

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
July 2, 2015**

PRESENT: Kelly Brown (via GoToMeeting); John Church, D.C.; Jodi Griffith, D.C.; Jeffrey Mackey, D.C.; and Patricia Schumacher, D.C.

STAFF: Tom Ryan, Executive Director; Kimberly Wood, Bureau Assistant; and other Department staff

CALL TO ORDER

Patricia Schumacher, Chair, called the meeting to order at 8:33 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- ADD Under Item C.1.: Credentialing Matters-Application Review (Closed Session):
 - Zachary Brocker, D.C.
 - Jennifer Levan, D.C.
- CORRECT Item M: Change the title of this item as follows: Credentialing Matters
- CORRECT Item O: Correct the Order number listed on the agenda from ‘0003374’ to ‘0003774’
- REMOVE Item Q.6.: ‘14 CHI 014’

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

APPROVAL OF MINUTES

MOTION: John Church moved, seconded by Jodi Griffith, to approve the minutes of March 5, 2015 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

MOTION: Jeffrey Mackey moved, seconded by Jodi Griffith, to affirm the Chair’s appointment of new panel members and liaisons:

- Credentialing Liaison: Kelly Brown
- Credentialing Liaison/Alternate: Jeffrey Mackey
- Screening Panel Member: Patricia Schumacher
- Screening Panel Member/Alternate: Jeffrey Mackey
- Preceptor Liaison: John Church
- Preceptor Liaison/Alternate: Jeffrey Mackey
- Monitoring Liaison/Alternate: Kelly Brown

Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Scope Statement for Chir 4 and 10, Relating to Chiropractic Radiological Technicians and Chiropractic Technicians

MOTION: Jeffrey Mackey moved, seconded by Jodi Griffith, to request DSPS staff to redraft a Scope Statement revising Chir 4 and 10, relating to Radiological Technicians and Chiropractic Technicians. Motion carried unanimously.

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to designate Jodi Griffith, and Jeffrey Mackey as an alternate, to work with DSPS staff to finalize the drafting document for Chir 4 and 10, relating to courses of study. Motion carried unanimously.

Adoption Orders for Chir 2, 3 (CR 14-068) Relating to Practical Exams for Chiropractors and Chir 13 (CR14-069) Relating to the Duty to Inform Patients of Treatment Options

MOTION: Jeffrey Mackey moved, seconded by Jodi Griffith, to approve the Adoption Order for Clearinghouse Rule 14-068 (Chir 2 & 3), relating to practical exams for chiropractors. Motion carried unanimously.

MOTION: Jeffrey Mackey moved, seconded by Jodi Griffith, to approve the Adoption Order for Clearinghouse Rule 14-069 (Chir 13), relating to the duty to inform patients of treatment options. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

Chiropractic Society of Wisconsin (CSW) Request for Approval of Chiropractic Radiologic Technician (CRT) Course of Study

MOTION: Jodi Griffith moved, seconded by Jeffrey Mackey, to grant the request for course approval of the Chiropractic Society of Wisconsin for the CRT course of study, as presented in today's agenda. Motion carried unanimously.

SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATIONS REQUEST(S)

Ethics and Boundaries Assessment Services, LLC (EBAS) Agency Orientation Workshop – July 10-11, 2015 – Greeley, CO

MOTION: Jeffrey Mackey moved, seconded by John Church, to designate Patricia Schumacher, as the Board's delegate, to attend the EBAS Agency Orientation Workshop on July 10-11, 2015 in Greeley, CO and to authorize travel. Motion carried unanimously.

CLOSED SESSION

MOTION: Jeffrey Mackey moved, seconded by Jodi Griffith, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Patricia Schumacher read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Kelly

Brown-yes; John Church-yes; Jodi Griffith-yes; Jeffrey Mackey-yes; Patricia Schumacher-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:05 a.m.

RECONVENE TO OPEN SESSION

MOTION: Jeffrey Mackey moved, seconded by John Church, to reconvene in Open Session at 11:56 a.m. Motion carried unanimously.

