

MINUTES
WV BOARD OF CHIROPRACTIC BOARD MEETING & EXAM
November 5, 2015
Holiday Inn & Suites
400 2nd Avenue, South Charleston, WV 25303

MEMBERS:

Roger A. Kritzer, D.C., Chairman
Jeffrey L. Summers, D.C., Vice Chairman
Barry A. Stowers, D.C., Investigative Officer
Holly L. Harvey, D.C., Secretary
H. Jarrett Walker, Public Member

PRESENT:

Roger A. Kritzer
Jeffrey L. Summers
Barry A. Stowers
Holly L. Harvey
Jerry Walker

ALSO IN ATTENDANCE:

Barbara L. Johnson, Executive Secretary
Katherine A. Campbell, Assistant Attorney General

CALL TO ORDER:

Roger A. Kritzer called the meeting to order at 8:00 a.m.

APPROVAL OF MINUTES:

Jeff Summers moved that the Minutes for the August 6, 2015 Board Meeting be approved.

- Jerry Walker - 2nd Motion
- Motion carried.

OLD BUSINESS:

Complaint #2012-141; Stephen D. Herto

After reviewing Jack McClung's Recommended Decision from hearing held on April 14, 2015, Barry Stowers made motion to adopt the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommended Order, dated October 7, 2015. Kate will draft Final Order to be mailed to Herto.

- Jeff Summers - 2nd Motion
- Motion carried.

Complaint #2013-146; Joseph J. Yurigan

A "Request for Continuance" for the November 2, 2015 hearing was made by Yurigan's attorney, Michael E. Nogay. Jack McClung acknowledged the request and continued the matter until January 15, 2016 and, at that time; effort will be made to reschedule the hearing. In a letter dated October 6, 2015, Nogay stated they would like to try and resolve the matter by agreement, as they feel a minimum ten-year license suspension is not acceptable and would agree to a lesser period of time. Kate will send an email to Nogay informing him the Board must follow precedent and will adhere to the ten-year suspension. Kate will also inquire as to Yurigan's license revocation in Pennsylvania.

Emil R. Nardone

After receiving notice that Nardone still has YouTube videos on the internet, Kate will review the Consent Agreement entered on November 6, 2014, to determine compliance.

CALL TO ORDER EXECUTIVE SESSION:

Jeff Summers called for Executive Session.

- Jerry Walker - 2nd Motion
- Motion carried.

CALL TO DISMISS EXECUTIVE SESSION:

Jerry Walker called to dismiss Executive Session.

- Jeff Summers - 2nd Motion
- Motion carried.

Reports were presented to the Board during Executive Session and Roger Kritzer called to accept Reports presented as follows:

A licensee closed practice and destruction of patient records were questioned. The licensee did not renew the license and it expired on June 30, 2015. Barbara received information that the Department of Health and Human Services Office for Civil Rights has received complaints regarding this matter. Jeff Summers made motion for Barbara to follow-up with this Department to request copies of the complaints in order to determine if the Board should take any type of action. Barbara will also make contact with Hipaa, and will also ask the Office for Civil Rights if they have notified the doctor about the complaints.

- Barry Stowers - 2nd Motion
- Motion carried.

Board reviewed email sent to Board of Psychology regarding Charleston chiropractor. No action to be taken.

Board reviewed information regarding a non-licensee and social media. Barry Stowers made motion for Barbara to send a letter to the non-licensee outlining the rules and regulations regarding obtaining licensure.

- Jerry Walker - 2nd Motion
- Motion carried.

Kate Campbell reviewed with the Board the conflict with Series 2 and Series 3 Rules and recommended, for future reference, the Board do away with Series 2.

The FTC Guidance on Active Supervision of State Boards, and FARB's response, was reviewed by the Board.

The WV Supreme Court Decision Regarding Complaint Procedures; WV Board of Registered Professional Nurses was reviewed by the Board.

The Board reviewed and discussed Nelson's email regarding CE for mandated hours. Barry Stowers spoke to Nelson prior to the Board meeting and determined that Judge Phil Stowers will present the hours on December 5 and 6. The Board approved the dates of December 5 and 6 and requests Judge Phil Stowers, if available, present the mandated hours. The mandated hours will be held in Charleston and Morgantown respectively. Roger Kritzer will respond to Nelson's email.

The Board reviewed and discussed Nelson's email regarding "most recent meeting of mandatory class and 12 hours of CE following". Roger Kritzer will respond to Nelson's email.

The Board reviewed and discussed Nelson's email regarding WV Medicaid MCO Chiropractic Matrix regarding policies of managed care. Roger Kritzer and Jeff Summers will respond to Nelson's email.

The Board reviewed and discussed ART (Active Release Technique) and determined it is not considered a Board certified specialty.

The Board reviewed and discussed a letter received from a licensee, dated October 10, 2015, regarding correspondence from the Board on social media dated June 2, 2015. Roger Kritzer will draft a letter to the licensee stating recent Facebook and website entries appears that he is not cooperating and/or complying with the Board. After drafting, Roger Kritzer will send to Kate for review before mailing.

The Board reviewed and discussed Dr. Julia Mishoe's email regarding her Medicare question and determined that this cannot be answered by the Board.

Jeff Summers will visit the WV State Archives Library for further information from the Board of Medicine Collection.

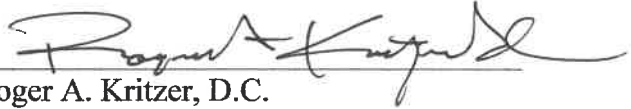
Motion was made by Jeff Summers to approve p-card expenditures for July, August, and September 2015.

- Jerry Walker - 2nd Motion
- Motion carried.

A synopsis was given by Barry Stowers for the District III & V Meeting held in Providence, RI on September 17-20, 2015.

Meeting was adjourned at 1:00 p.m. by Roger Kritzer.

Signed & Dated:

A handwritten signature in black ink, appearing to read "Roger A. Kritzer", is written over a horizontal line.

Roger A. Kritzer, D.C.
Chairman