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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: 9:03 A.M.

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

November 9, 2017

State Board of Chiropractic
November 9, 2017

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BOARD MEMBERS:

John E. McCarrin, DC, Chair
Kathryn L. Waters, Deputy Commissioner of Professional
and Occupational Affairs
George E. Khoury, DC, Secretary - Absent
William D. Aukerman, DC
J. Gerard Halloran, DC
Michael S. Swank, DC
Nicole VanOrder, Consumer Protection Member
Miriam Merry Woods, Public Member - Absent

BUREAU PERSONNEL:

Kerry Maloney, Esquire, Board Counsel
Anita Shekletski, Esquire, Board Prosecution
Liaison
Jason Anderson, Esquire, Board Prosecutor
Elizabeth Wecker, Board Administrator
Janelle Hawthorne, Intern, PA Department of State,
Counsel Division

ALSO PRESENT:

Ted Mowatt, Chiropractic Fellowship of PA
Edward Nielsen, MHS, Executive Vice President,
Pennsylvania Chiropractic Association

1 ***

2 State Board of Chiropractic

3 November 9, 2017

4 ***

5 The regularly scheduled meeting of the State
6 Board of Chiropractic was held on Thursday, November
7 9, 2017.

8 ***

9 Official Call to Order

10 [John E. McCarrin, DC, Chair, called the meeting to
11 order at 9:03 a.m. Kathryn L. Waters, Deputy
12 Commissioner of Professional and Occupational Affairs,
13 was not present at the commencement of the meeting.]

14 ***

15 Approval of Minutes of the September 21, 2017 meeting

16 CHAIR MCCARRIN:

17 Can we take the time to review the
18 Minutes from the last meeting.

19 [The Board discussed corrections to the Minutes.]

20 CHAIR MCCARRIN:

21 Did everybody else have time to review
22 the Minutes? Can we get a motion for
23 approval?

24 DR. HALLORAN:

25 I motion that we approve the Board

1 Minutes for the September 21, 2017
2 meeting as amended.

3 CHAIR MCCARRIN:

4 Second?

5 DR. AUKERMAN:

6 I'll make a motion to second.

7 [No vote was taken.]

8 ***

9 [Kathryn L. Waters, Deputy Commissioner, entered the
10 meeting at 9:04 a.m.]

11 ***

12 Report of Board Prosecutor - No Report

13 ***

14 Report of Deputy Commissioner

15 [Kathryn L. Waters, Deputy Commissioner of
16 Professional and Occupational Affairs, discussed
17 Executive Order 2017-03, which was signed by Governor
18 Wolf on October 24, 2017. Deputy Commissioner Waters
19 described the Executive Order as a review of the
20 Commonwealth's licensing process, including
21 educational requirements, licensing fees, and requests
22 for criminal background. She stated an advisory group
23 will gather information and provide reports with
24 regard to the matter.

25 Deputy Commissioner Waters requested Board

1 members to contact their Board Administrator if an
2 email with an attached memo and confidential
3 questionnaire was not received. She addressed email
4 technical issues and directed the Board Administrator
5 to contact the IT Department with any problems.]

6

7 Report of Regulatory/Board Counsel

8 [Kerry E. Maloney, Esquire, Board Counsel, referred
9 Board members to the Unlicensed Supportive Personnel
10 Annex for further discussion regarding approval of the
11 chiropractic specialties by the Governor's Policy
12 Office. He noted the Annex will be resubmitted with
13 new justification and moved as a priority. Mr.
14 Maloney explained the rulemaking procedures and
15 discussed the focus of Counsel on regulations.

16 Mr. Maloney noted Adjudications and Orders and
17 Motions to Enter Default for discussion during
18 Executive Session.

19 Mr. Maloney presented the proposed Unlicensed
20 Supportive Personnel Annex, the old Annex for
21 comparison and the court's decision for reference.

22 Mr. Maloney asked for comments from the Board.
23 Audience member Edward Nielsen, MHS, Executive Vice
24 President, PCA, stated the Pennsylvania Chiropractic
25 Association supports the draft as written.]

1 CHAIR MCCARRIN:

2 Is everyone in favor of moving forward
3 with this?

4 DR. HALLORAN:

5 I make a motion that we move forward
6 with these regulation proposals from
7 Annex A.

8 CHAIR MCCARRIN:

9 Second?

10 DR. AUKERMAN:

11 I'll second it.

12 CHAIR MCCARRIN:

13 Great. We'll just go all in favor?

14 [The motion carried unanimously.]

15 ***

16 (Mr. Maloney clarified an Exposure Draft will be
17 presented, then a draft Preamble and the Regulatory
18 Analysis Form.)

19 ***

20 Report of Board Chair - No Report

21 ***

22 Report of Board Administrator

23 [Elizabeth Wecker, Board Administrator, noted two
24 applications for discussion during Executive Session.]

