

**MINUTES
REGULAR BOARD MEETING
Friday, January 21, 2011
209 South Green Street
Glasgow, KY**

PRESENT: Mark Woodward, D.C., President
Frank Hideg, D.C., Vice President
Terri Byers-Abston, D.C., Secretary
Michael Seibert, D.C., Board Member
Rodney Casada, D.C., Board Member
Karalee P. Oldenkamp, D.C., Executive Director
Michael West, Board Counsel

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. Seibert, seconded by Dr. Abston and passed 5-0 to approve the minutes of the November 5, 2010 board meeting.

ITEM II: FINANCIAL REPORTS

After review of the prepared financial reports for November and December 2010, upon motion made by Dr. Abston, seconded by Dr. Hideg and passed 5-0, the financial reports were approved as presented.

ITEM III: BOARD OFFICE REPORT

Upon review of the board office report and review of information provided, a motion was made by Dr. Seibert, seconded by Dr. Hideg and passed 5-0 to switch the board office's internet service to Windstream with a one month overlap in services to maintain the current email address long enough to allow for ease in transfer to the new email address. Upgrades in technology and services were also discussed. Dr. Seibert was appointed to be the board office staff's liaison for technology issues. A motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to approve technology and system upgrades including 2 new PCs, a server, a networked copier/printer/scanner/fax machine and creation of a new database with final approval of the system and amount to be made at the March board meeting. A motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to elect FCLB dues coverage at the \$870.00 amount. A motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to send Drs. Woodward and Hideg to the Annual FCLB meeting. Dr. Woodward was nominated to be the FCLB delegate, with Dr. Hideg serving as alternate delegate for the FCLB. For the NBCE, Dr. Hideg was nominated to serve as the delegate and Dr. Woodward as the alternate delegate. Drs. Abston and Casada agreed to participate in the NBCE Part IV examination to be held May 13-15, 2011. The board also reviewed a letter drafted to the Attorney General regarding the need for a meeting to discuss the ambulance chasing problem. Upon review of the letter, a motion was made by Dr. Abston, seconded by Dr. Casada to have the Board chair sign the letter and send it to Jack Conway, Attorney General.

ITEM IV: ADMINISTRATIVE CASE #09-072
No action was necessary as this case has been set for hearing date of February 3, 2011.

ITEM V: ADMINISTRATIVE CASE #09-082
This case is continued pending an administrative hearing to take place on February 22-23, 2011.

ITEM VI: ADMINISTRATIVE CASE #10-001
Upon review by the board of the investigative report, a motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to dismiss the case due to lack of cooperation by the complainant.

ITEM VII: ADMINISTRATIVE CASE #10-011
Upon review by the entire board, a motion was made by Dr. Casada, seconded by Dr. Hideg and passed 5-0 to accept and adopt the Hearing Officer's Final Order and Notice of Appeal Rights.

ITEM VIII: ADMINISTRATIVE CASE #10-012
Upon review by the board, a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to have board staff dismiss Dr. Whaley and send a letter of instruction regarding the business handouts to the owner of the facility, Dr. Jeremiah Holmes.

ITEM IX: ADMINISTRATIVE CASE #10-015
This case is continued pending a hearing.

ITEM X: ADMINISTRATIVE CASE #10-018
This case is continued pending a hearing to take place April 12-13, 2011.

ITEM XI: ADMINISTRATIVE CASE #10-019
Upon review of this case, a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 4-0 to have board staff send a letter to the complainant stating this case had been investigated and since no violation was found, dismissed. Dr. Hideg abstained.

ITEM XII: ADMINISTRATIVE CASE #10-020
Upon review of the information presented in this case, a motion was made by Dr. Abston, seconded by Dr. Casada and passed 4-0 to file an administrative complaint for 61 possible violations of 201 KAR 21:015 (11) and (12) (b) and refer this case to the Office of the Attorney General Consumer Protection Division for action they may deem appropriate. Dr. Hideg abstained.

ITEM XIII: ADMINISTRATIVE CASE #10-021
After review of information provided, a motion was made by Dr. Casada seconded by Dr. Seibert and passed 4-0 to dismiss this case. Dr. Hideg abstained.

ITEM XIV: ADMINISTRATIVE CASE #10-022
After review of information provided, a motion was made by Dr. Abston seconded by Dr. Casada and passed 4-0 to dismiss this case. Dr. Hideg abstained.

ITEM XV: ADVERTISING CASE #10A-017

The board reviewed the attorney's response to the proposed agreed order on behalf of Dr. Uhlman-siek. A motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to refuse the counteroffer and file an administrative complaint if the licensee does not enter the original agreed order within 10 business days.

