

INDIANA BOARD OF CHIROPRACTIC EXAMINERS
Indiana Government Center South
402 West Washington St., Room W064
Indianapolis IN 46204

MINUTES OF JULY 21, 2022

Marian Klaes, 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: Marian Klaes, DC, Chair
John Bernzott, DC
Derek Dyer, DC
Diane Vuotto, DC

Staff Present: Jody Edens, Board Director
Professional Licensing Agency
Erin Sutton, Assistant Director
Professional Licensing Agency
Clarence Leathurbury, J.D., Deputy Attorney
General, Office of the Attorney General
Cindy Vaught, Previous Board Director
Professional Licensing Agency

The Board voted to adopt the agenda.

Vuotto/Dyer, 4/0/0
Motion carries

The following board members voted aye:
John Bernzott, Marian Klaes, Derek Dyer, Diane Vuotto
The following board members objected: none
The following board members abstained: none

There were no minutes for the Board to approve.

PERSONAL APPEARANCES

The following did not show for their Personal Appearance:

- **Adam Fedorow, D.C., License No. 08002065A – Renewal Positive Response**

Ronald Sheppard, D.C., License No. 08000647A, Cause No. 2018 IBCE 0003 – Probation Appearance:

Dr. Sheppard appeared in person without counsel regarding his probationary appearance scheduled before the Board. He stated he has been following the requirements of his final order and was doing excellent. His next appearance is scheduled for October 2022.

Stephen McAdoo, D.C., License No. 08003093A, Cause No 2020 IBCE 0004 – Probation Appearance:

Dr. McAdoo appeared in person without counsel regarding his probationary appearance scheduled before the Board. He stated he is not practicing in Indiana and is not practicing as a Chiropractor at all. He has not applied to the State of Kentucky for withdrawal at this time. His next appearance is scheduled for January 2023.

Joshua Majerus, D.C., License No. 08003116A – Renewal Positive Response:

Dr. Majerus appeared in person without counsel regarding a positive response on his license renewal.

He indicated that he was pulled over for speeding and refused to do a sobriety test. He was then arrested. He indicated that he tried to consent to a sobriety test after the officer indicated he would be arrested, and the Officer told him it was too late to do one.

He completed a court evaluation, attended sixteen (16) AA meetings as part of his deferral agreement. Once it was completed in April 2022, the charges were dropped to reckless driving.

After discussion, the Board moved to APPROVE Dr. Majerus' license renewal.

Dyer/Vuotto, 4/0/0
Motion carries

The following board members voted aye:
John Bernzott, Marian Klaes, Derek Dyer, Diane Vuotto
The following board members objected: none
The following board members abstained: none

Craig George, D.C., License No. 08001964A – Renewal Positive Response:

Dr. George appeared in person and was represented by counsel, Peter Pogue regarding a positive response on his license renewal.

Mr. Pogue informed the Board that the malpractice case was settled on June 15, 2021.

He indicated that after a cervical spine exam and electrical muscle stimulation procedure, the patient reported feeling a tingling in her right hand and broke out in a cold sweat. She then vomited and laid down for almost two (2) hours. Her daughter picked her up and took her home. He indicated Dr. George never heard from the patient until she filed a malpractice suite in 2017. The case was settled in June 2021 without admission of liability.

After discussion, the Board moved to APPROVE Dr. George's license renewal.

Bernzott/Vuotto, 4/0/0
Motion carries

The following board members voted aye:
John Bernzott, Marian Klaes, Derek Dyer, Diane Vuotto
The following board members objected: none
The following board members abstained: none

Austin Simmons, D.C., License No. 08002355A – Renewal Positive Response:

Dr. Simmons appeared in person and was represented by counsel, Mark Sullivan regarding a positive response on his license renewal.

Dr. Simmons explained to the Board that his mother has issues with her neighbors and on May 22, 2022, he was at his mother's house and was defending her. He was charged with Battery, a Class B Misdemeanor.

Dr. Simmons also indicated that the Neighbors, all eight (8) of them all had baseball bats and were threatening him and his nephew. This matter is still pending with the courts.

