

**MINUTES  
REGULAR BOARD MEETING  
Friday, March 18, 2011  
200 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. Abston, seconded by Dr. Seibert and passed 5-0 to approve the minutes of the January 21, 2011 board meeting.

**ITEM II: FINANCIAL REPORTS**

After review of the prepared financial reports for January and February 2011, upon motion made by Dr. Abston, seconded by Dr. Casada and passed 5-0, the financial reports were approved as presented.

**ITEM III: AMERICAN SOCIETY OF CHIROPRACTIC TECHNOLOGY**

Janice Patterson of the ASCT made a short presentation of information regarding possible law changes related to limited radiology licenses. There was a question and answer session which followed. The Board thanked her for her time and information.

**ITEM IV: BOARD OFFICE REPORT**

Dr. Abston agreed to participate in the NBCE Part IV examination to be held May 13-15, 2011 and the Part IV Test Committee in June. A motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to purchase a Konica Minolta Bizhub 283 to replace the failing copy machine.

**ITEM V: MOTIONS TO ENTER AND EXIT EXECUTIVE SESSION**

Upon motion made by Dr. Hideg, seconded by Dr. Casada and passed 5-0, the board entered executive session to discuss administrative cases 09-072, 09-082, 10-011, 10-015, 10-018, 10-020, 10-024, 10-025B, 10-025C, 10-025D, 10-027, 10-028, 11-002, 11-003 and 11-004 pursuant to KRS 61.810 C, J. Upon realization that a licensee was present to discuss his case, a motion was made by Dr. Hideg, seconded by Dr. Casada and passed 5-0 to exit executive session.

**ITEM VI: MOTION TO SUSPEND AGENDA FOR MATTHEW TACKETT, D.C.**

Upon motion made by Dr. Seibert, seconded by Dr. Abston and passed 5-0, the agenda was suspended in order to discuss correspondence from Matthew Tackett, D.C. Upon review and discus-

sion, a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to allow Dr. Tackett an extension until August 31, 2011 to complete the Jurisprudence course as required by the terms of his agreed order.

**ITEM VII: MOTION TO ENTER EXECUTIVE SESSION**

Upon motion made by Dr. Seibert, seconded by Dr. Casada and passed 5-0, the board entered executive session to discuss administrative cases 09-072, 09-082, 10-011, 10-015, 10-018, 10-020, 10-024, 10-025B, 10-025C, 10-025D, 10-027, 10-028, 11-002, 11-003 and 11-004 pursuant to KRS 61.810 C, J.

**ITEM VIII: BOARD RESUMES REGULAR SESSION**

Upon motion made by Dr. Seibert, seconded by Dr. Casada and passed 5-0, the board resumed regular open session. Dr. Seibert made the motion that the Board accept the recommendations made for action on the following cases: 09-072 accept and ratify the recommendations of the hearing panel; 09-082 approve the settlement terms proposed; 10-011 approve the cost of the proceedings for the amount of \$3,605.95 and notify the licensee; 10-015 accept the agreed order as proposed and signed for final settlement of this case; 10-018 offer settlement at terms discussed or proceed to hearing. Dr. Abston stepped out of the closed session for discussion of this case and recused from the vote on this matter. 10-020 no action was necessary at this time; 10-024 amend agreed order to reflect violations of 312.150 (1) (f) and 201 KAR 21:015 Section 1(2), change the typographical error and allow 20 days to accept terms or proceed to filing of administrative complaint; 10-025B continued pending necessity of further documentation; 10-025C no action is required at this time; 10-025D continued pending necessity of further documentation; 10-027 offer settlement by agreed order to both licensees at the terms proposed. Dr. Casada recused from the vote on this matter. 10-028 is continued; 11-002 board will counter offer for agreed order terms to be open for 20 days or this matter will be filed as an administrative complaint; 11-003 authorize board counsel to file an administrative complaint for violation of KRS 312.150 (2)(e); 11-004 continued pending necessity of further documentation. The motion was seconded by Dr. Casada and then passed 5-0.

**ITEM IX: MOTION TO ENTER EXECUTIVE SESSION**

Upon motion made by Dr. Seibert, seconded by Dr. Casada and passed 5-0, the board entered executive session to discuss administrative cases 10A-017, 10A-020, 10A-023, 11A-001, 11-005, 11-006, 11-007, 11-008, 11-009, 11A-002, 11A-003 and 11M-001 pursuant to KRS 61.810 C, J.

