

# INDIANA BOARD OF CHIROPRACTIC EXAMINERS

## MINUTES

July 8, 2021

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

8:00 a.m.

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/Dyer

Motion carried 4-0-0

### III. ADOPTION OF THE MINUTES

A motion was made and seconded to approve the minutes of the April 8, 2021, meeting as amended.

Bernzott/Vuotto

Motion carried 4-0-0

### 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 for his probation appearance. The Board requested that he be rescheduled for October 14, 2021.

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

Dr. McAdoo appeared as requested to discuss his ongoing probation. Dr. McAdoo stated that he does not have any updates for the Board. He is currently working in a lab in Kentucky and is doing well. The Board requested that he keep his status updated with the Board. Dr. McAdoo's next probation appearance is scheduled for January 2022.

**B. Reinstatement**

**1. Richard Harkenrider, D.C., License No. 08001383A**

Dr. Harkenrider appeared as requested to discuss the reinstatement of his license that expired July 1, 2016, and to provide more information regarding a "yes" response to the question "Have you engaged in the practice of chiropractic medicine in the State of Indiana since the expiration of your chiropractor license?" Dr. Harkenrider stated that during the 2016 renewal cycle he had a misunderstanding with his wife on the renewal. He informed the Board that usually his wife took care of the payments for the renewal cycle. The Board noted that that he has completed one hundred sixteen (116) hours of continuing education with twenty (20) hours in the area of risk management. He was required to have seventy-two (72) hours of CE with twenty-four (24) hours in the area of risk management. The Board asked how he dealt with insurance matters if his license was expired. Dr. Harkenrider stated that he has a cash practice and does not deal with insurance providers, Medicaid, or Medicare. Dr. Harkenrider stated that another reason his license was not renewed by the expiration date was due to due to financial difficulties he was experiencing. The Board noted that in order to reinstate his license, he must address the tax hold, missing continuing education, and complete the jurisprudence examination to ensure that he is aware of the current laws of Indiana. He is also advised that he does not have a current license to practice in the state of Indiana at this time.

**Board Action:** A motion was made and seconded to reinstate Dr. Harkenrider pending the submission of an additional four (4) hours of continuing education in the area of risk management, addressing the tax hold and having it lifted, and passing the Jurisprudence examination.

Bernzott/Dyer  
Motion carried 4-0-0

**C. Application**

**1. James H. Czarnecki, D.C.**

Dr. Czarnecki appeared as requested to discuss his "yes" response to the question "Have you ever had a malpractice judgment against you or settled any malpractice action?" Dr. Czarnecki stated that he had a patient file an injury complaint against him in 2007, however, the incident in question occurred in 2005. The patient stated they suffered a rib fracture and then went to an orthopedist to address the issue. The orthopedist completed a CT scan and did not find anything of concern. He settled with the patient upon advice from his attorney. Dr. Czarnecki stated that his intention was to work at Amehurst Health. Currently his work will mostly focus on medical assessments and to be a substitute doctor for various Chiropractic Offices. Dr. Czarnecki is a 1989 graduate from the National College of

Chiropractic, and he has taken and passed all parts of the NBCE. He is currently licensed in the states of Illinois, Georgia, Wisconsin, and Kentucky.

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

Dyer/Bernzott  
Motion carried 4-0-0

## 2. **Kristen Mary Van De Carr, D.C.**

Dr. Van De Carr appeared as requested to discuss why she did not respond positive to the question "Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold of have held?" Dr. Van De Carr stated that the disciplinary action was due to a tax issue. She had been working in the states of Illinois and Ohio, and during her transition she did not receive her Ohio notices about the tax issue. As a result, her Ohio license was suspended. Since that time Dr. Van De Carr has addressed those issues and her license in Ohio is no longer suspended. She read the question on the licensure application as to current disciplinary action and not past action. The Board asked if she has the final documentation regarding the resolution of the disciplinary action, as they do not have a copy of such in her file. Dr. Van De Carr indicated that she does and can forward it to the Board. Dr. Van De Carr is 2001 graduate from Palmer Chiropractic College and passed all parts of the NBCE examination. She is currently licensed in the states of Colorado, Illinois, Ohio, Idaho, and Kentucky.

**Board Action:** A motion was made and second to approve Dr. Van De Carr's application for chiropractic licensing pending receipt of documentation of the conclusion of the disciplinary action in the State of Ohio and passing the jurisprudence examination.

