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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: 10:30 A.M.

**PENNSYLVANIA DEPARTMENT OF STATE**

2601 North Third Street  
One Penn Center, Board Room C  
Harrisburg, Pennsylvania 17110

**VIA MICROSOFT TEAMS**

June 29, 2023

State Board of Chiropractic  
June 29, 2023

BOARD MEMBERS:

William D. Aukerman, D.C., Chairperson  
Arion R. Claggett, Acting Commissioner, Bureau of  
Professional and Occupational Affairs  
Jonathan W. McCullough, D.C., Secretary  
Ann R. Johnston, Senior Deputy Attorney General,  
Office of Attorney General, Consumer Protection  
Member - Absent  
Doyle W. Young III, Public Member  
Michael S. Swank, D.C.

BUREAU PERSONNEL:

Carole Clarke Smith, Esquire, Senior Board Counsel  
Tyesha C. Miley, Esquire, Board Counsel  
Garrett A. Rine, Esquire, Board Prosecutor  
J. Karl Geschwindt, Esquire, Acting Senior Board  
Prosecutor  
Shakeena Chappelle, Board Administrator  
Michael McDonald, Director of Policy, Office of  
Policy, Department of State  
Marc Farrell, Esquire, Regulatory Counsel,  
Office of Chief Counsel, Department of State

ALSO PRESENT:

George E. Khoury, D.C., District III Director,  
Federation of Chiropractic Licensing Boards  
Edward L. Nielsen, MHS, Executive Vice President,  
Pennsylvania Chiropractic Association  
Ted Mowatt, CAE, Vice President, Wanner Associates,  
on  
behalf of the of the Chiropractor Fellowship of  
Pennsylvania  
Scott Yeager, Outreach Manager, Pennie  
Judith Wechter, Outreach Coordinator, Pennie  
Keith Miller, D.C., President, Pennsylvania  
Chiropractic Association  
Derek Richmond

1 \*\*\*

2 State Board of Chiropractic

3 June 29, 2023

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 Tyesha C. Miley, Esquire, Board Counsel, to have  
8 attorney-client consultations and for the purpose of  
9 conducting quasi-judicial deliberations. 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  
16 10:30 a.m.]

17 \*\*\*

18 [Tyesha C. Miley, Esquire, Board Counsel, noted the  
19 meeting was being held pursuant to Act 100 of 2021 by  
20 way of a hybrid format.

21 Ms. Miley advised everyone that the meeting was  
22 being recorded, and those who continued to  
23 participate were giving their consent to be recorded.

24 Ms. Miley also informed everyone that the Board  
25 met in Executive Session to have quasi-judicial

1 deliberations and to discuss attorney-client  
2 matters.]

3 \*\*\*

4 Introduction of Board Members and Attendees  
5 [William D. Aukerman, D.C., requested an introduction  
6 of Board members and attendees.]

7 \*\*\*

8 Approval of minutes of the April 20, 2023 meeting

9 CHAIR AUKERMAN:

10 We're on to approval of the draft  
11 minutes from the April 20, 2023  
12 meeting.

13 Has everybody had a chance to  
14 review those? I entertain a motion to  
15 approve.

16 DR. MCCULLOUGH:

17 I move that we accept the draft  
18 minutes.

19 DR. SWANK:

20 I will second that.

21 CHAIR AUKERMAN:

22 Any discussion? Roll call.

23

24 Dr. Aukerman, aye; Commissioner  
25 Claggett, aye; Dr. McCullough, aye;

1 Doyle Young, aye; Dr. Swank, aye.

2 [The motion carried unanimously.]

3 \*\*\*

4 Report of Prosecution

5 [Garrett A. Rine, Esquire, Board Prosecutor, on

6 behalf of Colby B. Widdowson, Esquire, Board

7 Prosecution Liaison, presented the Consent Agreement

8 for Case No. 23-43-002653.]

