

**South Carolina Department of Labor, Licensing & Regulation  
South Carolina Board of Chiropractic Examiners Board Meeting  
110 Centerview Drive, Synergy Business Park,  
Kingstree Building Room 108, Columbia, SC 29211  
August 15, 2014 – Board Meeting Minutes**

**Board Members Present:**

Ralph D. Roles, D.C., Chairman  
Richard D. Heavner, D.C.  
Jeanne McDaniel-Green, D.C.  
Joseph Carew, DC  
Norman E. Ouzts, DC  
John R. McGinnis, D.C.  
Douglas B. Hughes, Jr., DC  
David H. Mruz, D.C.  
Patricia Weaver, Public Consumer

**Advice Counsel:**

Mary League, Esquire, Advice Counsel

**Others Present:**

Veronica Reynolds, Administrator  
Sherry Wilson, Board Assistant  
Larry Atkins, LLR Investigator  
Megan Flannery, Esquire, Asst. Disciplinary Counsel  
Mark Sanders, LLR, Chief Investigator  
Sym Singh, LLR, Investigator  
Robert Laney, LLR, Investigator

**Public notice of this meeting was properly posted at the Board of Examiners in Chiropractor office, lobby of the Kingstree Building and provided to all requesting persons, organizations and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.**

**Call To Order**

Dr. Roles called the meeting to order at 9:08 a.m. and conducted the roll call and requested each member and staff to state their name and location. Dr. Roles noted a quorum was present to conduct business.

Ms. Reynolds presented Mr. Mercer with a plaque for his years of distinguished and dedicated services to the Board and LLR. The Board thanked Mr. Mercer for the many years he has served with the Board.

**Approval of Agenda**

**Motion:** In open session, Dr. Mruz made a motion to approve the agenda. The motion was seconded and approved.

**Introduction of New Board Members:** Dr. Roles introduced the new members of the Board: Dr. Norman Ouzts, Ms. Patricia Weaver, and Dr. Douglas B. Hughes.

**Approval of the Minutes**

**Motion:** In open session Dr. Carew made a motion to approve the minutes for May 22, 2014. Dr. Ouzts recused himself for voting because he could not verify the accuracy of the minutes.

**Administrator's Remarks:** Ms. Reynolds reminded the board the chiropractors were in renewals. She inquired if any members would like to attend the FCLB meeting in New Orleans 2015.

Dr. Roles and Dr. Green will be attending the meeting and requested a volunteer to be a third person that will be discussed at the November 6, 2014 board meeting. LLR will approve two (2) to attend.

**Motion:** Dr. Hughes made a motion for Dr. Roles and Dr. Green to attend the meeting in New Orleans.

**Motion:** Dr. Green made a motion to appoint Dr. Heavner to attend the National Board Exams in November 2014. The motion was seconded and approved.

**Financial Report:** Ms. Reynolds presented the Financial Report to the Board.

Dr. Roles inquired regarding the status of the fee increase for renewals. Ms. Reynolds informed the board legislative session ended and will be re-filed in November 2014.

The updates on the South Carolina Jurisprudence Exam were discussed. Dr. Mruz will be responsible for taking the role of updating the questions for the South Carolina Rules and Regulations Examination and Jurisprudence to go online.

**Office of General Counsel:** Ms. Flannery of Office of Disciplinary Counsel introduced herself to the Board. She presented the statistical report. Thirty-seven (37) open cases, Sixteen (16) in negotiation which could result in Consent Agreement or Memorandum of Agreement, Two (2) pending hearings, and Seven (7) pending final order hearings. Eight (8) have been closed since the beginning of the year.

**Office of Investigation and Enforcement:** Mr. Sanders, Chief Investigator, Office of Investigations presented the written statistical report.

Ms. League, Advice Counsel asked if there were any recusals prior to presenting the cases for approval.

Dr. Mruz recused himself and did not vote on the IRC reports of the following cases:

2014-37  
2013-56  
2014-16  
2014-38

Mr. Sanders presented the following dismissal report.

**Dismissal**  
2014-37

**Motion:** In open session, Dr. Ouzts made a motion to accept the dismissal as presented. The motion was seconded and approved.

Dr. Roles asked Mr. Sanders to present all the cases one at a time.

Mr. Sanders presented the following Letter of Caution for approval:

**Letter of Caution:**

2013-56

**Motion:** In open session, Dr. Ouzts made a motion to accept the Letter of Caution as presented. The motion was seconded and approved.

Mr. Sanders presented the following Letter of Caution for approval:

**Letter of Caution**

2014-16

**Motion:** In open session, Dr. Heavener made a motion to accept the Letter of Caution as presented. The motion was seconded and approved.

