

MINUTES
REGULAR BOARD MEETING
Friday, March 12, 2010
200 South Green Street
Glasgow, KY

PRESENT: Mark Woodward, D.C., President
Frank Hideg, D.C., Vice President
Victor Cooper, D.C., Secretary
Terri Byers-Abston, D.C., Board Member
Michael Seibert, 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 9:10 a.m. prevailing time.

ITEM I: MINUTES

A motion was made by Dr. Seibert, seconded by Dr. Cooper and passed 5-0 to approve the minutes of the January 8, 2010 board meeting.

ITEM II: FINANCIAL REPORTS

After review of the prepared financial reports for January and February 2010, upon motion made by Dr. Cooper, seconded by Dr. Seibert and passed 5-0, the financial reports were approved as presented.

ITEM III: BOARD OFFICE REPORT

Upon review of the board office report, a motion was made by Dr. Seibert, seconded by Dr. Cooper and passed 5-0 to accept the report.

ITEM IV: BOARD ENTERS EXECUTIVE SESSION

A motion was made by Dr. Seibert to go into Executive Session to discuss administrative cases 08-042A, 09-072, 09-076, 09-077, 09-078, 09-080, 09-082, 10-001, 10-002, 10-003, 10A-001, 10A-002 and 10A-003 under authority of KRS 61.810 C, J. The motion was seconded by Dr. Abston and passed 5-0.

ITEM V: BOARD RESUMES REGULAR SESSION

Upon motion made by Dr. Abston, seconded by Dr. Cooper and passed 5-0, the board resumed regular open session. Dr. Cooper made the motion that the Board accept the recommendations made for action on the following administrative cases: 08-042A shall be continued pending further investigation, 09-072 shall be continued pending information obtained by Board Counsel, 09-076 shall have a request for information by order of the board mailed to the licensee, 09-077 shall be continued pending further investigation, 09-078 the licensee shall be offered an agreed order for violation of KRS 312.145 (3) and Board Counsel shall notify by letter the County Attorney, 09-080 shall be dismissed once the licensee's signed cease and desist is received, 09-082 shall be continued pending further investigation, 10-001 shall be continued pending further investigation, 10-

002 shall be dismissed without prejudice, 10-003 shall be dismissed without prejudice, 10A-001 the licensee shall be offered the standard agreed order for first time advertising violation, 10A-002 a letter of advisement shall be mailed to the licensees by the Executive Director and 10A-003 a letter shall be mailed to the licensee requesting information to be reviewed at the following board meeting. The motion was seconded by Dr. Abston and passed 4-0. Dr. Hideg abstained.

ITEM VI: REVIEW HARDSHIP REQUEST
RE: CHARLES BOULTON, D.C.

Upon review of the application, request for hardship and supporting documents from Dr. Boulton, a motion was made by Dr. Cooper, seconded by Dr. Abston and passed 5-0 to deny Dr. Boulton's request for hardship on his active license.

ITEM VII: REVIEW HARDSHIP REQUEST
RE: DENNIS CLAUSE, D.C.

Upon review of the application and request for extension of license renewal payment from Dr. Clause, a motion was made by Dr. Abston, seconded by Dr. Cooper and passed 5-0 to grant Dr. Clause's request and allow a 90 day extension for payment on his active license renewal.

ITEM VIII: REVIEW HARDSHIP REQUEST
RE: VESTA GUEST, D.C.

Upon review of the application, request for hardship and supporting documents from Dr. Guest, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to approve Dr. Guest's request for hardship on her inactive license renewal.

ITEM IX: REVIEW HARDSHIP REQUEST
RE: V. MATTHEW RAO, D.C.

Upon review of the application, request for hardship and supporting documents from Dr. Rao, a motion was made by Dr. Woodward, seconded by Dr. Cooper and passed 5-0 to deny Dr. Rao's request for hardship on his inactive license renewal.

ITEM X: REVIEW HARDSHIP REQUEST
RE: MICHAEL T. THOMPSON, D.C.

Upon review of the application, request for hardship and supporting documents from Dr. Thompson, a motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to deny Dr. Thompson's request for hardship on his active license renewal.

ITEM XI: REVIEW HARDSHIP REQUEST
RE: GARY WATTS, D.C.

