

**INDIANA BOARD OF CHIROPRACTIC EXAMINERS**  
**Indiana Government Center South**  
**302 West Washington St.**  
**Conference Center, Room 29**  
**Indianapolis IN 46204**

**MINUTES OF APRIL 6, 2023**

Diane Vuotto, D.C., Chair, called the meeting to order at 9:05 a.m. and declared a quorum in accordance with IC 25-10-1-1.5(f), pursuant to public notice posted at the principal office for the Board, online at the board's website and on the state calendar at least forty-eight (48) hours before the time of the meeting.

Members Present: Diane Vuotto, D.C., Chair  
John Bernzott, D.C., Member  
Derek Dyer, D.C., Vice Chair  
Richard Mason, D.C., Member

Staff Present: Jody Edens, Board Director  
Professional Licensing Agency  
Erin Sutton, Assistant Board Director  
Professional Licensing Agency  
James Harry, J.D., Deputy Attorney  
General, Office of the Attorney General

The Board voted to APPROVE the Agenda.

Dyer/Mason, 4/0/0  
Motion carries

The following board members voted aye:  
John Bernzott, Derek Dyer, Diane Vuotto, Richard Mason  
The following board members objected: none  
The following board members abstained: none

The Board voted to APPROVE the January 12, 2022, minutes as written.

Bernzott/Dyer, 4/0/0  
Motion carries

The following board members voted aye:  
John Bernzott, Derek Dyer, Diane Vuotto, Richard Mason  
The following board members objected: none  
The following board members abstained: none

### **PERSONAL APPEARANCES**

#### **Det James, D.C., License No. 08001191A, Cause No. 2020 IBCE 0002 – Probation Appearance:**

Dr. James appeared in person without counsel regarding his probationary appearance scheduled before the Board.

He indicated to the Board that he is not going to open a chiropractic practice; he wants to do counseling regarding diabetes.

He submitted advertisement for the Board to review. After reviewing the advertisements, Diane Vuotto recommended that he start out by saying something like “Hi, this is Dr. Det James, Chiropractor....”

He will be using supplements from a Company but will communicate with the patient’s physician regarding medications. He stated he will communicate with the patient to see their physician when their blood sugars go down.

The Board reminded Dr. James that he must be transparent about being a Chiropractor. He indicated that he would do so.

The Board thanked him for his appearance.

### **ADMINISTRATIVE HEARINGS**

#### **Ronald Sheppard, D.C., License No. 08000647A, Cause No. 2018 IBCE 0003**

Respondent appeared in person and was not represented by counsel regarding a request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Carah Rochester, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

In March 2022 Dr. Sheppard’s probation was extended by six (6) months making the date

of eligibility for withdraw May 19, 2023.

Dr. Sheppard informed the Board that he talks with his attorney weekly to discuss his practice to make sure he is doing what he should be.

He currently sees only cash patients and personal injury patients. He gives receipts to patients when they pay cash so they can then turn it into their insurance company for reimbursement.

He has not had a malpractice action in his forty (40) years of practice. He indicated that he is eligible for Medicare and Medicaid patients and that he is not working with the vendors he was using when he got into trouble.

He also indicated that he treats homeless at no charge.

States Exhibit:

1 – Jody Edens, Board Director's Affidavit

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to WITHDRAW the Order of Probation from Dr. Sheppard's license effective on May 19, 2023.

Bernzott/Dyer, 4/0/0  
Motion carries

The following board members voted aye:  
John Bernzott, Derek Dyer, Diane Vuotto, Richard Mason  
The following board members objected: none  
The following board members abstained: none

**Darcy Crowder, D.C., License No. 08002431A, Cause No. 2022 IBCE 0006**

Respondent did not appear in person and was represented by counsel, Trent Gill regarding a Administrative Hearing/Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

A proposed settlement agreement was presented to the Board for review. The proposed settlement agreement included a LETTER of REPRIMAND and a \$250 FINE.

After reviewing the proposed settlement agreement and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to APPROVE the Settlement Agreement.

Dyer/Mason, 4/0/0  
Motion carries

The following board members voted aye:  
John Bernzott, Derek Dyer, Diane Vuotto, Richard Mason  
The following board members objected: none  
The following board members abstained: none

**James M. Pucka, D.C., License No. 08001350A, Cause No. 2021 IBCE 0004**

Respondent appeared in person and was represented by counsel, James Olds and Scotty Teal regarding an Administrative Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and Regan Perridon, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

Parties presented an Agreed Stipulation regarding the respondent's address, place of practice, that he treated patients C, E, F, H, I, J, and N and additional personal information. That the exhibit QQ is an authentic transcript of the Summary Suspension hearing from June 21, 2021.