Mr. Sanders presented the following Letter of Caution for approval:

**Letter of Caution**

2014-38

**Motion:** In open session, Dr. Ouzts made a motion to accept the Letter of Caution as presented. The motion was seconded and approved.

Dr. Mruz returned to the meeting for approval of the remaining cases.

Mr. Sanders presented the following remaining IRC dismissal report:

**Dismissals**

2013-30

2013-66

2014-36

**Motion:** In open session, Dr. Carew made a motion to accept the dismissal report as presented. The motion was seconded and approved.

Mr. Sanders presented the following dismissal with a Cease and Desist order.

**Dismiss – Cease and Desist**

2014-3

**Motion:** In open session, Dr. Green made a motion to accept the dismissal with a Cease and Desist order as presented. The motion was seconded and approved.

Mr. Sanders presented the following Formal Complaints:

**Formal Complaints**

2014-28            2014-32

2014-29

**Motion:** In open session, Dr. Ouzts made a motion to accept the Formal Complaints as presented. The motion was seconded and approved.

Mr. Sanders presented the following Letters of Caution:

**Letters of Caution**

2012-22	2014-12	2014-53
2014-6	2014-48	2014-54
2014-7	2014-50	
2014-8	2014-51	
2014-9	2014-52	

**Motion:** In open session, Dr. Carew made a motion to accept the Letters of Caution report as presented. The motion was seconded and approved.

The Board requested Ms. Reynolds to email the PowerPoint presentation to each board member for review and corrections. If any comments or issues, they are to be emailed to Ms. Reynolds. Dr. Ouzts will be working with Ms. Reynolds on these issues.

Mr. Sanders presented to the board the statistical reports. The total of twenty-nine (29) cases for the second quarter of the calendar year, twenty-two (22) cases were closed, and currently forty-seven (47) active investigations.

Dr. Mruz requested for all future meetings of any case requiring his recusal be told in advance for his review.

**Hearings: 9:55-12:26 pm**

**Final Order Hearing**

**Case#: 2011-29-(Closed Session)**

Ms. Flannery requested a closed session hearing due to the nature of the charges in the case.

The respondent was not present and was not represented by counsel. However, he was notified of the scheduled hearing.

Dr. Roles asked for a motion to go into closed session.

**Motion:** Dr. McGinnis made a motion to go into closed session. The motion was seconded and approved.

Prior to any discussion on the case, Dr. Ouzts did not vote for he served on the IRC committee and may possibly be a conflict. Therefore, he recused himself and left the room.

Dr. Roles asked for a motion to go into Executive Session.

**Motion:** Dr. Heavner made a motion to go into Executive Session for legal counsel. The motion was seconded and approved.

**[Executive Session:]** – No votes were taken during Executive Session: 10:04 a.m. -10:13 a.m.

**Motion:** Dr. Carew made a motion to come out of Executive Session. The motion was seconded and approved.

Dr. Roles stated while the Board was in the closed hearing, no votes were taken and asked for a motion.

**Motion:** Dr. Heavner made a motion to accept the recommendation and approve the public order temporary suspending the license pending compliance. The motion was seconded and approved.

**Memorandum of Agreement and Stipulations**

Dr. Roles asked for a motion to go back into open session.

**Motion:** Dr. Green made a motion to go back in to open session. The motions was seconded and approved.

Dr. Ouzts returned to the meeting and recused himself for voting on any of the following disciplinary cases to avoid any conflicts:

2011-34  
2010-16  
2013-16  
2013-35  
2013-39

Dr. Roles asked for a motion to go back into closed session hearing.

**Motion:** Dr. Hughes made a motion to go back into closed session.

**Case#: 2011-34 (Closed session)**

The respondent made an appearance before the Board and was represented by Walter McLeod, Esquire. Dr. Hulteen was also present to provide testimony on behalf of the respondent. The purpose of the hearing was to determine if a license should be granted to practice as a Chiropractor in South Carolina.

Dr. Roles asked for a motion to go into Executive Session to receive advice from legal counsel.

**Motion:** Dr. Hughes made a motion to go into Executive Session to receive advice from legal counsel. The motion was seconded and approved.

**[Executive Session:]** – No votes were taken during Executive Session: 10:27 a.m. – 10:41 a.m.

Dr. Roles asked for a motion to come out of Executive Session.

**Motion:** Dr. Carew made a motion to come out of Executive Session. The motion was seconded and approved.

Dr. Roles informed Dr. Hulteen that he could not provide any additional information that would impact the Board's decision.

Ms. League reminded the Board that no votes were taken and it was a closed session, and inquired if the respondent wishes for Dr. Hulteen to leave the hearing. The respondent waived his decision and requested Dr. Hulteen to be present.

Dr. Roles asked for a motion to go into Executive Session to receive legal advice.

**Motion:** Dr. Hughes made a motion go to into Executive Session to receive advice from legal counsel. The motion was seconded and approved.

