

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
FEBRUARY 5, 2009**

PRESENT: Steven Conway, Char Glocke, Wendy Henrichs, James Koshick, Mania Moore, Steven Silverman

STAFF: Jeff Scanlan, Bureau Director; Peggy Wichmann, Legal Counsel; Kimberly Wood, Minute Taker and other DRL Staff

GUESTS: None.

CALL TO ORDER

Steven Silverman, Chair, called the meeting to order at 8:06 a.m. A quorum of 6 members was present.

APPROVAL OF AGENDA

Amendments:

- After Item “J” (open session) NBCE Part IV Examiners – Request for Wisconsin Chiropractic Board Members
- Between Item “M & N” (open session) Presentation and Notice of Proposed Summary Suspension in the Matter of Disciplinary Proceedings Against William E. Atkinson, D.C. (LS # 0802181CHI)
- Between Item “M & N” (open session) Practice Question – Letter from William Lentscher, D.C., Regarding Education Required to Provide Electric Stimulation, Ultrasound and Cold Laser Therapy
- Between Item “M & N” (closed session) Deliberation of Monitoring Issues that May Be Received After Mailing of the Agenda:
 - James A. Wilke, D.C. – Requesting Stay
 - Suzanne Hundt, D.C. – Requesting Modification and Approval of Continuing Education
 - Shawn Kromrey, D.C. – Requesting Modification and Approval of Continuing Education
- Between Item “M & N” (closed session) Deliberation of Proposed Summary Suspension in the Matter of Disciplinary Proceedings Against William E. Atkinson, D.C.

MOTION: James Koshick moved, seconded by Mania Moore, to approve the February 5, 2009 agenda as amended. Motion carried unanimously.

ELECTIONS

MOTION: Steven Conway moved, seconded by James Koshick, to nominate Wendy Henrichs as Board Chair. Motion carried unanimously.

MOTION: Steven Conway moved, seconded by James Koshick, to nominate Steven Silverman as Vice Chair. Motion carried unanimously.

MOTION: Steven Conway moved, seconded by Steven Silverman, to nominate James Koshick as Secretary. Motion carried unanimously.

2009 ELECTION RESULTS	
Chair	Wendy Henrichs
Vice Chair	Steven Silverman
Secretary	James Koshick

APPROVAL OF MINUTES OF NOVEMBER 20, 2008

Amendments:

- Page 11 of the Agenda – Administrative Warning Received After Mailing of the Agenda – M.J.M., D.C., 03 CHI 041 – change vote to indicate: “Motion carried. Opposed: James Koshick, Wendy Henrichs”

MOTION: James Koshick moved, seconded by Mania Moore, to approve the minutes of November 20, 2008 as amended. Motion carried unanimously.

BOARD ASSIGNMENTS

Wendy Henrichs, Chair, made the following appointments:

Screening Panel: Mania Moore, James Koshick, Steven Conway

Exam Committee: Steven Conway, James Koshick, Wendy Henrichs

DOE Monitoring Liaison: Steven Conway

CE Liaison: Wendy Henrichs

* As per previous agreement, the Chair stipulates that the CE Liaison is to consult with the Vice Chair on any approval questions, disagreements or denials of requests for Board approval. If the CE Liaison and Vice Chair do not agree on the outcome of the review, the matter shall be referred to the full Board.

Preceptor Liaison: Steven Silverman

Application Liaison: Steven Silverman

ADMINISTRATIVE REPORT

The Board was advised that several committees have been formed to address areas that have been identified in the Department's strategic plan. Website revamping, improved efficiencies through the utilization of technology, publication of the Regulatory Digest and other strategic initiatives were discussed with the Board.

