

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

Thursday, February 4, 2021

Board Members Present:

Beth R. Ehlich, D.C, Board Chair
Michael L. Coon, D.C, Vice Chair
John R. McGinnis, D.C.
Anthony H. Kyles, D.C.
Douglas B. Hughes, Jr., D.C.
Richard D. Heavner, D.C.
Mark W. Thayer, D.C.
Gene A. Garris, D.C.
Patricia Garcia, Public Member

Staff Present:

Hardwick Stuart, Office of Advice Counsel
Mack Williams, Board Administrator

Public notice of this meeting was properly posted at the South Carolina Board of Chiropractic Examiners, Synergy Business Park, Kingstree Building 110 Centerview Drive, held via video / teleconference and is 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. Ehlich, Board Chair, called the meeting to order at 9:01 a.m. The meeting was held via videoconference, located at the Synergy Business Park, Kingstree Building at 110 Centerview Drive, in Columbia, South Carolina 29210.

Approval of the Agenda

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

Approval of the Minutes

Motion: In open session, Dr. Thayer made a motion to approve the November 12, 2020 meeting minutes —no corrections noted. The motion was seconded and approved.

New Business:

Administrator Report:

Office of Investigations and Enforcement Reports (OIE/IRC): Mr. Sanders presented the IRC report to the Board Case #'s 2018-4, 2019-33, 2020-3, and 2020-18 are recommended for dismissal.

Motion: In open session, Dr. Hughes made a motion to accept the IRC recommendations for Case #'s 2018-4, 2019-33, 2020-3, and 2020-18 for dismissal. The motion was seconded and approved.

Mr. Sanders presented two (2) Formal Complaints, Case #'s 2019-27 and 2020-21 to the Board.

Motion: In open session, Dr. Thayer made a motion to accept the IRC recommendations for Case #'s 2019-27 and 2020-21. The motion was seconded and approved.

Mr. Sanders presented two (2) Letters of Caution, Case #'s 2020-16 and 2020-32.

Motion: In open session, Dr. Thayer made a motion to accept the IRC recommendations for Case #'s 2020-16 and 2020-32. The motion was seconded and approved.

Mr. Sanders, Office of Investigation and Enforcement (OIE) presented the statistical report to the Board.

The Board accepted the statistical report as information.

Office of Disciplinary Counsel: Ms. Baldwin, Office of Disciplinary Counsel presented the ODC report to the Board.

The Board accepted the ODC report as information.

Financial Report: Mr. Williams, Board Administrator presented the financial report.

The Board accepted the finance report as information.

Ethics Commission: Mr. Williams reminded the Board to file with the Ethics Commission before the deadline of March 30, 2021.

Disciplinary Hearings

Case #2017-29: Mr. Parkinson presented the Motion for Relief of Order. The Respondent did not make a personal appearance and was represented by counsel, E. Brown Parkinson Esq.

Motion: In open session, Dr. Coon made a motion to go into executive session. The motion was seconded and approved.

(9:56 am – 10:22 am) -- No votes were taken in executive session.

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

Motion: In open session, Dr. Coon made a motion that the petition be denied. The motion was seconded and approved.

Case #2020-21: Ms. Baldwin, Office of Disciplinary Counsel presented a Memorandum of Agreement. The Respondent appeared by teleconference and was represented by Jennie M. Smith Esq.

Motion: In open session, Dr. Heavner made a motion to go into a closed session. The motion was seconded and approved.

Motion: In closed session, Dr. Thayer made a motion to go into executive session. The motion was seconded and approved.

(11:01 am – 11:12 am) -- No votes were taken in executive session.

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

Motion: In open session, Mrs. Garcia made a motion to accept the Memorandum of Agreement and also require the respondent to take five (5) CE hours of sexual boundaries and continue counseling. Also, the CE hours for sexual boundaries that the licensee has completed would be applied. The motion was seconded and approved.

Case #'s 2015-53, 2017-19, 2017-25: Ms. Baldwin, Office of Disciplinary Counsel presented a Stipulation of Facts to the Board. The Respondent appeared by videoconference and was not represented by legal counsel.

Motion: In open session, Dr. Coon made a motion to go into a closed session. The motion was seconded and approved.

Motion: In closed session, Dr. McGinnis made a motion to not reinstate the license. The motion was seconded and approved.

Motion: In closed session, Dr. Garris made a motion to go into executive session. The motion was seconded and approved.

(12:39 pm – 1:06 pm) -- No votes were taken in executive session.

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

Motion: In closed session, Dr. Coon made a motion to accept the Stipulation of Facts. The respondent will be assessed a civil penalty of \$10,000.00, take and pass the SPEC and EBAS exams in a period of twelve (12) months. The respondent's license will remain suspended. The motion was seconded and approved.

Initial Applications

Marc Wilson, D.C.: The purpose of this hearing was to determine if Dr. Wilson should be granted a Chiropractic license. Dr. Wilson appeared by videoconference and was not represented by legal counsel.

Motion: In open session, Dr. Heavner made a motion to grant licensure. The motion was seconded and approved.