Upon review of the application, request for hardship and supporting documents from Dr. Watts, a motion was made by Dr. Cooper, seconded by Dr. Seibert and passed 5-0 to deny Dr. Watts' request for hardship on his inactive license renewal.

ITEM XII: REVIEW RENEWAL APPLICATION
RE: JAMES CASTLE, D.C.

The Board reviewed the renewal application and correspondence from James Castle, D.C. regarding facility ownership and a driving under the influence violation on March 15, 2009. A motion was made by Dr. Cooper, seconded by Dr. Hideg and passed 5-0 to send a letter to Dr. Castle stat-

ing that his license is being renewed. However, he must submit documentation to the board of proof of successful psychological evaluation of alcohol dependence to be reviewed at the next board meeting. A second motion was made by Dr. Seibert, seconded by Dr. Cooper and passed 5-0 to send a cease and desist letter to Mr. Landers, the non-licensed owner of the facility as reported by Dr. Castle.

ITEM XIII: REVIEW RENEWAL APPLICATION
 RE: EDWIN HOPSON, D.C.

The Board reviewed the renewal application and correspondence from Edwin Hopson, D.C. regarding a driving under the influence violation. A motion was made by Dr. Abston, seconded by Dr. Cooper and passed 5-0 to send a letter to Dr. Hopson stating that his license is being renewed. However, he must submit documentation to the board of proof of successful psychological evaluation of alcohol dependence to be reviewed at the next board meeting.

ITEM XIV: REVIEW RENEWAL APPLICATION
 RE: DARREN L. SMITH, D.C.

The Board reviewed the renewal application and correspondence from Darren L. Smith, D.C. regarding action on his Ohio license. A motion was made by Dr. Abston, seconded by Dr. Cooper and passed 5-0 to grant Dr. Smith's license renewal.

ITEM XV: REVIEW RENEWAL APPLICATION
 RE: HAMILTON TAYLOR, D.C.

The Board reviewed the renewal application and correspondence from Hamilton Taylor, D.C. regarding his lack of completion of the jurisprudence course prior to renewal. A motion was made by Dr. Woodward, seconded by Dr. Hideg and passed 5-0 to send a letter to Dr. Taylor stating that his license is being renewed and he is being granted an extension for the jurisprudence course until August 2010.

ITEM XVI: CONSIDER APPLICATION FOR ACTIVATION
 RE: MARK MENDOZA, D.C.

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

ITEM XVII: CONSIDER APPLICATION FOR INITIAL LICENSURE
 RE: SHANE HOYING, D.C.

Upon review of the application for initial licensure and supporting documents from Dr. Hoying, a motion was made by Dr. Seibert, seconded by Dr. Woodward and passed 5-0 to grant a license to Dr. Shane Hoying.

ITEM XVIII: CONSIDER APPLICATION FOR INITIAL LICENSURE
 RE: JASON LUCAS, D.C.

The Board reviewed the application for initial licensure and relative documents concerning Dr. Lucas. It was also brought to the Board's attention that Dr. Lucas had withdrawn his application for licensure. A motion was made by Dr. Seibert, seconded by Dr. Woodward and passed 5-0 to accept his request for withdraw and issue an administrative case number for Debbie Alsheimer, D.C., for whom he had been working. The case will be reviewed at the next meeting.

ITEM XIX: CONSIDER APPLICATION FOR INITIAL LICENSURE
 RE: MATTHEW RORIE, D.C.

Upon review of the application for initial licensure and documents pertaining to action on his Tennessee license from Dr. Rorie, a motion was made by Dr. Seibert, seconded by Dr. Woodward and passed 5-0 to request a letter of explanation from the applicant to be reviewed at the next meeting.

ITEM XX: CONSIDER CORRESPONDENCE
 RE: PAUL FRANGEDAKIS, D.C.

Correspondence regarding diagnostic musculoskeletal ultrasound from Dr. Frangedakis was reviewed by the Board. A motion was made by Dr. Cooper, seconded by Dr. Abston and passed 5-0 to send the licensee a letter requesting information on his training, advising that he may not engage in fee splitting and that the referring licensee must also have education on file in order to charge for interpreting the report.

