

MINUTES

INDIANA BOARD OF CHIROPRACTIC EXAMINERS

May 2, 2019

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Davis called the meeting to order at 9:05 a.m. at the Indiana Government Center South, 402 West Washington Street, Room W064, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

David Davis, D.C., Chairman
John Bernzott, D.C.
Diane Vuotto, D.C.
Derek Dyer, D.C.
Michael Phelps, D.C.

Board Members Not Present:

Marian Klaes, D.C.
Vacant, Consumer Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency
Phillip Gordon, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA AS AMENDED

A motion was made and seconded to adopt the agenda, as amended.

BERNZOTT/DYER
Motion carried 5-0-0

III. ADOPTION OF THE MINUTES FROM THE JANUARY 10, 2019 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes from the January 10, 2019 meeting of the Board.

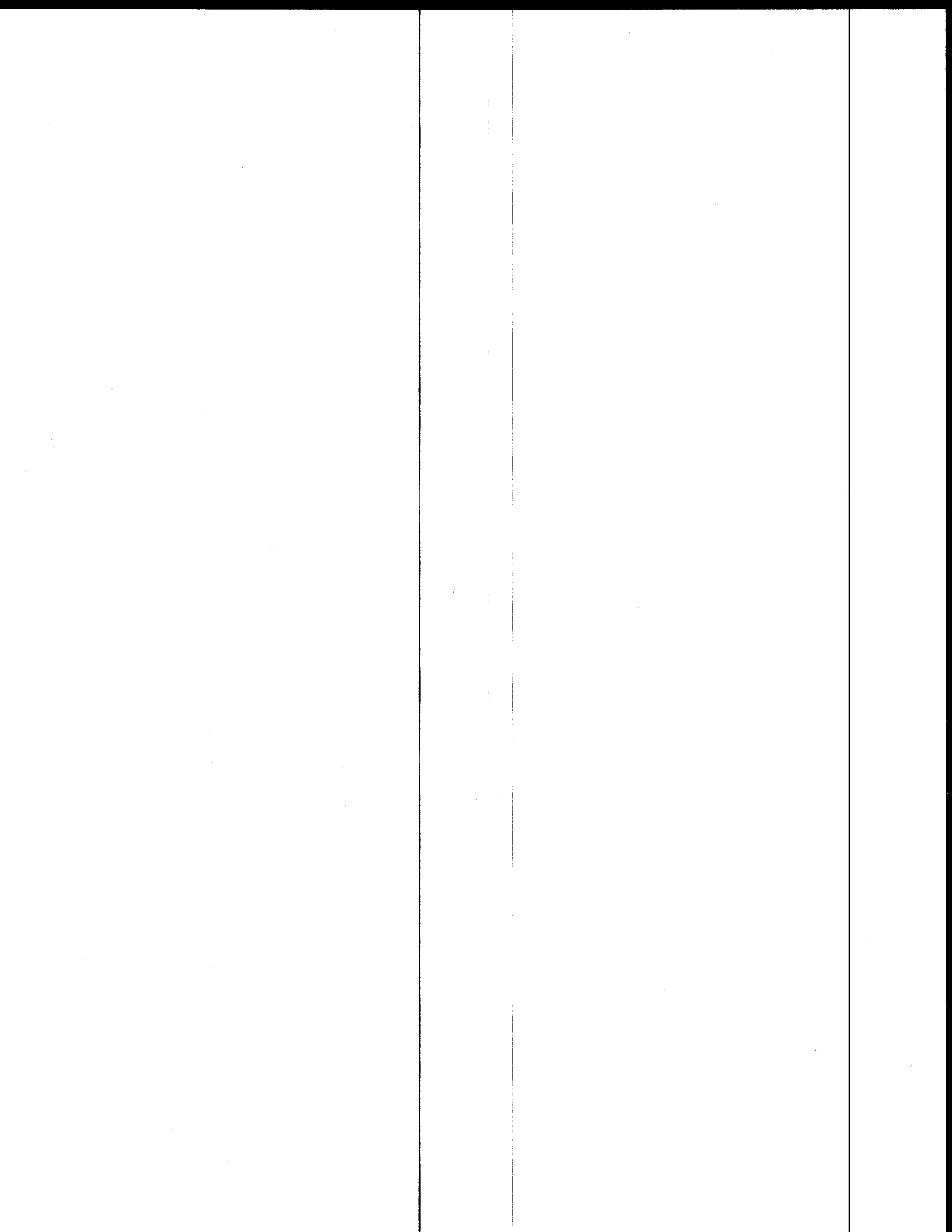
PHELPS/VUOTTO
Motion carried 5-0-0

IV. PERSONAL APPEARANCES

There were no personal appearances before the Board.