9 CHAIR AUKERMAN:

10 I would like to entertain a motion to

11 approve the Consent Agreement at Case

12 No. 23-43-002653.

13 DR. MCCULLOUGH:

14 I would like to make a motion that we

15 accept the Consent Agreement in this

16 matter.

17 DR. SWANK:

18 I second that motion.

19 CHAIR AUKERMAN:

20 Any discussion? No discussion. Let's

21 have a roll call vote, Shakeena.

22

23 Dr. Aukerman, aye; Commissioner

24 Claggett, aye; Dr. McCullough, aye;

25 Doyle Young, aye; Dr. Swank, aye.

1 [The motion carried unanimously. The Respondent's  
2 name at agenda item 2, Case No. 23-43-002653, is  
3 Mary Bartek, D.C.]

4 \*\*\*

5 [Garrett A. Rine, Esquire, Board Prosecutor,  
6 presented the Consent Agreement for Case No. 23-43-  
7 001664.]

8 \*\*\*

9 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
10 at 10:40 a.m. the Board entered into Executive  
11 Session with Tyesha C. Miley, Esquire, Board Counsel,  
12 to have attorney-client consultations and for the  
13 purpose of conducting quasi-judicial deliberations.  
14 The Board returned to open session at 10:44 a.m.]

15 \*\*\*

16 MS. MILEY:

17 The Board did enter into Executive  
18 Session to discuss attorney-client  
19 privileged matters as well as quasi-  
20 judicial discussions pursuant to the  
21 Sunshine Act Section 708(a)(5).

22 At this time, we will resume the  
23 agenda at agenda item 3.

24 CHAIR AUKERMAN:

25 At this time, we'd like to entertain a

1 motion to approve the Consent Agreement  
2 at Case No. 23-43-001664.

3 DR. MCCULLOUGH:

4 I move that we accept the Consent  
5 Agreement in this matter.

6 DR. SWANK:

7 I second it.

8 CHAIR AUKERMAN:

9 Any discussion? Could we get a roll  
10 call vote?

11

12 Dr. Aukerman, aye; Commissioner  
13 Claggett, aye; Dr. McCullough, aye;  
14 Doyle Young, aye; Dr. Swank, aye.

15 [The motion carried unanimously. The Respondent's  
16 name at agenda item 3, Case No. 23-43-001664, is  
17 Andrew T. Halushka, D.C.]

18

\*\*\*

19 Report of Acting Commissioner

20 [Arion R. Claggett, Acting Commissioner, Bureau of  
21 Professional and Occupational Affairs, informed  
22 everyone that the Bureau of Professional and  
23 Occupational Affairs (BPOA) licensing staff would be  
24 moving to 2525 North 7th Street in Harrisburg on July  
25 10, 2023. He noted that the Board's website has been

1 updated, and a notification would be sent to all  
2 licensees by the end of the week.

3 Acting Commissioner Claggett also informed  
4 everyone that their next Board meeting would continue  
5 to be at One Penn Center.]

6 \*\*\*

7 Report of Board Counsel - MDFA

8 MS. MILEY:

9 The first matter is an MDFA at item 4  
10 pertaining to licensee John S. Kondus,  
11 D.C., Case No. 20-43-010476. I believe  
12 the Chair has a motion at this time  
13 pertaining to this matter.

14 CHAIR AUKERMAN:

15 I'd like to entertain a motion to grant  
16 the Motion to Deem Facts Admitted and  
17 Enter Default and direct Board Counsel  
18 to prepare an Adjudication and Order in  
19 accordance with the discussion in  
20 Executive Session in that matter.

21 DR. MCCULLOUGH:

22 I would like to make a motion that we  
23 grant the MDFA and enter the default  
24 judgment.

25 DR. SWANK:



1 I second that motion.

2 CHAIR AUKERMAN:

3 Any discussion? No discussion. Roll  
4 call.

5

6 Dr. Aukerman, aye; Commissioner  
7 Claggett, aye; Dr. McCullough, aye;  
8 Doyle Young, aye; Dr. Swank, aye.

9 [The motion carried unanimously.]

