

**MINUTES
REGULAR BOARD MEETING
Friday, November 22, 2013
209 South Green Street
Glasgow, KY**

PRESENT: Mark Woodward, D.C., President
Frank Hideg, D.C., Vice President
Terri Byers-Abston, D.C., Secretary
Karalee P. Oldenkamp, D.C., Executive Director
Ryan Halloran, Assistant Attorney General

A quorum being present and after confirmation of proper notification of the Board meeting, the meeting was called to order by the President at 9:05 a.m. prevailing time.

ITEM I: MINUTES

A motion was made by Dr. Abston, seconded by Dr. Woodward and passed 3-0 to approve the minutes of the September 27, 2013 board meeting.

ITEM II: FINANCIAL REPORTS

After review of the prepared financial reports for September and October 2013, upon motion made by Dr. Abston, seconded by Dr. Hideg and passed 3-0, the financial reports were approved as presented.

ITEM III: BOARD OFFICE REPORT

The Board reviewed information concerning the online renewal process, current licensee numbers, update of the board website and the submission of the board's FY14-16 Budget Request. A motion was made by Dr. Woodward, seconded by Dr. Abston and passed 3-0 to approve the budget request. A second motion was made by Dr. Woodward, seconded by Dr. Abston and passed 3-0 to issue the Executive Director and Field Coordinator a 5% increase in pay effective December 1, 2013, and to find out if the board may give an increase in pay, also at 5%, for the Executive Secretary. If possible, the Executive Director shall proceed in processing the increase.

ITEM IV: ADMINISTRATIVE CASE #10-025D

The Board President signed the settlement agreement and a date to meet with the licensee has been set for December 6, 2013, at 1:00 CT at the board office in Glasgow.

ITEM V: ADMINISTRATIVE CASE #12-016

This case is continued pending further investigation.

ITEM VI: ADMINISTRATIVE CASE #12-020

The Board President signed the settlement offer and this case shall be closed upon receipt of Final Order from the Hearing Officer.

ITEM VII: ADMINISTRATIVE CASE #12-021

The Board reviewed information in this case and further contact information for a witness is still to be received.

ITEM VIII: ADMINISTRATIVE CASE #12-022

The Board reviewed information in this case and further contact information for a witness is still to be received.

ITEM IX: ADMINISTRATIVE CASE #12-029

This case is continued pending the outcome of the criminal case.

ITEM X: ADMINISTRATIVE CASE #12-030

This case is ongoing.

ITEM XI: ADMINISTRATIVE CASE #12-031

This case is continued pending further investigation.

ITEM XII: ADMINISTRATIVE CASE #12-032

This case is ongoing.

ITEM XIII: ADMINISTRATIVE CASE #12-038

This case is ongoing.

ITEM XIV: ADMINISTRATIVE CASE 12-044

This board reviewed the additional information received. A motion was made by Dr. Abston, seconded by Dr. Hideg and passed 3-0 to subpoena additional information. Once all information is received, the licensee will be interviewed for further information if necessary.

ITEM XV: ADMINISTRATIVE CASE 13-001

The Board reviewed a proposed settlement offer from the licensee. A motion was made by Dr. Woodward, seconded by Dr. Abston and passed 3-0 to counter offer for settlement of this case, along with cases 12A-008 and 13-005.

ITEM XVI: ADMINISTRATIVE CASE 13-004

This case is continued pending the hearing which has been set for February 18-19, 2014 in Glasgow.

ITEM XVII: ADMINISTRATIVE CASE 13-005

The Board reviewed a proposed settlement offer from the licensee. A motion was made by Dr. Woodward, seconded by Dr. Abston and passed 3-0 to counter offer for settlement of this case, along with cases 12A-008 and 13-001.

ITEM XVIII: ADMINISTRATIVE CASE 13-009

This case is continued pending receipt of the Attorney General's Opinion regarding the board's statutory authority to enter into a private settlement agreement.

ITEM XIX: ADMINISTRATIVE CASE 13-013

The Board reviewed the case and a motion was made by Dr. Woodward, seconded by Dr. Abston and passed 3-0 to offer a settlement agreement which if accepted shall close the case.

ITEM XX: ADMINISTRATIVE CASE 13-017

The Board President reviewed and signed the administrative complaint to be filed.

ITEM XXI: ADMINISTRATIVE CASE 13-019

The Board reviewed the counter offer for this case and a motion was made by Dr. Hideg, seconded by Dr. Abston and passed 3-0 to deny the counter offer and give the licensee another opportunity to accept the agreed order before filing a formal complaint.

ITEM XXII: REVIEW VIOLATED TERMS OF AGREED ORDER
RE: DAVID MEGRONIGLE, D.C. 11-009

The scheduled hearing was continued. This case is now continued pending a hearing scheduled for March 25-26, 2014.

