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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  
VIA MICROSOFT TEAMS**

TIME: 11:31 A.M.

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

April 28, 2022

State Board of Chiropractic

April 28, 2022

BOARD MEMBERS:

Joseph Gerard Halloran, D.C., Chair  
Arion R. Claggett, Acting Commissioner, Bureau of  
Professional and Occupational Affairs  
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  
Heather J. McCarthy, Esquire, Board Prosecutor  
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., Radiology Working Group  
Chairman, Pennsylvania Chiropractic Association;  
Chiropractic Representative, Radiation Protection  
Advisory Committee, Pennsylvania Department of  
Environmental Protection  
Christopher Cianci, D.C., Cianci Chiropractic and  
Total Body Rehab  
George E. Khoury, D.C., District III Director,  
Federation of Chiropractic Licensing Boards  
Edward L. Nielsen, MHS, Executive Vice President,  
Pennsylvania Chiropractic Association  
Lori A. Behe

1 \*\*\*

2 State Board of Chiropractic

3 April 28, 2022

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
6 10:00 a.m. the Board entered Executive Session with  
7 Steven A. Mimm, Esquire, Board Counsel, to have  
8 attorney-client consultations and for the purpose of  
9 conducting quasi-judicial deliberations. The Board  
10 returned to open session at 11:30 a.m.]

11 \*\*\*

12 [Steven A. Mimm, Esquire, Board Counsel, noted the  
13 meeting was being recorded, and those who continued to  
14 participate were giving their consent to be recorded.

15 Mr. Mimm informed everyone that the Board met in  
16 Executive Session to have attorney-client consultation  
17 and for the purpose of conducting quasi-judicial  
18 deliberations prior to the Board meeting.]

19 \*\*\*

20 Official Call to Order

21 [Joseph Gerard Halloran, D.C., Chair, called the  
22 meeting to order at 11:31 a.m.]

23 \*\*\*

24 Introduction of Board Members

25 [Chair Halloran requested an introduction of Board

1 members.]

2

\*\*\*

3 Adoption of the Agenda

4 CHAIR HALLORAN:

5

I make a motion that we approve the  
agenda as posted for this meeting.

6

7

Does anybody second it?

8

DR. SWANK:

9

Second.

10 CHAIR HALLORAN:

11

Let's do a roll call vote for this.

12

13

Dr. Halloran, aye; Dr. Swank, aye; Dr.  
Aukerman, aye; Kelsie Coats, aye;  
Commissioner Claggett, aye.

14

15

16 [The motion carried unanimously.]

17

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18 Approval of minutes of the February 24, 2022 meeting

19 CHAIR HALLORAN:

20

The next item on the agenda is approval  
of the minutes. I've had a chance to  
review them. I found no problems that I  
could see.

21

22

23

24

Does anybody else have an objection

25

after reviewing the minutes from the

1 February 24, 2022 Board meeting?

2 With no objections that I can see,  
3 I'm going to make a motion that we  
4 accept the draft minutes of February 24,  
5 2022.

6 Do I have a second on that?

7 DR. AUKERMAN:

8 Second.

9 CHAIR HALLORAN:

10 Let's do a voice vote on that.

11

12 Dr. Halloran, aye; Dr. Swank, aye; Dr.  
13 Aukerman, aye; Kelsie Coats, aye;  
14 Commissioner Claggett, aye.

15 [The motion carried unanimously.]

16

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17 Report of Prosecution

18 [Colby B. Widdowson, Esquire, Board Prosecutor,  
19 presented the Consent Agreement for Case No. 18-43-  
20 010822.]

21 CHAIR HALLORAN:

22 I will make a motion in regards to Case  
23 No. 18-43-010822. I recommend that we  
24 accept the Consent Agreement and Order  
25 in connection to that case.

1 Do I have a second?

2 MS. COATS:

3 I second.

4 CHAIR HALLORAN:

5 We have to vote on this by voice vote.

6

7 Dr. Halloran, aye; Dr. Swank, aye; Dr.

8 Aukerman, aye; Kelsie Coats, aye;

9 Commissioner Claggett, aye.

10 [The motion carried unanimously. The Respondent's

11 name is Moses Jevicky, D.C.]

12 \*\*\*

13 Report of Acting Commissioner

14 [Arion R. Claggett, Acting Commissioner, Bureau of

15 Professional and Occupational Affairs, informed Board

16 members that the department is currently in the

17 process of replacing the Pennsylvania Licensing System

18 (PALS) and should have the new system identified and

19 in place by the end of 2023.]

20 \*\*\*

21 Report of Board Counsel - No Report

22 \*\*\*

23 Report of Board Chair

24 [Joseph Gerard Halloran, D.C., Chair, thanked Dr.

25 Michael Swank for chairing the Chiropractic Regulatory

1 Meeting earlier today and noted looking forward to Dr.  
2 Swank's direction at future regulatory meetings as the  
3 Board performs its regulatory duties for the state of  
4 Pennsylvania.

