

# INDIANA BOARD OF CHIROPRACTIC EXAMINERS

## MINUTES

JANUARY 6, 2022

### I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Klaes called the meeting to order at 8:03 a.m. through virtual video and audio conferencing and declared a quorum in accordance with Indiana Code § 25-10-1-1.5(f).

#### **Board Members Present:**

Marian Klaes, D.C., Chair

Diane Vuotto, D.C.

John Bernzott, D.C.

Derek Dyer, D.C.

#### **Board Members Not Present:**

Vacant, Consumer Member

#### **State Officials Present:**

Cindy Vaught, Board Director, Professional Licensing Agency

Dana Brooks, Assistant Board Director, Professional Licensing Agency

Clarence Leatherbury, Deputy Attorney General, Office of the Attorney General

### II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda as amended.

Bernzott/Vuotto

Motion carried 4-0-0

### III. ADOPTION OF THE MINUTES

There were no minutes to review.

### IV. PERSONAL APPEARANCES

#### **A. Probation**

##### **1. Stephen McAdoo, D.C., License No. 08003092A**

Cause No. 2020 IBCE 0004

Dr. McAdoo appeared as requested to discuss his ongoing probation. He stated that nothing has changed since his last appearance. Dr. McAdoo is not currently practicing chiropractic in the state of Indiana or any other state. He stated that he is pursuing a license in Kentucky and would like to request a withdraw of his probation. The Board reminded him that his probation terms require him to be in that status for no less than two (2) years, and the minimum time will not occur until December 31, 2022.

##### **2. Matthew Schulz, D.C., License No. 08002297A**

Cause No. 2015 IBCE 0003

Dr. Shultz appeared as requested with his counsel Mark Sullivan to discuss his ongoing probation. He stated that his practice is going well, and he has received positive feedback from his patients. He informed the Board that he was in a recent car accident, that caused some medical issues for performing his work duties. He stated that that he is seeing a new psychiatrist, Dr. Patel, as his previous psychiatrist went on maternity leave. He informed the Board that he has only found four (4) webinars in the area of ethics and patient boundaries. Per his order, Dr. Shultz is required to complete twenty-four (24) hours in this area. Dr. McAdoo stated that he has reached out to the Indiana Chiropractic Association for any continuing education programs that they might be sponsoring.

**B. Reinstatement**

There were no reinstatement appearances.

**C. Application**

There were no application appearances.

**V. ADMINISTRATIVE HEARINGS**

**A. Ronald Sheppard, D.C., License No. 08000647A**

Cause No.2018 IBCE 0003

Re: Order to Show Cause

**Parties Present:**

Respondent was present

Mike Sullivan, counsel of Respondent

Ryan Eldridge, Deputy Attorney General for the State

Margie Addington, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Dr. Klaes, DC (Hearing Officer)

Dr. Bernzott, DC

Dr. Vuotto, DC

Dr. Dyer, DC

**State Witnesses:**

Cindy Vaught, Board Director, Professional Licensing Agency

Ronald Sheppard, D.C., License No. 08000647A

**Case Summary:** On or about July 8, 2021, and October 14, 2021, Dr. Sheppard did not appear as requested per his Board order to appear quarterly as part of his probation terms.

The State called Dr. Sheppard as witness. He stated that he did not appear at the July8, 2021 as he was getting his office together and missed the Board appearance date. He stated that for the October 14, 2021, appearance request, he was ill, and had a medication reaction. He apologized for missing his Board appearance. Dr. Sheppard stated that he is still cooperating with the Federal government regarding his incident, working six (6) days a week, and wants to keep helping his patients. The Board asked if Dr. Sheppard had an attorney. Dr. Sheppard stated that he did have an attorney; however,

there was a miscommunication on the July meeting dates, and when he was ill, he did not contact his attorney as illness is a reasonable excuse for missing the meeting. He stated that during his illness his wife was out of the house and could not support him.

The State called Ms. Vaught as witness. She is the keeper of records for Dr. Sheppard's file. She verified that according to his record, Dr. Sheppard was not present for the July 8, 2021, and October 14, 2021, meeting dates. She stated that at the October meeting, the Board issued an Order to Show Cause. She stated that Dr. Sheppard did not provide any correspondence for missing the July meeting date, so Dr. Sheppard was rescheduled. She did not receive any correspondence from him in response to the rescheduled date on October 14, 2022. Ms. Vaught stated that she received correspondence that Dr. Sheppard was ill on or about October 15<sup>th</sup>. Dr. Sheppard did provide additional correspondence on or about October 19<sup>th</sup> and in December. The probation order states that Dr. Sheppard must meet with the Board quarterly, and the Board only meets quarterly. This means that Dr. Sheppard would have to appear at each Board meeting.

