

**MINUTES**

**INDIANA BOARD OF CHIROPRACTIC EXAMINERS**

**JULY 9, 2020**

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

Dr. Klaes called the meeting to order at 9:00 a.m. through virtual video and audio conferencing and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

**Board Members Present:**

Marian Klaes, D.C., Board Liaison  
John Bernzott, D.C.  
Diane Vuotto, 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  
Phillip Gordon, 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 FROM JANUARY 9, 2020**

The minutes of the January 9, 2020 Board Meeting were still under revision. Minutes tabled for next Board Meeting.

**IV. PERSONAL APPEARANCES**

**A. Renewal**

**1. Andrew Hunt, D.C., License No. 08002794A**

Dr. Hunt appeared with counsel Peter Pogue as requested regarding his application for renewal to discuss why he did not say yes to question number four (4) “Since you last renewed, have you had a malpractice judgement against you?” A malpractice case was reported to the Board on August 26, 2020. Upon notification of this matter, Dr. Hunt submitted a letter to the Board which detailed the malpractice action since his last license

renewal. Dr. Hunt explained that the patient had a history of intense pain that would lead to vomiting and the claim occurred after he tried one final solution treatment. All previous treatments were unsuccessful. Dr. Hunt informed the Board that since the settlement was finalized, he did not consider that question on the renewal applied to him. He considered the question was for those currently going through malpractice incidents. Dr. Hunt explained in detail the specifics of the treatment and the steps he took to help his patient. The Board had no follow up questions regarding the treatment and the settlement but advised Dr. Hunt to be more careful when dealing with a malpractice issue.

**Board Action:** A motion was made and seconded to approve Dr. Hunt’s license renewal.

Vuotto/Dyer

Motion carried 4-0-0

2. **Stephen McAdoo, D.C., License No. 08003093A**

Dr. McAdoo appeared with counsel, Ben Wile, as requested regarding his application for renewal and “yes” response to question number one (1) “Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending in any state or U.S. Territory?” Dr. McAdoo had previously been disciplined by the Kentucky Chiropractic Board. Dr. McAdoo stated that an incident occurred in 2005-2006 regarding patient boundary issues. Since that time, he has completed all terms and continuing education requirements with the Kentucky board regarding that incident. Another incident occurred with a previous employee approximately four years ago. Dr. McAdoo stated that he was arrested and plead guilty to a misdemeanor charge for criminal abuse of a sexual nature. Dr. McAdoo informed the Board that the employee had lied about the incident, and to avoid a felony charge he took the misdemeanor charge on advice of counsel. The only other incident that occurred against his Kentucky license occurred in 2016 when he was given a two (2) week suspension. Mr. Wile stated the order was lifted within 10 days of issuance, as Dr. McAdoo had completed all terms. He stated that there have been no other issues with his Kentucky license. The Board inquired on the status of his Kentucky license. Dr. McAdoo stated that he tendered his Kentucky chiropractic license on February 28, 2019 and will not be eligible to apply again for a period of three years. After that time Dr. McAdoo plans to return to Kentucky. The Board inquired if Dr. McAdoo was going to be in a partnership, or a solo practice. Dr. McAdoo stated he will be doing solo practice and not a partnership.

**Board Action:** A motion was made and seconded to approve Dr. McAdoo’s application for license renewal.

Bernzott /Dyer

Motion carried 3-0-1 (Dr. Vuotto opposed)

**B. Reinstatement**

1. **Kimberly Carpenter, D.C., License No. 08002705A**

Dr. Carpenter appeared as requested to discuss her license reinstatement. Dr. Carpenter's license expired in 2016 and she has been in active practice in the state of Kentucky since 2004. Dr. Carpenter has been approached by a colleague to practice in the state of Indiana on a part time basis. Dr. Carpenter was disciplined by the Kentucky Board in 2009 for an advertising issue. The Board addressed this in 2013 when she appeared for the issuance of her license. There have been no other incidents.

**Board Action:** A motion was made and seconded to approve Dr. Carpenter's reinstatement application pending taking and passing the jurisprudence examination.

