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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.

**PENNSYLVANIA DEPARTMENT OF STATE**

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

**VIA MICROSOFT TEAMS**

August 10, 2023

State Board of Chiropractic  
August 10, 2023

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:

Tyesha C. Miley, Esquire, Board Counsel  
J. Karl Geschwindt, Esquire, Acting Senior Board  
Prosecutor  
Colby B. Widdowson, Esquire, Board Prosecution  
Liaison  
Shakeena Chappelle, Board Administrator  
Andrew LaFratte, MPA, Deputy Policy Director,  
Department of State  
Marc Farrell, Esquire, Regulatory Counsel,  
Office of Chief Counsel, Department of State

ALSO PRESENT:

George E. Khoury, D.C., District III Director,  
Federation of Chiropractic Licensing Boards  
Chris Young, D.C., Secretary, Pennsylvania  
Chiropractic Association  
Jennifer Smeltz, Republican Executive Director,  
Senate  
Consumer Protection & Professional Licensure  
Keith Miller, D.C., President, Pennsylvania  
Chiropractic Association  
Edward L. Nielsen, MHS, Executive Vice President,  
Pennsylvania Chiropractic Association  
Sophia Mahoney

1 \*\*\*

2 State Board of Chiropractic

3 August 10, 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 [Tyesha C. Miley, Esquire, Board Counsel, informed  
13 everyone that the meeting was being recorded, and  
14 those who continued to participate were giving their  
15 consent to be recorded.

16 Ms. Miley noted the meeting was being held  
17 pursuant to Act 100 of 2021 by way of a hybrid format  
18 to effectuate the business of the Board.

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

23 \*\*\*

24 Official Call to Order

25 [William D. Aukerman, D.C., Chairperson, called the

1 meeting of the State Board of Chiropractic to order  
2 at 10:31 a.m.]

3 \*\*\*

4 Introduction of Board Members and Attendees  
5 [William D. Aukerman, D.C., requested an introduction  
6 of Board members and attendees.]

7 \*\*\*

8 Approval of minutes of the June 29, 2023 meeting

9 CHAIR AUKERMAN:

10 We would like to move on to approval of  
11 the draft minutes from June 29, 2023.

12 DR. MCCULLOUGH:

13 I move that we accept the minutes as  
14 drafted.

15 CHAIR AUKERMAN:

16 Do we have a second?

17 DR. SWANK:

18 Second.

19 CHAIR AUKERMAN:

20 Do we have any discussion on the  
21 minutes? Take a roll call vote,  
22 Shakeena.

23

24 Dr. Aukerman, aye; Commissioner

25 Claggett, aye; Dr. McCullough, aye; Ann

1                   Johnston, abstain; Dr. Swank, aye.  
2 [The motion carried. Ann Johnston abstained from  
3 voting on the motion.]

4   \*\*\*  
5 [Ann R. Johnston, Senior Deputy Attorney General,  
6 Consumer Protection Member, exited the meeting at  
7 10:33 a.m. for recusal purposes.]

8   \*\*\*  
9 Report of Prosecution  
10 [Colby B. Widdowson, Esquire, Board Prosecution  
11 Liaison, presented the Consent Agreement for Case No.  
12 23-43-006798.]

13 CHAIR AUKERMAN:

14   I would like to have a motion to adopt  
15   the Consent Agreement and Order at Case  
16   No. 23-43-006798.

17 DR. MCCULLOUGH:

18   I make a motion to accept the Consent  
19   Agreement.

20 DR. SWANK:

21   Second.

22 CHAIR AUKERMAN:

23   Do we have a discussion on this issue?  
24   No discussion. Can we have a roll call  
25   vote, Shakeena?

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Dr. Aukerman, aye; Commissioner  
Claggett, aye; Dr. McCullough, aye; Dr.  
Swank, aye.

[The motion carried. Ann Johnston recused herself  
from deliberations and voting on the motion. The  
Respondent's name for item 2 at Case No. 23-43-006798  
is Ryan Dean Fralick, D.C.]

\*\*\*

[Ann R. Johnston, Senior Deputy Attorney General,  
Consumer Protection Member, reentered the meeting at  
10:37 a.m.]

\*\*\*

[Colby B. Widdowson, Esquire, Board Prosecution  
Liaison, presented the Consent Agreement for Case No.  
22-43-014864.]

CHAIR AUKERMAN:

We would like to have a motion to adopt  
the Consent Agreement and Order at Case  
No. 22-43-014864.

