

INDIANA BOARD OF CHIROPRACTIC EXAMINERS

MINUTES

OCTOBER 14, 2021

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Klaes called the meeting to order at 8:10 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
Diane Vuotto, D.C.
John Bernzott, D.C.

Board Members Not Present:

Derek Dyer, D.C.
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 3-0-0

III. ADOPTION OF THE MINUTES

There were no minutes to review.

IV. PERSONAL APPEARANCES

A. Probation

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

Dr. Sheppard did not appear as requested. The Board has not received any correspondence why he has been unable to appear.

Board Action: A motion was made and seconded to issue an Order to Show Cause.

Vuotto/Bernzott
Motion carried 3-0-0

B. Reinstatement

1. Jill Wheeler, D.C. License No. 08002164A

Dr. Wheeler's reinstatement was submitted for appearance; however, notice was not sent. Board staff requested that her file be reviewed as is to determine if further information is needed, or to reschedule. Dr. Wheeler indicated yes on the question "Since you last renewed, have you had a malpractice judgment against you or settled a malpractice action?" Dr. Wheeler stated that the case was settled and provided a brief statement for the Board to review. The Board stated that they would like more information on the malpractice and if she is currently working and licensed in another State. Dr. Klaes stated she can review the information once it is received.

C. Application

1. David Sirovica (DC)

Dr. Sirovica appeared as requested to discuss why he did not disclose his background on his application. Dr. Sirovica is a 2018 graduate of Life West Chiropractic College and has taken and passed all parts of the NBCE examination. He is currently licensed in the State of Michigan. Dr. Sirovica was arrested for a DUI in September of 2010. Upon completion of his probation the case was dismissed. Dr. Sirovica submitted a statement and supporting documents for their review. He informed the Board that he misread the question and thought that the information was no longer on his record.

Board Action: A motion was made and seconded to approve Dr. Sirovica's application for chiropractic licensure pending the completion of the jurisprudence exam.

Bernzott/Vuotto
Motion carried 3-0-0

2. Stephan Offenburger (DC)

Dr. Offenburger appeared as requested to discuss his yes response to "Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?", "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, (1) have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; (3) have you ever been convicted of any offense, misdemeanor, or felony in any state; (4) have you ever pled guilty to any offense, misdemeanor, or felony in any state; or (5) have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?", and "Have you ever had a malpractice judgment against you or settled any malpractice action?" Dr. Offenburger is a 2006 graduate of Texas Chiropractic College and has taken and passed all parts of the NBCE examination. He is currently licensed in Texas, New Mexico, Wyoming, Louisiana, Montana, and Oklahoma. Dr. Offenburger submitted statements and supporting documents for the Board to review. The Texas Chiropractic Board acted on his license because he did not respond to the Texas Board regarding the investigation of the malpractice, was due to the fact he forgot to provide them with his current contact

information. He informed the Board that the malpractice suit filed against him in Texas was a patient complaint. Dr. Offenburger stated the was transparent with Texas of what occurred, and they have resolved the matter. He stated he is unsure if Texas reported it to the National Practitioner Data Bank. He stated that for his arrest in 2010, that incident has been resolved and he is currently going through the process to have it expunged. Dr. Offenburger stated that his intention is to work part-time in Indiana as part of a larger corporation, providing telemedicine services. He stated that his primary work will have him physically located in Texas most of the time.

Board Action: A motion was made and seconded to approved Dr. Offenburger’s application for chiropractic licensure pending the completion of the jurisprudence examination.

Vuotto/Bernzott
Motion carried 3-0-0

V. ADMINISTRATIVE HEARINGS

8:30 a.m.

A. Aaron Wilson

Cause No. 2021 IBCE 0003

Re: Order to Show Cause – Cease and Desist and Notice of Proposed Default

The hearing in the matter of Mr. Wilson was continued.

B. Darrell Carr

Cause No. 2021 IBCE 0007

Re: Order to Show Cause – Cease and Desist

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

VI. DISCUSSION

A. 2022 Board Meeting Dates

Board reviewed meeting dates for 2022. Th meeting dates scheduled are:

January 6, 2022	Conference Center – Room 1 & 2
April 7, 2022	Conference Center – Room 1 & 2
July 7, 2022	Conference Center – Room 4 & 5
October 13, 2022	Conference Center – Room 1 & 2

Board Action: A motion was made and seconded to accept the dates.

Bernzott/Vuotto
Motion carried 3-0-0

B. Electronic Meeting Policy

The Board reviewed the new electronic meeting policy. Board had no questions.

Board Action: A motion was made and seconded to accept the policy.

Bernzott/Vuotto

Motion carried 3-0-0

C. Attorney General's Report

April Keaton, Deputy of the Attorney General, reported that consumer complaints have an average open time of 6 months with 18 current open. Litigation duration is approximately 7 months with 9 pending litigation cases.

VII. APPLICATION REVIEW

There were no applications for review.

VIII. PROBATIONARY REPORT

There were no probationary reports for review.

IX. CONTINUING EDUCATION

There were no continuing education applications for review.

X. OLD/NEW BUSINESS

A. Annual Chiropractor Conference

The Board discussed the Annual Conference they once held for Indiana Chiropractors. Dr. Vuotto wished to provide information on the conference to newer applicants as the conference was a good way to meet with others in the profession and provide information. Ms. Vaught stated that the conference was originally held twice a year when the Board proctored the exam for the license. As the Board no longer proctors the exam in person for licensure, there is not statutory requirement to hold the conference. She stated that it was also dropped due to the cost to hold the event, and that when it was held people would complain that IPLA was holding their licenses back to issue the license. The conference was no longer held to speed up the licensure process once they took their national boards through the NBCE.

XI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 9:09 a.m. by general consensus.

Next Scheduled Meeting:

January 6, 2022

Indiana Government Center South
Conference Center – Rooms 1 & 2