

INDIANA BOARD OF CHIROPRACTIC EXAMINERS
Indiana Government Center South
302 West Washington St.
Conference Center, Room C
Indianapolis IN 46204

MINUTES OF FEBRUARY 22, 2024

Diane Vuotto, D.C., Chair, called the meeting to order at 9:00 a.m. and declared a quorum in accordance with IC 25-10-1-1.5(f), pursuant to public notice posted at the principal office for the Board, online at the board's website and on the state calendar at least forty-eight (48) hours before the time of the meeting.

Members Present: Diane Vuotto, D.C., Chair
Derek Dyer, D.C., Vice Chair
Richard Mason, D.C., Member
Emily Shoemaker, Consumer Member
John Bernzott, D.C., Member

Staff Present: Jody Edens, Board Director
Professional Licensing Agency
James Green, Assistant Board Director
Professional Licensing Agency
Donald Hannah, J.D., Deputy Attorney
General, Office of the Attorney General

The Board voted to APPROVE the Amended Agenda.

Bernzott/Shoemaker, 5/0/0
Motion carries

The following board members voted aye:
Derek Dyer, Diane Vuotto, Richard Mason, Emily Shoemaker, John Bernzott
The following board members objected: none
The following board members abstained: none

The Board voted to APPROVE the DECEMBER 22, 2023 minutes as written.

Dyer/Mason, 5/0/0
Motion carries

The following board members voted aye:

Derek Dyer, Diane Vuotto, Richard Mason, Emily Shoemaker, John Bernzott
The following board members objected: none
The following board members abstained: none

ELECTION OF OFFICERS

Dr. Dyer recommended the Chair remain Diane Vuotto. Dr. Vuotto recommended the Vice Chair remain Derek Dyer. The following were voted into office beginning February 22, 2024

- Diane Vuotto, D.C., Chair
- Derek Dyer, D.C., Vice Chair

Dyer/Mason, 5/0/0
Motion carries

The following board members voted aye:
Derek Dyer, Diane Vuotto, Richard Mason, Emily Shoemaker, John Bernzott
The following board members objected: none
The following board members abstained: none

PERSONAL APPEARANCES

Det James, D.C., License No. 08001191A, Cause No. 2020 IBCE 0002 – Probation Appearance:

Dr. James appeared in person without counsel regarding his probationary appearance scheduled before the Board.

He indicated to the Board that there is nothing new to report. He is still working with his brother as he has for the past thirty-five (35) years.

The Board thanked him for his appearance.

Sherry Minkis, D.C., License No. 08001275A – License Reinstatement:

Dr. Minkis appeared in person without counsel regarding her request to reinstate her Chiropractic license.

Dr. Minkis was caring for her parents since 2018. She has fifty-two (52) hours of continuing education, which Dr. Mason reviewed and stated they meet the requirement for reinstatement.

After discussion, the Board moved to APPROVE Dr. Minkis' reinstatement application.

Dyer/Bernzott, 5/0/0
Motion carries

The following board members voted aye:
Derek Dyer, Diane Vuotto, Richard Mason, Emily Shoemaker, John Bernzott
The following board members objected: none
The following board members abstained: none

ADMINISTRATIVE HEARINGS

Derek Jordan, D.C., License No. 08002750A, Cause No. 2023 IBCE 0004

Respondent did not appear in person and was not represented by counsel regarding a Summary Suspension Extension scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Mr. Eldridge informed the Board that they called the Respondent's number on file with the Board, and it was disconnected. His criminal charges in Johnson County are still pending currently. He is still in custody in Florida and charges are still pending in Florida as well.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Bernzott/Mason, 5/0/0
Motion carries

The following board members voted aye:
Derek Dyer, Diane Vuotto, Richard Mason, Emily Shoemaker, John Bernzott
The following board members objected: none
The following board members abstained: none

Gregory Hough, D.C., License No. 08001092A, Cause No. 2023 IRCE 0002

Respondent appeared in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Dr. Hough informed the Board that he has a new doctor starting on February 27, 2024 and he will have Amber come in and scribe for him with each patient. He stated he will always have a woman in the room with him while seeing patients. He also stated he has learned to explain to the patient what he is going to do before he does it.

