

**MINUTES
REGULAR BOARD MEETING
Friday, August 5, 2011
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
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 9:03 a.m. prevailing time. At this time, Dr. Seibert had not yet arrived.

ITEM I: MINUTES

A motion was made by Dr. Abston, seconded by Dr. Hideg and passed 4-0 to approve the minutes of the May 20, 2011 board meeting.

ITEM II: FINANCIAL REPORTS

After review of the prepared financial reports for May, June and July 2011, upon motion made by Dr. Hideg, seconded by Dr. Abston and passed 4-0, the financial reports were approved as presented.

ITEM III: BOARD OFFICE REPORT

Upon review of the board office report and review of information provided, a motion was made by Dr. Casada, seconded by Dr. Abston and passed 4-0 to send Dr. Hideg to the FCLB District II meeting in October 2011.

ITEM IV: SUSPENSION OF AGENDA

RE: INITIAL LICENSURE OF MATTHEW MOORE, D.C.

A motion was made by Dr. Woodward, seconded by Dr. Abston and passed 4-0 to suspend the agenda to discuss correspondence from Matthew Moore regarding initial licensure. Upon review and discussion, a motion was made by Dr. Woodward, seconded by Dr. Casada and passed 4-0 to issue the license.

ITEM V: AGENDA RESUMED

A motion was made by Dr. Casada, seconded by Dr. Hideg and passed 4-0 to resume the agenda.

ITEM VI: ADMINISTRATIVE CASE #09-072

No action was necessary at this time.

ITEM VII: ADMINISTRATIVE CASE #10-020

Dr. Seibert arrived during discussion of this case. A motion was made by Dr. Casada, seconded by Dr. Abston and passed 4-0 to accept the signed agreed order as final settlement of the case. Dr. Hideg abstained.

ITEM VIII: ADMINISTRATIVE CASE #10-024

A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to file an administrative complaint for violations of 201 KAR 21:095 Section 2 (3)(1 and 3), 201 KAR 21:015 (2) and KRS 312.019(3).

ITEM IX: ADMINISTRATIVE CASE #10-025B

Upon review of this case, a motion was made by Dr. Seibert, seconded by Dr. Casada and passed 4-0 to have the Board Director, Investigator and Counsel interview the complainant, the result of which will be reviewed at the next board meeting. Dr. Hideg abstained.

ITEM X: ADMINISTRATIVE CASE #10-025C

A motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to authorize Board Counsel to file for voluntary dismissal without prejudice of this case.

ITEM XI: ADMINISTRATIVE CASE #10-025D

Upon review of this case, a motion was made by Dr. Seibert, seconded by Dr. Casada and passed 4-0 to have the Board Director, Investigator and Counsel interview the complainants, the results of which will be reviewed at the next board meeting. Dr. Hideg abstained.

ITEM XII: SUSPENSION OF AGENDA
RE: ANIMAL ADJUSTING

A motion was made by Dr. Woodward, seconded by Dr. Abston and passed 5-0 to suspend the agenda to discuss information related to animal adjusting with Lisa Hinkle, the attorney for Drs. Bruce and Anita Jackson. Upon discussion it was determined that the case will require additional fact finding and investigation.

ITEM XIII: AGENDA RESUMED

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

ITEM XIV: ADMINISTRATIVE CASE #10-028

No action necessary at this time.

ITEM XV: ADMINISTRATIVE CASE #11-003

A motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to accept the signed agreed order as final settlement of the case.

ITEM XVI: ADMINISTRATIVE CASE #11-009

No action necessary at this time.

ITEM XVII: ADMINISTRATIVE CASE #11-011

This case is continued pending further investigation.

ITEM XVIII: ADVERTISING CASE #10A-017

Upon review of the information presented, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 4-0 to dismiss this case with an advisory letter to be sent to the licensee regarding the PCD program and its compliance with 201 KAR 21:065.

ITEM XIX: ADMINISTRATIVE CASE #11-013

This case is continued to gather additional information.

ITEM XX: ADMINISTRATIVE CASE #11-014

Upon review of the information presented, a motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to dismiss this case.

ITEM XXI: ADMINISTRATIVE CASE #11-015

This case is continued pending further investigation.

