

**MINUTES
REGULAR BOARD MEETING
Friday, May 20, 2011
209 South Green Street
Glasgow, KY**

PRESENT: Frank Hideg, D.C., Vice President
Terri Byers-Abston, D.C., Secretary
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 Vice-President at 9:00 a.m. prevailing time.

**ITEM I: SUSPENSION OF AGENDA
RE: REINSTATEMENT OF G. MCCOY, D.C.
RE: REINSTATEMENT OF J. RATUSNY, D.C.**

A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 3-0 to suspend the agenda to discuss the reinstatement of licenses for Drs. Gary McCoy and J.T. Ratusny. Upon review of documentation and seeing that all criteria had been met, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 3-0 to reinstate the license of Dr. McCoy. The board then reviewed the documentation and verified that all criteria had been met for Dr. Ratusny. A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 3-0 to reinstate the license of Dr. Ratusny. A motion was then made by Dr. Seibert, seconded by Dr. Hideg and passed 3-0 to resume the agenda.

ITEM II: MINUTES

A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 3-0 to approve the minutes of the March 18, 2011 board meeting.

ITEM III: FINANCIAL REPORTS

After review of the prepared financial reports for March and April 2011, upon motion made by Dr. Abston, seconded by Dr. Seibert and passed 3-0, the financial reports were approved as presented.

ITEM IV: BOARD OFFICE REPORT

Upon review of the board office report and review of information provided, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 3-0 to approve the creation of a new database using the Commonwealth Office of Technology or the lowest bidder, not to exceed the amount as requested through the fourth quarter allotment increase.

ITEM V: ADMINISTRATIVE CASE #09-072

No action was necessary at this time.

ITEM VI: ADMINISTRATIVE CASE #09-082

A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 3-0 to accept the signed agreed order as final settlement of the case.

ITEM VII: ADMINISTRATIVE CASE #10-018

A motion was made by Dr. Seibert, seconded by Dr. Hideg and passed 3-0 to accept the signed agreed order as final settlement of the case.

ITEM VIII: ADMINISTRATIVE CASE #10-020

Board Counsel updated the board on this case stating that mediation had been set for June 29, 2011. A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 3-0 to authorize Dr. Hideg to attend the mediation as the board's representative and to have the board be bound by any agreement resulting from the mediation.

ITEM IX: ADMINISTRATIVE CASE #10-024

This item was tabled until the August 5, 2011 meeting.

ITEM X: ADMINISTRATIVE CASE #10-025B

Upon review of this case, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 3-0 to have board staff send a copy of the patient records to the Board's Peer Review Committee for review, the result of which will be reviewed at the next board meeting.

ITEM XI: ADMINISTRATIVE CASE #10-025C

A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 3-0 to authorize Board Counsel to settle this case at the parameters discussed.

ITEM XII: ADMINISTRATIVE CASE #10-025D

Upon review of this case, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 3-0 to have board staff send a copy of the patients' records to the Board's Peer Review Committee for review, the results of which will be reviewed at the next board meeting. There will also be continued investigation.

ITEM XIII: ADMINISTRATIVE CASE #10-027

Upon review of the information presented in this case, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 3-0 to dismiss the case without prejudice.

ITEM XIV: ADMINISTRATIVE CASE #10-028

After review of information provided, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 3-0 to file an administrative complaint for violation of 201 KAR 21:015 (12) (a). Board Counsel was given settlement parameters.

ITEM XV: ADMINISTRATIVE CASE #11-002

After review of a counter offer from the licensee, a motion was made by Dr. Abston seconded by Dr. Seibert and passed 3-0 to allow the licensee to settle the violation by changing her license status to inactive until which time she can provide the documentation set forth by the board to regain active status.

ITEM XVI: ADMINISTRATIVE CASE #11-003

This case is continued pending a hearing.

ITEM XVII: 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 accept the agreed order signed by Dr. Martin as settlement of this case. The motion also authorized Board Counsel to file injunctions in Franklin Circuit Court against Brian Culliney and Edward Kennedy for practice without a license.

ITEM XVIII: ADMINISTRATIVE CASE #11-009

After review of information provided, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 3-0 to file an administrative complaint for violations of KRS 312.150 (1) (f)(g), (2)(c)(e) and 201 KAR 21:015 Section 1 (11).

ITEM XIX: ADVERTISING CASE #10A-017

This case has been filed as an administrative complaint. A hearing has been set for July 28, 2011.

ITEM XX: ADVERTISING CASE #11A-001

This case was settled with an agreed order.

ITEM XXI: ADMINISTRATIVE CASE #11-012

The board reviewed the settlement proposed by Dr. Randall Fick for practice without a license. A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 3-0 to accept the agreed order as settlement of this case and authorize Board Counsel to refer this matter to the Boone County Attorney.

ITEM XXII: CONSIDER LICENSE APPLICATION
RE: CHARLES BENNETT

Additional information which had been requested was not received. No action was taken.

ITEM XXIII: REVIEW RENEWAL APPLICATION
RE: TRACY LUMMUS, D.C.

