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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
MEETING CONDUCTED VIA TELECONFERENCE**

TIME: 9:03 A.M.

PENNSYLVANIA DEPARTMENT OF STATE
2601 North Third Street
Harrisburg, Pennsylvania 17110

May 14, 2020

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State Board of Chiropractic
May 14, 2020

BOARD MEMBERS:

- Joseph Gerard Halloran, D.C., Chair
- K. Kalonji Johnson, Acting Commissioner, Bureau of Professional and Occupational Affairs
- John E. McCarrin, D.C., Secretary
- William D. Aukerman, D.C.
- Michael S. Swank, D.C.
- Kelsie Coats, Consumer Protection Member - Absent
- Miriam Merry Woods, Public Member

BUREAU PERSONNEL:

- Nicole VanOrder, Esquire, Board Counsel
- Kenneth J. Suter, Esquire, Board Counsel
- Paul Jarabeck, Esquire, Board Prosecutor
- Peter D. Kovach, Esquire, Board Prosecutor
- David Smith, Esquire, Board Prosecutor
- Kimberly Adams, Esquire, Board Prosecution Liaison
- Michelle Roberts, Acting Board Administrator
- Mark Farrell, Deputy Policy Director, Pennsylvania Department of State

ALSO PRESENT:

- Charles Artz, Esquire, Artz McCarrie Health Law, Counsel for Respondent
- Casey Phillips, D.C., Pennsylvania Chiropractic Association

1 ***

2 State Board of Chiropractic

3 May 14, 2020

4 ***

5 The regularly scheduled meeting of the State Board
6 of Chiropractic was held on Thursday, May 14, 2020.

7 ***

8 Official Call to Order

9 [J. Gerard Halloran, D.C., Chair, called the meeting
10 to order at 9:03 a.m. Roll call was taken.]

11 ***

12 Approval of Minutes of January 16, 2020.

13 CHAIR HALLORAN:

14 Has everyone had a chance to look at the
15 Minutes from the last meeting. I've
16 reviewed those Minutes, and I do not see
17 anything wrong. Did anybody else see
18 anything wrong in those Minutes?

19 Could I entertain a motion to accept
20 the Minutes from the January 2020
21 meeting?

22 DR. AUCKERMAN:

23 I will make a motion to accept the
24 Minutes.

25 CHAIR HALLORAN:

1 Dr. Auckerman makes a motion to accept
2 the Minutes from the January 16, 2020
3 meeting. Is there a second?

4 MS. WOODS.

5 I second.

6 CHAIR HALLORAN:

7 We can just do a voice acclamation on
8 this. All in favor, say aye?

9 [The motion carried unanimously.]

10 ***

11 Report of Acting Commissioner

12 [K. Kalonji Johnson, Acting Commissioner, Bureau of
13 Professional and Occupational Affairs, welcomed
14 everyone to the first virtual meeting of the Board of
15 Chiropractic. He noted updates were made to the
16 Board's website and any pertinent information
17 regarding COVID, regulatory requirements, extensions
18 for renewals, and continuing education would also be
19 posted on the website. Applications were still being
20 processed and approved.]

21 ***

22 Report of Board Counsel

23 [Ken Suter, Esquire, noted that Item No. 9 on the
24 agenda, Case No. 17-43-12391, was mislabeled and was
25 an Adjudication and Order. He further noted he had

1 been assigned other duties and Ms. Van Order was now
2 Board Counsel. Mr. Suter expressed his great pleasure
3 to work with members of the Chiro Board.

4 Ms. Van Order stated she and Mr. Suter would be
5 sharing duties in the Executive Session. She noted
6 matters for discussion during Executive Session.]

7 ***

8 Board Member Recusal and Abstention Guidelines/Recusal
9 (Board Members)

10 [Nicole Van Order, Esquire, Board Counsel, reviewed
11 the recusal and abstention guidelines. She also
12 referred Board members to information in the agenda
13 regarding the same.]

