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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: 10:29 A.M.

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

as well as

VIA MICROSOFT TEAMS

August 4, 2022

State Board of Chiropractic

August 4, 2022

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
William D. Aukerman, D.C., Secretary
Michael S. Swank, D.C.
Ann R. Johnston, Senior Deputy Attorney General, Consumer Protection Member

BUREAU PERSONNEL:

Carole Clarke Smith, Esquire, Senior Board Counsel
Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution Division
Heather J. McCarthy, Esquire, Senior Board Prosecutor
Tyasha C. Miley, Esquire, Board Counsel
Colby B. Widdowson, Esquire, Board Prosecution Liaison
Sarah E. McNeill, Board Administrator
Marc Farrell, Deputy Policy Director, Department of State

ALSO PRESENT:

Keith Miller, D.C., President, Pennsylvania Chiropractic Association
George E. Khoury, D.C., District III Director, Federation of Chiropractic Licensing Boards
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., Vice President, Pennsylvania Chiropractic Association

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1 ***

2 State Board of Chiropractic

3 August 4, 2022

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 10:00 a.m. the Board entered into Executive Session
7 with Tyesha C. Miley, 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 10:29 a.m.]

11 ***

12 [Tyesha C. Miley, Esquire, Board Counsel, reminded
13 everyone the meeting was being recorded, and those who
14 continued to participate were giving their consent to
15 be recorded.

16 Ms. Miley also informed everyone that the Board
17 met in Executive Session to have attorney-client
18 consultation and for the purpose of conducting quasi-
19 judicial deliberations.]

20 ***

21 Official Call to Order

22 [William D. Aukerman, D.C., Secretary, called the
23 meeting of the State Board of Chiropractic to order at
24 10:29 a.m.]

25 ***

1 Introduction of Board Members and Attendees

2 [Sarah E. McNeill, Board Administrator, provided an
3 introduction of Board members and attendees.]

4 ***

5 New Business

6 [Arion R. Claggett, Acting Commissioner, Bureau of
7 Professional and Occupational Affairs, informed
8 everyone that Board Chair Joseph Halloran recently
9 passed away and offered his family their condolences.]

10 Acting Commissioner Claggett noted the need to
11 vote on a new Board chair and appoint committee
12 members.]

13 MS. MILEY:

14 Our nomination for chair would be Dr.
15 Michael Swank. Is there a nomination?

16 DR. AUKERMAN:

17 I'll make a nomination, Dr. Swank as
18 Board chair.

19 MS. MILEY:

20 At this time, will we be closing the
21 nominations?

22 ACTING COMMISSIONER CLAGGETT:

23 Yes.

24 MS. MILEY:

25 At this time, we will take a roll call

1 vote.

2

3 Dr. Aukerman, aye; Ann Johnston, aye;
4 Commissioner Claggett, aye; Dr. Swank,
5 aye.

6

7 The motion carries. Congratulation on
8 your new role as chair, Dr. Swank.

9 [The motion carried unanimously.]

10

11 MS. MILEY:

12 During Executive Session, I was given
13 the authority to make appointments to
14 our various committees on behalf of the
15 chair.

16 At this time, appointed to the
17 Probable Cause Screening Committee will
18 be Ms. Ann Johnston, the Attorney
19 General designated appointee.

20 The Regulations Committee will
21 remain Dr. Swank and Dr. Aukerman.

22 The Opioid Committee will be Dr.
23 Aukerman and also Ms. Ann Johnston.

24 The Information Committee will now
25 consist of the chair, Dr. Swank, as well

1 as Dr. Aukerman, our current secretary.
2 For the Continuing Education Review
3 Committee, that committee currently
4 consists of Dr. Swank and Dr. Aukerman.

5 These are the appointments made on
6 behalf of the chair for the Chiropractic
7 Board committees.

8 ***

9 Approval of Agenda

10 MS. MILEY:

11 Does the chair have a motion to approve
12 the agenda for today's meeting?

13 CHAIR SWANK:

14 Yes, we'll hear a motion to approve the
15 agenda for today.

16 MS. MILEY:

17 Is there a second?

18 DR. AUKERMAN:

19 Second.

20 MS. MILEY:

21 Is there any discussion? Hearing no
22 discussion. Could I have a roll call,
23 please?

24

25 Dr. Swank, aye; Dr. Aukerman, aye; Ann

1 Johnston, abstain; Commissioner
2 Claggett, aye.

3 [The motion carried. Ann Johnstown abstained from
4 voting on the motion.]

