

MINUTES

INDIANA BOARD OF CHIROPRACTIC EXAMINERS

FEBRUARY 15, 2018

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Davis called the meeting to order at 9:00 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.
Marian Klaes, D.C.
Derek Dyer, D.C.
Diane Vuotto, D.C.
Michael Phelps, D.C.

Board Members Not Present:

Vacant, Consumer Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency
Christine Monte, 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.

KLAES/BERNZOTT
Motion carried 6-0-0

III. ADOPTION OF THE MINUTES FROM THE DECEMBER 14, 2017 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes from the December 14, 2017 meeting of the Board.

DYER/PHELPS
Motion carried 6-0-0

IV. PERSONAL APPEARANCES

A. PROBATIONARY

There were no probationary appearances before the Board.

B. RENEWAL

There were no renewal appearances before the Board.

C. REINSTATEMENT

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

Dr. Pflum appeared before the Board, as requested, regarding the reinstatement of his expired chiropractic license. Dr. Pflum's chiropractic license expired on July 1, 2016. Dr. Pflum appeared before the Board on December 14, 2017 and indicated he had been practicing as a chiropractor since the expiration of license. Dr. Pflum explained that he did not renew his license because he had an issue with receiving his mail.

Board action: A motion was made and seconded to grant the reinstatement of Dr. Pflum's probationary chiropractic license.

DYER/KLAES
Motion carried 6-0-0

D. APPLICATION

1. Anthony Espinas, D.C.

Dr. Espinas appeared before the Board, as requested, regarding his application for chiropractic licensure by examination. Dr. Espinas answered affirmatively to the question on the application for licensure that asks "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" Dr. Espinas explained that on November 12, 2016, he was arrested and charged with Disorderly Conduct, a 4th Degree Misdemeanor, in Aurora, Ohio. On or around April 19, 2107, Dr. Espinas plead guilty to Disorderly Conduct. Dr. Espinas is a 2008 graduate of Sherman College of Chiropractic and intends to practice with Dr. Norm Ross of Goshen, Indiana.

Board action: A motion was made and seconded to grant Dr. Espinas a chiropractic license upon successful completion of the Indiana jurisprudence examination.

KLAES/VUOTTO
Motion carried 6-0-0

2. Brandon Maze, D.C.

Dr. Maze appeared before the Board, as requested, regarding his application for chiropractic license by examination. Dr. Maze answered affirmatively to the question on the application that asks "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or

felony in any state?" Dr. Maze explained that on April 22, 2009, he was arrested and charged with Illegal Consumption of an Alcoholic Beverage, in Monroe County, Indiana; and on March 23, 2013, he was arrested and charged with Operating a Vehicle While Intoxicated-First Offense But Where a Person was Endangered, Operating a Vehicle with an ACE of .08-First Offense, and Speeding in Morgan County, Indiana. Dr. Maze entered into a pretrial diversion agreement in the Illegal Consumption case and plead guilty to Operating a Vehicle While Intoxicated-First Offense But Where a Person was Endangered with the other two (2) counts being dismissed. Dr. Maze was required to complete probation with terms and conditions imposed by the court. Dr. Maze intends to practice in Bloomington with Dr. Osmon. Dr. Maze is currently working part time shadowing one of the doctors that is leaving the practice. Dr. Maze assured the board that he is not adjusting, just getting a feel for the practice. Dr. Maze is a 2017 graduate of Palmer College of Chiropractic.

Board action: A motion was made and seconded to grant Dr. Maze a chiropractic license upon successful completion of the Indiana jurisprudence examination.

BERNZOTT/VUOTTO
Motion carried 6-0-0

3. William Townsend Perks, IV, D.C.

Dr. Perks did not appear before the Board, as requested. Dr. Perks will be scheduled to appear at the next meeting of the Board.

V. ADMINISTRATIVE HEARING

- A. State of Indiana v. Lon Arden Kaminsky, D.C., License No. 08001061A**
Administrative Cause No. 2017 IBCE 0005
Re: Extension of Summary Suspension

Participating Present:

Respondent was not present, nor represented by Counsel
Ryan Eldridge, Deputy Attorney General for the State of Indiana
Tim Weber, Deputy Attorney General for the State of Indiana
Margie Addington, Court Reporter, Accurate Reporting of Indiana

Participating Board Members:

Dr. Davis, D.C. (Hearing Officer)
Dr. Bernzott, D.C.
Dr. Klaes, D.C.
Dr. Dyer, D.C.
Dr. Vuotto, D.C.
Dr. Phelps, D.C.