14 ***

15 Sunshine Act

16 [Ms. Van Order explained the basics of the Sunshine
17 Act and referred Board members to information in the
18 agenda regarding the same.]

19 ***

20 Report of Board Chair

21 [J. Gerard Halloran, D.C., Chair, noted the
22 Pennsylvania State Board thanked the chiropractic
23 community for adapting chiropractic offices to run
24 under guidelines set out by the Governor's Office and
25 the Pennsylvania State Chief Medical Office, Dr.

1 Rachel Levine. Dr. Halloran indicated chiropractic
2 offices were allowed to remain open during the COVID-
3 19 crisis. He noted the State Board wished to
4 acknowledge all chiropractors who helped their
5 patients and conducted themselves properly within the
6 Pennsylvania State guidelines for operating their
7 offices.

8 Dr. Halloran reminded all that the State Board of
9 Chiropractic was a quasi-judicial board and not a
10 legislative board. He noted the appropriate way to
11 communicate was by an email that could be shared by
12 Board Counsel and the Board Commissioner, as well as
13 kept as a record. He commented on recent allegations
14 of unauthorized communication between Pennsylvania
15 Chiropractic Board state members and officers of
16 certain chiropractic organizations for the purpose of
17 making secret decisions, which was not true. He
18 noted, as an example, he was asked at the beginning of
19 the COVID crisis to participate in a conference call
20 with one of those chiropractic agencies and refused
21 noting there must be a separation.

22 Dr. Halloran cautioned all fellow chiropractors
23 about the use of social media. He noted, as an
24 example, regarding the issue of animal chiropractic in
25 the State of Pennsylvania, the Veterinary Board was

1 clear that animal chiropractor must be done legally
2 within the state under the direct supervision of an
3 attending veterinarian.

4 He urged chiropractors to review how their
5 practices are advertised to the public and to assure
6 compliance with the legal, ethical and regulatory
7 requirements of operating a chiropractic practice.

8 Dr. Halloran requested that chiropractors not use
9 the Pennsylvania State Board as a vehicle to disagree
10 with another member of the chiropractic community. He
11 indicated the Pennsylvania State Board would not be
12 reviewing the day-to-day operations of every
13 chiropractor and assumed that every chiropractor would
14 obey the rules set out by the Governor and Dr. Rachel
15 Levine in the handling of necessary chiropractic
16 patients.

17 Telemedicine was noted to be approved during the
18 COVID crisis, which allows chiropractors to remotely
19 view home care instructions, activities of daily
20 living, nutritional advice, and exercise instructions.

21 Dr. Halloran asked all chiropractors to assume for
22 now that 24 hours of State Board approved remote
23 education and child abuse mandated training should be
24 completed by the August 31, 2020 deadline. The
25 Commissioner will inform the Board if an extension is

1 granted.

2 Chair Halloran noted, since Nicole Brock left the
3 Board, he took over the Probable Cause Committee and
4 was hopeful that Merry Woods would be able to assume
5 the position.

6 He lastly noted, despite COVID-19, the annual
7 financial report should be sent in as mandated by the
8 Governor's Office.]

9

10 Selection of Committee Member

11 [Chair Halloran asked Miriam Merry Woods, Public
12 Member, to take over the Probable Cause Committee.
13 Chair Halloran noted emails sent to Kelsie Coats were
14 returned indicating that email address was no longer
15 available. It was noted Ms. Coats left the Attorney
16 General's office and moved to Labor and Industry. Ms.
17 Van Order will check into the matter further.

18 Ms. Woods was delighted to serve on the Probable
19 Cause Committee. Chair Halloran stated Ms. Woods was
20 an extremely dedicated Board member whose main
21 interest on the Board is public safety.]

22 CHAIR HALLORAN:

23 I make a motion to be taken off the
24 Probable Cause Committee and that
25 Miriam Merry Woods be placed on the

1 Probable Cause Committee.

2 DR. AUKERMAN:

3 I second.

4 CHAIR HALLORAN:

5 All in favor say aye?

6 [The motion passed unanimously.]

