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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: 9:07 A.M.

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

May 17, 2018

1 State Board of Chiropractic
2 May 17, 2018

3
4
5 BOARD MEMBERS:

6
7 J. Gerard Halloran, D.C., Chair
8 Ian J. Harlow, Commissioner of Professional and
9 Occupational Affairs - Absent
10 John E. McCarrin, D.C., Secretary
11 William D. Aukerman, D.C.
12 George E. Khoury, D.C.
13 Michael S. Swank, D.C.
14 Nikole Brock, Deputy Attorney General, Consumer
15 Protection
16 Miriam Merry Woods, Public Member
17

18
19 BUREAU PERSONNEL:

20
21 Kerry E. Maloney, Esquire, Board Counsel
22 Anita P. Shekletski, Esquire, Board Prosecution
23 Liaison
24 Kim Adams, Esquire, Board Prosecutor
25 Elizabeth Wecker, Board Administrator
26

27
28 ALSO PRESENT:

29
30 John Wanner, CAE, Wanner Associates
31 Peggy Slothower, Business Analyst, Department of Human
32 Services, Children's Health Insurance Program
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1 ***

2 State Board of Chiropractic

3 May 17, 2018

4 ***

5 The regularly scheduled meeting of the State
6 Board of Chiropractic was held on Thursday, May 17,
7 2018.

8 ***

9 Official Call to Order

10 [J. Gerard Halloran, D.C., Chair, called the meeting
11 to order at 9:07 a.m. Miriam Merry Woods, Public
12 Member, was not present at the commencement of the
13 meeting.]

14 ***

15 Approval of Minutes of the January 18, 2018 meeting

16 CHAIR HALLORAN:

17 The first thing we have to consider is
18 our draft minutes. Does anybody have
19 any problems with the minutes? If you
20 have no problem with the minutes, can
21 someone entertain a motion to accept the
22 minutes as is?

23 DR. KHOURY:

24 I make a motion to accept the minutes as
25 is.

1 DR. AUKERMAN:

2 I'll make a motion to second it.

3 CHAIR HALLORAN:

4 All in favor, please say aye? The draft
5 minutes of the January 18, 2018 meeting
6 has been accepted.

7 [The motion carried unanimously.]

8 ***

9 [Miriam Merry Woods, Public Member, entered the
10 meeting at 9:08 a.m.]

11 ***

12 Report of Board Prosecutor

13 [Anita P. Shekletski, Esquire, Board Prosecution
14 Liaison, introduced Kim Adams, Esquire, a new Board
15 Prosecutor.]

16 ***

17 [Ms. Shekletski presented the Consent Agreement for
18 File No. 17-43-12289.]

19 ***

20 Report of Commissioner - No Report

21 ***

22 Report of Board Counsel

23 [Kerry E. Maloney, Esquire, Board Counsel, noted
24 Adjudications and Orders for discussion in Executive
25 Session. He also noted an appellate case not on the

1 agenda for discussion in Executive session.]

2 ***

3 Report of Regulatory Counsel

4 [Kerry E. Maloney, Esquire, Board Counsel, informed
5 the Board that Mr. Blackburn will discuss the
6 Specialties regulation, 16A-4312, in July for the
7 Board's direction.

8 Mr. Maloney reported on the delegation to
9 unlicensed personnel as an exposure draft. He stated
10 the legislation might not go forward, although it is
11 really not a contraction but an expansion and
12 clarification of the responsibilities of licensed
13 personnel. Mr. Maloney stated the Governor's Office
14 does not allow for any restrictions on licensees. Mr.
15 Maloney had no new information on the intern bill.

16 Mr. Maloney addressed Act 6 of 2018 (formerly SB
17 354), which is a requirement for all licensees to
18 report criminal convictions, including accelerated
19 rehabilitative disposition (ARD). Mr. Maloney stated
20 the Board may be seeing more criminal conviction
21 cases. He reviewed the ability to obtain more
22 information on criminal histories.]