10

\*\*\*

11 Report of Board Counsel - Final Adjudication and  
12 Order

13 MS. MILEY:

14 The next item Board Counsel has to  
15 present today is regarding Lisa Ann  
16 McHugh, D.C. at Case No. 19-43-01166.  
17 This is a Final Adjudication and Order  
18 presented to the Board.

19 CHAIR AUKERMAN:

20 I'd like to entertain a motion to  
21 approve the Final Adjudication and  
22 Order at Case No. 19-43-01166.

23 DR. MCCULLOUGH:

24 So moved.

25 DR. SWANK:

1                   Second.

2 CHAIR AUKERMAN:

3                   Any discussion? Roll call.

4

5                   Dr. Aukerman, aye; Commissioner

6                   Claggett, aye; Dr. McCullough, aye;

7                   Doyle Young, aye; Dr. Swank, aye.

8 [The motion carried unanimously.]

9

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10 Report of Board Chair

11 [William D. Aukerman, D.C., Chairperson, addressed  
12 his attendance at the Federation of Chiropractic  
13 Licensing Boards (FCLB) Meeting April 26-29 in  
14 Florida. He reported 50 state chiropractic licensing  
15 boards plus the provinces of Canada and Puerto Rico  
16 were present. He noted discussions concerning  
17 different regulators and different behaviors of state  
18 licensees.

19           Chair Aukerman noted the National Chiropractic  
20 Mutual Insurance Company provided a questionnaire of  
21 chiropractic behaviors with a test item grading 0 to  
22 13 and provided some of the questions affecting  
23 licensees that deem people high risk.

24           Chair Aukerman addressed another topic involving  
25 nationwide chiropractic corporate entities, where

1 some of their licensees were getting in trouble, but  
2 they had difficulty finding out who the doctor of  
3 chiropractic in charge was because of the corporate  
4 structure.

5 Chair Aukerman noted that a lot of states have  
6 made changes to the act, where there must be a doctor  
7 of chiropractic in charge even for big chiropractic  
8 entities across the country.

9 Chair Aukerman informed everyone that the Health  
10 Information Exchange is coming soon to connect health  
11 information nationwide across healthcare systems,  
12 noting it already has been implemented in North  
13 Carolina, Connecticut, and Oklahoma. He mentioned  
14 that implementation requirements vary by state but  
15 would affect all healthcare providers even in  
16 Pennsylvania.

17 Chair Aukerman noted a lot of state license  
18 questionnaires for renewals about patient safety  
19 regarding impairment to preclude renewing a license.

20 He mentioned that license portability was a big  
21 issue, along with reciprocity and compacts with  
22 certain states in different parts of the country.

23 Chair Aukerman noted discussions regarding  
24 telehealth that has been legalized and implemented in  
25 almost every state since the pandemic and how that

1 affects a chiropractor's licensing and credentialing,  
2 standards of care, patient relationships, records,  
3 and data security.

4       Chair Aukerman commented that discussing matters  
5 with other states and listening to how they are  
6 handling the same problems as Pennsylvania and  
7 addressing those issues was helpful. He noted the  
8 National Chiropractic Board was also there for  
9 licensing of new doctors and are implementing more  
10 ethics into their testing because they feel bringing  
11 it up before a licensee ever has a license would give  
12 them more time to think about it and lessen the  
13 chances of coming before the Board.

14       Chair Aukerman mentioned that some states are  
15 implementing 1 credit for new licensees who attend a  
16 state board meeting and is something the Board may  
17 want to think about. He stated licensees who realize  
18 how the state board works have a tendency to follow  
19 the rules or be more inquisitive of the actions of  
20 the state boards.

21       Chair Aukerman requested approval to attend the  
22 FCLB Midyear Meeting September 22-23, 2023, in  
23 Boston, MA. Dr. McCullough also noted that he would  
24 like to attend the meeting.]

