

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
JANUARY 27, 2011**

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

EXCUSED: Kathleen Schneider

STAFF: Brian Deschane, Bureau Director; Yolanda McGowan, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DRL staff

GUESTS: Myrna Foy, WTCS; Brian Marek; Casimer Kobylinski; Attorney Martin Kohler; Sue Turowsla

CALL TO ORDER

Chair Wendy Henrichs called the meeting to order at 8:44 a.m. A quorum of five (5) members was confirmed.

APPROVAL OF AGENDA

Amendments

- After item “B” – Insert “Secretary Matters”
- On page 2, under “Credentialing/Education/... - change “presentation” to “appearance”

MOTION: Mania Moore moved, seconded by Steven Conway, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 18, 2010

Corrections:

- On page 1, under APPROVAL OF MINUTES OF OCTOBER 21, 2010, under Corrections – correct the spelling from “Iconic” to “Ionic”

MOTION: James Koshick moved, seconded by Mania Moore, to approve the minutes of November 18, 2010 as corrected. Motion carried unanimously.

SECRETARY MATTERS

Secretary Dave Ross introduced himself to the Board and gave a brief history of his background. He looks forward to working with the Board. John Murray, Executive Assistant, and Michael Trepanier, Division Administrator in Board Services, also introduced themselves to the Board.

ADMINISTRATIVE REPORT

Emergency Contact Form

Board members were asked to complete this form, which will be kept in a secure location and will be accessed in case of an emergency.

Annual Policy Review

Yolanda McGowan reviewed the policies with the Board.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MICHAEL J COURT, DC 10 CHI 013

DOE attorney Chad Kopljen presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Michael J. Court, DC. This matter will be deliberated in closed session.

CHRISTINA LAPP, DC 09 CHI 033

No presentation was necessary regarding this matter.

PRECEPTOR APPROVALS OR ANY RECEIVED AFTER PRINTING OF AGENDA

The following requests for approval of preceptors have been submitted to the DRL 45 days in advance of the beginning of the school's next trimester:

	<u>Chiropractor Lic.</u>	<u>Granted</u>
Palmer (<i>pregrad</i>)	Christopher Kaiser	12/18/1994
	Linda Lorenz	12/14/1990
	Daniel Strong	07/28/1976
	Hoan-Vu Nguyen	07/23/1998

Palmer (<i>postgrad</i>)	Robert Anderson	06/03/1982
	Karen Paras	12/17/1998
Northwestern (<i>postgrad</i>)	Christopher Resch	03/12/1991
	Cynthia Munson	08/06/1994

MOTION: Steven Silverman moved, seconded by Mania Moore, to approve all the pregrad and postgrad preceptors as presented. Motion carried unanimously.

LEGISLATION /ADMINISTRATIVE RULES

CT/CRT RULE: PRESENTATION AND APPROVAL OF RULE DRAFT

Legal Counsel Yolanda McGowan reviewed the text of the CT/CRT rule draft with the Board.

MOTION: James Koshick moved, seconded by Mania Moore, to approve the text of the rule as discussed with the exception of the language that relates to CHI 5.02(1)(a). Roll call vote: Steven Conway-no; James Koshick-yes; Mania Moore-yes; Steven Silverman-no; Wendy Henrichs-yes. Motion carried.

MOTION: Steven Conway moved, seconded by Steven Silverman, to approve the following statement for inclusion with CHI 5.02(1)(a): “ to include other entities as continuing education providers for CT’s and CRT’s as approved by the Board.” Roll call vote: Steven Conway-yes; James Koshick-no; Mania Moore-no; Steven Silverman-yes; Wendy Henrichs-no. Motion failed.

MOTION: Mania Moore moved, seconded by Steven Silverman, to add language to allow colleges with a CT or CRT program as CE providers if approved by the Board. Roll call vote: Steven Conway-yes; James Koshick-no; Mania Moore-yes; Steven Silverman-yes; Wendy Henrichs-no. Motion carried.

CREDENTIALING/EDUCATION/CONTINUING EDUCATION AND EXAMINATION ISSUES

Status Report by Office of Education and Examinations related to Chiropractic Practical Examination Development

Jill Remy addressed the Board regarding the development of the Chiropractic Practical Examination. Ms. Remy has been charged by the Secretary's Office to look at solutions regarding this examination, and she is currently working on this project.

