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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: 10:29 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

June 13, 2024

State Board of Chiropractic
June 13, 2024

BOARD MEMBERS:

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

BUREAU PERSONNEL:

Shawn J. Jayman, Esquire, Board Counsel
Thomas M. Davis, Esquire, Regulatory Board Counsel
J. Karl Geschwindt, Esquire, Senior Board Prosecutor
and Prosecution Liaison
Adrienne McClendon, Esquire, Board Prosecutor
Kelsey B. Ashworth, Esquire, Board Prosecutor
Shakeena Chappelle, Board Administrator
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State

ALSO PRESENT:

George E. Khoury, D.C., District III Director,
Federation of Chiropractic Licensing Boards
Mike Barba, Executive Director, Pennsylvania
Chiropractic Association
Doug Babin, CPCU, AIC, CIFI, FCLS, State Farm
Insurance Companies Special Investigative Unit
President- Pennsylvania Auto Crime Investigator's
Association
Jeffrey Wack, D.C.
Liliana Fisher, Esquire, CGA Law Firm
Stephanie Dunkerley
Rachel Wilbur-Adams, Sargent's Court Reporting
Service, Inc.

1 ***

2 State Board of Chiropractic

3 June 13, 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 10:29 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 10:29 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 April 18, 2024 meeting

8 CHAIR AUKERMAN:

9

 Approval of the minutes from the April
10 18, 2024 State Board of Chiropractic
11 Meeting.

12 DR. MCCULLOUGH:

13

 I move that we approve the minutes from
14 April 18, 2024.

15 DR. SWANK:

16

I second that.

17 CHAIR AUKERMAN:

18

Any discussion on the minutes?

19

20

Dr. Aukerman, aye; Commissioner

21

Claggett, abstain; Dr. McCullough, aye;

22

Dr. Swank, aye; Dr. Moreland, aye.

23

[The motion carried. Arion Claggett abstained from
24 voting on the motion.]

25

1 Report of Prosecution

2 [J. Karl Geschwindt, Esquire, Senior Prosecutor and
3 Board Prosecution Liaison, presented the Consent
4 Agreement for Case No. 21-43-013726.]

5 ***

6 [J. Karl Geschwindt, Esquire, Senior Prosecutor and
7 Board Prosecution Liaison, on behalf of William A.
8 Newport, Esquire, Board Prosecutor, presented the
9 Consent Agreements for Case No. 24-43-006565 and Case
10 No. 24-43-008170.]

11 ***

12 MR. JAYMAN:

13 Agenda item 2. Based on Executive
14 Session deliberations, I believe the
15 Chair would entertain a motion to
16 approve the Consent Agreement for Case
17 No. 21-43-013726.

18 DR. MCCULLOUGH:

19 So moved.

20 DR. SWANK:

21 Second.

22 CHAIR AUKERMAN:

23 Any discussion?

24

25 Dr. Aukerman, aye; Commissioner

1 Claggett, aye; Dr. McCullough, aye; Dr.
2 Swank, aye; Dr. Moreland, aye.

3 [The motion carried unanimously. The Respondent's
4 name is Christopher Neal Johnson, D.C.]

5 ***

6 MR. JAYMAN:

7 Agenda item 3. Based on Executive
8 Session deliberations, I believe the
9 Chair would entertain a motion to
10 approve the Consent Agreement for Case
11 No. 24-43-006565.

12 DR. MCCULLOUGH:

13 So moved.

14 DR. SWANK:

15 Second.

16 CHAIR AUKERMAN:

17 Any discussion?

18
19 Dr. Aukerman, aye; Commissioner
20 Claggett, aye; Dr. McCullough, aye; Dr.
21 Swank, aye; Dr. Moreland, aye.

22 [The motion carried unanimously.]

23 ***

24 MR. JAYMAN:

25 Item 4 on the agenda. Based on

1 Executive Session deliberations, I
2 believe the Chair would entertain a
3 motion to approve the Consent Agreement
4 for Case No. 24-43-008170.