**ITEM X: BOARD EXITS EXECUTIVE SESSION FOR SUBPOENAED D.C.**

Upon notice that Dr. Kent Clark had arrived for his subpoena, a motion was made by Dr. Seibert, seconded by Dr. Hideg and passed 5-0, to exit executive session to speak with Dr. Clark regarding administrative cases 10A-020 and 10A-023. The board members asked Dr. Clark questions regarding these advertising issues which were answered to the board's approval. Dr. Clark was dismissed and a motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to then resume executive session to discuss the previously referenced cases.

**ITEM XI: BOARD RESUMES REGULAR SESSION**

Upon motion made by Dr. Casada, seconded by Dr. Seibert and passed 5-0, the board resumed regular open session. Dr. Abston made the motion that the Board accept the recommendations made for action on the following administrative cases: 10A-017 an administrative complaint shall be filed; 10A-020 shall be settled with the signed agreed order; 10A-023 is dismissed; 11A-001 the agreed

order shall be amended and the licensee shall be given 20 days to accept, or an administrative complaint shall be filed; 11-005 is dismissed; 11-006 is dismissed; 11-007 Dr. Abston recused and left the room for discussion. The case is dismissed; 11-008 the complaint shall be dismissed but the licensee shall be instructed to remove the term "specializing" from his slogan and send proof of a corrected business card to the board office; 11-009 is continued for further investigation; 11A-002 is dismissed; 11A-003 an agreed order shall be offered for second violation of the right of rescission; 11M-001 is dismissed. The motion was seconded by Dr. Casada and then passed 5-0.

ITEM XII:                   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. Woodward, seconded by Dr. Seibert and passed 5-0 to deny Dr. Watts' request for hardship on his inactive license renewal.

ITEM XIII:                 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. Casada, seconded by Dr. Woodward and passed 5-0 to deny Dr. Guest's request for hardship on her inactive license renewal.

ITEM XIV:                 REVIEW RENEWAL APPLICATION  
                                  RE: MICHAEL CLOVER, D.C.

The Board reviewed the renewal application and correspondence from Michael Clover, D.C. regarding a reckless firing of a firearm violation. A motion was made by Dr. Woodward, seconded by Dr. Abston and passed 5-0 to send a letter to Dr. Clover stating that his license is being renewed.

ITEM XV:                 REVIEW RENEWAL APPLICATION  
                                  RE: ROSS KOWZAN, D.C.

The Board reviewed the renewal application and correspondence from Ross Kowzan, D.C. regarding an extension for taking the jurisprudence course. 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 XVI:                 REVIEW RENEWAL APPLICATION  
                                  RE: TRACY LUMMUS, D.C.

The Board reviewed the renewal application and correspondence from Tracy Lummus, D.C. regarding a driving under the influence violation. A motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to send a letter to Dr. Lummus 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 XVII:                REVIEW RENEWAL APPLICATION  
                                  RE: JOHN CATAPANO, D.C.

The Board reviewed the renewal application and correspondence from John Catapano, D.C. regarding untruthful completion of his online license renewal. A motion was made by Dr. Abston,

seconded by Dr. Casada and passed 5-0 to offer settlement by agreed order for his violation of KRS 312.150 (1)(a) at the terms discussed.

ITEM XVIII:            CONSIDER CORRESPONDENCE  
                                 RE: CLIFF HILL, D.C.

Upon review of the request for an extension on taking the jurisprudence course from Dr. Hill, a motion was made by Dr. Woodward, seconded by Dr. Casada and passed 5-0 to allow an extension until the next course is offered.

ITEM XIX:            CONSIDER CORRESPONDENCE  
                                 RE: MARIUM GARBER, D.C.

Upon review of the request for an extension on taking the jurisprudence course from Dr. Garber, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to allow an extension until the next course is offered.

ITEM XX:            CONSIDER CORRESPONDENCE  
                                 RE: BRANDON WOOD, D.C.

Upon review of the request for an extension on taking the jurisprudence course to meet the terms of his agreed order, a motion was made by Dr. Woodward, seconded by Dr. Casada and passed 5-0 to allow Dr. Wood to enter into an agreed order to extend the time frame in which he must meet the terms of his agreed order which shall include a \$200 fine.

