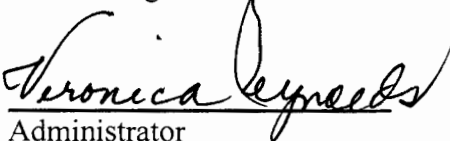
Report:

Recommendations from IRC Guidelines Subcommittee: Dr. Carew presented the subcommittee IRC guidelines to the board for review and approval. The board discussed the statutes and regulation and discretionary parameters for disciplinary and fines.

Motion: In open session, Dr. Hughes made a motion to accept the recommendations with one change regarding renewals fraud and that the fine imposed be \$2000.00. The motion was seconded and approved.

ADJOURNMENT

There being no other Board business, Dr. Roles adjourned the meeting at 11:55 a.m.



Administrator

05/6/2016

Date