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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: 10:35 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**

August 22, 2024

State Board of Chiropractic  
August 22, 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  
Michael S. Swank, D.C.  
Brian Moreland, D.C.

BUREAU PERSONNEL:

Dana M. Wucinski, Esquire, Acting 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  
Shakeena Chappelle, Board Administrator  
Andrew LaFratte, MPA, Deputy Policy Director,  
Department of State  
Carlton Smith, Deputy Chief Counsel, Prosecution  
Division  
Nichole Wray, Division Chief, Health Licensing  
Division  
Stephanie Dunkerley, Legal Analyst, Office of General  
Counsel  
Riley Baker, Law Clerk, Department of State

ALSO PRESENT:

James Kutz, Esquire, Co-Chair of the Appellate  
Department/Chair of the Regulatory & Administrative  
Agency Law and Professional Licensure Practice  
Groups, Post & Schell, P.C.  
Keith Miller, D.C., Pennsylvania Chiropractic  
Association  
Chris Young, D.C., Secretary, Pennsylvania  
Chiropractic Association  
Mike Barba, Executive Director, Pennsylvania  
Chiropractic Association

State Board of Chiropractic  
August 22, 2024

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ALSO PRESENT: (cont.)

Doug Babin, CPCU, AIC, CIFI, FCLS, State Farm  
Insurance Companies Special Investigative Unit  
President- Pennsylvania Auto Crime Investigator's  
Association  
Andrew Heck, D.C., President, Pennsylvania  
Chiropractic Association  
Jeffrey Wack, D.C.  
Ted Mowatt, CAE, Vice President, Wanner Associates,  
on behalf of the of the Chiropractor Fellowship of  
Pennsylvania  
Jessica Ashman, Sargent's Court Reporting Service,  
Inc.

1 \*\*\*

2 State Board of Chiropractic

3 August 22, 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 10:35 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 June 13, 2024 meeting

8 CHAIR AUKERMAN:

9                   May we have approval of minutes of the  
10                   June 13, 2024 meeting?

11 [The Board discussed corrections to the minutes.]

12 DR. MCCULLOUGH:

13                   I'd like to make a motion with that  
14                   exception to approve the minutes for  
15                   the June 13, 2024 meeting.

16 DR. SWANK:

17                   Second.

18 CHAIR AUKERMAN:

19                   Roll call vote.

20

21                   Dr. Aukerman, aye; Commissioner  
22                   Claggett, aye; Dr. McCullough, aye; Ann  
23                   Johnston, aye; Dr. Swank, aye; Dr.  
24                   Moreland, aye.

25 [The motion carried unanimously.]

1 \*\*\*

2 Report of Prosecution

3 [J. Karl Geschwindt, Esquire, Senior Prosecutor and  
4 Board Prosecution Liaison, presented the Consent  
5 Agreement for Case No. 24-43-005560.]

6 MR. JAYMAN:

7 Based on Executive Session  
8 deliberations, I believe the Chair  
9 would entertain a motion to approve the  
10 Consent Agreement for Case No. 24-43-  
11 005560.

12 DR. MCCULLOUGH:

13 I make a motion to accept the Consent  
14 Agreement.

15 DR. SWANK:

16 Second.

17 MS. CHAPPELLE:

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

22 [The motion carried. Ann Johnston recused herself  
23 from deliberations and voting on the motion. The  
24 Respondent's name is Scott Michael Pint, D.C.]

25

\*\*\*

1 Report of Acting Commissioner

2 [Arion R. Claggett, Acting Commissioner, Bureau of  
3 Professional and Occupational Affairs, informed Board  
4 members that all of the board websites were recently  
5 updated and encouraged everyone to visit their new  
6 website.

7 Acting Commissioner Claggett also reported on an  
8 increase in calls from licensed chiropractors who had  
9 issues with a patient while practicing and had to  
10 call the police. He asked Mr. Geschwindt what the  
11 procedure would be when a chiropractor has an issue  
12 with a patient because they fear it will get reported  
13 and whether they should send a police report to the  
14 Board or prosecution.

15 Mr. Geschwindt stated he cannot give an advisory  
16 opinion as to how that should be handled but noted  
17 prosecution is not looking to go after people  
18 unreasonably in a case where there has been some sort  
19 of patient misconduct or police involvement.