Ricardo Heinis, D.C.: The purpose of this hearing was to determine if Dr. Heinis should be granted a Chiropractic license. Dr. Heinis appeared by videoconference and was not represented by legal counsel.

Motion: In open session, Dr. Coon made a motion to go into executive session. The motion was seconded and approved.

(2:46 pm – 2:49 pm) -- No votes were taken in executive session.

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

Motion: In open session, Dr. Thayer made a motion to grant licensure upon taking and passing the SPEC exam. The motion was seconded and approved.

Renewal Applications

Tyrus Cooper, D.C.: The purpose of this hearing was to determine if Dr. Cooper should be granted a license renewal to practice as a Chiropractor. Dr. Cooper appeared by videoconference and was represented by Derek Newberry, Esq. and Jack Gresh, Esq.

In open session, Mr. Newberry requested to go into a closed session.

Motion: In closed session, Dr. Thayer made a motion to go into executive session. The motion was seconded and approved.

(2:04 pm – 2:13 pm) -- No votes were taken in executive session.

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

Motion: In open session, Dr. Heavner made a motion that the license renewal be granted upon completion of twelve (12) CE credit hours in documentation and note-taking. The motion was seconded and approved.

Dale Friar, D.C.: The purpose of this hearing was to determine if Dr. Friar should be granted a license renewal to practice as a Chiropractor. Dr. Friar appeared by videoconference and was represented by Derek Newberry, Esq. and Jack Gresh, Esq.

In open session, Mr. Newberry requested to go into a closed session.

Motion: In closed session, Dr. Garris made a motion to grant the license renewal. The motion was seconded and approved.

Reid McCrea, D.C.: The purpose of this hearing was to determine if Dr. McCrea should be granted a license renewal to practice as a Chiropractor. Dr. McCrea appeared by videoconference and was represented by Derek Newberry, Esq. and Jack Gresh, Esq.

Motion: In open session, Dr. Hughes made a motion to grant the license renewal. The motion was seconded and approved.

Luevjo Lee, D.C.: The purpose of this hearing was to determine if Dr. Lee should be granted a license renewal to practice as a Chiropractor. Dr. Lee appeared by videoconference and was represented by Derek Newberry, Esq. and Jack Gresh, Esq.

In open session, Mr. Newberry requested to go into a closed session.

Motion: In closed session, Dr. Coon made a motion to go into executive session. The motion was seconded and approved.

(2:59 pm – 3:01 pm) -- No votes were taken in executive session.

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

Motion: In closed session, Dr. Hughes made a motion to grant the license renewal. The motion was seconded and approved.

Gaylord Kelley, D.C.: The purpose of this hearing was to determine if Dr. Kelley should be granted a license renewal to practice as a Chiropractor. Dr. Kelley appeared by videoconference and was represented by Derek Newberry, Esq. and Jack Gresh, Esq.

Motion: In open session, Dr. Thayer made a motion to grant the license renewal. The motion was seconded and approved.

James Smith, D.C.: The purpose of this hearing was to determine if Dr. Smith should be granted a license renewal to practice as a Chiropractor. Dr. Smith appeared by videoconference and was represented by N. Keith Emge, Esq.

In open session, Mr. Emge requested to go into a closed session. The motion was seconded and approved.

Motion: In closed session, Dr. Coon made a motion to go into executive session.

(3:26 pm – 3:31 pm) -- No votes were taken in executive session.

Motion: In closed session, Dr. Kyles made a motion that the license renewal be granted upon completion of twelve (12) CE credit hours in X-ray and must be completed within six (6) months. The motion was seconded and approved.

Other Business

2020 Renewals

Mr. Williams discussed the renewal information with the Board.

CE Waiver Request

Motion: In open session, Dr. Coon made a motion to grant Dr. Kane an extension to March 15, 2021 to complete all CE requirements for the last renewal period. The motion was seconded and approved.

Motion: In open session, Dr. Coon made a motion to grant Dr. Henson an extension to March 15, 2021 to complete all CE requirements for the last renewal period. The motion was seconded and approved.

Appoint Delegates 2021 NBCE / FCLB Annual Meeting

Motion: In open session, Dr. Thayer made a motion for Dr. Ehlich to be the delegate and Dr. Coon be an alternate for the NBCE meeting, and Dr. Coon be the delegate and Dr. Ehlich be the alternate for the FCLB meeting. The motion was seconded and approved.

FAA Basic Exam Consideration

The Board discussed the FAA basic exam.

Jurisprudence and Rules and Regulations Exam

The Board discussed the jurisprudence exam and the rules and regulations exam. The Board deferred to a later Board meeting.

Update on Dry Needling Hours for Certification

The Board deferred this to be discussed at a later Board meeting.

Establish Expungement Procedure

Motion: In open session, Dr. Garris made a motion to go into executive session. The motion was seconded and approved.

(3:50 pm – 4:10 pm) -- No votes were taken in executive session.

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

The Board deferred to a later Board meeting.

ADJOURNMENT

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

There being no other Board business, Dr. Ehlich adjourned the meeting at 4:15 pm.

Mark Willey
Administrator

5-21-21
Date