After discussion, the Board moved to APPROVE Dr. Simmons' license renewal.

Bernzott/Dyer, 4/0/0
Motion carries

The following board members voted aye:
John Bernzott, Marian Klaes, Derek Dyer, Diane Vuotto
The following board members objected: none
The following board members abstained: none

Preston Peachee, D.C., License No. 08002141A – Renewal Positive Response:

Dr. Peachee appeared in person and was not represented by counsel regarding a positive response on his license renewal.

He explained to the Board that his partner has PTSD and she attacked him while he was sleeping, he shoved her off him and she hit her head on the nightstand. The Police were called, and he was arrested.

The charges were dropped to disorderly conduct and an OWI. His BAC was .084. He was charged with the OWI, because he left the residence in his car and drove about seven (7) blocks to the Hospital to hang out for a while after the fight.

He stated that the Police has been to his house approximately five (5) to six (6) times before this incident.

He is on a one (1) year supervised criminal probation, which consists of completing the batterers intervention program. Once he completes the program, the probation will move to non-supervised probation.

After discussion, the Board moved to RENEW Dr. Peachee's license on AGREED INDEFINITE PROBATION may not lift until he has completed his criminal probation, with terms and conditions.

Vuotto/Dyer, 4/0/0
Motion carries

The following board members voted aye:
John Bernzott, Marian Klaes, Derek Dyer, Diane Vuotto
The following board members objected: none
The following board members abstained: none

Jacob Howarth, D.C., License No. 08003172A – Renewal Positive Response:

Dr. Howarth appeared in person and was not represented by counsel regarding a positive response on his license renewal.

In November 2020, Dr. Howarth's wife took their daughter and left him. She immediately started dating other men.

He stated he was very upset regarding this and in January 2021, he got drunk and drove his car while intoxicated. He was arrested and charged with OWI with a BAC of .15 or higher.

He plead guilty to the OWI and is currently on criminal probation with Hendricks County Courts. He is required to complete the mothers against drunk drivers course, does random drug screens, complete AA meetings.

He completed the AA meetings prior to attending court and has had three (3) drugs screens at this time, which were all negative.

He indicated that he doesn't drink at all now. He also indicated that the divorce is final, and he received custody of their daughter.

After discussion, the Board moved to APPROVE Dr. Howarth's license renewal.

Bernzott/Klaes, 4/0/0
Motion carries

The following board members voted aye:
John Bernzott, Marian Klaes, Derek Dyer, Diane Vuotto
The following board members objected: none
The following board members abstained: none

Maxim Ivanov, D.C., License No. 08002243A – Renewal Positive Response:

Dr. Ivanov did not appear and was not represented by counsel regarding a positive response on his license renewal.

Dr. Ivanov did not respond with his positive response documentation that was requested during the renewal process. Staff took it upon themselves to search MyCase for his arrest record.

MyCase revealed the following arrests:

1. December 27, 2021 – Arrested and charged with Domestic Battery committed in the presence of a child less than 16 years old – Felony 6 and Criminal Recklessness – Misdemeanor B. In a plea agreement he pleaded guilty to the Criminal Recklessness and the Domestic Battery charge was dismissed.

Sentencing in the above matter:

Confinement to commence 12/27/2021: County Jail 180 Days Jail Credit - 2 days
Suspended – 178 days

Comment: Plea accepted. 180 days jail. Suspended on 1 year reporting probation. 2 days credit plus statutory credit time. Defendant ordered to engage in counseling or therapy. The defendant is placed under the supervision of Elkhart County probation at a level deemed appropriate for a period of 1 year. Probation may modify the level of supervision without need for further court order. While under probation supervision the defendant shall participate in any evaluations, evidenced based practices, treatment programming, and/or rehabilitative programming deemed appropriate by probation and/or providers. Defendant ordered to pay Court costs, administrative fees, \$100 fine. The defendant is ordered to pay court costs, fees, fines and restitution imposed on or before 12/27/22 failing to do so, the Clerk shall assess a late payment fee in the sum of \$25.00, pursuant to I.C. 33-37-5-22. Any cash bond posted in this case is ordered

applied to outstanding financial obligations and the balance, if any, released to the cash bond depositor. Surety bond, if any, ordered released. Defendant ordered to perform 25 hours of community service. Appearance of Mr. Mehl withdrawn. Judgement of conviction entered

2. March 20, 2018 – Arrested for Invasion of Privacy – violates protective order under IC 34-36-5 to prevent domestic or family violence, a Criminal Misdemeanor. June 18, 2019, he entered a guilty plea. On June 20, 2019, the Criminal Misdemeanor was dismissed.

