

South Carolina Department of Labor, Licensing & Regulation
South Carolina Board of Chiropractic Examiners
November 1, 2012
110 Centerview Drive, Synergy Business Park, Kingtree Building
Columbia, SC 29211

Board Members Present:

Ralph D. Roles, DC, Interim Chair
Harvey Garcia, DC, Vice Chair,
Joseph Carew, DC, Member
Beth Ehlich, DC, Member
Jeanne McDaniel-Green, DC, Member
Brian D. Hughes, DC, Member
E.J. Mercer, Esquire, Member
John R. McGinnis, DC, Member

Others Present:

Veronica Reynolds, Administrator
Sherry Wilson, Board Assistant
James Saxon, LLR Legal Counsel, (OGC)
Dr. David Mruz, DC – Incoming Board Member
Darra Coleman, Advice Counsel
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. Roles called the meeting to order at 9:22 a.m. and noted a quorum was present to conduct business.

INTRODUCTION OF NEW BOARD MEMBER

Dr. Roles introduced Dr. Mruz and Dr. McGinnis as new Board Members appointed by the Governor's Office.

PRESENTATION FOR APPRECIATION OF BOARD MEMBERS

Dr. Roles thanked Dr. Banks and Dr. Ehlich for their dedication to the profession and board service.

APPROVAL OF THE AGENDA

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

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

APPROVAL OF THE APRIL 15, 2012 MEETING MINUTES

Dr. Roles asked for a motion for the approval of April 15, 2012 minutes.

Motion: Dr. Hughes made a motion for approval of the minutes. The motion was seconded and approved.

INTRODUCTION OF THE OFFICE OF THE DIRECTOR

Dr. Roles introduced Ms. Holly Beeson from the Office of the Director.

Ms. Beeson introduced herself to the Board and stated she was counsel to the Office of Communications and Government Affairs and available should they need her assistance with the regulations.

OIE PRESENTATION

Ms. Coleman, Chief Advice Counsel presented the Board with a brief overview of the complaint process and the responsibilities.

Mark Sanders, Chief Investigator of Office of Investigations (OIE), explained the investigative and initial complaint process.

Mr. Pat Hanks, Assistant General Counsel for Office of Legal Services explained the process and responsibilities of General Counsel and the handling of hearings, disciplinary actions, emergency action, consent agreement, complaints and dismissals.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT – (IRC)

Mr. Sander, Chief Investigator, presented the Investigative Review Committee (IRC) report cases received and closed. The report included all active and closed investigations.

The Board voted to accept the recommendation of the Investigative Review Committee (IRC).

Dr. Roles asked for a motion to accept the report and dismiss the following cases:

Motion: Dr. Mercer made the motion to accept the dismissal; the motion was seconded and approved.

DISMISSAL

Complaint #2009-19	Complaint #2011-47
Complaint #2010-22	Complaint #2012-2
Complaint#2010-25	Complaint #2012-5
Complaint #2010-26	Complaint #2012-10
Complaint #2010-27	Complaint #2012-19
Complaint #2011-7	
Complaint #2011-18	
Complaint #2011-22	
Complaint #2011-27	
Complaint #2011-31	
Complaint #2011-38	

Motion: In an open session, Dr. Carew made a motion to approve the following Cease & Desist. The motion was seconded and approved.

DISMISSAL – CEASE AND DESIST

Complaint #2012-9

Dr. Roles asked for a motion.

Motion: In open session, Dr. Carew made a motion to approve the following Formal Complaint. The motion was seconded and approved.

FORMAL COMPLAINT

Complaint #2010-28	Complaint #2011-46
Complaint #2011-5	Complaint #2012-12
Complaint #2011-29	Complaint #2012-16
Complaint #2011-30	Complaint #2012-20
Complaint #2011-32	Complaint #2012-22
Complaint #2011-34	Complaint #2012-25
Complaint #2011-45	

Dr. Ehlich abstained from voting on all the cases.

Dr. Roles asked for a motion.

