



STATE OF WEST VIRGINIA Board of Chiropractic Examiners

P.O. Box 8532, South Charleston, WV 25303

Phone: (304) 746-7839

E-mail: wvchiroboard@outlook.com

Website: www.boc.wv.gov

November 18, 2020

Governor James C. Justice, II
Office of the Governor
State Capitol Building
1900 Kanawha Blvd., East
Charleston, WV 25305

Dear Governor Justice:

The West Virginia Board of Chiropractic Examiners is pleased to provide you with our report of the biennium covering activities during the period of July 1, 2018 through June 30, 2020.

The Board is empowered to enforce the rules and regulations of the Board and to exercise full discretion and authority with respect to disciplinary actions. The practice of chiropractic is one that needs to be governed by persons who are educated, experienced, and licensed in the practice of chiropractic. The mission of this Board is to ensure that the public will have access to competent, safe, and ethical practitioners in the profession.

If you should have any questions, please feel free to contact our office.

Sincerely,


Barbara L. Johnson
Executive Director

/blj

ANNUAL REPORT - 2018-2020

Respectfully Submitted by
Barbara L. Johnson, Executive Director
304-746-7839
wvchiroboard@outlook.com - Email
www.boc.wv.gov - Website



WEST VIRGINIA BOARD OF CHIROPRACTIC

West Virginia Board of Chiropractic

I do hereby certify the information contained within the following 2018-2020 Biennium Report of the West Virginia Board of Chiropractic is true and correct to the best of my knowledge.



Barry A. Stowers, D.C., Chairman

11-16-20

Date

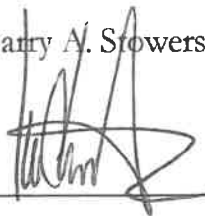
Terry W. Chambers, D.C., Secretary

Date

West Virginia Board of Chiropractic

I do hereby certify the information contained within the following 2018-2020 Biennium Report of the West Virginia Board of Chiropractic is true and correct to the best of my knowledge.

Barry A. Stowers, D.C., Chairman



Date

11-18-2020

Terry W. Chambers, D.C., Secretary

Date

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BOARD MEMBERS

Chairman

Barry A. Stowers, D.C.
111 Lewis Street
Oak Hill, WV 25901
(304) 465-0561
Term Expires: 6/30/2023

Vice Chairman

Geoffrey R. Mohn, D.C.
3677 US Route 60 East, Suite 4
Barboursville, WV 25504
(304) 733-4800
Term Expires: 6/30/2022

Investigative Officer

Holly L. Harvey, D.C.
26 Greenville School Road
Greenville, WV 24945
(304) 832-6420
Term Expires: 6/30/2019

Secretary

Terry W. Chambers, D.C.
319B Lutz Avenue
Martinsburg, WV 25404
(304) 263-4927
Term Expires: 6/30/2021

Public Member

Ruth R. Lemmon
225 Brooke Lane
Nitro, WV 25143
(304) 545-4158
Term Expires: 6/30/2021

OVERVIEW OF BOARD ACTIVITIES

- Board Members attended Board Meeting held in Charleston on August 2, 2018.
- Dr. Barry Stowers attended the FARB (Federation of Association of Regulatory Boards) Regulatory Law Seminar held in Portland, OR in September 2018.
- Board Members attended Board Meeting held in Charleston on November 8, 2018.
- The Executive Director attended the Auditor's Required Annual Seminar for Chapter 30 Licensing Boards on November 27, 2018.
- Dr. Holly Harvey attended the FCLB District II Regional Meeting on November 29 - December 2, 2018 in Fort Walton Beach, FL.
- Board Members attended Board Meeting held in Charleston on February 7, 2019.
- The Executive Director attended the Treasurer's Cash Handling Conference held on April 30 - May 2, 2019 at Stonewall.
- Board Members attended Board Meeting held in Charleston on May 16, 2019.
- Board Members attended Board Meeting held in Charleston on August 1, 2019.
- The Executive Director attended P-Card Training in Flatwoods on August 13, 2019.
- The Executive Director attended the Treasurer's Cash Handling Conference held on September 17-20, 2019 at the Lakeview Resort in Morgantown.
- The Executive Director, along with Board Members, Dr. Barry Stowers, and Dr. Geoff Mohn, attended the Auditor's Required Annual Seminar for Chapter 30 Licensing Boards on October 29, 2019.
- Board Members attended Board Meeting held in Charleston on November 14, 2019.
- Board Members attended Board Meeting held in Charleston on February 6, 2020.

- Board Members attended Board Meeting via Conference Call on March 24, 2020.
- Board Members attended Board Meeting via Conference Call on May 21, 2020.

REVENUE

July 1, 2018-June 30, 2019

License Renewal Fees 2018/2019-----	\$81,350.00
Late Fees-----	\$1,000.00
Reinstatement Fees-----	\$600.00
Initial Licensing Fees-----	\$550.00
Address Listings-----	\$5,000.00
Incorporation-----	\$0
Examination Fees-----	\$1,650.00
Re-Examination Fees-----	\$0
License Verification Fees-----	\$5.00
Photocopies-----	\$0
Duplicate License-----	\$0
Continuing Education Approval-----	\$25,800.00
IRS Reimbursement/BRIM-----	\$0
Preceptorship Fees-----	\$50.00
PLLC-----	\$750.00
PLLC Renewal Fees-----	\$13,500.00
Fines-----	\$0
Reimbursement for Legal Fees-----	\$0
FCLB (Federation of Chiropractic Licensing Boards) Reimbursement-----	\$0
Temp License-----	\$300
TOTAL REVENUE-----	\$130,555.00

REVENUE

July 1, 2019-June 30, 2020

License Renewal Fees 2019/2020-----	\$89,050.00
Late Fees-----	\$800.00
Reinstatement Fees-----	\$200.00
Initial Licensing Fees-----	\$600.00
Address Listings-----	\$4,250.00
Incorporation-----	\$0
Examination Fees-----	\$1,050.00
Re-Examination Fees-----	\$0
License Verification Fees-----	\$85.00
Photocopies-----	\$0
Duplicate License-----	\$0
Continuing Education Approval-----	\$22,800.00
IRS Reimbursement/BRIM-----	\$0
Preceptorship Fees-----	\$50.00
PLLC-----	\$450.00
PLLC Renewal Fees-----	\$17,550.00
Fines-----	\$0
Reimbursement for Legal Fees-----	\$0
FCLB (Federation of Chiropractic Licensing Boards) Reimbursement-----	\$0
Temp License-----	\$0
TOTAL REVENUE-----	\$136,885.00

YEAR-TO-DATE EXPENDITURES

4th Quarter - 2019

Personal Services -----	\$48,866.89
Per Diem-----	\$3,900.00
Annual Increment-----	\$720.00
PEIA Fees -----	\$50.00
WV OPEB (Other Post-Employment Benefits) Contribution -----	\$2,196.00
Employee Benefits (Social Security, Retirement, Workers Comp, PEIA) -----	\$18,761.10
Rental Expense & Hospitality -----	\$8,081.16
Telecommunications -----	\$2,801.32
Contractual & Professional Services -----	\$2,784.00
Travel-----	\$8,716.36
Association Dues & Professional Membership-----	\$1,124.00
Fire/Auto/Bond (BRIM)-----	\$2,900.00
Training & Development -----	\$950.00
Postal & Freight -----	\$1,572.45
Office Expenses (Printing, Supplies/Machine Rental) -----	\$2,557.88
Computer Services/Supplies -----	\$1,384.63
PEIA Reserve Transfer -----	\$477.00
Miscellaneous -----	\$176.10
Total YTD Expenditures for 2019-----	\$108,101.29