25 CHAIR AUKERMAN:

1 I'd like to entertain a motion to  
2 approve Board member attendance at the  
3 FCLB Midyear Meeting September 22-23,  
4 2023, in Boston.

5 DR. MCCULLOUGH:

6 So moved.

7 DR. SWANK:

8 Second.

9 CHAIR AUKERMAN:

10 Any discussion? We need a roll call.

11

12

13 Dr. Aukerman, aye; Commissioner  
14 Claggett, aye; Dr. McCullough, aye;  
15 Doyle Young, aye; Dr. Swank, aye.

16 [The motion carried unanimously.]

17

\*\*\*

18 Appointment - Pennsylvania Insurance Department -  
19 Pennie Health Insurance Presentation

20 [Scott Yeager, Outreach Manager, Pennie, presented to  
21 the Board to provide information about the  
22 Pennsylvania Health Insurance Exchange Authority,  
23 also known as Pennie, for health and dental insurance  
24 options that offers financial assistance, along with  
25 information concerning the unwinding of Medicaid.]

1           Mr. Yeager stated Pennie launched November 1,  
2 2020, and replaced HealthCare.gov by setting up a  
3 state-based health insurance marketplace and  
4 establishing a reinsurance program. He noted that  
5 Pennie is a new agency that serves as Pennsylvania's  
6 official health insurance marketplace and the only  
7 source for financial assistance to reduce the cost of  
8 monthly premiums.

9           Mr. Yeager reported 90 percent of current  
10 customers, about 371,000 individuals, receive some  
11 form of financial assistance from Pennie. He noted  
12 that Pennie is not medical assistance but does have a  
13 close relationship with the Department of Human  
14 Services and works with individuals who may qualify  
15 for medical assistance.

16           Mr. Yeager noted 1 in 20 individuals are without  
17 quality health insurance and represents about 607,000  
18 Pennsylvanians. He mentioned that Pennie helps  
19 individuals who fall into gray areas and provided  
20 examples. He also mentioned another significant  
21 population are those who retire a couple of years  
22 early save significantly on their health insurance,  
23 noting about 36 percent of customers are 55 plus.

24           Mr. Yeager explained that Pennie, in addition to  
25 retaining the financial assistance available through

1 the marketplace, has advanced premium tax credits and  
2 cost-sharing reductions that help with copays,  
3 deductibles, and coinsurance. He noted that 1 out of  
4 4 Pennie customers pays less than \$1 a day, 14  
5 percent pay less than \$1 a month, and 40 percent pay  
6 less than \$75 a month for quality health insurance.

7 Mr. Yeager informed everyone that the open  
8 enrollment period is from November 1 through January  
9 15. He noted a special enrollment period from  
10 January 1 through December 31 every year for  
11 qualifying life events, including loss of Medical  
12 Assistance or the Children's Health Insurance Program  
13 (CHIP), loss of employer-sponsored coverage, and  
14 others.

15 Mr. Yeager stated Pennie has been able to really  
16 deliver some unique pathways for people to connect  
17 with coverage, including the relationship with the  
18 Department of Human Services, where a qualifying life  
19 even was created for Pennsylvania residents who are  
20 at or below 150 percent of the federal poverty limit  
21 and otherwise not able to secure protection through  
22 Medical Assistance.

23 Mr. Yeager addressed a program called the Path to  
24 Pennie, which is a partnership between Pennie and the  
25 Pennsylvania Department of Revenue to help uninsured

1 tax filers in Pennsylvania. He explained that Form  
2 REV-1882 could be completed and attached to their  
3 state tax return and then the Pennsylvania Department  
4 of Revenue securely shares that individual's  
5 information with Pennie.

6 Mr. Yeager addressed the resuming of annual  
7 redetermination as of April 1 of an individual's  
8 eligibility for Medical Assistance. He mentioned  
9 that Pennie launched during the pandemic and many  
10 Pennsylvania residents do not know who Pennie is or  
11 how they can help those who do not qualify for  
12 Medical Assistance.