Motion: In open session, Dr. McGinnis made a motion to approve the following Letter of Concerns. The motion was approved and seconded.

LETTER OF CONCERN

Complaint #2012-11

Dr. Roles asked for a motion to accept the reports.

Motion: In open session, Dr. Mercer made a motion to accept the recommendation of the IRC and dismiss the cases. The motion was approved and seconded. Dr. Ehlich did not vote.

OFFICE OF INVESTIGATIONS STATISTICAL REPORT

Mr. Sanders presented to the Board statistics report for this quarter, January 1, 2012-September 30, 2012. Mr. Sanders explained their office received twenty-four (24) cases and closed twenty-two (22) cases. The Office of Investigations has thirteen (13) active investigations.

Consent Agreement

Dr. Roles requested to move into new business of discussion of Consent Agreements.

Dr. Roles requested a motion for a recess.

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

Mr. Mercer requested for the record that he is rescued from any votes in the cases of Dr. Dana Brown and Dr. Stafford Keels.

BREAK: [10-27 am - 10:45 am]

Dr. Roles announced the Board meeting was called back to order. Dr. Roles requested a motion to alter the agenda slightly to take the application hearings first.

Motion: Dr. Carew made a motion to review the application hearings. The motion was seconded and approved. Dr. Ehlich abstained from any voting during these proceedings.

APPLICATION HEARINGS:

Tron Robert Malachowski: Dr. Malachowski made a personal appearance before the Board regarding a "yes" answer on his renewal application. Dr Malachowski did not waive his rights to legal counsel and requested to be representative by counsel.

Dr. Roles asked for a motion to provide Dr. Malachowski the opportunity to confer with legal counsel.

Motion: In open session, Mr. Mercer made a motion to defer this matter and reschedule for the next Board meeting in May 2013. The motion was seconded and approved.

Christopher Shumate: Dr. Shumate made a personal appearance before the Board and waived his rights to be represented by representative of legal counsel. The purpose of the hearing was to determine whether Dr. Shumate should be granted a license to practice as a Chiropractor in South Carolina.

Dr. Roles asked for a motion.

Motion: In open session, Dr. Garcia made a motion that Dr. Shumate to be granted a license. The motion was seconded and granted.

Motion: Mr. Mercer made a slight change on the agenda. The motion was seconded and approved.

Zackery Hughes: Dr. Hughes made an appearance before the Board and waived his right to be represented by legal counsel. The purpose of the hearing was to determine whether Dr. Hughes should be granted a license to practice as a Chiropractor in South Carolina.

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

Off the Record – 11:19 am -11:20 am

Mr. Mercer requested the Board go into Executive Session for the purpose of Legal Advice.

Dr. Roles asked for a motion

Motion: In open session, Dr. Green made a motion the Board go into Executive Session. The motion was seconded and approved.

[11:27 am – 11:46 am] - Board in Executive Session

Dr. Roles stated there were No votes taken during Executive Session.

Dr. Roles asked for a disposition in this case.

Motion: In open session, Mr. Mercer made a motion that Dr. Hughes be granted a license with conditions: he must contact the Recovery in Professional Program (RPP) within thirty (30) days, and provide documentation within fifteen (15) days to the Board of RPP's recommendation. The motion was seconded and approved.

Donald W. Allamong: Dr. Allamong made an appearance before the Board and waived his rights to be represented by legal counsel. The purpose of the hearing was to determine whether Dr. Allamong should be granted a license to practice as a Chiropractor in South Carolina.

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

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

[12:31 pm – 1:03 pm] - Board in Executive Session

Dr. Roles stated the Board was out of Executive Session.

Dr. Roles asked for a motion.

Motion: In open session, Dr. Mercer made a motion that Dr. Allamong be granted a license with conditions: he must contact the Recovering Professional Program and enrolled within thirty (30) days, and provide documentation to the Board within fifteen (15) days of the receipt of the evaluation from the program. The motion was seconded and granted.