ITEM XXII: ADMINISTRATIVE CASE #11-016

Upon review of the information presented, a motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to dismiss this case without prejudice.

ITEM XXIII: ADMINISTRATIVE CASE #11-017

Upon review of the information presented, a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to dismiss this case.

ITEM XXIV: ADMINISTRATIVE CASE #11-018

Upon review of the information presented, a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to dismiss this case.

ITEM XXV: ADMINISTRATIVE CASE #11-019

The board reviewed the case and a motion was made by Dr. Abston, seconded by Dr. Casada and passed 4-0 to offer an agreed order to Dr. Ferro for settlement of this case at the terms discussed with the offer being good for (30) thirty days or an administrative complaint is to be filed. Dr. Hiddeg abstained. Additional information was reviewed concerning a right of rescission violation. A second motion was made by Dr. Woodward, seconded by Dr. Casada and passed 5-0 to offer a standard agreed order for violation of the right of rescission to both licensees involved.

ITEM XXVI: ADVERTISING CASE #11A-005

Upon review of the information presented, a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to dismiss this case.

ITEM XXVII: ADVERTISING CASE #11A-006

This case is pending further research by Board Counsel concerning testimonials.

ITEM XXVIII: ADVERTISING CASE #11A-007

Upon review of the information presented, a motion was made by Dr. Abston, seconded by Dr. Woodward and passed 5-0 to dismiss this case.

ITEM XXIX: ADVERTISING CASE #11A-008

The board reviewed the case and a motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to offer an agreed order to Dr. Spurlock for settlement of this case at the terms discussed. An advisory letter shall also be sent regarding the necessity of making every effort to create separate and distinct businesses.

ITEM XXX: ADVERTISING CASE #11A-009

Upon review of the information presented, a motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to dismiss this case.

ITEM XXXI: ADVERTISING CASE #11A-010

Upon review of the information presented, a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to dismiss this case.

ITEM XXXII: ADVERTISING CASE #11A-011

Upon review of the information presented, a motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to dismiss this case.

ITEM XXXIII: LICENSE ACTIVATION

RE: GREGORY BARGO, D.C.

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

ITEM XXXIV: CONSIDER REQUEST

RE: DENNIS CLAUSE, D.C. AGREED ORDER TERMS

The board reviewed a request from Dr. Clause regarding changing the terms of his agreed order. A motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to deny his request.

ITEM XXXV: CONSIDER INFORMATION

RE: PATIENT TRANSPORTATION

Correspondence was reviewed from Jeff Beytin concerning patient transportation. A motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to send the same response as had been previously mailed to Robert Lowe.

ITEM XXXVI: CONSIDER INFORMATION

RE: UNLICENSED PEER REVIEWERS

Board Counsel updated the board on the status of pending cases regarding unlicensed peer review. After consideration of the cases, a motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to dismiss the civil complaint against Drs. Millheiser and Long because of lack of personal jurisdiction. The case against Dr. Ellen Ballard, M.D. is continued and shall be given a case number.

ITEM XXXVII: ADVERTISEMENTS TO REVIEW

There were no advertisements to review at this time.

ITEM XXXVIII: FIELD COORDINATOR REPORT

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

ITEM XXXIX: FCLB CONFERENCE REPORT

Dr. Woodward presented information from the FCLB Conference he attended on behalf of the board.

ITEM XL: CONSIDER REQUEST

RE: NICOLE WHITE, D.C. CONTINUING EDUCATION

The board considered a request from Dr. White concerning her inability to take the required in-state continuing education. A motion was made by Dr. Woodward, seconded by Dr. Casada and passed 5-0 to allow Dr. White to have her out-of-state seminar count for continuing education to renew her KY license in 2012 since she resides in Asia and only returns to Kentucky for 2 months of the year and there were no in-state courses held during that time period. However, Dr. White must take all 12 hours for 2013 renewal in the state of Kentucky.

ITEM XLI: SET BOARD MEETING DATES

The board set the first meeting for 2012 on January 20th.

ITEM XLII: TRAVEL AND PER DIEM

A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 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 5-0, the meeting was adjourned.

Respectfully submitted:

Karalee P. Oldenkamp, D.C.
Executive Director

ATTESTED:

Mark Woodward, D.C.
President