**[Executive Session:]** – No votes were taken during Executive Session: 10:46 a.m. – 10:52 a.m.

Dr. Roles asked for a motion to come out of Executive Session.

**Motion:** Dr. Mruz made a motion to come out of Executive Session. The motion was seconded and approved.

**Motion:** Dr. Carew made a motion to issue a private reprimand, cost of investigative cost of Five Hundred and Ten and No/100 (\$510.00) dollars, and continue to successfully complete the Recovering Professional Program (RPP). Documentation must be submitted to the Board upon completion. The motion was seconded and approved.

### **Consent Agreement**

#### **Case#: 2013-39 (Closed Session)**

The respondent was not present and was not represented by counsel.

**Motion:** Dr. McGinnis made a motion to accept the Consent Agreement of a private reprimand and passed a four (4) hour course in documentation and recordkeeping. The proof must be provided to the Board within ninety (90) days from the date of the Board's action on this Agreement. The hours will not count towards continuing education class requirements. presented to the Board. The motion was seconded and approved.

Dr. Roles asked for a motion to come out of closed session.

**Motion:** Dr. Carew made a motion to come out of closed session. The motion was seconded and approved.

**[Board took a 10 minute break:] 11:05 am. – 11:15 a.m.**

### **Memorandum of Agreement and Stipulations**

#### **Case#: 2010-16**

The respondent made an appearance to the Board and was represented by Jack Daniel, Esquire and Chip Emge, Esquire. The purpose of the hearing was to determine if a license should be granted to practice as a Chiropractor in South Carolina.

**Motion:** Dr. Carew made a motion to go into Executive Session to receive legal advice from counsel. The motion was seconded and approved.

**[Executive Session:]** – No votes were taken during Executive Session: 11:24 am. – 11:39 a.m.

Dr. Roles asked for a motion to come out of Executive Session.

**Motion:** Dr. Mruz made a motion to come out of Executive Session. The motion was seconded and approved.

**Motion:** In open session, Dr. McGinnis made a motion to impose a public reprimand, take and pass the ethics and boundaries examination by the National Board of Chiropractic Examiners (NBCE) within one (1) year, completion of twelve (12) hours of billing, coding and documentation course be taken within six (6) months, and the hours are not to be included in the normal continuing education for renewal, and a fine of Two Thousand Five Hundred and No/100 (\$2,500.00) dollars. The motion was seconded and approved.

Dr. Carew was excused due to a flight at 2:00 p.m. Therefore, he did not vote on the remaining cases.

**Consent Agreement**

**Case#: 2013-16**

The respondent was not present and was not represented by counsel.

**Motion:** In open session, Dr. McGinnis made a motion to accept the Consent Agreement of public reprimand, fine of Two Thousand dollars and No/100 (\$2,000.00) dollars, Four Hundred and No/100, additional (\$400.00) dollars investigative costs within ninety (90) days from the date of the agreement, and take and pass an ethics course presented to the Board. The motion was seconded and approved.

**Consent Agreement**

**Case#: 2013-35**

The respondent was not present and was not represented by counsel.

**Motion:** In open session, Dr. Heaver made a motion to accept the Consent Agreement of a fine of Two Thousand and No/100 (\$2,000.00) dollars shall be paid within six (6) months from the date of this order as presented to the Board. The motion was seconded and approved.

Dr. Ouzts returned to the Board meeting for approval for the application hearings.

**Application Hearings:**

Dr. Irene Booth made an appearance before the Board and waived her rights to be represented by legal counsel.

**Motion:** In open session, Dr. Ouzts made a motion for Dr. Booth to be licensed in South Carolina as a Chiropractor. The motion was seconded and approved.

Dr. Karl Edward Kyle made an appearance before the Board and waived his right to be represented by legal counsel.

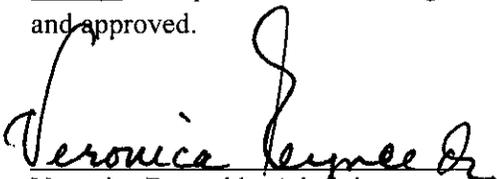
**Motion:** In open session, Dr. Ouzts made a motion for Dr. Kyle to be granted a license to practice in South Carolina as a Chiropractor. Dr. Kyle's license will be on probation for not less than four (4) years, and provide to the Board a copy of a sled report during each license renewal during that probationary period. The motion was seconded and approved.

The Board requested to appoint a new member of the IRC Committee at the November Board Meeting.

**Adjournment**

Dr. Roles requested a motion to adjourn.

**Motion:** In open session, Dr. Hughes made a motion to adjourn at 12:32 p.m. The motion was seconded and approved.

  
Veronica Reynolds, Administrator

11-06-2014  
Date