

**South Carolina Department of Labor, Licensing & Regulation
South Carolina Board of Chiropractic Examiners Board Meeting
110 Centerview Drive, Synergy Business Park,
Kingstree Building Room 108, Columbia, SC 29211
November 6, 2014 – Board Meeting Minutes**

Board Members Present:

Ralph D. Roles, D.C., Chairman
Richard D. Heavner, D.C.
Jeanne McDaniel-Green, D.C.
Joseph Carew, D.C.
John R. McGinnis, D.C.
Douglas B. Hughes, Jr., D.C.
David H. Mruz, D.C.
Patricia Weaver, Public Consumer

Excused Absence:

Norman E. Ouzts, D.C.

Advice Counsel:

Mary League, Esquire, Advice Counsel

Others Present:

Veronica Reynolds, Administrator
Sherry Wilson, Board Assistant
Larry Atkins, LLR Investigator
Megan Flannery, Esquire, Asst. Disciplinary Counsel
Mark Sanders, LLR, Chief Investigator
Sym Singh, LLR, Investigator
Robert Laney, LLR, Investigator
Darnell Jennings, Advice Attorney

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. Roles called the meeting to order at 9:08 a.m. and conducted the roll call and requested each member and staff to state their name and location. Dr. Roles noted a quorum was present to conduct business.

Approval of the Minutes

Dr. Roles asked for a motion to approve the August 15, 2014 minutes.

Motion: In open session, Dr. Hughes made a motion to approve August 15, 2014 minutes. The motion was seconded and approved.

Approval of Agenda

Dr. Roles made the board aware of the slight change in the order on the Agenda and asked for a motion to approve the Agenda.

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

Dr. Roles informed the Board that Dr. Ouzts was out of town and asked for a motion to approve Dr. Ouzts' absence.

Motion: In open session, Dr. Green made a motion to approve Dr. Ouzts' absence. The motion was seconded and approved.

Dr. Roles asked for the audience to introduce themselves by providing their names and location. Dr. Roles thanked everyone for introducing themselves.

Administrator's Remarks:

Financial Report: Ms. Reynolds presented the Financial Report to the Board.

Ms. Reynolds reminded the board the chiropractors' renewals were completed. She stated an E-blast will be sent to licensees regarding lapsed license.

Ms. Reynolds will contact Dr. Green for a date to schedule Continuing Education (CE) audits. She also informed the Board she is working with the IT department to correct some issues with the two (2) hours online exam for the South Carolina Rules and Regulations.

Ms. Reynolds informed the board that she will send out an E-blast to educate the public regarding the Groupon contracts.

Dr. Roles informed the Board there are only two things can be done which is to educate and discipline.

Ms. Mary League, Advice Attorney informed the board the only way to correct the issue regarding Groupons is to educate the licensees and then provide appropriate discipline as necessary. She indicated the board cannot ask them to change their contracts because they are not a licensee, and the board does not have jurisprudence over them. Dr. Roles added that we can educate and discipline.

Ms. Reynolds asked Dr. Mruz to provide at least 50 continuing education questions for the jurisprudence examination. Dr. Mruz will be responsible for taking the role of updating the questions regarding the South Carolina Rules and Regulations Examination and Jurisprudence to go online. Dr. Green stated she would assist Dr. Mruz with that process if needed.

Dr. Roles inquired the status of the fee increase for renewals. Ms. Reynolds informed the board legislative session ended and will be revisited by legislature.

Office of Investigation and Enforcement: Mr. Sanders, Chief Investigator, Office of Investigations presented the written statistical report. Mr. Sanders distributed copies to the Board and explained why they were not submitted earlier to the Board.

Motion: In open session, Dr. Mruz made a motion for the board to go into Executive Session to receive advice from legal counsel. The motion was seconded and approved.

[Executive Session:] – No votes were taken during Executive Session: 9:21a.am -9:39 a. am.
Dr. Roles asked for a motion to come out of Executive Session.

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

Dr. Mruz recused himself and did not vote on the IRC reports of the following cases:

2014-33	2013-34	2014-57
2014-59	2014-62	

Mr. Sanders presented the following dismissal report.

Dismissal

2014-33	2013-34
2014-59	2014-57

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

Mr. Sanders presented the following Letter of Caution for approval:

Letter of Caution:

2014-62

Motion: In open session, Dr. Heavener made a motion to accept the Letter of Caution as presented. The motion was seconded and approved.

Dr. Mruz returned to the meeting for approval of the remaining cases.

Mr. Sanders presented the following remaining IRC dismissal report:

Dismissals

2012-32	2014-20	2014-74
2013-53	2014-27	2014-79
2013-62	2014-39	
2013-63	2014-42	
2014-18	2014-70	

Motion: In open session, Dr. Hughes made a motion to accept the dismissal report as presented. The motion was seconded and approved.

