

**MINUTES
REGULAR BOARD MEETING
Friday, March 8, 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
Michael Seibert, D.C., Board Member
Rodney Casada, D.C., Board Member
Karalee P. Oldenkamp, D.C., Executive Director
Brian Judy, 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. Seibert, seconded by Dr. Abston and passed 5-0 to approve the minutes of the January 11, 2013 board meeting.

ITEM II: FINANCIAL REPORTS

After review of the prepared financial reports for January and February 2013, upon motion made by Dr. Casada, seconded by Dr. Seibert and passed 5-0, the financial reports were approved as presented.

ITEM III: BOARD OFFICE REPORT

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. The Board was also updated on the need for technology replacements in the Board office. A motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to give the Executive Director authority to make any necessary technology upgrades or replacements.

ITEM IV: MOTION TO AMEND THE AGENDA

A motion was made by Dr. Hideg, seconded by Dr. Abston and passed 5-0 to amend the agenda to discuss administrative cases 12-013 and 12-016 concerning Zachary Pappas, D.C., whose attorney was present.

ITEM V: MOTION FOR CLOSED SESSION

A motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to go into closed session to discuss administrative cases 12-013 and 12-016 pursuant to KRS 61.810 C, J.

ITEM VI: MOTION FOR OPEN SESSION

A motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to resume open session. A motion was then made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to accept the recommendations made by the Board in closed session regarding the following administrative cases:

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12-013 charges shall be filed against Drs. Pappas and Clover; and 12-016 shall be continued and will be reviewed at the next regular meeting.

ITEM VII: MOTION TO AMEND THE AGENDA

A motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to amend the agenda to discuss administrative cases 13M-001 and 13A-001 concerning Drs. Woods and Dammel, respectively, whose attorney was present. Attorney Ben Weigel was present and informed the Board of each licensee's position on his complaint.

ITEM VIII: MOTION FOR CLOSED SESSION

A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to go into closed session to discuss administrative cases 13M-001, 13A-001, 12-016 and 10-020 pursuant to KRS 81.610 C, J.

ITEM IX: MOTION FOR OPEN SESSION

A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to resume open session. A motion was then made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to dismiss 13M-001. A second motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to offer and agreed order for violation of the right of rescission, which if accepted shall close this case, and send a letter of warning to Dr. Dammel regarding use of the term specializing in the case of 13A-001. In the case of 12-016 a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to accept the terms of the agreement with Dr. Luke Young, which shall be reduced to writing and authorize Field Coordinator, Dr. Frank Hideg to sign the written agreement on behalf of the Board. In the case of 10-020 terms were set by the Board for an offer to resolve the pending administrative hearing. The licensee shall have until March 22, 2013 to accept the offer and the probated fine and costs must be paid within sixty (60) days.

ITEM X: MOTION TO RESUME AGENDA

A motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to resume the agenda.

ITEM XI: ADMINISTRATIVE CASE #10-025D

This case is continued.

ITEM XII: ADMINISTRATIVE CASE #12-020

This case is continued as an administrative complaint is being filed.

ITEM XIII: ADMINISTRATIVE CASE #12-021

This case shall be continued pending further information to be obtained by Board Counsel.

ITEM XIV: ADMINISTRATIVE CASE #12-022

This case shall be continued pending further information to be obtained by Board Counsel.

ITEM XV: ADMINISTRATIVE CASE #12-028

Upon review of the information in this case, a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to file an administrative complaint against Dr. Rechter and initiate a new complaint against Dr. Kleinfeld regarding his signage and name of facility.

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ITEM XVI: ADMINISTRATIVE CASE #12-029

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

ITEM XVII: ADMINISTRATIVE CASE #12-030

A motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to file a motion for summary judgment in this case.

ITEM XVIII: ADMINISTRATIVE CASE #12-031

This case is continued pending further investigation.

ITEM XIX: ADMINISTRATIVE CASE #12-032

A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to file a notice of appeal in this case.

ITEM XX: ADMINISTRATIVE CASE #12-038

A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to file a notice of appeal in this case.

ITEM XXI: ADMINISTRATIVE CASE #12-039

Upon motion made by Dr. Casada, seconded by Dr. Abston and passed 5-0, this case shall be dismissed.

ITEM XXII: ADMINISTRATIVE CASE #12-043

A motion was made by Dr. Casada, seconded by Dr. Aston and passed 5-0 to dismiss this case as Dr. Jenkinson, M.D. acknowledged the cease and desist.

ITEM XXIII: ADMINISTRATIVE CASE 12-044

The Board reviewed this case and since the attorney representing the licensee had not yet provided the information which had previously been requested, a motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to subpoena the necessary documentation for review at the next regular meeting.

ITEM XXIV: ADMINISTRATIVE CASE 12-045

Upon review of the information in this case, a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to dismiss this complaint against Dr. Seastedt and initiate a new complaint against Dr. Kevin Dickhaut and subpoena all records for patient L.C. and all employment records for D. C. to review at the next regular meeting.