The State concluded that Dr. Sheppard failed to appear per his probation order and failed to provide adequate notice if he could not attend. The states recommendation was that Dr. Sheppard be suspended. Mr. Sullivan stated that they did provide notice for the October meeting date, and that Dr. Sheppard has cooperated during his probationary term.

**Board Action:** A motion was made and seconded to issue the following order in the matter of Dr. Sheppard:

1. Respondent's Indiana chiropractor license is continued on Indefinite Probation for a minimum of six additional months, from the date of this final order. This extension is in addition to any remaining time on the November 2020 Final Order issued by this Board.
2. While on probation, Respondent shall appear for mandatory quarterly probationary appearances before the Board.
3. Respondent shall pay a fine in the amount of TWO THOUSAND DOLLARS (\$2,000.00), within thirty (30) days of the issuance of the final order, payable to the Indiana Professional Licensing Agency at the following address:  
Indiana Professional Licensing Agency  
Attn: Indiana Board of Chiropractic Examiners  
402 West Washington Street, Room W072  
Indianapolis, Indiana 46204
4. A violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of chiropractic, or any violation of this final order may result in Petitioner requesting a summary suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

Bernzott/Dyer  
Motion carried 4-0-0

**B. Jacob Roberts, D.C.**  
Cause No. 2021 IBCE 0005  
Re: Administrative Complaint

The hearing in the matter of Dr. Roberts was continued.

**C. David Chalfant, D.C.**

Cause No. 2021 IBCE 0006

Re: Administrative Complaint **and Motion To Dismiss**

**Parties Present:**

Respondent was not present

Mark Sullivan, Counsel for Respondent was present

Ryan Eldridge, Deputy Attorney General for the State

Margie Addington, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Dr. Klaes, DC (Hearing Officer)

Dr. Bernzott, DC

Dr. Vuotto, DC

Dr. Dyer, DC

The State has filed a Motion to Dismiss the Administrative Complaint filed against David Chalfant, D.C. on or about June 23, 2021. The Board considered the motion and grants Petitioner's Motion to Dismiss, and Orders the Administrative Complaint filed against Dr. Chalfant be Dismissed without prejudice.

Bernzott/Vuotto

Motion carried 4-0-0

**D. Mitchell Monday D.C.**

Cause No. 2021 IBCE 0008

Re: Administrative Complaint

The hearing in the matter of Dr. Monday was continued.

**E. Darrell Carr**

Cause No. 2021 IBCE 0007

Re: Order to Show Cause – Cease and Desist

**Parties Present:**

Respondent was not present

Ryan Eldridge, Deputy Attorney General for the State

Margie Addington, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Dr. Klaes, DC (Hearing Officer)

Dr. Bernzott, DC

Dr. Vuotto, DC

Dr. Dyer, DC

**Case Summary:** On or about September 28, 2021, an Order to Show Cause and a Motion for Order to Cease and Desist was issued to Mr. Carr as he is alleged to be working as a Chiropractor without a license. Mr. Carr maintains a website, and states on the website that he is a natural practioner doctor. The information advertised on his website states that he performs advanced spiral corrections and techniques. He has advertised some technique demonstration videos that show uses of various Chiropractic and Massage Therapist techniques. Based upon those videos, it falls into the scope of two practices of chiropractic medicine. The State informed the Board that Mr. Carr has did change his website after the Order to Show Cause was issued, so he is aware of the potential issue. The State recommends that because of his response, Mr. Carr can be open for further legal action as Mr. Carr has been practicing with these methods for years based upon when the videos where first released.

**Board Action:** A motion was made and seconded to issue an Order to Cease and Desist.

Bernzott/Dyer  
Motion carried 4-0-0

**F. Aaron Wilson**

Cause No. 2021 IBCE 0003

Re: Order to Show Cause – Cease and Desist

**Parties Present:**

Respondent was not present

Ryan Eldridge, Deputy Attorney General for the State

Margie Addington, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Dr. Klaes, DC (Hearing Officer)

Dr. Bernzott, DC

Dr. Vuotto, DC

Dr. Dyer, DC

**Witnesses for the State:**

Zachary Lee, Investigator, Office of the Attorney General

**Case Summary:** On or about July 2021 a Notice of Default was issued to Mr. Wilson based as he failed to appear to provide information regarding his continuous practice Chiropractic Medicine without a license. Mr. Wilson did communicate to the Board in August 2021 that he has failed to appear due to his attempts to obtain legal counsel. The State has not received any notices of appointed counsel for Mr. Wilson’s behalf. Mr. Wilson has submitted to the IPLA a copy of the Order to Show Cause issued to him in September 2021 with stamp marks that indicate “No Contract. No liability. Not Understandable. Cease and Desist.” The State requests that the Board issue a Notice of Default against Mr. Wilson.

