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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**F I N A L M I N U T E S**

MEETING OF:

**STATE BOARD OF CHIROPRACTIC**

TIME: 10:31 A.M.

Held at

**PENNSYLVANIA DEPARTMENT OF STATE**

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

**VIA MICROSOFT TEAMS**

April 18, 2024

State Board of Chiropractic  
April 18, 2024

BOARD MEMBERS:

William D. Aukerman, D.C., Chairperson  
Matthew Eaton, Director of Operations, Bureau of  
Professional and Occupational Affairs, on behalf of  
Jonathan W. McCullough Jr., D.C., Secretary  
Ann R. Johnston, Senior Deputy Attorney General,  
Office of Attorney General, Consumer Protection  
Member  
Michael S. Swank, D.C.  
Brian Moreland, D.C.

BUREAU PERSONNEL:

Carole Clarke Smith, Esquire, Senior Board Counsel  
Shawn J. Jayman, Esquire, Board Counsel  
Thomas M. Davis, Esquire, Regulatory Board Counsel  
J. Karl Geschwindt, Esquire, Senior Board Prosecutor  
and Prosecution Liaison  
William A. Newport, Esquire, Senior Board Prosecutor  
Adrienne McClendon, Esquire, Board Prosecutor  
Kelsey B. Ashworth, Esquire, Board Prosecutor  
Shakeena Chappelle, Board Administrator

ALSO PRESENT:

Keith Miller, D.C., President, Pennsylvania  
Chiropractic Association  
Liliana Fisher, Esquire, CGA Law Firm  
Doug Babin, CPCU, AIC, CIFI, FCLS, State Farm  
Insurance Companies Special Investigative Unit  
President- Pennsylvania Auto Crime Investigator's  
Association  
Stephanie Dunkerley  
Mike Barba, Executive Director, Pennsylvania  
Chiropractic Association  
Ted Mowatt, CAE, Vice President, Wanner Associates,  
on behalf of the of the Chiropractor Fellowship of  
Pennsylvania  
George E. Khoury, D.C., District III Director,  
Federation of Chiropractic Licensing Boards  
Fabio Sciarrino, Esquire, Marks, O'Neill, O'Brien,  
Doherty & Kelly

State Board of Chiropractic  
April 18, 2024

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ALSO PRESENT: (cont.)

James J. Kutz, Esquire, Co-Chair of the Appellate  
Department/Chair of the Regulatory & Administrative  
Agency Law and Professional Licensure Practice  
Groups, Post & Schell, P.C.

Kay  
Sophia Mahoney, Sargent's Court Reporting Service,  
Inc.

1 \*\*\*

2 State Board of Chiropractic

3 April 18, 2024

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
6 at 9:30 a.m. the Board entered into Executive Session  
7 with Shawn J. Jayman, Esquire, Board Counsel, for the  
8 purpose of conducting quasi-judicial deliberations  
9 and to receive the advice of counsel. The Board  
10 returned to open session at 10:30 a.m.]

11 \*\*\*

12 Official Call to Order

13 [William D. Aukerman, D.C., Chairperson, called the  
14 meeting of the State Board of Chiropractic to order  
15 at 10:31 a.m.]

16 \*\*\*

17 Introduction of Board Members and Attendees

18 [William D. Aukerman, D.C., Chairperson, requested an  
19 introduction of Board members and attendees. A  
20 quorum of Board members was present.]

21 \*\*\*

22 [Shawn J. Jayman, Esquire, Board Counsel, informed  
23 everyone that the meeting was being recorded, and  
24 those who continued to participate were giving their  
25 consent to be recorded.]

1 Mr. Jayman also noted the Board entered into  
2 Executive Session for the purpose of conducting  
3 quasi-judicial deliberations on a number of matters  
4 currently pending before the Board and to receive the  
5 advice of counsel.]

6

\*\*\*

7 Approval of minutes of the February 8, 2024 meeting

8 CHAIR AUKERMAN:

9

Approval of the minutes from the  
10 February 8, 2024 meeting.

