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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

December 14, 2023

State Board of Chiropractic
December 14, 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 Jr., D.C., Secretary
Ann R. Johnston, Senior Deputy Attorney General,
Office of Attorney General, Consumer Protection
Member
Michael S. Swank, D.C.
Brian Moreland, D.C.

BUREAU PERSONNEL:

Shana M. Walter, Esquire, Senior Board Counsel
Thomas M. Davis, Esquire, Interim Board Counsel
J. Karl Geschwindt, Esquire, Acting Senior Board
Prosecutor
William A. Newport, Esquire, Board Prosecution
Liaison
Adrienne McClendon, Esquire, Board Prosecutor
Julius Zeitlinger, Esquire, Board Prosecutor
Shakeena Chappelle, Board Administrator
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State

ALSO PRESENT:

Doug Babin, CPCU, AIC, CIFI, FCLS, State Farm
Insurance Companies Special Investigative Unit
President- Pennsylvania Auto Crime Investigator's
Association
Keith Miller, D.C., President, Pennsylvania
Chiropractic Association
Angie Armbrust, Senior Associate, McNees-Winter
Group LLC
Andrew Heck, D.C., President-Elect, Pennsylvania
Chiropractic Association
Jennifer Smeltz, Republican Executive Director,
Senate Consumer Protection & Professional Licensure
George E. Khoury, D.C., District III Director,
Federation of Chiropractic Licensing Boards
Madeline Helmstetter

1 ***

2 State Board of Chiropractic

3 December 14, 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 Thomas M. Davis, Esquire, Interim Board Counsel,
8 to have attorney-client consultations and for the
9 purpose of conducting quasi-judicial deliberations.
10 The Board 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 Approval of minutes of the October 12, 2023 meeting

22 CHAIR AUKERMAN:

23 We're on to approval of the draft
24 minutes from the October 12, 2023 Board
25 meeting.

1 Do we have a motion to approve
2 those minutes?

3 DR. MCCULLOUGH:

4 So moved.

5 DR. SWANK:

6 Second.

7 CHAIR AUKERMAN:

8 We need a roll call to approve those,
9 Shakeena.

10

11 Dr. Aukerman, aye; Commissioner
12 Claggett, abstain; Dr. McCullough, aye;
13 Ann Johnston, aye; Dr. Swank, aye; Dr.
14 Moreland, aye.

15 [The motion carried. Arion Claggett abstained from
16 voting on the motion.]

17

18 [Thomas M. Davis, Esquire, Interim Board Counsel,
19 informed everyone that the meeting was being
20 recorded, and those who continued to participate were
21 giving their consent to be recorded.

22 Mr. Davis also noted the Board entered into
23 Executive Session for the purpose of conducting
24 quasi-judicial deliberations and to receive advice of
25 counsel on the matters upon which the Board would

1 later vote.

2 Mr. Davis noted for the record that he would be
3 serving as Board Counsel for this meeting, and all
4 Board members are present in the room with the
5 exception of Ms. Johnston attending virtually.]

6 ***

7 Report of Prosecution

8 [Adrienne McClendon, Esquire, Board Prosecutor,
9 presented the Consent Agreements for Case No. 23-43-
10 012988 and Case No. 23-43-014229.]

11 ***

12 [J. Karl Geschwindt, Esquire, Acting Senior
13 Prosecutor, presented the Consent Agreements for Case
14 No. 23-43-014364 and Case No. 22-43-004540. He noted
15 the Commonwealth has withdrawn the Consent Agreement
16 at item 6 from consideration.]

17 ***

18 MR. DAVIS:

19 Now that the Board has heard from the
20 prosecutors in these cases, does any
21 member of the Board wish to reenter
22 into Executive Session to further
23 discuss these matters before voting on
24 them? Hearing none.

25 I will move back to number 2 on the

1 Board's agenda. Based on the Board's
2 discussions in Executive Session, I
3 believe the Chair would accept a motion
4 to approve the Consent Agreement in the
5 following matter: Case No. 23-43-
6 012988.