25 ***

1 [Edward Nielsen, M.H.S., Executive Vice President,
2 Pennsylvania Chiropractic Association, discussed the
3 massive displacement and infrastructure damage in
4 Puerto Rico. Mr. Nielsen mentioned temporary
5 reciprocity for doctors from Puerto Rico who may want
6 to practice in Pennsylvania until the substructures
7 are reestablished.]

8 ***

9 [Kathryn Waters, Deputy Commissioner, exited the
10 meeting at 9:40 a.m.]

11 ***

12 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
13 9:40 a.m. the Board entered into Executive Session
14 with Kerry Maloney, Esquire, Board Counsel, for the
15 purpose of conducting quasi-judicial deliberations.
16 The Board returned to open session at 10:53 a.m.]

17 ***

18 MOTIONS

19 CHAIR MCCARRIN:

20 We're looking at the A&Os. The first
21 one is File No. 17-43-06621.

22 DR. HALLORAN:

23 Yes. This is in reference to George A.
24 McKay, D.C.; Docket No. 1076-43-17, File
25 No. 17-43-06621. I make a motion that

1 we file the Final Adjudication and Order
2 in this case.

3 CHAIR MCCARRIN:

4 Second?

5 MS. VANORDER:

6 Second.

7 CHAIR MCCARRIN:

8 Vote.

9

10 VanOrder, aye; Aukerman, aye; Swank,
11 aye; McCarrin, aye; Halloran, aye.

12 [The motion carried unanimously.]

13

14 CHAIR MCCARRIN:

15 On the next one, the BPOA vs. Lawrence
16 Charles Bennett, File No. 13-43-00930,
17 I motion to approve the A&O on this.

18 Do we have a second?

19 DR. HALLORAN:

20 Second.

21 CHAIR MCCARRIN:

22 Vote.

23

24 VanOrder, aye; Aukerman, aye; Swank,
25 aye; McCarrin, aye; Halloran, aye.

1 [The motion carried unanimously.]

2 ***

3 CHAIR MCCARRIN:

4 On the Hearing Examiner's Proposed
5 Adjudication of Hearing Record for David
6 Eugene Marshall, D.C., File No. 16-43-
7 14664, we need a motion on.

8 DR. SWANK:

9 I make a Proposal for Adjudication of
10 David Marshall's Hearing Record as
11 proposed.

12 CHAIR MCCARRIN:

13 Second, please.

14 DR. AUKERMAN:

15 I'll second it.

16 CHAIR MCCARRIN:

17 Vote.

18

19 VanOrder, aye; Aukerman; aye; Swank,
20 aye; McCarrin, aye; Halloran, aye.

21 [The motion carried unanimously.]

22 ***

23 CHAIR MCCARRIN:

24 In regards to Howard Van Nostrand's
25 Records, File No. 17-43-02352, I

1 believe, Nicole, you want this one.

2 MS. VANORDER:

3 Yes. I'd like to motion to have Board
4 Counsel Draft an Adjudication and Order
5 consistent with discussions in Executive
6 Session.

7 CHAIR MCCARRIN:

8 We need a second.

9 DR. SWANK:

10 Second.

11 CHAIR MCCARRIN:

12 Vote.

13

14 VanOrder, aye; Aukerman, aye; Swank,
15 aye; McCarrin, aye; Halloran, aye.

16 [The motion carried unanimously.]

17

18 CHAIR MCCARRIN:

19 The next one is File No. 15-43-09222,
20 Tariq Ahmad Arif, D.C. Dr. Halloran, I
21 believe you did this one.

22 DR. HALLORAN:

23 Yes. This is File No. 15-43-09222,
24 Docket No. 1368-43-17, Tariq Ahmad Arif,
25 D.C. I make a Motion to Grant the Facts

1 Admitted.

2 CHAIR MCCARRIN:

3 We need a second.

4 DR. AUKERMAN:

5 Second.

6 CHAIR MCCARRIN:

7 Vote.

8

9 VanOrder, aye; Aukerman, aye; Swank,
10 aye; McCarrin, aye; Halloran, aye.

11 [The motion carried unanimously.]

12 ***

13 CHAIR MCCARRIN:

14 Dr. Halloran makes a motion to Direct
15 Board Counsel to Draft an Adjudication
16 and Order consistent with the discussion
17 in our Executive Session.

18 Any second on that?

19 DR. SWANK:

20 Second.

21 CHAIR MCCARRIN:

22 Vote.

23

24 VanOrder, aye; Aukerman, aye; Swank,
25 aye; McCarrin, aye; Halloran, aye.

1 [The motion carried unanimously.]

2 ***

3 CHAIR MCCARRIN:

4 Now, we're moving down to review of
5 applications, the Application for David
6 Alfred Thorpe for License by
7 Reciprocity. I motion to approve.