Mr. Sanders presented the following Formal Complaints:

Formal Complaints

2012-25
2014-24

Motion: In open session, Dr. Mruz made a motion to accept the Formal Complaints as presented. The motion was seconded and approved.

Mr. Sanders presented the following Letters of Caution:

Letters of Caution

2014-46	2014-61	2014-66
2014-47	2014-63	
2014-49	2014-64	
4014-60	2014-65	

Motion: In open session, Dr. Hughes made a motion to accept the Letters of Caution report as presented. The motion was seconded and approved.

Mr. Sanders presented to the board the statistical reports. The total of thirty-one (31) cases for the third quarter of the calendar year, nine (9) closed, and currently forty (40) active investigations.

Ms. Reynolds made a suggestion when board members present the Power Point presentation for the Rules and Regulations to educate regarding Advertising.

Office of Disciplinary Counsel: Ms. Flannery of Office of Disciplinary Counsel introduced herself to the Board. She presented the statistical report. Thirty-one (31) open cases, Eighteen (18) are pending action. Two (2) are pending Consent Agreement or Memorandum of Agreement, Ten (10) pending hearings of which Eight (8) discussed in the meeting, and Two (2) pending full evidentiary panel hearings, One (1) Final Order, and Eleven (11) have been closed since the beginning of the year.

Hearings: 9:51 a.m.-10:41 a.m.

Memorandum of Agreement and Stipulations

Case# 2013-36

The respondent made an appearance before the Board and was not represented by counsel. The purpose of the hearing was to determine if a license should be granted to practice as a Chiropractor in South Carolina.

Dr. Roles asked if the Board would like to go into Executive Session for legal counsel.

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

[Executive Session:] – No votes were taken during Executive Session: 9:57 a.m. – 10:09 a.m.

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

Motion: In open session, Dr. Hughes made a motion to come out of Executive Session.

Dr. Roles informed the Board no votes were taken; however, the Administrator, Veronica Reynolds was asked to return to the meeting to address a question regarding the current slide show and disciplinary measure issues.

Dr. Roles asked for Dr. Carew to make the motion.

Motion: In open session, Dr. Carew made a motion to accept the recommendation of the Memorandum of Agreement and Stipulations as written. Private Reprimand, \$250.00 dollars and retake the rules and regulations for this new cycle and retake the Jurisprudence Examination, the two hours which is required for this cycle. The respondent should be in the audit pool for the next two (2) renewal cycles. The respondent will not be able to use hours for renewal requirements. The motion was seconded and approved.

Memorandum of Agreement and Stipulations

Case#: 2011-04

The respondent made an appearance before the Board and was represented by Hank Mims, Esquire. The purpose of the hearing was to determine if a license should be granted to practice as a Chiropractor in South Carolina.

Motion: In open session, Dr. Mruz made a motion to go into Executive Session for legal counsel. The motion was seconded and approved.

[Executive Session:] – No votes were taken during Executive Session: 10:20 a.m. – 10:35 a.m.

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

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

Motion: In open session, Dr. McGinnis made a motion to accept the Memorandum of Agreement and Stipulations as presented to the Board. The respondent was issued a private reprimand, cost of investigative cost of \$200.00 Two Hundred and No/100 dollars. The motion was seconded and approved.

[Board took a 10 minute break:] 10:41 a.m. – 10:54 a.m.

Dr. Roles asked for a motion to review application hearings.

Motion: In open session, Dr. McGinnis made a motion to review application hearings. The motion was approved and seconded.

Hearings: 10:55a.m. – 11:02 a.m.

Application Appearance

Robin LaBod, DC

The respondent made an appearance before the Board and was not represented by counsel. The purpose of the hearing was to determine if a license should be granted to practice as a Chiropractor in South Carolina.

Dr. Roles asked if there were any questions or should the Board go into Executive Session.

Motion: In open session, Dr. Hughes made a motion to accept the application and grant Dr. LaBod a license to practice as a chiropractor.

Dr. Roles asked for a motion for a slight change of the order on the Agenda.

Motion: In open session, Dr. Carew made the motion to accept the change of the order on the agenda. The motion was seconded and approved.

Federation of Chiropractic Licensing Boards (FCLB) and National Board of Chiropractic Examiners Delegates

Dr. Roles asked for a motion to have an alternate attend the FCLB or NBCE meetings.

Motion: In open session, Dr. Green made a motion for Ms. Weaver to be the alternate to the FCLB or NBCE. The motion was seconded and approved.

Dr. Roles reiterated that Ms. Weaver is the alternate person if he and Dr. Green will not be able to attend the FCLB or NBCE meetings.

