

**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
May 22, 2014 – Board Meeting Minutes**

Board Members Present:

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

Excused Absence:

Brian D. Hughes, D.C.
Joseph Carew, D.C.

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, 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. Garcia called the meeting to order at 9:15 a.m. and conducted the roll call and requested each member and staff to state their name and location. Dr. Garcia noted a quorum was present to conduct business. Dr. Garcia made the board aware that two board members, Dr. Carew and Dr. Hughes were absence. Dr. Garcia indicated they had two excused absences.

Approval of Agenda

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

Approval of the Minutes

Motion: In open session Dr. Roles made a motion to approve the minutes for February 27, 2014 and April 24, 2014. The motion was seconded and approved.

Administrator's Remarks: Ms. Reynolds presented Dr. Garcia with a plaque for his years of distinguished and dedicated services to the Board and LLR.

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

Ms. Reynolds informed the Board renewal notices for licensees will be sent out on July 1, 2014.

Ms. Reynolds informed the Board ballots were completed and forwarded to the Governor's office.

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

Mr. Sanders provided to the board the statistical reports. The totaled of twelve (12) cases for the first quarter January 1, 2014-March 31, 2014. A totaled of eight (8) cases were closed, and there are currently thirty-eight (38) active investigations.

Dr. Garcia and Dr. Roles were recused and did not vote on the IRC report for dismissal. Dr. McGinnis took over as the chair.

Mr. Sanders presented the following IRC dismissal report:

Dismissals

2013-26

2014-4

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

Motion: In open session, Mr. Mercer made a motion for the Board to take a five (5) minute recess to receive legal advice from counsel regarding the issue of a quorum.

Recess: 10:40 a.m. 10:45 a.m.

Dr. McGinnis made the board aware they were back in session.

Mr. Sanders presented the following formal complaints:

Formal Complaints

2013-16

2013-24

2013-27

2013-36

Motion: In open session, Mr. Mercer made a motion to accept the recommendations for formal complaints. The motion was seconded and approved.

Dr. Mruz rescued himself. Dr. Garcia and Dr. Roles returned to the Board for approval of the remaining Formal Complaint cases.

Mr. Sanders presented the following Formal Complaints for approval:

Formal Complaints

2013-39
2013-56
2014-5

Motion: In open session, Mr. Mercer made a motion to accept the recommendation of the Formal Complaints. The motions was seconded and approved.

Dr. Mruz returned to the Board meeting for approval of the Formal Complaint with Cease and Desist.

Mr. Sanders presented the following Formal Complaints with Case and Desist.

Formal Complaints – Cease and Desist

2013-38

Motion: In open session, Mr. Mercer made a motion to accept the formal complaints with cease and desist. The motion was seconded and approved.

Mr. Sanders presented the following Letter of Caution:

Letter of Caution

2013-46
2013-47
2013-55
2014-11
2014-13

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

Office of General Counsel: Ms. Flannery of Office of Disciplinary Counsel introduced herself to the Board. She presented the statistical report. Thirty-three (33) open cases, nineteen (19) pending actions, three (3) pending final orders, five (5) closed since February of 2014.

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 this issue to be tabled and a discussion later.

Motion: In open session, Mr. Mercer made a motion to table the IRC discussion for additional information. The motion was seconded and approved.

Dr. Garcia asked for a motion to make a slight change on the agenda and move the application hearings.

Motion: Dr. Roles made a motion for the change on the Agenda. The motion was seconded and approved.

Dr. Roles discussed the issue regarding the CINBAD report, and requested the Board to obtain more information on the reporting from the Chiropractic Information Network Board Action Databank (CINBAD) database.

Hearings – 10:03 am – 11:29 am

Memorandum of Agreement and Stipulation

- Michael R. Robles, DC

Dr. Roles was interim chair in this case for Dr. Garcia recused himself due to being related to the respondent in this case. The other members of the Board hearing introduced themselves.

Michael R. Robles, D.C. : Dr. Robles made a personal appearance before the Board and was represented by Tad McLeod, 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, Dr. Mruz made a motion for the Board 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: 10:15 a.m. - 10:42 a.m.

Motion: In open session, Mr. Mercer made a motion for the Board to come out of Executive Session. The motion was seconded and approved.

Motion: In open session Dr. McGinnis made a motion to issue a private reprimand. The motion was seconded and approved.

Consent Agreements

- Daniel Raymond Handford, DC
- James Stauffer, DC

Daniel Raymond Handford, D.C. : Dr. Handford was not present. However, Dr. Handford was notified of the scheduled hearing. 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, Dr. Green made a motion to go into Executive Session to receive advice from legal counsel. The motion was seconded and approved.

