

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
MARCH 26, 2009**

PRESENT: Char Glocke, Wendy Henrichs, James Koshick, Mania Moore (connected by phone), Steven Silverman

EXCUSED: Steven Conway

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

GUESTS: None.

CALL TO ORDER

Wendy Henrichs, Chair, called the meeting to order at 8:09 a.m. A quorum of five (5) members was present.

APPROVAL OF AGENDA

Amendments:

- After Item “G” (open session) Preceptor Approval for Request Received After the Printing of the Agenda:
 - Dr. Thomas Tozer, D.C. – Northwestern
- After Item “H” (closed session) Review of Applications Received After Mailing of the Agenda
 - Charles Kelsey, D.C.
 - Vicki Kelsey, D.C.

MOTION: James Koshick moved, seconded by Char Glocke, to approve the March 26, 2009 agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 5, 2009

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

REVISED 2009 MEETING AND SCREENING DATES

The Board was provided with a revised listing of meeting and screening dates for 2009.

ADMINISTRATIVE REPORT

Jeff Scanlan advised the Board of a provision in the Governor's budget that would create a Bureau for the regulation of the Medical Examining Board and its affiliated Boards.

Personnel Changes

Personnel updates were provided to the Board as follows:

- Hector Colon, has been appointed as the Department's Executive Assistant, filling the position vacated by Larry Martin.
- Gail Sumi has been appointed as the Administrator for the Division of Board Services effective March 16, 2009.
- Jacquelynn Rothstein has been reassigned from the Office of Legal Counsel to the Division of Enforcement.

PRESENTATION OF PROPOSED STIPULATIONS

None.

PRESENTATION OF PROPOSED STIPULATIONS RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA

None.

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

Noted.

**REQUEST FOR BOARD APPROVAL OF CONTINUING EDUCATION
PROGRAM: "MOTIVATIONAL INTERVIEWING IN CLINICAL SETTINGS"
WAUSAU, WI, APRIL 18-19, 2009, SPONSORED BY NORTHWESTERN HEALTH
SCIENCES UNIVERSITY**

The Board reviewed questions surrounding the clinical nature of this CE program. The Board undertook an in depth discussion of standards for clinical approval. In order to further clarify their questions regarding this program, the Board contacted Northwestern Health Sciences University and communicated with Diana Berg, Director – Continuing Education.

MOTION: Steven Silverman moved, seconded by Char Glocke, to approve the continuing education program submitted by Northwestern Health Sciences University for the requested twelve (12) hours of credit. Motion failed. Opposed: Wendy Henrichs, James Koshick, Mania Moore

MOTION: Steven Silverman moved, seconded by James Koshick, to accept one (1) credit hour for the portion of the course, submitted by Northwestern Health Sciences University, titled "Improving Clinical Outcomes through Patient-Centered Assessments". Motion carried unanimously.

**REQUEST FOR CHIROPRACTIC EXAMINING BOARD MOTION TO DESIGNATE
THE WI OFFICE OF HEARINGS AND APPEALS ATTORNEY AS ADMINISTRATIVE
LAW JUDGE FOR THE CHIROPRACTIC EXAMINING BOARD**

Jeff Scanlan advised the Board that the purpose of this motion is to facilitate the move of the Administrative Law Judge function to the Office of Hearings and Appeals.

MOTION: James Koshick moved, seconded by Steven Silverman, to designate an attorney who is employed by the Division of Hearings and Appeals, Wisconsin Department of Administration, to serve as an Administrative Law Judge to preside over Class 1 license denial hearings and Class 2 disciplinary proceedings, pursuant to Wis. Admin. Code § RL 1.08 and § RL 2.10. This designation is in addition to the designation already provided for in Wis. Admin. Code § RL 1.08 and § RL 2.10. Motion carried unanimously.

REVIEW OF APPLICATION FOR CHIROPRACTIC COLLEGE PRECEPTOR PROGRAM APPROVAL – LIFE UNIVERSITY

The Board reviewed the request for approval of a preceptor program which was submitted by Life University. While in discussion the Board identified a significant lapse in time since an update of preceptor programs had been requested.

MOTION: Steven Silverman moved, seconded by Char Glocke, that the Department of Regulation and Licensing contact chiropractic schools to request submission of preceptor program reviews. Motion carried unanimously.

MOTION: Steven Silverman moved, seconded by Char Glocke, to approve the preceptor program submitted by Life University pending that this course is only provided in the last or 14th quarter. Motion carried unanimously.

MOTION: Steven Silverman moved, seconded by Char Glocke, to amend the previous motion indicating an additional provision to identify that the preceptor must have as least 5 years of continuous licensure per Wis. Admin. Code § Chir 9.05 (1) (a). Motion carried unanimously.

