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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**F I N A L M I N U T E S**

MEETING OF:

**STATE BOARD OF CHIROPRACTIC**

TIME: 9:12 A.M.

PENNSYLVANIA DEPARTMENT OF STATE  
Board Room B  
One Penn Center  
2601 North Third Street  
Harrisburg, Pennsylvania 17110

January 18, 2018

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State Board of Chiropractic  
January 18, 2018

BOARD MEMBERS:

- J. Gerard Halloran, DC, Chair
- Kathryn L. Waters, Deputy Commissioner of Professional  
and Occupational Affairs
- John E. McCarrin, DC, Secretary - Absent
- George E. Khoury, DC
- William D. Aukerman, DC
- Michael S. Swank, DC
- Nikole Brock, Deputy Attorney General, on behalf of  
Nicole VanOrder, Senior Deputy Attorney General,  
Consumer Protection
- Miriam Merry Woods, Public Member

BUREAU PERSONNEL:

- Kerry Maloney, Esquire, Board Counsel
- Anita Shekletski, Esquire, Board Prosecution  
Liaison
- Andrea L. Costello, Esquire, Board Prosecutor
- Elizabeth Wecker, Board Administrator
  
- Kimberly A. Mattis, Finance & Operations Manager,  
Bureau of Finance and Operations, Division of  
Fiscal Management

ALSO PRESENT:

- Denise Getgen, Director, Protective Services Office,  
PA Department of Aging
- Christina W. Kotsalos, Director, Investor Education  
and Consumer Outreach, Department of Banking and  
Securities

1 \*\*\*

2 State Board of Chiropractic

3 January 18, 2018

4 \*\*\*

5 The regularly scheduled meeting of the State  
6 Board of Chiropractic was held on Thursday, January  
7 18, 2018.

8 \*\*\*

9 Official Call to Order

10 [J. Gerard Halloran, DC, Chair, called the meeting to  
11 order at 9:12 a.m. Roll call was taken. Kathryn L.  
12 Waters, Deputy Commissioner of Professional and  
13 Occupational Affairs, was not present at the  
14 commencement of the meeting.]

15 \*\*\*

16 Approval of Minutes of the November 9, 2017 meeting

17 CHAIR HALLORAN:

18 Has everybody looked at the minutes?

19 Can I get a motion to approve the  
20 minutes?

21 DR. SWANK:

22 I motion to approve the minutes from  
23 last meeting.

24 CHAIR HALLORAN:

25 Okay. Swank is making a motion to

1                   approve the minutes from the last  
2                   meeting.

3 DR. AUKERMAN:

4                   I'll second?

5 CHAIR HALLORAN:

6                   Aukerman, second. Can I have a vote?

7                   All in favor?

8 [The motion carried unanimously.]

9   \*\*\*

10 Report of Board Prosecutor

11 [Andrea L. Costello, Esquire, Board Prosecutor,  
12 presented a VRP Agreement for File No. 17-43-08876.]

13   \*\*\*

14 Appointment - Fiscal Year 17-18 Board Budget

15                   Presentation

16 [Kimberly A. Mattis, Finance & Operations Manager,  
17 Bureau of Finance and Operations, Division of Fiscal  
18 Management, provided information on the Board's  
19 licensee population. She stated the current Fiscal  
20 Year 2017-2018 had a licensee population of 4,164,  
21 which was increased from Fiscal Year 2016-2017.

22                   Ms. Mattis referred to the biennial renewal  
23 periods for Fiscal Year 2015-2016 and 2016-2017, where  
24 the Board brought in just over \$929,000. She  
25 attributed 97 percent of the Board's revenue to the

1 renewals and applications. Ms. Mattis stated the last  
2 fee increase was in 1996 with the Board approving a  
3 fee increase in 2016.

4 Ms. Mattis stated the expenses incurred are a  
5 result of a direct charge, a timesheet-based charge,  
6 and a license population charge. She reviewed the  
7 2017-2018 budget and expenses as of January 12, 2018.

8 Ms. Mattis reviewed the revenue and expenses,  
9 anticipating the Board would be just under \$2 million  
10 in the restricted account at the end of the Fiscal  
11 Year 2017-2018. She stated the approved 35-percent  
12 fee increase would become effective in July 2020.]