Personnel Changes

Personnel updates were provided to the Board as follows:

- Kim Nania and Roxanne Peterson, Division of Board Services, will be retiring as of February 13, 2009.
- Melissa Fordahl, Education Approval Processor, has left Regulation and Licensing creating a vacancy in the Office of Education and Examinations.
- Mike Berndt is no longer the Health Attorney Supervisor, Division of Enforcement, and is now acting as General Counsel.
- Gina York, Bureau Assistant, Division of Board Services, has retired and Kimberly Wood, Office Operations Associate, Division of Board Services, will be assisting with her workload.
- The Department is working to transfer the Administrative Law Judge (ALJ) function to Office of Hearings & Appeals. In the interim Nick Schweitzer, DOE Attorney, has been temporarily transferred from the DOE Business Team to the Office of Legal Counsel to act as an ALJ and will be assuming the majority of cases.
- Arthur Thexton has been moved from the DOE's Health Team to the DOE Business Team to assist with the workload left by Nick Schweitzer.
- Larry Martin, Executive Assistant, will be leaving DRL to take a position in the Office of the Governor as the Director of Outreach effective Monday, February 9, 2009
- Claudia Miran Berry, Attorney, Division of Enforcement, will be retiring as of Friday, February 12, 2009.

Evaluations

Jeff Scanlan directed the Board's attention to a survey which was provided at today's meeting. This survey is intended to be used as a self evaluation form for the Board. Instruction on the completion, collection and review of the Board Member Satisfaction Survey was provided. The Department encourages the utilization of this evaluation. The Board was advised that completion is voluntary and subject to open records requests. The need to continue this survey will be reviewed by the Department in six (6) months. Finally, the Board was informed of an electronic survey that the Department would like to implement by the end of 2009.

Division of Enforcement's Automatic CE Audits

The Board was informed that due to the state budget shortfall a temporary hold has been placed on the automatic CE audits conducted by DOE upon intake of complaints and the CE audits conducted by the Office of Education and Examinations. The Department is actively seeking approval to hire for the vacancy left in the Office of Education and Examinations. The Board was advised that audits can be backdated for up to five (5) years once audits resume.

Chair Manual & Training

The Board was informed that the Department would like to conduct Board Chair training in November 2009. In order to obtain advance knowledge of the potential attendance numbers it was requested that the Board consider changing elections to the October timeframe. Furthermore, it was explained that the elected individuals would not assume their duties until January of the following calendar year.

ANNUAL REVIEW OF POLICIES AND PROCEDURES AND 2009 BOARD MEETING DATES

Jeff Scanlan reviewed the following Department policies and procedures with the Board:

- Quorum Policy and Procedure
- Agendas and Addendums
- Hotel Policy and Reservations
- Travel Vouchers and Per Diems
- Out-of-State Travel Policy
- State of Wisconsin Pocket Travel Guide
- Checked Baggage Policy
- Approved Board Meeting Dates for 2009

MOTION: Steven Conway moved, seconded by Steven Silverman, to change the date of the November 19, 2009 meeting to November 12, 2009. Motion carried unanimously.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Noted.

PRESENTATION TO CHIROPRACTIC EXAMINING BOARD ON ETHICS – MICHAEL BERNDT, GENERAL COUNSEL, DEPARTMENT OF REGULATION AND LICENSING

Michael Berndt, General Counsel, appeared before the Board, provided two (2) handouts and delivered a presentation regarding ethics. A discussion of ethics was conducted and a question and answer session ensued.

REQUEST FOR CLARIFICATION ON TEMPORARY APPLICATION SUBMITTED BY DIVISION OF PROFESSIONAL CREDENTIALING

Aaron Knautz was introduced to the Board and posed a question of clarification regarding the issuance of temporary licenses. Jeff Scanlan advised the Board of its options regarding this issue.

MOTION: Steven Conway moved, seconded by James Koshick, to amend the temporary license language on the application form to include a statement that it be renewed at the Board's discretion beyond ten (10) days. Motion carried unanimously.

DISCUSSION ON FORMAT CHANGES TO JURISPRUDENCE EXAMINATION REQUIRED FOR CHIROPRACTIC LICENSURE – GAIL PIZARRO, PH.D., EXAM SPECIALIST, OFFICE OF EDUCATION AND EXAMINATION

Gail Pizarro, Ph.D., Exam Specialist, came before the Board to discuss the format and content of the jurisprudence exam. The Board was informed that the exam was recently updated removing outdated or redundant questions. James Koshick and Steven Conway will write new jurisprudence exam questions. The draft questions will then be brought back for review by the Exam Committee.