YEAR-TO-DATE EXPENDITURES

4th Quarter - 2020

Personal Services -----	\$50,748.43
Per Diem-----	\$4,500.00
Annual Increment-----	\$780.00
PEIA Fees-----	\$50.00
WV OPEB (Other Post-Employment Benefits) Contribution -----	\$2,016.00
Employee Benefits (Social Security, Retirement, Workers Comp, PEIA) -----	\$19,608.17
Rental Expense & Hospitality -----	\$7,200.00
Telecommunications -----	\$1,994.54
Contractual & Professional Services -----	\$8,950.50
Travel-----	\$9,947.25
Association Dues & Professional Membership-----	\$1,152.00
Fire/Auto/Bond (BRIM)-----	\$2,916.00
Training & Development-----	\$3,110.00
Postal & Freight-----	\$558.91
Office Expenses (Printing, Supplies/Machine Rental)-----	\$1,097.09
Computer Services/Supplies -----	\$3,638.94
PEIA Reserve Transfer -----	\$501.00
Miscellaneous -----	\$0
Total YTD Expenditures for 2020-----	\$118,768.83

LICENSE BY COUNTY SUMMARY

Barbour	3
Berkeley	13
Braxton	1
Brooke	3
Cabell	24
Fayette	3
Greenbrier	6
Hancock	4
Hardy	1
Harrison	15
Jackson	2
Jefferson	9
Kanawha	32
Lewis	4
Logan	6
Marion	8
Marshall	2
Mason	1
Mercer	1
Mineral	3
Monongalia	21
Monroe	2
Morgan	2
Nicholas	3
Ohio	4
Preston	3
Putnam	8
Raleigh	15
Randolph	6
Ritchie	2
Roane	3
Summers	1
Taylor	1
Tucker	1
Upshur	4
Wayne	2
Wetzel	2
Wirt	1
Wood	29
TOTAL IN STATE	251

LICENSE BY OUT-OF-STATE SUMMARY

CA	3
CT	1
FL	2
GA	3
KS	1
KY	5
MD	5
NC	1
NY	1
OH	11
PA	17
SC	2
TN	1
TX	1
VA	6
TOTAL OUT OF STATE	60

COMPLAINTS INVESTIGATED

Complaints 2018-2020

- Complaint #2018-173; Faking test to gain favor that dizziness occurs to benefit from claim; Board Ruled No Probable Cause and AG concurred; Complaint Dismissed.
- Complaint #2018-174; Payment Plan for Kidney and Thyroid; combined with Complaint #2019-177; Promising Cure and requesting \$5,000 up-front for supplements; Board Ruled Probable Cause; Consent Decree & Order entered into the records of the Board on January 6, 2020.
- Complaint #2018-175; Malingering Patient; Board Ruled No Probable Cause and AG concurred; Complaint Dismissed.
- Complaint #2019-176; Unprofessional Conduct; Board Ruled No Probable Cause and AG concurred; Complaint Dismissed.
- Complaint #2019-178; Ethical Violations/Auto Accident Victim; Board Ruled No Probable Cause and AG concurred; Complaint Dismissed.
- Complaint #2019-179; Arrest/Controlled Substance; Board Ruled Probable Cause; Consent Decree & Order entered into the records of the Board on July 5, 2019.
- Complaint #2019-180; Ethical Violations/Auto Accident Victim; Board Ruled No Probable Cause and AG concurred; Complaint Dismissed.
- Complaint #2019-181; Billing; Board Ruled No Probable Cause and AG concurred; Complaint Dismissed
- Complaint #2019-182; Fraudulently Billing Medicaid; Board Ruled Probable Cause; Consent Decree & Order entered into the records of the Board on March 25, 2020.
- Complaint #2020-183; Wrongfully Discharged; Board Ruled no Probable Cause and AG concurred; Complaint Dismissed.

PERSONS LICENSED FROM

JULY 1, 2018 - JUNE 30, 2020

August 2, 2018

Todd D. Anderson, D.C.

Guy Galluzzo, D.C.

Todd M. Gewant, D.C.

Robert M. Knapp, D.C.

Alix K. Lilly, D.C.

Andrea J. Pinkstaff, D.C.

Franklin P. Short, III, D.C.

February 7, 2019

David A. Bannister, D.C.

Brent V. Bertschinger, D.C.

Dylan T. Drinkard, D.C.

Gretchen M. Silver, D.C.

Teal Tritapoe, D.C.

August 1, 2019

Leslie N. Hiles, D.C.

Samuel L. Holguin, D.C.

Shawn Neff, D.C.

Jarred T. Newhouse, D.C.

Jason E. Wood, D.C.

February 6, 2020

Margo J. Brown, D.C.

Patricia L. Ellingson, D.C.

Kyle D. Moore, D.C.

Thomas F. Munoz, II, D.C.

Muhummad A. Razak, D.C.

Michael G. Scarton, D.C.

William R. Snyder, D.C.

**▶ WEST VIRGINIA**

📍 Licensing Boards / U.S. / West Virginia

WEST VIRGINIA BOARD OF CHIROPRACTIC EXAMINERS

Licensure Date: 1925 approx

FCLB Member Board

Directory page last updated 12-2-2019

The Federation does not provide interpretation of the scope of practice laws or rules of any chiropractic licensing authority, nor can we provide specific details regarding licensing requirements. The educational and testing requirements for each State or Province set forth in this Directory are intended as a general guide. It is strongly recommended that anyone interested in becoming licensed in a particular State or Province contact the Board office or the Secretary of the respective board to secure current and complete details before matriculating in any school.

Barbara L. Johnson, Executive Director

Anthony D. Eates II, Board Attorney

For Information Contact:

Phone: (304) 746-7839

415 ½ D Street, Suite B

Fax: (877) 992-0248

P.O. Box 8532

(Do not use FAX for applications)

So. Charleston, WV 25303

Application requests must be in writing

Time Zone: Eastern

Email: wvchiroboard@outlook.com

Office Hours: 9:00 am - 4:00 pm; Monday - Thursday

Web address: www.boc.wv.gov**Exam Dates:** 2/6/2020; 8/6/2020**Exam fee:** \$150**Application/ Transcript Deadline:** 6 weeks prior to exam date;**Initial license fee:** \$50

12/26/2019 6/25/2020

License Renewal fee:**Term:** Annual, renew July 1st

\$300 - Resident

Criminal background check: Yes

\$150 - Non Resident or

Fingerprinting: Yes

Retired

Preceptor/Intern/Extern Program: Students may work under direct supervision of licensed D.C.
Contact Board for more details.

Students or graduated: Must be graduate to sit for Board
License(s) Required for Practice: Chiropractic
Optional Certification: Physiotherapy (optional but preferred); required to perform & bill
Require supervised practice prior to full licensure: No

CONTINUING EDUCATION:

Requirements: 18 hours per year	Requires sexual boundaries training: No
Distance Credits Allowed: 6 hours only	Requires AIDS awareness/risk prevention training: No
Program Criteria: At the discretion of the Board - approves either sponsor or program.	Other specific CE training required: Varies
Reputable sponsors, instructors from approved chiropractic colleges	

CONDITIONS FOR RECIPROCITY/ENDORSEMENT: Handled on case-by-case basis, state must have requirements equivalent to West Virginia and reciprocate with WV.

EXAMINATIONS ADMINISTERED BY STATE: Oral jurisprudence exam and interview with Board.

NATIONAL BOARD EXAMINATIONS

Part I: Required	SPEC: Reciprocity/Endorsement: Not planning to use
Part II: Required	Reinstatement Lapsed License: After a lapse of two years, a license may be issued only after the former certificate holder, subsequent to the lapse, has fulfilled all other requirements of licensure as set forth in Chapter 30, Article 16 (§30-16-6) and has passed the SPEC exam.
Part III (WCCE): Required	
Part IV: Required	
Physiotherapy: Accepted (required to perform & bill)	Disciplinary Cases: Can use now Impairment Review: Not planning to use
Acupuncture: Accepted	

PHYSIOTHERAPY: Termed Physiological Therapeutic Procedures

Certification: Optional endorsement or notation included with chiropractic license	Additional Examination: Must take state exam / NBCE PT
Additional Education: 120 hours in subject	Additional Fee: None

EDUCATION REQUIREMENTS

Min. # years pre-professional education required for licensure: Has attended for at least two academic years, consisting of no less than sixty semester hours, an accredited academic college or university and that after the first day of July, two thousand five, the applicant has obtained a bachelor's degree consisting of no less than one hundred twenty-eight semester hours from an accredited academic college or university, with a minimum of sixty hours in basic sciences mandated by the council on chiropractic education.

