

MINUTES

INDIANA BOARD OF CHIROPRACTIC EXAMINERS

APRIL 12, 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.

DYER/PHELPS
Motion carried 6-0-0

III. ADOPTION OF THE MINUTES FROM THE FEBRUARY 15, 2018 MEETING OF THE BOARD

Adoption of the minutes from the February 15, 2018 meeting of the Board was tabled until the next meeting of the Board.

IV. PERSONAL APPEARANCES

A. PROBATIONARY

- 1. Matthew Schulz, D.C., License No. 08002297A**
Administrative Cause No. 2015 IBCE 0003

Dr. Schulz appeared before the Board, as requested regarding his ongoing probationary status. Dr. Schulz stated he has successfully completed probation and submitted a favorable report from his mental health counselor. The Board indicated they are pleased with his progress. Ms. Vaught advised Dr. Schulz that there is currently a Department of Revenue tax

lien on his chiropractic license that will need to be cleared before he can renew his chiropractic license this year.

B. RENEWAL

There were no renewal appearances before the Board.

C. REINSTATEMENT

There were no reinstatement appearances before the Board.

D. APPLICATION

1. Kendrick Morris, D.C.

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

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

Dr. Perks appeared before the Board, as requested, regarding his application for chiropractic licensure by endorsement. Dr. Perks did not answer affirmatively to any questions on the application for licensure. However, Dr. Perks had applied for a chiropractic license in 2001 and was denied by the Board for failure to appear and complete the licensure process.

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

BERNZOTT/KLAES
Motion carried 6-0-0

V. ADMINISTRATIVE HEARING

A. State of Indiana v. Robert Kovacs, D.C., License No. 08000445A

Administrative Cause No. 2018 IBCE 0002

Re: Administrative Complaint

Participating Present:

Respondent was not present, nor represented by Counsel
Ryan Eldridge, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

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 5, 2018, the State filed an Administrative Complaint alleging Respondent has violated Ind. Code 25-1-9-4(a)(3) in that Respondent has engaged in advertising that is not in the public interest, in that such ad made false, deceptive, or misleading claims as evidenced by his conduct in running an ad which indicated that other

chiropractors had injured their patients when no evidence exists to support such a contention, in a newspaper servicing a small community in which only two or three chiropractors practice. Respondent was not present, but now has counsel that has not entered an appearance to date. The State asks for a continuance in this matter.

Board action: A motion was made and seconded to grant the continuance as requested by the State in the matter of Dr. Kovac's chiropractic license.

BERNZOTT/DYER
Motion carried 6-0-0

Dr. Kovach appeared at 9:45 a.m. Upon Dr. Kovacs request, the Board and the State agreed to continue with the hearing as scheduled.

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. Klaes, DC
Dr. Dyer, DC
Dr. Phelps, DC
Dr. Vuotto, DC

Case Summary: Respondent agreed to the Stipulated Facts in the aforementioned Administrative Complaint. The State filed a Proposed Settlement Agreement signed by both Respondent, and his attorney, Antonio Sisson, that would issue to Respondent a Letter of Reprimand with the requirement that he pay a fine in the amount of two hundred and fifty dollars (\$250.00) and Respondent shall pay a fee of five dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.

Board action: A motion was made and seconded to accept the Proposed Settlement Agreement as presented by the State in the matter of Dr. Kovacs' chiropractic license.

BERNZOTT/KLAES
Motion carried 6-0-0

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

Hearing Continued

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

Parties Present:

Respondent was not present, nor represented by Counsel
Ryan Eldridge, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

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

Case Summary: The State requests an extension of Respondent's Summary Suspension. The State indicated that Respondent's sentencing hearing is set for April 19, 2018. The State entered Exhibit B, a copy of the Jury Trial Minutes for February 22, 2018 finding Respondent guilty of Child Solicitation.

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

DYER/KLAES
Motion carried 6-0-0

VI. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default before the Board.

VII. DISCUSSION

A. 2018 Legislative Changes

Meredith Lizza spoke to the Board regarding recent legislative changes that affect the Indiana Board of Chiropractic Examiners. The Board is required to craft administrative rules for some of the legislative changes. The Board opted to create an Administrative Rules Committee consisting of Dr. Vuotto, Dr. Phelps, and Dr. Klaes.

B. FAA Basic Medical Exam for Private Pilots

The Board once again reviewed 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 discussed obtaining an official opinion from Deborah Frye, Executive Director of the Indiana Professional Licensing Agency.

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

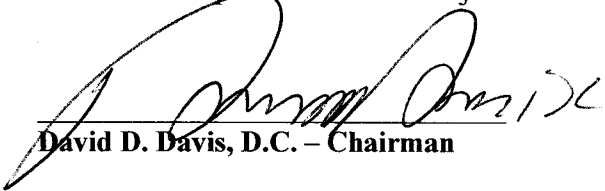
There were no continuing education applications reviewed by the Board.

XI. OLD/NEW BUSINESS

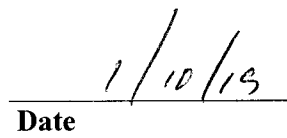
There was no old or new business before the Board.

XII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 11:45 a.m. by general consensus.



David D. Davis, D.C. – Chairman



Date