5 Chair Halloran reminded Board members to file  
6 their financial responsibility statements online by  
7 May 1, 2022.

8 Chair Halloran informed everyone that masks and  
9 COVID sanitation is still required at all medical  
10 offices around the state of Pennsylvania, and local  
11 laws that relax mask mandates do not apply to the  
12 chiropractic and medical community. He commented that  
13 everyone should observe COVID protocols since the  
14 start of the COVID pandemic in chiropractic offices  
15 until the Pennsylvania Department of Health tells them  
16 otherwise.

17 Chair Halloran reminded all chiropractors who  
18 practice animal chiropractic in the state of  
19 Pennsylvania that they can only practice chiropractic  
20 on animals under the supervision of a veterinarian.  
21 He stated the Pennsylvania veterinary law allows vets  
22 to utilize the services of other medical specialties  
23 if the treatment is likely to be beneficial to an  
24 animal.

25 Chair Halloran thanked Dr. Kathleen McConnell, a

1 prior Board chair, for representing the state of  
2 Pennsylvania in assisting with the National Board of  
3 Chiropractic Examiners Exam Part IV in New York.

4 Chair Halloran noted he and Dr. Aukerman would be  
5 representing the state of Pennsylvania at the combined  
6 Federation of Chiropractic Licensing Boards and  
7 National Board of Chiropractic Examiner Meetings in  
8 Denver, CO, May 5-8, 2022. He mentioned there are  
9 many meetings on regulation, public protection, and  
10 chiropractic education and would report on those  
11 meetings in June.

12 Chair Halloran thanked Ms. Roberts and Ms. Van  
13 Order for their work on the State Board of  
14 Chiropractic. He anticipated work with the new Board  
15 staff and Commissioner Claggett would be efficient and  
16 fruitful as before with other members.

17 Chair Halloran commented that the State Board of  
18 Chiropractic is missing two public members and two  
19 professional members, noting the importance of  
20 starting the process of identifying qualified members  
21 to fill those roles and have them approved.

22 Chair Halloran thanked Dr. John McCarrin, who  
23 retired from the State Board of Chiropractic, for his  
24 leadership, dedication, and insight.]

25

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1 Report of Board Administrator - No Report

2 \*\*\*

3 New Business

4 CHAIR HALLORAN:

5 I make a motion that we nominate Dr.  
6 Kathleen McConnell to represent the  
7 state Board at the Part IV Examinations  
8 for the National Board of Chiropractic  
9 Examiners in New York City.

10 Do I have a second?

11 DR. AUKERMAN:

12 I'll second it.

13 CHAIR HALLORAN:

14 Let's do a voice vote for that as well.

15  
16 Dr. Halloran, aye; Dr. Swank, aye; Dr.  
17 Aukerman, aye; Kelsie Coats, aye;  
18 Commissioner Claggett, aye.

19 [The motion carried unanimously.]

20 \*\*\*

21 Miscellaneous

22 [Joseph Gerard Halloran, D.C., Chair, referred to  
23 correspondence from Dr. Victor Rizzo concerning a  
24 proposed amendment to § 5.62 of the regulations  
25 regarding auxiliary personnel who may perform

1 radiological procedures.

2 Victor J. Rizzo D.C., Radiology Working Group  
3 Chairman, Pennsylvania Chiropractic Association;  
4 Chiropractic Representative, Radiation Protection  
5 Advisory Committee, Pennsylvania Department of  
6 Environmental Protection, discussed his role in  
7 creating a better environment for chiropractors who  
8 take X-rays, including lowering the fees for X-ray  
9 tubes significantly.

10 Dr. Rizzo mentioned also being an American  
11 Chiropractic Registry of Radiologic Technologists  
12 (ACRRT) instructor for the state of Pennsylvania and  
13 Virginia. He referred to § 5.62 regarding auxiliary  
14 personnel, noting chiropractic assistants have to take  
15 the ACRRT Exam unless they are X-ray technicians.

16 Dr. Rizzo stated ACRRT was in disarray with the  
17 passing of Dr. Pyzik. He proposed the Board consider  
18 the addition of "and/or" and having a state-sponsored  
19 X-ray program if ACRRT is not available. He mentioned  
20 that other states changed to that and he would like to  
21 have an option for chiropractors in Pennsylvania whose  
22 staff wants to take X-rays, are willing to take  
23 classes, and are able to take a state-sponsored exam.

24

25 Dr. Rizzo commented that he would like to see a

1 36-hour course and an exam approved by the state Board  
2 as an option for staff. He mentioned ACRRT has total  
3 control of the program and is not in a good situation  
4 right now. He noted candidates wanting to take the  
5 exam in May, but there was no exam.

6 Dr. Rizzo addressed the possibility of having the  
7 ACRRT program with the new person they hired as  
8 executive vice president but also having another  
9 option with a state-sponsored program if this person  
10 decides to back out.

