

South Carolina Department of Labor, Licensing & Regulation
South Carolina Board of Chiropractic Examiners
February 9, 2012
110 Centerview Drive, Synergy Business Park, Kingstree Building
Columbia, SC 29211

Board Members Present:

W. D. Banks, Chair
Harvey Garcia, Vice Chair,
Joseph Carew, DC
Beth Ehlich, DC
Jeanne McDaniel-Green, DC
Brian D. Hughes, DC
Ralph D. Roles, DC
E.J. Mercer, Esquire

Others Present:

Veronica Reynolds, Administrator
Sherry Wilson, Board Assistant
James Saxon, LLR Legal Counsel, (OGC)
Jennifer Cooper, Administrative Assistant

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.

CALL TO ORDER

Dr. Banks called the meeting to order at 9:28 a.m. and noted a quorum was present to conduct business.

APPROVAL OF THE AGENDA

The agenda was reordered and Dr. Banks called for a motion to approve.

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

APPROVAL OF THE NOVEMBER 21, AND DECEMBER 2, 2011 MINUTES

Dr. Banks asked for a motion for the approval of the minutes for November 21, and December 2, 2011.

Motion: Dr. Roles made a motion for approval of the minutes as submitted. Discussion occurred and Dr. Mercer indicating the minutes for November 21st meeting needs correction. Mr. Mercer indicated that he was rescused himself from any participation because he was involved in one of the matters discussed on the IRC report.

Motion: Dr. Roles made a motion to accept the minutes with the change as indicated. The motion was seconded and approved.

Office of Investigations and Enforcement IRC Report

Mr. Sanders, Chief Investigator, presented the IRC report:

Formal Complaints

Complaint #2011-1
Complaint # 2011-18
Complaint #2011-39

Dismissal with a Letter of Caution:

Complaint #2010-31
Complaint #2011-37

Dr. Banks asked for a motion to accept the IRC reports.

Motion: Dr. Roles made a motion to the Board accept the recommendations of the IRC as presented, three formal complaints and two letters of cautions. The motion was seconded and approved.

Office of Investigations and Enforcement OIE Report

Mr. Sanders presented the OIE Statistical report. Mr. Sanders presented 37 cases for the year ending December 2011. Thirteen cases were closed on December 31, 2011. Mr. Sanders made a note that twenty-eight (28) active cases were not on the report.

INTRODUCTION OF NEW GENERAL COUNSEL:

Ms. Reynolds introduced Attorney Erin Baldwin as the new General Counsel for the Chiropractic Board

Attorney Erin Baldwin introduced herself, and provided report to Board Members and informed Board she will be representing the Office of General Counsel for proceedings. Attorney Baldwin stated there are Fifteen (15) active cases pending in OGC which will be presented before the Board.

Dr. Banks welcomed Ms. Baldwin to the Board.

Dr. Banks discussed the issue regarding the CCE Accreditation Actions of Sherman College Eight (8) year cycle; Interim Site Visit at New York Chiropractic College; Two-year program for Cleveland, Yountville, and Life College West , and Palmer College.

PROPOSED CHANGES TO STATUTES AND REGULATION

Dr. Banks discussed the issues regarding the proposed changes in the statutes and regulation. Dr. Banks asked Dr. Auger to address the Board regarding his concerns and issues with the proposed changes.

Dr. Auger, Executive Director of Palmetto State Chiropractic Association thanked the Board for allowing him address issues regarding the proposed Statutes and Regulation changes.

Dr. Banks asked for a motion for a brief recess.

Motion: Mr. Mercer made a motion to take a recess. The motion was seconded and approved.

Recess break: 11:03-11:21 am.

At 11:21 am, the Board moved back into public session.

Dr. Banks stated the Board should proceed with the two (2) application hearings and continue reviewing the statutes and regulations afterward.

New Business:

Application Hearings

Joshua Bruce Headley: Dr. Headley made a personal appearance before the Board and waived representation of legal counsel. The purpose of the hearing was to determine whether to grant Mr. Bradley a license to practice as a chiropractor.

Dr. Headley addressed the Board and expressed that he wanted to be licensed in the State of South Carolina.

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

Motion: In open session, Mr. Mercer made a motion for a license to be granted without restrictions. The motion was seconded and approved.

David Eugene Peele: Dr. Peele made a personal appearance before the Board and waived representation of legal counsel. The purpose of the hearing was to determine whether to reinstate Dr. Peele license as a chiropractor.

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

Dr. Banks asked for a motion to come out of Executive Session.

Motion: Mr. Mercer made a motion to go into Executive Session. The motion was seconded and approved.

11:44-am – 11:54 am Board in Executive Session.

Dr. Banks asked for a motion to go back into public session, and announced no votes were taken during Executive Session.