He has completed his required twelve (12) hours of continuing education and his quarterly appearance.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to WITHDRAW the Order of Probation on Dr. Hough's license.

Bernzott/Mason, 5/0/0
Motion carries

The following board members voted aye:
Derek Dyer, Diane Vuotto, Richard Mason, Emily Shoemaker, John Bernzott
The following board members objected: none
The following board members abstained: none

Richard P. Bailey, D.C., License No. 08000442A, Cause No. 2023 IBCE 0007

Respondent appeared in person and was not represented by counsel regarding an Appeal of Notice of Non-Compliance for CE Audit scheduled before the Board. The State of Indiana was not represented in this matter, and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Dr. Bailey failed to obtain his continuing education credits for his license renewal. When he was notified of this issue, he immediately made up the continuing education, but did not pay the civil penalty fee of \$600.00.

He was notified that he needed to pay the civil penalty, or his license could be suspended for non-compliance. He didn't pay it, so his license was placed on suspension.

He indicated to the Board that he was working reduced hours and only working four (4) days a week, therefore the \$600 was a financial burden.

He also stated that his wife's sister was placed in memory care and had a lot going on that's why he didn't get his continuing education completed.

While the Board was discussing this matter, Dr. Bailey said that he would settle the discussion, and brought up a \$600 check for his civil penalty fee.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to DENY Dr. Bailey's request of APPEAL.

Bernzott/Mason, 5/0/0
Motion carries

The following board members voted aye:

Derek Dyer, Diane Vuotto, Richard Mason, Emily Shoemaker, John Bernzott
The following board members objected: none
The following board members abstained: none

Roger Rodibaugh, D.C., License No. 08000726A, Cause No. 2023 IBCE 0002

Respondent appeared in person and was not represented by counsel regarding an Appeal of Notice of Non-Compliance for CE Audit scheduled before the Board. The State of Indiana was not represented in this matter, and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Dr. Rodibaugh said he has not gotten any notices for the CE Audit until he received the one mailed to him about his license being suspended.

In looking back at previous renewal applications, Dr. Rodibaugh did supply staff on his 2014 renewal application a new email. It was not updated in the system to the new email, therefore all notices were going to an outdated email address.

Staff updated his email address in his license record.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to DISMISS the Notice of Non-Compliance and to remove all record of it.

Bernzott/Mason, 5/0/0
Motion carries

The following board members voted aye:
Derek Dyer, Diane Vuotto, Richard Mason, Emily Shoemaker, John Bernzott
The following board members objected: none
The following board members abstained: none

Paul Hollern, License No. 08001101A, Cause No. 2011 IBCE 0015

Respondent did not appear in person and was not represented by counsel regarding an Petition for Reinstatement scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General, and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Dr. Hollern failed to appear.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to issue a NOTICE OF PROPOSED DISMISSAL.

Bernzott/Dyer, 5/0/0
Motion carries

The following board members voted aye:
Derek Dyer, Diane Vuotto, Richard Mason, Emily Shoemaker, John Bernzott
The following board members objected: none
The following board members abstained: none

Matthew Schulz, D.C., License No. 08002207A, Cause No. 2011 IBCE 0003

Respondent appeared in person and was represented by counsel, Mark Sullivan and Alexandra Dower regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and Carlos Montenegro, Certified Legal Intern in this matter, and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Dr. Schultz's license was placed on indefinite probation with terms and conditions through a settlement agreement.

He sought mental health care that he needed after receiving a head injury which resulted in a change in his personality. He is currently seeing a Psychologist.

He is working part-time in Bloomington. He currently has five (5) children, with the youngest being nineteen (19) months old.

Dr. Schulz stated that he is very hard on himself but has never has issues with patients.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to WITHDRAW the Order of Probation on Dr. Schulz's license.

Dyer/Bernzott, 3/2/0, with Dr. Mason & Ms. Shoemaker Objecting
Motion carries

The following board members voted aye:
Derek Dyer, Diane Vuotto, John Bernzott
The following board members objected: Richard Mason, Emily Shoemaker
The following board members abstained: none

DISCUSSION

The Board discussed and set their next meeting on May 9, 2024 for the summary suspension extension hearing.

There being no further business, the Board ADJOURNED at 11:15 a.m.

Diane Vuotto, D.C., Chair