7 DR. MCCULLOUGH:

8 So moved.

9 DR. SWANK:

10 Second.

11 CHAIR AUKERMAN:

12 Is there a discussion? No discussion.
13 Take a roll call vote, Shakeena.

14

15 Dr. Aukerman, aye; Commissioner
16 Claggett, aye; Dr. McCullough, aye; Ann
17 Johnston, aye; Dr. Swank, aye; Dr.
18 Moreland, aye.

19 [The motion carried unanimously. That is
20 Commonwealth BPOA v. Christopher Andrew Gouse, D.C.]

21

22 MR. DAVIS:

23 Moving to number 3, based on the
24 Board's discussions in Executive
25 Session, I believe the Chair would

1 accept a motion to approve the Consent
2 Agreement in the following matter:
3 Case No. 23-43-014229.

4 DR. MCCULLOUGH:

5 So moved.

6 DR. SWANK:

7 Second.

8 CHAIR AUKERMAN:

9 Is there a discussion? No discussion.
10 May I have a roll call vote, Shakeena.

11

12 Dr. Aukerman, aye; Commissioner
13 Claggett, aye; Dr. McCullough, aye; Ann
14 Johnston, aye; Dr. Swank, aye; Dr.
15 Moreland, aye.

16 [The motion carried unanimously. The licensee's name
17 has been withheld because the licensee is entering
18 into the Voluntary Recovery Program. The licensee's
19 participation in that program will remain
20 confidential provided that the licensee abides by the
21 terms and conditions of that program.]

22

23 MR. DAVIS:

24 Moving to number 4 on the Board's
25 agenda, based on the Board's

1 discussions in Executive Session, I
2 believe the Chair would accept a motion
3 to approve the Consent Agreement in the
4 following matter: Case No. 23-43-
5 014364.

6 DR. MCCULLOUGH:

7 So moved.

8 CHAIR AUKERMAN:

9 Second?

10 DR. SWANK:

11 Second.

12 CHAIR AUKERMAN:

13 Any discussion? May I have a roll call
14 vote, Shakeena.

15

16 Dr. Aukerman, aye; Commissioner
17 Claggett, aye; Dr. McCullough, aye; Ann
18 Johnston, recuse; Dr. Swank, aye; Dr.
19 Moreland, aye.

20 [The motion carried. Ann Johnston recused herself
21 from deliberations and voting on the motion. That is
22 Commonwealth BPOA v. Philip O'Brien, D.C.]

23

24 MR. DAVIS:

25 Moving on to number 5, based on the

1 Board's discussions in Executive
2 Session, I believe the Chair would
3 accept a motion to approve the Consent
4 Agreement in the following matter:
5 Case No. 22-43-004540.

6 CHAIR AUKERMAN:

7 May I have a motion to approve that
8 Consent Agreement?

9 DR. MCCULLOUGH:

10 So moved.

11 Second?

12 DR. SWANK:

13 Second.

14 CHAIR AUKERMAN:

15 Any discussion? Could we have a roll
16 call vote, Shakeena, please?

17

18 Dr. Aukerman, aye; Commissioner
19 Claggett, aye; Dr. McCullough, aye; Ann
20 Johnston, aye; Dr. Swank, aye; Dr.
21 Moreland, aye.

22 [The motion carried unanimously. That is
23 Commonwealth BPOA v. Michael Anthony Piszell, D.C.]

24

25 MR. DAVIS:

1 As mentioned, number 6 has been tabled.

2 ***

3 Report of Acting Commissioner

4 [Arion R. Claggett, Acting Commissioner, Bureau of
5 Professional and Occupational Affairs, informed Board
6 members that all Board meetings going forward would
7 be held at 2525 North 7th Street in Harrisburg. He
8 mentioned that the Board's agenda and website would
9 be updated.

10 Acting Commissioner Claggett also informed Board
11 members that the request for proposal (RFP) for the
12 Pennsylvania Licensing System (PALS) replacement was
13 issued on September 28, 2023, and closed on November
14 30, 2023. He noted bids are currently being reviewed
15 and offered to provide an update as they move
16 forward.]

17 ***

18 Report of Board Counsel - Final Adjudication and
19 Order

20 MR. DAVIS:

21 Number 7 on the Board's agenda. This
22 is another matter that was discussed in
23 Executive Session, so I have a prepared
24 motion.