ITEM XXI:            CONSIDER HARDSHIP REQUEST  
                                 RE: PETER GRACE, D.C.

The Board reviewed the renewal application and correspondence from Peter Grace, D.C. regarding his inability to complete his continuing education by the renewal deadline. A motion was made by Dr. Woodward, seconded by Dr. Seibert and passed 5-0 to waive the \$300 late fee and allow a sixty (60) day extension in which to complete his continuing education.

ITEM XXII:           CONSIDER LICENSE RECIPROCITY  
                                 RE: MARK DOERRFELD, D.C.

The Board reviewed correspondence from Mark Doerrfeld, D.C. requesting license reciprocity to obtain Kentucky licensure. A motion was made by Dr. Woodward, seconded by Dr. Seibert and passed 5-0 to deny his request as the law does not provide for this.

ITEM XXIII:           CONSIDER LICENSE ACTIVATION  
                                 RE: KEVIN STATOM, D.C.

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

ITEM XXIV:           CONSIDER CORRESPONDENCE  
                                 RE: M. OWSLEY, D.C. AND GEICO PEER REVIEW

The Board reviewed information from Dr. Michael Owsley regarding a peer review performed by an unlicensed person. Upon consultation with Board Counsel, a motion was made by Dr. Abston, seconded by Dr. Woodward and passed 5-0 to have Board Counsel file an injunction in Franklin Circuit Court against the Peter Millheiser, M.D. for performing chiropractic peer review without

certification through the KBCE.

**ITEM XXV: FIELD COORDINATOR REPORT**

Dr. Hideg gave an update on field visits. No action was necessary at this time.

**ITEM XXVI: CONSIDER LETTER RECEIVED BY KY PEER REVIEW DCs**

The Board considered a letter which had been mailed by a previous complainant to the chiropractors listed on the website as Peer Review D.C.s. Upon consulting with Board Counsel, no action will be taken at this time.

**ITEM XXVII: FUTURE BOARD MEETING AND JURISPRUDENCE DATES**

Upon motion made by Dr. Hideg, seconded by Dr. Woodward and passed 5-0, regular board meetings were scheduled for August 5 and October 21, 2011. The Jurisprudence course was scheduled for April 21 from 3-5 pm EST in Louisville and October 22, 2011 from 9-11 am CST in Glasgow.

**ITEM XXVIII: CONSIDER LATE FEE WAIVED**

**RE: PAUL SHEETS, D.C.**

The board considered a request from Dr. Sheets to have his late fee waived. A motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to deny his request.

**ITEM XXIX: CONSIDER CORRESPONDENCE**

**RE: MULTIDISCIPLINARY PRACTICE**

The board reviewed correspondence from Randall Strause of Hectus & Strause, PLLC with questions regarding multidisciplinary practice. Upon consideration and discussion, a motion was made by Dr. Woodward, seconded by Dr. Seibert and passed 5-0 to advise Mr. Strause that the board does not issue advisory opinions or give advice regarding business organization, but will address specific issues or questions.

**ITEM XXX: CONSIDER LICENSE APPLICATION**

**RE: CHARLES BENNETT**

The board considered the initial license application of Dr. Bennett and upon motion made by Dr. Hideg, seconded by Dr. Casada and passed 5-0 the board voted to ask for more information which will be reviewed at the May 20, 2011 meeting.

**ITEM XXXI: 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. Casada, seconded by Dr. Seibert and passed 5-0 to deny Dr. Thompson's request for hardship on his active license renewal.

**ITEM XXXII: CONSIDER CORRESPONDENCE**

**RE: MICHAEL LANG, D.C. AND OWNERSHIP**

The board considered correspondence from Dr. Lang regarding the ownership of his practice by an unlicensed chiropractor. A motion was made by Dr. Seibert, seconded by Dr. Hideg to file an injunction in the Franklin Circuit Court against Dr. Randall Fick for practice in Kentucky without licensure.

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ITEM XXXIII: TRAVEL AND PER DIEM

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

ITEM XXXIV: ADJOURNMENT

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

Respectfully submitted:

Karalee P. Oldenkamp, D.C.  
Executive Director

ATTESTED:

Mark Woodward, D.C.  
President