5 DR. MCCULLOUGH:

6 So moved.

7 DR. SWANK:

8 Second.

9 CHAIR AUKERMAN:

10 Any discussion?

11

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

15 [The motion carried unanimously. The Respondent's
16 name is Robine Elias, D.C.]

17

18 [Adrienne Rachelle McClendon, Esquire, Board
19 Prosecutor, presented the Consent Agreement for Case
20 No. 21-43-010645.]

21 MR. JAYMAN:

22 Item 5 on the agenda. Based on
23 Executive Session deliberations, I
24 believe the Chair would entertain a
25 motion to approve the Consent Agreement

1 for Case No. 21-43-010645.

2 DR. MCCULLOUGH:

3 So moved.

4 DR. SWANK:

5 Second.

6 CHAIR AUKERMAN:

7 Any discussion?

8

9 Dr. Aukerman, aye; Commissioner
10 Claggett, aye; Dr. McCullough, aye; Dr.
11 Swank, aye; Dr. Moreland, aye.

12 [The motion carried unanimously. The Respondent's
13 name is William Ryan Livingston, D.C.]

14 ***

15 Report of Acting Commissioner

16 [Arion R. Claggett, Acting Commissioner, Bureau of
17 Professional and Occupational Affairs, informed Board
18 members that e-licensure was enabled in the
19 Pennsylvania Licensing System (PALS) to allow
20 licensees to print their own license.

21 Acting Commissioner Claggett mentioned that the
22 license will have a quick response (QR) code the
23 public can scan to be linked into the PALS website to
24 verify the status of their license. He reported that
25 all licensees have been emailed information on the

1 new functionality.]

2

3 Report of Board Counsel - Regulation 16A-4335 Fee
4 Increase

5 [Shawn J. Jayman, Esquire, Board Counsel, addressed
6 16A-4335 regarding the fee increase regulation. He
7 noted the final regulations were published on June 8,
8 2024, in the *Pennsylvania Bulletin*.]

9

10 Report of Board Chair - FCLB Conference Report

11 [William D. Aukerman, D.C., Chairperson, discussed
12 his attendance at the Federation of Chiropractic
13 Licensing Boards (FCLB) Conference April 30 through
14 May 5, 2024, in Phoenix, AZ. He noted it was a well-
15 attended conference from across the country.

16 Chair Aukerman mentioned a doctor of chiropractic
17 (DC) was convicted of fraud and a prosecuting
18 attorney were both speakers. He reported the DC
19 served jail time. He also noted there was an auto
20 accident fraud investigation ring in Minnesota six
21 years ago, where they used runners to pick out auto
22 accident victims and bring them to the DC's office,
23 who in turn dealt with a law firm, and everybody took
24 a cut of the money.

25 Chair Aukerman mentioned that some of the runners

1 made over \$100,000, but were prosecuted successfully
2 and the ring ended. He cautioned everyone against
3 receiving calls from law firms for sending patients.

4 Chair Aukerman noted there were discussions from
5 many states on different regulations to make sure the
6 regulations are tight to protect the public.

7 Chair Aukerman also noted there was a speaker on
8 artificial intelligence discussing insurance and
9 checking office notes for payments.

10 Chair Aukerman announced that the National Board
11 of Chiropractic Examiners are going to build a new
12 facility for the Practical Examination in Greeley,
13 CO, and start testing there onsite instead of the
14 chiropractic colleges. He stated no proctors will be
15 needed because it is going to be computerized testing
16 questions and practical examinations.

17 Chair Aukerman reported it to be the greatest
18 technology for the tests and will no longer require
19 an independent doctor reviewing the examinee. He
20 believed they are going to test 230 some days a year,
21 which will allow more access to testing for students.
22 He also mentioned the National Board of Chiropractic
23 Examiners shortened the written exam by 50 minutes by
24 combining Part I and II testing.]

25

1 Report of Board Chair - Board Member Involvement in
2 Testing Discussion

3 [William D. Aukerman, D.C., Chairperson, addressed
4 board member involvement in testing and stated the
5 National Board of Chiropractic Examiners is looking
6 for more state board members to be proctors for
7 exams. He requested direction on the state's policy,
8 because they are looking for present Board members
9 for the Part IV Practical Exams.