7 ***

8 Report of Board Prosecution

9 [David N. Smith, Esquire, Board Prosecutor, presented
10 a Consent Agreement for Case No. 17-43-013271.]

11 ***

12 [Peter D. Kovach, Esquire, Board Prosecutor, presented
13 Consent Agreements for Case Nos. 18-43-02950, 19-43-
14 005059 and 19-43-017846.

15 Charles Artz, Esquire, Counsel for Respondent, was
16 present to answer questions regarding Case No. 18-43-
17 02950.]

18 ***

19 [The Board recessed from 9:44 a.m. until 9:49 a.m.]

20 ***

21 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
22 9:49 a.m. the Board entered into Executive Session
23 with Kenneth J. Suter, Esquire, and Nicole Van Order,
24 Esquire, Board Counsel, for the purpose of conducting
25 quasi-judicial deliberations. The Board returned to

1 open session at 11:08 a.m.]

2 ***

3 MOTIONS:

4 CHAIR HALLORAN:

5 Miriam Woods, I believe you were going to
6 make a motion?

7 MS. WOODS:

8 Yes. Regarding File No. 17-43-013271 I
9 make a motion to accept the Consent
10 Agreement and Order in which Respondent
11 has agreed to permanent voluntary loss of
12 license.

13 CHAIR HALLORAN:

14 Dr. Aukerman, do you have a second?

15 DR. AUKERMAN:

16 I'll make a motion to second it.

17 CHAIR HALLORAN:

18 Let's do an individual voice vote.

19

20 Dr. Halloran, aye; Ms. Woods, aye; Dr.
21 Swank, aye; Dr. McCarrin, aye; and Dr.
22 Aukerman, aye.

23 [The motion carried unanimously. The Respondent's
24 name is Ronald Anthony Hayek, D.C.]

25 ***

1 CHAIR HALLORAN:

2 Dr. McCarrin, could you take File No. 18-
3 43-02950?

4 DR. MCCARRIN:

5 I'd like to accept the Consent Agreement
6 and Order for 18-43-02950.

7 CHAIR HALLORAN:

8 Dr. Swank, do you have a second?

9 DR. SWANK:

10 Yes, second.

11 CHAIR HALLORAN:

12 Let's do an individual voice vote.

13

14 Dr. Halloran, aye; Ms. Woods, aye; Dr.
15 Swank, aye; Dr. McCarrin, aye; and Dr.
16 Aukerman, aye.

17 [The motion carried unanimously. The Respondent's
18 name is Frederic Miscoe, II, D.C.]

19 ***

20 CHAIR HALLORAN:

21 Now we're on File No. 19-43-005059.

22 Merry Woods, I believe you have a motion
23 on that?

24 MS. WOODS:

25 I make a motion to accept the Consent

1 Agreement and Order regarding File No.
2 19-43-005059. Respondent has agreed to
3 voluntary loss of license.

4 CHAIR HALLORAN:

5 I second that motion. We'll have a voice
6 vote.

7
8 Dr. Halloran, aye; Ms. Woods, aye; Dr.
9 Swank, aye; Dr. McCarrin, aye; and Dr.
10 Aukerman, aye.

11 [The motion carried unanimously. The Respondent's
12 name is Steven James Grygier, D.C.]

13 ***

14 CHAIR HALLORAN:

15 The next one is File No. 19-43-017846.
16 Dr. Aukerman, do you wish to make a
17 motion on that?

18 DR. AUKERMAN:

19 I want to make a motion to approve the
20 Consent Agreement and Order for File No.
21 19-43-017846.

22 CHAIR HALLORAN:

23 Dr. Swank, do you have a second on that?

24 DR. SWANK:

25 I second the motion.

1 CHAIR HALLORAN:

2 Let's do a voice vote on that.

3

4 Dr. Halloran, aye; Ms. Woods, aye; Dr.
5 Swank, aye; Dr. McCarrin, aye; and Dr.
6 Aukerman, aye.

7 [The motion carried unanimously. The Respondent's
8 name is Kim Diane Ursin, D.C.]