23 ***

24 Report of Board Chairman

25 [Chair Halloran referred to the Pennsylvania

1 Chiropractic Association (PCA) letter for further
2 discussion in Executive Session. He also noted
3 further review at the July meeting when Regulatory
4 Counsel will meet to discuss the Board's response and
5 the Independent Regulatory Review Commission's
6 (IRRC's) strong request to work with other
7 chiropractic agencies to craft inclusive regulations.

8 Chair Halloran noted the travel budget and
9 sending Board members to the opioid conference. He
10 noted further discussion on the travel budget under
11 New Business.

12 Chair Halloran addressed updating the contact
13 website and obtaining articles from Board members on
14 various subjects to be posted as an information
15 service to chiropractors in the state.]

16

17 Children's Health Insurance Program Enrollment
18 Presentation

19 [Margaret Slothower, Business Analyst, Department of
20 Human Services presented to review the Children's
21 Health Insurance Program provider enrollment
22 requirement. Ms. Slothower informed the Board that
23 the Department of Human Services implemented the
24 Affordable Care Act provision, which required all
25 providers who render, order, refer, prescribe, or bill

1 for items or services to CHIP enrollees to have been
2 enrolled by December 31, 2017.

3 Ms. Slothower stated the 21st Century Cures Act
4 was a requirement by January 1, 2018, in order to
5 participate as a provider in the network of a CHIP-
6 managed care entity.

7 Ms. Slothower noted current records indicating
8 that 75 percent of CHIP providers have enrolled for at
9 least one service location. She encouraged providers
10 to complete their enrollment as soon as possible in
11 order to continue receiving payment for services.

12 Ms. Slothower noted that providers will not
13 become a Medical Assistance (MA) provider. She
14 explained that providers must enroll in Pennsylvania
15 if they are currently enrolled in Medicare in a
16 different state or CHIP program.

17 Ms. Slothower explained that providers in
18 multiple managed-care organizations are only required
19 to enroll once. She stated providers already enrolled
20 in Medical Assistance do not need to enroll again, as
21 providers will already have a Processing and
22 Management Information System (PROMISe) ID.

23 Ms. Slothower noted institutional providers are
24 subject to a fee of \$560. She noted electronic and
25 paper application options and provided an

1 informational handout for the website and a provider
2 enrollment hotline.]

3 ***

4 [George E. Khoury, D.C., exited the meeting at
5 9:47 a.m. for recusal purposes.]

6 ***

7

8 [Miriam Merry Woods, Public Member, exited the meeting
9 at 9:29 a.m. and reentered the meeting at 9:30 a.m.]

10 ***

11 [A formal hearing was held from 9:31 a.m. until
12 10:23 a.m. in the matter of the Application for
13 Reinstatement of the License to Practice Chiropractic
14 of Robert Clyde Wise II, D.C.; File No. 18-43-01433,
15 Docket No. 0372-43-18.]

16 ***

17 [George E. Khoury, D.C., reentered the meeting at
18 10:24 a.m.]

19 ***

20 [The Board recessed from 10:24 a.m. until 10:40 a.m.]

21 ***

22 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
23 10:40 a.m. the Board entered into Executive Session
24 with Kerry E. Maloney, Esquire, Board Counsel, for the
25 purpose of conducting quasi-judicial deliberations.]

1 The Board returned to open session at 12:24 p.m.]

2 ***

3 MOTIONS

4 MR. MALONEY:

5 The first item of business is a Consent
6 Agreement and Order.

7 DR. MCCARRIN:

8 I'd like to make a motion to approve the
9 Consent Agreement for Ethel C. Harvey,
10 D.C., File No. 17-43-12289.

11 MR. MALONEY:

12 Do we have a second on that?

13 MS. WOODS:

14 Second.

15 CHAIR HALLORAN:

16 Merry Woods seconded. Any questions on
17 this? It's time for a vote on this.

18
19 Khoury, aye; Woods, aye; McCarrin, aye;
20 Brock, aye; Aukerman, aye; Swank, aye;
21 and Halloran, aye.

22 [The motion carried unanimously.]

23 ***

24 MR. MALONEY:

25 The next item of business we are going

1 to attend to is the reinstatement
2 request from Robert Clyde Wise II, File
3 No. 18-43-01433.