The Board reviewed the renewal application and additional correspondence from Tracy Lummus, D.C. regarding a driving under the influence violation. A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 3-0 to approve the renewal and documentation.

ITEM XXIV: ADMINISTRATIVE CASE #11-011

This case is continued pending the receipt of additional information.

ITEM XXV: ADMINISTRATIVE CASE #11M-002

The board reviewed patient records concerning this malpractice case. A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 3-0 to dismiss this case.

ITEM XXVI: ADMINISTRATIVE CASE #11M-003

The board reviewed patient records concerning this malpractice case. A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 3-0 to dismiss this case.

ITEM XXVII: REVIEW REVOKED LICENSES

The board reviewed a list of licensees who were revoked for non-renewal. No action was taken.

ITEM XXVIII: CONSIDER REINSTATEMENT
RE: GREGORY SHY, D.C.

Information had not been received for the board to review concerning Dr. Shy's reinstatement.

ITEM XXIX: CONSIDER REINSTATEMENT
RE: WILLIAM FERRO, D.C.

The board reviewed information from Dr. Ferro requesting reinstatement and an extension on taking jurisprudence. A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 3-0 to offer an agreed order to include a \$500 fine and allow Dr. Ferro to reinstate his license with the understanding he will complete the jurisprudence course on the next date offered. Once documentation is complete, funds and signed agreed order is received, his license may be reinstated.

ITEM XXX: CONSIDER REINSTATEMENT
RE: JEREMY LONEY, D.C.

The board reviewed information from Dr. Loney requesting reinstatement. A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 3-0 to approve his license reinstatement.

ITEM XXXI: CONSIDER INFORMATION
RE: UNLICENSED PEER REVIEWERS

The board reviewed information concerning five (5) instances of peer reviews which were completed by unlicensed Peer Reviewers. A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 3-0 to file injunctions against the unlicensed Peer Reviewers in Franklin Circuit Court.

ITEM XXXII: CONSIDER INFORMATION
RE: HEALTHWAYS GUIDELINES

The board reviewed information concerning guidelines set forth by Healthways. A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 3-0 to authorize the Board Director and Counsel to send a letter to Healthways advising them that the board does not recognize the standards they have set, as they do not fall within the statutes and regulations of the State of Kentucky.

ITEM XXXIII: FIELD COORDINATOR REPORT

The Field Coordinator updated the Board on the progress and findings of his field visits.

ITEM XXXIV: FCLB CONFERENCE REPORT

This item was tabled to the next meeting since Dr. Woodward was not present to give the report.

ITEM XXXV: CONSIDER ACTIVATION
RE: CHARLES BOULTON, D.C.

The board reviewed information concerning Dr. Boulton's application for activation. A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 3-0 to grant his request for activation once all certificates of completion of CE are received.

ITEM XXXVI: CONSIDER REQUEST FOR CE EXTENSION
 RE: PETER GRACE, D.C.

The board reviewed a request from Dr. Grace requesting an extension to complete his continuing education. A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 3-0 to approve his request.

ITEM XXXVII: CONSIDER INJUNCTION
 RE: GARY JOHNS

Board Counsel updated the board on the injunction filed against Gary Johns stating that he required a new or better address at which to serve Gary Johns. Board staff provided Counsel with updated address information and a motion was made by Dr. Seibert, seconded by Dr. Abston and passed 3-0 to continue with the injunction against Gary Johns.

ITEM XXXVIII: CONSIDER INFORMATION
 RE: SAMUEL FORLENZA, D.C.

The Board reviewed information concerning Dr. Forlenza and asked that it be given a case number with additional information to be reviewed at the next meeting.

ITEM XXXIX: CONSIDER INFORMATION
 RE: MICHAEL SPURLOCK, D.C.

The board considered information concerning conflicting documents regarding the name of Dr. Spurlock's practice. A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 3-0 to have board staff send a letter requesting information and advising Dr. Spurlock of the regulations regarding the naming of a chiropractic facility. He shall come into compliance within 30 days, sending proof to the board office, or Board Counsel has been authorized to file an administrative complaint.

ITEM XL: ATTORNEY TRAINING REQUEST

Board Counsel requested that the board pay for one third of the cost for attending the FARB Attorney Certification Program to be held in Park City, Utah in October 2011. A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 3-0 to approve his request.

ITEM XLI: ADVERTISING TO REVIEW

The board reviewed advertisements and a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 3-0 to have board staff send a letter to the HealthSource chiropractors listed on the advertisement requesting supporting documentation to be reviewed at the next meeting. Also, a letter shall be mailed to Dr. Clark regarding the scope of practice of chiropractic and his advertisement.

ITEM XLII: TRAVEL AND PER DIEM

A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 3-0 to approve the travel expenses and per diems relating to today's meeting.

ITEM XLIII: ADJOURNMENT

There being no further business to come before the Board, upon motion made by Dr. Abston, seconded by Dr. Seibert and passed 3-0, the meeting was adjourned.

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Respectfully submitted:

Karalee P. Oldenkamp, D.C.
Executive Director

ATTESTED:

Frank Hideg, D.C.
Vice-President