

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
March 6, 2014**

PRESENT: Kelly Brown; John Church, D.C.; Jeffrey Mackey, D.C.; and Patricia Schumacher, D.C.

PRESENT VIA GOTOMEETING: Jodi Griffith, D.C.

STAFF: Tom Ryan, Executive Director; Gretchen Mrozinski, Legal Counsel; Daniel Agne, Bureau Assistant; and other Department staff

CALL TO ORDER

John Church, Vice Chair, called the meeting to order at 8:31 A.M. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Patricia Schumacher moved, seconded by Jeffrey Mackey, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Jodi Griffith moved, seconded by Patricia Schumacher, to approve the minutes of January 23, 2014 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

ELECTION OF OFFICERS

BOARD CHAIR

NOMINATION: Jodi Griffith nominated John Church for the Office of Board Chair. Nomination carried.

NOMINATION: Jeffrey Mackey nominated Patricia Schumacher for the Office of Board Chair. Nomination carried.

Tom Ryan called for other nominations three (3) times.

Patricia Schumacher was elected as Board Chair by voice vote.

2014 ELECTION RESULTS	
Board Chair	Patricia Schumacher
Vice Chair	John Church
Secretary	Jodi Griffith

APPOINTMENT OF LIAISONS, ALTERNATES, AND DELEGATES

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to approve the following appointments made by the Chair:

- a) **Preceptor Liaison:** Jodi Griffith
- b) **Monitoring Liaison:** Jeffrey Mackey
(Jodi Griffith as the Alternate)
- c) **Credentialing Liaison:** Jodi Griffith
- d) **Exams, Education, & C.E. Liaison:** John Church
(Patricia Schumacher as the Alternate;
Jeffrey Mackey as 2nd Alternate)
- e) **Travel Liaison:** Patricia Schumacher
- f) **Rules Liaison:** John Church
(Kelly Brown as the Alternate)
- g) **Screening Panel:** Patricia Schumacher; Kelly Brown; Jodi Griffith

Motion carried unanimously.

PRECEPTOR APPROVALS

MOTION: John Church moved, seconded by Jeffrey Mackey, to approve all preceptors as noted below. Motion carried unanimously.

	<u>Chiropractor</u>	<u>Lic. Granted</u>
<u>Life University</u>	J. Peter Heffenan, D.C.	11/20/1975
<u>Palmer</u>	Robin Frank, D.C. Russell Hauser, D.C.	06/03/1982 09/04/1986

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

2013 SENATE BILL 518

DUTY OF CHIROPRACTORS TO INFORM PATIENTS OF TREATMENT OPTIONS

MOTION: Jeffrey Mackey moved, seconded by John Church, to request DSPS staff draft a Scope Statement relating to a Duty of Chiropractors to Inform Patients of Treatment Options, pending the passage of 2013 Senate Bill 518, and to designate John Church to advise DSPS staff. Motion carried unanimously.

2013 ASSEMBLY BILL 765

CHIROPRACTOR REGISTRATION TO PRACTICE ACUPUNCTURE

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to request DSPS staff draft a Scope Statement relating to Chiropractor Registration to Practice Acupuncture, pending passage of 2013 Assembly Bill 765, and to designate Jodi Griffith to advise DSPS staff. Motion carried unanimously.

PUBLIC COMMENTS

Dr. Steve Conway, Chiropractic Society of Wisconsin (CSW), appeared before the Board to comment on the denial of CSW's Therapeutic Modalities for CT Certification from the January 23, 2014 Board meeting. His position is that the denial was arbitrary and improper.

Dr. Elizabeth McLean, Moraine Park Technical College, appeared before the Board to comment on a submission for approval of a Chiropractic Technician Certification course.

CLOSED SESSION

MOTION: Jeffrey Mackey moved, seconded by John Church, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Kelly Brown - yes; John Church - yes; Jodi Griffith - yes; Jeffrey Mackey - yes; Patricia Schumacher - yes. Motion carried unanimously.

The Board convened into Closed Session at 9:21 A.M.

RECONVENE TO OPEN SESSION

MOTION: Jeffrey Mackey moved, seconded by John Church, to reconvene in Open Session at 12:10 P.M. Motion carried unanimously.