Accreditation for Chiropractic Programs/Institutions: Council on Chiropractic Education; Fully accredited only

SPECIAL REQUIREMENTS FOR GRADUATES OF FOREIGN COLLEGES: Contact Board for specific information.

SUMMARY OF SCOPE OF PRACTICE: (Contact State for precise definition by state law)

The practices and procedures which may be employed by Doctors of Chiropractic are based on the academic and clinical training received in and through accredited chiropractic colleges. These shall include the use of diagnostic, analytical and therapeutic procedures specifically including the adjustment and manipulation of the articulations and adjacent tissues of the human body, particularly of the spinal column; included is the treatment of intersegmental disorders for alleviation of related neurological aberrations. Patient care and management is conducted with due regard for environment and nutritional factors, as well as first aid, hygiene, sanitation, rehabilitation and physiological therapeutic procedures designed to assist in the restoration and maintenance of neurological integrity and homeostatic balance.

OTHER REFERENCE INFORMATION:

Board regulates specialty council certification: Cannot claim to be certified unless shows proof of certification or diplomate status.

Board permits or authorizes travel-to-treat requirements: Case by case basis with approval from Board for limited period of time

Board permits or authorizes telemedicine practices: No

Licensees required to carry malpractice insurance: No

Additional legally accepted terms for chiropractor (in addition to Doctor of Chiropractic, D.C., Chiropractor, Chiropractic Doctor): Chiropractic Physician

Peer Review: Handled by separate organization or committee

Certified Clinical Chiropractic Assistants: Certificate not required; See Title 4, Series 1, §4-1-2.3; §4-1-14

Chiropractors defined as Primary Care Physicians: Yes

BOARD MEMBERS / TERMS:

Board handles both licensing and disciplinary functions.

Barry Stowers, D.C., Chairman, 111 Lewis St., Oak Hill 25901 Exp. 6/2020

Geoffrey R. Mohn, D.C., Vice-Chairman, 3415 Edwards Avenue Huntington, WV 25705 Exp. 6/2022

Holly L. Harvey, D.C., Investigative Officer, 26 Greenville School Road, Greenville WV 24945 Exp. 6/2019

Terry W. Chambers, D.C., 319-B Lutz Ave, Martinsburg 25404 Exp. 6/2021

Ruth R. Lemmon, Lay Member, 225 Brooke Lane, Nitro, WV 25143 Exp. 6/2021

STATISTICAL INFORMATION: Total # of Licensees as of 12-2-2019

of Active licenses: 314

of New licensees: 10

of Inactive licenses: 0

of Resident licenses: 257

of Other Status: 300 Expired

of Non-Resident licenses: 57

(Ex: retired/deceased/terminated/emeritus...)

of Chiropractic Assistants: 0



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**WV BOARD OF CHIROPRACTIC
MEETING AGENDA
August 2, 2018 - 8:00 a.m.
Fairfield Inn & Suites by Marriott (formerly Wingate by Wyndham)
402 Second Avenue
South Charleston, WV 25303**

Agenda Topics:

Call to Order

Approval of Minutes from Board Meeting held on May 17, 2018

WVCS (Chiropractic Society) Board Members meet with Applicants for Licensure

Jurisprudence Exam (7 applicants for licensure)

Investigative Officer's Report

- **No complaints to report**

Old Business

- **Approved by Board on May 17, 2018 and scheduled for October 26, 2018 in Morgantown, WVU Medicine is asking approval for 6.25 CE hours rather than 4.6.**
- **Update to FAA BasicMed Exam for Private Pilots**
- **Update to email from Kesner & Kesner, Attorneys at Law, regarding Dr. William H. Wertman, licensed in PA, and interpreting EMGs from WV**
- **Cathy Boyd Physical Medicine, PLLC (tabled from May 17, 2018 Board meeting)**
- **Request from Dr. Jarod Adlington to advertise "Internal Health Specialist" (tabled from May 17, 2018 Board meeting)**

New Business

- **CE request for approval from the WV Chiropractic Society Six (6) hours for 2018 Billing Seminar scheduled for August 17, 2018**
- **Email received from Clyde Moxley, D.O., VA Medical Center, Clarksburg, regarding Battlefield Acupuncture (Stephen Toth, D.C.)**
- **Email received from Jean Hesson, D.C., regarding Chiropractic care for post-op Ankyloglossia (tongue-tie) babies**

New Business - Continued:

- **Mississippi Governor signs major licensing reform
Senator Ed Gaunch Daily Mail Opinion**
- **Approval of P-Card (purchasing card) expenditures for May, June, July 2018**
- **Renewal/Revenue Update from Barbara
Barbara successfully completed and passed the CLEAR National Certified
Investigators/Inspectors Training Basic Program and Exam.**
- **Election of Officers**
- **FCLB District Meeting; September 13-16, 2018; Palm Beach, FL**
- **Schedule Fall Board Meeting**

Adjourn

MINUTES
WV BOARD OF CHIROPRACTIC
August 2, 2018
Fairfield Inn & Suites by Marriott
402 Second Avenue, South Charleston, WV 25303

MEMBERS:

Barry A. Stowers, Chairman
Geoffrey R. Mohn, Vice Chairman
Jeffrey L. Summers, D.C., Secretary
Holly L. Harvey, D.C., Investigative Officer
H. Jarrett Walker, Public Member

PRESENT:

Barry A. Stowers
Geoffrey R. Mohn
Jeffrey L. Summers
Holly L. Harvey
Jerry Walker

ALSO IN ATTENDANCE:

Barbara L. Johnson, Executive Director

CALL TO ORDER:

Barry Stowers called the meeting to order at 8:00 a.m.

APPROVAL OF MINUTES:

Jeff Summers moved that the Minutes for the May 17, 2018 Board meeting be approved.

- Geoff Mohn - 2nd Motion
- Motion carried.

WVCS (Chiropractic Society) Board members met with applicants for licensure.

Todd Anderson, Guy Galluzzo, Todd Gewant, Robert Knapp, Alix Lilly, Andrea Pinkstaff, and Franklin Short, completed the Jurisprudence Exam and all received a license to practice chiropractic in the State of West Virginia.

EXECUTIVE SESSION:

Motion was made by Jeff Summers to enter Executive Session to discuss possible disciplinary matter.

- Geoff Mohn - 2nd Motion
- Motion carried.

OUT OF EXECUTIVE SESSION:

Motion was made by Jeff Summers to dismiss Executive Session.

- Holly Harvey - 2nd Motion
- Motion carried.

Barry Stowers presented report, during Executive Session, regarding Cathy Boyd Physical Medicine, PLLC. Motion was made by Jeff Summers to (a) contact Dr. Chris Grose and request he dissolve the PLLC; (b) contact the SOS's office regarding the PLLC; (c) Board will file a complaint regarding the PLLC and reasons behind it. Barry Stowers will contact Dr. Grose and request he dissolve the PLLC. If Dr. Grose does not comply, the Board will proceed with aforementioned.

- Jerry Walker - 2nd Motion
- Motion carried.

INVESTIGATIVE OFFICER'S REPORT

No complaints to report. No motion needed.

OLD BUSINESS:

Approved by Board on May 17, 2018 and scheduled for October 26, 2018 in Morgantown, WVU Medicine is asking approval for 6.25 hours rather than 4.6. Motion was made by Jeff Summers to approve 6.25 CE hours.

- Holly Harvey - 2nd Motion
- Motion carried.

Update to FAA BasicMed Exam for Private Pilots - Barbara notified Dr. Michael Megehee, President, Team CME National Network of DOT Certified Medical Examiners, and Dr. Terry Chambers, that the FAA Basic MedExam is within the chiropractic scope of practice in West Virginia, as approved by the Board at its May 17, 2018 meeting. No motion needed.

