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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 C
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

July 20, 2017

State Board of Chiropractic
July 20, 2017

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BOARD MEMBERS:

- John E. McCarrin, DC, Chairperson
- Kathryn Waters, Deputy Commissioner of Professional and Occupational Affairs - Absent
- George E. Khoury, DC, Secretary
- Rachel Levine, M.D., Acting Secretary of Health and Physician General
- William D. Aukerman, DC - Absent
- J. Gerard Halloran, DC
- Michael S. Swank, DC
- Nicole VanOrder, Consumer Protection Member
- Miriam Merry Woods, Public Member

BUREAU PERSONNEL:

- Kerry Maloney, Esquire, Board Counsel
- David Schertz, Esquire, Board Prosecutor
- Elizabeth Wecker, Board Administrator

ALSO PRESENT:

- Jacob Wohr, Intern, Office of Attorney General
- Ted Mowatt, Chiropractic Fellowship of PA
- Ed Nielsen, Pennsylvania Chiropractic Association
- George A. McKay, DC, Applicant
- Dr. Robert A. Cavoto, Jr.

1 ***

2 State Board of Chiropractic

3 July 20, 2017

4 ***

5 The regularly scheduled meeting of the State
6 Board of Chiropractic was held on Thursday, July 20,
7 2017.

8 ***

9 Official Call to Order

10 [John E. McCarrin, DC, Chair, called the meeting to
11 order at 9:07 a.m.]

12 ***

13 Appointment

14 [Rachel Levine, M.D., introduced herself to the Board
15 as the current Acting Secretary of Health and the
16 Physician General for Pennsylvania. Dr. Levine stated
17 Secretary Karen Murphy left the Department of Health
18 to take a position at Geisinger Health System.

19 Dr. Levine addressed the opioid crisis in
20 Pennsylvania. Dr. Levine noted that statistically in
21 2016 that were 4,812 deaths from overdoses, 3,500 in
22 2015, and 2,500 in 2014. She further reported that
23 the 58,000 to 59,000 Americans who will die of
24 overdoses is consistent with the number of Americans
25 killed during the entire course of the Vietnam War.

1 Dr. Levine stated that changes introduced 20
2 years ago by the Center for Medicare and Medicaid
3 Services and the Joint Commission resulted in
4 healthcare professionals doing a better job assessing
5 and treating pain. She discussed the fact that
6 powerful long-acting opioid pain medications, such as
7 OxyContin, which were marketed as being
8 non-addicting, was proven to be completely false. The
9 dangers of synthetic opioids, such as fentanyl and
10 carfentanyl compounds, were also discussed.

11 Dr. Levine explained the networking between the
12 Public Health Department and the Office of the
13 Attorney General, Pennsylvania State Police, Drug
14 Enforcement Administration (DEA), and High Intensity
15 Drug Trafficking Areas (HIDTA).

16 Dr. Levine reviewed several initiatives,
17 including opioid stewardship, core competency,
18 continuing education credits for prescribers and
19 dispensers, prescribing guidelines, and the revision
20 of the chronic non-cancer pain guidelines. Dr. Levine
21 invited a member of the Chiropractic Board to attend
22 committee discussion regarding the treatment of
23 chronic pain without opiates. She provided her email
24 address as ralevine@pa.gov.

25 Dr. Levine addressed the state's comprehensive

1 prescription drug monitoring program as well as the
2 naloxone (Narcan) rescue, which can be either an
3 inhaler or injection. There was discussion with
4 regard to The Warm Handoff Clinical Pathway Program,
5 which seeks to aid individuals suffering from
6 addiction, as well as provide treatment options.

7 Dr. Levine answered questions regarding the
8 nonprescription treatment options and whether or not
9 she foresees any legislation or regulations relating
10 to the treatment of pain without the use of opioids.
11 She referred to different modalities used to treat
12 chronic pain, including chiropractic care, osteopathic
13 care, biofeedback, acupuncture, the use of TENS units,
14 occupational therapy, and physical therapy. Dr.
15 Levine addressed inpatient and outpatient insurance
16 coverages for treatments.

17 Dr. Levine discussed Pennsylvania Coordinated
18 Medication-Assisted Treatment or PACMAT, which she
19 referred to as the health systems as the hub and their
20 primary care networks as the spokes. She further
21 explained the primary care doctors would write the
22 prescriptions, but the health systems would be
23 conducting the case management and care.

24 Dr. Levine stated there are 45 Centers of
25 Excellence located throughout the state, which are

1 mandated to perform medication-assistive treatments.
2 She answered further questions relating to the
3 administration of naloxone.]

4 ***

5 Approval of Minutes of the May 18, 2017 meeting

6 CHAIR MCCARRIN:

7 I'd like to have everybody review the
8 minutes from the last meeting and give
9 me a motion for approval?

10 [The Board discussed corrections to the Minutes.]

11 DR. HALLORAN:

12 I make a motion that we review the
13 minutes of the last meeting and fix the
14 salutations to identify clearly who are
15 the doctor members and who are the
16 public members or nondoctor members of
17 the Board and then have them approved.