V. ADMINISTRATIVE HEARINGS

A. Jereme Pflum, D.C., License No. 08001889A
Administrative Cause No. 2014 IBCE 0003



Re: Request for Withdrawal of Probation

Parties Present:

Respondent was present, without Counsel
Ryan Eldridge, Deputy Attorney General for the State of Indiana
Heather Orbaugh Court Reporter, Accurate Court Reporting

Participating Board Members:

Dr. Davis, DC (Hearing Officer)
Dr. Bernzott, DC
Dr. Dyer, DC
Dr. Vuotto, DC
Dr. Phelps, DC

Case Summary: On or around October 21, 2014, the Board, during an ALJ hearing, accepted a Proposed Settlement Agreement placing Respondent's chiropractic license on Indefinite Probation with terms and conditions. Respondent testified that he has completed all requirements of the Final Order. The State reminded the Board that Respondent has not worked as a chiropractor since 2017 and has not completed any continuing education since the expiration of his chiropractic license.

Board action: A motion was made and seconded to grant the withdrawal of probation in the matter of Dr. Pflum's chiropractic license.

BERNZOTT/PHELPS
Motion carried 5-0-0

B. State of Indiana v. Ronald G. Sheppard, D.C., License No. 08000647A

Administrative Cause No. 2018 IBCE 0003

Re: Request for Reinstatement of Suspended License

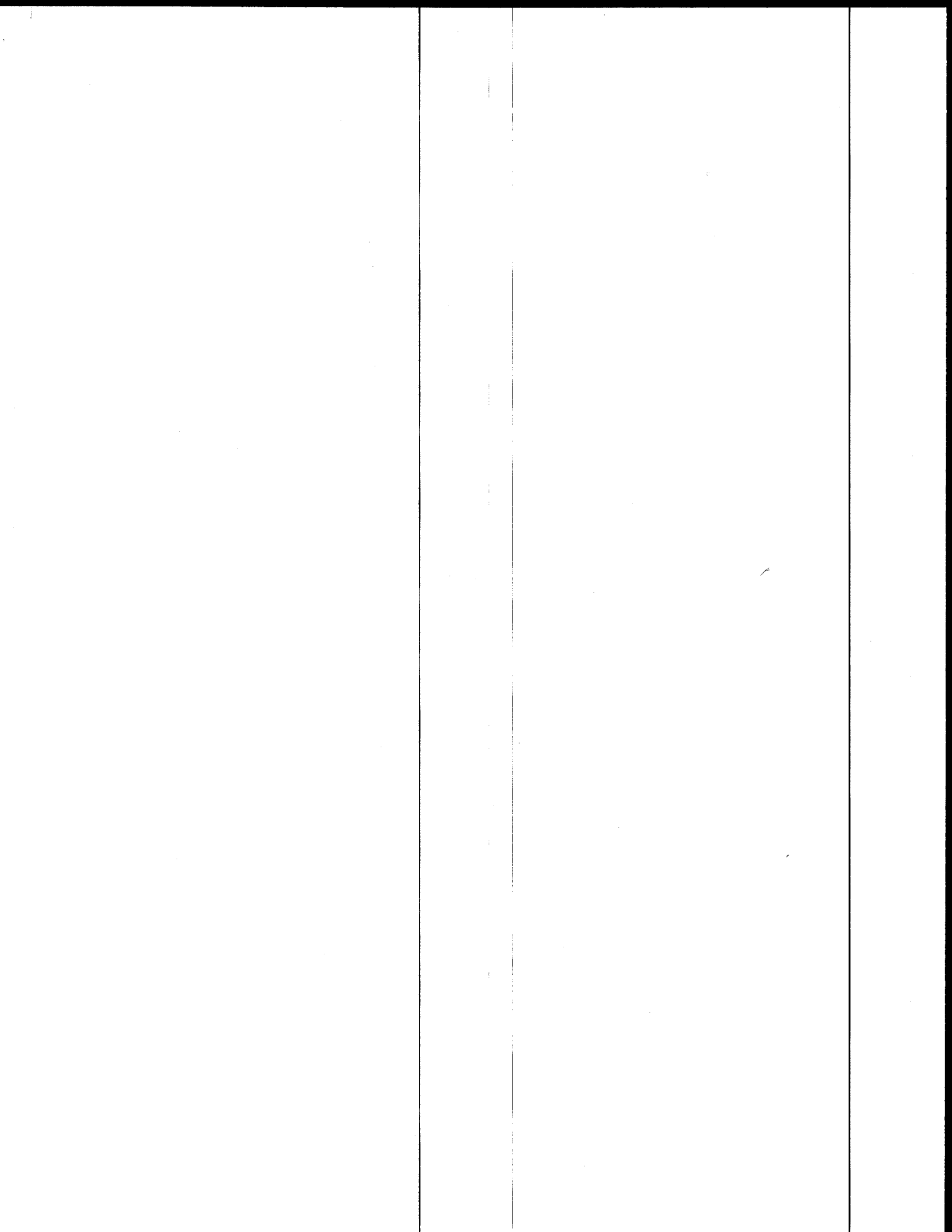
Parties Present:

