

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 TELECONFERENCE**

TIME: 10:29 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

July 30, 2020

State Board of Chiropractic

July 30, 2020

BOARD MEMBERS:

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

BUREAU PERSONNEL:

- Nicole L. VanOrder, Esquire, Board Counsel
- Kimberly A. Adams, Esquire, Board Prosecution Liaison
- Peter D. Kovach, Esquire, Senior Prosecutor in Charge
- Michelle Roberts, Acting Board Administrator
- Theodore Stauffer, Executive Secretary, Bureau of Professional and Occupational Affairs

ALSO PRESENT:

- Keith Miller, D.C., Advanced Chiropractic & Spine Center of Souderton
- Ted Mowatt, CAE, Vice President, Wanner Associates

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

1 ***

2 State Board of Chiropractic

3 July 30, 2020

4 ***

5 The regularly scheduled meeting of the State
6 Board of Chiropractic was held on Thursday, July 30,
7 2020.

8 ***

9 Official Call to Order

10 [Joseph Gerard Halloran, D.C., Chair, called the
11 meeting to order at 10:29 a.m.]

12 ***

13 [Nicole L. VanOrder, Esquire, Board Counsel, noted the
14 meeting was being recorded, and those who remain on
15 the line are giving their consent to be recorded.]

16 ***

17 [Pursuant to Section 708(a)(5) of the Sunshine Act,
18 prior to the meeting, the Board entered into Executive
19 Session with Nicole L. VanOrder, Esquire, Board
20 Counsel, to have attorney-client consultations and for
21 the purpose of conducting quasi-judicial
22 deliberations. The Board returned to open session at
23 10:29 a.m.]

24 ***

25 Approval of minutes of the May 14, 2020 meeting

1 CHAIR HALLORAN:

2 I would like to open up and talk about
3 approval of minutes.

4 [The Board discussed corrections to the minutes.]

5 Does anybody else have any
6 corrections to the minutes?

7 We need a motion to accept the
8 Board minutes with the correction.

9 DR. MCCARIN:

10 I motion to accept the minutes.

11 CHAIR HALLORAN:

12 Do I have a second?

13 DR. AUKERMAN:

14 I second the motion.

15 CHAIR HALLORAN:

16 There has been a motion on the floor and
17 seconded that the minutes be approved
18 with the amended change. All in favor,
19 say aye.

20 [The motion carried unanimously.]

21 ***

22 Report of Board Prosecutor

23 [Peter D. Kovach, Esquire, Senior Prosecutor in
24 Charge, presented the Consent Agreement for Case No.
25 19-43-001979.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Introduction

[Joseph Gerard Halloran, D.C., Chair, requested Board members introduce themselves.]

CHAIR HALLORAN:

I make a motion on Case No. 19-43-001979, that we accept the Consent Agreement for Ervin Schlabach.

I would like a second. Dr. McCarrin, you wanted to step in there.

DR. MCCARIN:

I second the motion.

CHAIR HALLORAN:

Dr. McCarrin seconded the motion. We have a motion on the floor to accept the Consent Agreement on Case No. 19-43-001979. We will need a voice vote on this.

Dr. Halloran, aye; Aukerman, aye; McCarrin, aye; Coats, aye.

[The motion carried unanimously.]

Report of Commissioner

1 [K. Kalonji Johnson, Commissioner, Bureau of
2 Professional and Occupational Affairs, thanked Board
3 members and members of the public for joining the
4 meeting today and also noted representatives from the
5 policy office and Senate Oversight Committee.

6 Commissioner Johnson reported receiving
7 correspondence from the Pennsylvania Chiropractic
8 Association regarding guidance that was issued on
9 behalf of the Department of Health and under the
10 offices of the administration. He noted responding to
11 that correspondence and meeting with the Pennsylvania
12 Chiropractic Association (PCA) to show the
13 professional community that the department, on behalf
14 of the Board, was willing to interface and collaborate
15 with stakeholders and provide an informative and
16 educational voice for stakeholders and the public when
17 they have questions.

18 Chair Halloran requested Commissioner Johnson
19 explain to the members of the chiropractic community
20 that the Governor's website was constantly being
21 updated as to best practices for chiropractors and
22 other medical professions on how to safely run their
23 practice through the Governor's Office.

24 Commissioner Johnson stated the Board was
25 precluded from providing advisory opinions to members

1 of the public, and all of the guidance related
2 specifically to the profession and scope of practice
3 can be found on the Board's website.