9

10 ***

11 CHAIR HALLORAN:

12 File No. 18-43-03862. I am going to make
13 a motion that we accept the Final
14 Adjudication and Order for this file.

15 Do I have a second, Dr. Swank?

16 DR. SWANK:

17 Dr. Swank seconds your motion.

18 CHAIR HALLORAN:

19 Let's do a voice vote.

20

21 Dr. Halloran, aye; Ms. Woods, aye; Dr.
22 Swank, aye; Dr. McCarrin, aye; and Dr.
23 Aukerman, aye.

24 [The motion carried unanimously.]

25 ***

1 CHAIR HALLORAN:

2 Dr. Swank, you have expressed a desire to
3 make a motion on File No. 19-43-005227.

4 Could you make that motion?

5 DR. SWANK:

6 I'd like to make a motion to accept the
7 Final Adjudication and Order for File No.
8 19-43-005227.

9 CHAIR HALLORAN:

10 Dr. Aukerman, I believe you wanted to
11 weigh in on that?

12 DR. AUKERMAN:

13 I make a motion to second that.

14 CHAIR HALLORAN:

15 We'll have a voice vote.

16

17 Dr. Halloran, aye; Ms. Woods, aye; Dr.
18 Swank, aye; Dr. McCarrin, aye; and Dr.
19 Aukerman, aye.

20 [The motion carried unanimously.]

21

22 CHAIR HALLORAN:

23 Dr. Swank, I believe you have a desire to
24 make a motion on this file.

25 DR. SWANK:

1 Yes. I make a motion to accept the
2 Examiner's Proposed Adjudication and
3 Order for File No. 13-43-08371 as the
4 final order from the Board.

5 CHAIR HALLORAN:

6 Thank you. Merry Woods, you wanted to
7 weigh in on this?

8 MS. WOODS:

9 Woods, second.

10 CHAIR HALLORAN:

11 We'll have to do a voice vote.

12

13 Dr. Halloran, aye; Ms. Woods, aye; Dr.
14 Swank, aye; Dr. McCarrin, aye; and Dr.
15 Aukerman, aye.

16 [The motion carried unanimously.]

17

18 CHAIR HALLORAN:

19 I'm going to make a motion on two files,
20 File No. 19-43-011264 and File No. 20-43-
21 00989. I'm going to make a motion that
22 these files be sent to the Hearing
23 Examiner for further examination and
24 evaluation.

25

Do I have a second on that?

1 DR. SWANK:

2 I will second your motion.

3 CHAIR HALLORAN:

4 We'll have to do a voice vote.

5

6 Dr. Halloran, aye; Ms. Woods, aye; Dr.

7 Swank, aye; Dr. McCarrin, aye; and Dr.

8 Aukerman, aye.

9 [The motion carried unanimously.]

10

11 CHAIR HALLORAN:

12 In the case of File No. 18-43-01433, I'm
13 going to make a motion to table this file
14 until the next Board meeting in light of
15 COVID-19. We want to make sure the
16 doctor has every opportunity to
17 communicate with us correctly.

18 Do I have a second on that?

19 DR. MCCARRIN:

20 Second.

21 CHAIR HALLORAN:

22 It will need a voice vote.

23

24 Dr. Halloran, aye; Ms. Woods, aye; Dr.

25 Swank, aye; Dr. McCarrin, aye; and Dr.

1 Aukerman, aye.

2 [The motion carried unanimously.]

3 ***

4 [Mr. Suter indicated the Board missed voting on Item
5 Number 9 on the agenda. He also wanted to clarify for
6 the record that Item 10, File No. 19-43-005059, was
7 now moot as the Board accepted a Consent Agreement in
8 that matter.]

9 ***

10 CHAIR HALLORAN:

11 For File No. 17-43-12391, No. 9 on the
12 agenda, I make a motion to accept the
13 motion to accept the Final Adjudication
14 and Order.