Update to email from Kesner & Kesner - Barbara notified Kesner & Kesner, Attorneys At Law, that Dr. William Wertman, licensed in PA, was permitted to interpret EMG's from WV, as discussed by the Board at its May 17, 2018 meeting. No motion needed.

Tabled from May 17, 2018, motion was made by Jeff Summers for Barry Stowers to contact Dr. Jarod Adlington to notify him that he isn't permitted to advertise "Internal Health Specialist".

- Geoff Mohn - 2nd Motion
- Motion carried.

NEW BUSINESS:

Geoff Mohn made motion to approve the continuing education request received from the WV Chiropractic Society for six (6) hours for the 2018 Billing Seminar scheduled for August 17, 2018.

- Holly Harvey - 2nd Motion
- Motion carried.

Jerry Walker made motion to table the email received from Clyde Moxley, D.O., VA Medical Center, Clarksburg, regarding Battlefield Acupuncture (Stephen Toth, D.C.) to the next scheduled Board meeting on November 8, 2018.

- Geoff Mohn - 2nd Motion
- Motion carried.

Board discussed email received from Dr. Jean Hesson regarding chiropractic care for post-op Ankyloglossia (tongue-tie) babies. Barry Stowers spoke to Dr. Hesson prior to the meeting. No motion needed.

Board discussed licensing reform signed by the Governor of Mississippi, as well as Daily Mail Opinion from Senator Ed Gaunch. No motion needed.

Jerry Walker made motion to approve p-card expenditures for May, June, July 2018.

- Jeff Summers - 2nd Motion
- Motion carried.

Board reviewed renewal/revenue update by Barbara. Barbara also successfully completed and passed the CLEAR National Certified Investigators/Inspectors Training Basic Program and Exam held in May 2018.

Election of Officers - Jerry Walker made motion for each Board member to retain their current position.

- Jeff Summers - 2nd Motion
- Motion carried.

Information was distributed to each Board member regarding the FCLB District Meeting scheduled for September 13-16, 2018.

Fall Board Meeting was scheduled for November 8, 2018.

Adjourn

Signed & Dated:



Barry A. Stowers, D.C.
Chairman

**WV BOARD OF CHIROPRACTIC
MEETING AGENDA
November 8, 2018 - 9:00 a.m.
Fairfield Inn & Suites by Marriott
402 Second Avenue
South Charleston, WV 25303**

Agenda Topics:

Call to Order

Approval of Minutes from Board Meeting held on August 2, 2018

Investigative Officer's Report

- **No complaints to report**

Old Business

- **Cathy Boyd Physical Medicine, PLLC (update)**

- **Email received from Clyde Moxley, D.O., VA Medical Center, Clarksburg, regarding Battlefield Acupuncture (Stephen Toth, D.C.) - Tabled from August 2, 2018 Board meeting**

New Business

- **Update to Executive Order No. 3-18/Regulatory Review Proclamation (Rule-making agencies shall submit a Regulatory Review Report to the Governor and the Legislative-Rule Making Review Committee on or before November 1, 2018)**

- **Letter received from Dr. Byron Folwell, dated July 30, 2018, regarding S8990 Coding**

- **Letter received from Dr. Jarod Adlington regarding Veterans Administration**

- **CE Request from Dr. Steve Thaxton/Nutri-West Shenandoah and Life West scheduled for January 4-6, 2019 at the Charleston Civic Center**

- **CE Request from Standard Process of Ohio scheduled for February 9, 2019 in Bridgeport, WV**

- **CE Request from Northwestern Health Sciences University scheduled for January 19-20, 2019 in Charleston, WV**

- **Email from Dr. Steven Lint, dated September 25, 2018, regarding NCMIC Conditional Renewal**

Agenda Topics - Continued:

- **Consent Agreement received from Dr. Gregory M. McDonnell and the Ohio State Chiropractic Board**
- **Email received from Dr. Holly Garrison, dated August 3, 2018, regarding Webster Technique**
- **Email received from Dr. Holly Garrison, dated August 11, 2018, regarding medical exemption to vaccines for daycares**
- **Approval of P-Card (purchasing card) expenditures for August, September, October 2018**
- **Synopsis by Barry Stowers on FARB Regulatory Law Seminar, Portland, OR**
- **FARB (Federation of Associations of Regulatory Boards) Forum; January 24-27, 2019; New Orleans, LA**

Adjourn

MINUTES
WV BOARD OF CHIROPRACTIC
November 8, 2018
Fairfield Inn & Suites by Marriott
402 Second Avenue, South Charleston, WV 25303

MEMBERS:

Barry A. Stowers, Chairman
Geoffrey R. Mohn, Vice Chairman
Jeffrey L. Summers, D.C., Secretary
Holly L. Harvey, D.C., Investigative Officer
H. Jarrett Walker, Public Member

PRESENT:

Barry A. Stowers
Geoffrey R. Mohn
Jeffrey L. Summers
Holly L. Harvey

ALSO, IN ATTENDANCE:

Barbara L. Johnson, Executive Director
Anthony D. Eates, II, Deputy Attorney General

CALL TO ORDER:

Barry Stowers called the meeting to order at 9:00 a.m.

APPROVAL OF MINUTES:

Geoff Mohn moved that the Minutes for the August 2, 2018 Board meeting be approved.

- Holly Harvey - 2nd Motion
- Motion carried.

INVESTIGATIVE OFFICER'S REPORT

No complaints to report. No motion required.

OLD BUSINESS:

Barry Stowers contacted Dr. Grose regarding Cathy Boyd Physical Medicine, PLLC and requested Dr. Grose dissolve the PLLC and delete the website and Facebook for Cathy Boyd Physical Medicine. Per Barbara, when retrieving the website and Facebook, content has been removed and is no longer accessible. No action required.

Board reviewed and discussed email from Clyde Moxley, D.O., regarding Battlefield Acupuncture (tabled from August 2, 2018 Board meeting). Geoff Mohn made motion, at this time, for a licensed chiropractor to perform Battlefield Acupuncture in the VA Hospital, he/she must have completed Acupuncture Certification of 100 hours.

- Holly Harvey - 2nd Motion
- Motion carried.

NEW BUSINESS:

Barbara presented the Board with a copy (drafted by Barry Stowers) of the Regulatory Review Report (Executive Order No. 3-18) due November 1, 2018 to the Governor and the Legislative Rule-Making Review Committee. No motion required.

Board reviewed and discussed Dr. Byron Folwell's letter, dated July 30, 2018, regarding S8990 Coding. Holly Harvey made motion for Barbara to contact Dr. Folwell to advise him that this is not a matter the Board will entertain and will not address.

- Geoff Mohn - 2nd Motion
- Motion carried.

Board reviewed and discussed Dr. Jarod Adlington's letter regarding the Veterans Administration, signed release forms, and HIPAA violations. Holly Harvey made motion for Barbara to contact Dr. Adlington to advise him that this is not a matter the Board will entertain and will not address. The Board did suggest that Dr. Adlington direct his question to legal counsel regarding HIPAA violations. Inasmuch as his question relates to HIPAA, the Board will also suggest he contact Sally Hunt, HIPAA Chief Privacy Officer, DHHR at (304) 558-0684.

- Geoff Mohn - 2nd Motion
- Motion carried.

Geoff Mohn made motion to approve the continuing education request received from Nutri-West Shenandoah and Life West scheduled for January 4-6, 2019 at the Charleston Civic Center for 18 hours.

- Holly Harvey - 2nd Motion
- Motion carried.

Geoff Mohn made motion to approve the continuing education request received from Standard Process of Ohio scheduled for February 9, 2019 in Bridgeport, WV for 8 hours.

- Holly Harvey - 2nd Motion
- Motion carried.

Geoff Mohn made motion to approve the continuing education request received from Northwestern Health Sciences University scheduled for January 19-20, 2019 in Charleston, WV for 12 hours.

- Holly Harvey - 2nd Motion
- Motion carried.

Board reviewed and discussed email received from Dr. Steven Lint, dated September 25, 2018, regarding his NCMIC Conditional Renewal. Holly Harvey made motion for Barbara to mail Dr. Lint a copy of the Minutes from the May 2018 Board meeting.