11 Could we have a motion to approve  
12 minutes of February 8, 2024, of the  
13 State Board of Chiropractic?

14 DR. MCCULLOUGH:

15 So moved.

16 DR. SWANK:

17 Second.

18 CHAIR AUKERMAN:

19 Could we have a roll call vote on  
20 approval of the minutes of February 8?

21

22 Dr. Aukerman, aye; Director of  
23 Operations Eaton, abstain; Dr.  
24 McCullough, aye; Ann Johnston, aye; Dr.  
25 Swank, aye; Dr. Moreland, aye.

1 [The motion carried. Matthew Eaton abstained from  
2 voting on the motion.]

3 \*\*\*

4 Report of Prosecution

5 [J. Karl Geschwindt, Esquire, Senior Prosecutor and  
6 Board Prosecution Liaison, presented the Consent  
7 Agreement for Case No. 19-43-006607.

8 Dr. McCullough asked whether the practice was  
9 incorporated, and Mr. Geschwindt did not believe it  
10 was incorporated. He also asked whether it is  
11 defined under § 5.81(2)(ii) that hiring an associate  
12 to cover their practice is a breach of moral  
13 turpitude.

14 Mr. Geschwindt did not believe it is defined in  
15 that section, noting the problem was not that she  
16 employed another chiropractor but that she was having  
17 the individual bill under her name to insurance  
18 providers. He further explained that billing it  
19 under her practice under the individual's name would  
20 have been fine, but she was reported it to insurance  
21 companies as if she performed the work.

22 Mr. Jayman asked whether Board members wished to  
23 return to Executive Session to discuss item 2, and  
24 they agreed to return to Executive Session.]

25 \*\*\*

1 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
2 at 10:37 a.m. the Board entered into Executive  
3 Session with Shawn J. Jayman, Esquire, Board Counsel,  
4 for the purpose of conducting quasi-judicial  
5 deliberations and to receive the advice of counsel  
6 regarding item 2 on the agenda. The Board returned  
7 to open session at 10:44 a.m.]

8 \*\*\*

9 CHAIR AUKERMAN:

10 We came to an agreement in Executive  
11 Session that we would like to forego a  
12 decision. We rejected it as being too  
13 harsh after discussion in Executive  
14 Session, Case No. 19-43-006607.

15 DR. MCCULLOUGH:

16 Second.

17 CHAIR AUKERMAN:

18 We're going to take a roll call vote.

19  
20 Dr. Aukerman, aye; Director of  
21 Operations Eaton, yes; Dr. McCullough,  
22 aye; Ann Johnston, aye; Dr. Swank, aye;  
23 Dr. Moreland, aye.

24 [The motion carried unanimously.]

25 \*\*\*

1 [J. Karl Geschwindt, Esquire, Senior Prosecutor and  
2 Board Prosecution Liaison, presented the Consent  
3 Agreement for Case No. 22-43-013608.]

4 CHAIR AUKERMAN:

5 For item 22-43-013608, do we have a  
6 motion to approve the Consent Agreement  
7 and Order?

8 DR. SWANK:

9 I move that we accept the Consent  
10 Agreement.

11 CHAIR AUKERMAN:

12 Do we have a second?

13 DR. MORELAND:

14 I'll second.

15 CHAIR AUKERMAN:

16 Could we have a roll call vote,  
17 Shakeena?

18  
19 Dr. Aukerman, aye; Matt Eaton, aye; Dr.  
20 McCullough, nay; Ann Johnston, aye; Dr.  
21 Swank, aye; Dr. Moreland, aye.

22 [The motion carried. Jonathan McCullough opposed the  
23 motion. The Respondent's name is Nicholas Andrew  
24 Puccio, D.C.]

25

\*\*\*



1 [William A. Newport, Esquire, Senior Board  
2 Prosecutor, presented the Consent Agreement for Case  
3 No. 23-43-018561.]

4 \*\*\*

5 CHAIR AUKERMAN:

6 We would like to entertain a motion to  
7 approve the Consent Agreement and Order  
8 at Case No. 23-43-018561.

9 DR. MCCULLOUGH:

10 So moved.

11 DR. SWANK:

12 Second.

13 CHAIR AUKERMAN:

14 Could we have a roll call vote,  
15 Shakeena?

16  
17 Dr. Aukerman, aye; Matt Eaton, aye; Dr.  
18 McCullough, aye; Ann Johnston, aye; Dr.  
19 Swank, aye; Dr. Moreland, aye.