13 Mr. Yeager noted being involved in strategic  
14 planning back and forth with the Department of Human  
15 Services by strengthening their technology backbone  
16 between the two organizations and creating a lot of  
17 media in terms of advertising, educational  
18 information, and press conferences across  
19 Pennsylvania to help raise awareness of Pennie.

20 Mr. Yeager provided Pennie's Customer Service  
21 Call Center number at 1-844-844-8040 to connect  
22 individuals with Pennie options through the  
23 marketplace and with assistors and Pennie-certified  
24 insurance brokers throughout the Commonwealth of  
25 Pennsylvania.



1           Mr. Yeager noted that Pennie has a very robust  
2 toolkit, where educational materials could be ordered  
3 free of charge and sent to offices and community  
4 partners in their area. He also noted Pennie  
5 outreach could perform executive briefings and staff  
6 educational sessions. He welcomed everyone to attend  
7 Pennie's Community Workgroup on the second Friday of  
8 every month to share updates and gain information  
9 from the community to help improve their operations  
10 and service to the Commonwealth of Pennsylvania.

11           Mr. Yeager offered to provide a copy of the  
12 presentation, along with resources and links  
13 regarding Pennie.

14           Edward L. Nielsen, MHS, Executive Vice President,  
15 Pennsylvania Chiropractic Association, asked where  
16 chiropractic service fits regarding Pennie.

17           Mr. Yeager explained that Pennie is a marketplace  
18 and not an insurance program, Medical Assistance, or  
19 Medicaid. He stated chiropractic would fit in with  
20 their insurance carriers, including UPMC,  
21 Independence Blue Cross, PA Health & Wellness,  
22 Capital Blue Cross, Geisinger, and Highmark. He  
23 noted that chiropractic coverage depends on the  
24 insurance carrier and what is covered under their  
25 plan.

1           Mr. Yeager stated Pennie has a comparison-  
2 shopping tool that details what is covered in each  
3 plan and is where a contact center representative,  
4 assistor in the local community, or a Pennie-  
5 certified broker could review the coverage with the  
6 customer so chiropractic coverage is included in a  
7 particular plan.

8           Mr. Yeager further explained that Pennie's plan  
9 comparison tool allows individuals to select a  
10 particular provider to see if that provider is  
11 included in the network for a given health insurance  
12 plan and is also available for dentists and  
13 prescription medications.

14           Keith Miller, D.C., President, Pennsylvania  
15 Chiropractic Association, asked whether there was a  
16 minimum standard of coverage items that must be  
17 listed in order to be on the marketplace.

18           Mr. Yeager stated Pennie adheres to the 10  
19 essential health benefits for insurance carriers set  
20 forth by the Affordable Care Act (ACA) in terms of  
21 what their bronze plans cover. He mentioned that  
22 Pennie has been very committed to creating a  
23 competitive marketplace and maintaining quality  
24 health insurance that individuals could actually  
25 utilize, noting the standard would always be there at

1 a minimum.

2 Mr. Miller commented that chiropractors are  
3 seeing more and more of a phantom benefit, where  
4 patients are buying benefit plans that cover  
5 chiropractic, but the way the copays are being set up  
6 is more of a discount program because there will  
7 never be a time that \$1 of that carrier would ever be  
8 paid out of their pocket to the provider and is 100  
9 percent always the patients problem to pay for their  
10 care. He asked whether there was a way for either  
11 patients or the provider to report to the state when  
12 phantom benefits occur to have the plans reviewed  
13 when carriers are intentionally creating no payout  
14 plans.

15 Mr. Yeager explained that the Pennsylvania  
16 Insurance Department oversees those issues, where  
17 consumers can post complaints to be investigated. He  
18 commented that insurance is a marketplace overall and  
19 Pennie wants to provide people with choice. He noted  
20 that Pennsylvania's marketplace would always have the  
21 minimum essential benefits in their plans at a bronze  
22 level and do not permit the sale of junk insurance,  
23 where options may seem affordable but ultimately put  
24 people at serious financial risk.