Motion: Mr. Mercer made a motion to go into Executive Session for the purpose of obtaining Legal Counsel. The motion was seconded and approved.

Dr. Banks asked for a motion for the disposition of the application.

Motion: In open session, Mr. Mercer made a motion that the Board grants Dr. Peele a license for the State of South Carolina without any restrictions. The motion was seconded and approved.

PROPOSED CHANGES TO STATUTES AND REGULATION (continued)

Dr. Banks asked for a motion to accept the changes to Title 40, Chapter 9.

Motion: Dr. Roles made a motion for the Board to accept the proposed changes as discussed and amended previously in the meeting. The motion was seconded and approved.

Dr. Banks stated the Board will continue its discussion to the proposed Regulation Chapter 25. After brief discussion, Dr. Banks asked for a motion to approve.

Motion: Mr. Mercer made a motion to accept the proposed Regulation Chapter 25 as amended. The motion was seconded and approved.

Dr. Banks indicated the Board would discuss proposed Regulation, Document 4266 at its April 5, 2012 meeting.

Dr. Banks asked for a motion for a brief break.

Motion: Dr. Mercer made a motion to take a break. The motion was seconded and approved.

Break: 1:43 pm -1:50 pm

Dr. Banks announced the Board was returning to public session.

ADMINISTRATOR REPORT

Ms. Reynolds presented the Financial Report to the Board. She provided information to the Board concerning the filing of the 2012 State Ethic Commission Statement of Economic Interest.

2012 NATIONAL BOARD EXAMINERS

Dr. Banks inquired if anyone would like to attend the National Board of Chiropractic Examiners Meeting on May 18, 19, and 20, 2012 for the part four (4) exam.

Dr. Banks stated the Board did not need to vote on the issue since there was not any Labor, Licensing and Regulation's fee involved. Ms. Reynolds stated, the Board would need to vote on the Members that would be attending on behalf of the Board.

Dr. Banks asked for a motion for Dr. Roles and Dr. Hughes to attend the Meeting in May.

Motion: Dr. Green made a motion that Dr. Roles and Dr. Hughes attend the Exam Committee meeting on May 18th, 19th and 20th for the Spring Part four (4) of the examination.

Dr. Banks asked for a motion for anyone who would like to attend the Test Committee Meeting in June. Dr. Garcia requested that he be nominated.

Motion: Dr. Mercer made a motion to accept the nomination of Dr. Garcia to attend the meeting on June 8th and 9th. The motion was seconded and approved.

Dr. Banks asked for a motion to nominate someone to attend the Exam Committee meeting in November 2012.

Motion: Dr. Roles made a motion to nominate Dr. Garcia and Dr. Ehlich to attend the meeting on November 9, 10, and 11th, 2012. The motion was seconded and approved.

ELECTION OF NATIONAL DELEGATE AND ALTERNATE (2) – FCLB

Dr. Banks asked for a motion to elect the delegate to attend the Federation of Chiropractic Licensing Boards (FCLB).

Dr. Roles nominated himself to be the delegate at the FCLB, and nominated Dr. Banks to be delegate for the National Board. Dr. Banks also asked for a motion to approve the three people to attend. Dr. Roles stated, he would be the delegate for the FCLB portion of the meeting, and Dr. Banks would be delegate for National Board Chiropractic Examiners and Dr. Garcia will be alternate.

Motion: Dr. Carew made a motion to approve for the Dr. Banks, Dr. Roles and Dr. Garcia to attend the FCLB meeting. The motion was seconded and approved.

Dr. Banks asked for a motion for Ms. Reynolds, Administrator to attend the meeting in San Antonio, Texas, as the Executive Director for the State Board.

Motion: Dr. Green made a motion to approve Ms. Reynolds to attend the meeting as Administrative Executive Director portion of the Federation of Chiropractic Licensing Boards in San Antonio, Texas. The motion was seconded and approved.

ELECTION FOR VICE CHAIR

Dr. Bank discussed the elections of the Vice-Chair. He asked for a motion to open the floor for nominations for Vice-Chair.

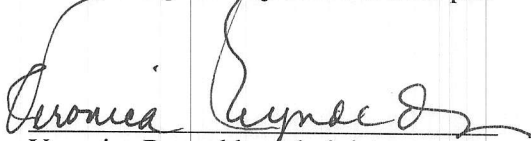
Motion: Dr. Carew made a motion to nominate Dr. Roles as Vice-Chair. The motion was seconded and approved.

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

Motion: Mr. Mercer made a motion to adjourn. The motion was seconded and approved.

Dr. Banks stated there being no further business the meeting was adjourned.

The meeting was adjourned at 2:12 pm.


Veronica Reynolds, Administrator

04/05/12
Date