25 Based on the Board's discussions in

1 Executive Session, I believe the Chair
2 would accept a motion to approve as
3 Final the Draft Adjudication and Order
4 in the following matter: Commonwealth
5 BPOA v. Larry Sabel, D.C., Case No. 18-
6 43-0011786.

7 DR. MCCULLOUGH:

8 So moved.

9 DR. SWANK:

10 Second.

11 CHAIR AUKERMAN:

12 Any discussion? May we please have a
13 roll call vote, Shakeena?

14

15 Dr. Aukerman, aye; Commissioner
16 Claggett, aye; Dr. McCullough, aye; Ann
17 Johnston, aye; Dr. Swank, aye; Dr.
18 Moreland, aye.

19 [The motion carried unanimously.]

20

21 MR. DAVIS:

22 Number 8 has been tabled.

23

24 Report of Board Chair

25 MR. DAVIS:

1 Based on the Board's discussions in
2 open session, I believe the Chair would
3 accept a motion to allow Dr. Aukerman
4 to represent the Board at the May 2024
5 FCLB Meeting in Phoenix, Arizona, and
6 allow for the reasonable expenditure of
7 Board funds for travel, lodging, food,
8 etc., should it become necessary.

9 DR. MCCULLOUGH:

10 So moved.

11 DR. SWANK:

12 Second.

13 CHAIR AUKERMAN:

14 Any discussion? Take a roll call vote.

15

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

20 [The motion carried unanimously.]

21

22 Report of Board Chair

23 [William D. Aukerman, D.C., Chairperson, noted the
24 Board has one professional and two public member
25 openings and encouraged anyone interested to forward

1 their applications to Board members or Acting
2 Commissioner Claggett.]

3 ***

4 Report of Board Administrator - Vote for 2024 Board
5 Officers

6 MR. DAVIS:

7 According to the Chiropractic Act, the
8 Board shall annually select from among
9 its members a Chairperson and a
10 Secretary.

11 For the position of Chairperson,
12 I'll open the floor for nominations.

13 DR. MCCULLOUGH:

14 I'd like to nominate Dr. Aukerman to be
15 the Board Chairman.

16 DR. SWANK:

17 Second.

18 MR. DAVIS:

19 Dr. Aukerman, do you consent to the
20 nomination?

21 DR. AUKERMAN:

22 Yes.

23 MR. DAVIS:

24 Dr. Aukerman has been nominated. Are
25 there any further nominations? Hearing

1 no other nominations.

2 The nominations are now closed, and
3 being that Dr. Aukerman is the only
4 candidate for the position of Board
5 Chair, he could be elected by
6 acclamation, but being that we are
7 virtual, I ask that we have a vote as
8 typical.

9 MS. CHAPPELLE:

10 Dr. Aukerman, aye; Commissioner
11 Claggett, aye; Dr. McCullough, aye; Ann
12 Johnston, aye; Dr. Swank, aye; Dr.
13 Moreland, aye.

14 [The motion carried unanimously.]

15 ***

16 MR. DAVIS:

17 For the position of Secretary, I'll
18 open the floor for nominations.

19 DR. MORELAND:

20 I'd like to nominate Dr. Jonathan
21 McCullough.

22 MR. DAVIS:

23 Dr. McCullough, do you consent to the
24 nomination?

25 DR. MCCULLOUGH:

1 Yes.

2 MR. DAVIS:

3 Dr. McCullough has been nominated. Are
4 there any further nominations for the
5 position of Secretary? Hearing no
6 other nominations.

7 The nominations are now closed, and
8 being that Dr. Aukerman is the only
9 candidate for the position of Board
10 Secretary, he could be elected by
11 acclamation, but being that we are
12 virtual, I ask that we have a Board
13 vote as per usual.

14 MS. CHAPPELLE:

15 Dr. Aukerman, aye; Commissioner
16 Claggett, aye; Dr. McCullough, aye; Ann
17 Johnston, aye; Dr. Swank, aye; Dr.
18 Moreland, aye.

19 [The motion carried unanimously.]

20 ***

21 Regulatory Report

22 [Thomas M. Davis, Esquire, Regulatory Counsel,
23 informed Board members that the child abuse reporting
24 requirements were published on November 4. He noted
25 the Board currently has four active regulations. He

1 referred to the fees regulation, noting a
2 considerable number of comments related to the
3 continuing education (CE) course approval fee, which
4 may be going up to \$100 or \$120. He mentioned that
5 he is looking into reducing that amount, and he and
6 Ms. Miley are working on the final draft.]