8 We need a second.

9 DR. HALLORAN:

10 Second.

11 CHAIR MCCARRIN:

12 Vote.

13

14 VanOrder, aye; Aukerman, aye; Swank,
15 aye; McCarrin, aye; Halloran, aye.

16 [The motion carried unanimously.]

17 ***

18 CHAIR MCCARRIN:

19 On the next one, Erik R. Weston,
20 Application for License by Reciprocity.

21 DR. SWANK:

22 I ask for the Application to be approved
23 for Erik Weston.

24 CHAIR MCCARRIN:

25 We need a second.

1 DR. AUKERMAN:

2 Second.

3 CHAIR MCCARRIN:

4 Vote.

5

6 VanOrder, aye; Aukerman, aye; Swank,
7 aye; McCarrin, aye; Halloran, aye.

8 [The motion carried unanimously.]

9

10 Old Business - No Report

11

12 New Business

13 [Kerry Maloney, Esquire, Board Counsel, and Board
14 members further discussed the emergency regulation,
15 specifically in relation to the recent Puerto Rican
16 situation. Mr. Maloney explained that statutorily
17 regulations to waive licensure cannot be drafted. He
18 explained, under the Regulatory Review Act,
19 certifications would be required with regard to the
20 emergency regulation and it would take too long to
21 start an emergency regulation.

22 Mr. Maloney also explained that the Board's role
23 is to protect the citizens of the Commonwealth and not
24 the practice of a licensee. It was noted that the
25 Puerto Rican doctors could apply for licensure by

1 reciprocity whereby the doctors are fully licensed and
2 the public is protected.]

3 ***

4 Miscellaneous

5 Board Meeting Dates

6 [John E. McCarrin, DC, Chair, referred Board members
7 to the 2018 and proposed 2019 meeting dates for
8 further discussion.]

9 CHAIR MCCARRIN:

10 We need a motion for approval?

11 DR. HALLORAN:

12 I make a motion that the proposed Board
13 meeting dates be approved.

14 DR. SWANK:

15 Second.

16 CHAIR MCCARRIN:

17 All in favor?

18 [The motion carried unanimously.]

19 ***

20 Election of Officers

21 CHAIR MCCARRIN:

22 Anybody want to be a Chairperson?

23 DR. HALLORAN:

24 I prefer you to stay another year, but I
25 will do it.

1 CHAIR MCCARRIN:

2 I'll second you on that.

3 DR. HALLORAN:

4 Okay. I'll make a motion, and I will be
5 Chair.

6 CHAIR MCCARRIN:

7 Anyone else interested? Any other
8 nominations?

9

10 VanOrder, aye; Aukerman, I'm good with
11 it; Swank, aye; McCarrin, aye; Halloran,
12 aye.

13 [The motion carried unanimously.]

14

15 CHAIR MCCARRIN:

16 Now, we just need to do the Secretary.
17 Anybody want to be the Secretary? I'll
18 motion to be the Secretary.

19 I just need a second.

20 DR. HALLORAN:

21 Second.

22 CHAIR MCCARRIN:

23 I guess we should do a vote.

24

25 VanOrder, aye; Aukerman, aye; Swank,

1 aye; McCarrin, aye; Halloran, aye.

2 [The motion carried unanimously.]

3 ***

4 [The Board offered condolences to Miriam Merry Woods
5 on the passing of her father.]

6 ***

7 Adjournment

8 CHAIR MCCARRIN:

9 Motion to adjourn?

10 DR. AUKERMAN:

11 I'll make a motion to adjourn.

12 MS. VANORDER:

13 Second.

14 CHAIR MCCARRIN:

15 All in favor?

16 [The motion carried unanimously.]

17 ***

18 [There being no further business, the State Board
19 Chiropractic meeting adjourned at 11:14 a.m.]

20 ***

21 [The next State Board Chiropractic meeting is
22 scheduled for January 18, 2018.]

23 ***

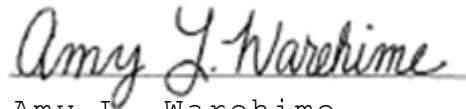
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CERTIFICATE

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.



Amy L. Warehime,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF CHIROPRACTIC
REFERENCE INDEX
November 9, 2017

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7	9:03	Official Call to Order
8		
9	9:03	Approval of Minutes
10		
11	9:04	Report of Deputy Commissioner
12		
13	9:09	Report of Regulatory/Board Counsel
14		
15	9:37	Report of Board Administrator
16		
17	9:40	Executive Session
18	10:53	Return to Open Session
19		
20	10:54	Motions
21		
22	11:01	New Business
23		
24	11:09	Miscellaneous
25		
26	11:14	Adjournment
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