

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION**  
**South Carolina Board of Chiropractic Examiners Board Meeting**  
**Synergy Business Park, Kingstree Building**  
**110 Centerview Drive, Room 108**  
**Columbia SC 29210**

**Thursday, November 5, 2015**

**Board Members Present:**

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

**Absent Members:**

None

**Staff Present:**

Mary League, Esquire, Advice Counsel  
Veronica Reynolds, Administrator  
Karen Blizzard, Board Assistant

Public notice of this meeting was properly posted at the South Carolina Board of Chiropractic Examiners, Synergy Business Park, Kingstree Building 110 Centerview Drive, Room 108 Columbia, SC 29210 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, Chairman, called the meeting to order at 9:10 a.m. The meeting was held in Room 108 located in the Synergy Business Park, Kingstree Building at 110 Centerview Drive, in Columbia, South Carolina 29210.

**Approval of the Agenda:**

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

**Approval of the Minutes**

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

**New Business:**

**Administrator Report:**

**Update on Recent Changes in Statues and Case law-Advice Counsel**

**Motion:** In open session, Dr. Mruz made a motion to go into executive session to receive legal advice from counsel. The motion was seconded and approved.

**Executive Session:** No votes were taken during executive session. [9:12 a.m. – 9:29 a.m.]

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

**Disciplinary Presentation:** Mr. Sanders, Chief Investigator of OIE, Sym Singh, Investigator of OIE and Ms. Flannery, Office of Disciplinary Council discussed the complaint process through the Office of Investigation and Enforcement (OIE) and the Office of Disciplinary Counsel (ODC).

**Office of Investigations and Enforcement Reports (OIE/IRC):** Mr. Sanders, of OIE presented the statistic report. He presented eighteen (18) cases to the Board.

Dr. Mruz recused himself from all proceedings involving the following cases:

**Case #: 2015-10**

**Case #: 2015-22**

**Motion:** In open session, Dr. Outzs made a motion to accept the IRC recommendations for dismissals. The motion was seconded and approved.

**Case #: 2015-29**

**Motion:** In open session, Dr. Heavner made a motion to accept the IRC recommendations for a formal complaint. The motion was seconded and approved.

**Case #: 2015-11**

**Motion:** In open session, Dr. Carew made a motion to accept the IRC recommendations for a letter of caution. The motion was seconded and approved.

Dr. Mruz rejoined the Board proceedings.

Dr. Carew recused himself from all proceedings involving the following case:

**Case #: 2014-92**

**Motion:** In open session, Dr. Green made a motion to accept the IRC recommendations for dismissal. The motion was seconded and approved.

Dr. Carew rejoined the meeting.

**Case#: 2012-46**

**Case#: 2013-52**

**Case#: 2015-6**

**Case#: 2015-9**

**Motion:** In open session, Dr. Carew made a motion to accept the IRC recommendations for dismissals. The motion was seconded and approved.

**Case#: 2014-81**

**Motion:** In open session, Dr. Ouzts made a motion to accept the IRC recommendations for a formal complaint. The motion was seconded and approved.

**Case#: 2014-31**

**Case#: 2015-14**

**Case#: 2015-15**

**Case#: 2015-16**

**Case#: 2015-17**

**Case#: 2015-18**

**Case#: 2015-24**

**Case#: 2015-28**

**Motion:** In open session, Dr. Heavner made a motion to accept the IRC recommendations for eight (8) letters of caution. The motion was seconded and approved.

The Board reviewed the statistical report as information only.

**Office of Disciplinary Counsel (ODC):** Ms. Flannery presented the Office of Disciplinary Council (ODC) statistical report indicating there were twenty (20) open cases, seven (7) pending action, two (2) pending board action, three (3) pending consent agreements or memorandum of agreements, two (2) pending hearings, six (6) pending final order hearings and twenty-two closed since for 2015 and six (6) pending Board actions today.

The Board reviewed and accepted the ODC report as information only.

**Finance Report:** Ms. Reynolds, Board Administrator presented the financial report.

### **Disciplinary Hearings**

#### **Consent Agreements**

Dr. Ouzts recused himself from all proceedings involving the following case:

**Case # 2012-47:** The respondent did not make a personal appearance before the Board. Ms. Flannery, Office of Disciplinary Council presented the consent agreement to the Board.

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

Dr. Ouzts rejoined the meeting.

**Case # 2014-54:** The respondent did not make a personal appearance before the Board. Ms. Flannery, Office of Disciplinary Council presented the consent agreement to the Board.

