

**SOUTH CAROLINA BOARD OF CHIROPRACTIC EXAMINERS
BOARD MEETING MINUTES
110 CENTERVIEW DRIVE, ROOM 202-02, COLUMBIA, SC
THURSDAY, MAY 29, 2008 – 9:30 A.M.**

Public Notice of this meeting was properly posted at the Board office and provided to any requesting person, organizations, or news media in compliance with Section 30-4-80 of the S.C. Freedom of Information Act.

MEMBERS PRESENT: Michael L. Coon, D.C., Chairman; Dr. W. Dean Banks, D.C., Vice-Chairman; Harvey Garcia, D.C.; Beth R. Ehlich, D.C.; Richard D. Lacey, D.C.; Mr. E.J. Mercer.

MEMBERS ABSENT: Evan M. Cohen, D.C. and Mark G. Kimble, D.C.

OTHERS PRESENT: Sondra Stephenson, Board Administrator; Sharon Dantzler, LLR Legal Counsel; Paula Margargle, LLR Legal Counsel; Edye Lane, Legal Counsel, Farrel I. Grossman, D.C., President of the South Carolina Chiropractic Association and Annie N. Heyward, Administrative Assistant.

Dr. Coon called the meeting to order and noted that a quorum was present to conduct business.

APPROVAL OF MINUTES: The minutes for the February 7, 2008 Board Meeting were approved.

HEARINGS

Dr. Coon gave the Hearing Opening Statement. The meeting proceeded with Case# 2005-2.

Case # 2005-2

Motion: Paula Margargle, LLR Legal Counsel made a motion prior to the beginning of the case that based on the nature of this case that the Hearing be closed to the public. The motion was seconded. The motion carried.

Dr. Coon asked everyone not involved with the case to leave the room due to the sensitivity of the case.

Paula Margargle, LLR Legal Counsel summarized the Order of Case# 2005-2. Don Coggins, Legal Counsel for the Respondent gave opening statement and agreed that a Memorandum of Agreement had been signed and gave additional facts that he believed would be relevant to the Board's decision on the Respondent's license and on disciplinary action.

Motion: Mr. Mercer moved that the Board go into Executive Session. Time recessed 11:09a.m.

Motion: Dr. Coon moved that the meeting reconvene to Public Session. The meeting reconvened at 11:38a.m.

Motion: Dr. Garcia made a motion that the Respondent be evaluated to comply with any recommendations and treatments by the Recovery Professional Program (RPP); continue with the suspension of his license; Respondent may petition to appear before the Board as early as November 2008 or subsequent time to have the suspension reviewed; and pay the Court cost. The motion received a second. The motion carried.

The meeting proceeded with Case# 2005-39 and 2005-40.

Case# 2005-39 and 2005-40

Dr. Coon gave opening statement. The meeting proceeded with case# 2005-39 and 2005-40.

Paula Margargle, LLR Legal Counsel summarized the Order of Case# 2005-39 and 2005-40. C. Craig Young, Legal Counsel for the Respondent gave opening statement. The Respondent answered questions presented by the Board.

Motion: Mr. Mercer moved that the Board go into Executive Session. Time recessed 12:04p.m.

Motion: Dr. Coon moved that the Board reconvene to Public Session. The Meeting reconvened at 12:20p.m.

Motion: Dr. Lacey made a motion that the Board impose an additional eight hours of continuing education. Four hours of Encoding; four hours of documentation that is to run concurrent with the continuing education requirements that ends on September 30th, both courses must be completed by that date; and levied a \$500 fine, plus court costs. The motion received a second. The motion carried unanimously.

The meeting proceeded with Case# 2005-11.

Case# 2005-11

Dr. Coon gave opening statement. The meeting proceeded with Case# 2005-11.

Paula Margargle, LLR Legal Counsel summarized the Order of Case# 2005-11. Robert Phillips, the Respondent's Legal Representative gave an opening statement. Atty. Phillips asked the Board to look at the facts and to consider issuing the respondent a stern warning rather than a reprimand.

Motion: Dr. Coon moved that the Board convene to Executive Session. Time recessed 1:05p.m.