- Geoff Mohn - 2nd Motion
- Motion carried.

Board reviewed and discussed Consent Agreement mailed by Dr. Gregory M. McDonnell and the Ohio State Chiropractic Board as part of his reporting requirement. No action required.

Board reviewed and discussed email, dated August 3, 2018, regarding Webster Technique from Dr. Holly Garrison. No action required.

Board reviewed and discussed email, dated August 11, 2018, regarding Medical Exemption to Vaccines for Daycares (Title 78, Series 1, Child Care Center Licensing effective July 1, 2016). No action required.

Geoff Mohn made motion to approve p-card expenditures for August 15, September 17, October 15, 2018 statements.

- Holly Harvey - 2nd Motion
- Motion carried.

Barry Stowers gave brief synopsis on FARB (Federation of Association of Regulatory Boards) Regulatory Law Seminar held in Portland OR in September 2018.

The FARB Forum will be held on January 24-27, 2019 in New Orleans, LA.

Adjourn

Signed & Dated:



Barry A. Stowers, D.C.
Chairman

**WV BOARD OF CHIROPRACTIC
MEETING AGENDA
February 7, 2019 - 8:00 a.m.
Fairfield Inn & Suites by Marriott
402 Second Avenue
South Charleston, WV 25303**

Agenda Topics:

Call to Order

Welcome New Members

- **Terry W. Chambers, D.C. (succeeds Jeffrey Summers) - appointed November 5, 2018 with term ending June 30, 2021**

- **Ruth R. Lemmon (succeeds H. Jarrett Walker) - appointed November 5, 2018 with term ending June 30, 2021**

Approval of Minutes from Board Meeting held on November 8, 2018

Jurisprudence Exam - 5 Applicants Scheduled for Licensure

Investigative Officer's Report

- **Complaint 2018-173**

Old Business

- **Stephen D. Herto - Update**

- **Cathy Boyd Physical Medicine, PLLC**

- **Update - Texas Medical Association lawsuit against the Texas Board of Chiropractic Examiners (removed "diagnosis" from chiropractic scope of practice)**

New Business

- **Legislative Updates**

- **Quorum of a Governing Body – Review**

- **Question Regarding Licensure without NBCE Exams
Dr. Michele Broadhurst - Licensed in Maine - Requesting Licensure in WV
Dr. Antony Angus - Licensed in Maine - Requesting Licensure in WV**

- **Question on Advertising**

New Business - Continued:

- Letter received from Dr. Byron R. Folwell, dated November 27, 2018, regarding upcoming mandatory course for 2019-2020
- Cox Technic and Croft Whiplash Treatment Guidelines - Dr. Terry Chambers
- Approval of P-Card (purchasing card) expenditures for November, December 2018 and January 2019
- Synopsis - Holly Harvey attended FCLB District II Regional Meeting on November 29-December 2, 2018 in Fort Walton Beach, FL
- FCLB 2019 Annual Educational Congress; May 1-5, 2019; Mission Bay, CA May 1 (arrive); May 5 (depart) - see draft schedule included in folder
- FCLB and NBCE Delegate & Alternate Voting Designation

Adjourn

MINUTES
WV BOARD OF CHIROPRACTIC
February 7, 2019
Fairfield Inn & Suites by Marriott
402 Second Avenue, South Charleston, WV 25303

MEMBERS:

Barry A. Stowers, D.C., Chairman
Geoffrey R. Mohn, D.C., Vice Chairman
Terry W. Chambers, D.C., Secretary
Holly L. Harvey, D.C., Investigative Officer
Ruth R. Lemmon, Public Member

PRESENT:

Barry A. Stowers
Geoffrey R. Mohn
Terry W. Chambers
Holly L. Harvey
Ruth R. Lemmon

ALSO, IN ATTENDANCE:

Barbara L. Johnson, Executive Director
Anthony D. Eates, II, Deputy Attorney General

CALL TO ORDER:

Barry Stowers called the meeting to order at 8:00 a.m. and welcomed new Board members Terry W. Chambers and Ruth R. Lemmon, appointed to the Board on November 5, 2018 with term ending June 30, 2021.

APPROVAL OF MINUTES:

Geoff Mohn moved that the Minutes for the November 8, 2018 Board meeting be approved.

- Holly Harvey - 2nd Motion
- Motion carried.

EXECUTIVE SESSION:

Motion was made by Terry Chambers to enter Executive Session to administer jurisprudence exam, receive Investigative Officer's recommendation for Complaint 2018-173, and to consider matters pertaining to licensees.

- Geoff Mohn - 2nd Motion
- Motion carried.

OUT OF EXECUTIVE SESSION:

Motion was made by Geoff Mohn to exit Executive Session.

- Terry Chambers - 2nd Motion
- Motion carried.

Five (5) applicants for licensure completed and passed the Jurisprudence Exam as follows; David A. Bannister, Brent V. Bertschinger, Dylan T. Drinkard, Gretchen M. Silver, and Teal Tritapoe.

Geoff Mohn made motion to accept the Investigative Officer's report for Complaint 2018-173 as no probable cause.

- Terry Chambers - 2nd Motion
- Motion carried.

OLD BUSINESS:

Board reviewed and discussed Stephen D. Herto (registered sex offender) update. No action required.

Board reviewed and discussed Cathy Boyd Physical Medicine, PLLC. No action required. Board reviewed and discussed email and fax received regarding Dr. Christopher Grose. Motion was made to initiate a complaint from the Board based on information received.

- Terry Chambers - 2nd Motion
- Motion carried.

Board discussed update on Texas Medical Association lawsuit against the Texas Board of Chiropractic Examiners (removed "diagnosis" from chiropractic scope of practice). No action required.

NEW BUSINESS:

Board reviewed legislative updates for 2019. The Board requested that chiropractors be removed from House Bill 2324, Authorizing the Acupuncture Board to issue certificates to perform auricular acudetox therapy. Barbara contacted Linda Lyter with the Massage Therapy Board to make this request. Linda contacted Senate Gov Org to make the change before it was put on the Agenda. Chiropractors were successfully removed from the bill.

Board reviewed Quorum of a Governing Body. No action required.

Board discussed licensees from Maine, Drs. Michele Broadhurst and Antony Angus, requesting licensure in West Virginia without having completed the required National Board Exams. Geoff Mohn made motion that in order to receive chiropractic licensure, both doctors must complete and pass all parts of the National Board Exams. Barbara will notify the doctors of the Board's decision.

- Terry Chambers - 2nd Motion
- Motion carried.

Board reviewed question on advertising. No motion required.

Barry Stowers discussed letter received from Dr. Byron Folwell, dated November 27, 2018, regarding a mandatory course for 2019-2020. Board will review mandatory hours at its May 2019 meeting. No action required.

Barry Stowers discussed Cox Technic and Croft Whiplash Treatment Guidelines by Dr. Terry Chambers. No action required.

Geoff Mohn made motion to approve p-card expenditures for November, December 2018 and January 2019 statements.

- Terry Chambers - 2nd Motion
- Motion carried.

Holly Harvey gave brief synopsis on FCLB District II Regional Meeting she attended on November 29 - December 2, 2018 in Fort Walton Beach, FL. No action required.

Board discussed FCLB 2019 Annual Educational Congress scheduled for May 1-5, 2019 in Mission Bay, CA. No motion required.

Terry Chambers made motion to elect Holly Harvey as the FCLB and NBCE Delegate and Barry Stowers as the Alternate Voting Designation for the FCLB 2019 Annual Educational Congress scheduled for May 1-5, 2019 in Mission Bay, CA.

- Geoff Mohn - 2nd Motion
- Motion carried.

Barry Stowers held training session with new member, Terry Chambers.