FINAL REPORT TO THE BOARD: “RESULTS OF DEPARTMENT AUDIT OF 2005-2006 CONTINUING EDUCATION” – RYAN ZEINERT, EXAM SCHEDULING & ADMINISTRATION, OFFICE OF EDUCATION AND EXAMINATION

The Board reviewed the results of a recently completed continuing education audit from 2005-2006. Five (5) licensees have been referred to the Division of Enforcement for possible disciplinary action.

REVIEW OF LETTER TO BOARD FROM STEVEN DOUGLAS, D.C., REGARDING JANESVILLE GAZETTE ARTICLES ON CHIROPRACTIC BOARD'S REPRIMAND OF WILLIAM ATKINSON, D.C.

The Board tabled this item.

**FEDERATION OF CHIROPRACTIC LICENSING BOARD'S (FCLB)
82ND ANNUAL MEETING – MAY 6 – 10, 2009**

MOTION: Steven Silverman moved, seconded by Char Glocke, to authorize Steven Conway to attend the FCLB 82nd Annual Meeting, May 6-10, 2009 as the Board's representative and to authorize James Koshick's attendance as the alternate. Motion carried unanimously.

**CHIROPRACTIC BOARD DELEGATE AND ALTERNATE TO THE NATIONAL
BOARD OF CHIROPRACTORS (NBCE) AND FEDERATION OF CHIROPRACTIC
LICENSING BOARDS (FCLB)**

MOTION: Steven Silverman moved, seconded by Char Glocke, to authorize James Koshick as the Board's delegate and to authorize Steven Conway as the alternate delegate. Motion carried unanimously.

**NBCE PART IV EXAMINERS – REQUEST FOR WISCONSIN CHIROPRACTIC
BOARD MEMBERS**

Noted.

FYI ITEM: QUARTERLY NEWSLETTER OF ONLINECONTINUINGED, LLC

Noted.

**FYI ITEM: LETTER FROM DR.WILLIAM LENTSCHER, D.C., REGARDING BOARD
APPROVED CONTINUING EDUCATION FOR GALVANIC THERAPY AND
THERAPEUTIC ULTRA SOUND**

The Board reviewed a letter submitted by Dr. William Lentscher, D.C. Jeff Scanlan will respond informing Dr. William Lentscher, D.C. to contact Chiropractic Colleges, to an instructor in this field or that another option is that he could take the physiotherapy exam offered by NBCE and to note that the course does not have to be a 48 hour course.

APPROVAL OF PRECEPTORSHIPS

The following preceptors were presented for approval:

- Dr. Kent Belville (07-19-84) – Palmer College
- Dr. Dale Strama (01-09-86)
- Dr. Jeff Mackey (07-30-98)
- Dr. Sandra Litang-Canon (12-08-94)
- Dr. Kelly Rudd (12-16-81) – Northwestern

MOTION: James Koshick moved, seconded by Char Glocke, to approve all preceptors as presented at the February 5, 2009 meeting. Motion carried unanimously.

CORRESPONDENCE AND PHONE INQUIRIES RECEIVED BY LEGAL COUNSEL

Practice Question Letter from William Lentscher, D.C. Regarding Education Required to Provide Electric Stimulation, Ultrasound and Cold Laser Therapy

The Board reviewed a practice question sent by William Lentscher, D.C. regarding educational requirements to provide electric stimulation, ultrasound and cold laser therapy. This question negated a response that was similar to his initial inquiry. The response to this question will also be provided to Dr. Lentscher, D.C. by Jeff Scanlan.

PRESENTATION OF PETITION FOR SUMMARY SUSPENSION RECEIVED AFTER MAILING OF AGENDA

**WILLIAM E. ATKINSON, D.C.
(LS# 0802181CHI)**

Attorney, Jeanette Lytle, presented the Petition for Summary Suspension in the matter of disciplinary proceedings against William E. Atkinson, D.C. Additionally, Dr. Atkinson, D.C. and his Attorney, Marie Stanton, were present to represent the position of the respondent and to answer questions posed by the Board. Attorney Stanton provided the Board with two (2) handouts, the second of which was re-claimed due to client confidentiality concerns.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: Steven Conway moved, seconded by Steven Silverman, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g), to consult with Legal Counsel to deliberate on proposed stipulations, deliberate on proposed administrative warnings, deliberate on monitoring issues, application review, monitoring report and DOE case status reports. Roll Call Vote: Steven Conway-yes; Char Glocke-yes; Wendy Henrichs-yes; James Koshick-yes; Mania Moore-yes; Steven Silverman-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:08 a.m.

