

**MINUTES
REGULAR BOARD MEETING
Friday, July 12, 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 9:00 a.m. prevailing time.

ITEM I: MINUTES

A motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to approve the minutes of the May 10, 2013 board meeting.

ITEM II: FINANCIAL REPORTS

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

ITEM III: BOARD OFFICE REPORT

No Board action was necessary at this time.

ITEM IV: MOTION TO AMEND THE AGENDA

A motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to amend to agenda to allow attorneys Chris Lewis and Ben Weigel to speak on behalf of their clients in cases 12-013, 13-011, 13-012, 13-016, 12-016 and 13-009.

ITEM V: PRESENTATION BY ATTORNEY CHRIS LEWIS

Mr. Lewis updated the Board on the status of administrative cases 12-013, 13-011, 13-012, 13-016 and 12-016.

ITEM VI: 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 12-013, 13-011, 13-012, 13-016 and 12-016 pursuant to KRS 81.610 (1)(c).

ITEM VII: MOTION FOR OPEN SESSION

A motion was made by Dr. Casada, seconded by Dr. Seibert 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 of the board for the following cases: 12-013 a counter offer was made for settlement terms on the agreed orders; 13-011 was dismissed; 13-012 was dismissed; 13-016 was dismissed;

and 12-016 the Field Coordinator shall interview Dr. Pappas regarding this case.

ITEM VIII: PRESENTATION BY ATTORNEY BEN WEIGEL

Mr. Weigel updated the Board on the status of administrative cases 12-016 and 13-009.

ITEM IX: MOTION FOR CLOSED SESSION

A motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to go into closed session to discuss administrative cases 12-016 and 13-009 pursuant to KRS 81.610 (1)(c).

ITEM X: MOTION FOR OPEN SESSION

A motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to resume open session. A motion was then made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to allow an extension of the proposed agreed order in case 13-009 until close of business on August 12, 2013, at which time if not received, the Board will file a formal complaint seeking a six month suspension. Administrative case 12-016 has been tabled.

ITEM XI: UPDATE FROM ATTORNEY CHRIS LEWIS

Mr. Lewis informed the Board that he had spoken with Dr. Pappas and he will accept the terms of the settlement for case 12-013. He also stated he had spoken with Dr. Clover and he would be willing to accept the terms of the settlement for case 12-013 if given 90 days in which to pay the fine. A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to accept settlement at these terms to close administrative case 12-013.

ITEM XII: MOTION TO RESUME AGENDA

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

ITEM XIII: ADMINISTRATIVE CASE #10-025D

The Board reviewed a counter offer from Dr. Wellington's attorney. A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 4-0 to accept the offer and schedule a meeting with Dr. Wellington after receipt of the signed agreement. Dr. Hideg abstained.

ITEM XIV: ADMINISTRATIVE CASE #12-020

The Board filed an Administrative Complaint and this case is continued.

ITEM XV: ADMINISTRATIVE CASE #12-021

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

ITEM XVI: ADMINISTRATIVE CASE #12-022

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

ITEM XVII: ADMINISTRATIVE CASE #12-028

The Board filed an Administrative Complaint and this case is continued.

ITEM XVIII: ADMINISTRATIVE CASE #12-029

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

ITEM XIX: ADMINISTRATIVE CASE #12-030

This case is ongoing.

ITEM XX: ADMINISTRATIVE CASE #12-031

This case is continued pending further investigation.

ITEM XXI: ADMINISTRATIVE CASE #12-032

This case is ongoing.

ITEM XXII: ADMINISTRATIVE CASE #12-038

This case is ongoing.

ITEM XXIII: ADMINISTRATIVE CASE 12-044

The Board reviewed the reply from the licensee's attorney. A motion was made by Dr. Woodward, seconded by Dr. Seibert and passed 5-0 to send a subpoena requesting additional information.

ITEM XXIV: ADMINISTRATIVE CASE 13-001

Board Counsel will be filing the Administrative Complaint and this case is continued.

ITEM XXV: ADMINISTRATIVE CASE 13-004

The Board filed an Administrative Complaint and this case is continued.

ITEM XXVI: ADMINISTRATIVE CASE 13-005

Board Counsel will be filing the Administrative Complaint and this case is continued.

ITEM XXVII: ADMINISTRATIVE CASE 13-007

This case is continued pending further investigation.

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

This case is continued pending receipt of the hearing officer's recommended order.

ITEM XXIX: ADVERTISING CASE #12A-008

This case is continued.

ITEM XXX: 12-CI-00763 MARK MILLER, D.C.