Adjourn

Signed & Dated:



Barry A. Stowers, D.C.
Chairman

**WV BOARD OF CHIROPRACTIC
MEETING AGENDA
May 16, 2019 - 9:00 a.m.
Fairfield Inn & Suites by Marriott
402 Second Avenue, South Charleston, WV 25303**

Agenda Topics:

Call to Order

Approval of Minutes from Board Meeting held on February 7, 2019

Investigative Officer's Report

- **Complaint 2018-174**
- **Complaint 2018-175**
- **Complaint 2019-176**

Old Business

- **Complaint 2019-177 (Barry Stowers)**

- **Request from licensees to receive credit, as an instructor, for continuing education sponsored by an accredited chiropractic college. This was addressed at a Board meeting held on May 17, 2018 and, at the request of Holly Harvey, would like to address again.**

New Business

- **Discuss the Conduct of a Licensee Received by the Board on April 22, 2019 (Barry Stowers)**

- **Legislative Updates**
 - **Senate Bill 396 - Review and Approve Language for New Rule Series**

- **Review and Approve Budget for FY2020 - Review Cash Balance - Review Across the Board Increase (\$2370 Annually) for all State Employees**

- **CE Request for Approval - WVU Medicine Pain Conference scheduled for September 20, 2019 - Requesting 6.25 Hours Approval**

- **Email received from Dr. Deana Morrison Fernandez regarding UltraSlim (LED red light therapy) and UltraSmooth (LED which promotes fat loss)**

- **Open Meetings Clarification (Complaints)**

New Business - Continued

- **WV State Treasurer Cash Handling Conference - April 30 - May 2, 2019
Stress Less: Successful Tips for Managing Stress
Presented by Kevin Osborne, D.C.**
- **Approval of P-Card (purchasing card) expenditures for February, March, and April 2019**
- **Maintaining Confidentiality of Board Records (Meeting Folders)**
- **Synopsis - Ruth Lemmon attended FCLB 2019 Annual Educational Congress in Mission Bay, CA on May 1-5, 2019**

Adjourn

MINUTES
WV BOARD OF CHIROPRACTIC
May 16, 2019
Fairfield Inn & Suites by Marriott
402 Second Avenue, South Charleston, WV 25303

MEMBERS:

Barry A. Stowers, D.C., Chairman
Geoffrey R. Mohn, D.C., Vice Chairman
Terry W. Chambers, D.C., Secretary
Holly L. Harvey, D.C., Investigative Officer
Ruth R. Lemmon, Public Member

PRESENT:

Barry A. Stowers
Geoffrey R. Mohn
Terry W. Chambers
Holly L. Harvey
Ruth R. Lemmon

ALSO, IN ATTENDANCE:

Barbara L. Johnson, Executive Director
Anthony D. Eates, II, Deputy Attorney General

CALL TO ORDER:

Barry Stowers called the meeting to order at 9:00 a.m.

APPROVAL OF MINUTES:

Geoff Mohn moved that the Minutes for the May 16, 2019 Board meeting be approved.

- Holly Harvey - 2nd Motion
- Motion carried.

EXECUTIVE SESSION:

Motion was made by Terry Chambers to enter Executive Session to receive Investigative Officer's recommendations for Complaint #2018-174, Complaint #2018-175, Complaint #2019-176, and Complaint #2019-177; and to consider matter pertaining to licensee, Dr. Justin McCarter, received by the Board on April 22, 2019.

- Holly Harvey - 2nd Motion
- Motion carried.

NEW BUSINESS:

Legislative updates for 2019 were reviewed. Holly Harvey made motion to approve draft of proposed rules and new series; Title 4, Series 7, Application for Waiver of Initial Licensing Fees for Certain Individuals, for legislative approval, and to implement the provisions included in Senate Bill 396 passed on March 8, 2019.

- Geoff Mohn - 2nd Motion
- Motion carried.

Board reviewed Budget for FY2020, Board's cash balance, and reviewed across the board increase for all state employees (\$2370 annually). Ruth Lemmon made motion to approve the Budget for FY2020.

- Geoff Mohn - 2nd Motion
- Motion carried.

Geoff Mohn made motion to approve the continuing education request for the WVU Medicine Pain Conference scheduled for September 20, 2019 for 6.25 hours.

- Holly Harvey - 2nd Motion
- Motion carried.

Board reviewed email received from Dr. Deana Morrison Fernandez regarding two new FDA cleared machines for her practice; UltraSlim red light therapy and UltraSmooth promoting fat loss. Terry Chambers made motion to approve the UltraSlim machine; however, the Board will not approve the UltraSmooth machine.

- Geoff Mohn - 2nd Motion
- Motion carried.

Board reviewed open meetings act. No motion needed.

A presentation by licensee, Dr. Kevin Osborne, was presented at the WV State Treasurer's Cash Handling Conference on May 2, 2019 entitled Stress Less: Successful Tips for Managing Stress. A letter of appreciation will be mailed from the Board. No motion needed.

Geoff Mohn made motion to approve p-card expenditures for February, March, April 2019 statements.

- Terry Chambers - 2nd Motion
- Motion carried.

Maintaining confidentiality of Board records was discussed. No motion needed.

Synopsis by Ruth Lemmon representing the Board at the FCLB 2019 Annual Educational Congress in Mission Bay, CA on May 1-5, 2019.

OUT OF EXECUTIVE SESSION:

Motion was made by Geoff Mohn to exit Executive Session.

- Terry Chambers - 2nd Motion
- Motion carried.

Terry Chambers made motion to accept the Investigative Officer's recommendation for Complaint #2018-174 and Barry Stowers' recommendation for Complaint #2019-177, regarding Dr. Christopher Grose, of probable cause for violating scope of practice, pre-payment plan, and rules & regulations. The two complaints were consolidated and referred to the Board's counsel for drafting a Consent Agreement.

- Geoff Mohn - 2nd Motion
- Motion carried.

Geoff Mohn made motion to accept the Investigative Officer's recommendation of no probable cause for Complaint #2018-175.

- Terry Chambers - 2nd Motion
- Motion carried.

Geoff Mohn made motion to accept the Investigative Officer's recommendation of no probable cause for Complaint #2019-176.

- Terry Chambers - 2nd Motion
- Motion carried.

Terry Chambers made motion to accept Barry Stowers' recommendation regarding conduct of licensee, Dr. Justin McCarter, received by the Board on April 22, 2019, to initiate a complaint based on his March 14, 2019 arrest and information received in Trooper J.D. Ferguson's letter outlining statement of facts involving the arrest. The Board voted to issue a Summary Suspension Order based on imminent danger to the public.

- Geoff Mohn - 2nd Motion
- Motion carried.

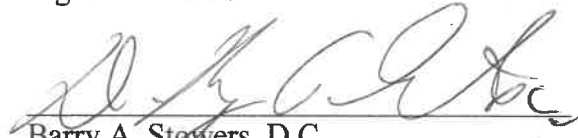
OLD BUSINESS:

The Board reviewed and discussed request from licensee to receive credit, as an instructor, for continuing education. Terry Chambers made motion for the Board's continuing education standards to remain the same and the Board voted to deny the licensee's request.

- Geoff Mohn - 2nd Motion
- Motion carried.

Adjourn

Signed & Dated:



Barry A. Stowers, D.C.
Chairman

**WV BOARD OF CHIROPRACTIC
MEETING AGENDA
June 6, 2019 - 11:00 a.m.
Conference Call
West Virginia Board of Chiropractic
415 ½ D Street, Suite B
South Charleston, WV 25303**

Agenda Topics:

Call to Order

Current Issues

- **Consider the continuation and/or resolution of the Summary Suspension Order in Complaint #2019-179**

Adjourn

MINUTES
WV BOARD OF CHIROPRACTIC
June 6, 2019 - 11:00 a.m.
Conference Call
415 ½ D Street, Suite B
South Charleston, WV 25303

MEMBERS:

Barry A. Stowers, D.C., Chairman
Geoffrey R. Mohn, D.C., Vice Chairman
Holly L. Harvey, D.C., Investigative Officer
Terry W. Chambers, D.C., Secretary
Ruth R. Lemmon, Public Member

PRESENT:

Barry A. Stowers

Holly L. Harvey
Terry W. Chambers
Ruth R. Lemmon

ALSO IN ATTENDANCE:

Barbara L. Johnson, Executive Director
Anthony D. Eates, II, Deputy Attorney General
No member from the public was present

CALL TO ORDER:

Barry Stowers called the meeting to order at 11:00 a.m.