20 [The motion carried unanimously. The Respondent's  
21 name is Jon E. Rumbaugh, D.C.]

22 \*\*\*

23 [William A. Newport, Esquire, Senior Board  
24 Prosecutor, presented the Consent Agreement for Case  
25 No. 20-43-012326.]

1 CHAIR AUKERMAN:

2 We would like to entertain a motion to  
3 approve the Consent Agreement and Order  
4 at Case No. 20-43-012326.

5 DR. MCCULLOUGH:

6 So moved.

7 CHAIR AUKERMAN:

8 Do we have a second?

9 DR. SWANK:

10 Second.

11 CHAIR AUKERMAN:

12 Roll call vote, Shakeena.

13

14 Dr. Aukerman, aye; Matt Eaton, aye; Dr.  
15 McCullough, aye; Ann Johnston, aye; Dr.  
16 Swank, aye; Dr. Moreland, aye.

17 [The motion carried unanimously. The Respondent's  
18 name is Kenneth Kulback, D.C.]

19

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20 [Adrienne Rachelle McClendon, Esquire, Board  
21 Prosecutor, presented the Consent Agreement for Case  
22 No. 22-43-000224.]

23 CHAIR AUKERMAN:

24 I would like to make a motion of the  
25 Board to approve Case No. 22-43-000224.

1 Do we have a motion?

2 DR. MCCULLOUGH:

3 So moved.

4 CHAIR AUKERMAN:

5 Do we have a second?

6 DR. SWANK:

7 Second.

8 CHAIR AUKERMAN:

9 Roll call vote, Shakeena.

10

11 Dr. Aukerman, aye; Matt Eaton, aye; Dr.

12 McCullough, aye; Ann Johnston, aye; Dr.

13 Swank, aye; Dr. Moreland, aye.

14 [The motion carried unanimously. The Respondent's  
15 name is Daniel McClimon, D.C.]

16 \*\*\*

17 Report of Acting Commissioner - No Report

18 \*\*\*

19 Report of Board Counsel - No Report

20 \*\*\*

21 Report of Board Chair - CCE Correspondence

22 [William D. Aukerman, D.C., Chairperson, addressed  
23 correspondence received since the last Board meeting  
24 from Craig Little, the President of the Council on  
25 Chiropractic Education. He noted Dr. Little put out

1 a statement for immediate release that any  
2 chiropractic residency programs or doctorate  
3 chiropractic programs in the United States, Canada,  
4 and territories must be in compliance with the  
5 Council on Chiropractic Education (CCE).

6 Chair Aukerman believed the statement is based on  
7 the University of Pittsburgh Medical Center (UPMC)  
8 starting a chiropractic program in 2025. He noted it  
9 would cover residency programs, but they wanted to  
10 get this on the record that it will fall under CCE  
11 guidance and approval.]

12 \*\*\*

13 Report of Board Chair - Affiliated Monitors

14 Correspondence

15 [William D. Aukerman, D.C., Chairperson, referred to  
16 correspondence from Affiliated Monitors informing the  
17 Board that of their availability to provide services.  
18 He noted Affiliated Monitors has been monitoring  
19 individuals who have some type of violation but are  
20 still able to practice under guidance.]

21 \*\*\*

22 Report of Board Chair - NBCE Call for Board Member

23 Nominations

24 [William D. Aukerman, D.C., Chairperson, addressed  
25 the National Board of Chiropractic Examiners call for

1 board member nominations. He noted that anyone who  
2 is interested can go to their website and send a  
3 letter of intent.]

4

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5 Report of Board Chair - Acute Neck and Back Pain  
6 Protocol Correspondence

7 [William D. Aukerman, D.C., Chairperson, referred to  
8 correspondence asking whether the Board had any  
9 guidance on treatment protocols. He mentioned that  
10 Dr. Homa is trying to form a treatment protocol for a  
11 VA Hospital in Philadelphia and subsequent virtual  
12 and home-based education. He noted Dr. Homa wanted  
13 to know if the state Board had any guidance on acute  
14 neck and back pain protocol.