13

\*\*\*

14 Appointment - Department of Securities - Elder

15 Financial Abuse Prevention

16 [Christina W. Kotsalos, Director, Investor Education  
17 and Consumer Outreach, PA Department of Banking and  
18 Securities, introduced Denise Getgen, Director,  
19 Protective Services Office, PA Department of Aging.

20 Ms. Kotsalos discussed the Department of Aging  
21 and Department Banking and Securities combined efforts  
22 to fight elder financial exploitation.

23 Ms. Getgen noted a significant increase in elder  
24 abuse over the past ten years. She discussed red  
25 flags including isolation, medication issues, change

1 in behavior, and self-neglect.

2 Ms. Getgen stated the reporting of issues may be  
3 anonymous, unless the individual were mandated to  
4 report. She discussed education, evaluation, and  
5 treatment to mitigate or eliminate risk.

6 Ms. Kotsalos and Ms. Getgen offered materials to  
7 Board members, including contact information.

8 Ms. Getgen noted the 1-800 line. The local Area  
9 Agency on Aging will assess any situation by  
10 conducting a comprehensive and thorough investigation.  
11 She noted that all aging services are lottery funded,  
12 which helps with transportation, meals, medical needs,  
13 and additional services for older adults.]

14 \*\*\*

15 Report of Board Counsel

16 [Kerry Maloney, Esquire, Board Counsel, noted an  
17 Adjudication and Order, the delegation regulation  
18 and/or bill advice for discussion in Executive  
19 Session.]

20 \*\*\*

21 Report of Board Chairman

22 [Chair Halloran thanked the Board for putting their  
23 trust in him for the coming year.

24 He discussed updating articles and information to  
25 the Board licensees.

1           Chair Halloran suggested sending several Board  
2 members to important meetings and conferences.

3           Chair Halloran encouraged George to lead the  
4 Board through the rules and regulations of the  
5 Federation of Chiropractic Licensing Boards (FCLB).

6           Mr. Maloney recommended, as far as the training  
7 and conferences, identifying and voting on the members  
8 to send.

9           Chair Halloran suggested researching the training  
10 and conferences to determine the Board member  
11 attendance. He also suggested timely recommendations  
12 and voting for the benefit of the Board  
13 Administrator.]

14   \*\*\*

15 MR. MALONEY:

16                                   I make a motion that we take a vote on  
17                                   our representation for the FCLB Annual  
18                                   Conference in May. Dr. Khoury and  
19                                   myself as the voting delegate and Dr.  
20                                   Halloran as the alternate voting  
21                                   delegate.

22 CHAIR HALLORAN:

23                                   I guess I second that. All in favor?  
24 [The motion carried unanimously.]

25   \*\*\*

1 [Kathryn L. Waters, Deputy Commissioner, entered the  
2 meeting at 9:46 a.m.]

3 \*\*\*

4 Report of Regulatory Counsel

5 [Kerry E. Maloney, Esquire, Board Counsel, stated the  
6 regulations have not moved. The draft language for  
7 the Annex would be discussed in Executive Session.]

8 \*\*\*

9 Report of Board Administrator

10 [Elizabeth Wecker, Board Administrator, noted an  
11 Application for License by Reciprocity to be discussed  
12 in Executive Session.]

13 \*\*\*

14 Report of Deputy Commissioner

15 [Kathryn L. Waters, Deputy Commissioner of  
16 Professional and Occupational Affairs, updated the  
17 Board on the first Advisory Committee Meeting for  
18 Executive Order 2017-03.

19 Ms. Waters explained that the Advisory Committee  
20 discussed goals and reviewed barriers with the main  
21 goal of a fact-finding of the data over the next six  
22 months for comparison with other states.

23 She stated St. Francis University will be  
24 assisting with data gathering and encouraged the Board  
25 to share information, even if just thoughts, with the



1 Advisory Committee.

2 Dr. Khoury discussed limitations the  
3 Commissioner's office would be reviewing. He stated  
4 all discussions and decision-making would be in an  
5 Open Session.