Respondent was present, and represented by Mark Sullivan, Attorney
Ryan Eldridge, Deputy Attorney General for the State of Indiana
Heather Orbaugh Court Reporter, Accurate Court Reporting

Participating Board Members:

Dr. Davis, DC (Hearing Officer)
Dr. Bernzott, DC
Dr. Dyer, DC
Dr. Vuotto, DC
Dr. Phelps, DC

Case Summary: On or around August 16, 2018, the Board placed Respondents chiropractic license on Indefinite Suspension for a minimum of six (6) months with the requirement to pay a fee of five dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund after being found guilty of Conspiracy to Violate the Anti-Kickback Statute, 18 USC 371; Money Laundering, 18 USC 1956(a)(1)(B)(i); and Money Laundering, 18 USC 1956(a)(1)(B)(i) by the United States District Court, Southern District of Indiana. Respondent testified that he plead guilty to all charges on or around February 2, 2018. Respondent testified that he has completed his six (6) month court ordered work release and six (6) month home detention without any violations. Respondent stated he is currently employed in



Cicero, Indiana doing marketing for a chiropractic firm. Respondent explained that he has not worked as a chiropractor for approximately ten (10) months. The State indicated Respondent is currently on criminal probation for approximately one (1) year. Mr. Sullivan stated that Respondent knows what he did was wrong, and asks the Board to reinstate Respondent's chiropractic license. The State asks that the reinstatement be denied, but would be in favor of reinstatement of the chiropractic license on Indefinite Probation with terms and conditions.

Board action: A motion was made and seconded to grant the reinstatement of Dr. Sheppard's chiropractic license on Indefinite Probation with the following terms and conditions:

- Respondent may not petition for the withdrawal of probation for a period of one (1) year.
- Respondent shall make quarterly personal appearances before the Board.
- Failure to comply with the requirement of probation may subject Respondent to a show cause hearing before the Board and the imposition of further sanctions.
- Respondent must comply with all laws and rules regulating the practice of chiropractic as well as the general statutory provisions which apply to all the health professions.
- Respondent shall keep the Board apprised of his current residential address, telephone number, and email address, place of employment, employment address, employment telephone number, and name of supervisor.
- Respondent shall complete criminal probation and report such to the Board immediately.
- Respondent shall report any change in criminal probation to the Board immediately.
- Respondent shall submit quarterly personal reports to the Board.

BERNZOTT/PHELPS
Motion carried 5-0-0

VI. DISCUSSION

A. Report from the Office of the Attorney General

Timothy Weber, Deputy Attorney General for the State of Indiana, reported there are currently forty (40) open complaints currently being investigated with eight (8) of those opened since January 1, 2019 and four (4) closed. Mr. Weber also reported the average age of open complaints is one (1) year.

