

MINUTES
WV BOARD OF CHIROPRACTIC
May 16, 2019
Fairfield Inn & Suites by Marriott
402 Second Avenue, South Charleston, WV 25303

MEMBERS:

Barry A. Stowers, D.C., Chairman
Geoffrey R. Mohn, D.C., Vice Chairman
Terry W. Chambers, D.C., Secretary
Holly L. Harvey, D.C., Investigative Officer
Ruth R. Lemmon, Public Member

PRESENT:

Barry A. Stowers
Geoffrey R. Mohn
Terry W. Chambers
Holly L. Harvey
Ruth R. Lemmon

ALSO, IN ATTENDANCE:

Barbara L. Johnson, Executive Director
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:

Geoff Mohn moved that the Minutes for the May 16, 2019 Board meeting be approved.

- Holly Harvey - 2nd Motion
- Motion carried.

EXECUTIVE SESSION:

Motion was made by Terry Chambers to enter Executive Session to receive Investigative Officer's recommendations for Complaint #2018-174, Complaint #2018-175, Complaint #2019-176, and Complaint #2019-177; and to consider matter pertaining to licensee, Dr. Justin McCarter, received by the Board on April 22, 2019.

- Holly Harvey - 2nd Motion
- Motion carried.

OUT OF EXECUTIVE SESSION:

Motion was made by Geoff Mohn to exit Executive Session.

- Terry Chambers - 2nd Motion
- Motion carried.

Terry Chambers made motion to accept the Investigative Officer's recommendation for Complaint #2018-174 and Barry Stowers' recommendation for Complaint #2019-177, regarding Dr. Christopher Grose, of probable cause for violating scope of practice, pre-payment plan, and rules & regulations. The two complaints were consolidated and referred to the Board's counsel for drafting a Consent Agreement.

- Geoff Mohn - 2nd Motion
- Motion carried.

Geoff Mohn made motion to accept the Investigative Officer's recommendation of no probable cause for Complaint #2018-175.

- Terry Chambers - 2nd Motion
- Motion carried.

Geoff Mohn made motion to accept the Investigative Officer's recommendation of no probable cause for Complaint #2019-176.

- Terry Chambers - 2nd Motion
- Motion carried.

Terry Chambers made motion to accept Barry Stowers' recommendation regarding conduct of licensee, Dr. Justin McCarter, received by the Board on April 22, 2019, to initiate a complaint based on his March 14, 2019 arrest and information received in Trooper J.D. Ferguson's letter outlining statement of facts involving the arrest. The Board voted to issue a Summary Suspension Order based on imminent danger to the public.

- Geoff Mohn - 2nd Motion
- Motion carried.

OLD BUSINESS:

The Board reviewed and discussed request from licensee to receive credit, as an instructor, for continuing education. Terry Chambers made motion for the Board's continuing education standards to remain the same and the Board voted to deny the licensee's request.

- Geoff Mohn - 2nd Motion
- Motion carried.

NEW BUSINESS:

Legislative updates for 2019 were reviewed. Holly Harvey made motion to approve draft of proposed rules and new series; Title 4, Series 7, Application for Waiver of Initial Licensing Fees for Certain Individuals, for legislative approval, and to implement the provisions included in Senate Bill 396 passed on March 8, 2019.

- Geoff Mohn - 2nd Motion
- Motion carried.

Board reviewed Budget for FY2020, Board's cash balance, and reviewed across the board increase for all state employees (\$2370 annually). Ruth Lemmon made motion to approve the Budget for FY2020.

- Geoff Mohn - 2nd Motion
- Motion carried.

Geoff Mohn made motion to approve the continuing education request for the WVU Medicine Pain Conference scheduled for September 20, 2019 for 6.25 hours.

- Holly Harvey - 2nd Motion
- Motion carried.

Board reviewed email received from Dr. Deana Morrison Fernandez regarding two new FDA cleared machines for her practice; UltraSlim red light therapy and UltraSmooth promoting fat loss. Terry Chambers made motion to approve the UltraSlim machine; however, the Board will not approve the UltraSmooth machine.

- Geoff Mohn - 2nd Motion
- Motion carried.

Board reviewed open meetings act. No motion needed.

A presentation by licensee, Dr. Kevin Osborne, was presented at the WV State Treasurer's Cash Handling Conference on May 2, 2019 entitled Stress Less: Successful Tips for Managing Stress. A letter of appreciation will be mailed from the Board. No motion needed.

Geoff Mohn made motion to approve p-card expenditures for February, March, April 2019 statements.

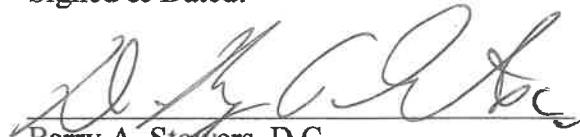
- Terry Chambers - 2nd Motion
- Motion carried.

Maintaining confidentiality of Board records was discussed. No motion needed.

Synopsis by Ruth Lemmon representing the Board at the FCLB 2019 Annual Educational Congress in Mission Bay, CA on May 1-5, 2019.

Adjourn

Signed & Dated:



Barry A. Stowers, D.C.
Chairman