

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
South Carolina Board of Chiropractic Examiners Board Meeting
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 108
Columbia SC 29211

Thursday, February 12, 2015

Board Members Present:

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

Absent Members:

None

Staff Present:

Mary League, Esquire, Advice Counsel
Veronica Reynolds, Administrator
Mack Williams, Board Assistant

Public notice of this meeting was properly posted at the South Carolina Board of Chiropractic Examiners, Synergy Business Park, Kingstree Building 110 Centerview Drive, Room 108 Columbia, SC 29211 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, Chairman, called the meeting to order at 9:07 a.m. The meeting was held in Room 108 located in the Synergy Business Park, Kingstree Building at 110 Centerview Drive, in Columbia, South Carolina 29211

Approval of the Agenda:

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

Approval of the Minutes

Motion: In open session, Dr. Carew made a motion to approve the minutes with the following corrections: The spelling of Dr. Heavner name be corrected. The motion was seconded and approved.

New Business

Office of Investigations and Enforcement (OIE) Report: Mr. Sanders, Chief Investigator of OIE office presented the statistic report there were nine (9) cases for dismissal, four (4) formal complaints, and two (2) letter of cautions. He presented fifteen (15) cases to the Board.

Dr. Mruz recused himself from all proceedings involving the following cases: **#2014-68, #2014-58, #2014-40**

IRC Recommendations

Case #: 2014-68

Motion: In open session, Dr. Ouzts made a motion to accept the IRC recommendations for dismissal. The motion was seconded and approved.

Case #: 2014-58

Motion: In open session, Dr. Carew made a motion to accept the IRC recommendations as a formal complaint. The motion was seconded and approved.

Case #: 2014-40

Motion: In open session, Dr. Carew made a motion to accept the IRC recommendations to accept the letter of caution. The motion was seconded and approved.

Dr. Mruz rejoined the Board proceedings.

Case #: 2013-57, 2013-60, 2014-17, 2014-26, 2014-69, 2014-76, 2014-84, 2014-89

Motion: In open session, Dr. Ouzts made a motion to accept the IRC recommendations for dismissal. The motion was seconded and approved.

Case #: 2013-54, 2014-83, 2014-87

Motion: In open session, Dr. Heavner made a motion to accept the formal complaints. The motion was seconded and approved.

Case #: 2014-30

Motion: In open session, Dr. Weaver made a motion to accept the letter of caution. The motion was seconded and approved.

The Board reviewed the statistical report as information.

Office of General Council (ODC) Report: Ms. Flannery presented the Office of Disciplinary Council (ODC) statistical report indicating there were twenty-one (21) open cases: nine (9) pending action, six (6) pending memorandum of agreements or consent agreements, one pending a hearing and four awaiting final order hearings.

Disciplinary Hearings

Panel Recommendation for Final Order Hearing

Case # 2013-38: The respondent did not make a personal appearance before the Board. Ms. Flannery, Office of Disciplinary Council presented the recommendation to the Board.

Motion: In open session, Dr. Green made a motion to accept the recommendations. The motion was seconded and approved.

Consent Agreement

Case # 2010-03: The respondent did not make a personal appearance before the Board. Ms. Flannery, Office of Disciplinary Council presented the consent agreement to the Board.

Motion: In open session, Dr. Ouzts made a motion to accept the consent agreement. The motion was seconded and approved.

Finance Report and Ethic Commission: Ms. Reynolds, Board Administrator presented the financial report. She reminded the Board members to file their Economic Interest statement with the ethics commission prior to the deadline of March 30, 2015 at 12:00 p.m.. The Board further discussed ethics.

Motion: In open session, Dr. Carew made a motion to amend the agenda to include the following: consideration for additional hearing officers. The motion was seconded and approved.

Motion: In open session, Dr. Green made a motion to appoint Dr. Falk and Dr. P.R. Johnson as hearing officers pending both of them accepting. The motion was seconded and approved.

Motion: In open session, Dr. Ouzts made a motion to appoint Dr. Ehlich as a permanent member of the IRC. The motion was seconded and approved.

Break: Board took a short break. [11:13 a.m. – 11:27 a.m.]

Application Hearings

Samuel Sbarra, DC: The purpose of this hearing was to determine should Dr. Sbarra be granted a Chiropractic license. Dr. Sbarra made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Ouzts, 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. [10:21 a.m. – 10:23 a.m.]

Motion: In open session, Dr. Roles made a motion to come out of executive session. The motion was seconded and approved.

Motion: In open session, Dr. Ouzts made a motion that Dr. Sbarra should be granted a license to practice as a Chiropractor in South Carolina. The motion was seconded and approved.

Bridget Ann Gutzmer, DC: The purpose of this hearing was to determine should Dr. Gutzmer be granted a Chiropractic license. Dr. Gutzmer made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Heavner, 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. [10:28 a.m. – 10:31 a.m.]

Motion: In open session, Dr. Roles made a motion to come out of executive session. The motion was seconded and approved.

Motion: In open session, Dr. Ouzts made a motion that Dr. Gutzmer should be granted a license to practice as a Chiropractor in South Carolina with conditions. The motion was seconded and approved.

Gennetta A. Greer Mitchell, DC: The purpose of this hearing was to determine should Dr. Mitchell be granted a Chiropractic license. Dr. Mitchell made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Heavner, 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. [10:42 a.m. – 10:51 a.m.]

Motion: In open session, 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 that Dr. Mitchell be denied a license to practice as a Chiropractor in South Carolina. The motion was seconded and approved.