15 Is there anybody that will second
16 that?

17 DR. MCCARRIN:

18 We'll need to do a voice vote.

19
20 Dr. Halloran, aye; Ms. Woods, aye; Dr.
21 Swank, aye; Dr. McCarrin, aye; and Dr.
22 Aukerman, aye.

23 [The motion carried unanimously.]

24 ***

25 Report of Regulatory Counsel

1 [The report of Regulatory Counsel was tabled until the
2 next meeting. Chair Halloran referred Board members
3 to the monthly regulatory status report included in
4 the agenda for review.]

5 ***

6 Old Business - None

7 ***

8 New Business

9 [Michelle Roberts, Board Administrator, referred Ms.
10 Van Order and Mr. Suter to questions in the chat
11 window to be addressed.]

12 ***

13 Public Comment Period

14 [Chair Halloran read emailed questions into the record
15 from Ted Mowatt, Wanner Associates, on behalf of the
16 Chiropractic Fellowship of Pennsylvania. He requested
17 to receive an update on the remaining meeting dates.
18 Chair Halloran was not certain if the Board would be
19 meeting in person or via teleconference.

20 Another question related whether the Board would
21 approve DCs to conduct COVID-19 testing and approve
22 all FDA-approved testing for use by chiropractors.
23 Chair Halloran stated that would be the Governor's
24 decision. Ms. Van Order commented the website would
25 provide up-to-date information regarding these

1 matters.

2 In answer to another question concerning licensure
3 extension, Chair Halloran indicated, per Acting
4 Commissioner Johnson, no decision had been made to
5 extend licensing until about six weeks out. The
6 possibilities have not been discussed. There was
7 further discussion regarding the matter.

8 Chair Halloran noted the Board would work on
9 making sure the minutes of all Board meetings were
10 updated.

11 It was noted the Governor asked the Board to weigh
12 in on what chiropractic capabilities were with regard
13 to the COVID-19 crisis. The Board did answer the
14 questions, which were provided to the Governor's
15 Office for review.

16 Mark Farrell, Deputy Policy Director, Pennsylvania
17 Department of State, commented that on May 6 an
18 Executive Order that addressed that issue was signed
19 by the Governor. He noted a portion of that order
20 expanded the scope of practice of dentists, surgeons,
21 athletic trainers, chiropractors, and podiatrists to
22 allow extra responsibilities delegated by an MD or DO
23 during the COVID emergency crisis. This information
24 would be made available to chiropractic organizations
25 or associations, if requested. It was suggested the

1 information be placed on the Board's website also.

2 Acting Commissioner Johnson commented this Order
 3 did not change how patients access their
 4 chiropractors. For the purpose related to COVID,
 5 whether administration of tests or treatment, the
 6 Order is to allow that limited scope of treatment that
 7 normally would not be in the scope of practice.

8 Acting Commissioner Johnson also commented that he had
 9 wanted to imply earlier there would be some type of
 10 delay. Additional information would be available
 11 through the normal course of communications.

12 A question by Alison Benedetto, D.C., President of
 13 the PCA, related whether it would be allowable to
 14 share updates with the members. Mr. Suter explained
 15 that it was an open meeting, the Minutes are recorded,
 16 and the Minutes were open to the public.

17 Chair Halloran noted email guidelines.]

18 ***

19 Adjournment

20 CHAIR HALLORAN:

21 Can I have a motion to adjourn this State
 22 Board Meeting of Chiropractic?

23 DR. AUKERMAN:

24 I make a motion to adjourn the meeting.

25 MS. WOODS:

1 Woods seconds.

2 CHAIR HALLORAN:

3 Can I have a voice acclamation?

4

5 Dr. Halloran, aye; Ms. Woods, aye; Dr.

6 Swank, aye; Dr. McCarrin, aye; and Dr.

7 Aukerman, aye.

8 [The motion carried unanimously.]

9

10 [There being no further business, the State Board of
11 Chiropractic Meeting adjourned at 11:46 a.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Chiropractic, 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.



Morgan McKendrick,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF CHIROPRACTIC
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May 14, 2020

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