Dr. Heavener withdrew the motion regarding the Consent Agreement. The motion was seconded and approved.

Motion: Mr. Mercer 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: 10:58-a.m. - 11:02 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, Mr. Mercer made a motion to deny the Consent Order. The motion was seconded and approved.

James Stauffer, D.C.: Dr. Stauffer was not present. However, Dr. Stauffer was notified of the scheduled hearing. 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, Dr. Roles made a motion to accept the Consent Agreement of public reprimand, fine of Two Thousand Five Hundred (\$2,500.00) to be paid within 90 days, and pay an additional Five Hundred and Fifty dollars (\$550.00) for the cost of investigation. The motion was seconded and approved.

[Board took a 10 minute break]

Application Hearings

- Justin T. Tinker, DC
- Michael I. O'Daniel, DC

Justin T. Tinker, D.C.: Dr. Tinker made a personal appearance before the Board and waived his rights to be represented by legal counsel. 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, Dr. Roles 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: 11:19 am – 11:27 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. Roles made a motion for Dr. Tinker be granted a license to practice as a chiropractor in South Carolina with conditions: Dr. Tinker's license be placed on probation for not less than two (2) years, and at the end of the two (2) years, he must provide to the Board a criminal background check at his own cost and there be no infractions on that report. The motion was seconded and approved.

Michael I. O'Daniel, D.C.: Dr. O'Daniel made a personal appearance before the Board and waived his rights to be representative by legal counsel. 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, Dr. Mruz 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. 11:37 a.m. – 11:41 a.m.

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

Motion: Dr. Roles made a motion for Dr. O'Daniel to be issued a license to practice as a chiropractor in South Carolina. Dr. O'Daniel will be on probation concurrent with his federal probation, and once released, must provide documents to the Board.

New Business:

Discussion Topics

Fee cost for patients' records: The Board referred to Patient Records Act Title 44-15-130.

Board members – Attending FCLB National Conference: Each member was asked to provide their input of the National Conference they attended in Myrtle Beach. Members who attended the meeting provided their input of the meeting and how it was beneficial.

Motion: In open session, Mr. Mercer made a motion, Dr. Roles and Dr. McGinnis will represent the Board at the District Five meeting in West Palm Beach, Florida, in September of 2014. The motion was seconded and approved.

Dr. Roles made a request to amend the motion for Veronica Reynolds, Administrator, attend the District Meeting. The motion was seconded and approved.

Ethics/Boundaries Exam: Dr. Garcia made a suggestion to establish a subcommittee to put this plan in place to review continued education. Dr. Roles suggested Dr. Garcia be a part of the committee.

Consideration of Per Diem Increase : The Board requested further review in the future.

Appointment for Continued Education Chair: Dr. Garcia recommended Dr. Green Chair the Continued Education Committee. Dr. Mruz and Dr. Heavner were appointed to serve on this committee. Dr. Roles suggested the committee to work with Dr. Garcia if he is still on the Board.

Groupon Coupons: The Board reiterated that fee splitting is an unethical and illegal behavior; however, including, but not limited, to Groupons as illegal.

Advertising within a multi-disciplinary clinic: The Board stated they must continue to abide by the statutes and regulations regarding multidisciplinary practices.

The Use of Specialty Certifications or Certifications: The Board referred to the regulations 25-6(E), regarding Specialty Certification. Practitioner may not advertise or hold themselves out as a specialist or specializing in any activity as a practitioner. If certified from the specialty council or approved by the American Chiropractic Association or the International Chiropractors Association. The Board made a suggestion for this language to be sent to the licensees by e-blast.

Dr. Mruz made a suggestion that under regulation 25-8(C), "Signed solicitations for advertisements shall clearly indicate that chiropractic services are being offered."

In closing, Dr. Roles thanked Dr. Garcia for all of the years of services on the Board.

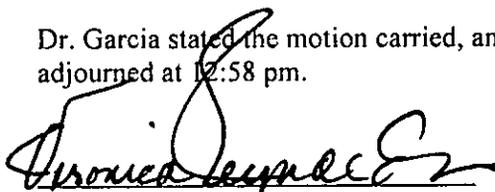
Dr. Garcia thanked the Board and stated how it had been a wonderful experience.

Adjournment

Dr. Garcia requested for a motion to adjourn.

Motion: In open session, Dr. Green made a motion to adjourn at 12:58 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 12:58 pm.


Veronica Reynolds, Administrator

08/15/14
Date