**Board Action:** A motion was made and seconded to find Mr. Wilson in Default for not responding to the Notice of Proposed Default.

Bernzott/Vuotto  
Motion carried 4-0-0

The State informed the Board that Mr. Wilson is advertising bio-structured services on his website, and various video services. The services that he is advertising falls under the definition of Chiropractic Medicine.

The State called Zachary Lee as witness. Mr. Lee has worked as an investigator for the Office of Attorney General for two (2) years, and one (1) year as a case analyst. He reported that during the investigation, Mr. Lee did not find record that Mr. Wilson held an Indiana license to practice. Mr. Lee stated he reviewed Mr. Wilson's website, YouTube videos sponsored by Mr. Wilson for his business, and the definitions Mr. Wilson reported on his website that clarified what advanced bio-corrections were. Mr. Wilson is the business owner of balancebody.com and the website indicated that advanced bio-corrections were techniques that manipulate the vertebrae in order to improve posture.

The State presented Exhibit A which is a copy of screenshots from Mr. Wilson's website. Exhibit B which is the State's definition of Chiropractic practice. Exhibit C which is a YouTube video of advanced bio-structured corrections presented by Dr. Ryan Phelps. Exhibit D and E which is a YouTube video of an advance bio-structure procedure being demonstrated. Exhibit F, which is a screen, shot of two (2) articles from a website called The Balanced Body that was written by Mr. Wilson in 2013 and 2014. The Board accepted the Exhibits presented by the State.

Mr. Lee reported that Mr. Wilson's website has changed during these proceedings to show that a licensed Chiropractor is now doing the advanced bio-structured procedures. Board asked if Mr. Wilson has a storefront for his business. Mr. Lee reported that Mr. Wilson only has his website, there is no physical store for his practice.

The State concluded that Mr. Wilson is in violation of practicing without a license by State's definition, and based upon his advertising for his business, Mr. Wilson is in violation of advertising falsely.

**Board Action:** A motion was made and seconded for the Board to issue a Cease and Desist against Mr. Wilson.

Vuotto/Dyer

Motion carried 4-0-0

A motion was made and seconded to forward the complaint and information to the prosecutor's office.

Vuotto/Bernzott

Motion carried 4-0-0

**G. Stephen Alter, D.C., Cause No. 2021 IBCE 0010**

Cause No. 2021 IBCE 0010

Re: Administrative Complaint

**Parties Present:**

Respondent was present

Ryan Eldridge, Deputy Attorney General for the State

Mary Hutchinson, Deputy Attorney General for the State

Margie Addington, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Dr. Klaes, DC (Hearing Officer)

Dr. Bernzott, DC  
Dr. Vuotto, DC  
Dr. Dyer, DC

**Witnesses for the State:**

Rodney Crawford, Case Analyst, Office of the Attorney General for the State  
MH  
KH

Case Summary: On or about December 6, 2021, an Administrative Complaint was filed against Dr. Alter with allegations of violations of lewd or immoral conduct and that Dr. Alter did not provide reasonable care per 25-1-9-4(a)(3).

The State called Rodney Crawford as witness. Mr. Crawford stated that he has been a case analyst for the State for five (5) years. Mr. Crawford stated that in the complaint against Dr. Alter a patient had reported that Dr. Alter “blew a raspberry” against their exposed stomach without their consent.

The State submitted Exhibit B which is a copy of patient KH’s medical records. Dr. Alter had no objections, and the Board accepted the exhibit.

The State submitted Exhibit A which is a copy of patient MH’s medical records. Dr. Alter had no objections, and the Board accepted the exhibit.

Mr. Crawford stated that Dr. Alter had a past complaint issued against him in 2017 with allegations that Dr. Alter made comments to a patient that suffered from PTSD from a sexual assault incident. Mr. Crawford stated that complaint was closed; however, Dr. Alter was informed that any complaints of similar nature were submitted, he could face disciplinary action.

The State called KH as witness. KH stated that she was a patient of Dr. Alter since 2015 to treat her knee, back, and shoulder. She stated that in 2018 she was treated by Dr. Alter for her knee, and at that appointment there was no one else in the office. She informed the Board that Dr. Alter lifted her shirt and blew a raspberry on her stomach. She informed the Board that at a separate incident Dr. Alter treated her with needles. He had inserted them, and then walked out of the office to handle an alarm that went off. She stated that Dr. Alter never returned, and a receptionist came in later to remove the needles. She stated that she did not return to his office and had trouble seeing doctors after that. She returned to a new female doctor in 2020 and has been building trust from there. The Board asked KH if she said anything to Dr. Alter after her appointment. KH stated she did not. Dr. Alter did not have any questions for KH.