10 Mr. Jayman offered to perform research and
11 provide direction at the next meeting.

12 Chair Aukerman mentioned that the Board is still
13 looking for Board members and encouraged anyone
14 interested to submit their application and letter of
15 intent.]

16 ***

17 Report of Board Administrator

18 [Shakeena L. Chappelle, Board Administrator, informed
19 everyone that renewals will be starting likely at the
20 end of this month and to make sure their email
21 addresses are updated to be able to receive the
22 renewal reminders. She mentioned that there is no
23 longer a grace period, and the expiration date is
24 September 1. She noted that anyone whose renewal
25 application has not been processed by that time will

1 need to submit a reactivation application.]

2 ***

3 Miscellaneous

4 CHAIR AUKERMAN:

5 We're going to need a vote for Board
6 member attendance at the Midyear
7 District III FCLB Meeting of the
8 Northeast Division. It's in Ashville,
9 North Carolina September 13-14.

10 I would like to attend that as a
11 rep from the Pennsylvania State Board,
12 if that's possible. We would need a
13 Board vote to confirm that.

14 DR. MCCULLOUGH:

15 I'll make that motion.

16 DR. SWANK:

17 I'll second that.

18 CHAIR AUKERMAN:

19 We need a roll call vote.

20
21 Dr. Aukerman, aye; Commissioner
22 Claggett, aye; Dr. McCullough, aye; Dr.
23 Swank, aye; Dr. Moreland, aye.

24 [The motion carried unanimously.]

25 ***

1 Report of Regulatory Board Counsel - Regulatory
2 Report

3 [Thomas M. Davis, Esquire, Regulatory Counsel,
4 provided a Regulatory Status Report for the Board's
5 review. He stated the final-form regulation for 16A-
6 4335 regarding fees was published in the *Pennsylvania*
7 *Bulletin* on Saturday, June 8, 2024, and can be found
8 at 54 Pa.B. 3152.

9 Mr. Davis noted the first graduated increase for
10 application fees was implemented on June 8, 2024,
11 which is the date of publication in the *Pennsylvania*
12 *Bulletin*. He also noted the increased biennial
13 registration fees were effective on that same date,
14 which enables the Board to implement the first
15 increase for the September 2, 2024 through September
16 1, 2026 biennial registration period.]

17 ***

18 Adjournment

19 CHAIR AUKERMAN:

20 I'd like to adjourn the meeting of June
21 13, 2024, of the Pennsylvania State
22 Board of Chiropractic.

23 DR. MCCULLOUGH:

24 So moved.

25 DR. SWANK:

1 Second.

2 CHAIR AUKERMAN:

3 The meeting is adjourned.

4 ***

5 [There being no further business, the State Board of
6 Chiropractic Meeting adjourned at 10:49 a.m.]

7 ***

8
9 CERTIFICATE

10
11 I hereby certify that the foregoing summary
12 minutes of the State Board of Chiropractic meeting,
13 was reduced to writing by me or under my supervision,
14 and that the minutes accurately summarize the
15 substance of the State Board of Chiropractic meeting.

16
17
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19 Rachel Wilbur-Adams,

20 Minute Clerk

21 Sargent's Court Reporting
22 Service, Inc.

STATE BOARD OF CHIROPRACTIC
REFERENCE INDEX

June 13, 2024

1
2
3
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| TIME | AGENDA |
|-------|---|
| 9:30 | Executive Session |
| 10:29 | Return to Open Session |
| 10:29 | Official Call to Order |
| 10:30 | Introduction of Board Members/Attendees |
| 10:30 | Approval of Minutes |
| 10:31 | Report of Prosecution |
| 10:39 | Report of Acting Commissioner |
| 10:40 | Report of Board Counsel |
| 10:41 | Report of Board Chair |
| 10:45 | Report of Board Administrator |
| 10:46 | Miscellaneous |
| 10:47 | Report of Regulatory Board Counsel |
| 10:49 | Adjournment |