18 CHAIR MCCARRIN:

19 Besides that amendment, anything else
20 you can think of?

21 DR. HALLORAN:

22 I don't see anything else in the Minutes
23 that I'm worried about other than that
24 for consistency.

25 CHAIR MCCARRIN:

1 Anyone second it?

2 DR. KHOURY:

3 Second.

4 CHAIR MCCARRIN:

5 All in favor?

6 [The motion carried unanimously.]

7 ***

8 [A formal hearing was held from 9:59 a.m. until 10:38
9 a.m. In the Matter of the Reactivation of the License
10 to Practice Chiropractic of George A. McKay, File No.
11 17-43-06621, Docket No. 1076-43-17.]

12 ***

13 [The Board recessed from 10:38 a.m. until 10:53 a.m.]

14 ***

15 [Michael S. Swank, DC, and George E. Khoury, DC,
16 Secretary, exited the meeting at 10:38 a.m. and
17 reentered the meeting at 10:57 a.m.]

18 ***

19 Miscellaneous

20 [Ed Nielsen, MHS, Executive Vice President,
21 Pennsylvania Chiropractic Association, introduced Dr.
22 Robert A. Cavoto, Jr., who presented an overview as to
23 the lack of clarity in the regulations. He discussed
24 the potential economic implications for chiropractors
25 as a result of his recent court decision entered in

1 his lawsuit against State Farm Insurance.

2 Mr. Nielsen referred Board members to Judge
3 Green's decision, specifically pages 15 and 16, which
4 provided a declaration as to specialized findings by
5 licensed chiropractors. He discussed the McKinsey
6 Documents, which depict the claims process and their
7 impact on insurance companies, as well as the process
8 for insurance companies to turn their PIP or medical
9 department into a profit center.

10 Dr. Cavoto urged the Board to support him in this
11 matter. The Board will further discuss the matter
12 during Executive Session.]

13

14 [Mr. Nielsen reviewed a decision from December of 2015
15 by a county judge relating to the scope of practice
16 and the delegation to unlicensed assistant personnel,
17 who is considered unlicensed personnel, and the
18 standards of training.

19 He explained that should this law stand and the
20 State Board not provide further clarification of the
21 regulations, the economic fallout in terms of access
22 to chiropractic care will be seriously compromised.

23 Chair McCarrin stated the Board would further
24 discuss the best method by which to handle the
25 matter.]

1 ***

2 Report of Board Prosecutor

3 Review of Applications

4 [Kerry Maloney, Esquire, Board Counsel, noted
5 applications to be discussed during Executive
6 Session.]

7 ***

8 Report of Board Administrator

9 CE Approval Request

10 [Elizabeth Wecker, Board Administrator, noted a CE
11 approval request also to be discussed during Executive
12 Session.]

13 ***

14 Miscellaneous (Continued)

15 Chiropractic Board Committee Assignments

16 [John E. McCarrin, DC, Chair, requested volunteers to
17 serve on the Opioid Committee.

18 Dr. Khoury and Dr. Aukerman offered to co-chair
19 the committee.]

20 ***

21 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
22 11:15 a.m. the Board entered into Executive Session
23 with Kerry Maloney, Esquire, Board Counsel, for the
24 purpose of conducting quasi-judicial deliberations.
25 The Board returned to open session at 12:57 p.m.]

1 ***

2 MOTIONS

3 CHAIR MCCARRIN:

4 Coming out of Executive Session, we want
5 to go over a few things. I'd like to
6 start off with the discussion on CE
7 approval requests. I believe that was
8 Dr. Swank.

9 DR. SWANK:

10 I propose that we not accept and deny
11 their request for a change in our
12 application approval or application
13 process and tell them to follow our
14 state guidelines in applying for their
15 class.

16 DR. HALLORAN:

17 Second.

18 CHAIR MCCARRIN:

19 All in favor?

20 [The motion carried unanimously.]

21 ***

22 CHAIR MCCARRIN:

23 The review of applications. I believe
24 that was also Dr. Swank.

25 DR. SWANK:

1 I make a motion to approve Dr. Mincey's
2 Application for Reciprocity.

3 CHAIR MCCARRIN:

4 We need a second?

5 DR. AUKERMAN:

6 I'll second.

7 CHAIR MCCARRIN:

8 Maybe for this, we should do a roll
9 call.

10

11 Nicole VanOrder, aye; William D.
12 Aukerman, DC, aye; Michael S. Swank,
13 DC, aye; John E. McCarrin, DC, Chair,
14 aye; George E. Khoury, DC, aye; Miriam
15 Merry Woods, aye; J. Gerard Halloran,
16 DC, aye;

17 [The motion carried unanimously.]

18

19 CHAIR MCCARRIN:

20 In regard to the hearing in the matter
21 of Reactivation of Dr. George A. McKay,
22 File No. 17-43-06621, Docket No. 1076-
23 43-17.