The State called MH as witness. MH stated that Dr. Alter was recommended to her from her therapist. She stated that she suffers fibromyalgia and also has PTSD due to sexual trauma from her military service. She stated that she saw Dr. Alter in January 2017. She stated that because of her past, she ensures that the Doctors she goes to are aware of her anxiety. She stated that when Dr. Alter saw that information he stated, “That is what you get for being pretty.” She stated that she froze but continued the first visit. She stated that during her appointment, he would continue to make comments similar to his first one. She stated that each of his comments made her angry, scared, and powerless. She stated that she reached out to her support system after the appointment was completed, and she did not return to Dr. Alter’s office.

The State presented Exhibit C which is a copy of the Final Order from the Administrative Complaint filed against Dr. Alter in 2012. Dr. Alter did not have objections, and the Board accepted the exhibit.

The State referenced that Dr. Alter was required to complete a psychological evaluation and CE for two (2) counts of sexual allegations against him.

Dr. Alter stated that he has been a Chiropractor for thirty-two (32) years, and it has never been his intention to cause harm. He stated that he cannot speak regarding individual traumas, and that his intention is to help individuals with trauma. The Board asked if the VA had reached out to him regarding any complaints as they have used him as a recommended Doctor. He stated that they did reach out to him regarding an open-door policy but cannot remember specifics if they asked about complaints. Dr. Alter stated he has no way to dispute the complaints. He stated that he knew KH outside of doctor-patient relationship and was just trying to make levity. Dr. Alter stated that he did not seek legal representation as he is trying to keep an open-door policy, and he is not discounting how KH or MH feel. The Board asked if he could clarify what occurred. Dr. Alter stated that he was trying to make levity and trying to adjust them to a more comfortable situation. He stated that he has no control over their reaction.

The State concluded that Dr. Alter has admitted to the allegations, and he has completed a psychology evaluation and CE previously for a similar issue. The State indicated that because Dr. Alter is still repeating the same concerns, they consider him a danger to the public and the Board should take action.

Dr. Alter concluded that there was no sexual assault, and that currently all that has been presented is hearsay. He stated that what occurred is only the perceptions of the individuals and is not a true reflection of what occurred. He stated that he has not done anything bad enough to warrant a suspension.

**Board Action:** A motion was made and seconded to find Dr. Alter in violation of lewd and immoral conduct, and he did violate the criteria of reasonable care.

Vuotto/Klaes  
Motion carried 4-0-0

A motion was made and seconded to place Dr. Alter's license on suspension with the following terms:

1. Respondent's Indiana chiropractor license is Indefinitely Suspended for a minimum of six (6) months, from the date of the final order.
2. Prior to petitioning for reinstatement, Respondent shall complete eight (8) hours of continuing education in ethics and professional boundaries. Respondent shall submit proof of completion to IPLA.
3. If Respondent is later reinstated, after a hearing pursuant to Ind. Code § 25-1-9-11, Respondent shall be placed on Indefinite Probation for a minimum of two (2) years. While on probation, Respondent shall:
  - a. Make quarterly probationary appearances before this Board.
  - b. Have a female chaperone present whenever treating any female patients.
4. Respondent shall, pursuant to Ind. Code § 4-6-14-10(b), pay a fee of FIVE DOLLARS (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Office of the Indiana Attorney General  
Attn: Executive Assistant, Consumer Protection



302 West Washington Street, 5<sup>th</sup> Floor  
Indianapolis, IN 46204

5. A violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of chiropractic, or any violation of this final order may result in Petitioner requesting a summary suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any, or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

Vuotto/Dyer  
Motion carried 4-0-0

**VI. DISCUSSION**

**A. Office of Attorney General Report**

Keeley King, Office of the Attorney General, reported that as of las year they have closed 53 consumer complaints. Currently there are 13 consumer complaints open with a duration of 7.3 months. Litigation currently has 10 open cases, and 2 have been closed this year. Currently their duration is 9.9 months.

**VII. APPLICATION REVIEW**

There were no applications for board review.

**VIII. PROBATIONARY REPORT**

There were no probationary reports.

**IX. CONTINUING EDUCATION**

There were no continuing education applications.

**X. OLD/NEW BUSINESS**

There was no old/new business.

**XI. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 12:08 p.m. by general consensus.

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Marian Klaes, D.C., Board Chair

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Date