

South Carolina Department of Labor, Licensing & Regulation
South Carolina Board of Chiropractic Examiners
Board Meeting Minutes
April 5, 2012
110 Centerview Drive, Synergy Business Park,
Kingstree Building, Room 108
Columbia, SC 29211

Board Members Present:

W. D. Banks, D.C., Chair
Joseph Carew, D.C.
Beth Ehlich, D.C.
Jeanne McDaniel-Green, D.C.
Brian D. Hughes, D.C.
Ralph D. Roles, D.C.
E.J. Mercer, Esq., Public Member

Absent Member:

Harvey Garcia, D.C., Vice Chair

Others Present:

Veronica Reynolds, Administrator
Sherry Wilson, Board Assistant
James Saxon, LLR Advice Counsel,
Jennifer Cooper, Administrative Assistant

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. Banks called the meeting to order at 9:11 a.m. a quorum was present to conduct business.

APPROVAL OF THE AGENDA

Dr. Banks called for a motion to approve the agenda.

Motion: Dr. Roles made a motion to approve the agenda. The motion was seconded and approved.

Approval of February 9, 2012 – Meeting Minutes

Dr. Banks asked for a motion for the approval of the minutes for February 9, 2012.

Motion: Dr. Carew made a motion for the minutes be approved. The motion was seconded and approved.

Office of Investigations and Enforcement IRC Report

Mr. Love, Chief Investigator, presented the IRC report in the absence of Mr. Sanders.

Dismissal:

Complaint #2010-33

Complaint #2011-48

Complaint #2012-1

Complaint #2012-6

Formal complaint

Complaint #2010-16

Complaint #2011-6

Letter of Caution

Complaint #2011-40

Dr. Banks called for a motion.

Motion: In open session, Dr. Roles made a motion to accept the IRC reports as represented. The motions was seconded and approved.

Office of Investigations and Enforcement OIE Report

Mr. Sanders presented the following: four (4) dismissals, two (2) formal complaints and one (1) letter of caution. The motion was seconded and approved. Mr. Love informed the Board there were no new statistics to report for this quarter; however, the reports will be presented to the November 1, 2012 meeting.

Dr. Banks requested to move into new business of discussing the application hearings. Ms. Reynolds requested to allow General Counsel to present OGC's report

Office of General Counsel:

Ms. Baldwin reported to the Board the following information: seventeen (17) open cases that include multiple cases against one practitioner, eight (8) pending Consent Agreements from Memorandum of Agreements; four (4) pending Final Order hearings and four (4) closed cases.

Application Hearings:

Melvin D. Mullenax: Dr. Mullenax made an appearance before the Board and waived representative of legal counsel. The purpose of the hearing was to determine whether Mr. Mullenax should be granted a license to practice as a Chiropractor in South Carolina.

Dr. Banks asked for a motion.

Motion: Dr. Roles made a motion for a license to be granted to Dr. Mullenax without restrictions. The motion was seconded and approved.

Introduction of Agency Director

Dr. Banks introduced Ms. Holly Pisarik as the new agency director.

Ms. Pirsarik introduced herself to the Board, and informed them she was available if they ever needed to speak with her.

Dr. Banks stated the Board appreciated her taking the time out of her schedule to come speak to them.

Application Hearings

Eric Rodriguez: Dr. Rodriguez made an appearance before the Board and waived representative of legal counsel. The purpose of the hearing was to determine whether to grant Mr. Rodriguez a license to practice as a Chiropractor in South Carolina.

Dr. Rodriguez addressed to the Board issues regarding his application.

Dr. Banks asked for a motion to go into Executive Session.

Motion: Dr. Roles made a motion to the Board to go into Executive Session to received legal advice under Section 30-4-70 of the South Carolina Freedom of Information Act. The motion was seconded and approved.

9:40 am-9:52 am Board in Executive Session: [No votes were taken during executive session.]

Dr. Banks informed the Board they were out of Executive Session.

Motion: In open session, Dr. Roles made a motion for Dr. Rodriguez be granted a license to practice in South Carolina contingent upon documents provided that he has resolved all issues with the New Jersey Board. The motion was seconded and approved.

Paul Babecki - Dr. Babecki made a personal appearance before the Board and waived representation of legal counsel. The purpose of the hearing was to determine whether Dr. Babecki's license should be reinstated.

Dr. Babecki addressed the Board regarding his application and request for licensure.

Motion: In open session, Dr. Roles made a motion to reinstate Dr. Babecki's license provided that all documentation required be submitted to the Board. The motion was seconded and approved.

Dr. Banks requested for a motion for a recess.

