

MINUTES
WV BOARD OF CHIROPRACTIC
May 21, 2020 - Conference Call
WV Board of Chiropractic
415 ½ D Street, Suite B
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
No member from the public was present!

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Terry Chambers moved that the Minutes for the February 6, 2020 Board meeting, and conference call held on March 24, 2020 be approved.

- Geoff Mohn - 2nd Motion
- Motion carried.

EXECUTIVE SESSION:

Motion was made by Terry Chambers to enter Executive Session to receive the Investigative Officer's recommendation for Complaint #2020-183, review update regarding licensee, Justin McCarter, and to review letter received from Juanita Snyder regarding a licensee.

- Holly Harvey - 2nd Motion
- Motion carried.

DISMISS EXECUTIVE SESSION:

Motion was made by Terry Chambers to dismiss Executive Session.

- Holly Harvey - 2nd Motion
- Motion carried.

Reports were presented during Executive Session and Barry Stowers called to accept reports presented to the Board as follows:

Motion was made by Terry Chambers to accept the Investigative Officer's report for Complaint #2020-183 as no probable cause.

- Geoff Mohn - 2nd Motion
- Motion carried.

Justin McCarter

Justin's Consent Agreement and Order was entered into the records of the Board on July 5, 2019. In a letter received from the St. Joseph Recovery Center, dated March 18, 2020, Justin successfully satisfied all therapy requirements and was discharged with no positive drug screens during his substance abuse treatment program he entered on October 15, 2019, at which time his summary suspension was lifted.

The Board also reviewed and discussed a letter received on March 23, 2020 from the U.S. Department of Transportation regarding Justin. Geoff Mohn made motion to request proof of exams from the Director of Driver, Carrier & Vehicle Safety Standards, Charles A. Horan, III, and to place on the August 6 Board meeting agenda for discussion.

- Terry Chambers - 2nd Motion
- Motion carried.

Letter from Juanita Snyder February 20, 2020

Board reviewed and no motion needed!

Dr. Dustin Wright

Dr. Wright signed the Consent Decree and Order on March 10, 2020 and it was entered into the Board's records on March 25, 2020. Dr. Wright must complete 12 CE hours in billing and coding, and complete and pass the EBAS Exam (fraud section) by March 10, 2021.

No motion needed!

Stephen D. Herto

Herto was indicted by a special Preston County grand jury in November 2013 on 13 counts; 2 of sexual abuse by a parent, custodian or person in a position of trust; 1 count of using obscene matter with intent to seduce a minor; and 10 counts of soliciting a minor via computer. At trial in January 2015, he was convicted of all the charges except one count of sexual abuse by a parent, custodian, or person in a position of trust. He was sentenced to 4 to 20 years in prison, with five years' probation after release and 10 years extended supervision. Projected release date was December 2019. Final order entered into the Board's records on November 16, 2015. License was revoked.

No motion needed!

Emil R. Nardone

Reprimanded for his actions in practicing outside scope of practice for advertising violations; including claims of superiority and claims and offers to reverse Diabetes care or treatment. Consent Agreement and Order entered into the Board's records on November 6, 2014. Nardone satisfied all requirements outlined in the Order. Does not have active license in WV; however, may apply for reinstatement.

No motion needed!

New Rule Series 7, Application for Waiver of Initial Licensing Fees on Certain Individuals passed 2020 legislation and signed by the Governor to be effective July 1, 2020.

No motion needed!

New Rule Series 8, Consideration of Prior Criminal Convictions in Initial Licensure Determinations passed 2020 legislation and signed by the Governor to be effective July 1, 2020.

No motion needed!

Terry Chambers made motion to deny request for continuing education approval received from Fetterman Events scheduled for June 13, 2020 in Charleston, WV for 12 hours. The hours submitted were not CCE accredited and the course was for 9 hours instead of 12 hours outlined on the application.

- Geoff Mohn - 2nd Motion
- Motion carried.

Due to COVID-19, the Board discussed mandating 6 continuing education hours for next year's renewal due June 30, 2021. Terry Chambers made motion to mandate the 6 hours and will research the subject matter and will notify Barbara so that she may notify licensees of requirement.

- Geoff Mohn - 2nd Motion
- Motion carried.

The Board reviewed the FY2021 Budget, and Terry Chambers made motion to approve the Budget as presented. The Board's cash balance was also presented to the Board.

- Holly Harvey - 2nd Motion
- Motion carried.

Motion was made by Geoff Mohn to accept and approve P-card (purchasing card expenditures) for February, March, and April 2020.

- Terry Chambers - 2nd Motion
- Motion carried.

The Board reviewed and discussed the 2020 Legislation and letter received from the WV Legislature, dated April 29, 2020, as described in House Concurrent Resolutions: HCR 114, requesting the Joint Committee on Government and Finance to conduct a study of licensure, certification and registration forms of occupational and professional regulation; HCR 116, a study of duplicative and unnecessary professional and occupational regulations; and HCR 129, to study the professional and occupational licensing policies. The Board will address the questions outlined in the letter on or before the deadline of September 1, 2020.

No motion needed!

The Board discussed Chiropractic, Massage Therapy, and Acupuncture Boards and the WV Board of Physical Therapy and Athletic Trainers.

No motion needed!

The Board discussed the FCLB 2020 Annual Educational Congress scheduled for April 22-26, 2020 in Denver, CO which was canceled due to COVID-19.

No motion needed.

Geoff Mohn made motion to adjourn meeting at 11:00 a.m.

- Holly Harvey - 2nd Motion
- Motion carried.

Signed & Dated:



Barry A. Stowers, D.C.
Chairman