25 Mr. Yeager commented that the marketplace in

1 Pennsylvania wants to have people protected in a way  
2 where their quality of life and financial well-being  
3 are one.

4 Mr. Miller requested assistance from Mr. Yeager  
5 with reporting carriers on a regular basis so that  
6 consumers are not getting ripped off and avoiding  
7 medical care. He noted seeing people with a \$5,000  
8 deductible plan hit their \$5,000 assuming there is a  
9 coinsurance or a copay and expecting the insurance to  
10 copay but there is no cost-sharing after the fact.

11 Mr. Yeager provided his contact information in  
12 the chat.

13 Mr. Miller noted being hopeful with working  
14 together to make a better place for patients to  
15 receive access to physical medicine services to stay  
16 off opioids.]

17 \*\*\*

18 Report of Board Administrator - No Report

19 \*\*\*

20 Miscellaneous

21 [Tyesha C. Miley, Esquire, Board Counsel, noted the  
22 Annual Report for the State Board of Chiropractic was  
23 submitted to the relevant legislative oversight  
24 committees.

25 Ms. Miley stated the Board voted in July 2017 to

1 participate in Providers of Approved Continuing  
2 Education (PACE) with the Board ultimately having  
3 oversight or authority to veto the PACE-approved  
4 courses to some extent. She noted PACE inclusion had  
5 been previously approved and would be implemented  
6 shortly.

7 George E. Khoury, D.C., District III Director,  
8 Federation of Chiropractic Licensing Boards,  
9 commented that the new form to accommodate the  
10 language has been forwarded to Ms. Chappelle and  
11 should make it easier for the application process to  
12 accommodate the language and still be able to use  
13 PACE.

14 Chair Aukerman thanked Dr. Khoury for the PACE  
15 form.

16 Acting Commissioner Claggett informed Dr. Khoury  
17 that the Board would be reaching out to him after the  
18 meeting for additional discussion regarding PACE and  
19 thanked him for his help.

20 Mr. Nielsen thanked the Board and Dr. Khoury for  
21 staying with the issue for so many years.]

22

\*\*\*

23 Report of Regulatory Board Counsel

24 [Tyesha C. Miley, Esquire, Board Counsel, addressed  
25 16A-4328 regarding general revision, noting a minor

1 change to § 5.61 to correct a typographical error.  
2 She informed Board members that the change has been  
3 drafted and would be placed before the Board at a  
4 subsequent time for action.

5 Ms. Miley noted 16A-4334 regarding licensure by  
6 endorsement pursuant to Act 41 was proceeding through  
7 the internal process and subsequent action is likely  
8 also to be requested at the next meeting.

9 Ms. Miley stated 16A-4335 regarding fees is also  
10 proceeding through the internal review process and no  
11 additional action is required by the Board until  
12 completion of the internal review process.]

13 \*\*\*

14 Adjournment

15 CHAIR AUKERMAN:

16 I'd like to make a motion to adjourn  
17 the State Board of Chiropractic June  
18 29, 2023 Meeting.

19 DR. MCCULLOUGH:

20 I'll second.

21 CHAIR AUKERMAN:

22 The next meeting is August 10.

23 \*\*\*

24 [There being no further business, the State Board of  
25 Chiropractic Meeting adjourned at 11:31 a.m.]

\*\*\*

## CERTIFICATE

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.



Derek Richmond,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF CHIROPRACTIC  
REFERENCE INDEX

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TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Introduction of Board Members/Attendees
10:33	Approval of Minutes
10:34	Report of Prosecution
10:40	Executive Session
10:44	Return to Open Session
10:44	Motion
10:46	Report of Acting Commissioner
10:47	Report of Board Counsel
10:50	Report of Board Chair
10:58	Appointment - Pennsylvania Insurance Department - Pennie Health Insurance Presentation
11:23	Miscellaneous
11:29	Report of Regulatory Board Counsel
11:31	Adjournment