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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: 9:08 A.M.

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

May 18, 2017

State Board of Chiropractic
May 18, 2017

BOARD MEMBERS:

John E. McCarrin, DC, Chairperson
Ian Harlow, Commissioner of Professional and
Occupational Affairs
George E. Khoury, DC, Secretary
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
Anita Shekletski, Esquire, Board Prosecution Liaison
David Schertz, Esquire, Board Prosecutor
Jason Anderson, Esquire, Board Prosecutor
Julia Feld Caralle, Esquire, Board Prosecutor
Elizabeth Wecker, Board Administrator

ALSO PRESENT:

Ed Nielsen, PCA
Charles Artz, Esquire
Ted Mowatt, CFOP

1 ***

2 State Board of Chiropractic

3 May 18, 2017

4 ***

5 The regularly scheduled meeting of the State
6 Board of Chiropractic was held on Thursday, May 18,
7 2017.

8 ***

9 Official Call to Order

10 [John E. McCarrin, DC, Chair, called the meeting to
11 order at 9:08 a.m. George E. Khoury, DC, Secretary,
12 was not present at the commencement of the meeting.]

13 ***

14 Approval of Minutes of the March 23, 2017 meeting

15 CHAIR MCCARRIN:

16 Is there a motion for the minutes?

17 MS. VANORDER:

18 Motion to approve the minutes as
19 drafted.

20 MS. WOODS:

21 Second.

22 CHAIR MCCARRIN:

23 All in favor?

24 [The motion carried unanimously.]

25 ***

1 Report of Board Prosecutor

2 [Anita Shekletski, Esquire, Board Prosecution Liaison,
3 presented VRP Consent Agreements for File No.
4 17-43-00283 and File No. 17-43-01532.]

5 ***

6 [David Schertz, Esquire, presented a Consent Agreement
7 for File No. 15-43-07279.]

8 ***

9 [George E. Khoury, DC, Secretary, entered the meeting
10 at 9:10 a.m.]

11 ***

12 Report of Commissioner

13 [Ian Harlow, Commissioner of Professional and
14 Occupational Affairs, provided updates on the
15 Pennsylvania Automated License System (PALS). He
16 explained the funds set to expire at the end of this
17 fiscal year were used to buy new PCs and peripherals
18 for the staff.

19 Mr. Harlow discussed Board appointments, new
20 board member training, and answered questions from
21 Board members.]

22 ***

23 Report of Board Counsel

24 [Kerry Maloney, Esquire, Board Counsel, noted matters
25 for the Board's deliberation during Executive Session.

1 He further noted a provisional denial hearing
2 scheduled for 10:30 a.m.

3 Mr. Maloney stated Charles Artz, Esquire, would
4 address the Board at 11:00 a.m. with regard to animal
5 chiropractic scope of practice.]

6 ***

7 Report of Board Chairperson

8 [John E. McCarrin, Chair, stated, as a first-time
9 Chair, he will address Board members' concerns and
10 issues.]

11 ***

12 Report of Board Administrator

13 [Elizabeth Wecker, Board Administrator, noted a CE
14 Waiver Request, Application for License by Exam and an
15 Application for License by Reciprocity to be discussed
16 during Executive Session.]

17 ***

18 New Business

19 [Dr. Khoury, DC, Secretary, thanked the Board for
20 appointing him and Dr. Halloran as delegates to the
21 regional conference recently held in Orlando.

22 He discussed utilizing radio and television to
23 promote chiropractic medicine.

24 Dr. Khoury presented his FCLB report. He also
25 highlighted the effective use of Consent Agreements.

1 Dr. Khoury provided highlights of the PACE program.

2 Dr. Halloran added comments with regard to
3 required criminal background checks, which he
4 suggested should be a requirement for new licensees.]

5 ***

6 DR. HALLORAN:

7 I make a motion that Dr. Khoury and I
8 accept the invitation to attend the FCLB
9 Regional District III meeting in Quebec
10 City, Quebec, scheduled for the weekend
11 of September 14-17, 2017.

12 DR. SWANK:

13 Second.

14 CHAIR MCCARRIN:

15 All in favor?

16 [The motion carried unanimously.]

17 ***

18 [Dr. Swank reported on his attendance at a recent
19 seminar and discussed the latest research on pain
20 management and chiropractic manipulation.]

21 ***

22 [Dr. Khoury discussed coaches and athletic trainers
23 not qualified to take care of athletes in dangerous
24 situations.

25 It was suggested that the PIAA be invited to

1 present before the Board concerning the matter.