CONTINUANCE:

Ms. Baldwin, LLR Attorney informed the board a continuance for cases on Dr. Porter and Dr. Scott would be reschedule for the next Board meeting in May 2013

MEMORANDUM OF AGREEMENT

Ms. Baldwin, LLR, Attorney, requested to present a signed Memorandum of Agreement on Eddie Van Bridges. Dr. Bridges was present and represented by his Attorney Stephen Denton.

Dr. Roles asked for a motion to accept the Memorandum of Agreement with stipulations as written.

Motion: In open session, Dr. Roles made statement that Dr. Ehlich abstained in voting from all proceedings in this case.

CONSENT AGREEMENT:

Ms. Hawkins, LLR Attorney presented a consent agreement signed by David Richard Goodly, DC. Dr. Gooldy did not make a personal appearance before the Board.

Mr. Mercer and Dr. McGinnis recused themselves from any voting in this matter.

Dr Roles asked for a motion.

Motion: In open session, Dr. Carew made a motion to accept the consent agreement as written. The motion was seconded and approved.

Dr. Dana R. Brown

Dr. Stafford V. Keels

Ms. Baldwin, LLR Attorney presented consent agreements signed by Dr. Brown and Dr V. Keels both represented by J. Rene Josey, Esquire.

Dr. Roles asked for a disposition in these cases.

Motion: In open session, Dr. Hughes made a motion to accept the Consent Agreement as written. The motion was seconded and approved.

Dr. Roles asked for a motion to break for lunch

Motion: Dr. Mercer made a motion to break for lunch and reconvene in thirty (30) minutes. The motion was seconded and approved.

[2:09pm – 2:39 pm] - Lunch break

Dr. Roles called the Board back into order and continued with Attorney Baldwin's cases.

2:40 pm – 3:32 pm - (Memorandum of Agreements Continued)

Dr. Richard J. Koch

Ms. Baldwin, LLR, Attorney, requested to present a signed Memorandum of Agreement regarding Dr. Koch. Dr. Koch made a personal appearance and waived his rights to be represented by legal counsel.

Dr. Roles asked for a motion to go in to Executive Session.

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

[3:01 pm – 3:27 pm] – Board in Executive Session

Dr. Roles stated there were "No" votes take during Executive Session.

Dr. Roles asked for a disposition in this case.

Motion: In open session, Mr. Mercer made a motion to accept the Memorandum of Agreement with conditions: Dr. Koch issued a public reprimand. Prior to reinstatement of lapsed license, he must complete and successfully pass the SPEC Examination conducted by Nation Board of Chiropractic Examiner. Dr. Koch shall pay an investigative fee of \$345.00 within one (1) year from the date of the Board's order, and continued with the Recovering Professional Program (RPP). The motion was seconded approved.

Proposed Manipulation under Anesthesia Agreement (MUA)

Dr. Garcia explained the discussions that were held with the Medical Board regarding language for the MUA agreement.

Dr. Roles asked for a motion to accept the language as part of the Regulation 4682.

Motion: In open session, Dr. McGinnis made a motion to accept the language as written. The motion was seconded and approved.

Dr. Roles thanked Ms. Coleman, Advice Attorney for the role as a liaison between the boards.

REQUEST TO WAIVE CONTINUING EDUCATION

Dr. Roles requested Ms. Davis to come before the Board and speak regarding continuing education.

Ms. Davis, Executive Director, South Carolina Chiropractic Association (SCCA) proposal to the Board that any member of the Association that completes their continuing education hours through SCCA be exempted from the Board's audit pool. Ms. Davis explained that their office maintains Continuing Education records on file in their office, and a copy of the documents. Ms. Davis indicated that SCCA would provide a list to the Board of individuals that have completed the Continuing Education.

Dr. Roles asked for a disposition in the request.

Motion: In open session, Dr. Carew made a motion that South Carolina Chiropractor Association (SCCA), be exempted SCCA responsible for Continuing Education Audits of its members. The motion was seconded and approved.