11 Keith Miller, D.C., President-elect/Legislative  
12 Chair, Pennsylvania Chiropractic Association, thanked  
13 Dr. Rizzo for his work at the state level to reduce  
14 the cost of X-ray tubes by getting chiropractors  
15 properly classified separately from other facilities.  
16 He noted the reduction in the cost of X-rays for  
17 offices should increase utilization again for  
18 chiropractic X-rays in the state for the first time in  
19 several years.

20 Dr. Miller expressed concern with the burden on  
21 doctors' offices, especially the current hiring  
22 problems, where offices that were utilizing  
23 chiropractic assistants (CAs) who were able to go  
24 through ACRRT might not be able to take a test for a  
25 year. He noted that having multiple paths makes

1 sense.

2 Dr. Miller addressed complaints from doctors and  
3 the public who have taken the ACRRT Exam, where some  
4 of the questions are not only ambiguous, but sometimes  
5 there has been more than one positive answer. He  
6 mentioned other certifications, where being observed  
7 by a chiropractor when taking X-rays and signing off  
8 on them as being proficient in lieu of taking a  
9 written exam would also be fine for PCA as part of an  
10 internal state-run 36-hour program.

11 Chair Halloran suggested Dr. Rizzo send Ms.  
12 McNeill a concrete proposal to be placed on the agenda  
13 for discussion at the Chiropractic Regulatory Meeting  
14 on June 30. He also asked him to send ACRRT materials  
15 with his comments and recommendations.

16 Chair Halloran also thanked Dr. Rizzo for the  
17 time he spent on chiropractic evaluation and  
18 treatment.]

19

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20 Public Comment

21 [Keith Miller, D.C., President-elect/Legislative  
22 Chair, Pennsylvania Chiropractic Association, asked  
23 whether the Department of Health could provide  
24 something that states providers should still be  
25 wearing masks. He commented that the Department of

1 Health website only states to follow the Centers for  
2 Disease Control and Prevention (CDC) Guidelines, which  
3 is becoming a difficult debate with members.

4 Chair Halloran informed everyone that he consults  
5 with the Department of Health a day before a Board  
6 meeting and knows there have been no changes for any  
7 medical group. He stated health care professionals  
8 mistakenly follow local business rules that are not  
9 health care rules.

10 Chair Halloran mentioned that health care was the  
11 first one to adopt harder rules and would be the last  
12 one to come off those rules, especially with Omicron  
13 BA.2 starting to surge throughout the United States.

14 Chair Halloran encouraged everyone to follow the  
15 guidance in the chairman's report because the  
16 chiropractic profession is not exempt and still  
17 required to follow CDC Guidelines, including masks and  
18 sanitization.

19 Dr. Miller asked whether a request could be made  
20 through the state Board to have the Department of  
21 Health put out updated guidelines that all medical  
22 practices should at this time maintain mask mandates  
23 regardless of local ordinances.

24 Chair Halloran reported only 32 COVID-related  
25 complaints regarding chiropractors from staff and

1 patients out of 1,032 complaints. He commented that  
2 chiropractors are doing a good job and should continue  
3 to follow state guidelines until told differently for  
4 the safety of patients, employees, and themselves.

5 Acting Commissioner Claggett did not think the  
6 Department of Health would be inclined to send out  
7 letters with their masking guidelines but would refer  
8 people to their website.

9 Chair Halloran emphasized the importance of  
10 following the laws and guidelines from the  
11 Pennsylvania Department of Health concerning mandates  
12 for all medical offices.]

13 \*\*\*

14 Adjournment

15 CHAIR HALLORAN:

16 Does anybody want to make a motion to  
17 adjourn this meeting?

18 DR. AUKERMAN:

19 I'll make a motion to adjourn the  
20 meeting.

21 DR. SWANK:

22 Second.

23 CHAIR HALLORAN:

24 Let's do a voice vote on that.

25

1 Dr. Halloran, aye; Dr. Swank, aye; Dr.  
2 Aukerman, aye; Kelsie Coats, aye;  
3 Commissioner Claggett, aye.

4 [The motion carried unanimously.]

5 \*\*\*

6 [There being no further business, the State Board of  
7 Chiropractic Meeting adjourned at 12:10 p.m.]

8 \*\*\*

9

10 CERTIFICATE

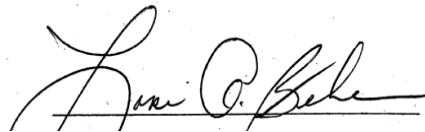
11

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



20

Lori A. Behe,

21

Minute Clerk

22

Sargent's Court Reporting

23

Service, Inc.

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STATE BOARD OF CHIROPRACTIC  
REFERENCE INDEX

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TIME	AGENDA
10:00	Executive Session
11:30	Return to Open Session
11:31	Official Call to Order
11:32	Introduction of Board Members
11:32	Adoption of the Agenda
11:36	Approval of Minutes
11:38	Report of Prosecution
11:39	Report of Acting Commissioner
11:39	Report of Board Chair
11:46	New Business
11:59	Public Comment
12:10	Adjournment