Motion: Dr. Coon moved that the Board reconvene to Public Session. The meeting reconvened at 1:27p.m.

Motion: Dr. Ehlich moved to proceed with a Letter of Caution in Case#2005-11. The motion received a second. The motion carried unanimously.

APPROVAL OF MAY 13, 2008 IRC REPORT: Motion made to accept the IRC Report. Motion seconded. Motion carried.

Application Hearing

Jeremy B. Wills, D.C. an applicant for licensure appeared before the Board without legal representation or witness. Dr. Wills answered “yes” to question number five on the application, “Have you ever been arrested, charged or convicted, including nolo contendere plea or guilty plea in any State or Federal Court other than minor traffic violation, whether or not sentence was imposed or suspended?”

Motion: A motion was made to convene to Executive Session to deliberate on the matter of Dr. Wills. The motion received a second. The motion carried.

Motion: Dr. Coon moved that the Board reconvene to public session. The motion received a second. The motion carried.

Motion: Mr. Mercer moved to grant Dr. Wills a Chiropractic license without conditions. The motion received a second. The motion carried unanimously.

Anthony W. Carpenter, D.C. an applicant for licensure submitted a letter of explanation to the Board office that served as his testimony. Dr. Carpenter answered “yes” to question number five on the application, “Have you ever been arrested, charged or convicted in any State or Federal Court, whether or not sentence was imposed or suspended?”

Motion: Dr. Coon made a motion to accept Dr. Carpenter’s Affidavit and move into Executive Session. The motion received a second. The motion carried.

Motion: Dr. Coon made a motion to reconvene to Public Session. The motion received a second. The motion carried.

Motion: Dr. Garcia made a motion to approve Dr. Carpenter’s application for license. The motion was seconded. The motion carried unanimously.

Jack V. Hormell, Jr., D.C. an applicant who license to practice Chiropractic expired on June 30, 2004, appeared before the Board without legal representation or witness. Under Section 25-5(A) (2) (c) of the South Carolina Code of Regulations, an applicant whose license has been expired for more than three years must meet the requirement for a new license. Dr. Hormell needs to provide evidence that he has passed Parts I and II of the National Board of Chiropractic Examiners and pass a practical examination approved by the Board. Transcripts received by the NBCE certify that he did not successfully complete examinations Part I, II and IV.

Motion: A motion was made to convene to Executive Session to deliberate on the matter of Dr. Hormell. The motion received a second. The motion carried.

Motion: Dr. Coon made a motion to reconvene to Public Session. The motion was seconded. The motion carried.

Motion: Mr. Mercer made a motion to waive the last year of Dr. Hormell's lapse so that he is moved back into the category where he can renew upon payment of fees and penalties based on extenuating circumstances and submit satisfactory evidence of continuing education for that period. The motion was seconded. The motion carried unanimously.

LEGISLATIVE UPDATE: Ms. Stephenson advised the Board that as of May 2, 2008 information was received that the Regulation the Board submitted to application renewal and continuing education was referred to the Medical Affairs Committee and is schedule to time out on March 31, 2009.

RECORD-KEEPING & DOCUMENTATION: Dr. Farrel Grossman, President of the South Carolina Chiropractic Association discussed with the Board the appropriate record-keeping and documentation format. Dr. Grossman recommended that the Medicare standard format be used since it offers a good basis that would not infringe on anyone philosophy in Chiropractic, yet offer a communication device that will work so everyone will understand their records and documentation. Individuals can substantiate not only their diagnosis but their treatment for that patient through that type of documentation.

ADVERTISING & SOLICITATION: Dr. Coon addresses the letter of recommendation from Dr. H.W. Hulteen regarding Advertising & Solicitation. Discussion was tabled for November Board meeting.

ACBA MEETING: Ms. Stephenson briefed the Board on the ACBA Meeting that was held in Atlanta, Georgia.

NBCE & FCLB SPRING MEETING: Dr. Coon and Dr. Banks briefed the Board on the NBCE & FCLB Meeting that was held in Atlanta, Georgia.

The next meeting of the South Carolina Board of Chiropractic Examiners will be held on Thursday, November 6, 2008.

The Board adjourned at 3:25 p.m.

(Administrator)

(date)