7 ***

8 Pennsylvania Legislation Update

9 [Thomas M. Davis, Esquire, Regulatory Counsel,
10 Interim Board Counsel, referred to House Bill 630
11 regarding certified chiropractic assistants. He
12 informed Board members that the legislature is
13 looking into certifying chiropractic assistants,
14 noting it is not a law. He suggested anyone with
15 input to contact their local representative and noted
16 it is available on the legislative website.

17 Mr. Davis explained that the Board does not put
18 forth legislation and does not have the ability to
19 make changes or amendments.]

20 ***

21 Public Comment

22 [Keith Miller, D.C., President, Pennsylvania
23 Chiropractic Association, suggested the Board put
24 forth a standardized submission process with
25 frequently asked questions (FAQ) and guidelines on

1 how the Providers of Approved Continuing Education
2 (PACE) and CE process works. He requested
3 confirmation in print as to whether they would need
4 to submit one single application or three for a
5 course taught in three different locations on
6 different dates.

7 Dr. Miller addressed the CE approval process,
8 noting the length of CE approval is damaging the
9 ability for good CE to happen in the Commonwealth and
10 requested the Board standardize the process and
11 provide a faster approval time. He explained that
12 vendors have to rent the space and travel, and people
13 incur expenses that are nonrefundable when courses
14 are not approved until three or four days before the
15 course.

16 Dr. Miller mentioned that many of the courses are
17 canceled because they have not heard from the state
18 and cannot guarantee the course. He commented that
19 some people are now either leaving the state for CEs
20 or receiving online CEs from large mass CE
21 clearinghouses rather than keeping it to in-state
22 doctors. He stated a faster approval time would be
23 good for chiropractors, patients, and the
24 Commonwealth's economy.

25 Dr. Miller offered to answer any questions

1 concerning House Bill 630, noting PCA stands behind
2 the state Board's belief that it is already in their
3 scope. He noted the Board is looking into
4 regulations to clarify that over the State Farm v.
5 Cavuto case, noting PCA supports that instead of
6 House Bill 630.

7 Dr. Miller commented that House Bill 630 is only
8 coming out of necessity because the process to
9 restore delegation to what they believe is already in
10 their scope has gone on so long that it is damaging
11 the ability for them to attract more doctors. He
12 noted the number of licensees is going down and
13 students are not coming to Pennsylvania because they
14 cannot practice to the full extent. He mentioned
15 there is already a reduction in healthcare
16 professionals in Pennsylvania, noting the governor
17 put together a task force to try to get more
18 healthcare workers.

19 Dr. Miller stated chiropractors are a primary
20 urgent care provider for musculoskeletal and
21 neurologic pain. He commented that students are
22 living in the Commonwealth but leaving the state for
23 school and not coming back, noting PCA supports the
24 Board's initiative to strengthen their position as a
25 state where people want to be a doctor.

1 Acting Commissioner Claggett stated the Board
2 would commit to creating the FAQ document for the
3 website before the next meeting.]

4

5 [William D. Aukerman, D.C., Chairperson, noted 2024
6 Board meeting dates are February 8, April 18, June
7 13, August 22, and October 17. He mentioned that the
8 December 8, 2024 meeting has been canceled and
9 informed everyone that the February 8, 2024 meeting
10 would be held in the new building.]

11

12 Adjournment

13 CHAIR AUKERMAN:

14 Could we have a motion to adjourn the
15 meeting?

16 DR. MCCULLOUGH:

17 I'll make that motion.

18 DR. SWANK:

19 Second.

20 CHAIR AUKERMAN:

21 This concludes the meeting.

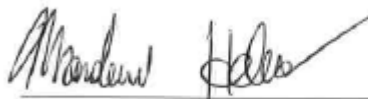
22

23 [There being no further business, the State Board of
24 Chiropractic Meeting adjourned at 11:01 a.m.]

25

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.



Madeline Helmstetter,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF CHIROPRACTIC
REFERENCE INDEX

December 14, 2023

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