5 ***

6 Approval of minutes of the June 30, 2022 meeting

7 MS. MILEY:

8 Are there any corrections to the
9 minutes? Hearing none.

10 Does the chair have a motion to
11 approve the draft minutes of June 30,
12 2022?

13 CHAIR SWANK:

14 Yes, the chair wants to have approval of
15 the draft minutes of June 30, 2022.

16 MS. MILEY:

17 Is there a second?

18 DR. AUKERMAN:

19 I'll second.

20 MS. MILEY:

21 Dr. Aukerman, are you making the motion?

22 DR. AUKERMAN:

23 I can make the motion to approve the
24 minutes, yes.

25 MS. MILEY:

1 Is there a second to Dr. Aukerman's
2 motion?

3 CHAIR SWANK:

4 Second.

5 MS. MILEY:

6 Is there any discussion? Hearing none.
7 May we have a roll call vote?

8

9 Dr. Swank, aye; Dr. Aukerman, aye; Ann
10 Johnston, abstain; Commissioner
11 Claggett, aye.

12 [The motion carried. Ann Johnston abstained from
13 voting on the motion.]

14

15 Report of Prosecution

16 [Colby B. Widdowson, Esquire, Board Prosecutor, on
17 behalf of Andrea L. Costello, Esquire, Board
18 Prosecutor, presented the Consent Agreement for Case
19 No. 22-43-008791.]

20 MS. MILEY:

21 Hearing no questions for the prosecution
22 regarding the Consent Agreement at item
23 2 of your agenda at Case No. 22-43-
24 008791.

25 At this time, would the chair

1 entertain a motion to adopt the Consent
2 Agreement?

3 CHAIR SWANK:

4 Yes, we will.

5 MS. MILEY:

6 Is there such a motion?

7 ACTING COMMISSIONER CLAGGETT:

8 So moved.

9 MS. MILEY:

10 Is there a second?

11 DR. AUKERMAN:

12 I'll second.

13 MS. MILEY:

14 Is there any discussion? Hearing none.
15 We'll have the roll call vote.

16

17 Dr. Swank, aye; Dr. Aukerman, aye; Ann
18 Johnston, aye; Commissioner Claggett,
19 aye.

20 [The motion carried unanimously.]

21

22 Report of Acting Commissioner

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

24 Professional and Occupational Affairs, notified

25 everyone of in-person Board member training on October

1 24, 2022, from 8 a.m. to 4 p.m. in Harrisburg. He
2 mentioned that some of the topics include the role of
3 Board counsel, prosecution, and some other areas. He
4 noted the training is mandatory for public members but
5 also encouraged professional members to attend. He
6 advised everyone to look for an email invite.]

7 ***

8 Report of Board Counsel

9 [Tyesha C. Miley, Esquire, Board Counsel, referred to
10 the Scam Alert as noted at the prior meeting. She
11 again reminded everyone that the Bureau of
12 Professional and Occupational Affairs would never
13 contact anyone by phone to request payment. She
14 reminded everyone to never provide personal or
15 financial information over the phone, text message, or
16 fax.

17 Ms. Miley noted the department issues
18 disciplinary action through an administrative process
19 and anyone subject to an investigation would receive
20 notice by certified mail and/or personal service. She
21 informed everyone to contact their local police
22 department or the Pennsylvania State Police if they
23 have been a victim of the scam. She noted that
24 updated information could be found on the department's
25 website.]

1 ***

2 Report of Board Counsel - Adjudication and Order

3 MS. MILEY:

4 Item 3 on the agenda at Case No. 21-43-
5 004261 regarding Paul Lane Caton, D.C.
6 This is a Final Adjudication and Order
7 in regard a licensee. His license was
8 suspended by the Board effective
9 December 13, 2021.

10 The Board did meet about this
11 matter in Executive Session. Are there
12 any questions regarding the Adjudication
13 and Order?