Ms. Flannery informed the Board of the attorney that is representing the next case on the agenda, has requested to move to the next case on the agenda.

Order – 11:09 a. m. – 11:22 a.m.

Case#: 2013-17

Thomas Cameron Wills, DC

The respondent did not make an appearance before the Board; however, his attorney Robert Rikard, Esquire was present. The purpose of the hearing was to determine if a license should be granted to practice as a Chiropractor in South Carolina.

Dr. Roles asked if the Board would like to go into Executive Session.

Motion: Dr. Carew made a motion to lift the status that was placed by the Chiropractic Board. The motion was seconded and approved.

Memorandum of Agreement and Stipulations

Case#: 2013-28; 2013-32 (closed session)

Michael J. Lamascolo, DC

The respondent made an appearance before the Board and was represented by Jennifer Breau Howe, Esquire. Also, present was Frank Sheheen, Director of Recovering Professional Program (RPP) and Chris McCoy, RPP. The purpose of the hearing was to determine if a license should be granted to practice as a Chiropractor in South Carolina.

Dr. Roles asked for a motion for this case to be closed session.

Motion: In open session, Dr. McGinnis made a motion for a closed session. The motion was seconded and approved.

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

[Executive Session:] – No votes were taken during Executive Session: 11:49 a.m. – 12:09 p.m.

Motion: Dr. Heavener made a motion to come out of Executive Session. The motion was seconded and approved.

Motion: In open session, the Board accepted the Memorandum of Agreement and Stipulations.

Dr. McGinnis made a motion for the sanction to be deferred to the board meeting in May 2015. The respondent shall remain on suspension. The respondent must successfully comply with the Recovering Professional Program (RPP), and provide recommendation from (RPP) of completion no later than May 2015 Board meeting. The motions was seconded and approved.

Election:

Dr. Roles asked for a motion for a nomination for a chairperson.

Motion: In open session, Dr. Hughes made a motion for Dr. Roles to be the chairperson for the Board. The motion was seconded and approved.

Dr. Roles asked the Board if there were any other nominations for chairperson.

Motion: In open session, Dr. McGinnis made a motion to close nominations for chairperson. The motion was seconded and approved.

Dr. Roles thanked the Board for electing him as the chairperson, and hope he can continue to serve in a distinguished way and meet all their expectations.

Dr. Roles asked if there was a nomination for Vice Chair. Ms. Weaver made a recommendation to nominate Dr. McGinnis. Dr. Roles informed the Board that Dr. McGinnis has been put in and seconded as a candidate for vice chair.

Motion: In open session, Dr. Carew made a motion to table the election of the vice president position until February 2015, for Dr. Ouzts was not present.

Dr. Roles asked for a motion for the request of Dr. Carew to defer the election until February 12, 2015 Board meeting. There were only two (2) board members who voted to accept the recommendation for the vice chair position deferred until February 2015. Therefore, the board moved to the motion for a vote on Dr. McGinnis as elected vice chair.

Dr. Roles asked if there were any other nominees other than Dr. Ouzts for the vice chair position prior to closing of the nominations.

Motion: In open session, Dr. Hughes made a motion for nominations to be closed. The motion was seconded and approved.

Motion: In open session, the board voted to accept Dr. McGinnis as the vice chair. Dr. Roles congratulated Dr. McGinnis.

Dr. McGinnis thanked the board for their support.

Dr. Roles informed the Board to return to the Consent Agreements as outlined on the Agenda.

Consent Agreement – 12:23 p.m. – 12:45 p.m.

Case# 2012-16 (Private)

The respondent was not present and was not represented by counsel.

Motion: In closed session, Dr. McGinnis made a motion to accept the Consent Agreement as presented to the Board. The respondent was issued a private reprimand, civil penalty of Five Hundred and No/100 (\$500.00) dollars that must be paid within six (6) months. The motion was seconded and approved.

Case# 2014-32 (Private)

The respondent was not present and was not represented by counsel.

Motion: In closed session, Dr. Heavner made a motion to accept the Consent Agreement as presented to the Board. The respondent was issued a private reprimand, civil penalty of Two Hundred Eighty and No/100 (\$280.00) dollars that must be paid within forty-five (45) days. The respondent must continue to comply with Recovering Professional Program for not less than five (5) years of demonstrated sobriety. The motion was seconded and approved.

Case# 2014-28 – (Private)

The respondent was not present and was not represented by counsel.

Motion: In closed session, Dr. McGinnis made a motion to accept the Consent Agreement as presented to the Board. The respondent was issued a private reprimand, civil penalty of Five Hundred and No/100 \$500.00 dollars and an investigative cost of One Hundred Forty and No/100 (140.00) dollars, that must be paid within forty-five (45) days. The motion was seconded and approved.