4 DR. AUKERMAN:

5 I make a motion to have our Board
6 Attorney, Kerry Maloney, issue an
7 Adjudication and Order based on the
8 discussion we had in Executive Session
9 as far as Dr. Wise's status for
10 reinstatement.

11 CHAIR HALLORAN:

12 Do I have a second on that?

13 DR. SWANK:

14 Second.

15 CHAIR HALLORAN:

16 I would like to take a roll call vote.

17

18 Khoury, recuse; Woods, aye; McCarrin,
19 aye; Brock, aye; Aukerman, aye; Swank,
20 aye; and Halloran, aye.

21 [The motion carried. Dr. Khoury recused himself from
22 deliberations and voting on the motion]

23

24 CHAIR HALLORAN:

25 The next one we have, Dr. Aukerman is

1 also going to take on, Braheem Zaki
2 Tolbert, D.C., File No. 17-43-07941.

3 DR. AUKERMAN:

4 I want to make a motion to approve the
5 Final Adjudication and Order, File No.
6 17-43-07941, Braheem Zaki Tolbert, D.C.

7 MR. MALONEY:

8 Do I have a second on that?

9 DR. SWANK:

10 Second.

11 CHAIR HALLORAN:

12 Dr. Swank seconds.

13

14 Khoury, aye; Woods, aye; McCarrin, aye;
15 Brock, aye; Aukerman, aye; Swank, aye;
16 and Halloran, aye.

17 [The motion carried unanimously.]

18

19 MR. MALONEY:

20 I would like Dr. Swank to handle the
21 issue of William Harry Roscoe, D.C.,
22 File No. 17-43-11508.

23 DR. SWANK:

24 I'd like to make a motion to have
25 approval and issue a Final Adjudication

1 and Order for Dr. William Harry Roscoe.

2 MR. MALONEY:

3 Do we have a second?

4 CHAIR HALLORAN:

5 Second.

6 CHAIR HALLORAN:

7 Khoury and Woods are recused.

8

9 Khoury, recuse; Woods, recuse; McCarrin,
10 aye; Brock, aye; Aukerman, aye; Swank,
11 aye; and Halloran, aye.

12 [The motion carried. Dr. Khoury and Ms. Wood recused
13 themselves from deliberation and voting on the motion]

14 ***

15 MR. MALONEY:

16 Ms. Woods, could you talk to us about
17 Dr. Kramarenko's vote to grant a
18 license.

19 MS. WOODS:

20 I motion for the Board to vote to grant
21 the license of Joshua James Kramarenko.

22 DR. MCCARRIN:

23 Second.

24 CHAIR HALLORAN:

25 Khoury, aye; Woods, aye; McCarrin, aye;

1 Brock, aye; Aukerman, aye; Swank, aye;
2 and Halloran, aye.

3 [The motion carried unanimously.]

4 ***

5 MR. MALONEY:

6 Dr. Khoury, I'd like you to handle the
7 issue of Lawrence Charles Bennet, D.C.,
8 File No. 13-43-00930. Could you make a
9 motion?

10 DR. KHOURY:

11 I make a motion to deny the application
12 for stay and direct Board Counsel to
13 draft and issue the proposed order as
14 written.

15 MR. MALONEY:

16 Do I have a second?

17 DR. SWANK:

18 Second.

19 CHAIR HALLORAN:

20 Khoury, aye; Woods, aye; McCarrin, aye;
21 Brock, aye; Aukerman, aye; Swank, aye;
22 and Halloran, aye.

23 [The motion carried unanimously.]

24 ***

25 New Business

1 [George E. Khoury, D.C., thanked Board members for
2 sending him to the Federation of Chiropractic
3 Licensing Boards Conference in Dallas. Dr. Khoury
4 noted specialty council task force, the delegation
5 issue regarding the Certified Chiropractic Clinical
6 Assistant (CCCA) program with certified continuing
7 education (CE), and animal chiropractic.

8 Dr. Khoury also noted discussion of Board
9 regulations and regulatory responsibilities as well as
10 Department of Transportation (DOT) physicals. He
11 stated there was a guest speaker from the Foundation
12 of Chiropractor Progress regarding the opioid
13 epidemic.