John Murray, Executive Assistant, spoke with the Board as well. He will ask DRL staff to provide preliminary data to the Chair in two weeks. Some of the considerations must be the cost to new licensees and costs related to the development and administration of the exam. All these factors must be considered for a realistic fiscal impact.

Michael Trepanier, Board Services Division Administrator, addressed the Board and indicated DRL staff is working on the details, however assistance is also needed from the Board. Board input will be needed regarding proctors, equipment, location of the exams (here or at an outside facility) and staff time required for development and administration. The current Administration is committed to working with the Board to come up with a solution that will meet the needs of the Board, the licensees, the Department and the public.

CLOSED SESSION

MOTION: Mania Moore moved, seconded by Steven Conway, to adjourn 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: Steven Conway - yes; Wendy Henrichs – yes; James Koshick – yes; Mania Moore – yes; Steven Silverman – yes. Motion carried unanimously.

Open session recessed at 11:40 a.m.

RECONVENE TO OPEN SESSION

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

Open session reconvened at 12:46 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

Chiropractic Examining Board

January 27, 2011 Minutes

Page 4 of 7

MONITORING

CASIMER KOBYLINSKI, DC

Casimer Kobylinski, DC, appeared before the board with his attorney, Martin Kohler.

MOTION: Mania Moore moved, seconded by James Koshick, to deny the request for full licensure to Casimer Kobylinski, DC. Motion carried unanimously.

PROPOSED ADMINISTRATIVE WARNING

09 CHI 026 AGAINST R.H.

MOTION: Steven Conway moved, seconded by Steven Silverman, to issue the administrative warning in case **09 CHI 026** against respondent R.H. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MICHAEL J COURT, DC
10 CHI 012

MOTION: Mania Moore moved, seconded by Steven Conway, to reject the stipulation in the disciplinary proceedings against Michael J. Court, DC, and to return the matter to the Division of Enforcement. Motion carried unanimously.

CHRISTINA LAPP, DC
09 CHI 033

MOTION: Steven Conway moved, seconded by Steven Silverman, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Christina Lapp, DC. Motion carried unanimously.

APPLICATION REVIEW

DANIEL HILL, DC

MOTION: Steven Conway moved, seconded by Mania Moore, to deny the application for licensure of Daniel Hill, DC. Motion carried unanimously.

CASE CLOSINGS

10 CHI 016

MOTION: Mania Moore moved, seconded by Steven Conway, to close case **10 CHI 016** for no violation. Motion carried unanimously.

10 CHI 037

MOTION: Mania Moore moved, seconded by Steven Conway, to close case **10 CHI 037** for prosecutorial discretion (P6). Motion carried unanimously.

09 CHI 013

MOTION: Mania Moore moved, seconded by Steven Conway, to close case **09 CHI 013** for prosecutorial discretion (P6). Motion carried unanimously.

REVIEW APPLICATION FOR CE PROVIDER RE: MANUAL MASSAGE

The Board reviewed the application for CE provider with legal counsel.

MOTION: Steven Conway moved, seconded by Mania Moore, to approve this manual massage course as presented. Motion carried. Steven Silverman abstained.

REVIEW OF APPLICATION FOR CE PROVIDER RE: HOME DELEGATION

The Board reviewed the application for CE provider with legal counsel.

MOTION: Mania Moore moved, seconded by James Koshick, to deny the application for CE provider for home delegation. Motion carried. Steven Silverman abstained.

The Board would like to revisit this discussion at the next meeting.

PRACTICE QUESTION

USE OF COLD LASER FOR FAT REDUCTION THERAPY

Chiropractic Examining Board

January 27, 2011 Minutes

Page 6 of 7

The Board considered the correspondence from Brian Palevac, DC, regarding the use of cold laser for fat reduction therapy. Legal counsel will reply that practitioners need to comply with all rules and statutes governing the practice of Chiropractic.

MISCELLANEOUS CORRESPONDENCE/INFORMATION AND PHONE INQUIRIES

There were no items to review.

TRAVEL

Request for NBCE Delegate and Alternate Delegate

MOTION: Mania Moore moved, seconded by Steven Silverman, to authorize James Koshick as the delegate and Steven Conway as the alternate delegate, to attend the NBCE meeting. Motion carried unanimously.

Brian Deschane informed the Board that all travel must be reviewed by the Department of Administration and approval is not guaranteed.

PUBLIC COMMENTS

There were no comments.

ADJOURNMENT

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

The meeting adjourned at 1:47 p.m.

NEXT MEETING DATE: MARCH 17, 2011