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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: 10:31 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**

October 6, 2022

State Board of Chiropractic

October 6, 2022

BOARD MEMBERS:

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

BUREAU PERSONNEL:

Timothy E. Gates, Chief Counsel, Department of State  
Carole Clarke Smith, Esquire, Senior Board Counsel  
Carolyn DeLaurentis, Deputy Chief Counsel,  
Prosecution  
Division  
Heather J. McCarthy, Esquire, Senior Board Prosecutor  
Tyesha 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  
Jennifer Smeltz, Republican Executive Director,  
Senate Consumer Protection & Professional Licensure  
Committee  
Kari Orchard, Democratic Executive Director, House  
Professional Licensure Committee  
Edward L. Nielsen, MHS, Executive Vice President,  
Pennsylvania Chiropractic Association  
Lori A. Behe

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State Board of Chiropractic

October 6, 2022

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[Pursuant to Section 708(a)(5) of the Sunshine Act, at 10:00 a.m. the Board entered into Executive Session with Tyesha C. Miley, Esquire, Board Counsel, to have attorney-client consultations and for the purpose of conducting quasi-judicial deliberations. The Board returned to open session at 10:30 a.m.]

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

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

\*\*\*

Official Call to Order

[Michael Swank, D.C., Chair, called the meeting of the State Board of Chiropractic to order at 10:31 a.m.]

1 \*\*\*

2 Approval of minutes of the August 4, 2022 meeting

3 MS. MILEY:

4 The first order of business is  
5 approval of the minutes from the  
6 Board's last meeting on August 4,  
7 2022.

8 Does the chair have a motion  
9 for approval of the minutes at this  
10 time?

11 CHAIR SWANK:

12 Yes, I do. I'd like to approve the  
13 minutes of August 4, 2022.

14 Can I have a second?

15 MS. JOHNSTON:

16 I second.

17 MS. MILEY:

18 Is there any discussion for that?  
19 Hearing none. Roll call vote.

20  
21 Dr. Swank, aye; Commissioner Claggett,  
22 Dr. Aukerman, aye; Ann Johnston, aye.

23 [The motion carried unanimously.]

24 \*\*\*

25 Report of Prosecution

1 [Colby B. Widdowson, Esquire, Board Prosecution  
2 Liaison, presented the Consent Agreement for Case  
3 No. 19-43-014863.]

4 MS. MILEY:

5 Does the chair have a motion to  
6 adopt the Consent Agreement as  
7 presented by prosecution at item 2,  
8 Case No. 19-43-014863?

9 CHAIR SWANK:

10 Yes, I'd like to accept the  
11 recommendation by the prosecutor in  
12 Case No. 19-43-014863. I'll make  
13 that motion.

14 MS. MILEY:

15 Who is seconding that motion?

16 DR. AUKERMAN:

17 I'll second the motion at Case No.  
18 19-43-014863.

19 MS. MILEY:

20 Is there any discussion? Hearing  
21 none. Roll call vote.

22

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

25 [The motion carried unanimously.]

1 \*\*\*

2 Approval of Agenda

3 MS. MILEY:

4 Dr. Aukerman, will you make the motion  
5 for the chair for approval of the  
6 agenda?

7 DR. AUKERMAN:

8 Yes, I would like to make a motion to  
9 approve the agenda.

10 MS. MILEY:

11 Ms. Johnston, are you seconding that  
12 motion?

13 MS. JOHNSTON:

14 Yes, I second the motion.

15 MS. MILEY:

16 Any discussion on that? May we have a  
17 roll call vote?

18

19 Dr. Swank, aye; Commissioner Claggett,

20 Dr. Aukerman, aye; Ann Johnston, aye.

21 [The motion carried unanimously.]

22

\*\*\*

23 Introduction of Board Members and Attendees

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

1 \*\*\*

2 Report of Acting Commissioner

3 [Arion R. Claggett, Acting Commissioner, Bureau of  
4 Professional and Occupational Affairs, thanked Mr.  
5 Nielsen and team from the Pennsylvania Chiropractic  
6 Association for raising some concerns about the rate  
7 the Board was approving continuing education (CE)  
8 providers.

9 Acting Commissioner Claggett informed everyone  
10 that the renewal period for chiropractors had been  
11 extended from September 1, 2022 to October 1, 2022.