ITEM XXI: CONSIDER CORRESPONDENCE
 RE: RICHARD GILBERT, D.C.

Correspondence regarding regulation interpretation from Dr. Gilbert was reviewed by the Board. A motion was made by Dr. Cooper, seconded by Dr. Seibert and passed 5-0 to have Board Counsel address Dr. Gilbert's concerns.

ITEM XXII: CONSIDER CORRESPONDENCE
 RE: REQUESTS FOR RENEWAL LATE FEE WAIVED

The Board reviewed correspondence from Dr. Nemastil requesting that his late fee be waived. A motion was made by Dr. Cooper, seconded by Dr. Hideg and passed 5-0 to deny his request. The Board reviewed a request from Dr. Wittwer for late fee waiver. A motion was made by Dr. Cooper, seconded by Dr. Hideg and passed 4-0 to deny the request. Dr. Seibert abstained. The Board also reviewed correspondence from Dr. Egenhauser to waive his late fee. A motion was made by Dr. Abston, seconded by Dr. Hideg and passed 5-0 to deny his request.

ITEM XXIII: CONSIDER CORRESPONDENCE
 RE: SHAWN SIZEMORE, D.C.

Upon review of correspondence from Dr. Sizemore, a motion was made by Dr. Seibert, seconded by Dr. Cooper and passed 4-0 to allow Board Counsel to issue an Agreed Order allowing Dr. Sizemore to extend his probationary period until 2 weeks after the April 15, 2010 Special Purposes Examination for Chiropractic to give him a second opportunity to pass the exam to meet his initial Agreed Order terms. Dr. Hideg abstained.

ITEM XXIV: ELECTION OF FCLB DELEGATE

A motion was made by Dr. Cooper, seconded by Dr. Abston and passed 5-0 to elect Dr. Woodward as the FCLB delegate and Dr. Hideg as the FCLB alternate delegate.

ITEM XXV: CONSIDER NBCE DELEGATE MEETING AND PART IV EXAM

Upon discussion of the upcoming NBCE state delegate meeting, a motion was made by Dr. Cooper, seconded by Dr. Abston and passed 5-0 to send the board's delegate and alternate delegate to attend the meeting to represent the KBCE.

ITEM XXVI: REVIEW STATUS OF CURRENT LITIGATION

Board Counsel had no updates at this time.

ITEM XXVII: REVIEW RENEWAL APPLICATION

RE: GARY KOMPOTHECRAS, D.C.

The entire Board reviewed the renewal application of Dr. Kompothecras and a recent article received by the clipping service regarding his business. No Board action was necessary.

ITEM XXVIII: ADVERTISEMENTS TO REVIEW

The Board reviewed advertisements for compliance with the advertising regulations. It was determined that the advertisements be given administrative case numbers, asking for response from the licensees. Additional information will be reviewed at the next board meeting.

ITEM XXIX: REQUEST FOR RENEWAL LATE FEE WAIVER

RE: MICHAEL PUGH, D.C.

The Board reviewed correspondence received from Dr. Pugh requesting that his late fee for license renewal be waived. A motion was made by Dr. Hideg, seconded by Dr. Cooper and passed 5-0 to deny Dr. Pugh's request.

ITEM XXX: REQUEST FOR RENEWAL LATE FEE WAIVER

RE: STUART LOCKWOOD, D.C.

The Board reviewed correspondence received from Dr. Lockwood requesting that his late fee for license renewal be waived. A motion was made by Dr. Cooper, seconded by Dr. Hideg and passed 4-0 to deny Dr. Lockwood's request. Dr. Seibert abstained.

ITEM XXXI: TRAVEL AND PER DIEM

A motion was made by Dr. Seibert, seconded by Dr. Hideg and passed 5-0 to approve the travel expenses and per diems related to today's meeting.

ITEM XXXII: BOARD SETS FUTURE MEETINGS

A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to set the following board meeting dates for 2010: May 21, August 20 and November 5.

ITEM XXXIII: ADJOURNMENT

There being no further business to come before the Board, upon motion made by Dr. Abston, seconded by Dr. Cooper and passed 5-0, the meeting was adjourned.

Respectfully submitted:

ATTESTED:

Karalee P. Oldenkamp, D.C.
Executive Director

Mark Woodward, D.C.
President