20 Acting Commissioner Claggett requested  
21 confirmation that chiropractors should not send any  
22 police reports to prosecution.

23 Mr. Geschwindt stated prosecution sends an  
24 investigator to gather information if they receive a  
25 complaint but did not think there was any requirement

1 in the Chiropractic Practice Act that a licensee send  
2 a police report absent any sort of criminal charges  
3 against the chiropractor.

4         Keith Miller, D.C., Immediate Past President,  
5 Pennsylvania Chiropractic Association, addressed a  
6 situation with a patient he experienced a few years  
7 back around COVID, where the patient then retaliated  
8 by filing a false complaint with the Board. He noted  
9 it to be stressful because the onus is always on the  
10 doctor but thankfully the person investigating it  
11 realized the situation and believed they provided  
12 enough evidence.

13         Dr. Miller stated there needed to be a mechanism  
14 in place that criminal charges could be held against  
15 people filing false complaints purposely for  
16 retribution on a professional licensee.

17         Dr. Miller believed the complaint process should  
18 stay in place for people to file complaints with the  
19 state Board, but there has to be some kind of  
20 liability for false complaints, because the person  
21 would be able to get away with it.

22         Dr. Miller stated the professional licensing  
23 board above the State Board of Chiropractic needs to  
24 look at this because it is a growing problem, and  
25 there needed to be some way to protect people from



1 false complaints.

2           Acting Commissioner Claggett again requested  
3 clarification as to whether licensees should not  
4 contact the Board and keep documentation to  
5 themselves if they encounter an issue and had to call  
6 the police on a patient.

7           Carlton Smith, Esquire, Deputy Chief Counsel,  
8 Prosecution Division, stated prosecution is not set  
9 up to house information. He referred to a situation  
10 where someone is filing a complaint and a case is  
11 opened, noting prosecution will invariably contact  
12 the licensee for an interview through the Bureau of  
13 Enforcement and Investigation (BEI) and is the  
14 appropriate time to provide any information. He  
15 explained that the licensee should maintain the  
16 information and be ready to produce it if BEI  
17 requests the information for an investigation.

18           Mr. Smith believed there to be a warning about  
19 unsworn falsification for false information in those  
20 complaints. He further explained that it is totally  
21 up to the law enforcement community to criminally  
22 prosecute, because prosecution has no control over  
23 that other than to let them know that they think it  
24 occurred.

25           Nichole Wray, Division Chief, Health Licensing

1 Division, introduced herself, noting there are 12  
2 licensing boards under that division, and she would  
3 be a resource for all of those boards.]

4 \*\*\*

5 Report of Board Counsel - Proposed Adjudications and  
6 Orders

7 MR. JAYMAN:

8 Number 3 on the agenda. I believe the  
9 Board would entertain a motion to deny  
10 the motion for oral argument and to  
11 direct Board Counsel to draft an  
12 Adjudication and Order addressing  
13 exceptions consistent with discussions  
14 in Executive Session in the case of  
15 Stephen Dwight Herto, Case No. 20-43-  
16 010476.

17 DR. MCCULLOUGH:

18 So moved.

19 CHAIR AUKERMAN:

20 Could we have a second on that?

21 DR. SWANK:

22 Second.

23 CHAIR AUKERMAN:

24 Roll call vote, Shakeena.

25

1 Dr. Aukerman, aye; Commissioner  
2 Claggett, aye; Dr. McCullough, aye; Ann  
3 Johnston, aye; Dr. Swank, aye; Dr.  
4 Moreland, aye.

5 [The motion carried unanimously.]

6 \*\*\*

7 MR. JAYMAN:

8 Number 4 on the agenda. Based on  
9 Executive Session deliberations, I  
10 believe the Chair would entertain a  
11 motion to adopt the Proposed  
12 Adjudication and Order in the matter of  
13 Jean Laine, Case No. 22-43-012924.

14 DR. MCCULLOUGH:

15 So moved.

16 CHAIR AUKERMAN:

17 Second?

18 DR. SWANK:

19 Second.

20 CHAIR AUKERMAN:

21 Shakeena, a roll call vote on that.

22

23 Dr. Aukerman, aye; Commissioner  
24 Claggett, aye; Dr. McCullough, aye; Ann  
25 Johnston, aye; Dr. Swank, aye; Dr.

1 Moreland, aye.

2 [The motion carried unanimously.]