The Board accepted the Agreed Stipulation.

As a preliminary matter Mr. Eldridge informed the Board that they have agreed to dismiss count 3. The Board thanked him for the information.

The following were sworn in as witnesses for the State: Anna Ratliff, Amber Walker, Elizabeth Bonnen, Becky Sue Copas-Chitty, Jessica Christian, Rachael Prine, Carolyn Rowe.

The following were sworn in as witnesses for the Respondent: Grace McNeil, D.C., Kendal Wilgent, Irene Torres, Barbara Punturi, Shelly Ehresman, Kimberly Pucka.

Anna Ratliff testified through WebEx Video. She stated that she saw Dr. Pucka approximately five (5) times for adjustments. She indicated that sometimes his comments were off-key. He stated to her go into that room and said that one of us is going to get naked at the end of this visit and it's not going to be me. She stated that on one visit he smacked her on the butt, and he called her breast "tits" and told her breast size was the cause of her issues. She stated that his comments were degrading and some of the comments were made out in the open. She told the Board that it took her two (2) years to find another provider because of the trust issues.

Amber Walker testified that she was his patient back in 2014. After having a baby, she developed sever back paid, she saw Dr. Pucka, and he told her she has backpain because of her big titties. She stated he put his hand on her back and said he was surprised she got pregnant at all because of how tense she was. He then separated her legs and stood between them. She stated she was very uncomfortable and asked if he was done and he said, have you heard my pants unzip. This happened in a private room with the door closed. She stated she has not seen a male doctor since this incident, and

she did file a police report.

Mary Elizabeth Bonner testified that she was his patient and was one of his employees. She testified that she heard him make comments out in the open areas like 'get in there and take your clothes off'. Said he made comments in front of other patients and employees. She only worked there about six (6) months before quitting and stated that she told him that he might want to tone it down a bit. She stated when she was a patient, he made comments to her about her last name.

Becky Sue Copas-Chitty was a patient of Dr. Pucka's. She stated she had about twenty (20) visits with him for sciatica nerve pain. She saw Dr. Pucka as well as a couple of the other doctors in the clinic. She too indicated that he yelled out to her; hey one of us is going to get naked by the end of the visit and it ain't gonna be me. She also stated that he said to her as he bounced her breasts up and down by holding the bra straps; 'wow these babies entered the room before you did, and these are the cause of your problem as he kept bouncing her breasts until she put her hand over her breasts to stop it. She didn't find his comments funny and was embarrassed.

Jessica Christian saw Dr. Pucka one time while she was pregnant with her fourth (4<sup>th</sup>) child due to sciatic and pelvic alignment issues. She stated that they went into a closed-door room, and both had covid masks on and Dr. Pucka indicated that they can take their mask off, she said, 'no she would leave hers on' and then Dr. Pucka stated 'well, you can take off your clothes' to which she said 'no'. She stated that Dr. Grace poked her head in at least three (3) times during her visit with Dr. Pucka. She told the Board that she felt violated, was shocked and highly uncomfortable, like she was a joke.

Rachael Prine testified that she was a patient of Dr. Pucka's and she only saw him one time for neck pain, that was moderate to severe. They were in a private room with the door closed and Dr. Pucka told her to take her clothes off. He also told her that her neck hurt because she didn't spend enough time on her knees. She said he showed her a picture of a lady on her knees in a black Playtex doing "you know what" and told her she needs to do more with her husband or boy-toy or him. The picture was of bondage and S&M. She also stated he told her several times that she should bring her daughters in to see him.

She posted issues with Dr. Pucka on her Facebook page that brought over seventy-five (75) responses, and none of the comments received were good.

Carolyn Rowe is a Case Analyst with the Attorney General's Office. She indicated that she has been a case analyst since July 2020, and she investigates complaints. She received over ten (10) consumer complaints on Dr. Pucka from patients serviced from 2008 to 2021. All the complaints were investigated, and each person was interviewed, during the interviews no one changed their story. She indicated that some of the comments made were that patients and staff have been harassed by Dr. Pucka; comments on sexual positions and what her husband should do to her; One indicated he sexually harassed her, took her into a private room so everyone wouldn't be staring at her tits.

