

INDIANA BOARD OF CHIROPRACTIC EXAMINERS

MINUTES

JANUARY 9, 2020

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

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

Board Members Present:

John Bernzott, D.C., Board Liaison
Marian Klaes, D.C.
Diane Vuotto, D.C.
Derek Dyer, D.C.

Board Members Not Present:

Vacant, Consumer Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Dana Brooks, Assistant Board Director, Professional Licensing Agency
Brian Park, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA

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

Dyer/Vuotto
Motion carried 4-0-0

III. ADOPTION OF THE MINUTES FROM OCTOBER 10, 2019

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

Dyer/Klaes
Motion carried 4-0-0

IV. PERSONAL APPEARANCES

9:15 a.m.

A. Probation

1. **Ronald G. Sheppard, D.C., License No. 08000647A**
Cause No. 2018 IBCE 0003

Dr. Sheppard appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Sheppard stated that he will be working there have been no changes since his last appearance. The Board inquired on current employment status and Dr. Sheppard indicated that he will be working at Castleton Integrative Clinic in Indianapolis and at Dr. Kunzer's office in Cicero, Indiana. These will both be an all cash practice. Dr. Sheppard's federal probation will end on

January 30, 2020. Dr. Sheppard requested that his probation status be withdrawn. The Board stated that he will need to submit his request for withdraw of probation in writing and the Board will schedule this matter for hearing at their next meeting.

2. **Matthew Schulz, D.C., License No. 08002297A**
Cause No. 2015 IBCE 0003

Did not appear per request of his attorney. Will be rescheduled to appear at next board meeting.

B. Personal Appearance

1. **Jennifer Brenneisen, D.C.**

Dr. Brenneisen appeared based upon a previous arrest in 2014. She explained that she was arrested for a DUI. She pled guilty to the charge and was placed on probation with terms and conditions which have been completed. Dr. Brenneisen is 2019 graduate of Logan College and has taken and passed the NBCE Part I, II, III, IV and Physiotherapy. She does not hold a license in any state.

Board Action: A motion was made and seconded to approve Dr. Brenneisen's application for licensure pending taking and passing the jurisprudence examination.

Dyer/Bernzott
Motion carried 4/0/0

V. ADMINISTRATIVE HEARINGS

- A. **Garry Edward Buchanan, D.C., License No. 08000701A**

Administrative Cause No. 2019 IBCE 0003

Re: Administrative Complaint

Parties Present:

Respondent was present, without Counsel
Ryan Eldridge, Deputy Attorney General for the State of Indiana

Participating Board Members:

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

Case Summary: A complaint was filed against Dr. Buchanan on May 15, 2019. On October 26, 2017, Respondent was charged with Public indecency Class A Misdemeanor, in Johnson County under Cause No. 41D03-1710-CM-001093. On April 5, 2018, Respondent pled guilty to Public Indecency, Class A Misdemeanor. Respondent was sentenced to 180 days confinement, all suspended to active probation. Respondent was ordered to complete forty (40) hours of community service, and pay court costs and fees. A Proposed Settlement Agreement was filed May 15, 2019 for review by the Board. The Board reviewed the settlement agreement.

Board action: A motion was made and seconded to approve the Proposed Settlement Agreement as submitted with the following terms and conditions:

1. Respondent's Indiana chiropractor license shall remain on Indefinite Probation for

a minimum of One (1) Year.

2. While on probation, Respondent's license shall be governed by the following terms and conditions:

- a. Respondent shall keep the Board informed of his residential address and telephone number at all times.
- b. Respondent shall keep the Board informed of his chiropractic employer(s) name, address, and telephone number at all times.
- c. Respondent shall complete twelve (12) continuing education hours in the areas of professionalism and ethics. Respondent shall submit proof of completion of these courses to the Board.
- d. Respondent shall submit quarterly reports from all chiropractic employers to the Board, if he is employed by a chiropractic practice. If Respondent is not employed as a chiropractor or is self-employed as a chiropractor, Respondent shall submit quarterly self-reports to the Board detailing his personal circumstances.
- e. Respondent shall report any future arrests or criminal issues to the Board within thirty (30) days of the occurrence.
- f. Respondent shall not violate any statutes or rules regulating the practice of chiropractic services.

3. Respondent shall, pursuant to Ind. Code § 4-6-14-10(b), pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Office of the Indiana Attorney General
Attn: Executive Assistant, Consumer Protection
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

4. Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of chiropractic medicine, or any violation of this Settlement Agreement may result in Petitioner requesting a summary suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

Bernzott/Dyer
Motion carried 4-0-0

VI. DISCUSSION

A. Kyle Douglas Peacock, D.C., License No. 08002740A

Administrative Cause No. 2019 IBCE 0002

Re: Review of Proposed Findings of Fact, Conclusions of Law and Order

Parties Present:

Ronald Mingus, Counsel of Dr. Kyle Douglas Peacock
Ryan Eldridge, Deputy Attorney General for the State of Indiana

Participating Board Members:

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

Case Summary: Both Mr. Eldridge and Mr. Mingus presented a proposed Final Order for review by the Board. The Board reviewed both proposals presented. The Board and Counsel reviewed and discussed changes. The Board corrected wording for clarification.

Board Action: After review, based upon the submission of the State and Respondent's proposed final orders and changes, a motion was made and seconded to approve the Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order as modified. The disciplinary action issued was a Letter of Reprimand.

Vuotto/Bernzott
Motion carried 4-0-0

VII. APPLICATION REVIEW

A. Douglas John Cain, D.C

Dr. Cain application was reviewed by the board due to having completed a State Constructed Examination in the State of Illinois in June of 1996. Dr. Cain did not take National Boards Part IV. Mr. Cain is a 1986 graduate of National College and is currently licensed in the state of Illinois and Michigan and holds an inactive license in the state of Pennsylvania. Dr. Cain completed National Boards Part I, II, III and Physiotherapy. When he was licensed in the state of Illinois Part IV was not offered.

Board Action: After review, a motion was made and seconded to approve Dr. Cain's application for licensure based upon acceptance of the Illinois state constructed examination pending the law examination.

Bernzott/Dyer
Motion carried 4-0-0

VIII. PROBATIONARY REPORT

There were no probationary reports before the board.

IX. CONTINUING EDUCATION

There were no continuing education applications before the Board.

X. OLD/NEW BUSINESS

Proposed Dry Needling Rule.

The Board inquired as to the status of Dry Needling Rule. Ms. Vaught had submitted a proposal for review and approval to move forward with the rule. As of this date our office has not received approval.

Continuing Education

The Board discussed as to whether distance learning continuing education may be acceptable based upon the current language of the statute and administrative rules.

Based upon IC 25-1-4-3.2 Distance learning methods; active duty requirements which states: "Sec. 3.2. (a) A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 shall

require that at least one-half (1/2) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses, chiropractors, optometrists, and dentists.” The administrative rules are not specific as to whether the continuing education must be live. The board will accept distance learning programs as long as it is approved by an approved association or university. The Board will need to discuss further as to whether administrative rules will need to be amended regarding distance learning methods.

Animal Chiropractic

Discussion occurred regarding Chiropractic practices on animals. Current acceptance of the practice must be under the scope of the Veterinarian Board. Examples of the Boards understanding are a Veterinarian with Chiropractic training or if a Chiropractor does the practice it must be under the supervision of a Veterinarian.

XI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 11:00 a.m. by general consensus.

Marian Klaes, D.C. – Chairman

Date