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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: 10:30 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street
One Penn Center, Board Room C
Harrisburg, Pennsylvania 17110

VIA MICROSOFT TEAMS

April 20, 2023

State Board of Chiropractic
April 20, 2023

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BOARD MEMBERS:

William D. Aukerman, D.C., Chairperson
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Jonathan W. McCullough, D.C., Secretary
Ann R. Johnston, Senior Deputy Attorney General,
Office of Attorney General, Consumer Protection
Member
Doyle W. Young III, Public Member - Absent
Michael S. Swank, D.C.

BUREAU PERSONNEL:

Cynthia K. Montgomery, Esquire, Deputy Chief
Counsel, Counsel Division, Department of State
Carole Clarke Smith, Esquire, Senior Board Counsel
Tyasha C. Miley, Esquire, Board Counsel
J. Karl Geschwindt, Esquire, Acting Senior Board
Prosecutor
Colby B. Widdowson, Esquire, Board Prosecution
Liaison
Shakeena Chappelle, Board Administrator

ALSO PRESENT:

George E. Khoury, D.C., District III Director,
Federation of Chiropractic Licensing Boards
Keith Miller, D.C., President, Pennsylvania
Chiropractic Association
Edward L. Nielsen, MHS, Executive Vice President,
Pennsylvania Chiropractic Association
Ted Mowatt, CAE, Vice President, Wanner Associates,
on
behalf of the of the Chiropractor Fellowship of
Pennsylvania
Benjamin Morrow

1 ***

2 State Board of Chiropractic

3 April 20, 2023

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:30 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 10:30 a.m.]

11 ***

12 Official Call to Order

13 [William D. Aukerman, D.C., Chairperson, called the
14 meeting of the State Board of Chiropractic to order
15 at 10:30 a.m.]

16 ***

17 Introduction of Board Members and Attendees

18 [William D. Aukerman, D.C., requested an introduction
19 of Board members and attendees.]

20 ***

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

25 Ms. Miley noted the meeting was being held

1 pursuant to Act 100 of 2021 by way of virtual
2 meetings. She also noted a quorum has been
3 established by the use of the virtual platform.

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

8

9 Approval of minutes of the February 16, 2023 meeting

10 CHAIR AUKERMAN:

11 We'd like to have approval of the draft
12 minutes of the February 16, 2023
13 meeting.

14 Do we have a motion to approve
15 those?

16 DR. MCCULLOUGH:

17 I make a motion to accept the minutes.

18 CHAIR AUKERMAN:

19 Do we have a second to approve the
20 minutes?

21 DR. SWANK:

22 Second.

23 CHAIR AUKERMAN:

24 Is there any discussion on the draft
25 minutes from the February 16 meeting?

1 Hearing none. Let's have a roll call
2 vote to approve the draft minutes from
3 the February 16, 2023 meeting.

4
5 Dr. Aukerman, aye; Commissioner
6 Claggett, aye; Dr. McCullough, aye; Ann
7 Johnston, aye; Dr. Swank, aye.

8 [The motion carried unanimously.]

9 ***

10 Report of Prosecution

11 [Colby B. Widdowson, Esquire, Board Prosecution
12 Liaison, presented the Consent Agreement for Case No.
13 23-43-001998.]

14 ***

15 CHAIR AUKERMAN:

16 At this time, we want to make a motion
17 to approve the Consent Agreement and
18 Order at Case No. 23-43-001998.

19 Do we have a motion to approve the
20 Consent Agreement and Order?

21 DR. MCCULLOUGH:

22 I move that we adopt the Consent
23 Agreement.

24 CHAIR AUKERMAN:

25 Second?

1 DR. SWANK:

2 Second.

3 CHAIR AUKERMAN:

4 Is there any discussion? Roll call
5 vote.

6

7 Dr. Aukerman, aye; Commissioner
8 Claggett, aye; Dr. McCullough, aye; Ann
9 Johnston, aye; Dr. Swank, aye.

10 [The motion carried unanimously. The Respondent's
11 name at agenda item 2 at Case No. 23-43-001998 is
12 Ardel I. Cirio, D.C.]

13

14 Report of Acting Commissioner - No Report

15

16 Report of Board Counsel

17 CHAIR AUKERMAN:

18 MDFA Case No. 20-43-007972.

19 MS. MILEY:

20 Item found at number 3, the Motion to
21 Enter Default and Deem Facts Admitted
22 pertaining to licensee ??? VOICE 4:25
23 ??? 9:53 ROOM 19:24. At this time, I
24 request a motion.

25 CHAIR AUKERMAN:

1 At this time, we'd like to make a
2 Motion to Enter Default and Deem Facts
3 Admitted at Case No. 20-43-007972.

4 Is there a motion to approve the
5 Motion to Deem Facts Admitted and to
6 subsequently direct Board Counsel to
7 draft the Adjudication and Order in
8 accordance with the Board's discussions
9 in Executive Session?