Board Counsel has sent a letter of notice of violation of the injunction. Contempt of injunction will be filed if the advertising and website are not corrected.

ITEM XXXI: INITIAL LICENSURE APPEAL REQUEST 13-KBCE-0143
RE: MARK MILLER, D.C.

This case is continued pending a hearing for the appeal.

ITEM XXXII: 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. Casada and passed 5-0 to accept the information and evaluations which have already taken place.

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ITEM XXXIII: ADMINISTRATIVE CASE 13-013

An administrative complaint is being drafted by Board Counsel. A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to add a violation of 201 KAR 21:100.

ITEM XXXIV: ADMINISTRATIVE CASE 13-014

This case is continued pending further investigation.

ITEM XXXV: ADMINISTRATIVE CASE 13-015

The Board reviewed all information in this case and a motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to send a letter of concern to Dr. Hillyer and dismiss this case.

ITEM XXXVI: ADMINISTRATIVE CASE 13-017

This case is continued pending further information.

ITEM XXXVII: ADVERTISING CASE 13A-003

The board reviewed the case and a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to offer an agreed order to Dr. Hawley for settlement of this case.

ITEM XXXVIII: ADVERTISING CASE 13A-004

The board reviewed the case and a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to offer an agreed order to Dr. Rogers for settlement of this case.

ITEM XXXIX: MALPRACTICE CASE 13M-002

Dr. Abston recused. The Board reviewed the documentation regarding this malpractice case and a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 4-0 to dismiss this case.

ITEM XL: CONSIDER ACTIVATION APPLICATION
RE: C. GUERRIER, D.C.

Upon review of documentation from Dr. Guerrier, a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to activate the license.

ITEM XLI: CONSIDER ACTIVATION APPLICATION
RE: R. KIRBY, D.C.

Upon review of documentation from Dr. Kirby, a motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to activate the license once all certificates are received.

ITEM XLII: CONSIDER CORRESPONDENCE FROM CHIRO ONE WELLNESS
RE: GROUPON

Upon review of correspondence from Chiro One Wellness Centers, a motion was made by Dr. Seibert, seconded by Dr. Hideg and passed 5-0 to inform them that each licensee is responsible for any advertising bearing their name (201 KAR 21:015 (12)(c)). They may not use an advertising agent to sign contracts with Groupon if the contract is for a per purchase amount.

ITEM XLIII: CONSIDER CORRESPONDENCE
RE: NEW ZEALAND CHIROPRACTIC COLLEGE

Upon review of additional information from the New Zealand College of Chiropractic concerning whether their graduates could qualify for licensure in Kentucky, a motion was made by Dr. Hideg, seconded by Dr. Abston and passed 5-0 to respond that Kentucky law does not provide for licensure

of their graduates at this time.

ITEM XLIV: CONSIDER FACILITY NAME QUESTIONS

The Board reviewed submitted questions from the following licensees: Drs. Sperbeck, Dammel, Jacques, Bronner, Wallis, Dailey, Proffitt, Cavanaugh, Coppola, Kelly, William Eriksen, Storms, Patel and Willis. A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to have Board staff send a letter of response to each licensee and place a copy in their file along with their initial question.

ITEM XLV: REVIEW FACILITY REGISTRATION FORMS

The Board reviewed Facility Registration Forms and photos from the following licensees: Drs. Krawchison, Matt Moore, Travis, Green, Wells, Gittings, Tornatore, Williams, Winters, Yadon, Yost, Cunningham, Mueller, Woods, Ward, Zeronis, Socha, Ott, Brockman, Lyles, Egenhauser, John Cole, Bergeson, Tim Rogers, Goolsby and Ivey. The Board adopted the policy that signage above a building may use the word "Chiropractor" or "Chiropractic" as a generic directional sign. Any other signage must include the entire facility name, which includes the name of the owner or operator. A motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to have Board staff send letters to all licensees who had forms and photos reviewed explaining any necessary changes for compliance.

ITEM XLVI: FIELD COORDINATOR REPORT

Dr. Hideg continues to conduct field office visits as he is able between investigations.

ITEM XLVII: CONSIDERATION OF REGULATION UPDATES

The Board reviewed the regulation drafts and made suggestions for further changes and additions. Requests were also made for more information to be gathered for reference on several regulations. All updated drafts and additional information will be reviewed at the following board meeting.

ITEM XLVIII: TRAVEL AND PER DIEM

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

ITEM XLIX: ADJOURNMENT

There being no further business to come before the Board, upon motion made by Dr. Abston, 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