4 Commissioner Johnson commented that guidance
5 relating to the emergency declaration implemented in
6 March related to COVID-19 and the Governor's emergency
7 declaration, Department of Health guidance, and
8 federal guidance from the Centers for Disease Control
9 and Prevention (CDC) can be found on the State Board
10 of Chiropractic website.

11 Commissioner Johnson also mentioned a COVID-19
12 information box on the Board's website and on the
13 Bureau of Professional and Occupational Affairs (BPOA)
14 homepage that will direct individuals to all of the
15 COVID-19 waivers that the department had issued since
16 March 2020. He encouraged members of the public to
17 refer to the website frequently because information
18 changes, and it was in their best interest to
19 acclimate themselves to that guidance and to the
20 existing rules and regulations.]

21

22 Report of Board Counsel

23 [Nicole L. VanOrder, Esquire, Board Counsel, noted the
24 Board will need to vote on several items discussed in
25 executive session. She also mentioned several

1 regulatory items for discussion, including Act 41.
2 She announced Cynthia Montgomery will be addressing
3 the proposed child abuse reporting regulation. She
4 noted action from the Board will be required regarding
5 generating a list for Act 53 of 2020.]

6

7 MOTIONS

8 CHAIR HALLORAN:

9

We are now on Case No. 17-43-11885,
10 Maria McElwee, D.C.

11

I make a motion to table this
12 pending further evaluation and review so
13 that we can come up with the proper
14 decision in the next Board meeting.

15

Do I have a second on that?

16 MS. COATS:

17

Second.

18 CHAIR HALLORAN:

19

Kelsie Coats seconded that motion. This
20 will have to be a voice vote. I propose
21 that we table the discussion on this
22 case number for Maria McElwee, D.C. for
23 the next meeting after we get more
24 information on this case.

25

1 Dr. Halloran, aye; Dr. Aukerman, aye;
2 McCarrin, aye; Coats.

3 [The motion carried unanimously.]

4 ***

5 CHAIR HALLORAN:

6 We are now on Case No. 18-43-011786,
7 Larry Allen Sabel, D.C.

8 I make a motion that we send this
9 case to a hearing examiner for more
10 information on the particulars of this
11 matter.

12 Dr. Aukerman, I think you wanted to
13 weigh in there with a second.

14 DR. AUKERMAN:

15 I'll second.

16 CHAIR HALLORAN:

17 I have made the motion, and Dr. Aukerman
18 seconded that we will refer Case No. 18-
19 43-011786 to a hearing examiner in
20 regards to Larry Allen Sabel, D.C. We
21 would like to take a vote on that. It
22 will be a voice vote.

23
24 Halloran, aye; Aukerman, aye; McCarrin,
25 aye; Coats, aye.

1 [The motion carried unanimously.]

2 ***

3 CHAIR HALLORAN:

4 We are now on Case No. 18-43-01433 in
5 the case of Dr. Robert C. Wise II.

6 I would like to make a motion that
7 we draw up an Adjudication and Order in
8 accordance to the parameters of the
9 discussion we held in executive session
10 considering this case number and Dr.
11 Robert C. Wise II, a chiropractor.

12 Dr. McCarrin, I believe you wanted
13 to weigh in on this.

14 DR. MCCARRIN:

15 I'll second that motion.

16 CHAIR HALLORAN:

17 We have a motion to make an Adjudication
18 and Order in accordance to the
19 discussion held and the parameters we
20 set in executive session. It was
21 seconded by Dr. McCarrin. We will do a
22 voice vote on that.

23
24 Halloran, aye; Aukerman, aye; McCarrin,
25 aye; Coats, aye.

1 [The motion carried unanimously.]

2 ***

3 CHAIR HALLORAN:

4 We are now on Case No. 13-43-08370.

5 This is the case of Joshua Michael
6 Rosinski, D.C.

7 I make a motion to grant the
8 Petition for Reinstatement filed by Dr.
9 Rosinski to probationary status.

10 Dr. Aukerman, do you want to weigh
11 in there on that?

12 DR. AUKERMAN:

13 I'd like to second the motion.

14 CHAIR HALLORAN:

15 Dr. Aukerman seconds that motion. We
16 will do a voice vote on that motion.

17
18 Halloran, aye; Aukerman, aye; McCarrin,
19 aye; Coats, aye.