Ms. Rowe indicated that Dr. Pucka responses to the complaints was that he was joking, and he denied all allegations. She indicated that several complaints came in after the Facebook posting and even more when the motion for a summary suspension was filed.

Grace McNeil, D.C. testified that she has been a Chiropractor for eight (8) years and has known Dr. Pucka for approximately twenty-nine (29) years. She saw him as a patient since she was a child. She stated that she doesn't believe he is malicious at all and said they all joke around with patients. She indicated that he makes comments to both female and male patients.

Kendal Wigent testified that she is employed by Spine Works clinic as a fitness coach for the past three (3) years. She stated that she has hear Dr. Pucka say 'take your clothes off', but that he was just joking around. She said she was in a room with a patient and Dr. Pucka when he bounced her breast by lifting her bra straps up and down, said it was informational and that he told her to get a specific bra that would help her.

Kendal also stated that Dr. Pucka has several pictures with poses and that some were inappropriate, and some were of normal traction.

Irene Torres has worked for Spine Works for the last three (3) years. She indicated that she was a patient there before becoming an employee. She does intakes on patients and is in with Dr. Pucka most days. She stated that the practice has changed some in the last couple of years in that Dr. Pucka normally has someone with him but not always.

Barbara Punturi worked for Dr. Pucka from 1993 to 1998 and then again from 2005- to 2008. She indicated she did several different jobs when she worked there.

Elizabeth Hendrickson is a ball room dance teacher. Ms. Hendrickson indicated that Dr. Pucka was wonderful about explaining things to her. She indicated also that she was never shown the bondage picture and she has had traction.

Shelly Ehresman testified that she works at a factory and stated that what she hears at work is much worse that what she has heard at Dr. Pucka's office. He told her she has big hooters which is part of her problem. She stated she wasn't offended at all.

Kimberly Pucka, wife of Dr. Pucka for thirty-four (34) years testified that they have seven (7) children. She is a massage therapist and hasn't heard anything that crosses the line. She indicated she has heard him say 'boobs' but didn't think that was bad. She has also heard him say take your clothes off and get on the table. She indicated they immediately changed they way they say and do things after the summary suspension hearing.

Dr. Pucka testified that he has been licensed for thirty-two (32) years. He is also licensed in Virginia. He has never had action taken on his licenses. He stated it was not his intent to harass patients, never meant to hurt anyone. He said before the attorney general complaint he did some continuing education in ethics and sexual harassment, and discrimination in the workplace. He commented that he thought the bondage picture was funny. He stated that he talks to patients about the procedure he is going to do before he

does it. Dr. Pucka said that he has never touched a patient inappropriately and doesn't feel he is a threat to the public. He informed the Board that he regrets his comments and feels bad that his patients didn't think his comments were funny.

After discussion, the Board found the Respondent guilty of violating count 1.

CONSENSUS, 4/0/0  
Motion carries

After further discussion, the Board found the Respondent guilty of violating count 2.

CONSENSUS, 4/0/0  
Motion carries

Count 3 was dropped.

After further discussion, the Board found the Respondent guilty of violating count 4.

CONSENSUS, 4/0/0  
Motion carries

After having considered the evidence presented, testimony of the witnesses and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to place the Respondent's license on INDEFINITE SUSPENSION for Six (6) Months and a FINE of \$1,000. Before reinstatement he must obtain a MMPI and twelve (12) hours of continuing education specific to sexual harassment and professional boundaries.

Bernzott/Mason, 4/0/0  
Motion carries

The following board members voted aye:  
John Bernzott, Derek Dyer, Diane Vuotto, Richard Mason  
The following board members objected: none  
The following board members abstained: none

## **DISCUSSION**

### **Continuing Education Audit:**

The Board discussed IC 25-1-4-5, specifically the civil penalty for those that have not completed the appropriate continuing education for renewal, which can be up to \$1,000.

They determined the civil penalty would be \$50.00 per hour that was not met up to \$1,000.

Mason/Dyer, 4/0/0  
Motion carries

The following board members voted aye:  
John Bernzott, Derek Dyer, Diane Vuotto, Richard Mason  
The following board members objected: none  
The following board members abstained: none

There being no further business, the Board ADJOURNED at 6:15 p.m.

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Diane Vuotto, D.C., Chair