

MINUTES
WV BOARD OF CHIROPRACTIC
May 17, 2018
Wingate by Wyndham
402 Second Avenue, South Charleston, WV 25303

MEMBERS:

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

PRESENT:

Barry A. Stowers
Geoffrey R. Mohn
Jeffrey L. Summers
Holly L. Harvey
Jerry Walker

ALSO IN ATTENDANCE:

Barbara L. Johnson, Executive Secretary
Anthony D. Eates, II, Deputy Attorney General

CALL TO ORDER:

Barry Stowers called the meeting to order at 9:00 a.m.

APPROVAL OF MINUTES:

Jeff Summers moved that the Minutes for the February 1, 2018 Board meeting, and Conference Call held on April 10, 2018 be approved.

- Geoff Mohn - 2nd Motion
- Motion carried.

EXECUTIVE SESSION:

Motion was made by Holly Harvey to enter Executive Session to meet with Dr. Steven Lint, and his Attorney, Charles F. Johns, regarding Medical Malpractice Payment Report.

- Jerry Walker - 2nd Motion
- Motion carried.

OUT OF EXECUTIVE SESSION:

Motion was made by Jeff Summers to dismiss Executive Session.

- Geoff Mohn - 2nd Motion
- Motion carried.

After meeting with Dr. Steven Lint, and his Attorney, Charles F. Johns, the Board agrees that standards of care were met.

EXECUTIVE SESSION:

Motion was made by Jeff Summers to enter Executive Session to discuss disciplinary matters.

- Geoff Mohn - 2nd Motion
- Motion carried.

INVESTIGATIVE OFFICER'S REPORT:

Report was presented to the Board during Executive Session and Barry Stowers called to accept Report presented as follows:

Complaint #2017-172

Jeff Summers made motion to accept Investigative Officer's Report finding no probable cause.

- Geoff Mohn - 2nd Motion
- Motion carried.

OUT OF EXECUTIVE SESSION:

Motion was made by Jeff Summers to dismiss Executive Session.

- Jerry Walker - 2nd Motion
- Motion carried.

OLD BUSINESS:

The FAA BasicMed Exam for Private Pilots, and information received from Dr. Terry Chambers regarding same, were reviewed and discussed by the Board. Geoff Mohn made motion that, because practicing doctors in our state are considered chiropractic physicians, the FAA Basic MedExam is within the chiropractic scope of practice in West Virginia. Anthony Eates will draft an email for responding to Dr. Michael Megehee, President, TeamCME National Network of DOT Certified Medical Examiners, as well as Dr. Terry Chambers, and send to Barbara for distribution.

- Holly Harvey - 2nd Motion
- Motion carried.

Approval process for a PLLC and/or Corporation; and Cathy Boyd Physical Medicine, PLLC was discussed by the Board. Anthony will contact the WV Board of Medicine to see if the licensee received any type of approval from that Board. This matter was tabled until the August 2, 2018 Board meeting. No motion needed!

Board reviewed and discussed current list of Board approved PLLC's and Corporations by licensees. No complaint; Board will not pursue. No motion needed!

United HealthCare Insurance has listed on its website that "x-rays must be ordered by a physician in order to be covered; because chiropractors are not physicians, x-rays ordered by chiropractors are not covered". The Board discussed this matter with Anthony and it was determined this is a matter for the Insurance Commissioner. No motion needed!

Position Statement for "Temporary Licensure for Vacation Relief" was distributed to Board members. No motion needed!

NEW BUSINESS:

Letter received from Dr. Jason A. Moore requesting the Board change its position on Dry Needling was discussed. Geoff Mohn made motion to maintain policy as is; a licensee must have Acupuncture Certification to perform Dry Needling.

- Holly Harvey - 2nd Motion
- Motion carried.

Request from Dr. Mark Calfee to complete 6 additional CE hours online due to shoulder injury was discussed. Jeff Summers made motion to allow Dr. Calfee to complete the 6 additional hours online due to his injury.

- Geoff Mohn - 2nd Motion
- Motion carried.

Request from Dr. William Jordan for PLLC approval was reviewed by the Board. No motion needed!

Email received from Dr. Lawrence Burdette regarding Acute vs. Maintenance vs. Symptomatic Care was reviewed and discussed by the Board. The Board determined this is not a Board issue; however, a personal decision Dr. Burdette needs to make regarding his judgment of Acute vs. Maintenance vs. Symptomatic Care. No motion needed!

