

**SOUTH CAROLINA BOARD OF CHIROPRACTIC EXAMINERS
BOARD MEETING MINUTES
110 CENTERVIEW DRIVE, ROOM 202-02, COLUMBIA, SC
THURSDAY, November 6, 2008 – 9:30 A.M.**

Public Notice of this meeting was properly posted at the Board office and provided to any requesting person, organizations, or news media in compliance with Section 30-4-80 of the S.C. Freedom of Information Act.

MEMBERS PRESENT: Michael L. Coon, D.C., Chairman; Dr. W. Dean Banks, D.C., Vice-Chairman; Beth R. Ehlich, D.C.; Harvey Garcia, D.C.; Mark G. Kimble, D.C.; Richard D. Lacey, D.C.; Mr. E.J. Mercer.

MEMBERS ABSENT: none

OTHERS PRESENT: Patricia Glenn, Board Administrator; Sharon Dantzler, LLR Legal Counsel; Paula Margargle, LLR Legal Counsel; Ernest Spong, LLR Legal Counsel, Kathy Meadows, LLR Office of Investigation & Enforcement and Sheliah Jones, Administrative Assistant.

Dr. Coon called the meeting to order and noted that a quorum was present to conduct business.

APPROVAL OF MINUTES: The minutes for the May 29, 2008 Board Meeting were approved.

IRC REPORT: The Board voted to accept the recommendation of the IRC and approve the October 28, 2008 IRC Report for:

Complaint #2007-6 – The Board voted to dismiss complaint.
Complaint #2007-14 – The Board voted to dismiss complaint.
Complaint #2008-11 – The Board voted to dismiss complaint.
Complaint #2008-12 – The Board voted to dismiss complaint.
Complaint #2008-35 – The Board voted to dismiss complaint.
Complaint #2008-26 – The Board voted to send a Cease and Desist letter.
Complaint #2005-47 – The Board voted to dismiss with a Letter of Caution.
Complaint #2008-4 – The Board voted to dismiss with a Letter of Caution.
Complaint #2008-14 – The Board voted to dismiss with a Letter of Caution.
Complaint #2005-1 – The Board voted to proceed with a Formal Complaint.
Complaint #2007-22 – The Board voted to proceed with a Formal Complaint.
Complaint #2007-28 – The Board voted to proceed with a Formal Complaint.

Motion made to accept the IRC Report. Motion seconded. Motion carried.

APPLICATION HEARING:

Daniel Roth, DC an applicant for licensure appeared before the Board to discuss his “yes” answer to question number five on the application, “Have you ever been arrested, charged or convicted, including nolo contendere plea or guilty plea in any State or Federal Court other than minor traffic violation, whether or not sentence was imposed or suspended?”

After his testimony and review of the information he presented, the Board unanimously voted to approve Dr. Roth's application and to grant him a Chiropractic license.

DISCUSSION TOPICS:

ADVERTISING AND SOLICITATION- Dr. Coon discussed Dr. Henry Hulteen's letter re: unfair comparison in advertising. The Board noted that they appreciate Dr. Hulteen's concerns and will take them under advisement.

USE OF INVISION INSTRUMENT- The Board discussed a letter from Dr. Anita Wilson requesting the Board to approve the use of the Invision instrument in her practice. The Board approved Dr. Wilson's request and noted that this type of modality had already been approved by the Board as long as the D.C. had 10 hours of training in the use of the equipment.

DECOMPRESSION VS. TRACTION- The Board discussed a letter from Dr. Henry Hulteen regarding Decompression vs. Traction and Dr. Mark Kimble gave a presentation on decompression therapy. The Board voted to continue the discussion at the next Board meeting as to whether decompression and traction are the same or different modalities.

FCLB FALL DISTRICT IV MEETING-Dr. Coon and Dr. Banks briefed the Board on their attendance at the October 2008 meeting. They noted the importance of participation and networking with other state's Board members because of the similar issues faced.

LEGISLATIVE UPDATE- Chiropractic Board Regulations 3206 which streamline the application, continuing education, ethics and disciplinary process have been submitted to the Legislature and will be referred to the Senate Medical Affairs and House 3M Committees in Jan. 2009 for discussion and vote. The regulations are scheduled to time out on March 31, 2009.

CONSENT AGREEMENTS: The following Consent Agreements were presented to the Board:

CASE 2008-13 & 2008-15 -Mr. Spong, LLR Attorney presented a Consent Agreement signed by Dr. Coyman acknowledging failure to release records in a timely manner. The Board voted to accept the signed Consent Agreement.

CASE 2007-16- Mr. Spong, LLR Attorney, presented a Consent Agreement signed by Dr. Kaseman acknowledging false web based advertising. The Board voted to accept the signed Consent Agreement.

CASE 2008-16- Mr. Spong, LLR Attorney, presented a Consent Agreement signed by Dr. Scott acknowledging failure to document, over-billing and poor record keeping. The Board voted to accept the signed Consent Agreement.

FINAL ORDER HEARING:

Dr. Coon gave the Hearing Opening Statement. The meeting proceeded with Case# 2007-11.

Case # 2007-11

Ms. Margargle, LLR Legal Counsel summarized Case# 2007-11. The Board reviewed the Hearing Officer's Report and found the respondent, Herman T. Warren, DC, to be in violation of the SC Code of Laws, Chapter 9 & Regulations Chapter 25 for poor record keeping, inaccurate billing and inappropriately identifying himself as a CCSP. An Order was issued by the Board. See attached

****The next meeting of the South Carolina Board of Chiropractic Examiners will be held on Thursday, April 2, 2009.

The Board adjourned at 1:00 PM.

Respectfully Submitted,

Patricia F. Glenn, Administrator

(Administrator)

(date)