ITEM XXIII: ADVERTISING CASE #12A-008

The Board reviewed a proposed settlement offer from the licensee. A motion was made by Dr. Woodward, seconded by Dr. Abston and passed 3-0 to counter offer for settlement of this case, along with cases 13-001 and 13-005.

ITEM XXIV: ADVERTISING CASE #13A-006

The Board reviewed the licensee's request for an extension in responding to the proposed agreed order for settlement of this case until the Board received the opinion from the Attorney General initiated by case 13-009. A motion was made by Dr. Abston, seconded by Dr. Woodward and passed 3-0 to deny the extension and give the licensee 10 business days from today's date to respond to the agreed order as the board will assume its past interpretation of the statutes and not consider a private settlement in this case.

ITEM XXV: INITIAL LICENSURE APPEAL REQUEST 13-KBCE-0143
RE: MARK MILLER, D.C.

The Board reviewed Board Counsel's filed Exceptions. The case was reviewed and discussed with attorney Ryan Halloran. A motion was made by Dr. Abston, seconded by Dr. Woodward and passed 3-0 to issue a license to Mark Miller with the record made clear as to the Executive Director's testimony to the facts that the board acted both in giving Dr. Miller the chance to take pre-chiropractic coursework, and in denying Dr. Miller a license based on requirements in our regulations, based on board counsel advice. Ryan Halloran will draft the adoption of the Hearing Officer's Final Order and overrule the Exceptions.

ITEM XXVI: ADMINISTRATIVE CASE 13-023

The Board reviewed this case and a motion was made by Dr. Abston, seconded by Dr. Hideg and passed 3-0 to dismiss this case.

ITEM XXVII: ADMINISTRATIVE CASE 13-024

The Board reviewed the documents in this case and a motion was made by Dr. Abston, seconded by Dr. Hideg and passed 3-0 to send a letter to the licensee requesting additional information.

ITEM XXVIII: ADMINISTRATIVE CASE 13-025

The Board reviewed this case and a motion was made by Dr. Abston, seconded by Dr. Hideg and passed 3-0 to dismiss this case.

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ITEM XXIX: MALPRACTICE CASE 13M-003

Dr. Hideg recused himself from this case. This item was tabled until the January 24, 2014, Board meeting since there was not a quorum present to vote.

ITEM XXX: CONSIDER ACTIVATION APPLICATION
RE: MITCHEL STUKEY, D.C.

Upon review of documentation from Dr. Stukey, a motion was made by Dr. Abston, seconded by Dr. Hideg and passed 3-0 to activate the license once all documentation is received.

ITEM XXXI: CONSIDER ACTIVATION APPLICATION
RE: KEVIN WEIN, D.C.

Upon review of documentation from Dr. Wein, a motion was made by Dr. Abston, seconded by Dr. Hideg and passed 3-0 to activate the license once all documentation is received.

ITEM XXXII: CORRESPONDENCE RE: ONLINE PEER REVIEW

This item was tabled until the January 24, 2014, Board meeting when more board members would be present to discuss the questions at hand.

ITEM XXXIII: ADVERTISEMENTS TO REVIEW

The Board reviewed information concerning the website of a licensee. It was determined to have potential violations and a motion was made by Dr. Woodward, seconded by Dr. Abston and passed 3-0 to have board staff look further at the website and send a letter of information for compliance.

ITEM XXXIV: REGULATIONS

The Board was informed that Board Counsel was not able to get the regulations filed by the October 15, 2013 deadline as requested. Additional suggestions for 201 KAR 21:015 were reviewed and a motion was made by Dr. Abston, seconded by Dr. Hideg and passed 3-0 to add a requirement for licensees to report action taken by other state boards within 30 days of receiving the final order. A second motion was made by Dr. Woodward, seconded by Dr. Abston and passed 3-0 to file the regulations by December 15, 2013.

ITEM XXXV: FIELD COORDINATOR REPORT

Dr. Hideg continues to conduct field office visits as he is able between investigations. Information received from the Peer Review Committee was discussed with the board and a motion was made by Dr. Woodward, seconded by Dr. Abston and passed 3-0 to have the Field Coordinator investigate the information for substantiation.

ITEM XXXVI: CORRESPONDENCE FROM KYLE BOWLING, D.C.
RE: FACILITY NAME CHANGE

The Board reviewed information from Dr. Bowling regarding the change of his facility name. A motion was made by Dr. Hideg, seconded by Dr. Abston and passed 3-0 to inform Dr. Bowling of the requirements to be certified as a clinic and that the Board would not approve the words Physical Therapy in his facility name without further business structure information and consent from the Board of Physical Therapy.

ITEM XXXVII: CORRESPONDENCE FROM DEAN TINDALL, D.C.
RE: PEER REVIEW

This item was tabled until the January 24, 2014, Board meeting when more board members would