DR. MCCULLOUGH:

I make a motion to adopt the Consent  
Agreement as written.

DR. SWANK:

Second.

1 CHAIR AUKERMAN:

2 Is there a discussion? No discussion.

3 We'll have a roll call vote.

4

5 Dr. Aukerman, aye; Commissioner

6 Claggett, aye; Dr. McCullough, aye; Ann

7 Johnston, aye; Dr. Swank, aye.

8 [The motion carried unanimously. The Respondent's  
9 name for item 3 at Case No. 22-43-014864 is Alexander  
10 Jon Holtzman, D.C.]

11 \*\*\*

12 Report of Acting Commissioner

13 [Arion R. Claggett, Acting Commissioner, Bureau of  
14 Professional and Occupational Affairs, informed  
15 everyone that continuing education paper applications  
16 would be moving online on September 29, 2023. He  
17 also noted they would be accepting Providers of  
18 Approved Continuing Education (PACE) courses on  
19 September 29, 2023, as well.]

20 \*\*\*

21 Report of Board Counsel

22 [Tyesha C. Miley, Esquire, Board Counsel, noted Board  
23 Counsel did not have a report at this time.]

24 \*\*\*

25 Report of Board Chair

1 [William D. Aukerman, D.C., Chairperson, welcomed Dr.  
2 Brian Moreland from Westmoreland County, who would be  
3 starting as a new Board member at the October 12,  
4 2023 meeting. He noted the Board has one  
5 professional member and one public member seat open  
6 and asked anyone who may be interested to submit  
7 their application.]

8

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9 Report of Board Administrator

10 [Shakeena Chappelle, Board Administrator, informed  
11 Board members that the governor was issued a Letter  
12 of Commendation for their Board from the Federation  
13 of Chiropractic Licensing Boards (FCLB) and provided  
14 a summary of the letter. She noted special  
15 recognition was extended to the Board Chair, William  
16 Aukerman, and former Board Chair, Dr. George Khoury.]

17

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18 New Business

19 [Tyesha C. Miley, Esquire, Board Counsel, informed  
20 everyone that the Independent Regulatory Review  
21 Commission (IRRC) announced 16A-4322 regarding child  
22 abuse reporting requirements would be reviewed at  
23 their public meeting on September 21, 2023, at 10  
24 a.m. She stated that any further updates would be  
25 provided at the October Board meeting.]



1 \*\*\*

2 Report of Regulatory Board Counsel - General  
3 Revisions

4 [Tyesha C. Miley, Esquire, Board Counsel, provided  
5 updates for 16A-4328 regarding general revisions.  
6 She noted the general revisions would include the  
7 delegation of unlicensed supportive personnel, which  
8 is inclusive of the delegation of therapeutic  
9 exercises based on internal review, and would be  
10 added to the language that exists in the current  
11 general revisions.]

12 \*\*\*

13 Appointment - Introduction

14 [Michael McDonald, Policy Director, Department of  
15 State, introduced himself and provided a brief  
16 history of his professional background. He informed  
17 everyone that the policy office works with all of  
18 program areas and licensing boards and commissions to  
19 develop new policy ideas and research legislation  
20 that may be circulating in the General Assembly.

21 Mr. McDonald noted they work closely with Board  
22 Counsel to help review and draft regulations or  
23 implement a new policy. He also noted they research  
24 what is going on in other jurisdictions and across  
25 Pennsylvania that could have an impact on the

1 licensing population and citizens of Pennsylvania.

2 Mr. McDonald encouraged Board members to reach  
3 out to him or Deputy Policy Director Andrew LaFratte  
4 as a resource for any questions or concerns.

5 Mr. McDonald thanked Board members for their  
6 service to the licensees and citizens of the  
7 Commonwealth of Pennsylvania.

8 Chair Aukerman thanked Mr. McDonald for his time  
9 and effort.]

10

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11 Report of Regulatory Board Counsel - General  
12 Revisions [Tyesha C. Miley, Esquire, Board Counsel,  
13 stated that the delegation for therapeutic exercises  
14 be assisted by unlicensed supportive personnel, which  
15 was originally designated 16A-4333, would be rolled  
16 into the general revisions. She noted the Board  
17 needs to determine whether any additions or deletions  
18 to 16A-4333 would be necessary since it is a couple  
19 of years old.