ADMINISTRATOR'S REMARKS

Ms. Reynolds presented the Financial Report to the Board.

CONTINUING EDUCATION COMMITTEE

Ms. Reynolds informed the Board of appointing new members for the CE approval since Dr. Ehlich will no longer be on the board. Ms. Reynolds also explained to the Board the form needs to be revised.

Dr. Roles explained the form can be redesigned, and at its next Board meeting on May 23, 2013, will appoint a new CE committee member and discuss the CE approval process.

REVIEW AND APPROVAL OF RULES AND REGULATION POWERPOINT PRESENTATION

Dr. Roles asked for a motion to form a committee, to review the PowerPoint slides, and be prepared to present at a meeting.

Motion Dr. Garcia made a motion a committee be appointed consisting of Dr. Garcia and Dr. Green. The motion was seconded and approved.

Mr. Mercer made a suggestion to appoint Dr. Outz to assist with the committee.

Motion: Dr. Hughes made a motion to appoint a three (3) panel committee. The motion was seconded and approved.

Dr. Roles appointed Dr. McDaniel-Green as chair the committee

ELECTION OF NATIONAL DELEGATE AND ALTERNATE (2) – FCLB

Dr. Roles called for a motion to elect the two (2) delegates to attend the Federation of Chiropractic Licensing Boards (FCLB) and National Board of Chiropractic Examination (NBCE).

Dr. Roles indicated that he would like to be the delegate at the FCLB, and nominated Dr. Garcia as the delegate for the National Board Chiropractic Examiner (NBCE). Dr. Roles made a motion to approve the three individuals to attend. Dr. Roles stated, delegate for the Federation of Chiropractic Licensing Boards (FCLB), and Dr. Garcia the delegate for NBCE, and Dr. McGinnis will attend as the alternate for both.

Motion: Dr. Hughes made for a motion to approve for Dr. Roles, Dr. Garcia and Dr. McGinnis to attend the FCLB/NBCE meetings. The motion was seconded and approved.

PATIENT RECORDS

The Board did not discuss the issue regarding the timeframe of patient's records. Dr. Roles explained the board is not able to make a policy; therefore, the issue cannot be addressed. The Board's recommendation is thirty (30) days.

LETTER OF CONCERNS

Dr. Roles asked for a motion to grant the administrator to sign her signature on all Letters of Dismissals and Dismissal with a Letter of Caution.

Motion: Dr. Garcia made a motion to grant the Board's administrator sign all dismissals and caution. The motion was seconded and approved.

FUTURE DATES FOR RULES AND REGULATION POWERPOINT

Dr. Roles requested the Board Member provide information to the Administrator of any future Rules and Regulations classes being held.

DELEGATION OF THERAPEUTIC MODALITIES TO OFFICE ASSISTANTS

Dr. Roles requested Mr. Saxon researches the issue from a legal perspective; and report on it at its next meeting in May of 2013.

Motion:

Dr. Mercer made a motion move to table the issue for the next board meeting. The motion was seconded and approved.

WEBSTER TECHNIQUE:

The Board did not vote or make any decision regarding this issue.

RULES AND REGULATION ONLINE EXAM UPDATES:

Dr. Ehlich addressed to the Board the issues and concerns regarding the Ethics and Jurisprudence and Law Examinations

Dr. Roles explained that Dr. Ehlich would no longer be on the Board and the Board should appoint someone to serve on the committee

Dr. Hughes requested to serve on the committee.

ELECTION FOR VICE CHAIR

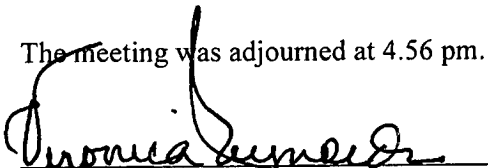
Dr. Roles discussed the elections of the Vice-Chair. He asked whether the Board should vote to elect a vice-Chair or leave the vice-chair the same.

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

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

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

The meeting was adjourned at 4.56 pm.


Veronica Reynolds, Administrator

06/13/13
Date