2 Mr. Maloney explained the PIAA was abiding by
3 state law rules and guidelines. It was suggested that
4 correspondence be sent to the PIAA regarding its
5 sports concussion protocol. It was also suggested
6 that Bill Moreau, USOC, be invited to a future Board
7 meeting to provide input on the matter.]

8 ***

9 [The Board continued its discussion relating to PACE
10 courses and programs. Dr. Halloran suggested voting
11 on the matter at the next meeting in July 2017.

12 Mr. Maloney suggested Elizabeth Wecker, Board
13 Administrator, be explicitly directed to review and
14 accept PACE-approved courses. He also discussed PACE
15 advertisement.

16 Mr. Maloney suggested a vote be taken to send
17 criteria to PACE and then at the Board's next meeting
18 finalize and give authority for the committee to
19 approve the PACE-approved programs.

20 Commissioner Harlow expressed his concerns
21 regarding the receipt of credits electronically. He
22 suggested a global provider of CE registration at some
23 point in the future across all boards, which he noted
24 may or may not be PACE.]

25 ***

1 DR. HALLORAN:

2 I make a motion authorizing the Board
3 staff to contact PACE, express our
4 interests, and provide the Pennsylvania-
5 required criteria for PACE approval.

6 DR. KHOURY:

7 I second that motion.

8 CHAIR MCCARRIN:

9 On this one, we're going to do an
10 individual vote.

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

16 [The motion carried unanimously.]

17 ***

18 [Ian Harlow, Commissioner of Professional and
19 Occupational Affairs, exited the meeting at 10:22
20 a.m.]

21 ***

22 Old Business

23 [Board members discussed the chiropractic board fee
24 increase.]

25 ***

1 [The Board recessed from 10:31 a.m. until 10:42 a.m.]

2

3 [A formal hearing was held from 10:45 a.m. to 10:48
4 a.m. In the Matter of the Provisional Denial Appeal of
5 Dr. Howard Van Nostrand, File No. 17-43-02352. It was
6 noted that Dr. Van Nostrand was not present at the
7 hearing.]

8

9 Appointments

10 [Charles Artz, Esquire, presented to the Board with
11 regard to the animal chiropractic scope of practice.
12 Mr. Artz discussed whether or not chiropractic
13 manipulations and procedures on animals was within the
14 scope of the Chiropractic Practice Act. He stated, as
15 a practicing attorney, it appeared to be permissible
16 and requested that a statement of policy be adopted to
17 address this issue. Mr. Artz answered questions from
18 Board members.]

19

20 [Julia Feld Caralle, Esquire, Board Prosecutor,
21 discussed prosecuting several chiropractors over the
22 years for the unlicensed practice of veterinary
23 medicine and for practicing chiropractic on animals.
24 The matter will be discussed further during Executive
25 Session.]

1 ***

2 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
3 11:16 a.m. the Board entered into Executive Session
4 with Kerry Maloney, Esquire, Board Counsel, for the
5 purpose of conducting quasi-judicial deliberations.
6 Ian Harlow, Acting Commissioner, BPOA, entered the
7 meeting. The Board returned to open session at 12:19
8 p.m.]

9 ***

10 MOTIONS:

11 MR. MALONEY:

12 I need a motion on File No. 17-43-00283.

13 DR. KHOURY:

14 Yes. I make a motion to approve the
15 adjudication and order as presented by
16 counsel for File No. 17-43-00283.

17 MS. VANORDER:

18 Second.

19 CHAIR MCCARRIN:

20 All in favor? Roll call.

21
22 Nicole VanOrder, aye; Michael S. Swank,
23 aye; John E. McCarrin, aye; George E.
24 Khoury, aye; Miriam Merry Woods, aye; J.
25 Gerard Halloran, aye.

1 [The motion carried unanimously.]

2 ***

3 MR. MALONEY:

4 Motion on File No. 17-43-01532.

5 MS. WOODS:

6 Motion to approve the Consent
7 Agreement and Order as drafted.

8 DR. SWANK:

9 Second.

10 CHAIR MCCARRIN:

11 Roll Call.

12

13 Nicole VanOrder, aye; Michael S. Swank,
14 aye; John E. McCarrin, aye; George E.
15 Khoury, aye; Miriam Merry Woods, aye;
16 and J. Gerard Halloran, aye.

17 [The motion carried unanimously.]

18 ***

19 MR. MALONEY:

20 Motion on File No. 17-43-07279?

21 MS. VANORDER:

22 Motion to approve the Consent Agreement
23 and Order as drafted?

24 DR. SWANK:

25 Second.

1 CHAIR MCCARRIN:

2 Roll Call.

3

4 Nicole VanOrder, aye; Michael S. Swank,
5 aye; John E. McCarrin, aye; George E.
6 Khoury, aye; Miriam Merry Woods, aye;
7 and J. Gerard Halloran, aye.