20 [The motion carried unanimously.]

21 ***

22 Report of Regulatory Counsel

23 [Cynthia K. Montgomery, Esquire, Deputy Chief
24 Counsel/Regulatory Counsel, Department of State,
25 referred to the proposed rulemaking for 16A-4322

1 regarding child abuse reporting requirements, which is
2 required by the Child Protective Services Law.

3 Ms. Montgomery stated the law had been amended
4 numerous times from 2014 through 2019, and those
5 amendments need to be incorporated into the Board's
6 regulations, including the requirement from Act 31 of
7 2014, which required all health-related Boards to
8 require applicants to complete at least 3 hours of
9 training in child abuse recognition and reporting as a
10 condition of licensure and for all licensees to
11 complete at least 2 hours of their continuing
12 education biennially in the area of child abuse
13 recognition and reporting.

14 Ms. Montgomery reported that the bureau
15 implemented Act 31 of 2014, which requires child abuse
16 education, and this was just updating regulations to
17 conform with the Child Protective Services Law.

18 Ms. Montgomery stated licensure, certification,
19 and registration provisions have been updated for
20 licensure by exam, licensure by reciprocity, and
21 volunteer licenses to incorporate the requirement that
22 applicants complete 3 hours of training in child abuse
23 recognition and reporting and noted biennial renew
24 requirements in § 5.17 had been updated to incorporate
25 the 2 hours of continuing education that was required.

1 Ms. Montgomery stated the child abuse reporting
2 requirements have been substantially updated to
3 incorporate the new standards, where a mandated
4 reporter is required to make a report.

5 Ms. Montgomery stated those who are making the
6 report in the capacity as a member of an institution
7 or a facility make the report and then report it to
8 the person in charge of the institution, school,
9 facility, or agency.

10 Ms. Montgomery commented that the reporting
11 procedure had been updated because the Department of
12 Human Services now had an electronic reporting system
13 that makes it much easier to report and all the
14 information required to report.

15 Ms. Montgomery noted updates to the immunity and
16 confidentiality section.

17 Ms. Montgomery noted the noncompliant section had
18 been updated because the General Assembly had
19 increased the penalties for failure to report
20 suspected child abuse mostly for continued failures to
21 report and subsequent offenses.

22 Ms. Montgomery stated the biggest change was the
23 addition of the child abuse recognition and reporting
24 mandatory training requirement. She discussed the
25 exemption section, where the law permits the Board to

1 grant exemptions to people who have already either
2 completed similar child abuse training mandated by the
3 Public School Code or by the Human Services Code.

4 Ms. Montgomery stated the child abuse recognition
5 course approval process was set up by the bureau in
6 consultation with the Department of Human Services
7 Office of Children, Youth, and Families for courses to
8 be approved. She noted approximately 70 approved
9 courses available and one free online course available
10 to applicants and licensees.

11 Ms. Montgomery commented that the 2-hour
12 requirement of renewal is incorporated in the existing
13 continuing education requirement and was not an
14 additional requirement. She also believes the Board
15 previously voted to accept the entire 3 hours if
16 someone completes a 3-hour course.

17 Ms. Montgomery requested a motion and approval to
18 promulgate the proposed rulemaking through the
19 regulatory review process with the correction to
20 change Department of Public Welfare to Department of
21 Human Services because they changed their name.]

22 ***

23 CHAIR HALLORAN:

24 I make a motion that we accept the
25 language that has just been talked to us

1 about, accepting the regulations with
2 the correct.

3 Do I have a second?

4 DR. AUKERMAN:

5 I'll second it.

6 CHAIR HALLORAN:

7 Dr. Aukerman seconds. We are going to
8 have to do a voice vote on that motion.

9
10 Dr. Halloran, aye; Dr. Aukerman, aye;
11 McCarrin, aye; Coats, aye.

12 [The motion carried unanimously.]

13 ***

14 Report of Regulatory Counsel

15 [Nicole L. VanOrder, Esquire, Board Counsel, referred
16 to the annex for Act 41. She stated the Board
17 previously had the test listed under the competency
18 requirement but informed the Board it would be better
19 under substantial equivalence because Act 41 was
20 supposed to make licensure easier and remove bars from
21 licensure for people to move from other states,
22 countries, and jurisdictions.