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

**Case # 2014-10:** The respondent did not make a personal appearance before the Board. Ms. Flannery, Office of Disciplinary Council presented the consent agreement to the Board.

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

Dr. Hughes recused himself from all proceedings involving the following case:

**Case # 2015-21:** The respondent did not make a personal appearance before the Board. Ms. Flannery, Office of Disciplinary Council presented the consent agreement to the Board.

**Motion:** In open session, Dr. Ouzts made a motion to reject the consent agreement. The motion was seconded and approved.

Dr. Hughes rejoined the meeting.

### **Disciplinary Hearings**

#### **Memorandum of Agreements**

**Case # 2013-28 and 2013-32:** The respondent made a personal appearance before the Board and was represented by Jennifer Breaux Howe, Esq., Legal Counsel.

Ms. Flannery, Office of Disciplinary Counsel presented the memorandum of agreement of the Board.

**Motion:** In open session, Dr. Hughes made a motion to go into executive session to receive legal advice from counsel regarding the memorandum of agreement. The motion was seconded and approved.

**Executive Session:** No votes were taken during executive session. [11:52 a.m. – 12:20 p.m.]

**Motion:** In open session, Dr. Mruz 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 revoke Dr. Lamascola's license effective the date the order is signed. The motion was seconded and approved.

### Application Hearings:

**Herman Warren, DC:** The purpose of this hearing was to determine should Dr. Warren be granted a Chiropractic license. Dr. Warren made a personal appearance before the Board and was not represented by counsel.

**Motion:** In open session, Dr. Heavner made a motion to go into executive session to receive legal advice from counsel regarding the application. The motion was seconded and approved.

**Executive Session:** No votes were taken during executive session. [10:49 a.m.– 11:15 a.m.]

**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. Mruz made a motion that Dr. Herman's request for a Chiropractic license be reinstated pending completion of the South Carolina rules and regulations, and there be a private reprimand issued as well as continuing education audits for the next two renewal periods. The motion was seconded and approved.

**Break:** Board took a short break [11:19 a.m. – 11:30 a.m.]

### Discussion Topics

**Review of Proposed FAQ Regarding Social Media Coupon:** The Board reviewed the proposed FAQ regarding advertising.

#### **Are there restrictions on a chiropractor's use of "coupons"?**

Yes. Regulation 25-8(D)(7) states that a communication, solicitation or advertisement shall not involve the payment, receipt of a commission or other gratuity for referral of patients. Because chiropractors are therefore prohibited from fee-splitting, the use of social media "coupons" where the issuing company receives a fee or percentage of the cost of the redeemed coupon is not permitted. However, it is permissible for a chiropractor to use coupons where it contracts for advertising services and pays a fee for that advertising which includes a coupon, and the coupon issuing company does not collect the fee from the patient and/or retain or accept a percentage or portion of the coupon cost as payment for the coupon marketing service.

**Motion:** In open session, Dr. Carew made a motion to accept the proposed FAQ language regarding social media coupons. The motion was seconded and approved.

#### Approval of 2016 Board Meeting Dates

The board accepted the 2016 meeting dates as presented:

- Board Meeting 2/11/2016 Room 108
- Board Meeting 5/5/2016 Room 108
- Board Meeting 8/11/2016 Room 108
- Board Meeting 11/04/2016 Room 108

**Motion:** In open session, Dr. Mruz made a motion to accept the Board meeting dates for 2016 as presented. The motion was seconded and approved.

**Appoint IRC member**

**Motion:** In open session, Dr. Mruz made a motion to temporarily appoint Dr. Brian Hughes to the IRC Committee. The motion was seconded and approved.

**Election of Board Officers**

Dr. Roles asked for nomination from the floor for election of Board officers for 2016.

**Motion:** In open session, Dr. Mruz made a motion to appoint Dr. Ralph Roles as Chair and Dr. John McGinnis, Vice Chair. The motion was seconded and approved.

**Board's PowerPoint Presentation**

The Board discussed updates to the PowerPoint presentation to ensure social media and advertising issues are emphasized and included on the website as part of education. Drs. Mruz, McGinnis and Green agreed to serve on the ad hoc committee to review this information and recommend approval at the next Board meeting.

**ADJOURNMENT**

**Motion:** There being no other Board business. Dr. Weaver made a motion to adjourn the meeting at 12:47 p.m. The motion was seconded and approved.

Veronica Reynolds /  
Administrator  
KB

2/11/2016  
Date