6 Dr. Khoury outlined St. Francis University's  
7 college of public regulatory policy that provides  
8 significant information for all Boards, which will  
9 ease the burden of the Advisory Group. He also  
10 mentioned that some of the Boards have National  
11 Licensing Associations that have information for 50  
12 states. She stated a report is due within 180 days  
13 after the first Advisory Committee Meeting.

14 Ms. Waters updated the Board on the current  
15 travel ban.

16 Dr. Swank stated conservative care was mandatory  
17 in Ohio and Rhode Island before any opioids may be  
18 given.

19 Dr. Khoury noted that the Pennsylvania Emergency  
20 Management Agency and the Department of Health & Human  
21 Services reached out to some of the Boards, especially  
22 Pharmacy and Medicine.

23 Dr. Khoury noted no direct relationship between  
24 chiropractic care and opioids following a review of  
25 the situation. He stated over-the-counter pain

1 medication and opioids are similar in relieving pain.  
2 Chiropractic care is five times better at getting rid  
3 of pain than over-the-counter medications and opioids.

4 Dr. Khoury stated the FCLB was revising their  
5 standards on opioids and recommended Board attendance  
6 at the May conference meeting in Dallas.]

7 \*\*\*

8 [Kathryn L. Waters, Deputy Commissioner, exited the  
9 meeting at 10:01 a.m.]

10 \*\*\*

11 [The Board recessed from 10:01 a.m. until 10:11 a.m.]

12 \*\*\*

13 Old Business

14 [George E. Khoury, DC, discussed the CE Applications  
15 from UPMC. Dr. Swank stated all classes may be on one  
16 application from this point forward.

17 Dr. Khoury referred to a Hearing for an  
18 individual was practicing chiropractic care but not  
19 calling it chiropractic without a license in the state  
20 of Pennsylvania. The Board had limited authority to  
21 direct sanctions on an unlicensed individual. Mr.  
22 Maloney was not aware of this particular case but has  
23 dealt with similar circumstances in the past.

24 Dr. Khoury was unaware of the outcome from the  
25 Attorney General's Office. He had received

1 notification that the individual continues  
2 chiropractic treatment without a license. He urged  
3 the Attorney General's Office to follow up on the  
4 matter.

5 Ms. Brock, Office of Attorney General, agreed to  
6 relate the matter to Nicole VanOrder and follow-up.

7 Dr. Khoury discussed the inability of  
8 chiropractors to perform physicals in the state of  
9 Pennsylvania for the Pennsylvania Interscholastic  
10 Athletic Association (PIAA) due to regulations and not  
11 being licensed physicians. Mr. Maloney advised a  
12 direction to the Department of Education from the  
13 legislature to include chiropractors would be  
14 required. Dr. Swank noted that chiropractors are  
15 allowed to perform Department of Transportation  
16 physicals and Federal Department of Transportation  
17 (DOT) physicals for truck drivers.

18 Dr. Khoury noted the delegation issue for  
19 discussion in Executive Session.

20 Mr. Maloney updated the Board on dry needling and  
21 the veterinary chiropractic presentation from its last  
22 meeting.

23 Dr. Khoury suggested using funds delegated as an  
24 emergency response fund to set up a pilot program  
25 throughout Pennsylvania for chiropractic and physical

1 therapy offices to treat individuals to save the state  
2 money.]

3

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4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
5 10:24 a.m. the Board entered into Executive Session  
6 with Kerry Maloney, Esquire, Board Counsel, for the  
7 purpose of conducting quasi-judicial deliberations.  
8 The Board returned to open session at 11:00 a.m.]

9

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10 MOTIONS

11 CHAIRMAN HALLORAN:

12 The first thing we want to go over is  
13 File No. 17-43-08876.

14 DR. AUKERMAN:

15 I want to make a motion to approve the  
16 Consent Agreement and Order, File No.  
17 17-43-08876.

18 CHAIR HALLORAN:

19 Motion on the floor to approve. Do I  
20 have a second?

21 DR. SWANK:

22 Second.

23 CHAIR HALLORAN:

24 Second, Dr. Swank. Let's do a roll call  
25 vote.

1

2

Woods, aye; Khoury, aye; Halloran, aye;

3

Swank, aye; Aukerman, aye; and Brock,

4

aye.

5

[The motion carried unanimously.]