23 Ms. VanOrder provided two options for the Board
24 to review, noting that option 1 was basically what the
25 Board asked to be drafted, and option 2 moves the

1 testing from the competence bucket to the substantial
2 equivalence bucket. She mentioned by moving the
3 testing into the substantial equivalency analysis the
4 Board can make the comparison within the law and then
5 not need to do that as to the individual person. She
6 explained that the individual person analysis would be
7 whether an individual had been practicing two of the
8 last five years and have they been doing the
9 continuing education (CE).

10 Ms. VanOrder stated the specific competency
11 requirements would be to demonstrate competency by
12 practicing two of five years for a minimum of 500
13 hours, successful completion of the Special Purpose
14 Examination in Chiropractic (SPEC), or successful
15 completion of the National Board Examination within
16 the last five years.

17 Ms. VanOrder reported general updates to the
18 regulation, including the requirement of the licensee
19 to provide a copy of the law translated into English
20 if it was in another language.

21 Ms. VanOrder noted option 2 to currently read, an
22 individual would need either two of the five years in
23 practice or SPEC within the last five years or
24 National Board Examination within five years. She
25 stated the fact that originally the chiropractor would

1 have passed the National Board Examination would still
2 be analyzed as part of the law.

3 Ms. VanOrder cautioned the Board against making
4 the regulation so onerous as to eviscerate the
5 intention of this law, which will cause difficulty at
6 the Governor's Office.

7 Ms. VanOder mentioned the Board still had the
8 protection where the states are substantially
9 equivalent in their law and had that additional check
10 of one of the three buckets where the individual is
11 competent to get fully through the analysis and able
12 to get a license under Act 41.]

13

14 CHAIR HALLORAN:

15 I make a motion to move forward with
16 option 2 of the Act 41 Annex proposals
17 and direct Board counsel to complete the
18 regulatory package for option 2 so we
19 can be in compliance with Act 41
20 regulations.

21 Does anybody want to second that?

22 DR. AUKERMAN:

23 I'll second it.

24 CHAIR HALLORAN:

25 Dr. Aukerman seconded that. We have a

1 motion to direct our Board counsel to
2 accept option 2 for Act 41 and direct
3 her to complete the regulatory package
4 for what we are asking her to change.
5 We will start with a voice vote.

6
7 Halloran, aye; Aukerman, aye; McCarrin,
8 aye; Coats, aye.

9 [The motion carried unanimously.]

10 ***

11 Ms. VanOrder will prepare the regulatory package
12 with regulatory counsel and bring it back to the Board
13 one more time along with the proposed preamble, which
14 is the explanatory document to the legislation saying
15 what the Board was trying to do and why.

16 Ms. VanOrder referred to Act 53 of 2020 regarding
17 criminal convictions and how the BPOA, boards, and
18 commissions consider criminal convictions regarding
19 applications. She noted the definition of directly
20 related as the "nature of the criminal conduct for
21 which the person is convicted and has direct bearing
22 on the fitness or ability to perform one or more
23 duties or responsibilities necessarily related to the
24 profession, trade, or occupation for which the
25 individual seeks licensure." She referred to § 3117

1 of the act, which requires the commissioner to publish
2 a list of criminal offenses that may constitute
3 grounds to refuse a license for each profession or
4 occupation licensed by BPOA.

5 Ms. VanOrder reported the Board would need to
6 provide a list of crimes that it considers directly
7 related to the profession by the end of August. She
8 noted Board counsel was meeting with the prosecution
9 liaison and working on putting together a list for
10 other Boards and offered that to the Board. She also
11 would like the Board to provide a list of crimes they
12 believe are directly related or not.

13 Ms. VanOrder addressed rebuttable presumption,
14 where the individual poses a substantial risk to
15 individual patients or to the public or risk of
16 further criminal conviction if the crime is on the
17 list.

18 Ms. VanOrder mentioned that individuals could be
19 issued a provisional denial letter and still come
20 forward for a hearing and maybe in that specific
21 person's circumstances a different decision could be
22 made. She stated if the crime is not on the list, the
23 Board would still consider circumstances and decide
24 whether the person is not safe.

25 Ms. VanOrder addressed sexual offenses, where

1 individuals committing crimes from a list of 17
2 different offenses may not ever have a license.

3 Ms. VanOrder noted that the general thrust of
4 this law is to remove interpretations of good moral
5 character and crimes of moral turpitude to allow
6 individuals who have served their time to return and
7 be functioning members of society and obtain
8 professional licensure.

