

INDIANA BOARD OF CHIROPRACTIC EXAMINERS

MINUTES

APRIL 8, 2021

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Klaes called the meeting to order at 8:00 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

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

Phillip Gordon, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda.

Bernzott/Vuotto

Motion carried 3-0-0

III. ADOPTION OF THE MINUTES FROM JANUARY 7, 2021

A motion was made and seconded to accept the minutes as edited for the January 7, 2021 meeting.

Bernzott/Vuotto

Motion carried 3-0-0

IV. ADMINISTRATIVE RULE HEARING

A. LSA #19-441 Convictions of Concern

Adds 846 IAC 1-11. This rule implements the provisions of IC 25-1-1.1-6 requiring every board, commission, or committee under IC 25 to revise its licensing or certification requirement to explicitly list the convictions of concern that may disqualify an individual from receiving a license; to establish criteria to determine whether an applicant should be denied a license if the applicant has a conviction of concern; and to establish a procedure for an individual to receive

a pre-application determination as to whether the individual's criminal history would preclude the individual from obtaining a license.

Comments from the Public: Beth Clay, International Chiropractic Association. Ms. Clay stated that it is making it easier to apply for licensure. Brings clarity. Very important move in transparency. Positive impact.

The Board received no written comments.

Board Action: A motion was made and seconded to adopt the proposed rules listed in LSA #19-441 Convictions of Concern and to direct the Executive Director of the Professional Licensing Agency to submit the adopted rules to the Attorney General for his approval.

Bernzott/Vuotto
Motion carried 3-0-0

V. ADMINISTRATIVE HEARINGS

- A. **Christopher Calarco, D.C., License No. 08002788A**
Cause No. 2021 IBCE 0002
Re: Appeal of Denial of Reinstatement

Parties Present:

Respondent was present

Participating Board Members:

Dr. Klaes, DC (Hearing Officer)
Dr. Bernzott, DC
Dr. Vuotto, DC

Case Summary: On or about January 8, 2021 Dr. Calarco's was scheduled to appear regarding his license reinstatement application and he failed to appear. Dr. Calarco's application for reinstatement was denied. Dr. Calarco submitted a petition to appeal the decision on or about January 20, 2021. Dr. Calarco stated that he missed the correspondence to appear and had trouble logging in to appear at this hearing. It was noted in in reinstatement that one reason that he was scheduled to appear was to provide more clarification on the gap in his employment history. Dr. Calarco stated that during that gap he was developing a course for chiropractic techniques for physicians, so he spent a number of days traveling between various states. He clarified that he has not seen patients for three (3) years as he has been working more on the teaching and consulting side. He stated that he is looking to obtain a practice in Schererville, as he has a friend that owns a practice there. Dr. Calarco stated that he is also willing to complete the SPEC Exam should the Board have concerns regarding the gap of patient practice. He stated that his licenses in Nevada and Illinois were expired, but he does hold active licenses in states of New Mexico and Florida.

Board Action: A motion was made and seconded to grant Dr. Calarco's appeal and reinstate his chiropractic license upon passing of the jurisprudence examination.

Bernzott/Vuotto
Motion carried 3-0-0

VI. PERSONAL APPEARANCES

A. Probation

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

Dr. Sheppard appeared as requested to discuss his ongoing probation that was initially placed on May 23, 2019. Dr. Sheppard did appear at the October 8, 2020 as an Order To Show Cause had been issued regarding his probation. The Board had extended his probation an additional two years. Dr. Sheppard reported that he is working and living at the same address that is currently on file. He has no incidents to report, and his practice is proceeding fine.

B. Reinstatement

1. Travis Worthman, D.C., License No. 08002738A

Dr. Worthman appeared as requested to discuss the reinstatement of his license that expired in 2014. Dr. Worthman stated that is his currently working in the state of Georgia and is planning to move to the Fort Wayne area to be closer to family. He currently has a partnership lined up to work with Dr. Freeman to start in June pending the completion of his reinstatement. The Board reviewed the submitted continuing education certificates Dr. Worthman had submitted and noted that it appears that he only had six (6) hours of risk management. Dr. Worthman stated he has the additional required hours from Life University that he just completed.

Board Action: A motion was made and seconded to approve Dr. Worthman's reinstatement application pending submission of an additional eight (8) hours of continuing education in the area of risk management and passing the jurisprudence examination.

Bernzott/Vuotto
Motion passed 3-0-0

C. Application

There were no application appearances.

VII. DISCUSSION

A. Emily Slaven, P.T., PhD

President, APTA Indiana

Re: Advertising of Physical Therapy Services

Ms. Slaven submitted correspondence to the Board on January 14, 2021 regarding SEA 586 that was passed in 2019 regarding physical therapist and IC 25-27-1-2 of unlawful practices of advertising services for physical therapy or physiotherapy services, unless the individual performing those services is a physical therapist. Wanted to inform the Board that if they are not a licensed physical therapist, they can be disciplined. Ms. Slaven is requesting that the Chiropractic Board to address this issue of advertising with those licensed. The Board stated that within the Scope of Practice of Chiropractors they are allowed to do physical therapy

services. The Board also noted that they must follow the statute and rules for the Board of Chiropractic Examiners, and if there is a conflict between the Board statutes it should be addressed. Ms. Slaven stated that the issue is with the advertising of physical therapy services, as they have received a number of complaints already filed regarding the issue. The Board counsel advised that more information needs to be researched before the Board can make a more formal decision regarding the new statute.

VIII. APPLICATION REVIEW

There were no applications for review.

IX. PROBATIONARY REPORT

There were no probationary reports.

X. CONTINUING EDUCATION

A. The Tummy Team

The Board reviewed the submitted seminar description and application documentation. There were no noted concerns with the sponsor.

Board Action: A motion was made and seconded to approve the CE program.

Vuotto/Bernzott
Motion carried 3-0-0

B. Fetterman Events

The Board reviewed the submitted seminar description and application documentation. The Board noted that based on Rule requirements, they are only to approve the 8 CE hours per day for each of the programs being submitted. There were no other concerns with the submitted programs.

Board Action: A motion was made and seconded to approve the CE programs with the stipulation that the certificate of completions reflect a maximum of 8 hours granted per day.

Vuotto/Bernzott
Motion carried 3-0-0

X. ATTORNEY GENERAL'S REPORT

Ryan Eldridge, Deputy of the Attorney General, reported that consumer complaints have an average open time of 12 months with 34 current open. They have closed 10 complaints this year. Litigation duration is around 28 months with 1 litigation pending.

XI. OLD/NEW BUSINESS

There was no old/new business.

XII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 9:21 a.m. by general consensus.

Marian Klaes, D.C. – Chairman

Date