

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
May 24, 2012**

Present: Kathleen Schneider, Jodi Griffith, John Church and Wendy Henrichs

Present by Teleconference: Mania Moore

Not Present: James Koshick

Staff: Mojgan Hall, Executive Director; Yolanda McGowan, Legal Counsel;
Michelle Solem, Bureau Assistant; and other Department staff

Wendy Henrichs, Board Chair, called the meeting to order at 8:32 a.m. A quorum of 5 members was confirmed.

ADOPTION OF AGENDA

Amendments

- Add to Open Session
 - Printed public comments included in the red folder to open session
 - Comments received from Dr. Koshick relative to the practical exam
- Add to Closed Session
 - Summary Suspension Discussion and Action
 - Ida Bergman
 - Jerod Bergman
 - Brian Hansen
 - License Reinstatement Discussion and Action
 - Tina Peterson

MOTION: Kathleen Schneider moved, seconded by John Church, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Jodi Griffith moved, seconded by John Church, to approve the minutes of March 29, 2012, as published. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS
BY THE DIVISION OF ENFORCEMENT**

Attorneys from the Division of Enforcement provided presentations related to the following Stipulations, Final Decisions and Orders:

1. 08 CHI 061 – Richard J. Ranike
2. 10 CHI 051 – Brian E. Palevac
3. 11 CHI 032 – James J. Fink

PRECEPTOR APPROVALS

MOTION: John Church moved, seconded by Kathleen Schneider, to approve preceptors as submitted. Motion carried unanimously.

BOARD DISCUSSION

1. EDUCATION AND EXAMINATION MATTERS

a. **Post Practical Exam Discussion**

The Board discussed general comments relative to the exam process.

b. **Practical Exam Retake Policy**

The board discussed the retake policy.

MOTION: John Church moved, seconded by Jodi Griffith, to clarify that an applicant that fails 1 section of the practical exam demonstrating clinical competence has not failed the exam per CHIR 2.11(2) and to further clarify that said applicant may not be licensed unless and until the failed section has been successfully completed in compliance with all other applicable rules.

MOTION: Jodi Griffith moved, seconded by John Church, to clarify that an applicant that has failed 2 or more sections of the practical exam demonstrating clinical competence has failed the exam for purposes of CHIR 2.07(3) and will be required to retake the entire exam per CHIR 2.11(2).

c. **Practical Exam Policy – Withdrawal and Endorsement**

The Board will continue to review on a case by case basis.

d. **Discussion relative to approved Shoulder and Hip Seminar**

This topic will be discussed as part of the CE Approval Process.

e. **CE Approval Process**

Dr. Church indicated that he has been reviewing the CE. He outlined the concerns that he has with some of the programs that have been submitted. There was a great deal of discussion surrounding the interpretation of the “letter of the law” and the “spirit of the law.” Yolanda McGowan indicated that the rule is clear - one credit hour is granted for each 50 minute instruction period.

f. **Discussion relative to CT/CRT Minimum Course of Study Requirements**

This item is tabled until the August meeting. Board members will submit comments to Yolanda McGowan.

INFORMATIONAL ITEMS

Yolanda McGowan told the Board that she had received an e-mail from a Chiropractor asking that acupuncture be added to the scope of practice. The chair indicated that the rules will be reviewed in light of the recent legislation.

PUBLIC COMMENTS

Gail Meye addressed the Board relative to the practical exam. She indicated that she is struggling with the practical exam requirement in Wisconsin. She noted that if one has completed the education requirements at an accredited academic facility and has passed the national exam, they have proven their dedication and competence.

Elizabeth McLean, Moraine Park Technical College, noted that approval numbers for continuing education for CT and CRT courses are not being issued.

Dean Shephard indicated that he shares the concerns expressed by Gail Meye. He noted that it is harder for chiropractors to sell their practice due to the low number of applicants for the practical exam given that there have been no applicants that have passed the new practical exam.

Yolanda McGowan told the gallery that the practical exam is a requirement by statute and not a requirement of the Board.

CLOSED SESSION

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: John Church - yes; Jodi Griffith - yes; Wendy Henrichs - yes; Mania Moore - yes; and Kathleen Schneider - yes. Motion carried unanimously. Open session recessed at 10:26 a.m.

RECONVENE TO OPEN SESSION

MOTION: Jodi Griffith moved, seconded by Kathleen Schneider, to reconvene in open session at 1:10 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matters of:

- a. 08 CHI 061 – Richard J. Ranicke
- b. 10 CHI 051 – Brian E. Palevac
- c. 11 CHI 032 – James J. Fink

Motion carried unanimously.

CASE CLOSINGS

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to close the following cases according to the recommendations by the Division of Enforcement:

- a. 11 CHI 011 No Violation
- b. 11 CHI 030 Prosecutorial Discretion (P2)

Motion carried unanimously.

SUMMARY SUSPENSIONS

Attorney Polewski withdrew the petitions for summary suspension related to Ida, Jerod and Brian. Wendy Henrichs recused herself from all deliberations related to the petitions for summary suspension.

ADMINISTRATIVE WARNINGS

MOTION: Kathleen Schneider moved, seconded by Jodi Griffith, to issue the Administrative Warning in the matter of 12 CHI 002. Motion carried unanimously.

MONITORING

MOTION: Kathleen Schneider moved, seconded by John Church, to affirm the previous decision to deny A.A. admittance to the Professional Assistance Procedure. Motion carried unanimously.

APPLICATION MATTERS

MOTION: John Church moved, seconded by Kathleen Schneider, to approve preceptorship to Leo Bronston. Motion carried unanimously.

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to approve reinstatement of licensure to Tina Peterson. Motion carried unanimously.

The matter of J.B. was delegated to the Liaison to act upon on behalf of the Board.

No action was taken on the continuing education matter as additional information that was requested was not submitted.

ADJOURNMENT

MOTION: Kathleen Schneider moved, seconded by Mania Moore, to adjourn the meeting at 1:12 p.m. Motion carried unanimously.