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

This case is continued pending the hearing.

ITEM XXVI: ADVERTISING CASE #12A-007

The Board reviewed the documentation regarding this case and a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to dismiss this case.

ITEM XXVII: ADVERTISING CASE #12A-008

Upon review of the information available for this case, a motion was made by Dr. Abston, seconded

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by Dr. Casada and passed 5-0 to have Board Counsel file contempt of settlement order against Mark Miller, D.C. A second motion was made by Dr. Casada, seconded by Dr. Seibert and passed 4-0 to file a complaint against Donald Miller, D.C. Dr. Hideg abstained.

ITEM XXVIII: ADMINISTRATIVE CASE 12-048

The Board reviewed the documentation regarding this case and a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to dismiss this case.

ITEM XXIX: ADMINISTRATIVE CASE 13-001

The Board reviewed the documentation regarding this case and a motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to file an administrative complaint.

ITEM XXX: ADMINISTRATIVE CASE 13-002

The Board reviewed the documentation regarding this case and a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to dismiss this case.

ITEM XXXI: ADMINISTRATIVE CASE 13-003

Upon review of the information in this case, a motion was made by Dr. Abston, seconded by Dr. Casada and passed 4-0 to offer an agreed order for violation of KRS 312.150 (2)(g) which if accepted shall close this case. Dr. Seibert abstained.

ITEM XXXII: ADMINISTRATIVE CASE 13-004

The Board reviewed the documentation regarding this case and a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 4-0 to file an administrative complaint. Dr. Hideg abstained.

ITEM XXXIII: ADMINISTRATIVE CASE 13-005

The Board reviewed the documentation regarding this case and a motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to file an administrative complaint.

ITEM XXXIV: ADVERTISING CASE 13A-002

The Board reviewed the documentation regarding this case and a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to issue a subpoena for information which shall be provided to the board within ten (10) days.

ITEM XXXV: RECONSIDER CORRESPONDENCE FROM *HERALD LEADER*
RE: ADVERTISING PROGRAM

The Board and Board Counsel reviewed and discussed the additional information from the Lexington Herald Leader. A motion was made by Dr. Woodward, seconded by Dr. Casada and passed 5-0 to notify the Herald Leader that this program would be considered a violation of chiropractic statutes and regulations.

ITEM XXXVI: MOTION FOR CLOSED SESSION

A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to go into closed session to discuss the appeal request from Mark Miller, D.C. pursuant to KRS 81.610 (1)C.

ITEM XXXVII: MOTION FOR OPEN SESSION

A motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to resume open session.

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ITEM XXXVIII: INITIAL LICENSURE APPEAL REQUEST
RE: MARK MILLER, D.C.

A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to file a notice of administrative hearing in the case of Mark Miller, D.C.'s appeal request.

ITEM XXXIX: CONSIDER INITIAL APPLICATION
RE: C. BENNETT, D.C.

Upon review of correspondence and application documents from Dr. Bennett, a motion was made by Dr. Woodward, seconded by Dr. Seibert and passed 5-0 to issue his license.

ITEM XL: LICENSE ACTIVATION REQUEST
RE: J. ARMSTRONG, D.C.

The board reviewed the information regarding activation of Dr. Armstrong's license. A motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to activate Dr. Armstrong's license.

ITEM XLI: LICENSE ACTIVATION REQUEST
RE: D. HOMAN, D.C.

The board reviewed the information regarding activation of Dr. Homan's license. A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to activate Dr. Homan's license.

ITEM XLII: LICENSE ACTIVATION REQUEST
RE: M. LEVERETTE, D.C.

The board reviewed the information regarding activation of Dr. Leverette's license. A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to activate Dr. Leverette's license.

ITEM XLIII: LICENSE ACTIVATION REQUEST
RE: K. STATOM, D.C.

The board reviewed the information regarding activation of Dr. Statom's license. A motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to activate Dr. Statom's license.

ITEM XLIV: CONSIDER CORRESPONDENCE FROM COLEMAN and LECKER, D.C.
RE: JURISPRUDENCE REQUIREMENT

Upon review of correspondence from Drs. Coleman and Lecker, a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to approve the transition of both licensees to an inactive status provided that if and when they choose to activate their license, the Jurisprudence course must first be completed before the license can be activated.

ITEM XLV: CONSIDER CORRESPONDENCE FROM Z. LEIBLE, D.C.
RE: JURISPRUDENCE REQUIREMENT

Upon review of correspondence from Dr. Leible, a motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to offer an agreed order with a fine for violation of 201 KAR 21:041 Section 3(1)(d)2 which if accepted will allow the Board staff to present the Jurisprudence course at a specially arranged time prior to revocation of Dr. Leible's license.

ITEM XLVI: CONSIDER CORRESPONDENCE FROM J. MOORE, D.C.

