

**MINUTES**

**INDIANA BOARD OF CHIROPRACTIC EXAMINERS**

**AUGUST 2, 2018**

**I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

Dr. Bernzott called the meeting to order at 9:00 a.m. at the Indiana Government Center South, 302 West Washington Street, Conference Center Room C, 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.

Michael Phelps, D.C.

**Board Members Not Present:**

Diane Vuotto, D.C.

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/KLAES

Motion carried 5-0-0

**III. ADOPTION OF THE MINUTES FROM THE FEBRUARY 15, 2018, APRIL 12, 2018 AND JUNE 28, 2018 MEETINGS OF THE BOARD**

Adoption of the minutes from the February 15, 2018, April 12, 2018, and June 28, 2018 meetings of the Board was tabled until the next meeting of the Board.

**IV. PERSONAL APPEARANCES**

**A. RENEWAL**

**1. Kelly Ann Brauchia, D.C., License No. 08002193A**

Dr. Brauchia appeared before the Board, as requested, regarding the renewal of her chiropractic license. Dr. Brauchia disclosed on her renewal that she had settled a malpractice claim in the amount of \$149,000.00 in 2017. Dr. Brauchia explained that she had an acupuncture patient that did not follow instructions following a treatment causing injury. Dr. Brauchia stated she no longer performs acupuncture and has allowed that license to expire.

**Board action:** A motion was made and seconded to grant the renewal of Dr. Brauchia's chiropractic license.

DYER/KLAES  
Motion carried 5-0-0

**2. Justin Gilmore, D.C., License No. 08002312A**

Dr. Gilmore appeared before the Board, as requested, regarding the renewal of his chiropractic license. Dr. Gilmore did not answer yes to any questions on the renewal application. However, the IPLA office received a National Practitioner Data Bank Report indicating that he had settled a malpractice claim since his last renewal. Dr. Gilmore explained that he settled a claim in the amount of \$60,000.00 on February 17, 2017.

**Board action:** A motion was made and seconded to grant the renewal of Dr. Gilmore's chiropractic license.

KLAES/PHELPS  
Motion carried 5-0-0

**3. Heather Wedding, D.C., License No. 08002972A**

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

**B. REINSTATEMENT**

**1. Glen Jay Pedersen, D.C., License No. 08000852**

Dr. Pedersen appeared before the Board, as requested, regarding the reinstatement of his expired chiropractic license. Dr. Pedersen's license expired on July 1, 1998. Dr. Pedersen stated that he has been practicing in Illinois all this time and now has the opportunity to come back to Indiana to practice.

**Board action:** A motion was made and seconded to grant the reinstatement of Dr. Pedersen's chiropractic license upon successful completion of the Indiana jurisprudence examination.

DYER/KLAES  
Motion carried 5-0-0

**V. ADMINISTRATIVE HEARINGS**

**A. NOTICE OF PROPOSED DEFAULT**

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

**Parties Present:**

Respondent was not present, nor represented by Counsel  
Timothy Weber, Deputy Attorney General for the State of Indiana  
Lindy Myer, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Dr. Davis, DC (Hearing Officer)

Dr. Bernzott, DC

Dr. Klaes, DC

Dr. Dyer, DC

Dr. Phelps, DC

**Case Summary:** On or around April 17, 2017, the Board Summarily Suspended Respondent's chiropractic license. Respondent is currently incarcerated and did not appear today. The State asks that the Board to hold Respondent in Default in this matter.

**Board action:** A motion was made and seconded grant the State's request in issuing a Default Order in the matter of Dr. Kaminski's chiropractic license.

BERNZOTT/PHELPS

Motion carried 5-0-0

**Case Summary:** The State entered Exhibit A, a certified copy of the full record from Tippecanoe Superior Court 1 regarding Respondent's criminal record.

**Board action:** A motion was made and seconded to find Dr. Kaminski in violation of all four (4) counts as outlined in the Amended Administrative Complaint and to revoke Dr. Kaminski's chiropractic license.

BERNZOTT/KLAES

Motion carried 5-0-0

**Board action:** A motion was made and seconded to fine Dr. Kaminski \$1,000.00 per violation for a total of \$4,000.00.

DYER/BERNZOTT

Motion carried 5-0-0

## VI. DISCUSSION

### A. Proposed Rule Review

Re: Dry Needling

The Board discussed their draft rule regarding dry needling. Dr. Shannon Roberts, D.C., spoke on behalf of chiropractors across the state of Indiana regarding the thirty (30) day limitation on advertising or soliciting to accident victims. Dr. Roberts' biggest concern is that chiropractors are not the first thought of patients to seek their type of treatment for whiplash or spinal injuries following a vehicular accident, and they should be instead of being prescribed opioids from medical doctors. Indiana Minority Health Coalition spoke to the proposed advertising rule. Their mission is to reduce or limit health disparities and the underserved communities being taken advantage of. IMHC is vehemently opposed to the thirty (30) day waiting period being proposed.

**Board action:** A motion was made and seconded to pull the advertising from the dry needling proposed rule.

PHELPS/KLAES

Motion carried 5-0-0

**B. Kevin Kaurech, D.C., License No. 08001607A**  
Re: Request for Waiver of Continuing Education

The Board reviewed the request for a waiver of the continuing education requirements for the 2018 renewal.

**Board action:** A motion was made and seconded to allow Dr. Kaurech to pick up twelve (12) hours he missed from 2016-2018 in the current licensure year for a total of twenty-four (24) hours to be completed between July 2, 2018 and July 1, 2019.

DYER/KLAES  
Motion carried 5-0-0

**C. HEA 1245 Review**

The Board discussed HEA 1245 and their role in determining disqualifying criminal charges regarding licensure.

**VII. APPLICATION REVIEW**

**A. Temporary Permits**

**1. Samantha Kreinbring, D.C.**

The Board reviewed the application for a limited scope temporary permit for Ms. Samantha Kreinbring. Ms. Kreinbring states that she is currently scheduled to graduate in September 2018 and currently holds a student graduate permit in Indiana. Ms. Kreinbring does not qualify for a limited scope temporary permit as she is not licensed in another state. The Board suggested Ms. Kreinbring submit her application for chiropractic licensure prior to graduation so there is no delay in licensure once her chiropractic transcripts are available to be sent to IPLA.

**Board action:** A motion was made and seconded to deny the application for temporary permit as applied for by Ms. Kreinbring, and to remind Ms. Kreinbring that students are not permitted to take radiographs, nor adjust patients, without the proper permits or licensure.

PHELPS/KLAES  
Motion carried 5-0-0

**VIII. PUBLIC COMMENT**

**A. Indiana State Chiropractic Association**

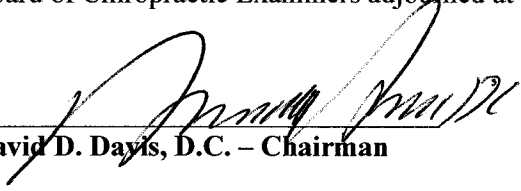
Pat McGuffey distributed brochures for the ISCA upcoming fall conference. Ms. McGuffey stated she is excited about the passage of HEA 1434.

**B. International Chiropractic Association of Indiana**

Glenna Shelby stated that she looks forward to the Governor's waiver of the rule-making moratorium for moving forward with the dry needling rule.

**IX. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 11:30 a.m. by general consensus.

  
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David D. Davis, D.C. – Chairman

1/10/19  
Date