3 \*\*\*

4 MR. JAYMAN:

5 Number 5 on the agenda. I believe the  
6 Board would entertain a motion to table  
7 the matter of Antony Louis Graham, Case  
8 No. 21-43-006953, based on new  
9 information being received prior to the  
10 meeting from the Pennsylvania  
11 Chiropractic Association.

12 CHAIR AUKERMAN:

13 Do I have a motion to table that case?

14 DR. MCCULLOUGH:

15 So moved.

16 DR. SWANK:

17 Second.

18 CHAIR AUKERMAN:

19 Roll call vote.

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

25 [The motion carried unanimously.]

1 \*\*\*

2 MR. JAYMAN:

3 Number 6 on the agenda. Based on  
4 Executive Session deliberations, I  
5 believe the Chair would entertain a  
6 motion to adopt the Proposed  
7 Adjudication and Order in the matter of  
8 John Nicholas Dorobish, Case No. 21-43-  
9 014329.

10 CHAIR AUKERMAN:

11 Do we have a motion to approve that  
12 Adjudication and Order?

13 DR. MCCULLOUGH:

14 So moved.

15 DR. SWANK:

16 Second.

17 CHAIR AUKERMAN:

18 Roll call vote, Shakeena.

19  
20 Dr. Aukerman, aye; Commissioner  
21 Claggett, nay; Dr. McCullough, aye; Ann  
22 Johnston, nay; Dr. Swank, aye; Dr.  
23 Moreland, aye.

24 [The motion carried. Arion Claggett and Ann Johnston  
25 opposed the motion.]

1 \*\*\*

2 Report of Board Counsel - Discussion

3 MR. JAYMAN:

4 Number 7 on the agenda. I believe the  
5 Board would entertain a motion to  
6 direct Board Counsel to issue an Order  
7 scheduling a hearing in front of the  
8 Board members on the Request for  
9 Reinstatement in the matter of Robert  
10 McGrath, Case No. 24-43-012580.

11 DR. MCCULLOUGH:

12 So moved.

13 DR. SWANK:

14 Second.

15 CHAIR AUKERMAN:

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

18  
19 Dr. Aukerman, aye; Commissioner  
20 Claggett, nay; Dr. McCullough, aye; Ann  
21 Johnston, nay; Dr. Swank, aye; Dr.  
22 Moreland, aye.

23 [The motion carried. Arion Claggett and Ann Johnston  
24 opposed the motion.]

25 \*\*\*

1 Report of Board Chair - Renewal Information

2 [William D. Aukerman, D.C., Chairperson, reminded  
3 everyone that license renewal will be open for the  
4 next 11 days and to make sure all of their  
5 information is correct. He mentioned that licensees  
6 can print their own license and will also receive a  
7 copy from the state.

8 Chair Aukerman mentioned that one professional  
9 Board member position and two public member positions  
10 are open and encouraged anyone who is interested to  
11 submit their application to the Board administrator.]

12 \*\*\*

13 Report of Board Administrator

14 [Shakeena L. Chappelle, Board Administrator, also  
15 reminded everyone to have their child abuse  
16 clearances for renewal. She reported seeing a big  
17 discrepancy and a hang up on renewal applications,  
18 because people are relying on their last renewal  
19 cycles. She stated child abuse continuing education  
20 (CE) must be done every two years for at least 2  
21 hours through an approved provider on the Board's  
22 website.

23 Ms. Chappelle informed everyone that the CE must  
24 be reported by September 1 or their license will  
25 expire and will need to be reactivated. She noted

1 that all fees are nonrefundable, and they will need  
2 to submit a new application and fee, along with proof  
3 of having met continuing education and a list of  
4 other documents.

5 Ms. Chappelle encouraged everyone to read the  
6 renewal instructions and to not upload completion  
7 certificates or their malpractice policy if they  
8 answer no to those questions. She noted that anyone  
9 who answers no to those questions could just provide  
10 a written statement to correct their application.

11 Chair Aukerman requested confirmation that  
12 everything has to be sent in by the 31st because  
13 there is no leniency period.

14 Ms. Chappelle noted Chair Aukerman to be correct.  
15 She explained that there is no longer a grace period  
16 because it is online, and they are no longer relying  
17 on the post office to deliver any renewal  
18 documentation.]