Upon review of correspondence from Dr. Moore, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to deny his request stating that KRS 312 does not provide for the issu-

ance of a license without the completion of Part IV of the National Board of Chiropractic Examinations.

ITEM XLVII: CONSIDER CORRESPONDENCE FROM W. ERIKSEN, D.C.

Upon review of correspondence from Dr. W.C. Eriksen, a motion was made by Dr. Woodward, seconded by Dr. Casada and passed 5-0 to allow the additional information to be placed in the licensee's file while also giving the licensee the opportunity to respond.

ITEM XLVIII: INFORMATION TO REVIEW RE: B. JOHNSON, D.C.

The Board reviewed information concerning a Consent Order issued to Brian Johnson, D.C. by the Ohio Chiropractic Board. The Consent Order was due to action taken against Dr. Johnson by this Board. No further action was necessary.

ITEM XLIX: NON-D.C.S PERFORMING PEER REVIEW

The Board reviewed information received regarding non-D.C.s performing peer review of chiropractic claims. A motion was made by Dr. Woodward, seconded by Dr. Abston and passed 5-0 to send a cease and desist order to the medical doctor who performed the review.

ITEM L: FIELD COORDINATOR REPORT

Dr. Hideg reported that field office visits were continuing to go well. He is working in office visits between investigative work.

ITEM LI: CONSIDERATION OF REGULATION UPDATES

The Board called a Special Board Meeting to be held on May 3, 2013 for discussion of potential regulation and statutory updates and changes.

ITEM LII: CONSIDER CORRESPONDENCE FROM S. HOYING, D.C.
RE: RENEWAL APPLICATION AFFIDAVIT

Upon review of correspondence from Dr. Hoying, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to reply stating that in lieu of filing a complaint, the Board is requesting that he contact the KY Professional Recovery Network for an evaluation, the results of which will be reviewed by the Board.

ITEM LIII: CONSIDER CORRESPONDENCE FROM D. GLADSTONE, D.C.
RE: RENEWAL APPLICATION AFFIDAVIT

Upon review of correspondence from Dr. Gladstone, a motion was made by Dr. Casada, seconded by Dr. Woodward and passed 5-0 to renew the license and ask that Dr. Gladstone forward the Florida Chiropractic Board decision when it is final.

ITEM LIV: CONSIDER CORRESPONDENCE FROM E. HOPSON, D.C.
RE: RENEWAL APPLICATION AFFIDAVIT

Upon review of correspondence from Dr. Hopson, a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to reply stating that in lieu of filing a complaint, the Board is requesting that he contact the KY Professional Recovery Network for an evaluation, the results of which will be reviewed by the Board.

ITEM LV: CONSIDER CORRESPONDENCE FROM S. BITZ, D.C.
 RE: JURISPRUDENCE REQUIREMENT

Upon review of correspondence from Dr. Bitz, a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to offer an agreed order with a fine for violation of 201 KAR 21:041 Section 3(1)(d)2 which if accepted will allow the Board staff to present the Jurisprudence course at a specially arranged time prior to revocation of Dr. Bitz's license.

ITEM LVI: CONSIDER CORRESPONDENCE FROM P. FRANGEDAKIS, D.C.
 RE: RENEWAL CE HARDSHIP

Upon review of correspondence from Dr. Frangedakis, a motion was made by Dr. Seibert, seconded by Dr. Hideg and passed 5-0 to deny his request for hardship for his continuing education.

ITEM LVII: CONSIDER CORRESPONDENCE FROM M. LAUBER, D.C.
 RE: RENEWAL CE HARDSHIP

Upon review of correspondence from Dr. Lauber, a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to deny his request for hardship for his continuing education.

ITEM LVIII: CONSIDER CORRESPONDENCE FROM B. and L. TACK, D.C.s
 RE: RENEWAL LATE FEE

Upon review of correspondence from Drs. Bradley and Lisa Tack, a motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to deny their request to have their late fees waived.

ITEM LIX: CONSIDER CORRESPONDENCE FROM L. REASOR, D.C.
 RE: RENEWAL LATE FEE

Upon review of correspondence from Dr. Reasor, a motion was made by Dr. Casada, seconded by Dr. Woodward and passed 5-0 to deny her request to have her late fee waived.

ITEM LX: CONSIDER CORRESPONDENCE FROM S. MORRISON, D.C.
 RE: INACTIVE LICENSE HARDSHIP

Upon review of a hardship request from Dr. Morrison, a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to grant Dr. Morrison hardship for the inactive license renewal fee for 2013 license renewal.

ITEM LXI: SET FUTURE BOARD MEETING DATES

The Board considered future Board meeting dates and scheduled regular Board meetings for July 12, September 13 and November 22, 2013.

ITEM LXII: 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 LXIII: ADJOURNMENT

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

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Respectfully submitted:

Karalee P. Oldenkamp, D.C.
Executive Director

ATTESTED:

Mark Woodward, D.C.
President