Vuotto/Dyer  
Motion carried 4-0-0

### C. Application

#### 1. Thomas Briscoe

Dr. Briscoe appeared as requested to discuss his application for licensure and why he did not respond yes to question #4, "Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?" Dr. Briscoe informed the Board that he was unsure if he should indicate yes on that question as the original incident was due to a traffic violation. Dr. Briscoe explained that the incident in question started when he went to a party with some friends where he consumed a few drinks. As parking at the venue was getting crowded, he got in his car to move it to a different spot and was then pulled over. He did have allergy medication on his person at the time of the arrest, and the police charged him with an OWI and drug possession. He stated that he spent the night in jail for the incident and had no other incidents since that time. The Board inquired if he did not drink heavily, why did the police arrest him. Dr. Briscoe stated that he found out after the incident that the allergy medication he was taking, and the consumption of alcohol did not mix well and gave the appearance that he had imbibed more than he had. He stated that if he had known that at the time of his case, he would have tried to fight the charges harder. Dr. Briscoe was placed on probation with terms and conditions. Since that time, he has completed all probationary requirements as of April of 2019.

**Board Action:** A motion was made and seconded to approve Dr. Briscoe's application for licensure pending taking and passing the jurisprudence exam.

Bernzott/Dyer  
Motion carried 4-0-0

#### 2. Matthew Ellis

Dr. Ellis notified the Board via email that he is no longer pursuing licensure in the state of Indiana and withdrew his application.

### 3. Jacob Howarth

Dr. Howarth appeared as requested to discuss his application for licensure and response to question #4 “Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?” Dr. Howarth was arrested in September of 2014 for Operating a Vehicle Impaired (OVI) and in November of 2015 he was ticketed for marijuana possession. Both incidents occurred in Cincinnati, Ohio. The first occurrence happened when he was an undergraduate student. He and some friends celebrated after a football game with alcohol. While he was leaving the house, he finished his beer and threw the empty can in the back of the car. He then drove to a fast food establishment and fell asleep in the drive through line. The police were called, and he blew a .11. His driver’s license was then suspended for a period of six (6) months and he had to attend a seventy-two (72) hour driver incident prevention program. Dr. Howarth explained that the second occurrence happened when he was pulled over for speeding. The policeman stated in his report that he smelled marijuana and found a small amount in Dr. Howarth’s car. Dr. Howarth informed the Board that he has had no other incidents except those two and he has learned to never place himself in those type of situations again.

**Board Action:** A motion was made and seconded to grant Dr. Howarth his license pending passing the jurisprudence exam.

Dyer/Vuotto  
Motion carried 4-0-0

## V. ADMINISTRATIVE HEARINGS

- A. Ronald G. Sheppard, D.C., License No. 08000647A**  
Administrative Cause No. 2018 IBCE 0003  
Re: Petition for Withdraw of Probation

Dr. Sheppard and counsel did not appear. The Board requested that this matter be rescheduled for their next meeting on October 8, 2020.

- B. Maxim I. Ivanov, D.C., License No. 08002243A**  
Administrative Cause No. 2020 IBCE 0003  
Re: Administrative Complaint

**Parties Present:**

Respondent was not present or represented by counsel  
Ryan Eldridge, Deputy Attorney General for the State of Indiana

**Participating Board Members:**

Dr. Davis, DC (Hearing Officer)  
Dr. Bernzott, DC  
Dr. Dyer, DC  
Dr. Vuotto, DC

**Case Summary:** A Proposed Settlement Agreement was presented to the board for review. The settlement agreement would issue a letter of reprimand and a fine of \$1000 dollars. The State recommends the acceptance of the agreement by the Board.

**Board Action:** A motion was made and seconded to accept the Proposed Settlement Agreement as written in the matter of Dr. Ivanov.

Bernzott/Vuotto  
Motion carried 4-0-0

## VI. DISCUSSION

There were no discussion items to discuss.

## VII. APPLICATION REVIEW

There were no new applications to review

## VIII. PROBATIONARY REPORT

There were no probationary reports before the board.

## IX. CONTINUING EDUCATION

Fetterman Events submitted 5 continuing education applications for review and approval. Their programs were for the Dry Needling.

National Compliance Corp applied for approval regarding Medicare updates which is currently approved by other state boards.

**Board Action:** A motion was made and seconded to approve both applications for continuing education hours as requested.

Dyer/ Bernzott  
Motion carried 4/0/0

## X. OLD/NEW BUSINESS

There was no new/old business to discuss.

## XI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 10:00 a.m. by consensus.

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**Marian Klaes, D.C. – Chairman**

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**Date**