ITEM XVI: CONSIDER AGREED ORDER TERMS

RE: DRS. PERLMUTTER AND COPPOLA, D.C.

The board reviewed information provided by Drs. Perlmutter and Coppola regarding terms of their agreed orders. A motion was made by Dr. Hideg, seconded by Dr. Seibert and passed 5-0 to accept the responses of the licensees as being compliant with the terms of their agreed orders.

ITEM XVII: ADMINISTRATIVE CASE #10-023

The board reviewed the complaint and the attorney's response on behalf of Dr. Arthur Pangemanan. A motion was made by Dr. Abston, seconded by Dr. Casada and passed 4-0 to dismiss the case since they found no violation of KRS 312. Dr. Hideg abstained.

ITEM XVIII: ADMINISTRATIVE CASE #10-024

The board reviewed the complaint and Dr. Jenkins' response. A motion was made by Dr. Woodward, seconded by Dr. Abston and passed 5-0 to offer agreed order terms including a public reprimand for violations of 201 KAR 21:015 (2) and 201 KAR 21:095 Section 2 (3).

ITEM XIX: ADMINISTRATIVE CASE #10-025

The board reviewed multiple complaints and investigative reports concerning Cane Run Chiropractic. The complaints were organized by alpha designation. A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to refer 10-025A to the Office of the Attorney General. 10-025B is continued pending further investigation. A motion was made by Dr. Seibert, seconded by Dr. Woodward and passed 4-0 to file an administrative complaint for 10-025C against Drs. Plambeck and Sears. Dr. Hideg abstained. A motion was made by Dr. Casada, seconded by Dr. Seibert and passed 4-0 to refer 10-025D to the Massage Therapy Board as well as to continue investigation. Dr. Hideg abstained.

ITEM XX: ADMINISTRATIVE CASE #10-026

The board reviewed the complaint and the responses of Drs. Littlefield and Clover. A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 4-0 to dismiss this complaint. Dr. Hideg abstained.

ITEM XXI: ADMINISTRATIVE CASE #10-027

This case was continued pending a response from the licensee.

ITEM XXII: ADMINISTRATIVE CASE #10-028

This case was continued pending a records request for information from the Office of the Attorney General Consumer Protection Division.

ITEM XXIII: ADMINISTRATIVE CASE #11-001

The board reviewed the complaint and the response from Dr. Trace Kelly. A motion was made by Dr. Abston, seconded by Dr. Woodward and passed 5-0 to dismiss Dr. Kelly from the complaint,

send a letter requesting information to Dr. Kleinfeld, the facility owner, and refer the complaint back to the Office of the Attorney general.

ITEM XXIV: ADMINISTRATIVE CASE #11-002

The board reviewed the information concerning Dr. Wilson and her response. A motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to offer an agreed order at the terms discussed for violation of KRS 312.150 Section 1 (a).

ITEM XXV: ADMINISTRATIVE CASE #11-003

This case was continued pending further records being requested.

ITEM XXVI: ADMINISTRATIVE CASE #11-004

The board reviewed the information concerning Dr. Craig Martin. A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 4-0 to offer an agreed order at the terms discussed for violation of KRS 312.150 Section 1 (a) open for twenty business days with an administrative complaint to be filed if not signed and to continue investigation. Dr. Hideg abstained.

ITEM XXVII: ADVERTISING CASE #10A-020

Upon review of the advertisement and Dr. Kent Clark's response, a motion was made by Dr. Hideg, seconded by Dr. Seibert and passed 5-0 to offer settlement by Agreed Order at the standard terms for multiple violations of the right of rescission and to have Board Counsel subpoena Dr. Clark for the March meeting to answer questions from the letters which he did not previously answer.

ITEM XXVIII: ADVERTISING CASE #10A-021

Upon review of the advertisement and Dr. Snodgrass's response, a motion was made by Dr. Abston, seconded by Dr. Hideg and passed 5-0 to dismiss this case.

ITEM XXIX: ADVERTISING CASE #10A-023

Upon review of the advertisement and the licensee's response, a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to dismiss Dr. Snodgrass from the complaint and include this advertisement in the questioning of Dr. Kent Clark during the March 18, 2011 board meeting.

ITEM XXX: ADVERTISING CASE #10A-024

Upon review of the advertisement and Dr. Kahre's response, a motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to have board staff send the licensee a letter of warning since the right of rescission was included, but not in 10 point font.

ITEM XXXI: ADVERTISING CASE #10A-025

Upon review of the advertisement and Dr. Tornatore's response, a motion was made by Dr. Hideg, seconded by Dr. Abston and passed 5-0 to offer settlement by Agreed Order at the standard terms for first violation of the right of rescission.