Motion: Dr. Ehlich made a motion. The motion was seconded and approved.

Break: 10:11 am-10:30 am

Dr. Banks announced the Board meeting was called back to order.

Questions Concerning Economic Relationships

Craig Steven Cohen, D.C

Dr. Banks stated the board had received a requested via letter from Dr. Cohen addressing an issue of economic relationship dated February 7, 2012. Dr. Banks stated the record should indicate Dr. Cohen was attending the meeting via teleconference.

Dr. Cohen addressed his practice arrangement and concerns to the Board.

Motion: In open session, Dr. Roles made a motion to accept the guidelines that a Chiropractor can employ other health professionals, as long as they are responsible for the professional medical judgment practices within the scope of each practice and not outside of their specialty. The motion was seconded and approved.

Proposed Regulation 4282

Dr. Banks discussed the issues regarding the proposed changes in the Bill 4282

Dr. Roles addressed the issues of changing the language of graduate to matriculate because the National Boards are based on graduation dates and not matriculation dates.

Dr. Pate introduced herself as the current Executive Director of the South Carolina Society of Anesthesiologists. Dr. Pate stated, she opposed the Board adding Manipulation Under Anesthesia (MUA) because it does not have patient safety language and who would be allowed to do the procedure or will would there be a M.D. or a D.O. as the primary provider with the Chiropractor as the first assistant.

Ms. Reynolds stated she had received a letter from Dr. Root and she requested they address her concerns.

Dr. Banks briefed the Board regarding House 4228 and 5078, and there were not any issues on those bills.

Dr. Banks asked for a motion to move into Executive Session for the review of required Rules and Regulation Exam questions.

Motion: Dr. Ehlich made a motion to go into Executive Session for the purpose of review of the Rules and Regulation Exam questions. The motion was seconded and approved.

11:32 am 12:14 pm [Board in Executive Session.]

Dr. Banks informed the Board they were back in public session.

Motion: In open session, Dr. Ehlich made a motion to address the Ethics and Jurisprudence and Law Examination. Ms. Ehlich stated she will make the changes and provide the information to Ms. Reynolds for her inclusion. The motion was seconded and approved.

Motion: In open session, Dr. Ehlich also made a motion to address the Online Renewal Examination, and request for it to be submitted in the form of an audio so it could be used for the new online exam to reflect some of the new changes in the statute, rules and regulations once they were passed. The motion was seconded and approved.

Administrators Report

Ms. Reynolds presented the Financial Report to the Board. Ms. Reynolds also discussed the renewal process and that it would be available online 60 days prior to the expiration date of the license. Ms.

Reynolds indicated e-blast would be sent to the licensees regarding renewals prior to mailing the official notification.

Proposed Regulation:

Dr. Banks requested the Board to go back to the proposed regulation to discuss a question that was addressed.

Dr. Roles discussed the issues regarding Therapeutic modalities that had been grandfathered prior to 1986. Dr. Roles stated prior to 1986 there were no exams by the National Board for physio-therapeutics.

Motion: In open session, Dr. Roles made a motion that in the Chiropractic regulation section § 25-5, new section E, therapeutic modalities, deleted "South Carolina" and that it state: Chiropractors licensed prior to June 1, 1986 are exempt from this examination. The motion was seconded and approved.

Dr. Banks reiterate to the Board the motion passed to delete "in South Carolina" from the regulation in section § 25-5.

Attorney Spoon re-stated the motion and changes to be made in regulation, 25-5 which will be a new Section E, entitled therapeutic modalities. In the second line where it states Chiropractic license in South Carolina prior to June 1, 1986, et cetera. The Board requested through the promulgation process to delete "in South Carolina."

Ms. Reynolds reminded the Board to file their Statement of Economic Interest and reminded the Board the next meeting will be held on November 1, 2012.

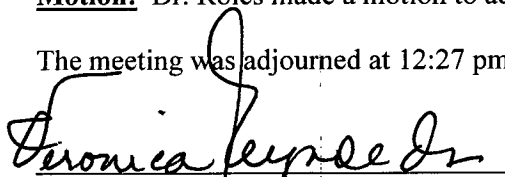
Dr. Banks informed Board that prior to holding the election and counting the votes; this may be his last meeting because his commission has ended. He informed the Board ballots would be mailed to several congressional districts in May 2012.

Dr. Banks thanked everyone for all their support and stated he enjoyed serving during his time on the Board.

There being no further business, Dr. Bank asked for a motion to adjourn.

Motion: Dr. Roles made a motion to adjourn. The motion was seconded and approved.

The meeting was adjourned at 12:27 pm.


Veronica Reynolds, Administrator

12/10/2012
Date