

**SOUTH CAROLINA BOARD OF CHIROPRACTIC EXAMINERS
BOARD MEETING MINUTES
110 CENTERVIEW DRIVE, ROOM 105, COLUMBIA, SC
THURSDAY, April 1, 2010 – 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; Joseph Carew, D.C.; Beth R. Ehlich, D.C.; Harvey Garcia, D.C.; Mark G. Kimble, D.C.; Richard D. Lacey, D.C.; E. J. Mercer, Esquire

MEMBERS ABSENT: W. Dean Banks, DC.

OTHERS PRESENT: Patricia Glenn, Board Administrator; Shelia Jones, Administrative Assistant; Sharon Dantzler, LLR Legal Counsel (OGC); Georgia Lewis, LLR Legal Counsel (OGC); Kathy Meadows, LLR OIE.

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

APPROVAL OF MINUTES: The minutes from the November 5, 2009 Board Meeting were approved.

STATEMENT OF ECONOMIC INTEREST FORMS: Board members were reminded to submit the Statement of Economic Interest Forms to the Ethics Commission by April 15, 2010.

OFFICE OF LICENSURE AND COMPLIANCE REPORT: Board members reviewed the OLC Report which included the number of active licenses (total of 1606), pending applications (total of 18) and number of licenses issued from Jan –March, 2010 (total of 26). See attached

OFFICE OF GENERAL COUNSEL REPORT: Georgia Lewis, OGC Legal Counsel presented the OGC case load statistics as of 3/24/10 for the Chiropractic Board members to review (total of 14 open cases and 16 closed cases). See attached

OFFICE OF INVESTIGATION AND ENFORCEMENT REPORT: Kathy Meadows, OIE presented the OIE investigation statistics for the 2009 calendar year. The Report included all active and closed investigations (total of 34 cases) for Board members to review. See attached.

IRC REPORT: The Board voted to accept the recommendation of the IRC and approve the March 24, 2010 IRC Report:

The Board voted to dismiss the following complaints:

Complaint #1 –

Complaint #2

The Board voted to proceed with a Formal Complaint for the following complaints:

Complaint #3-

**The Board voted to issue a Letter of Concern for the following complaints:
Complaint # 4**

IRC REPORT: The board voted to accept the recommendation of the IRC and approved the March 30, 2010 IRC Report:

**The Board voted to dismiss the following complaint:
Complaint # 1**

Dr. Lacey made the motion to accept the IRC Reports. Dr. Carew seconded the motion. The motion carried.

PRESENTATION: Gary Weaver, DC- Hyperbaric Oxygen Therapy- Dr. Weaver discussed Hyperbaric Oxygen Therapy (HBOT) and explained why HBOT is within the SC scope of practice law Chapter 25-5 (F) (1) (f) . The Board will discuss further at the next Board meeting.

DISCUSSION: CASE REVIEWER/SECOND OPINION OF DC- The Board reviewed correspondence from Mr. and Mrs. Timothy Huey re: an insurance company having a reviewer review their chiropractic charts for a second opinion. Ms. Dantzler stated that the process of reviewing charts for insurance companies is considered professional practice and the reviewer is required to have a license. If the reviewer does not hold a license to practice, the reviewer will be referred to OIE for investigation.

APPLICATION HEARINGS:

Karl D. Custer, DC an applicant for licensure appeared before the Board to discuss his “yes” answer to question number three on the application “Have you ever been the subject of disciplinary action with regard to a license, been revoked or sanctioned by any licensing authority, association, licensed facility or staff of such facility?” and question number nine “Have you ever held or applied for a South Carolina license?”

After his testimony and review of the information he presented, the Board voted to deny Dr. Custer’s application because of insufficient information provided to the Board. See attached Order

Charles D. Jones, DC an applicant for licensure appeared before the Board to discuss his “yes” answer 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?”

After his testimony and review of the information he presented, the Board unanimously voted to approve Dr. Jones’ application and to grant him a Chiropractic license.

Wilshonda C. Wages, DC an applicant for licensure appeared before the Board to discuss her “yes” answer to question number one on the application, “Have you ever had an application for any professional license, certification, or registration refused or denied by any licensing authority?” and 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?”

After her testimony and review of the information she presented, the Board unanimously voted to approve Dr. Wages' application and to grant her a Chiropractic license.

Josh M. Wagner, DC an applicant for licensure appeared before the Board to discuss his "yes" answer 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?"

After his testimony and review of the information he presented, the Board unanimously voted to approve Dr. Wagner's application and to grant him a Chiropractic license.

Steven V. Hamvay, DC an applicant for licensure appeared before the Board to discuss his "yes" answer to question number three on the application. "Have you ever been the subject of disciplinary action with regard to a license, been revoked or sanctioned by any licensing authority, association, licensed facility or staff of such facility?"

After his testimony and review of the information he presented, the Board voted to approve Dr. Hamvay's application and to grant him a Chiropractic license. Dr. Carew recused himself from the vote.

James J. Mathewson, DC an applicant for licensure appeared before the Board to discuss his "yes" answer to question number three on the application "Have you ever been the subject of disciplinary action with regard to a license, been revoked or sanctioned by any licensing authority, association, licensed facility or staff of such facility?" and his "yes" answer 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?" and his "yes" answer to question number six "Currently or within the last five years, have you been treated for drug or alcohol addiction that might interfere with your ability to competently and safely perform the essential functions of practice?" and his "yes" answer to question number seven on the application, "Currently or within the last five years, have you been treated for any physical, mental, or emotional condition that might interfere with your ability to competently and safely perform the essential functions of practice?" and his "yes" answer to question number nine "Have you ever held or applied for a South Carolina license?"

After his testimony and review of the information he presented, the Board unanimously voted to approve Dr. Mathewson's application and to grant him a Chiropractic license provided that he successfully completes the FCLB's SPEC examination, obtains forty-eight (48) hours of Chiropractic Board approved continuing education, obtains a positive report on his Recovering Professionals Program (RPP) treatment evaluation April 22, 2010 and continues with his 5 year Contract with the Recovering Professionals Program (RPP).

Immediately following the application hearing, LLR Attorney Ms. Magargle filed a Motion to Reconsider. See attached "Motion."

DISCUSSION TOPICS: JURISPRUDENCE /ETHICS EXAM

Dr. Ehlich agreed to Chair a Committee to address updating the Chiropractic Board's jurisprudence/ethics examination. This topic will be on the agenda for November 4, 2010 Board meeting.

CONSENT AGREEMENT:

OIE-2009-28 -Ms. Lewis, LLR Attorney presented a Consent Agreement signed by Dr. Blair Andrew J. Martin who admitted that he was sent a C & D Order on Oct. 17, 2006 by the Medical Board for practicing acupuncture without a license and on Oct. 12, 2009 there were still advertisements of his in the phone book under the Acupuncture listing. The Board voted to accept the signed Consent Agreement. See attached Order

****The next meeting of the South Carolina Board of Chiropractic Examiners will be held on Thursday, November 4, 2010.

The Board adjourned at 3:00 PM.

Respectfully Submitted,

Patricia F. Glenn, Administrator

(Administrator)

(date)