PRESENTATION AND DELIBERATION ON APPEALS OF ADMINISTRATIVE WARNINGS

MOTION: John Church moved, seconded by Jeffrey Mackey, to affirm the Administrative Warning issued in DLSC case number 13 CHI 033 against K.A.A. Motion carried unanimously.

PRESENTATION AND DELIBERATION ON PROPOSED STIPULATIONS, FINAL DECISIONS, AND ORDERS

12 CHI 037

CHRISTOPHER S. DRUML, D.C.

MOTION: Jodi Griffith moved, seconded by Jeffrey Mackey, to adopt the Findings of Fact, Conclusions of Law, Stipulation, Final Decision, and Order, in the matter of 12 CHI 037 - Christopher S. Druml, D.C. Motion carried.

Kelly Brown voted no in the above matter.

13 CHI 006
MARTIN L. HAZUKA, D.C.

MOTION: John Church moved, seconded by Jeffrey Mackey, to adopt the Findings of Fact, Conclusions of Law, Stipulation, Final Decision, and Order, in the matter of 13 CHI 006 - Martin L. Hazuka, D.C. Motion carried unanimously.

13 CHI 017
GARY J. LUHMAN, D.C.

MOTION: John Church moved, seconded by Jeffrey Mackey, to adopt the Findings of Fact, Conclusions of Law, Stipulation, Final Decision, and Order, in the matter of 13 CHI 017 - Gary J. Luhman, D.C. Motion carried unanimously.

CASE CLOSINGS

MOTION: Kelly Brown moved, seconded by Jodi Griffith, to close case 12 CHI 023 (K.A.A.) for insufficient evidence (IE). Motion carried unanimously.

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to close case 13 CHI 018 (G.F.H.) for insufficient evidence (IE). Motion carried unanimously.

MONITORING MATTERS

MOTION: Jodi Griffith moved, seconded by John Church, to grant the request of Aaron Arfstrom, D.C., for full licensure. Motion carried unanimously.

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to deny the request of Steven Bircher, D.C., for full licensure, as a result of his noncompliance with the October 6, 2011 Board order, and to require Dr. Bircher to take and pass the Wisconsin Jurisprudence Exam within the next 60 days. This motion is in accordance with Paragraph 5, Page 5 of the October 6, 2011 Board order. Motion carried unanimously.

MOTION: John Church moved, seconded by Jodi Griffith, to grant the request of Wanda Erdman, D.C., for full licensure. Motion carried unanimously.

MOTION: John Church moved, seconded by Jeffrey Mackey, to grant the request of Michael Trabbold, D.C., for an extension of time of 90 days to complete Continuing Education requirements. Motion carried unanimously.

APPLICATION MATTERS

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to request DSPS staff request course syllabi and course objectives from M.B. regarding her request for certification as a Chiropractic Technician in Exercise/Rehabilitation and Mechanical Therapy. Motion carried unanimously.

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to deny M.M. eligibility for a preceptor program. **Reason for Denial:** Requested dates for the preceptor program are not in conformance with Wis. Admin. Code Ch. CHIR 9.06(1). Motion carried unanimously.

Patricia Schumacher recused herself and left the room for deliberation and voting in the above matter.

MOTION: Jodi Griffith moved, seconded by Kelly Brown, to deny D.S. eligibility for a preceptor program. **Reason for Denial:** Requested dates for the preceptor program are not in conformance with Wis. Admin. Code Ch. CHIR 9.06(1). Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,
IF VOTING IS APPROPRIATE**

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to request DSPS staff research what other states have in their laws concerning rules of conduct related to the workplace environment. Motion carried unanimously.

MOTION: Jeffrey Mackey moved, seconded by John Church, to request that Office of Education and Exams staff advise the Board at the next meeting on the possibility of a mandatory random biennial CE audit. Motion carried unanimously

MOTION: Jeffrey Mackey moved, seconded by John Church, to route all preceptorship and postceptorship requests to the Preceptor Liaison for screening. Motion carried unanimously.

MOTION: Jodi Griffith moved, seconded by Kelly Brown, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

ADJOURNMENT

MOTION: Jeffrey Mackey moved, seconded by John Church, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:13 P.M.