Scott Alan Quinn, DC: The purpose of this hearing was to determine should Dr. Quinn be granted a Chiropractic license. Dr. Quinn made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Ouzts, 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. [11:03 a.m. – 11:12 a.m.]

Motion: In open session, Dr. Roles made a motion to come out of executive session. The motion was seconded and approved.

Motion: In open session, Dr. McGinnis made a motion that Dr. Quinn should be granted a license to practice as a Chiropractor in South Carolina with conditions. The motion was seconded and approved.

Renewal Application of Lapsed License

Matthew W. Miller, DC: The purpose of this hearing was to determine if Dr. Miller should be granted a Chiropractic license. Dr. Miller did not make a personal appearance before the Board.

Motion: In open session, Dr. Green 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. [11:34 a.m. – 11:41 a.m.]

Motion: In open session, Dr. Green made a motion to come out of executive session. The motion was seconded and approved.

Motion: In open session, Dr. Mruz made a motion that Dr. Miller should be granted a license to practice as a Chiropractor in South Carolina. The motion was seconded and approved.

Jonathan Charles Davis, DC: The purpose of this hearing was to determine should Dr. Davis be granted a Chiropractic license. Dr. Davis made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Mruz made a motion that Dr. Davis should be granted a license to practice as a Chiropractor in South Carolina. The motion was seconded and approved.

Frank Loius Konow, DC: The purpose of this hearing was to determine should Dr. Konow be granted a Chiropractic license. Dr. Konow made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Mruz made a motion that Dr. Konow should be granted a license to practice as a Chiropractor in South Carolina. The motion was seconded and approved.

Jerry D. Odom, DC: The purpose of this hearing was to determine should Dr. Odom be granted a Chiropractic license. Dr. Odom made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Mruz made a motion that Dr. Odom should be granted a license to practice as a Chiropractor in South Carolina. The motion was seconded and approved.

William Lee Wagers, DC: The purpose of this hearing was to determine should Dr. Wagers be granted a Chiropractic license. Dr. Wagers made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Mruz made a motion that Dr. Wagers should be granted a license to practice as a Chiropractor in South Carolina. The motion was seconded and approved.

Audrey E. Myers, DC: The purpose of this hearing was to determine should Dr. Myers be granted a Chiropractic license. Dr. Myers made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Mruz made a motion that Dr. Myers should be granted a license to practice as a Chiropractor in South Carolina. The motion was seconded and approved.

Dana Carol Lybrand, DC: The purpose of this hearing was to determine should Dr. Lybrand be granted a Chiropractic license. Dr. Lybrand made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Mruz made a motion that Dr. Lybrand should be granted a license to practice as a Chiropractor in South Carolina. The motion was seconded and approved.

Ralph Jim Minico, Jr., DC: The purpose of this hearing was to determine should Dr. Minico be granted a Chiropractic license. Dr. Minico made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Mruz made a motion that Dr. Minico should be granted a license to practice as a Chiropractor in South Carolina. The motion was seconded and approved.

Jared T. Sargent, DC: The purpose of this hearing was to determine should Dr. Sargent be granted a Chiropractic license. Dr. Sargent made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Carew made a motion that Dr. Sargent should be granted a license to practice as a Chiropractor in South Carolina. The motion was seconded and approved.

Micah Swalley, DC: The purpose of this hearing was to determine should Dr. Swalley be granted a Chiropractic license. Dr. Swalley made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Mruz made a motion that Dr. Swalley should be granted a license to practice as a Chiropractor in South Carolina. The motion was seconded and approved.

Brian Brown, DC: The purpose of this hearing was to determine should Dr. Brown be granted a Chiropractic license. Dr. Brown made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Dr. Mruz made a motion that Dr. Brown should be granted a license to practice as a Chiropractor in South Carolina. The motion was seconded and approved.

Lunch: Board took a short break. [12:22 p.m. – 12:33 p.m.]

Discussion Topics

a. Understanding IRC and Professional Member Role: The Board discussed IRC and Professional Member Roles.

b. Understanding the Role and Responsibilities of Preceptorships: The Board discussed the Role and Responsibility of Preceptorship.

c. Elect Delegate and Alternate to replace Dr. Green: The Board discussed elections.

Motion: In open session, Dr. Ouzts made a motion to appoint Dr. McGinnis as the alternate for the Federation of Chiropractic Licensing Boards (FCLB) and the National Board delegate (NBCE). The motion was seconded and approved

Motion: In open session, Dr. McGinnis made a motion to appoint Dr. Hughes as the alternate for the National Board (NBCE). The motion was seconded and approved.

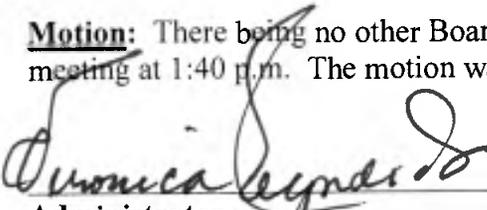
d. Appoint NCSB Part IV Exam: The Board discussed appointment.

Motion: In open session, Dr. McGinnis made a motion to appoint Dr. Roles. The motion was seconded and approved.

Dr. Mruz requested to be dismissed from the following discussion topics a. Understanding IRC and Professional Member Role and b. Understanding the Role and Responsibilities of Preceptorships. A quorum was still met and the Board proceeded discussion topics a. and b.

ADJOURNMENT

Motion: There being no other Board business. Dr. McGinnis made a motion to adjourn the meeting at 1:40 p.m. The motion was seconded and approved.


Administrator

5/21/15
Date