9 Ms. VanOrder reported that crimes listed in the
10 Clean Slate Act are not to be considered at all.

11 Commissioner Johnson commented that the bulk of
12 the list will be generated from the list of
13 disciplinary actions in terms of crimes directly
14 related to the profession. He stated the preliminary
15 determination piece involves individuals who may not
16 have even started their education or experience yet
17 and are requesting a determination based on a
18 particular conviction and whether that would impact
19 their suitability for licensure.

20 Commissioner Johnson stated the Board will
21 receive a list in the middle or end of August for
22 Board review before the September meeting, which will
23 allow the Board to create a committee and have a
24 fuller discussion moving into the late fall.]

25

1 MS. VANORDER:

2 I will put together a list for Act 53
3 directly related crimes for the next
4 agenda.

5 CHAIR HALLORAN:

6 Our Board counsel, Nicole VanOrder, will
7 work with the prosecutor's office to
8 help us with this new law of having
9 responsibilities of defining related
10 crimes, and Nicole and the prosecutor's
11 office will work on that list and share
12 it with members of the Board for us to
13 study and be ready to discuss it and
14 possibly vote on it at the September
15 meeting.

16 Does anybody second that?

17 MS. COATS:

18 I second that.

19 CHAIR HALLORAN:

20 We have a motion on the floor to direct
21 our Board counsel, Nicole VanOrder, to
22 work with the prosecutor's office to
23 develop a list of directly related
24 crimes that will help us prepare
25 ourselves to implement Act 53 that will

1 government to meet this requirement by reliance on the
2 Federal Tort Claims Act rather than having to get
3 separate malpractice.

4 Chair Halloran referred to 16A-4328 and 49 Pa.
5 Code § 5.81 regarding sexual misconduct. He stated
6 the rulemaking would amend the regulations to provide
7 clearer and broader standards in prohibiting sexual
8 misconduct with a patient, rather than simply
9 prohibiting willfully engaging in sexual activity with
10 a patient within the scope of the chiropractor-patient
11 relationship.

12 Chair Halloran noted the regulation was still
13 under review by regulatory counsel, noting the Board
14 is one of the only health-related Boards that does not
15 have sexual misconduct regulations. He mentioned the
16 regulation needs updated prior to being distributed to
17 the Office of General Counsel and Budget and Policy
18 for approval.

19 Ms. VanOrder mentioned some of the regulations
20 are mandated and others are not, where the Board may
21 want to decide to go in a different direction. She
22 noted reviewing some of the comments from the
23 Independent Regulatory Review Commission (IRRC) and
24 could bring more information to the next Board
25 meeting. She suggested having a committee meeting to

1 discuss the regulations.

2 Ms. Roberts mentioned that Dr. Halloran, Dr.
3 Aukerman, and Dr. Swank are in their USQs and all
4 three expire September 14, so the meeting would have
5 to take place sometime in the next six weeks to have
6 enough Board members.]

7

8 CHAIR HALLORAN:

9 I make a motion that we form a
10 Regulatory Review Committee for the
11 State Board of Chiropractic. I would
12 like to be part of that committee.

13 Do I have a second on that?

14 DR. AUKERMAN:

15 I'll second it.

16 CHAIR HALLORAN:

17 Dr. Aukerman seconds that we will form a
18 regulatory committee to review the regs
19 and make the priorities. Let's voice
20 vote this and then we will talk about
21 who is going to be on the committee. We
22 are going to form a regulatory committee
23 to review regulations and make
24 priorities of what we want to work on
25 first. There is a motion on the floor

1 that we make a regulatory committee.

2

3 Halloran, aye; Aukerman, aye; McCarrin,
4 aye; Coats, aye.

5 [The motion carried unanimously.]

6

7 Dr. McCarrin and Dr. Aukerman also volunteered
8 for the committee.

9 Chair Halloran questioned Commissioner Johnson
10 regarding movement on reappointments.

11 Commissioner Johnson stated the administration
12 was working internally to prepare the next round of
13 appointments and are well aware of the concern about
14 Board operations having to cease with respect to
15 quorum issues.

16 Ms. Roberts will email the three members of the
17 committee with proposed dates and work in conjunction
18 with the commissioner's office to have Mr. Stauffer
19 set that up.]