14 Dr. Khoury informed the Board that Pennsylvania
15 had not reported to the Chiropractor Information
16 Network-Board Action Databank (CIN-BAD) since 2014 and
17 would like that updated at a more current level. He
18 defined CIN-BAD as the agency for reporting licensure
19 and accessing sanctions in other states.

20 Dr. Khoury noted CIN-BAD to be part of FCLB and a
21 benefit provided to members.

22 Vice Chair Halloran referred to a beneficial
23 report from the FCLB website for surrounding states
24 regarding criminal background checks.

25 Dr. Khoury addressed temporary licensure

1 programs, including travel-to-treat requirements,
2 where chiropractors accompany individuals to another
3 state or are requested for emergency situations. He
4 noted that Pennsylvania does not participate.

5 Dr. Khoury noted the Federation of Associations
6 of Regulatory Boards (FARB), where any federal member
7 can come onsite and have a temporary license in the
8 state for six month.

9 Mr. Maloney explained the state rules would not
10 apply to federal employees performing functions at a
11 federal facility as they would be insured by the
12 federal government.

13 Dr. Khoury noted the Model Practice Act on the
14 FCLB website.

15 Dr. Khoury stated Dr. Sides stated Winston-Salem
16 North Carolina University had been approved
17 legislatively to have a chiropractic college and
18 suggested Dr. Sides contact the University of
19 Pittsburgh to collaborate on ways to fund and set up a
20 college.

21 Dr. Khoury noted the availability of a
22 scholarship executive directors, and there is an
23 executive director group that does attend FCLB.

24 Dr. Khoury mentioned the Chiropractic Board Legal
25 Advisors Committee (CBLAC) had a roundtable discussion

1 regarding counsel issues with the Board.

2 Dr. Khoury noted that Chairman Ajay Gohil reached
3 out to Mr. Maloney to get him involved in conference
4 calls and possibly attend the conference as well.

5 Dr. Khoury is currently the alternate District
6 III Director, noting the importance of relaying
7 information and having resources as a Pennsylvania
8 voting delegate. Dr. Khoury suggested Dr. Halloran
9 attend the regional meetings as well as the annual
10 conference meeting. Chair Halloran plans to attend
11 pending the Governor's approval.

12 Dr. Khoury offered to provide a presentation to
13 the Board as a delegate, if approved by the director.]

14 ***

15 [Chair Halloran noted the Opioid Summit Meeting and
16 proposed sending Dr. Aukerman and Dr. Khoury to the
17 Institute for the Advancement of Behavioral Healthcare
18 regarding the opioid crisis.]

19 CHAIR HALLORAN:

20 I would like to make a motion that
21 Dr. Khoury and Dr. Aukerman be sent
22 representing our Board to this
23 importance conference and report back to
24 us in the July meeting. It will depend
25 on you two gentleman, if we do approve

1 will be discussed at a later time.]

2 ***

3 Adjournment

4 DR. KHOURY:

5 I entertain a motion for adjournment.

6 MR. MALONEY:

7 Dr. Khoury makes a motion for
8 adjournment.

9 DR. AUKERMAN:

10 I'll second.

11 CHAIR HALLORAN:

12 All in favor? We are adjourned.

13 [The motion carried unanimously.]

14 ***

15 [There being no further business, the State Board of
16 Chiropractic Meeting adjourned at 12:48 p.m.]

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CERTIFICATE

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

Amy L. Warehime

Amy L. Warehime,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF CHIROPRACTIC
REFERENCE INDEX
May 17, 2018

	TIME	AGENDA
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2		
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6		
7	9:07	Official Call to Order
8		
9	9:07	Approval of Minutes
10		
11	9:08	Report of Prosecutorial Division
12		
13	9:12	Report Board Counsel
14		
15	9:14	Report of Regulatory Counsel
16		
17	9:18	Report of Board Chairman
18		
19	9:21	Appointment - CHIP provider Enrollment
20	9:28	Presentation
21		
22	9:31	Formal Hearing - Robert C. Wise II, D.C.
23		
24	10:24	Recess
25	10:40	Return to Open Session
26		
27	10:40	Executive Session
28	12:24	Return to Open Session
29		
30	12:24	Motions
31		
32	12:48	Adjournment
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