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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**

REGULATORY MEETING

OF:

**STATE BOARD OF CHIROPRACTIC  
VIA MICROSOFT TEAMS**

TIME: 9:05 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

April 28, 2022

State Board of Chiropractic  
Regulatory Committee Meeting  
April 28, 2022

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BOARD MEMBERS:

Joseph Gerard Halloran, D.C., Chair  
Arion R. Claggett, Acting Commissioner, Bureau of  
Professional and Occupational Affairs - Absent  
William D. Aukerman, D.C., Secretary  
Kelsie Coats, Consumer Protection Member  
Michael S. Swank, D.C.

BUREAU PERSONNEL:

Carole Clarke Smith, Esquire, Senior Board Counsel  
Steven A. Mimm, Esquire, Board Counsel  
Colby B. Widdowson, Esquire, Board Prosecution Liaison  
Sarah E. McNeill, Board Administrator  
Andrew LaFratte, MPA, Executive Policy Specialist,  
Department of State

ALSO PRESENT:

Ted Mowatt, CAE, Vice President, Wanner Associates, on  
behalf of the of the Chiropractor Fellowship of  
Pennsylvania  
Chris Young, D.C., Pennsylvania Chiropractic  
Association  
Andrew Heck, D.C., Pennsylvania Chiropractic  
Association  
Keith Miller, D.C., Vice President/Legislative Chair,  
Pennsylvania Chiropractic Association  
Victor J. Rizzo, D.C., Rizzo & Wiegering Chiropractic  
Lori A. Behe

1 \*\*\*

2 State Board of Chiropractic

3 April 28, 2022

4 \*\*\*

5 [The State Board of Chiropractic Regulatory Committee  
6 Meeting started at 9:05 a.m.]

7 \*\*\*

8 [Sarah E. McNeill, Board Administrator, noted  
9 everybody to be present.]

10 \*\*\*

11 Report of Board Counsel - Regulations - 16A-4328

12 General Revisions Package

13 [Michael S. Swank, D.C., Chairman, State Board of  
14 Chiropractic Regulatory Committee, informed Board  
15 members they would be reviewing the general revisions  
16 package and chiropractic specialties comments from the  
17 Independent Regulatory Review Commission (IRRC).

18 Chairman Swank referred to 49 Pa. Code Chapter 5  
19 16A-4328, noting the proposed rulemaking would update  
20 the Board's regulations to include provisions for  
21 volunteer licenses, government employee liability  
22 coverage, and sexual misconduct of the statutory  
23 authority under Section 302, Section 506, and Section  
24 508 of the Chiropractic Practice Act.

25 Carole Clarke Smith, Esquire, Senior Board

1 Counsel, informed Board members that the regulation is  
2 in the early stages, and the Board could wait until  
3 they receive comments from the exposure draft and make  
4 changes then or move forward with sending it to  
5 stakeholders if the Board is okay with what was  
6 drafted.]

7 DR. HALLORAN:

8 I would make a proposal that we send the  
9 general revisions 49 Pa. Code Chapter 5  
10 16A-4328 out for an exposure draft.

11 DR. AUKERMAN:

12 I'll second it.

13 MR. MIMM::

14 Let's just do a quick poll on the vote.  
15 Do you agree?

16

17 Dr. Halloran, aye; Dr. Aukerman, aye;  
18 Kelsie Coats, aye; Dr. Swank, aye.

19 [The motion carried unanimously.]

20

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21 [Steven A. Mimm, Esquire, Board Counsel, noted a  
22 motion has been adopted to move the regulation to an  
23 exposure draft with Board counsel being authorized to  
24 do that subsequently.]

25

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1 Board Counsel - Regulations - 16A-4312 Chiropractic  
2 Specialties IRRC Comments  
3 [Michael S. Swank, D.C., Regulatory Committee  
4 Chairman, referred IRRC's comments concerning 16A-4312  
5 regarding chiropractic specialties.

6 Mr. Mimm informed the Board that IRRC is  
7 concerned that specialty was not defined within the  
8 regulation and could potentially have an effect on  
9 various licensees practicing in the field. He noted  
10 that IRRC asked whether the Board wanted to define the  
11 word "specialty" in the definition section and add  
12 that to the regulation or if the Board wanted to move  
13 forward and then IRRC will comment about potential  
14 issues, including the economic impact on licensees and  
15 lack of clarity, and it may not be approved.

16 Ms. Clarke Smith noted the Board would have to  
17 address IRRC's comments regarding the definition of  
18 chiropractic specialty in the final-form regulation.

19 Dr. Halloran stated the Board had been discussing  
20 this issue for a couple of years but was interrupted  
21 by COVID. He proposed having further discussion  
22 because there are new specialties coming out based on  
23 technology. He mentioned being able to understand  
24 chiropractic orthopedists, chiropractic neurologists,  
25 and chiropractic nutritionists and the amount of hours

1 for certification.

2 Dr. Halloran suggested looking at the American  
3 Chiropractic Association certification, International  
4 Chiropractic Association certification, and the World  
5 Federation of Chiropractic certification as to whether  
6 they all have the same amount of hours and testing and  
7 are consistent among the various certifying groups in  
8 chiropractic.

9 Dr. Halloran recommended having a position paper  
10 ready before sending anything back to IRRC and having  
11 another regulatory meeting for discussion. He noted  
12 the importance of more research and a discussion with  
13 legal counsel to make sure it is going to answer  
14 IRRC's questions.

15 Dr. Halloran mentioned wanting to avoid a  
16 situation where there may be legal challenges from  
17 other agencies that certify specialties that the Board  
18 did not mention because there are other chiropractic  
19 associations that do specialty training.

20 Dr. Halloran suggested tabling the issue and  
21 having another Chiropractic Regulatory Committee  
22 Meeting chaired by Dr. Swank in June before the  
23 Chiropractic Board Meeting.

24 Ms. Clarke Smith stated the regulation needed to  
25 be restarted from the beginning, because it had been

1 four years since IRRC sent comments. She offered to  
2 have everything relevant ready and back in front of  
3 the Board for discussion in June.]

4 \*\*\*

5 Adjournment

6 DR. HALLORAN:

7 I make a motion that we adjourn this  
8 session of the Chiropractic Regulatory  
9 Committee.

10 MR. MIMM:

11 Do I hear a second?

12 DR. AUKERMAN:

13 Second.

14 MR. MIMM:

15 All in favor?

16 [The motion carried unanimously.]

17 \*\*\*

18 [There being no further business, the State Board of  
19 Chiropractic Regulatory Meeting adjourned at  
20 9:25 a.m.]

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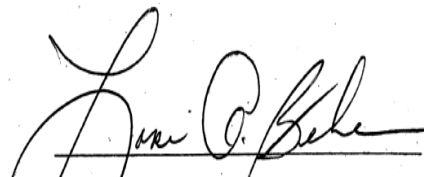
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CERTIFICATE

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 Regulatory Meeting.



Lori A. Behe,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.



STATE BOARD OF CHIROPRACTIC  
REFERENCE INDEX

April 28, 2022

TIME

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9:05	Start Time
9:05	Report of Board Counsel - Regulations
9:25	Adjournment