ITEM XXXII: ADVERTISING CASE #10A-026

Upon review of the advertisement and Dr. Anthony Scatena's response, a motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to offer settlement by Agreed Order at the terms discussed since the licensee had a history of two agreed orders for advertising violations.

ITEM XXXIII: ADVERTISING CASE #11A-001

Upon review of the advertisement and Dr. Garnett's response, a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to offer settlement by Agreed Order at the standard terms for first violation of the right of rescission.

ITEM XXXIV: CONSIDER CORRESPONDENCE
RE: GRANT SANDERS INITIAL APPLICATION

The board reviewed information concerning Grant Sanders initial application for licensure and accompanying letters of recommendation. Since Mr. Sanders had not take the pre-chiropractic education as required by regulation, a motion was made by Dr. Woodward, seconded by Dr. Seibert and passed 5-0 to allow Mr. Sanders to complete the required education while leaving his application pending, but deny licensure without the education.

ITEM XXXV: CONSIDER CORRESPONDENCE
RE: MICHAEL WAGNER, D.C.

The board reviewed a request from Dr. Wagner to allow the online Peer Review courses for obtaining the Peer Review certification. A motion was made by Dr. Seibert, seconded by Dr. Hideg and passed 5-0 to deny his request since the board does not approve online learning.

ITEM XXXVI: REVIEW LICENSE ACTIVATION RE: QUALLS, D.C.

Upon review of the application for activation and supporting documents from Dr. Jessica Qualls, a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to activate Dr. Qualls's license.

ITEM XXXVII: REVIEW OF CURRENT LEGISLATION

The Board reviewed current legislation pertaining to the practice of chiropractic. No action was taken at this time.

ITEM XXXVIII: FIELD COORDINATOR REPORT

The Field Coordinator updated the Board on the progress and findings of his field visits. Dr. Casada had to leave at this time.

ITEM XXXIX: REVIEW OF ADVERTISEMENTS

The Board reviewed an advertisement regarding a diabetes lecture. A motion was made by Dr. Woodward, seconded by Dr. Seibert and passed 4-0 to send a letter to the licensee advising that he must include D.C. or chiropractor and that he should be cautious in advising patients on diabetes outside of his scope of practice.

ITEM XL: CONSIDER CORRESPONDENCE RE: HOMER BAILEY, D.C.

Upon consideration of correspondence from Homer Bailey, D.C., a motion was made by Dr. Woodward, seconded by Dr. Seibert and passed 4-0 to deny his request to renew his license without completion of the HIV/AIDS course as required by the Cabinet for Health and Human Services described in KRS 214.610 (1), but provide him with alternative options such as an inactive status.

ITEM XLI: CONSIDER CORRESPONDENCE RE: GREGORY SHY, D.C.

Upon consideration of correspondence from Gregory Shy, D.C., a motion was made by Dr. Seibert, seconded by Dr. Abston and passed 4-0 to respond that he may place his license on inactive status

until his Jurisprudence requirement is completed. This must be completed before the March 1, 2012 renewal deadline.

ITEM XLII: CONSIDER CORRESPONDENCE RE: RONALD COOPER, D.C.
Upon consideration of correspondence from Ronald Cooper, D.C., a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 4-0 to deny his request not to have to complete the 6 hours of continuing education required to be taken in Kentucky.

ITEM XLIII: CONSIDER CORRESPONDENCE RE: CLYDE MILLER, D.C.
Upon consideration of correspondence from Clyde Miller, D.C., a motion was made by Dr. Hideg, seconded by Dr. Seibert and passed 4-0 to respond that upon review by the Assistant Attorney General, he does have to pass the quiz at the end of the HIV/AIDS course to receive credit hours.

ITEM XLIV: APPROVE SETTLEMENT AGREEMENT
RE: BRIAN JOHNSON, D.C.

ITEM XLV: FUTURE BOARD MEETING DATES
Upon motion made by Dr. Hideg, seconded by Dr. Woodward and passed 4-0, a regular board meeting was scheduled for May 20, 2011.

ITEM XLVI: TRAVEL AND PER DIEM
A motion was made by Dr. Abston, seconded by Dr. Hideg and passed 4-0 to approve the travel expenses and per diems relating to today's meeting.

ITEM XLVII: ADJOURNMENT
There being no further business to come before the Board, upon motion made by Dr. Seibert, seconded by Dr. Hideg and passed 4-0, the meeting was adjourned.

ITEM XLVIII:

Respectfully submitted:

Karalee P. Oldenkamp, D.C.
Executive Director

ATTESTED:

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January 21, 2011

Mark Woodward, D.C.
President