

**MINUTES**  
**WV BOARD OF CHIROPRACTIC BOARD MEETING & EXAM**  
**February 4, 2016**  
**Wingate by Wyndham**  
**402 2<sup>nd</sup> 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

**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.

**JURISPRUDENCE EXAM:**

Jurisprudence Exam was administered to nine applicants and all received a license to practice chiropractic in the State of West Virginia. Two applicants scheduled, but did not appear, were Andrew M. Goldbaugh, and Tyler M. McKinniss. Jeff Summers made motion for Barbara to make contact as to why they didn't appear for exam.

- Holly Harvey - 2<sup>nd</sup> Motion
- Motion carried.

**APPROVAL OF MINUTES:**

Jeff Summers moved that the Minutes for the November 5, 2015 Board Meeting be approved.

- Holly Harvey - 2<sup>nd</sup> Motion
- Motion carried.

## **OLD BUSINESS:**

### ***Complaint #2012-141; Stephen D. Herto***

Barbara mailed Final Order, entered November 16, 2015, to Herto at his home in Bruceton Mills, as well as the Tygart Valley Regional Jail. Both were mailed certified and returned to Board "unable to forward". Barbara mailed Final Order, via regular mail, to Herto on December 29, 2015. Barbara also mailed Final Order, via certified mail, to Herto at the Huttonsville Correctional Center and it was returned stating "refused". Kate recommended that the Final Order also be mailed to Huttonsville, via regular mail, in a blank envelope. No action taken.

### ***Complaint #2013-146; Joseph J. Yurigan***

Jeff Summers made motion that Yurigan's ten year suspension be lowered to a five year suspension and, within one year of his application to practice, he must complete and pass the SPEC and Ethics & Boundaries Exams. Kate will draft Consent Agreement and Order to reflect these changes and mail to Yurigan's attorney for review. Barry Stowers recused himself from voting.

- Holly Harvey - 2<sup>nd</sup> Motion
- Motion carried.

### ***Emil R. Nardone***

After reviewing Nardone's Consent Agreement, Kate determined Nardone's compliance. No action taken.

Board discussed closing of licensee's practice and destruction of patient records, and the OCR Health Information Privacy Complaint. The Privacy Rule only applies to covered entities; therefore, as a result of the licensee's non-practicing/non-licensed status, the OCR was not able to initiate a formal investigation. The OCR did notify the doctor of the allegations and provided technical assistance on the requirements of the Privacy Rule. No action taken.

Board discussed non-licensee and social media, with update given by Barbara, and tabled until next Board meeting scheduled for May 19, 2016. No action taken.

Board discussed letter received from Licensee, dated October 10, 2015, regarding June 2, 2015 correspondence (social media) from Board, with update given by Roger Kritzer. Jeff Summers made motion for Dr. Kritzer to re-draft letter and send to Kate for review and approval before mailing.

- Holly Harvey - 2<sup>nd</sup> Motion
- Motion carried.

An update was provided by Barry Stowers regarding CE for mandated hours; Legal Safeguards (social medial marketing) and Scope of Practice.

## **NEW BUSINESS:**

Board discussed meeting scheduled for February 11, 2016 with Chairman Howell of House Government Organization (adding citizen members to Board).

Board reviewed and discussed a letter received from the Legislature regarding House Bill 2233. Roger Kritzer will review Rules for 4-02 and 4-03 to determine if necessary and will respond to Barbara by Monday, February 8, 2016.

Board reviewed Practice Mobility Article received from FCLB's, Dr. Schwartzbauer.

## **CALL TO ORDER EXECUTIVE SESSION:**

Jeff Summers called for Executive Session.

- Holly Harvey - 2<sup>nd</sup> Motion
- Motion carried.
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## **CALL TO DISMISS EXECUTIVE SESSION:**

Jeff Summers called to dismiss Executive Session.

- Holly Harvey - 2<sup>nd</sup> Motion
- Motion carried.

## **INVESTIGATIVE OFFICER'S REPORT:**

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

### ***Complaint #2015-167***

Holly Harvey made motion for no probable cause.

- Jeff Summers - 2<sup>nd</sup> Motion
- Motion carried.

### ***Complaint #2016-168***

Tabled for May 19, 2016 Board meeting. Barry Stowers will monitor. No action taken.

Board will review and revise specialty/certification list.

Board reviewed and discussed 100 hour course through Texas Chiropractic College for Applied Clinical Nutrition, submitted by Dr. John Bennett, and determined he may not advertise as a Board certified specialty.

Board reviewed and discussed 300 hour course through National University, submitted by Dr. Caleb Perry, and determined he may advertise as a Board certified specialty.

Board reviewed and discussed Dr. Marie Mason's email concerning Humana, and determined it could not be addressed by the Board.

Motion was made by Jeff Summers to approve p-card expenditures for October, November, and December 2015.

- Holly Harvey - 2<sup>nd</sup> Motion
- Motion carried.
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***FCLB & NBCE Voting Delegates and Alternate***

Motion was made by Barry Stowers to elect Holly Harvey as the Voting Delegate for the 90<sup>th</sup> Annual FCLB Congress on April 27 - May 1, 2016. Roger Kritzer was elected as the Alternate.

- Jeff Summers - 2<sup>nd</sup> Motion
- Motion carried.

Meeting was adjourned at 2:00 p.m. by Roger Kritzer.

Signed & Dated:



Roger A. Kritzer, D.C.  
Chairman