20

21 Report of Board Chair

22 [Joseph Gerard Halloran, D.C., Chair, addressed
23 procedures when members of the community have a
24 complaint concerning a licensed chiropractor. He
25 stated complaints should be filed with the

1 Pennsylvania State Board of Chiropractic but
2 emphasized not to call any Pennsylvania State Board of
3 Chiropractic Board members. He explained that Board
4 members would need to recuse themselves at the time of
5 looking at the complaint because they would have been
6 contacted and made aware of the complaint.

7 Chair Halloran stated the complaint should be
8 sent to their Board administrator, who would send it
9 to the Professional Compliance Office to investigate
10 the complaint and inform the Board administrative
11 office how to proceed, possibly even going to the
12 state prosecutor's office to offer an administrative
13 fix for the complaint. He commented that Board
14 members cannot give an advisory opinion over the phone
15 to anybody or attend meetings.

16 Chair Halloran informed licensed chiropractors in
17 the state of Pennsylvania to review their advertising
18 office materials, office procedures, and office
19 practices to make sure they are compliant with the
20 state of Pennsylvania's Chiropractic Practice Act.

21 Chair Halloran noted this to include medical
22 emergencies, such as treatment of patients under
23 COVID-19. He mentioned that the Governor had allowed
24 expanded practice rights to chiropractors during the
25 COVID-19 emergency but to be aware that the expanded

1 practice rights are for the time of the emergency
2 only. He stated the Governor will notify the Board as
3 to when those expanded practice rights will end, but
4 everyone should frequently check the Board's website
5 on COVID-19 to be fully aware.

6 Chair Halloran discussed the Veterinarian
7 Medicine Practice Act, where chiropractors under
8 regulation § 31.21 of the Veterinarian Practice Act
9 may treat animals but only be done in conjunction with
10 the practice of veterinary medicine. He explained
11 that any animal chiropractic procedures must be
12 performed under the direct supervision of a
13 veterinarian subject to a limitation provided by law
14 or regulation.

15 Chair Halloran referred to correspondence from
16 Dr. Thomas Garg, the Chairman of the Pennsylvania
17 State Board of Veterinary Medicine, on July 19, 2019,
18 which provided the regulation showing how
19 chiropractors could legally treat animals with animal
20 chiropractic but a veterinarian must be present.

21 Chair Halloran addressed Senate Bill 982 of 2019,
22 which was passed and signed into law by Governor Wolf
23 and became lawful for licensed practicing
24 chiropractors. He stated chiropractors, as the
25 preceptor, must abide by the rules of the chiropractic

1 college or university preceptorship program and must
2 fully document the student doctor's preceptorship
3 program for that chiropractic college or university.

4 Chair Halloran stated most programs will include
5 the student in their malpractice coverage, though not
6 all, and it was the responsibility of the preceptor to
7 ensure the student doctor is covered. He also stated
8 it was the preceptor's responsibility to make sure
9 they comply with all the rules of the chiropractic
10 institution sponsoring the preceptorship as well as
11 all Pennsylvania state laws.

12 Chair Halloran commented that the Board does not
13 think any regulatory rules need to be added to the
14 preceptorships since the chiropractic academic
15 institutions have a vested interest in maintaining
16 proper lawful preceptorship programs, and as long as
17 chiropractors follow the rules of the college, they
18 should have no problems operating lawfully in the
19 state of Pennsylvania.

20 Chair Halloran and the State Board of
21 Chiropractic thanked Governor Wolf and Dr. Rachel
22 Levine for recognizing the need for chiropractic care
23 during the COVID-19 crisis.

24 Chair Halloran addressed continuing education,
25 noting chiropractors have an extension due to COVID-19

1 until November 30, 2020, to get their 24 hours of
2 Board-approved continuing education, which must
3 include at least 2 hours of child mandated reporter
4 training. He also informed the Board that there is no
5 grace period this year.

6 Chair Halloran stated all CE must be completed
7 and documented by November 30, 2020. He noted
8 everyone renew their license on the Pennsylvania
9 Licensing System (PALS). He emphasized the importance
10 of double checking the documentation, making sure
11 accreditation hours are correct, and the license
12 renewal payment is received by November 30, 2020.

13 Chair Halloran stated chiropractors cannot use
14 continuing education course credits twice, where a
15 dedicated course may be used up through November 30 or
16 for the next cycle, but you cannot use it for both.