15 Mr. Jayman stated the Board does give advisory  
16 opinions on treatment protocols.

17 Chair Aukerman asked Ms. Chappelle to construct a  
18 short letter responding to Dr. Homa's  
19 correspondence.]

20

\*\*\*

21 Report of Board Administrator

22 [Shakeena L. Chappelle, Board Administrator,  
23 requested Board approval for 2025 Board meeting  
24 dates.

25 Dr. Moreland mentioned that Board meetings are

1 typically on Thursday and referred to June 13, 2025  
2 being on a Friday.

3 Ms. Chappelle explained that June 12 was already  
4 taken by another board but offered to have the Board  
5 be notified if June 12, 2025 becomes available.]

6 CHAIR AUKERMAN:

7 We're going to have a roll call vote to  
8 approve those dates with the exception  
9 of a possible change from June 13 to  
10 June 12.

11 Could we have a motion to approve  
12 those dates outside of the June date?

13 DR. MCCULLOUGH:

14 So moved.

15 DR. SWANK:

16 Second.

17 CHAIR AUKERMAN:

18 Shakeena.

19  
20 Dr. Aukerman, aye; Matt Eaton, aye; Dr.  
21 McCullough, aye; Ann Johnston, aye; Dr.  
22 Swank, aye; Dr. Moreland, aye.

23 [The motion carried unanimously.]

24 \*\*\*

25 Report of Regulatory Board Counsel - Status of

## 1 Regulations

2 [Shawn J. Jayman, Esquire, Board Counsel, provided a  
3 regulatory update on behalf of Thomas M. Davis,  
4 Esquire, Regulatory Board Counsel. He informed Board  
5 members that Mr. Davis is with the Independent  
6 Regulatory Review Commission (IRRC) presenting the  
7 chiropractor fee regulation, which is the only update  
8 to the report.

9 Mr. Jayman noted the regulation would then be  
10 sent to the Office of Attorney General and the  
11 Legislative Reference Bureau (LRB) for approval and  
12 ultimately published as final in the *Pennsylvania*  
13 *Bulletin* if IRRC approves the regulation.]

14 \*\*\*

## 15 New Business

16 [Shawn J. Jayman, Esquire, Board Counsel, referred to  
17 approving continuing education (CE) course provider  
18 applications.

19 Ms. Chappelle explained that continuing education  
20 applications must be submitted separately for the  
21 same course occurring on different dates in different  
22 locations. She noted the need for a discussion or  
23 vote on submitting only one application for a course  
24 to be valid through the end of the biennial period.  
25 She further explained that everyone would input a

1 start date, but the end date would default to  
2 September 1 of the biennial year, along with not  
3 having to submit separate applications for separate  
4 locations.]

5 MR. JAYMAN:

6                   Based on Shakeena's presentation, it's  
7                   my understanding with respect to  
8                   applications for CE course approval  
9                   that the Chair would accept a motion to  
10                  direct Board staff to modify the CE  
11                  course approval application process as  
12                  follows: When the Board approves any  
13                  application for CE course approval, it  
14                  is approved for the entire biennial  
15                  renewal period unless the course  
16                  provider makes material changes of the  
17                  course material. It is approved for  
18                  all dates and locations listed on the  
19                  application.

20 DR. MCCULLOUGH:

21                   So moved.

22 DR. SWANK:

23                   Second.

24 CHAIR AUKERMAN:

25                   Roll call vote, Shakeena.



1

2

Dr. Aukerman, aye; Matt Eaton, aye; Dr.

3

McCullough, aye; Ann Johnston, aye; Dr.

4

Swank, aye; Dr. Moreland, aye.

5

[The motion carried unanimously.]

6

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7

Miscellaneous

8

[James Kutz, Esquire, Co-Chair of the Appellate

9

Department/Chair of the Regulatory & Administrative

10

Agency Law and Professional Licensure Practice

11

Groups, Post & Schell, P.C., presented to the Board

12

to address Case No. 18-43-011786. He stated the

13

Board substantially modified a hearing officer's

14

recommended decision several months ago concerning

15

allegations related to boundary issues.

16

Mr. Kutz explained that part of that

17

recommendation was for the doctor to get continuing

18

education, along with a monetary penalty. He

19

reported having a fiduciary duty to the client but

20

not being able to speak with the client in two years.

21

He noted it to be his understanding from a family

22

member that his client also had civil litigations

23

brought against him. He reported his client to be

24

destitute and living in a home.

