

**KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS
SPECIAL COMPLAINTS COMMITTEE MEETING MINUTES
July 8, 2022**

A regular called meeting of the Kentucky Board Chiropractic Examiners Complaints Committee was held at the Department of Professional Licensing located at 500 Mero Street, Frankfort, KY 40601 and via Zoom on July 8, 2022.

MEMBERS PRESENT

Dr. James England
Dr. Shannon Johnson

DEPARTMENT OF PROFESSIONAL LICENSING

Tasha Stewart, Administrative Section Supervisor

OTHERS

August Pozgay, Public Protection Cabinet
Office of Legal Services, Board Counsel

CALL TO ORDER

Dr. England called the meeting to order at 12:02 p.m.

APPROVAL OF MINUTES

Dr. England made a motion to accept the May 5, 2022 complaints committee minutes as presented with corrections. Motion seconded by Dr. Johnson, carried.

NEW BUSINESS

Dr. England made a motion to amend the committee's 2022 schedule as follows: September 8 and November 10 to begin at noon EST. Motion seconded by Dr. Johnson, carried.

COMPLAINTS COMMITTEE RECOMMENDATIONS

Dr. England moved to enter closed session to include Board Counsel Mr. August Pozgay and Board Administrator Ms. Tasha Stewart pursuant to KRS 61.815(1) and KRS 61.810(1)(j) and (k) to deliberate on individual adjudications in the matters as listed below and a civil case and settlement. Motion seconded by Dr. Johnson, carried. The committee entered closed session at 12:08 p.m.

Dr. Johnson moved to leave closed session. Motion seconded by Dr. England, carried. Regular session resumed at 2:07 p.m.

Dr. England moved to present the recommendations for all below matters as discussed in closed session to the Board at the July 15, 2022 meeting. Motion seconded by Dr. Johnson, carried.

- **2021KBCE00010** – Recommend the committee present the final order as drafted to the board.
- **2021KBCE00014** – Recommend the committee present the final order as drafted to the board.
- **2021KBCE00021 & 2021KBCE00034** - Recommend board offer agreed order with standard agreed order terms and the following terms: a two-year practice restriction in which respondent must not be alone with a female patient; Respondent must create, utilize, and submit to the committee a sign-in form in which a second individual shall sign in with the female patient in 14

days; Sign in forms shall be submitted to board on monthly basis; and Respondent must complete board-approved 6 hours ethics and boundaries class(es) within 6 months.

- **2021KBCE00016, 2021KBCE00025 & 2021KBCE00029** – Recommend board offer agreed order with standard agreed order terms and the following terms: respondent must produce patient records within 10 days and provide proof to the board that those were issued; pay \$1000 fine for failure to complete SOS filing; and Respondent must issue a letter, with copy to the board, to past patients advising how they can obtain records upon request.
- **2022KBCE00001** - Recommend board offer agreed order with the following terms: Respondent must complete board-approved 6 hours ethics and boundaries class(es) in 6 months and a fine of \$500 payable within 30 days.
- **2022KBCE00003** – Recommend board open separate complaint against B.J. and assign to investigator.
- **Mass. Complaint Reports** – Recommend closing referral to committee and board.
- **Mass. Complaint Reports-Second** – Recommend board defer review pending results of Massachusetts board action; continue monitoring and request licensees provide regular updates to the board. Counsel will draft letter to close out Mass. Complaints Report and notify licenses of Mass. Complaint Reports Second.
- **L.W. Malpractice Judgement** - Recommend closing referral to committee and board.
- **Kentuckiana Accident Claim Service** – Assign to investigator.
- **A.N.** – Assign to investigator.

ADJOURN

A motion was made by Dr. England to adjourn the meeting at 2:20 p.m. Motion seconded by Dr. Johnson, carried.



Dr. James England, President