Case Summary: On or around February 16, 2017, Respondent was charged with Child Molestation and Child Solicitation. On or around April 17, 2017, the State filed a Motion for Summary Suspension that was approved by the Board. On or around July 25, 2017, the State filed a Motion for Extension of Summary Suspension. The State indicated that Respondent is set for a jury trial to be held on February 21, 2018. Since the initial arrest, the Prosecutor has amended the charges and Respondent has had new charges filed against him. Respondent still has Felony 4 Child Molestation and Felony 5 Child Solicitation charges. The Prosecutor

in this case has added two (2) additional charges of Criminal Confinement. The State requests the Board extend the Summary Suspension for an additional ninety (90) days.

Board action: A motion was made and seconded to grant the State's request in extending the Summary Suspension in the matter of Dr. Kaminsky's chiropractic license.

PHELPS/DYER
Motion carried 6-0-0

B. State of Indiana v. Christi J. Houtz, D.C., License No. 08002314A

Administrative Cause No. 2017 IBCE 0002

Re: Order to Show Cause

Parties Present:

Respondent was present, and represented by Michael Sacopulos, Attorney
Tim Weber, Deputy Attorney General for the State of Indiana
Mergie Addington, Court Reporter, Accurate Reporting of Indiana

Participating Board Members:

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

Case Summary: On or around April 27, 2017, the Board placed Respondent's chiropractic license on Indefinite Probation with terms and conditions. At the Board's December 14, 2017 meeting, it was found that the Board had not received Respondent's reports in a timely manner as the letters were dated July 21, 2017 but they were not received by the Board until December 8, 2017, they did not approve the community service that had been completed as they could not find enough evidence that it was truly community service, and the continuing education she submitted was not provided by an approved provider of continuing education for chiropractors as it was a Dave Ramsey financial program. The State called Ms. Vaught, Board Director for the Indiana Board of Chiropractic Examiners. Ms. Vaught indicated that on December 14, 2017, the Board reviewed the submitted documentation and determined that none of it was sufficient. Mr. Sacopulos called Respondent. Respondent testified that she had submitted the documentation to the Office of the Attorney General; the community service she completed was done in the manner of smoking cessation at a local high school and college as well as helping the homeless population by providing free services in her office, not only for the Board order, but in general as well; and the continuing education was completed based on the Order stating she must have six (6) hours in practice management and that is exactly what the Dave Ramsey program was. The Board still requests proof of completion of the Dave Ramsey course, as she only submitted a receipt for payment of the course and a blank workbook. The Board also stated the documentation she submitted was so vague, there was no way for them to tell that she had completed any of the requirements as she submitted nothing in writing regarding the community service or proof of completion of the Dave Ramsey course. Mr. Sacopulos indicated that they felt the community service she is providing is exactly on par, but was documented correctly. Respondent testified that she now vets new hires more astringently and makes sure that those that are not licensed know the limitations to what they can do in her office. Respondent stated that she checks the IPLA website to make sure those that state they are licensed, are in fact licensed. Mr. Weber asked Respondent if she would be able to get statements from any of the patients she treated for community service and she indicated no, she could not as they are transient. Mr. Weber asked

Respondent if she could get documentation from the college verifying she provided community service to the students, and she indicated yes, she could. The Board stated they just needed a short letter from the college verifying the information.

Board action: A motion was made and seconded to accept the Dave Ramsey program and community service she provided to the college with the stipulation that she submit a letter from the college verifying she completed the community service to be submitted within sixty (60) days, without imposing any further sanctions in the matter of Dr. Houtz's chiropractor license.

BERNZOTT/KLAES
Motion carried 6-0-0

- C. State of Indiana v. Peggy Ann Grabinski-Solano, D.C., License No. 08001248A**
Administrative Cause No. 2017 IBCE 0007
Re: Administrative Complaint

Hearing Continued

VI. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default before the Board.

VII. DISCUSSION

A. Proposed Rule Changes

The Board discussed proposed rule changes regarding scope of practice, peer review, board member term limitations, and limitations on board members being from both associations.

B. FAA Basic Medical Exam for Private Pilots

The Board reviewed and discussed correspondence from Dr. Michael Megehee, D.C. regarding FAA medical examinations and whether or not chiropractors are considered licensed physicians in the State of Indiana. The Board asked Ms. Vaught to refer Dr. Megehee to the statutes and rules.

VIII. APPLICATION REVIEW

A. Endorsement Applications

There were no endorsement applications to review.

B. Examination Applications

There were no examination applications to review.

C. Temporary Permits

There were no temporary permits to review.

D. Professional Corporation Applications

There were no professional corporation applications to review.

IX. PROBATIONARY REPORT

There were no probationary reports reviewed by the Board.

X. CONTINUING EDUCATION

There were no continuing education applications reviewed by the Board.

XI. OLD/NEW BUSINESS

There was no old or new business before the Board.

XII. 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.



David D. Davis, D.C. – Chairman

11/10/19

Date