

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  
February 27, 2014 Board Meeting Minutes  
Columbia, SC 29211

**Board Members Present:**

Harvey Garcia, D.C., Chair  
Ralph D. Roles, D.C., Vice Chair  
Richard D. Heavner, D.C.  
Brian D. Hughes, D.C.  
Joseph Carew, D.C.  
Jeanne McDaniel-Green, D.C.  
John R. McGinnis, D.C.  
David H. Mruz, D.C.  
E.J. Mercer, Esquire, Public Member

**Advice Counsel:**

Sara McCartha , Esquire, Advice Counsel

**Others Present:**

Veronica Reynolds, Administrator  
Sherry Wilson, Board Assistant  
Shaun Strother, Administrative Assistant  
Larry Atkins, LLR Investigator  
Megan Flannery, Asst. General Counsel  
Frank Sheheen, Director of Recovering Professional Program  
Rick Wilson, Recovering Professional Program  
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. Garcia called the meeting to order at 9:15 a.m. and conducted the roll call and requested each member to state their location. Dr. Garcia noted a quorum was present to conduct business.

Dr. Garcia requested guests to provide their name and who they were representing.

**Approval of Agenda**

Dr. Garcia requested for a motion to approve the agenda. Dr. Roles made a motion to approve the agenda. The motion was seconded and approved.

### **Approval of the Minutes**

Dr. Garcia requested for a motion to approve the minutes for November 7, 2013 and February 4, 2014.

**Motion:** Dr. McGinnis made the motion to approve the minutes. The motion was seconded and approved.

Dr. Garcia requested to move to the next topic on the Agenda.

### **Administrator's Remarks**

Ms. Reynolds introduced Mr. Frank Sheheen, Director of Recovering Professional Program to the Board.

### **Frank Sheehen, Recovering Professional Program (RPP)**

Mr. Frank Sheheen introduced himself and Mr. Rick Wilson to the full board and stated their purpose for appearing before the Board. Mr. Sheheen stated the program is responsible for impaired medical professions that are licensed by Labor, Licensing and Regulation (LLR) Board, and eight (8) case managers who are certified addiction counselors.

### **Financial Report:**

Ms. Reynolds presented the Financial Report to the Board.

### **Filing Ethics Report:**

Ms. Reynolds reminded the Board the deadline for filing their 2014 Economics Interest Report with the State Ethics Commission must be done by March 30, 2014, at noon.

### **Groupons:**

The board discussed the issue of Groupons which indicates a violation of the practice act in splitting fees, and the board needs to vote on this matter. The Board reviewed Groupons as unethical behavior and any type of advertising contracts that involves splitting the fees with the advertising person and the chiropractor involved. If any advertising is being done, a disclaimer must be included.

In open session, Dr. Garcia requested for a motion for the Board go into Executive Session.

**Motion:** In open session, Dr. Roles made the motion to go into Executive Session for advice from legal counsel. The motion was seconded and approved.

**Motion:** Dr. Roles made a motion for the Board to come out of Executive Session for legal advice. The motion was seconded and approved.

[Executive Session:] 9:52 a.m. – 9:55 a.m. Dr. Garcia informed the Board, there were no votes taken during Executive Session.

**Motion:** In open session, Dr. Heavner made a motion for the Board to consider fee splitting as unethical behavior. The motion was seconded and approved.

### **IRC Fee Schedule**

Ms. Reynolds discussed with the Board regarding an increase in pay for Investigative Review Committee (IRC) Members. Ms. Reynolds stated, the members would prefer to be paid at a rate of \$100.00 per hour for reviewing a file. Dr. Garcia requested Ms. Reynolds to research this issue and deferred to the Board meeting on May 22.

### **Office of General Counsel**

Ms. Flannery of Office of General Counsel introduced herself to the Board. She presented the statistical report. Thirty-six 36 cases pending with twenty-four (24) pending actions, eight (8) are pending Consent Agreement and Memorandum of Agreement and two (2) are pending hearings.

Ms. Reynolds reminded the board members that renewal is approaching, and to provide to the Board the location, and dates the Rules and Regulations classes will be offered so this can be placed on the South Carolina Board of Chiropractic Examiner's Website.

Ms. Green stated, she will be sending Ms. Reynolds the updated Rules and Regulation slides.

### **Office of Investigation and Enforcement**

Mr. Sanders, Chief Investigator, Office of Investigations presented the written statistical report.

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

### **Dismissals**

2013-8

2013-21

2013-25

**Motion:** Dr. Hughes made a motion to accept the recommendations for formal complaints. The motion was seconded and approved.

### **Formal Complaints**

2013-28

2013-32

**Motion:** Dr. Roles made a motion to accept the formal complaints with cease and desist. The motion was seconded and approved.

### **Formal Complaints – Cease and Desist**

2013-35

**Motion:** Dr. Roles made the motion to accept the IRC recommendations for a letter of caution. The motion was seconded and approved.

**Letter of Caution**

2013-34	2013-37	2013-40
2013-41	2013-42	2013-43
2013-44	2013-45	2013-48
2013-49	2013-68	2013-69
2013-70	2013-71	2013-72

Dr. Hughes inquired of the verbiage for the IRC letter of caution. Ms. Reynolds will be working with Megan Flannery, OGC Attorney to get a language for the Letters of Caution.

**Motion:**

Dr. Roles made a motion for the language in the letter of caution as followed: **“Please be mindful that you must maintain your continuing education hours earned, and provide them to the Board if requested.”** The motion was seconded and approved.