CORRESPONDENCE FROM JASON JOHNS OF TENUTA & JOHNS, REGARDING CHIROPRACTIC BOARD POSITION ON LRB – 0019/1, FORMERLY KNOWN AS 2007 AB 545 RELATING TO CREATION OF THE PHYSICAL THERAPY EXAMINING BOARD

The Board reviewed the correspondence from Jason Johns and took the following position:

MOTION: Steven Silverman moved, seconded by Char Glocke, that the Chiropractic Examining Board has no position regarding the creation of the Physical Therapy Examining Board. Motion carried unanimously.

PRECEPTOR APPROVAL FOR REQUESTS RECEIVED AFTER THE PRINTING OF THE AGENDA

The following preceptors were presented for approval:

- Dr. Thomas Tozer, D.C. (12-14-95) – Northwestern

MOTION: James Koshick moved, seconded by Char Glocke, to approve the preceptor as presented at the March 26, 2009 meeting. Motion carried. Abstained: Steven Silverman

CORRESPONDENCE AND PHONE INQUIRIES RECEIVED BY LEGAL COUNSEL

Peggy Wichmann provided the Board with a copy of a practice question submitted by Dr. Dawn Prie regarding the ability to practice out of her home office or at the home or workplace of a client. The Board stated that there is no provision prohibiting this practice; however, they cautioned Dr. Prie to be sure she complies with the rules and statutes dictating practice standards.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: James Koshick moved 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: 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 10:18 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 11:51 a.m.

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

MONITORING

**JOHN MURPHY, D.C.
REQUESTING FULL LICENSURE**

John Murphy, D.C., appeared before the Board to request guidance regarding his Board Order. Dr. Murphy stated that he was satisfied and understood the clarification provided by the Board regarding this matter. Additionally, Dr. Murphy indicated that he will contact his former employer to obtain records of the services provided during the time that his license had lapsed and that he would also check his own records for the same information.

**MELISSA NELSON, D.C.
REQUESTING FULL LICENSURE**

MOTION: James Koshick moved, seconded by Char Glocke, to grant the petition for full reinstatement of licensure in the matter of Melissa Nelson, D.C. Motion carried unanimously.

**EDWARD RUZGA, D.C.
APPROVAL OF CONTINUING EDUCATION AND FULL LICENSURE**

MOTION: Steven Silverman moved, seconded by James Koshick, to deny the continuing education course presented for approval and to grant an additional ninety (90) days, from March 26, 2009, to complete continuing education in record keeping/documentation in the matter of Edward Ruzga, D.C. Reason for Denial: Non-approved course. Motion carried unanimously.

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

None.

**DELIBERATION OF PROPOSED STIPULATION(S) RECEIVED IN THE BUREAU
AFTER MAILING OF AGENDA**

None.

**DELIBERATION OF PROPOSED ADMINISTRATIVE WARNING(S)
RECEIVED AFTER MAILING OF THE AGENDA**

None.

**DELIBERATION OF PROPOSED FINAL DECISION(S) AND ORDER(S) IN THE
MATTER OF DISCIPLINARY PROCEEDINGS
RECEIVED AFTER MAILING OF THE AGENDA**

None.

**DELIBERATION OF PETITION FOR ORDERS FIXING COSTS
RECEIVED AFTER MAILING OF THE AGENDA**

None.

**DELIBERATION OF PETITIONS FOR REHEARINGS
RECEIVED AFTER MAILING OF THE AGENDA**

None.

DIVISION OF ENFORCEMENT - CASE STATUS REPORT

06 CHI 059

MOTION: James Koshick moved, seconded by Steven Silverman, to close case 06 CHI 059 for prosecutorial discretion (P2). Motion carried unanimously.

08 CHI 006

MOTION: Char Glocke moved, seconded by Steven Silverman, to close case 08 CHI 006 for prosecutorial discretion (P2). Motion carried unanimously.

08 CHI 034

MOTION: Mania Moore moved, seconded by Steven Silverman, to close case 08 CHI 034 for insufficient evidence. Motion carried unanimously.

REVIEW OF APPLICATIONS RECEIVED AFTER MAILING OF THE AGENDA

CHARLES KELSEY, D.C. & VICKI KELSEY, D.C.

MOTION: Steven Silverman moved, seconded by James Koshick, that the Board accepts the information submitted by Charles and Vicki Kelsey regarding the report from NCMIC insurance company and notes that the NCMIC report only pertains to the application for licensure for Charles Kelsey, D.C. and does not pertain to Vicki Kelsey, D.C., and also reinstates the licenses for Charles Kelsey, D.C. and Vicki Kelsey, D.C. upon successful completion of the SPEC examination. Motion carried unanimously.

DOE SIGNATURE COLLECTION

Signatures were collected for all required documents.

OTHER SECTION BUSINESS

None.

ADJOURNMENT

MOTION: Steven Silverman moved, seconded by Char Glocke, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:02 p.m.