Case# 2014-05

The respondent was not present and was not represented by counsel.

Dr. Mruz recused himself and did not vote on case #2014-5

Ms. Flannery presented before the Board a consent agreement with the terms of a private reprimand and a fine of One Thousand and No/100 (\$1,000.00) dollars, to include an investigative cost of Two Hundred Sixty-Seven and 24/100 (\$267.24) dollars.

Motion: In closed session, Dr. Hughes made a motion to accept.

Dr. Heavner requested the Board to go into Executive Session for legal advice.

Dr. Roles asked for the motion to go into Executive Session for legal counsel.

Motion: In open session, Dr. Heavner made a motion to go into Executive Session. The motion was seconded and accepted.

[Executive Session:] – No votes were taken during Executive Session: 12:35 p.m. – 12:44 p.m.

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

Dr. Roles reminded the board they were out of Executive Session and no votes were taken or decisions made during the executive session. Dr. Roles informed the Board that a motion needs to be withdrawn.

Dr. Hughes withdrew his former motion to accept the Consent Agreement.

Motion: In open session, Dr. McGinnis made a motion to reject the Consent Agreement based on the leniency of the penalty for a second offense. The motion was seconded and approved.

Understanding IRC and Professional Member Role:

The board deferred this issue to the next board meeting.

Appoint an alternate IRC member

Dr. Roles asked for a motion for Dr. Beth Ehlich to be an alternate IRC member.

Motion: In open session, Dr. Green made a motion to accept Dr. Ehlich as an alternate member on the IRC committee. The motion was seconded and approved.

Dr. Roles asked Dr. Green to contact Dr. Ehlich and informed her that she has been approved by the Board as an alternate member of the IRC.

Approval of 2015 Board Meeting Dates

The board accepted the 2015 meeting with the exception of changing the date of August 7, 2015 to August 6, 2015 as listed below:

- Board Meeting 2/15/2015 Room 108
- Board Meeting 5/21/2015 Room 108
- Board Meeting 8/6/2015 Room 108
- Board Meeting 11/5/2015 Room 108

Dr. Roles asked for a motion to accept the dates of the meeting with August 6, 2015 being the board meeting date.

Motion: In open session, Dr. Carew made a motion to accept the dates with the changes for 2015. The motions was seconded and approved.

Committee Appointments: Legislative

Dr. Roles appointed Dr. Ouzts as Legislative chairman for the purpose of reviewing Statutes and Regulations to decide what changes of the board may want to initiate changes to the language and update. Dr. Hughes will serve on that committee with Dr. Ouzts.

Dr. Roles asked for a motion to nominate Dr. Ouzts as the Legislative Chairman.

Motion: In open session, Dr. Carew made a motion to accept Dr. Ouzts as the Legislative Chairman. The motion was seconded and approved.

Appointments of Hearing Officers:

Dr. Roles asked for a motion to reappoint Dr. Banks and Dr. Grossman as hearing officers.

Motion: In open session, Dr. Heavner made the motion to reappoint Dr. Banks and Dr. Grossman as hearing officers. The motion was seconded and approved.

Dr. Roles asked each board member to review the list of chiropractors and provide their names to review for hearing officers.

CE Audits

Dr. Roles asked for a motion to re-appoint Dr. Green as the Chair of the Continuing Education (CE) Audits.

Motion: In open session, Dr. Hughes made a motion to re-appoint Dr. Green as the Chair for the CE Audits. The motion was seconded and approved.

District V – Meeting Update

Dr. Roles and Dr. McGinnis discussed their attendance to the District V meeting in Florida.

Out of State Continuing Education

A lengthy discussion occurred regarding out of state continuing education. The Board requested Veronica Reynolds, Administrator, and Mary League, Legal Counsel to research this issue for clarity regarding out of state education.

Motion: In open session, Dr. McGinnis made a motion to form a committee to research this issue regarding out of state continuing education. The motion was seconded and approved.

Dr. McGinnis has been selected as chair for the Out of State Continuing Education Committee.

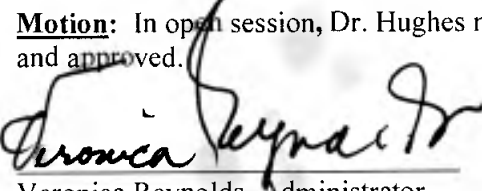
Executive Session – Discuss Legal Matters

Dr. Roles stated this issue was discussed during a prior executive session.

Adjournment

Dr. Roles requested a motion to adjourn.

Motion: In open session, Dr. Hughes made a motion to adjourn at 1:16 p.m. The motion was seconded and approved.


Veronica Reynolds, Administrator

2/17/2015
Date