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

MOTION: Jeffrey Mackey moved, seconded by John Church, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

CREDENTIALING MATTERS

Application Review

Kayvon Behnam, D.C.

MOTION: Jeffrey Mackey moved, seconded by John Church, to deny the Chiropractic application of Kayvon Behnam, D.C. **Reason for Denial:** Pursuant to Wis. Stat. § 446.03(5) and Wis. Admin. Code § Chir 6.02(22). Motion carried unanimously.

Zachary Brocker, D.C.

MOTION: Jeffrey Mackey moved, seconded by Jodi Griffith, to defer a decision in the Chiropractic application of Zachary Brocker, D.C., and to designate Jodi Griffith to communicate with DSPS staff regarding course approval limits. Motion carried unanimously.

Joshua Cirilli, D.C.

MOTION: Jeffrey Mackey moved, seconded by Jodi Griffith, to request that Joshua Cirilli, D.C. obtain an AODA assessment and submit the results to the Department, and to defer a decision on his application until the AODA results are received and reviewed. Motion carried unanimously.

Jennifer Levan, D.C.

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to deny the Chiropractic application of Jennifer Levan, D.C. **Reason for Denial:** The applicant has not met the requirement of Wis. Admin. Code § Chir 3.03(1)(c)3. Motion carried unanimously.

DELIBERATION ON PROPOSED FINAL DECISION AND ORDER

Karl Naujock, D.C., Respondent (DHA Case SPS-15-0004)(DLSC Case 13 CHI 013)

MOTION: John Church moved, seconded by Jodi Griffith, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Karl Naujock, D.C., Respondent (DHA Case SPS-15-0004)(DLSC Case 13 CHI 013). Motion carried. Recused: Jeffrey Mackey

(Jeffrey Mackey recused himself and left the room for deliberation, and voting in the matter concerning Karl Naujock, D.C., Respondent (DHA Case SPS-15-0004)(DLSC Case 13 CHI 013).)

DELIBERATION ON ORDER FIXING COSTS

Ty C. Wade, D.C., Respondent (ORDER0003774)(DHA Case SPS-13-0050)(DLSC Case 13 CHI 002)

MOTION: Jeffrey Mackey moved, seconded by John Church, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Ty C. Wade, D.C., Respondent (ORDER0003774)(DHA Case SPS-13-0050)(DLSC Case 13 CHI 002). Motion carried unanimously.

DELIBERATION ON PROPOSED STIPULATIONS, FINAL DECISION AND ORDERS

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the following matters:

1. 13 CHI 019 – Kenneth A. Howard, D.C.
2. 13 CHI 020 – Chris Boyson, D.C.
3. 13 CHI 025 – David R. Toftness, D.C.
4. 13 CHI 031 – Daniel D. Lyons, D.C.
5. 14 CHI 024 – Stuart W. Leinbach, D.C.
6. 14 CHI 029 – David M. Dow, D.C.

Motion carried unanimously.

14 CHI 016 – John T. Aderholdt, D.C.

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to defer the deliberation of the matter of John T. Aderholdt, D.C., DLSC case number 14 CHI 016, pending the review of additional information. Motion carried unanimously.

CASE CLOSING(S)

MOTION: Jodi Griffith moved, seconded by Jeffrey Mackey, to close the following cases for the reasons outlined below:

1. 13 CHI 027 – Prosecutorial Discretion (P2)
2. 13 CHI 031 – Insufficient Evidence (IE)
3. 13 CHI 032 – Insufficient Evidence (IE)
4. 14 CHI 006 – Prosecutorial Discretion (P3)
5. 14 CHI 018 – Prosecutorial Discretion (P6)
6. 14 CHI 028 – Prosecutorial Discretion (P7)

Motion carried unanimously.

13 CHI 029

MOTION: Jeffrey Mackey moved, seconded by Jodi Griffith, to close DLSC case number 13 CHI 029 for Insufficient Evidence (IE). Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Jodi Griffith moved, seconded by Jeffrey Mackey, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Jodi Griffith moved, seconded by Jeffrey Mackey, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:58 a.m.