25

Mr. Kutz did not want to be guilty of not

1 ensuring compliance with the Board's recommended  
2 decision and did not want to file a petition to  
3 withdraw to chronicle these matters in a public  
4 filing. He wanted to advise the Board, as counsel  
5 for Dr. Larry S., that he had no means to reach the  
6 doctor and asked the Board to review the CE  
7 requirements and the fines.

8 Mr. Kutz noted Board Counsel has the docket  
9 number and the adjudication number and wanted to see  
10 if there was something the Board could do, possibly  
11 by amending the adjudication somehow to keep his  
12 license expired. He commented that his client is in  
13 violation of the order but needed to bring the matter  
14 to the Board's attention for his client's benefit and  
15 his own ethical duty.

16 Chair Aukerman informed Mr. Kutz that the Board  
17 would deliberate in Executive Session and have a  
18 decision upon their return to open session.]

19

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20 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
21 at 11:16 a.m. the Board entered into Executive  
22 Session with Shawn J. Jayman, Esquire, Board Counsel,  
23 for the purpose of conducting quasi-judicial  
24 deliberations and to receive the advice of counsel.  
25 The Board returned to open session at 11:19 a.m.]

1 \*\*\*

2 MR. JAYMAN:

3 Based on Executive Session  
4 deliberations regarding matter 13 on  
5 the agenda, it's my understanding that  
6 the Chair would entertain a motion to  
7 deny the request for modification of  
8 the civil penalty and CE requirements  
9 for Case No. 18-43-011786.

10 CHAIR AUKERMAN:

11 I would like to have a motion to deny  
12 the request of the Respondent.

13 DR. MCCULLOUGH:

14 On the advice of counsel, so moved.

15 CHAIR AUKERMAN:

16 Second?

17 DR. SWANK:

18 Second.

19 CHAIR AUKERMAN:

20 Roll call vote, Shakeena.

21  
22 Dr. Aukerman, aye; Matt Eaton, aye; Dr.  
23 McCullough, aye; Ann Johnston, aye; Dr.  
24 Swank, aye; Dr. Moreland, aye.

25 [The motion carried unanimously.]

1 \*\*\*

2 Old Business

3 [Jonathan W. McCullough Jr., D.C., Secretary,  
4 referred to the number of chiropractic licensees for  
5 the state of Pennsylvania presented at the last  
6 meeting. He noted that the first number was 9,100  
7 and the second number was 4,500 and requested a  
8 correct number of active chiropractic licensees be  
9 presented to the Board.

10 Ms. Chappelle offered to provide the Board with  
11 the correct number of licensees. She also informed  
12 Board members that Ted Mowatt notified her that IRRC  
13 approved the fee regulation.]

14 \*\*\*

15 Adjournment

16 CHAIR AUKERMAN:

17 I'd like to entertain a motion to  
18 adjourn the meeting.

19 MR. EATON:

20 Second.

21 CHAIR AUKERMAN:

22 We're adjourned.

23 \*\*\*

24 [There being no further business, the State Board of  
25 Chiropractic Meeting adjourned at 11:22 a.m.]

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CERTIFICATE

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I hereby certify that the foregoing summary minutes of the State Board of Chiropractic meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Chiropractic meeting.



Sophia Mahoney,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF CHIROPRACTIC  
REFERENCE INDEX

April 18, 2024

	TIME	AGENDA
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2		
3		
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5		
6		
7		
8	9:30	Executive Session
9	10:30	Return to Open Session
10		
11	10:31	Official Call to Order
12		
13	10:32	Introduction of Board Members/Attendees
14		
15	10:34	Approval of Minutes
16		
17	10:35	Report of Prosecution
18		
19	10:37	Executive Session
20	10:44	Return to Open Session
21		
22	10:44	Report of Prosecution (cont.)
23		
24	11:01	Report of Board Chair
25		
26	11:06	Report of Board Administrator
27		
28	11:10	Report of Regulatory Board Counsel
29		
30	11:11	New Business
31		
32	11:14	Miscellaneous
33		
34	11:16	Executive Session
35	11:19	Return to Open Session
36		
37	11:20	Old Business
38		
39	11:22	Adjournment
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