17 Chair Halloran addressed opioid abuse, noting
18 chiropractors stand ready to help the state control
19 the problem with drugless chiropractic treatment.

20 Chair Halloran reminded members of the Board to
21 send in their yearly financial statement. He noted it
22 to also be acceptable to send financials in
23 electronically at www.fd.state.pa.us.

24 Chair Halloran informed members of a new Board
25 help desk number at 1-833-723-2733. He reminded

1 everyone to change their email password every two
2 months and provided. He noted using webmail.pa.gov to
3 change passwords through the webmail application.

4 Chair Halloran advised the Board that they cannot
5 provide an advisory opinion on cannabidiol (CBD) oil
6 out of their office.

7 Chair Halloran discussed the Governor's expanded
8 orders, where chiropractors could give COVID-19
9 testing with nasal and throat swabs only at a
10 recognized testing center under the direction of a DO
11 or MD.

12 Chair Halloran cautioned members to be careful
13 when buying hand sanitizer due to the recent flood of
14 methanol-based hand sanitizers that can be absorbed
15 into the skin and considered toxic.

16 Chair Halloran stated it was the responsibility
17 of the chiropractic entity or educator that had
18 obtained Pennsylvania State Board approval for state
19 Board-approved continuing education courses to make
20 sure there is monitoring of the Pennsylvania state
21 Board-approved course. He asked Ms. VanOrder to
22 further explain those rules.

23 Ms. VanOrder explained that there is a CE
24 committee and several regulations that deal with the
25 CE process. She mentioned Section 507 of the act also

1 deals with the CE process. She stated there is a
2 process where CE is to be approved and part of that
3 process details about how that course would be
4 submitted, and it was decided whether that will be
5 approved or denied based on that information.

6 Ms. VanOrder noted that courses approved for an
7 in-person experience with sign-in sheets or certain
8 verifications and then changed substantially would
9 need to go back through the review process because
10 that essentially changes the experience, and that
11 experience had not been approved.

12 Ms. VanOrder encouraged everyone to make sure
13 they are going through the appropriate process to have
14 CE approved for the manner the CE was being delivered
15 and that they are clear about what safeguards are in
16 place if that had been switched to an online
17 experience versus an in-person experience due to
18 COVID-19 conditions.

19 Chair Halloran referred to Form 2-2003, where the
20 State Board of Chiropractic issued a written directive
21 on continuing education information for chiropractors.
22 He noted requirements of chiropractic license renewal
23 of at least 24 hours of Board-approved continuing
24 education courses approved by the Pennsylvania Board
25 and the person taking the course obtain official

1 certificates of attendance from the sponsor of the
2 course, which is mandatory.

3 Chair Halloran noted it to be okay to give a
4 recorded course approved by the Board several times,
5 but it had to be monitored.

6 Chair Halloran stated members of the Pennsylvania
7 State Board of Chiropractic continue to be proud of
8 chiropractors for their hard work in adapting their
9 office to a safe environment during the COVID-19
10 crisis.

11 Chair Halloran commented that chiropractic
12 professionalism is noted by the state for treating
13 patients in a safe manner during the COVID-19 crisis.]

14 ***

15 New Business

16 [Joseph Gerard Halloran, D.C., Chair, noted the last
17 update to the Federation of Chiropractic Licensing
18 Boards was March 2019. He mentioned he will be
19 working with Ms. Roberts to update the fact that
20 Pennsylvania does allow preceptorships now and matters
21 like that, so there was an accurate representation of
22 their state Board to other state Boards.]

23 ***

24 Miscellaneous

25 [Joseph Gerard Halloran, D.C., Chair, noted remaining

1 2020 Board meeting dates.]

2 ***

3 [The Board recessed from 12:16 p.m. until 12:26 p.m.]

4 ***

5 Public Comment Period

6 [Joseph Gerard Halloran, D.C., Chair, a public member
7 questioned where regulations on patient license
8 relations are posted for review and comment.

9 Ms. VanOrder commented that those have not been
10 posted for review yet and are still in the formative
11 stages.

12 Chair Halloran read a question by Dr. Keith
13 Miller questioning the previous vet ruling by the
14 Board where a doctor of chiropractic needed to be
15 under supervision or in conjunction with the vet.