Bernzott/Vuotto  
Motion carried 4-0-0

## **ADMINISTRATIVE HEARINGS**

**8:30 a.m.**

- A. Gary E. Buchanan, D.C., License No. 08000701A**  
Cause No. 2019 IBCE 0003  
Re: Petition for Withdraw of Probation

### **Parties Present:**

Respondent was present  
Rebekah Hammond, Deputy Attorney General for the State  
Ryan Eldridge, Deputy Attorney General for the State  
Heather Orbaugh, 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 January 9, 2020 Dr. Buchanan signed a Settlement Agreement with the Board with the following terms:

- Placed upon Probation for no less than one (1) year.
- Shall keep the Board apprised of his residential address and phone number
- Shall keep the Board apprised of his Chiropractic employer(s) name, address, and telephone number
- Shall complete twelve (12) hours of continuing education in the areas of professionalism and ethics and provide proof of completion to the Board.
- Shall submit quarterly reports from all Chiropractic employers to the Board if he is employed in Chiropractic practice. If he is self-employed in Chiropractic practice or if he is not employed in Chiropractic practice, he shall submit quarterly self-reports.
- Shall report any future or criminal issues to the Board within thirty (30) days of the occurrence.
- Shall not violate any statute or rules regarding the practice of Chiropractic services.
- Shall pay a fee of \$5.00 to be deposited into the Health Records and Personal Identifying Information Trust Fund.

Dr. Buchanan stated that he has met all of his probation terms and is requesting to withdraw the license probation. He informed the Board that he has submitted copies of the completed continuing education, quarterly reports of employers and payment of the \$5.00 records fee. He informed the Board that his employment was filling in at chiropractic offices if the chiropractor was on vacation and for other issues. When he was not working, he ensured that this information was in his quarterly reports. Dr. Buchanan covered around five (5) to ten (10) chiropractors over the past five (5) years. He stated that since he was on probation, he only covered one (1) chiropractor due billing issues with Medicaid as he was on probation. His intention is not to return to full time practice. The continuing education programs attended taught him better ethical treatments of his patients. Dr. Buchanan stated that he has learned from what occurred and is not going to repeat the incident. The State had no objection to Dr. Buchanan withdrawing probation and felt that he has met all terms.

**Board Action:** A motion was made and seconded to approve Dr. Buchanan's petition for withdraw of probation.

Bernzott/Dyer  
Motion carried 4-0-0

**B. Aaron Wilson**

Cause No. 2021 IBCE 0003

Re: Order to Show Cause – Cease and Desist

**Parties Present:**

Respondent was not present, no counsel

Ryan Eldridge, Deputy Attorney General for the State

Heather Orbaugh, 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 June 15, 2021 an Order to Show Cause was issued to Mr. Wilson regarding the allegation that he is performing Chiropractic services without a license. Mr. Wilson did submit a letter to the Board on July 4, 2021 with a question on the Board's jurisdiction over him, as a private citizen. The Attorney General's office provided a letter with a series of legal notices regarding the Indiana code regarding the Board's jurisdiction in the matter. Since Mr. Wilson has failed to appear for the hearing in this matter, the State asked that the Board issue a Notice of Proposed Default.

**Board Action:** A motion was made and seconded to issue a Notice of Proposed Default.

Bernzott/Vuotto  
Motion carried 4-0-0

- C. Jacob Roberts, D.C., License No. 08002512A**  
Cause No. 2021 IBCE 0005  
Re: Administrative Complaint

The hearing in this matter has been continued.

**VI. DISCUSSION**

**Online Applications**

Online applications for the Board are now available. The application requirements have not changed, but applicants are now permitted to submit their information online as provided in the instructions on the website.

**Online Continuing Education**

The Board discussed the continuance of accepting online continuing education. The Board will accept online continuing education programs. Online continuing education programs that allows the licensee to interact with the presenter and ask questions can be counted as live continuing education. The Board asked if there are any current waivers in place for CE, and the Board counsel noted that the Governor has not presented any Executive Orders regarding waiving the CE requirements.

**Advertising**

The Board counsel reviewed the Physical Therapy advertising discussion held at previous meetings. It was brought to the Board's attention that similar issues have arisen in other States such as Pennsylvania and New Jersey. Board Counsel is keeping an eye on those issues and advises that if any person has issues regarding the advertising of a chiropractor, then a Consumer

Complaint would need to be filed with the Attorney General's Office in order for an investigation to be done to determine whether there has been a violation of the statute or rules.

**Attorney General's Report**

Kiely Kessler, Deputy of the Attorney General, reported that consumer complaints have an average open time of 6.5 months with 26 current open. They have closed 33 complaints this year. Litigation duration is approximately 6.4 months with 3 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**

There was no old/new business for discussion.

**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 general consensus.

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**Marian Klaes, D.C. Chairman**

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**Date**