Request from WVU Medicine for approval of 4.6 CE hours to be held on October 26, 2018 in Morgantown was reviewed by the Board. Motion was made by Jeff Summers to approve 4.6 CE hours.

- Geoff Mohn - 2nd Motion
- Motion carried.

Request from Fetterman Events - PACE Provider for approval of 12 CE hours to be held on May 19-20, 2018, and June 23-24, 2018 in Charleston. Motion was made by Jeff Summers to approve the June 23-24, 2018 seminar; however, will not approve the May 19-20, 2018 seminar due to timing. The Board will permit all 12 CE hours to be completed in one day if desired by the sponsor.

- Geoff Mohn - 2nd Motion
- Motion carried.

Request from licensees, Drs. John Bennett, and Janet Lintala, to receive continuing education credit for serving as instructors for chiropractic college continuing education courses. The Board will not approve as continuing education hours. No motion needed!

The Board reviewed and discussed email received from Richard Saporito, DC, DABCO, of ChiroCredit.com (Bridgeport College of Chiropractic), asking if courses such as Opioid Management 201; Manual Therapies for Chronic Pain Management of Patients During Opioid Crisis; and Medical Marijuana 201: Eligibility and Use, are acceptable topics for continuing education in WV. The Board determined these courses are acceptable in WV. No motion needed!

The Board reviewed and discussed a telephone call received from Dr. William H. Wertman, licensed in PA, and interpreting EMGs from WV; as well as email received from Kesner & Kesner, Attorneys At Law, regarding same. The Board instructed Barbara to email Dr. Wertman informing him that he doesn't have to be licensed in WV to interpret EMGs from WV. The Board asked Barbara to email Kesner & Kesner for clarification of the following - who performed the EMG; in what state was the EMG performed and does the doctor have a chiropractic license in that state and is the doctor certified to perform an EMG; who interpreted the EMG; and in what state was the EMG interpreted and does the doctor have a chiropractic license in that state and is the doctor certified to interpret an EMG. No motion needed!

Request from Dr. Emily Mallon to use the acronym CFMP (Certified Functional Medicine Practitioner) was reviewed and discussed by the Board. The Board does not recognize CFMP as a certification and will notify Dr. Mallon. No motion needed!

Request from Dr. Jarod Adlington to advertise "Internal Health Specialist". Dr. Adlington completed a 72-hour course through Logan College of Chiropractic in Internal Health Diagnosis and Treatment and was certified as an Internal Health Specialist on December 10, 2008. Barbara will contact Logan College of Chiropractic to request an outline of requirements for Internal Health Specialist. This matter was tabled until the August 2, 2018 Board meeting.

Drafting a position statement regarding Medical Malpractice Payment Reports was discussed by the Board. Since this is listed in statute, no statement is needed.

Drafting a position statement regarding continuing education requests involving 12 CE hours to be completed in one day, in WV, was discussed. The Board will allow 12 CE hours in WV to be completed in one day. No statement is needed.

Drafting a position statement that CE requests must be received 6 weeks prior to the event was discussed. No statement is needed. Barbara will add to the Board's website.

Jeff Summers made motion to approve the FY 2019 Budget.

- Geoff Mohn - 2nd Motion
- Motion carried.

Consideration of Annual Employee Performance Appraisal for Barbara was completed by Barry Stowers and reviewed with the Board. No motion needed!

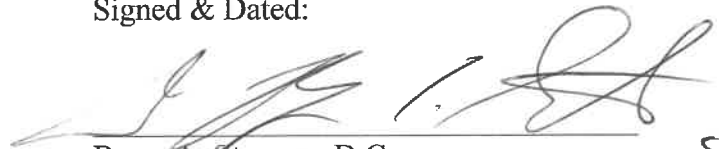
Jeff Summers made motion to approve p-card expenditures for January, February, March, and April 2018.

- Holly Harvey - 2nd Motion
- Motion carried.

Holly Harvey gave brief synopsis of FCLB Annual Congress she attended on May 2-6, 2018 in Dallas, TX.

Adjourn

Signed & Dated:

A handwritten signature in black ink, appearing to read 'Barry A. Stowers', is written over a horizontal line. To the right of the signature, there is a small handwritten mark that looks like a 'c'.

Barry A. Stowers, D.C.
Chairman