14 Is there a motion to adopt the
15 Adjudication and Order found at item 3?

16 CHAIR SWANK:

17 I offer a motion to accept the
18 Adjudication and Order for Case No. 21-
19 43-004261.

20 MS. MILEY:

21 Is there a second?

22 DR. AUKERMAN:

23 I'll second the motion of the
24 Adjudication and Order at Case No. 21-
25 43-004261.

1 MS. MILEY:

2 Is there any discussion at this time?

3 Roll call vote.

4

5 Dr. Swank, aye; Dr. Aukerman, aye; Ann

6 Johnston, aye; Commissioner Claggett,

7 aye.

8 [The motion carried unanimously.]

9

10 Report of Board Chair

11 [Michael Swank, D.C., Board Chair, commented that he
12 was honored to be elected to Board chair and would do
13 his best.]

14

15 Report of Board Administrator - No Report

16

17 Miscellaneous - Proposed Amendment to Section 5.62

18 [Tyesha C. Miley, Esquire, Board Counsel, informed
19 Board members that agenda item 5 concerning the
20 proposed amendment to Section 5.62 would be tabled
21 until the next meeting.]

22 Ms. Miley also asked phone callers to introduce
23 themselves.]

24

25 Miscellaneous - Federation of Chiropractic Licensing

1 Boards District Meeting

2 MS. MILEY:

3 Would the chair entertain a motion to
4 request approval for travel for Dr.
5 Aukerman for the September 29 through
6 October 1 meeting?

7 CHAIR SWANK:

8 Yes, I'd like to entertain approval for
9 Dr. Aukerman to go to the FCLB District
10 Meeting September 29 through October 1,
11 2022.

12 MS. MILEY:

13 Will you make the motion, Dr. Swank?

14 CHAIR SWANK:

15 I make the motion to approve that.

16 MS. MILEY:

17 Is there a second?

18 ACTING COMMISSIONER CLAGGETT:

19 Second.

20 MS. MILEY:

21 Is there any discussion? Hearing none.
22 We'll have a roll call vote.

23

24 Dr. Swank, aye; Dr. Aukerman, aye; Ann
25 Johnston, aye; Commissioner Claggett,

1 aye.

2 [The motion carried unanimously.]

3 ***

4 Public Comment

5 [George E. Khoury, D.C., District III Director,
6 Federation of Chiropractic Licensing Boards, offered
7 condolences from the Federation of Chiropractic
8 Licensing Boards (FCLB) regarding Dr. Halloran's
9 passing. He mentioned that Dr. Halloran was a
10 delegate for both the FCLB and the National
11 Chiropractic Board of Examiners from the State Board
12 of Chiropractic. He also offered the Federation of
13 Chiropractic Licensing Boards condolences to his wife
14 and family.]

15 Keith Miller, D.C., President, Pennsylvania
16 Chiropractic Association, also acknowledged the
17 passing of Dr. Halloran. He stated Dr. Halloran was a
18 former member of the Pennsylvania Chiropractic
19 Association (PCA) and served both as a member of the
20 association and a volunteer, as well as a volunteer
21 member of the state Board. He noted appreciation for
22 everything Dr. Halloran had done for their profession
23 in the last two years as the chairman. He offered
24 condolences to members of the Board, staff, patients,
25 and family.]

1 ***

2 Next Meeting Date

3 [Tyesha C. Miley, Esquire, Board Counsel, noted the

4 next scheduled meeting is October 6, 2022.]

5 ***

6 Adjournment

7 MS. MILEY:

8 I believe there will be a motion to

9 adjourn at this time.

10 Is there a motion?

11 DR. AUKERMAN:

12 I'll make a motion to adjourn the

13 meeting.

14 MS. MILEY:

15 Is there a second?

16 CHAIR SWANK:

17 I'll second that.

18 MS. MILEY:

19 It doesn't require a vote. Thank you

20 all for your time this morning. I'm

21 looking forward to the next meeting.

22 ***

23 [There being no further business, the State Board of

24 Chiropractic Meeting adjourned at 10:50 a.m.]

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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 meeting.



Cory Ruda,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF CHIROPRACTIC
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TIME	AGENDA
10:00	Executive Session
10:29	Return to Open Session
10:29	Official Call to Order
10:32	Introduction of Board Members/Attendees
10:33	New Business
10:36	Approval of Agenda
10:37	Approval of Minutes
10:38	Report of Prosecution
10:40	Report of Acting Commissioner
10:41	Report of Board Counsel
10:45	Miscellaneous
10:49	Public Comment
10:50	Adjournment