

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

MINUTES OF OCTOBER 10, 2024

Diane Vuotto, D.C., Chair, called the meeting to order at 9:01 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.

Member(s) Present:

Diane Vuotto, D.C., Chair
Richard Mason, D.C., Member
John Bernzott, D.C., Member

Member(s) Absent

Emily Shoemaker, Consumer Member
Derek Dyer, D.C., Vice Chair

Staff Present:

Jody Edens, Board Director
Professional Licensing Agency
James Green, Assistant Board Director
Professional Licensing Agency
Clarence Leatherbury, J.D., Deputy Attorney
General, Office of the Attorney General

The Board voted to APPROVE the Agenda.

Bernzott/Mason, 3/0/0
Motion carries

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

The Board voted to APPROVE August 1, 2024, minutes as written.

Mason/Bernzott, 3/0/0
Motion carries

The following board members voted aye:

Diane Vuotto, Richard Mason, John Bernzott
The following board members objected: none
The following board members abstained: none

PERSONAL APPEARANCES

Lance Hilton, D.C., License No 08003329A, License Renewal – Positive Response

Dr. Hilton appeared in person and was not represented by counsel regarding a positive response on his renewal application.

He tried to surrender a dog to the humane society, but they were closed. There were employees inside the building, so he tied the dog up outside and left.

He was charged with cruelty to animals. He had to complete community service, which he did at the humane society.

After discussion, the Board moved to APPROVE Dr. Hilton's license renewal application.

Mason/Bernzott, 3/0/0
Motion carries

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

Jordan Miller, D.C., License# 08003185A, License Renewal – Positive Response:

Dr. Miller did not appear and was not represented by counsel regarding a positive response on his renewal application.

Because of the time frame in which the Board must act upon a license renewal, the Board moved to RENEW and FILE A COMPLAINT with the Attorney General's Office.

Mason/Bernzott, 3/0/0
Motion carries

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

ADMINISTRATIVE HEARINGS

Roc Byrd D.C., License No. 08001331A, Cause No. 2023 IBCE 0005

Respondent did not appear in person and was represented by counsel, Peter Pogue regarding a Motion to Voluntary Surrender 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 Lindy Meyer with Accurate Reporting Services.

Mr. Pogue indicated that Dr. Byrd has retired from his practice and wishes to surrender his license. He has agreed to the requirements of a personal appearance and a fitness for duty evaluation should he ever decide to reinstate his license.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter, the Board moved to APPROVE the VOLUNTARY SURRENDER.

Bernzott/Mason, 3/0/0
Motion carries

The following board members voted aye:
Diane Vuotto, Richard Mason, John Bernzott
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, Scotty Teal regarding a Petition to Reinstate 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 Lindy Meyer with Accurate Reporting Services.

Kimberly Pucka was sworn in as a witness for the Respondent.

Mrs. Pucka testified that she is the Manager of Dr. Pucka's Chiropractic Office. She sets policies, answers any questions the staff may have and is a Massage Therapist at Spine Worx. She stated that the complaint form is online and when one is submitted it goes to her Son for review and then on to Debbie, who is independent from the practice.

The Board indicated that the complaint form needs to go directly to Debbie and not to a family member. Mrs. Pucka indicated she would make that update.

Dr. Pucka completed the MMPI II evaluation as required in his suspension order. Everything came out normal.

Dr. Pucka said he needs to have good communication with staff and patients. He

believes he respects patients' boundaries and that he needs to watch his words. He also indicated that he didn't apologize to the individual patients, but he posted an apology on the website for all to view.

After having considered the evidence presented, testimony of the witness, and taking official, judicial notice of the pleadings, evidence, and orders in this matter, the Board moved to APPROVE reinstatement on INDEFINITE PROBATION with terms and conditions.

Mason/Bernzott, 3/0/0
Motion carries

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

DISCUSSION

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

Dr. James did not appear in person and was not presented by counsel regarding his probationary appearance scheduled before the Board.

Dr. James has been informed that he no longer needs to appear but must email in reports for the Board to review.

The Board reviewed his report. The report indicated that he has not had any changes, he is still working with his brother. Things are going well.

Christopher Carter – Reinstatement of license – CE Review

The Board reviewed the continuing education submitted by Dr. Carter for his reinstatement renewal request. The Board reviewed the continuing education and approved it. They further requested he appear before the Board to discuss what he has done to keep up to date with hands-on procedures.

Dr. Bernzott announced previously that this will be his last meeting with the Board as he is retiring from practice. The Board thanked him for his 22 years of service to the Board and wishes him the best in his retirement.

With Dr. Bernzott leaving, a new member must be appointed to review attorney general complaints when necessary.

After discussion the Board nominated Derek Dyer to do the reviews.

Mason/Bernzott, 3/0/0
Motion carries

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

There being no further business, the Board ADJOURNED at 1:20 p.m.

Diane Vuotto, D.C., Chair