EXECUTIVE SESSION:

Motion was made by Terry Chambers to enter Executive Session to discuss W. Va. Board of Chiropractic Examiners v. McCarter, Complaint No. 2019-179, and to review and discuss Consent Agreement drafted by the Board's Attorney General, Anthony D. Eates.

- Holly Harvey - 2nd Motion
- Motion carried.

OUT OF EXECUTIVE SESSION:

Motion was made by Terry Chambers to dismiss Executive Session.

- Holly Harvey - 2nd Motion
- Motion carried.

Motion was made by Terry Chambers to accept the Consent Agreement as drafted.

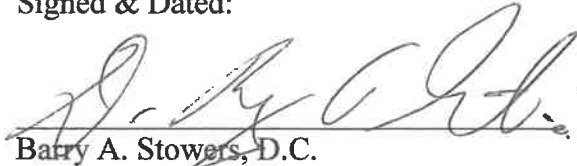
- Ruth Lemmon - 2nd Motion
- Motion carried.

ADJOURN:

Terry Chambers made motion to adjourn at 11:30 a.m.

- Ruth Lemmon - 2nd Motion
- Motion carried.

Signed & Dated:



Barry A. Stowers, D.C.
Chairman

**WV BOARD OF CHIROPRACTIC
MEETING AGENDA
August 1, 2019 - 8:00 a.m.
Fairfield Inn & Suites by Marriott
402 Second Avenue, South Charleston, WV 25303**

Agenda Topics:

Call to Order

Approval of Minutes from Board Meeting held on May 16, 2019 and Conference Call held on June 6, 2019

Jurisprudence Exam - Five (5) Applicants Scheduled

Investigative Officer's Report

- **Complaint #2019-178**

- **Complaint #2019-180**

Old Business

- **Complaint #2018-174 and Complaint #2019-177 - Dr. Christopher Grose Review Draft Consent Decree and Order for Board approval**

- **Complaint #2019-179 - Dr. Justin McCarter Consent Agreement signed by Dr. Justin McCarter on June 26, 2019 and entered into the records of the Board on July 5, 2019**

New Business

- **Legislative Updates**
 - **Senate Bill 396 - New Rule Series 7, Application for Waiver of Initial Licensing Fees for Certain Individuals - Agency approved rule filing completed on July 10, 2019**

 - **House Bill 118, signed by the Governor on June 17, 2019 (consideration of requirements)**

- **Email regarding Blue Ridge CTC Spinal Manipulation Course received by Dr. Terry Chambers on May 22, 2019**

- **Email dated July 29, 2019 from Dr. Andrew Goldbaugh regarding insurance provider, The Health Plan**

- **Email dated July 18, 2019 from Dr. Steven Lint regarding CBD and Hemp Oil and Hemp Oil Complex released by Standard Process**

Agenda - Continued:

- **Edward M. Robl, D.C., WV License #585**
License expired on June 30, 2018 for failure to meet license renewal requirements - - requesting reinstatement, along with waiver of fees, due to financial hardship
- **Per §4-1-3.1.e.2 - The method of recording attendance at the seminars is the responsibility of the sponsoring group. The sponsoring group shall provide the Board with a list of those in attendance at the seminars. The Board to consider requesting time sheets from sponsoring groups requesting approval for twelve (12) CE hours in one day.**
- **Approval of P-Card (purchasing card) expenditures for May, June, July 2019**
- **Discuss inLumon Presentation - inLumon (www.inlumon.com) provides software solution for State Licensing Boards, Commissions and Government Regulatory Agencies**
- **October 3-6, 2019**
FCLB Districts III & V Meeting, Jersey City, NJ
- **October 29, 2019 (Tuesday)**
Required (State Auditor) Annual Seminar for Chapter 30 Licensing Boards
Marriott Hotel
§30-1-2a(c)(3); each Board member shall attend at least one seminar provided under this section during each term of office
- **Schedule Fall Board Meeting - October/November 2019**

Adjourn

MINUTES
WV BOARD OF CHIROPRACTIC
August 1, 2019
Fairfield Inn & Suites by Marriott
402 Second Avenue, South Charleston, WV 25303

MEMBERS:

Barry A. Stowers, D.C., Chairman
Geoffrey R. Mohn, D.C., Vice Chairman
Terry W. Chambers, D.C., Secretary
Holly L. Harvey, D.C., Investigative Officer
Ruth R. Lemmon, Public Member

PRESENT:

Barry A. Stowers
Geoffrey R. Mohn
Terry W. Chambers
Holly L. Harvey
Ruth R. Lemmon

ALSO, IN ATTENDANCE:

Barbara L. Johnson, Executive Director
Anthony D. Eates, II, Deputy Attorney General

CALL TO ORDER:

Barry Stowers called the meeting to order at 8:00 a.m.

APPROVAL OF MINUTES:

Terry Chambers moved that the Minutes for the May 16, 2019 Board meeting and June 5, 2019 conference call be approved.

- Geoff Mohn - 2nd Motion
- Motion carried.

JURISPRUDENCE EXAM:

Five (5) applicants for licensure completed and passed the jurisprudence exam.

EXECUTIVE SESSION:

Motion was made by Geoff Mohn to enter Executive Session to receive Investigative Officer's recommendations for Complaint #2019-178, and Complaint #2019-180; and to update Board in matter pertaining to licensee, Dr. Justin McCarter, Complaint #2019-179, and to review Consent Agreement, drafted by Anthony Eates, AG, in Complaint #2019-174 and Complaint #2019-177.

- Holly Harvey - 2nd Motion
- Motion carried.

EXIT EXECUTIVE SESSION:

Motion was made by Terry Chambers to exit Executive Session.

- Geoff Mohn - 2nd Motion
- Motion carried.

Geoff Mohn made motion to accept the Investigative Officer's recommendations for Complaint #2019-178 as no probable cause, and Complaint #2019-180 as no probable cause.

- Terry Chambers - 2nd Motion
- Motion carried.

Board reviewed and discussed Consent Agreement, drafted by the Board's AG, Anthony Eates, in Complaint #2018-174 and Complaint #2019-177 (violating scope of practice, pre-payment plan, and rules & regulations). No motion needed.

Board was updated in matter pertaining to Dr. Justin McCarter, Complaint #2019-179. Motion was made by Terry Chambers to hire an investigator to attempt making an appointment with Dr. Justin McCarter in order to see if he is practicing on a suspended license and see if the practicing clinic is not concealing the fact that he is practicing.

- Holly Harvey - 2nd Motion
- Motion carried.

Update on Senate Bill 396 - - Agency approved rule filing for new Rule Series 7, completed on June 10, 2019. No motion needed.

Board reviewed and discussed proposed new Rule Series 8 (House Bill 118). Motion was made by Terry Chambers to accept Rules as written.

- Geoff Mohn - 2nd Motion
- Motion carried.

Board reviewed and discussed email regarding Blue Ridge CTC Spinal Manipulation Course received by Terry Chambers on May 22, 2019. No motion needed.

Board reviewed and discussed email, dated July 29, 2019, from Dr. Andrew Goldbaugh regarding insurance provider, The Health Plan. Dr. Barry Stowers will call Dr. Goldbaugh to discuss. No motion needed.

Board reviewed and discussed email, dated July 18, 2019, from Dr. Steven Lint, regarding CBD and Hemp Oil and Hemp Oil Complex released by Standard Process. No motion needed.

Board reviewed and discussed letter received from Dr. Edward Robl. Dr. Robl's WV license, License #585, expired on June 30, 2018. He is requesting reinstatement of license, along with waiver of fees, due to financial hardship. Terry Chambers made motion to allow Dr. Robl to pay \$350 by September 1, 2019, and the balance of \$350 by December 31, 2019. Dr. Robl did satisfy his continuing education requirements.