16 Chair Halloran specifically sent a letter from
17 the Board to the Board of Veterinary Medicine to see
18 their interpretation of a chiropractic working with a
19 vet. He commented that by their law, the Board of
20 Veterinary Medicine can use any medical specialist who
21 normally would see a human being if the animal would
22 benefit from that procedure. He mentioned a statute
23 in the law stating that there must be a veterinarian
24 presence during the procedure when utilizing outside
25 medical services.

1 Ms. VanOrder commented that the Board cannot
2 provide any advisory opinions, and the law is what the
3 law states and cannot be interpreted any further.

4 Chair Halloran noted Dr. Miller asked whether the
5 Board can share a written response for the Board of
6 Veterinary Medicine with the public.

7 Chair Halloran stated the Board cannot share that
8 publically, and there may be some pending litigation
9 soon.

10 Ms. VanOrder explained that the Board cannot
11 provide advisory opinions, which applies across the
12 board to CE, advertising, or vet questions. She
13 stated those interpretations will need to be made by a
14 private attorney.

15 Chair Halloran also explained the Board is a
16 quasi-judicial and regulatory body and not an advisory
17 Board. He stated the Board can promulgate and change
18 regulations and act to judge things that come to the
19 level of investigating a chiropractor for perceived
20 violations. He mentioned that none of the Boards in
21 the state function as an advisory body. He stated the
22 Board understands the problem and looked into the
23 problem; however, the vet law is the vet law.

24 Chair Halloran commented that every Board member
25 was honorably working for the state on the State Board

1 of Chiropractic, reviewing documentation before
2 meetings to be prepared to discuss the issues.

3 Mr. Stauffer read a private message from Dr.
4 Daniel Schatzberg, where he noted that there are some
5 things in the practice act that gives the Board the
6 right to provide a comment according to Jason Martin,
7 PCA General Counsel.

8 Ms. VanOrder believed Mr. Marin was referring to
9 the scientific instrument. She stated the Board had
10 not ruled on specific instruments as to what is and
11 what is not approved by the Board. She noted general
12 guidance within the regulation about scientific
13 instruments. She believes the one in question was
14 regarding COVID-19 in particular.

15 Chair Halloran suggested Dr. Schatzberg direct
16 his attention to the State Board of Chiropractic
17 COVID-19 response and the Governor's written response
18 to the chiropractic expansion of what a chiropractor
19 can and cannot do.

20 Ms. VanOrder mentioned a list of inquiries that
21 came from the Pennsylvania Chiropractic Association
22 (PCA) that refers to available guidance. She noted
23 specific suspensions and discussion/waiver language
24 constantly updated on the website.]

25

1 Adjournment

2 CHAIR HALLORAN:

3 Can I entertain a motion to adjourn?

4 DR. AUKERMAN:

5 I'll make a motion to adjourn.

6 CHAIR HALLORAN:

7 Dr. Aukerman has motioned to adjourn.

8 Is there a second?

9 MS. COATS:

10 I second.

11 CHAIR HALLORAN:

12 Kelsie Coats seconds the motion for
13 adjournment. We can do this by voice
14 acclamation. All in favor of
15 adjournment, say aye. We are adjourned.

16 [The motion carried unanimously.]

17 ***

18 [There being no further business, the State Board of
19 Chiropractic Meeting adjourned at 12:43 p.m.]

20 ***

21

22 CERTIFICATE

23

24 I hereby certify that the foregoing summary
25 minutes of the State Board of Chiropractic meeting,

1 was reduced to writing by me or under my supervision,
2 and that the minutes accurately summarize the
3 substance of the State Board of Chiropractic meeting.



7 Morgan McKendrick,
8 Minute Clerk
9 Sargent's Court Reporting
10 Service, Inc.

11 STATE BOARD OF CHIROPRACTIC
12 REFERENCE INDEX

13 July 30, 2020

16 TIME	AGENDA
18 00:00	Executive Session
19 10:29	Return to Open Session
21 10:29	Official Call to Order
23 10:32	Approval of Minutes
25 10:33	Report of Prosecutor
27 10:36	Introduction of Board Members
29 10:39	Report of Commissioner
31 10:45	Report Board Counsel
33 10:47	Motions
35 11:06	Report of Regulatory Counsel
37 11:55	Report of Board Chair
39 12:14	New Business

1	12:15	Miscellaneous
2		
3	12:16	Recess
4	12:26	Return to Open Session
5		
6	12:26	Public Comment Period
7		
8	12:43	Adjournment
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		