

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
NOVEMBER 12, 2009**

PRESENT: Wendy M. Henrichs, James P. Koshick, Steven J. Silverman, Mania Moore and Kathleen Schneider

EXCUSED: Steven R. Conway

STAFF: Yolanda McGowan, Bureau Director; Peggy Wichmann, Legal Counsel; Michelle Solem, Bureau Assistant; and other DRL Staff

CALL TO ORDER

Chair, Wendy Henrichs called the meeting to order at 8:39 a.m. A quorum of 5 members was present.

ADOPTION OF AGENDA

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to approve the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 8, 2009

Amendments:

- Correct typo on Page 8, last line, from “WCA” to “WTC”

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to approve the Minutes of October 8, 2009 as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Yolanda McGowan presented the meeting and screening dates, which were revised to reflect the following: January 28, March 18, May 27, August 12, October 21 and November 18. The screenings will continue to occur before the meeting at 8:00 with the meetings at 8:30.

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to approve the 2010 meeting dates as revised. Motion carried unanimously.

Ms. McGowan introduced Secretary Jackson who provided comments related to the newly required continuing education requirements. Secretary Jackson commented on her concerns related to the Board’s demand for live patient examination, course approvals for continuing education, the tone and tenor of communications between Board members, and the Board’s role relative to the Division of Enforcement’s efforts to close cases.

Peggy Wichmann told the Board that this would be her last meeting. James Koshick, on behalf of the Board, thanked Ms. Wichmann for her service and congratulated her on her retirement.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND
ORDERS OR ANY SIGNED AFTER MAILING OF THE AGENDA**

Attorney Jeanette Lytle presented the Proposed Stipulation, Final Decision and Order in the matter of Casimer Kobylinski, DC (05 CHI 033, 06 CHI 011, 06 CHI 024 and 06 CHI 070). Deliberation will be in closed session.

Attorney Jeanette Lytle presented the Proposed Stipulation, Final Decision and Order in the matter of Paul Schissler, DC (06 CHI 015, 06 CHI 016 and 06 CHI 017). Deliberation will be in closed session.

**PRECEPTOR APPROVALS OR ANY RECEIVED
AFTER PRINTING OF AGENDA**

The following requests for approval of preceptors have been submitted to the DRL 45 days in advance of the beginning of the school's next trimester:

<u>School</u>	<u>Chiropractor</u>	<u>Year Lic. Granted</u>
<u>Palmer (Postgrad)</u>	Dr. Kenneth Kerwin	07/13/1995
<u>Northwestern</u>	Dr. James Brugger	03/12/1991
	Dr. David Hackbarth	03/19/1992

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to approve the preceptors as presented. Motion carried unanimously.

LEGISLATION/ADMINISTRATIVE RULES

Bruce Cameron provided information to the Board with regard to the Department's goal to close cases within 18 months of the case being opened. The Board discussed their efforts to assist in the process.

CREDENTIALING/EDUCATION AND EXAMINATION ISSUES

Presentation of Practical Examination Format

Senior Licensing Exam Specialist Gail Pizarro gave a detailed presentation to the Board relative to the practical examination. She urged the Board to move away from the idea of using live patients as part of the exam process, outlining a number of reasons for not doing so. She also provided alternative methods to accomplish the same goal. Dr. Henrichs informed the Board that the exam workgroup agreed that hands-on, one-on-one interaction was necessary to test for

clinical competence. Secretary Jackson shared her concerns with the Board related to this topic, specifically, that the Department may not be able to provide support for the exam should the Board choose to use live subjects, pointing out liability concerns, the fact that WI is the only jurisdiction in the United States with legislation of this type and questioned the push for use of live subjects. She also stated that if this test is done with live subjects, the exam could be cost prohibitive for many and would in turn keep some people out of the profession, which could be grounds for a lawsuit. Steve Douglas of the Wisconsin Chiropractor's Association was permitted to provide comments and shared his positive experiences related to previous exam administration where live subjects were used. He also informed the Board that Wisconsin has the third largest chiropractor per capita population in the United States and that this exam is not designed to box people out of the profession. Dr. Koshick thanked Steven Douglas for speaking to the Board. The Board discussed the pros and cons of using live models and decided that the practical exam would better gauge an applicant's competence to practice if live patients were used.

MOTION: James Koshick moved, seconded by Kathleen Schneider, to require the use of live subjects during the practical examination for state licensure. Motion carried. Steven Silverman opposed.

The exam workgroup will continue to develop the exam. The public members will be reviewing the jurisprudence portion of the exam, and received copies of related documents. Yolanda McGowan reminded the public members that the exam documents that they received are to be kept confidential.

Discussion and Assignment of Continuing Education Program Provider Numbers

Jill Remy will provide an update at the next scheduled meeting.

PRACTICE QUESTIONS

MISCELLANEOUS CORRESPONDENCE/INFORMATION AND PHONE INQUIRIES

None.

TRAVEL

None.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to adjourn to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with Administrative Warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with

legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Wendy Henrichs – yes; James Koshick – yes; Mania Moore – yes; Steven Silverman – yes; Kathleen Schneider – yes. Motion carried unanimously.

Open session recessed at 11:26 a.m.

RECONVENE TO OPEN SESSION

MOTION: James Koshick moved, seconded by Kathleen Schneider, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:38 p.m.

DISCUSSION REGARDING ITEM WRITING PLAN

None.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MONITORING

**LS0710123CHI
KEVIN SERVI, DC
REQUEST FOR EXTENSION TO PAY FORFEITURE**

MOTION: Steven Silverman moved, seconded by Kathleen Schneider, to grant a 10 day extension from the date of signature of the extension to pay forfeiture to Kevin Servi, D.C., and that if not received to direct the matter to the Division of Enforcement for further action. Motion carried unanimously

**09 CHI 004
W.A.**

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to close case 09 CHI 004 for prosecutorial discretion. (P2) Motion carried unanimously.

**06 CHI 022
D.B.**

The decision to close this case has been tabled until the next meeting.

DIVISION OF ENFORCEMENT – CASE CLOSINGS, CASE STATUS REPORT

PROPOSED STIPULATIONS

CASIMER KOBYLINSKI

05 CHI 033, 06 CHI 011, 06 CHI 024 AND 06 CHI 070

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Casimer Kobylinski (05 CHI 033, 06 CHI 011, 06 CHI 024 and 06 CHI 070). Motion carried unanimously.

PAUL SCHISLER

06 CHI 015, 06 CHI 016 AND 06 CHI 017

MOTION: Kathleen Schneider moved, seconded by Steven Silverman, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Paul Schissler (06 CHI 015, 06 CHI 016 and 06 CHI 017). Motion carried unanimously.

Deliberation of Proposed Stipulations that May be Signed after Mailing of the Agenda

None.

Deliberation of Proposed Administrative Warnings Received after Mailing of Agenda

None.

Deliberation of Proposed Final Decisions & Orders that May be Signed after Mailing Of the Agenda.

None.

Deliberation of Order Fixing Costs Received After the Mailing of the Agenda

None.

Deliberation of Petitions for Re-hearings Received After the Mailing of the Agenda

None.

REVIEW OF APPLICATIONS RECEIVED AFTER MAILING OF THE AGENDA

None.

DOE SIGNATURE COLLECTION

OTHER BOARD BUSINESS

Dr. Koshick thanked Peggy Wichmann for her service to the Board.

ADJOURNMENT

MOTION: Steven Silverman moved, seconded by Kathleen Schneider, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:45 p.m.