12 He also mentioned an issue with the Pennsylvania  
13 Licensing System (PALS), where renewal was extended  
14 to November 1, 2022. He reported renewals are  
15 currently at 91 percent.

16 Edward Nielsen, MHS, Executive Vice President,  
17 Pennsylvania Chiropractic Association, requested  
18 additional information as to how everyone is being  
19 advised of the extension changes.

20 Acting Commissioner Claggett stated an email  
21 blast was sent out, along with the extension being  
22 added to the website.

23 Mr. Nielsen asked what the intent of the Bureau  
24 of Professional and Occupational Affairs (BPOA) is  
25 relative to the administration for the remaining

1 four or five months of this administration and  
2 whether there would be new doctors of chiropractic  
3 nominated to sit on the State Board.

4 Acting Commissioner Claggett stated he would be  
5 able to provide additional information regarding new  
6 nominations for the Board once the Senate is back in  
7 session in October and the next administration is  
8 looking forward to appointing new members.]

9 \*\*\*

10 Report of Board Counsel

11 [Tyesha C. Miley, Esquire, Board Counsel, noted item  
12 3 had been deemed moot and would be brought before  
13 the Board at a later time should necessary  
14 conditions be met.]

15 \*\*\*

16 Report of Board Chair

17 [Michael Swank, D.C., Chair, commented that the  
18 Board is looking forward to having new chiropractors  
19 come onboard and told anyone who may be interested  
20 to contact their senator to have their name  
21 presented for approval.]

22 \*\*\*

23 Report of Board Administrator - No Report

24 \*\*\*

25 New Business



1 [Tyesha C. Miley, Esquire, Board Counsel, noted there  
2 would be a State Board of Chiropractic Regulatory  
3 Meeting immediately following the regular Board  
4 meeting to discuss 16A-4335 regarding the  
5 chiropractic fee regulation.]

6 \*\*\*

7 Miscellaneous

8 [Michael Swank, D.C., Chair, mentioned he was  
9 supposed to attend the Federation of Chiropractic  
10 Licensing Boards Meeting in Florida, but it was  
11 canceled and not rescheduled at this time.]

12 \*\*\*

13 Public Comment

14 [Keith Miller, D.C., President, Pennsylvania  
15 Chiropractic Association, congratulated Dr. Swank on  
16 his nomination as chair and noted appreciation and  
17 respect for his service. He commented that he is  
18 looking forward seeing new Board members and thanked  
19 Dr. Aukerman and the rest of the Board members for  
20 their work also.

21 Dr. Miller noted the Pennsylvania Chiropractic  
22 Association (PCA) is looking forward to being a part  
23 of nominating chiropractors to protect and defend the  
24 scope of practice in Harrisburg.

25 Mr. Nielsen offered the Pennsylvania Chiropractic

1 Association's assistance with anything the State  
2 Board of Chiropractic may need.]

3 \*\*\*

4 Adjournment

5 MS. MILEY:

6 Dr. Aukerman, do you have a motion for  
7 the chair to adjourn this meeting.

8 DR. AUKERMAN:

9 I make a motion to adjourn the meeting  
10 of October 6, 2022, of the state  
11 Board.

12 MS. MILEY:

13 Is there a second?

14 CHAIR SWANK:

15 I'd like to second that.

16 \*\*\*

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

19 \*\*\*

20 [A State Board of Chiropractic Regulatory Meeting  
21 was held immediately following the regular Board  
22 meeting.]

23 \*\*\*

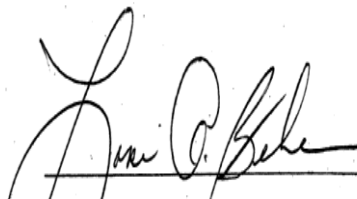
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## CERTIFICATE

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.

A handwritten signature in cursive script, appearing to read "Lori A. Behe", is written over a horizontal line.

Lori A. Behe,  
Minute Clerk  
Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF CHIROPRACTIC  
REFERENCE INDEX

October 6, 2022

## TIME

## AGENDA

10:00	Executive Session
10:30	Return to Open Session
10:31	Official Call to Order
10:31	Approval of Minutes
10:32	Report of Prosecution
10:36	Approval of Agenda
10:37	Introduction of Board Members/Attendees
10:38	Report of Acting Commissioner
10:41	Report of Board Counsel
10:41	Report of Board Chair
10:42	New Business
10:43	Miscellaneous
10:44	Public Comment
10:46	Adjournment