24 DR. HALLORAN:

25 I make a motion that in the matter of

1 the reactivation of Dr. George A.
2 McKay, File No. 17-43-06621, Docket No.
3 1076-43-17, that we do the Adjudication
4 and Order for Mr. Maloney and draw up
5 the order as per our directions during
6 Executive Session on the status of Dr.
7 George A. McKay.

8 CHAIR MCCARRIN:

9 We need a second?

10 DR. SWANK:

11 Second.

12 CHAIR MCCARRIN:

13 Let's do a roll call on this one,
14 please.

15
16 Nicole VanOrder, aye; William D.
17 Aukerman, DC, aye; Michael S. Swank,
18 DC, aye; John E. McCarrin, DC, Chair,
19 aye; George E. Khoury, DC, aye; Miriam
20 Merry Woods, aye; J. Gerard Halloran,
21 DC, aye;

22 [The motion carried unanimously.]

23 ***

24 CHAIR MCCARRIN:

25 I'd like to turn at this point over to

1 Kerry.

2 MR. MALONEY:

3 I just look for a motion to direct Board
4 Counsel to revisit and redraft the
5 regulation for delegation to unlicensed
6 assistant personnel. Would anybody
7 make that motion?

8 DR. KHOURY:

9 I make that motion.

10 MR. MALONEY:

11 Any second?

12 MS. VANORDER:

13 Second.

14 CHAIR MCCARRIN:

15 Let's do a roll call.

16

17 Nicole VanOrder, aye; William D.
18 Aukerman, DC, aye; Michael S. Swank,
19 DC, aye; John E. McCarrin, DC, Chair,
20 aye; George E. Khoury, DC, aye; Miriam
21 Merry Woods, aye; J. Gerard Halloran,
22 DC, aye;

23 [The motion carried unanimously.]

24

25 CHAIR MCCARRIN:

1 We have Old Business to discuss.
2 Actually, let's talk about -- I believe
3 we were going to cover PACE.
4 DR. KHOURY:
5 I make a motion that the Board accept
6 the request for PACE approval of
7 continuing ed. credits as voted on by
8 our Board in regards to our statutory
9 authority.
10
11 CHAIR MCCARRIN:
12 With final review by the Board?
13 DR. KHOURY:
14 With final review by the Board as
15 written.
16 MR. MALONEY:
17 If I can add to that in clarification,
18 would that also include a motion to
19 participate and cooperate with PACE and
20 our CE approval program?
21 DR. KHOURY:
22 Yes, that would, with the final approval
23 of our Board Chairman regarding CE.
24 CHAIR MCCARRIN:
25 Second?

1 DR. HALLORAN:

2 Second.

3 CHAIR MCCARRIN:

4 Let's do a roll call.

5

6 Nicole VanOrder, aye; William D.

7 Aukerman, DC, aye; Michael S. Swank,

8 DC, aye; John E. McCarrin, DC, Chair,

9 aye; George E. Khoury, DC, aye; Miriam

10 Merry Woods, aye; J. Gerard Halloran,

11 DC, aye;

12 [The motion carried unanimously.]

13

14 Old Business

15 [J. Gerard Halloran, DC, had discussion with regard to

16 Board members composing brief, one-page articles for

17 viewing on the Board's website.]

18

19 New Business

20 [J. Gerard Halloran, DC, stated that the Board has

21 been invited as stakeholders to attend some

22 preliminary informational meetings of the Medical

23 Board with regard to naturopathic medicine. He will

24 provide a report at the Board's next meeting.]

25

1 [Dr. Halloran also discussed the new tax exempt
2 certificate and requested further clarification on the
3 city occupancy room tax.]

4 ***

5 [George E. Khoury, DC, Secretary confirmed that the
6 two committees appointed include the regulation
7 committee and opioid committee.]

8 ***

9 CHAIR MCCARRIN:

10 We could have adjournment.

11 DR. KHOURY:

12 I make a motion that we have an
13 adjournment.

14 CHAIR MCCARRIN:

15 Do we have a second?

16 DR. AUKERMAN

17 Second?

18 CHAIR MCCARRIN:

19 All in favor?

20 [The motion carried unanimously.]

21 ***

22 [The State Board Chiropractic meeting adjourned at
23 1:08 p.m.]

24 ***

25 [The next meeting is September 21, 2017.]

CERTIFICATE

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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.



Corey Elizabeth Summers,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF CHIROPRACTIC
REFERENCE INDEX
July 20, 2017

	TIME	AGENDA
1		
2		
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4		
5		
6		
7	9:07	Official Call to Order
8		
9	9:07	Appointment - Rachel Levine, M.D.
10		
11	9:54	Approval of Minutes
12		
13	9:59	Formal Hearing - George A. McKay
14		
15	10:38	Recess
16	10:53	Return to Open Session
17		
18	10:53	Miscellaneous -Dr. Robert A. Cavoto, Jr.
19		
20	10:59	Report of Board Administrator
21		
22	11:10	Miscellaneous -Chiropractic Board
23		Committee Assignments
24		
25	11:15	Executive Session
26	12:57	Return to Open Session
27		
28	12:57	Motions
29		
30	1:02	Old Business
31		
32	1:05	New Business
33		
34	1:08	Adjournment
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