20 Ms. Miley believed part of the discussion was to  
21 specifically state therapeutic exercises in 16A-4333  
22 but referred to Section 7, where it says performing  
23 therapeutic exercises and activities to include setup  
24 of any equipment, provision of the contact, direct  
25 one-on-contact, or constant attendance necessary to

1 achieve the desired therapeutic results of the  
2 exercise or activity pursuant to the order of the  
3 licensed chiropractor who is certified to use  
4 adjunctive procedures.

5 Ms. Miley also noted the order for the  
6 therapeutic exercise must be in writing and must  
7 define the exercises and activities to be performed,  
8 as well as the details of how the exercise is to be  
9 performed.

10 Ms. Miley mentioned that it may also help to  
11 address what is identified at item 10 on the agenda  
12 and whether that encapsulates what the Board wants in  
13 terms of therapeutic exercises or to expand that out  
14 more or take some things away from that description.

15 She noted that goes to the heart of what is  
16 identified at number 10 in terms of delegation of  
17 therapeutic exercises. She also noted it talks about  
18 other exercises and things supportive personnel could  
19 do, including traction.

20 Ms. Miley commented that the goal is to conclude  
21 the discussion so regulations can move forward, and  
22 the Board agreed to move forward. She noted the  
23 draft would be put into the general revisions at 16A-  
24 4328 and further explained that it would mean adding \$  
25 5.54 to the general revisions and \$ 5.81 to that

1 section for it to be one regulatory package.

2 Keith Miller, D.C., President, Pennsylvania  
3 Chiropractic Association, noted receiving a copy of  
4 the proposed rulemaking that talked about all of the  
5 different fees but did not a copy of the proposed  
6 regulation for delegation.

7 Ms. Miley explained that the rulemaking was in  
8 the drafting phase, and he would receive a copy when  
9 the Board takes action on the item for stakeholder  
10 public comment.]

11 \*\*\*

12 Report of Regulatory Board Counsel - Licensure by  
13 Endorsement Pursuant to Act 41

14 [Tyesha C. Miley, Esquire, Board Counsel, informed  
15 Board members that the drafting of 16A-4334 regarding  
16 licensure by endorsement pursuant to Act 41 is almost  
17 complete. She mentioned that the Board may be able  
18 to take action at the October meeting and put that  
19 forth for stakeholder comment.]

20 \*\*\*

21 Report of Regulatory Board Counsel - Fees

22 [Tyesha C. Miley, Esquire, Board Counsel, noted 16A-  
23 4335 regarding fees has been published in the  
24 *Pennsylvania Bulletin* and has gone through  
25 essentially all of the internal processes.]

1 \*\*\*

2 Adjournment

3 CHAIR AUKERMAN:

4 I'll make a motion to adjourn the  
5 meeting.

6 DR. MCCULLOUGH:

7 I make a motion to adjourn the meeting.

8 DR. SWANK:

9 Second.

10 CHAIR AUKERMAN:

11 This concludes the meeting of August  
12 10, 2023, of the State Board of  
13 Chiropractic.

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15 [There being no further business, the State Board of  
16 Chiropractic Meeting adjourned at 10:57 a.m.]

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CERTIFICATE

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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.



Sophia Mahoney,  
Minute Clerk  
Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF CHIROPRACTIC  
REFERENCE INDEX

August 10, 2023

|    | TIME  | AGENDA                                  |
|----|-------|---|
| 1  |       |   |
| 2  |       |   |
| 3  |       |   |
| 4  |       |   |
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| 8  | 9:30  | Executive Session                       |
| 9  | 10:30 | Return to Open Session                  |
| 10 |       |   |
| 11 | 10:31 | Official Call to Order                  |
| 12 |       |   |
| 13 | 10:31 | Introduction of Board Members/Attendees |
| 14 |       |   |
| 15 | 10:32 | Approval of Minutes                     |
| 16 |       |   |
| 17 | 10:33 | Report of Prosecution                   |
| 18 |       |   |
| 19 | 10:41 | Report of Acting Commissioner           |
| 20 |       |   |
| 21 | 10:41 | Report of Board Chair                   |
| 22 |       |   |
| 23 | 10:42 | Report of Board Administrator           |
| 24 |       |   |
| 25 | 10:44 | New Business                            |
| 26 |       |   |
| 27 | 10:45 | Report of Regulatory Counsel            |
| 28 |       |   |
| 29 | 10:46 | Appointment - Michael McDonald          |
| 30 |       |   |
| 31 | 10:49 | Report of Regulatory Counsel (cont.)    |
| 32 |       |   |
| 33 | 10:57 | Adjournment                             |
| 34 |       |   |
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