19

\*\*\*

20 Miscellaneous - Vote for Board Member Attendance:

21 Part IV NBCE Exams - November 9-10, 2024, in  
22 Davenport, IA

23 CHAIR AUKERMAN:

24 We would like a vote for attendance at  
25 the Part IV National Board of



1                   Chiropractic Exams. We have a past  
2                   Board member, Dr. George Khoury, who is  
3                   going to attend that.

4 DR. MCCULLOUGH:

5                   I'll make a motion that we approve Dr.  
6                   Khoury to attend the Part IV National  
7                   Board of Chiropractic Examiners Exam in  
8                   Davenport, IA.

9 CHAIR AUKERMAN:

10                   Do we have a second?

11 DR. SWANK:

12                   Second.

13 CHAIR AUKERMAN:

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

16  
17                   Dr. Aukerman, aye; Commissioner  
18                   Claggett, aye; Dr. McCullough, aye; Ann  
19                   Johnston, aye; Dr. Swank, aye; Dr.  
20                   Moreland, aye.

21 [The motion carried unanimously.]

22   \*\*\*

23 Amendment to the Agenda

24 CHAIR AUKERMAN:

25                   I'll make a motion to amend the agenda.

1 ACTING COMMISSIONER CLAGGETT:

2                               So moved. We need a second.

3 DR. SWANK:

4                               Second.

5 MS. CHAPPELLE:

6

7                               Dr. Aukerman, aye; Commissioner  
8                               Claggett, aye; Dr. McCullough, aye; Ann  
9                               Johnston, aye; Dr. Swank, aye; Dr.  
10                              Moreland, aye.

11 [The motion carried unanimously.]

12

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13 Miscellaneous - Exam Proctoring Information

14 [Shawn J. Jayman, Esquire, Board Counsel, addressed a  
15 question brought up at the last meeting by Chair  
16 Aukerman regarding exam proctoring information. He  
17 explained that it would be a conflict of interest for  
18 a sitting Board member to be a proctor for the  
19 practical exam, because the Board has the authority  
20 to determine by regulation what exam is required for  
21 licensure under Section 302 of the Chiropractic  
22 Practice Act.

23               Mr. Jayman also explained that the testing  
24 organization must be approved by the Board under the  
25 administrative code, which requires it to be an

1 independent testing organization, and Board members  
2 getting paid as a proctor is an issue as well.]

3 \*\*\*

4 Report of Regulatory Board Counsel - Regulatory  
5 Report - No Report

6 [Thomas M. Davis, Esquire, Regulatory Counsel, had  
7 nothing to report at this time.]

8 \*\*\*

9 Meeting Dates

10 [William D. Aukerman, D.C., Chairperson, noted the  
11 next scheduled Board meeting date is October 17,  
12 2024.]

13 \*\*\*

14 Adjournment

15 CHAIR AUKERMAN:

16 I'd like to adjourn the meeting of  
17 August 22, 2024, of the Pennsylvania  
18 State Board of Chiropractic.

19 DR. MCCULLOUGH:

20 Motion for adjournment.

21 DR. SWANK:

22 Second.

23 ACTING COMMISSIONER CLAGGETT:

24 The meeting is adjourned.

25 \*\*\*

1 [There being no further business, the State Board of  
2 Chiropractic Meeting adjourned at 11:01 a.m.]

3 \*\*\*

4

5 CERTIFICATE

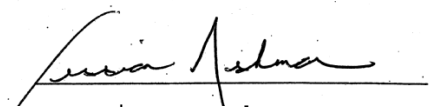
6

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

12

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15

Jessica Ashman,

16

Minute Clerk

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Sargent's Court Reporting

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Service, Inc.

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STATE BOARD OF CHIROPRACTIC  
REFERENCE INDEX

August 22, 2024

	TIME	AGENDA
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6		
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8	9:30	Executive Session
9	10:30	Return to Open Session
10		
11	10:35	Official Call to Order
12		
13	10:35	Introduction of Board Members/Attendees
14		
15	10:36	Approval of Minutes
16		
17	10:37	Report of Prosecution
18		
19	10:41	Report of Acting Commissioner
20		
21	10:50	Report of Board Counsel
22		
23	10:55	Report of Board Chair
24		
25	10:56	Report of Board Administrator
26		
27	10:57	Miscellaneous
28		
29	10:58	Amendment to the Agenda
30		
31	10:59	Miscellaneous (cont.)
32		
33	11:01	Adjournment
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