6

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7

CHAIRMAN HALLORAN:

8

The next one would be File No. 15-43-

9

09222.

10 MS. WOODS:

11

I make a motion to accept and approve

12

the final Adjudication and Order as

13

discussed in Executive Session.

14 CHAIRMAN HALLORAN:

15

For File No.?

16 MS. WOODS:

17

For File No. 15-43-09222, Docket No.

18

1368-43-17.

19 CHAIRMAN HALLORAN:

20

Thank you. I have a motion on the Board

21

to approve this. Do I have a second?

22 DR. SWANK:

23

Second.

24 CHAIRMAN HALLORAN:

25

Second, Dr. Swank. Let us take a vote.

1

2

Woods, aye; Khoury, aye; Halloran, aye;

3

Swank, aye; Aukerman, aye; and Brock,

4

aye.

5

[The motion carried unanimously.]

6

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7

CHAIRMAN HALLORAN:

8

The next one is for a vote on

9

reciprocity, Dr. Khoury.

10

DR. KHOURY:

11

I'd like to make a motion in regards to

12

the Charney David Slater Application for

13

Licensure by Reciprocity, that we accept

14

that.

15

CHAIRMAN HALLORAN:

16

Do we have a second?

17

DR. AUKERMAN:

18

I'll second it.

19

CHAIRMAN HALLORAN:

20

Dr. Aukerman seconds. Can we have a

21

vote.

22

23

Woods, aye; Khoury, aye; Halloran, aye;

24

Swank, aye; Aukerman, aye; and Brock,

25

aye.

1 [The motion carried unanimously.]

2 \*\*\*

3 Board Meeting Dates

4 [Chairman Halloran noted the 2019 meeting dates.]

5 \*\*\*

6 Committee Assignments

7 [Chairman Halloran reviewed the Board members  
8 assignments to the Probable Cause Screening Committee,  
9 Regulations Committee, Opioid Committee, Newsletter  
10 Committee, and CE Review Committee.]

11 Chairman Halloran stated Dr. Khoury will be a  
12 member of the Federation of Chiropractic Licensing  
13 Boards and an important resource for the Chiropractic  
14 Board.]

15 \*\*\*

16 CHAIRMAN HALLORAN:

17 Do I have a motion for adjournment?

18 DR. KHOURY:

19 I'll make that motion to adjourn this  
20 meeting.

21 DR. AUKERMAN:

22 I'll second it.

23 CHAIRMAN HALLORAN:

24 All in favor? Thank you everybody for  
25 being here.

1 [The motion carried unanimously.]

2 \*\*\*

3 [There being no further business, the State Board  
4 Chiropractic meeting adjourned at 11:07 a.m.]

5 \*\*\*

6 [The next State Board Chiropractic meeting is  
7 scheduled for March 22, 2018.]

8 \*\*\*

9

10 CERTIFICATE

11

12 I hereby certify that the foregoing summary  
13 minutes of the State Board of Chiropractic meeting,  
14 was reduced to writing by me or under my supervision,  
15 and that the minutes accurately summarize the  
16 substance of the State Board of Chiropractic meeting.

17

18

19

*Corey Elizabeth Fake*

20

Corey Elizabeth Fake,

21

Minute Clerk

22

Sargent's Court Reporting

23

Service, Inc.

24

25



STATE BOARD OF CHIROPRACTIC  
REFERENCE INDEX  
January 18, 2018

	TIME	AGENDA
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6		
7	9:12	Official Call to Order
8		
9	9:12	Roll Call
10		
11	9:13	Approval of Minutes
12		
13	9:13	Report of Prosecutorial Division
14		
15	9:15	Appointment - Board Budget Presentation
16	9:23	
17		
18	9:23	Appointment - Elder Financial Abuse
19	9:40	Prevention
20		
21	9:40	Report Board Counsel
22		
23	9:46	Report of Board Chairman
24		
25	9:46	Report of Regulatory Counsel
26		
27	9:47	Report of Board Administrator
28		
29	9:47	Report of Deputy Commissioner
30		
31	10:11	Old Business
32		
33	10:24	Executive Session
34	11:00	Return to Open Session
35		
36	11:00	Motions
37		
38	11:04	Miscellaneous
39		
40	11:07	Adjournment
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