8 [The motion carried unanimously. The Respondent's
9 name is Matt Liberty Spiers, D.C.]

10 ***

11 DR. HALLORAN:

12 I make a motion that the Board approve
13 the Adjudication and Order for Matthew
14 J. Lieber, File No. 17-43-01355.

15 DR. KHOURY:

16 Second.

17 CHAIR MCCARRIN:

18 Roll Call.

19

20 Nicole VanOrder, aye; Michael S. Swank,
21 aye; John E. McCarrin, aye; George E.
22 Khoury, aye; Miriam Merry Woods, aye;
23 and J. Gerard Halloran, aye.

24 [The motion carried unanimously.]

25 ***

1 CHAIR MCCARRIN:

2 The Waiver Request for Dr. Lemmon.

3 MS. VANORDER:

4 I motion to deny the request for waiver.

5 DR. SWANK:

6 Second.

7 CHAIR MCCARRIN:

8 Roll Call.

9

10 Nicole VanOrder, aye; Michael S. Swank,
11 aye; John E. McCarrin, aye; George E.
12 Khoury, aye; Miriam Merry Woods, aye;
13 and J. Gerard Halloran, aye.

14 [The motion carried unanimously.]

15 ***

16 CHAIR MCCARRIN:

17 License by examination for Braheem
18 Tolbert, D.C.

19 DR. KHOURY:

20 I make a motion to provisionally deny
21 the license by examination as counsel
22 recommended on the application for
23 Braheem Tolbert, D.C.

24 DR. SWANK:

25 Second.

1 CHAIR MCCARRIN:

2 Roll Call.

3

4 Nicole VanOrder, aye; Michael S. Swank,
5 aye; John E. McCarrin, aye; George E.
6 Khoury, aye; Miriam Merry Woods, aye;
7 and J. Gerard Halloran, aye. Motion
8 carries.

9 [The motion carried unanimously.]

10 ***

11 Chiropractic Board Committee List

12 [The Board discussed appointing chairmen for the
13 committees. It was noted Dr. Khoury would continue
14 with that matter and Dr. Halloran would continue with
15 publication of press releases.]

16 ***

17 DR. KHOURY:

18 I make a motion for adjournment.

19 DR. HALLORAN:

20 Second.

21 CHAIR MCCARRIN:

22 All in favor.

23 [The motion carried unanimously.]

24 ***

25 [The meeting adjourned at 12:27 p.m.]

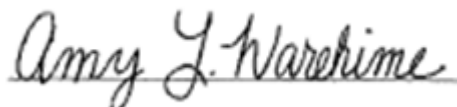
1 ***

2 [The next meeting is July 20, 2017.]

3 ***

4
5
6 CERTIFICATE

7
8 I hereby certify that the foregoing summary
9 minutes of the State Board of Chiropractic meeting,
10 was reduced to writing by me or under my supervision,
11 and that the minutes accurately summarize the
12 substance of the State Board of Chiropractic meeting.

13
14 

15 Amy L. Warehime

16 Minute Clerk

17 Sargent's Court Reporting
18 Service, Inc.
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STATE BOARD OF CHIROPRACTIC
REFERENCE INDEX
May 18, 2017

| | TIME | AGENDA |
|----|-------|-------------------------------------|
| 1 | | |
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| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | 9:08 | Official Call to Order |
| 8 | | |
| 9 | 9:09 | Approval of Minutes |
| 10 | | |
| 11 | 9:09 | Report of Board Prosecutor |
| 12 | | |
| 13 | 9:12 | Report of Commissioner |
| 14 | | |
| 15 | 9:20 | Report of Board Counsel |
| 16 | | |
| 17 | 9:22 | Report of Board Chair |
| 18 | | |
| 19 | 9:24 | Report of Board Administrator |
| 20 | | |
| 21 | 9:30 | New Business |
| 22 | | |
| 23 | 10:15 | Old Business |
| 24 | | |
| 25 | 10:30 | Recess |
| 26 | 10:42 | Return to Open Session |
| 27 | | |
| 28 | 10:45 | Formal Hearing - Dr. Van Nostrand |
| 29 | | |
| 30 | 10:48 | Appointment - Charles Artz, Esquire |
| 31 | | |
| 32 | 11:16 | Executive Session |
| 33 | 12:19 | Return to Open Session |
| 34 | | |
| 35 | 12:20 | Motions |
| 36 | | |
| 37 | 12:26 | Chiropractic Board Committee List |
| 38 | | |
| 39 | 12:27 | Adjournment |
| 40 | | |
| 41 | | |
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