10 Do we have a motion to approve that
11 item?

12 ACTING COMMISSIONER CLAGGETT:

13 So moved.

14 CHAIR AUKERMAN:

15 Do we have a second to approve that?

16 DR. MCCULLOUGH:

17 Second.

18 CHAIR AUKERMAN:

19 Is there any discussion on the matter?

20 No discussion. Roll call vote.

21

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

25 [The motion carried unanimously.]

Report of Regulatory Board Counsel

[Cynthia K. Montgomery, Esquire, Deputy Chief Counsel, Counsel Division, Department of State, stated the Board previously authorized promulgation of the proposed rulemaking for 16A-4322 regarding child abuse reporting requirements. She noted that the rulemaking was published as proposed in November 2022 for 30 days of public comment but received no comments.

Ms. Montgomery stated the Board waited another 30 days, where comments are normally received from the Independent Regulatory Review Commission but again received no comments.

Ms. Montgomery congratulated the Board, noting it is the first child abuse regulation with no comments. She informed Board members that it would be deemed approved if they return the rulemaking unchanged. She referred to the preamble and annex draft final rulemaking for 16A-4322.

Ms. Montgomery noted the preamble was short because it would normally have all the comments and also noted there were no changes to the proposed rulemaking published in November. She asked whether any Board members had any questions and requested a

1 vote to promulgate the final rulemaking.

2 Ms. Johnston thanked Ms. Montgomery for all of
3 her work on the regulation.]

4 CHAIR AUKERMAN:

5 We'd like to have a motion to
6 promulgate the final rulemaking as
7 drafted for the child abuse reporting
8 requirements as dictated by Attorney
9 Montgomery.

10 Do we have a motion for that?

11 DR. SWANK:

12 I make a motion to approve.

13 CHAIR AUKERMAN:

14 Do we have a second on that?

15 DR. MCCULLOUGH:

16 Second.

17 CHAIR AUKERMAN:

18 Any discussion? Could we have a roll
19 call vote?

20

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

24 [The motion carried unanimously.]

25

1 Report of Board Chair

2 [William D. Aukerman, D.C., Chairperson, addressed
3 Board member vacancies and informed everyone that
4 there have been applicants that the state is in the
5 process of vetting for the State Board of
6 Chiropractic.

7 Chair Aukerman commented that the Board is
8 pressing ahead with continuing education and other
9 matters to make Pennsylvania a safe and vibrant state
10 to practice chiropractic in the future.]

11 ***

12 Report of Board Administrator - No Report

13 ***

14 Old Business

15 [Jonathan W. McCullough, D.C., Secretary, asked
16 whether the proposed regulation regarding in-person
17 and distance learning continuing education (CE) hours
18 was approved since the last time he was on the Board.

19 Ms. Miley informed everyone that there would be a
20 regulatory update of all regulations at the June
21 meeting and that regulation would be addressed at
22 that time.]

23 ***

24 Miscellaneous

25 [William D. Aukerman, D.C., Chairperson, stated

1 Providers of Approved Continuing Education (PACE)
2 inclusion has been tabled until the June 29, 2023
3 meeting. He noted it is under review at the present
4 time and comments would be addressed at the next
5 meeting.]

6

7 Public Comment Period

8 [Edward L. Nielsen, MHS, Executive Vice President,
9 Pennsylvania Chiropractic Association, commented that
10 a national program just ended with a listing of all
11 of the states that approved that particular program
12 but Pennsylvania is pending. He stated the
13 Pennsylvania Chiropractic Association (PCA) supports
14 PACE for consideration and respectfully requested a
15 decision be made.

16 Chair Aukerman again noted that not enough
17 information is available for today's meeting but
18 would be addressed at the next meeting.

19 George E. Khoury, D.C., District III Director,
20 Federation of Chiropractic Licensing Boards, informed
21 everyone that the Federation of Chiropractic
22 Licensing Boards 96th Annual Conference is next week.

23 He noted that PACE is an ongoing issue and is going
24 to require a regulatory change legislatively through
25 the state. He offered to provide assistance to

1 Pennsylvania for PACE to be approved.

2 Chair Aukerman noted that he would be attending
3 the Federation of Chiropractic Licensing Boards
4 Conference next week and obtain more details
5 regarding how PACE would benefit licensees.]

6 ***

7 Adjournment

8 CHAIR AUKERMAN:

9 Do we have a motion to adjourn the
10 meeting?

11 DR. SWANK:

12 I make a motion to adjourn.

13 DR. MCCULLOUGH:

14 Second.

15 CHAIR AUKERMAN:

16 This concludes the meeting of the State
17 Board of Chiropractic for April 20,
18 2023.

19 ***

20 [There being no further business, the State Board of
21 Chiropractic Meeting adjourned at 10:55 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.

Benjamin Morrow

Benjamin Morrow,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF CHIROPRACTIC
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TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:31	Introduction of Board Members/Attendees
10:32	Approval of Minutes
10:34	Report of Prosecution
10:39	Report of Board Counsel
10:42	Report of Regulatory Board Counsel
10:47	Report of Board Chair
10:48	Old Business
10:50	Miscellaneous
10:51	Public Comment Period
10:55	Adjournment