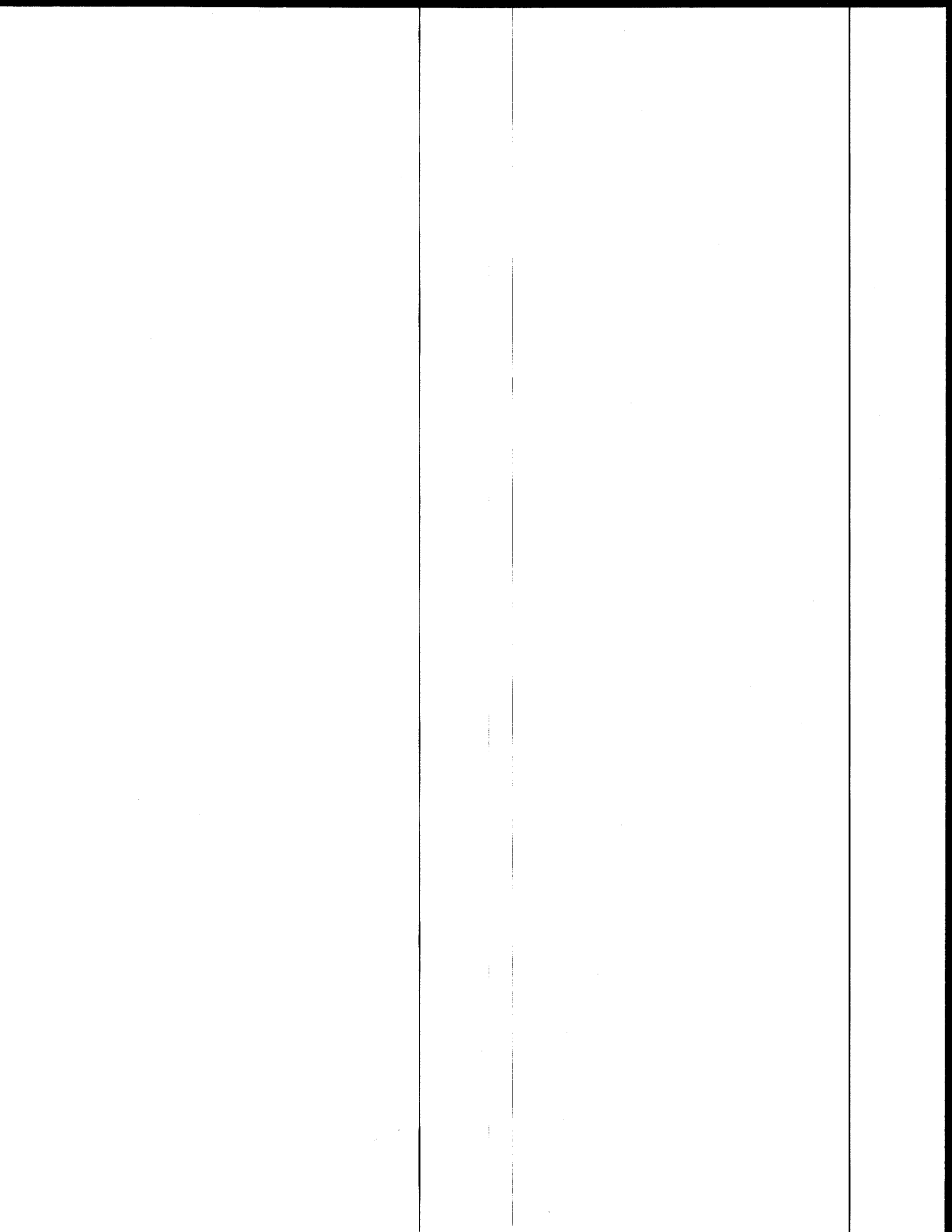
B. Email regarding Injectable Nutrition Supplements

The Board discussed email correspondence regarding injectable nutrition supplements. The Board stated only chiropractors that have additional special training in this area should be providing nutrition injections. The Board requested Mr. Gordon to review this matter for further discussion at a later date.

VII. PROBATIONARY REPORT

There were no probationary reports before the board.

VIII. CONTINUING EDUCATION



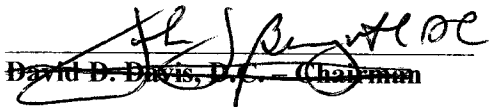
There were no continuing education applications before the Board.

IX. OLD/NEW BUSINESS

- Ms. Vaught discussed HB1269 and explained to the Board that effective July 1, 2019, the Indiana Board of Chiropractic Examiners will change from having six (6) chiropractic members and one (1) consumer member to having only four (4) chiropractic members, of which not more than three (3) can be from the same political party, and one (1) consumer member.

X. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 12:30 p.m. by general consensus.


~~David D. Davis, D.C. - Chairman~~

10-10-19
Date