RECONVENE TO OPEN SESSION

MOTION: Mania Moore moved, seconded by Steven Silverman, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 1:32 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

DELIBERATION OF MONITORING ISSUES THAT MAY BE RECEIVED AFTER THE MAILING OF THE AGENDA

JAMES A. WILKE, D.C. REQUESTING STAY

MOTION: Mania Moore moved, seconded by Steven Silverman, to grant the request for a stay in the matter of James A. Wilke, D.C. Motion carried unanimously.

SUZANNE HUNDT, D.C. REQUESTING MODIFICATION AND APPROVAL OF CONTINUING EDUCATION

MOTION: Steven Silverman moved, seconded by Mania Moore, to grant request for a 30 day extension, from the deadline date indicated within the Board's November 20, 2008 Order, to complete continuing education. Suzanne Hundt's license shall be suspended if she has not completed the continuing education requirement within the extended time period. License shall be reinstated upon completion of an approved continuing education course in the matter of Suzanne Hundt, D.C. Motion carried unanimously.

SHAWN KROMREY, D.C.
REQUESTING MODIFICATION AND APPROVAL OF CONTINUING EDUCATION

MOTION: Steven Silverman moved, seconded by James Koshick, to suspend licensure until successful completion of an approved continuing education course is submitted in the matter of Shawn Kromrey, D.C. Motion carried unanimously.

DIVISION OF ENFORCEMENT - CASE STATUS REPORT

D.A.
08 CHI 052

MOTION: Steven Silverman moved, seconded by James Koshick, to close case 08 CHI 052, in the matter of D.A., for prosecutorial discretion. Motion carried unanimously.

D.B.
08 CHI 060

MOTION: Mania Moore moved, seconded by Char Glocke, to close case 08 CHI 060, in the matter of D.B., for prosecutorial discretion. Motion carried. Abstained: Steven Conway, Steven Silverman

R.F.
07 CHI 040, 07 CHI 047, 07 CHI 051, 07 CHI 052, 08 CHI 054

MOTION: James Koshick moved, seconded by Steven Silverman, to close cases 07 CHI 040, 07 CHI 047, 07 CHI 051, 07 CHI 052, 08 CHI 054, in the matter of R.F., for no violation. Motion carried unanimously.

A.H.
07 CHI 060

MOTION: James Koshick moved, seconded by Steven Silverman, to close case 07 CHI 060, in the matter of A.H., for prosecutorial discretion. Motion carried unanimously.

APPLICATIONS FOR RE-REGISTRATION

CHRIS BOYSON, D.C.

MOTION: Steven Silverman moved, seconded by Char Glocke, to reinstate the license for Chris Boyson, D.C. upon successful completion of SPEC examination. Motion carried unanimously.

CHARLES KELSEY, D.C.

MOTION: Steven Silverman moved, seconded by Char Glocke, to reinstate the license for Charles Kelsey, D.C. upon successful completion of SPEC examination and pending review by the Board of the information from NCMIC regarding the settlement on a prior malpractice lawsuit. Motion carried unanimously.

VICKI KELSEY, D.C.

MOTION: Steven Silverman moved, seconded by Char Glocke, to reinstate the license for Vicki Kelsey, D.C. upon successful completion of SPEC examination and pending review by the Board of the information from NCMIC regarding the settlement on a prior malpractice lawsuit. Motion carried unanimously.

DELIBERATION OF PETITION FOR SUMMARY SUSPENSION

WILLIAM E. ATKINSON, D.C.

LS# 0802181CHI

MOTION: Mania Moore moved, seconded by Char Glocke, that Board has found probable cause that William E. Atkinson, D.C. violated the terms of the Board's Order dated August 14, 2008 by failing to complete required continuing education credits. The Board is ordering the summary suspension of the license of William E. Atkinson, D.C. effective on the signing of the order. Motion carried unanimously.

DOE SIGNATURE COLLECTION

Signatures were collected for required documents.

OTHER SECTION BUSINESS

None.

ADJOURNMENT

MOTION: Steven Conway moved, seconded by Mania Moore, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:42 p.m.