Mr. Sanders provided to the board the statistical reports. The totaled cases received for 2013 were Sixty-seven (67) cases. Thirty-five (35) cases were closed and Thirty-six (36) active cases.

**Office of General Counsel**

Ms. Flannery informed the board that case number 2013-18 will be continued as the respondent is entitled to a Thirty (30) days notification of the hearing. The case was deferred to the Board meeting on May 22.

**Hearings – 10:19 am – 12:44 pm**

**Memorandum of Agreement**

- Richard Sanford, D.C.
- Narry H. Beaver, Jr. D.C.

**Dr. Richard Sanford, D.C.:** Dr. Sanford made a personal appearance before the Board and was represented by John M. Barton, Esquire. The purpose of the hearing was to determine if a license should be granted to practice as a Chiropractor in South Carolina.

**Motion:** In open session, Mr. Mercer made a motion the Board go into Executive Session to receive advice from legal counsel. The motion was seconded and approved

**[Executive Session:] 11:35 am – 11:45 am**

Dr. Garcia informed the Board there were no votes taken during Executive Session.

**Motion:** In open session, Dr. Garcia requested for a motion for the Board to come out of Executive Session. The motion was seconded and approved.

**Motion:** In open session Dr. Heavner made a motion to accept the Memorandum of Agreement as a public reprimand, with two (2) years of probation, pay a fine of one thousand dollars (\$1,000.00), and the cost of investigative fees of one hundred and forty-four dollars (\$144.00), completion of a Board-approved ethics course, and completion of eight (8) hours of a Board-approved documentation in addition to the regular Continued Education (CE) hours. The motion was seconded and approved.

**[Board took a 10 minute break]**

**Narry H. Beaver, Jr., D.C.:** Dr. Beaver made a personal appearance before the Board and was represented by Walton J. McCleod, IV, Jr., Esquire. Witnesses were: Dr. Hank Hulteen and Dr. Reuben Orr. The purpose of the hearing was to determine if a license should be granted to practice as a Chiropractor in South Carolina.

**[Executive Session 12:15 pm – 12:25 pm]** - The Board went into Executive Session to obtain legal advice.

Dr. Garcia made note that the Board was back into session.

**Motion:** Dr. Mruz made a motion for the board to go into Executive Session.

**[Executive Session:] 12:25 pm – 12:40 pm** – Dr. Garcia reminded the Board there were no votes taken during Executive session.

**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. McGinnis made a motion for the board to reject the Memorandum of Agreement, and dismiss the complaint. The motion was seconded and approved.

**Larry Simon, D.C.:** Dr. Simon made a personal appearance before the Board and waived his right to be representative by legal counsel. Dr. Simon appeared before the board to be released from his agreement with Recovering Professional Program (RPP). Mr. Sheehen explained to the Board that Dr. Simon had met all the conditions as ordered by the Board and supports him being released from this agreement.

**Motion:** In open session, Dr. Hughes made a motion to release Dr. Simon from the RPP agreement. The motion was seconded and approved.

#### **New Business:**

#### **Discussion Topics**

#### **Application by Endorsement**

Ms. Reynolds discussed endorsement applications from applicants who attended a Chiropractic College that is now closed and the applicants are unable to obtain transcripts.

Dr. Garcia requested for a motion regarding an institution that has closed.

**Motion:** Dr. Green made a motion to accept directly from another state board, a certified copy of a diploma or a letter directly from that board with the date of graduation and matriculation if the college has closed. The motion was seconded and approved.

#### **Board members – Attending FCLB National Conference**

Dr. Garcia reiterated that all members are allowed to attend the National Conference since it is being hosted in May 2014 in Myrtle Beach.

Dr. Garcia requested to make a slight change on the Agenda to discuss renewal for new graduates.

**Renewal New Graduates**

Dr. Garcia requested for a motion that new graduates be approved to use their college transcripts during the two (2) year period for continuing education. The board will accept thirty-six (36) hours, and they will only have to take the online two (2) hours Rules and Regulations online examination. Dr. Garcia requested for a motion to be made.

**Motion:** In open session, Mr. Mercer made a motion that any recent graduates who are licensed during the current license period, the board will accept their college hours as meeting Continuing Education (CE) hours. The licensee must complete the required (2) hour Rules and Regulations during that renewal period. The Board did reiterate if you are out for two (2) years; will not be considered as a new graduate. The motion was seconded and approved.

**Advertising Audits**

Dr. Garcia discussed with Advice Attorney, Ms. McCartha whether investigators can do random audits on chiropractors who are advertising. Ms. McCartha stated they could if the Board set some parameters.

Dr. Garcia discussed appointing a committee to set up parameters. Dr. Mruz was selected as the chair, and Dr. McGinnis and Dr. Green were selected to serve on the committee.

**Appointment of Expert Reviewers**

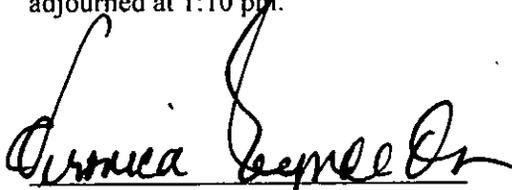
Dr. Garcia asked board members to go into their districts for reviews of three (3) chiropractors and provide names at the next board meeting.

**Adjournment**

Dr. Garcia requested for a motion to adjourn.

**Motion:** In open session, Mr. Mercer made a motion to adjourn at 1:10 p.m. The motion was seconded and approved.

Dr. Garcia stated the motion carried, and there being no further business the meeting was officially adjourned at 1:10 pm.

  
Veronica Reynolds, Administrator

5/22/2014  
Date