Sentencing in the above matter:

County Jail Term: 365 Days Suspended: 365 Days
Consecutive with prior sentence 43D03-1802-F6-149

3. February 8, 2018 charged with Battery resulting in serious bodily injury a Felony 5 and Disorderly conduct engaged in fighting or tumultuous conduct a Misdemeanor B.

June 20, 2019 – judgment of conviction entered

4. May 3, 2015, charged with Disorderly Conduct engaged in fighting or tumultuous conduct a Misdemeanor B.

Entered into a pretrial diversion agreement which included community service. September 15, 2015, community service was completed therefore on July 14, 2016, charges were dismissed.

Since Dr. Ivanov did not appear, staff made all arrest information available for the Board to review.

After reviewing all the arrest information and the fact that Dr. Ivanov did not show for his scheduled personal appearance, the Board moved to DENY Dr. Ivanov's license renewal.

Bernzott/Vuotto, 4/0/0
Motion carries

The following board members voted aye:
John Bernzott, Marian Klaes, Derek Dyer, Diane Vuotto
The following board members objected: none
The following board members abstained: none

Donna Janisse-McCarty – Initial Application – Not Practiced in 18 years:

Dr. Janisse-McCarty appeared before the Board and was not represented by counsel regarding the fact that she stated she hasn't practiced in eighteen (18) years.

She informed the Board that she know she put in her statement she hasn't practiced since 2004 but that was not a true statement. While she doesn't have a formal practice, she

has continued to treat friends and family in California. She indicated that she just hasn't had a high volume of patients. She indicated that she does keep records of all friends and family that she treats.

She currently does case reviews. She stated she is licensed in a total of ten (10) states including California and Texas.

After discussion and review of her application, the Board moved to APPROVE her application for licensure.

Vuotto/Dyer, 4/0/0
Motion carries

The following board members voted aye:
John Bernzott, Marian Klaes, Derek Dyer, Diane Vuotto
The following board members objected: none
The following board members abstained: none

ADMINISTRATIVE HEARINGS

The following administrative hearing was continued:

- **Mitchell Monday, D.C., License No 08002368A, Cause No. 2020 IBCE 0002**

Brian McGuckin, D.C., License No. 08001021A, Cause No. 2021 IBCE 0009

Respondent did not appear in person and was represented by counsel regarding an Administrative Complaint/Amended Motion to Dismiss Without Prejudice scheduled before the Board. The State of Indiana was represented by Carah Rochester, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

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 Administrative Complaint without prejudice.

Bernzott/Dyer, 4/0/0
Motion carries

The following board members voted aye:
John Bernzott, Marian Klaes, Derek Dyer, Diane Vuotto
The following board members objected: none
The following board members abstained: none

DISCUSSION

Eric Schouten requesting to use the SPEX in place of part IV:

The Board discussed this request and determined that the SPEX is not equal to part IV examination. The SPEX is for a licensed chiropractor to see if they are up to date in the practice of Chiropractic.

After discussion, the Board moved to DENY Eric Schouten's request.

Dyer/Vuotto, 4/0/0
Motion carries

The following board members voted aye:
John Bernzott, Marian Klaes, Derek Dyer, Diane Vuotto
The following board members objected: none
The following board members abstained: none

At the end of the meeting, Dr. Klaes submitted her letter of resignation to Jody Edens, Board Director. She indicated that she didn't want it to be announced to the Board until she was gone.

There being no further business, the Board ADJOURNED at 10:30 a.m.

Marion Klaes, D.C., Chair