- Holly Harvey - 2nd Motion
- Motion carried.

Method of recording attendance when completing twelve (12) CE hours in one day was discussed by the Board. Terry Chambers made motion to request sign-in and sign-out sheets from sponsoring groups where-in request is made for twelve (12) CE hours to be completed in one day. Per 4-1-3.1.e.2; the sponsoring group shall provide the Board with a list of those in attendance at the seminars.

- Geoff Mohn - 2nd Motion
- Motion carried.

Motion was made by Holly Harvey to accept and approve P-card (purchasing card expenditures) for May, June, and July 2019. Barbara also presented Board with Board's cash balance.

- Geoff Mohn - 2nd Motion
- Motion carried.

Barbara discussed inLumon with Board. inLumon is a software solution for State Licensing Boards, Commissions and Government Regulatory Agencies. Terry Chambers made motion to have inLumon make a presentation to the Board at its fall meeting in 2019.

- Holly Harvey - 2nd Motion
- Motion carried.

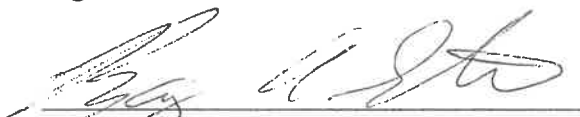
Information and agenda were reviewed by the Board for the 2019 FCLB District Meeting to be held in Jersey City, NJ scheduled for October 3-6, 2019.

Barbara discussed with the Board the required (State Auditor) Annual Seminar for Chapter 30 Licensing Boards scheduled for October 29, 2019 at the Marriott in Charleston. Barbara will attend, along with Dr. Barry Stowers and Dr. Geoff Mohn.

The next Board meeting was scheduled for Thursday, November 14, 2019, beginning at 9:00 a.m. at the Fairfield Inn & Suites, 402 2nd Avenue, South Charleston, WV.

Adjourn

Signed & Dated:



Barry A. Stowers, D.C.
Chairman

**WV BOARD OF CHIROPRACTIC
MEETING AGENDA
November 14, 2019 - 9:00 a.m.
Fairfield Inn & Suites by Marriott
402 Second Avenue, South Charleston, WV 25303**

Agenda Topics:

Call to Order

Approval of Minutes from Board Meeting held on August 1, 2019

Investigative Officer's Report

- **No Complaints to Report**

Old Business

- **Complaint #2018-174 and Complaint #2019-177 - Dr. Christopher Grose
Consent Decree and Order mailed to Dr. Grose on August 2, 2019 - Update**
- **Complaint #2019-179 - Dr. Justin McCarter
Consent Agreement signed by Dr. Justin McCarter on June 26, 2019 and
entered into the records of the Board on July 5, 2019 - Update**
- **Legislative Updates**
 - **Senate Bill 396 - New Rule Series 7, Application for Waiver of Initial
Licensing Fees for Certain Individuals - Agency approved rule filing
completed on July 10, 2019 - (Approved as Modified on September 25,
2019 and Filed as Modified on October 4, 2019)**
 - **House Bill 118 - New Rule Series 8, Consideration of Prior Criminal
Convictions in Initial Licensure Determinations - (Pending for review
by Legislative Rule Making Review Committee on November 19 or 20,
2019)**

New Business

- **Dr. Dustin E. Wright - Settlement Agreement & Release/Fraudulent Claims
to Kentucky's Medicaid Program**
- **Letter received from Dr. Byron Folwell, dated September 19, 2019, regarding
Electrodiagnostic (EDX) Studies**
- **Request for CE approval received from Dr. Steve Thaxton for seminar
scheduled for January 3-4, 2020 in Charleston entitled "Innate Nutrition for
the Practicing Chiropractor and Optimum Patient Care" for 18 CE hours**

New Business - Continued:

- **Approval of P-Card (purchasing card) expenditures for August, September, October 2019 and Review of Board's Cash Balance**
- **Purchasing Inspection 2019**
- **Discuss inLumon Presentation - inLumon (www.inlumon.com) provides software solution for State Licensing Boards, Commissions and Government Regulatory Agencies - Canceled by Barbara**
- **October 3-6, 2019
FCLB Districts III & V Meeting, Jersey City, NJ - Synopsis
(Attended by Barry Stowers, Holly Harvey, and Ruth Lemmon)**
- **October 29, 2019
Required (State Auditor) Annual Seminar for Chapter 30 Licensing Boards - Synopsis (Attended by Barry Stowers, Geoff Mohn, and Barbara)**

Adjourn

MINUTES
WV BOARD OF CHIROPRACTIC
November 14, 2019
Fairfield Inn & Suites by Marriott
402 Second Avenue, South Charleston, WV 25303

MEMBERS:

Barry A. Stowers, D.C., Chairman
Geoffrey R. Mohn, D.C., Vice Chairman
Terry W. Chambers, D.C., Secretary
Holly L. Harvey, D.C., Investigative Officer
Ruth R. Lemmon, Public Member

PRESENT:

Barry A. Stowers
Geoffrey R. Mohn
Terry W. Chambers
Holly L. Harvey
Ruth R. Lemmon

ALSO, IN ATTENDANCE:

Barbara L. Johnson, Executive Director
Anthony D. Eates, II, Deputy Attorney General

CALL TO ORDER:

Barry Stowers called the meeting to order at 9:00 a.m.

APPROVAL OF MINUTES:

Ruth Lemmon moved that the Minutes for the August 1, 2019 Board meeting be approved.

- Geoff Mohn - 2nd Motion
- Motion carried.

EXECUTIVE SESSION:

Motion was made by Holly Harvey to enter Executive Session to receive recommendations regarding Complaint #2018-174 and Complaint #2019-177 (Dr. Christopher Grose); Complaint #2019-179 (Dr. Justin McCarter); and consider matter pertaining to license, Dr. Dustin Wright.

- Terry Chambers - 2nd Motion
- Motion carried.

DISMISS EXECUTIVE SESSION:

Motion was made by Geoff Mohn to dismiss Executive Session.

- Holly Harvey - 2nd Motion
- Motion carried.

Reports were presented during Executive Session and Barry Stowers called to accept reports presented to the Board as follows:

Complaint #2018-174 and Complaint #2019-177 - Dr. Christopher Grose - - Anthony will contact Dr. Grose' attorney to inform him the Board will notice a hearing for possible disciplinary action if the Board doesn't hear from him by November 22, 2019. No motion needed.

Barbara updated Board regarding Dr. Justin McCarter (Complaint #2019-179). The Board lifted Dr. McCarter's summary suspension effective October 15, 2019. The Board received documentation that Dr. McCarter enrolled and continues to participate in a substance abuse treatment program with weekly supervised drug screens. No motion needed.

Geoff Mohn made motion to file a Board-initiated complaint against Dr. Dustin Wright based upon his conduct evidenced by a Settlement Agreement and Release entered between Dr. Wright and the Commonwealth of Kentucky in or around September of 2019 for Medicaid fraud. While practicing full-time in the State of West Virginia from approximately 2011 through late 2015, Dr. Wright purported to treat patients in the Commonwealth of Kentucky and fraudulently billed Kentucky Medicaid for these services without personally examining, treating, or otherwise providing chiropractic services to these patients.

- Terry Chambers - 2nd Motion
- Motion carried.

OLD BUSINESS:

Update on Senate Bill 396 - - New Rule Series 7, Application for Waiver of Initial Licensing Fees for Certain Individuals - Agency approved rule filing completed on July 10, 2019 - Approved as Modified on September 25, 2019 and Filed as Modified on October 4, 2019. No motion needed.

Update on House Bill 118 - New Rule Series 8, Consideration of Prior Criminal Convictions in Initial Licensure Determinations - Pending for review by Legislative Rule Making Review Committee on November 19 or 20, 2019. No motion needed.

NEW BUSINESS:

The Board discussed Dr. Byron Folwell's letter, dated September 19, 2019, regarding Electrodiagnostic (EDX) Studies. Barry Stowers called and discussed the letter with Dr. Folwell. No motion needed.

Geoff Mohn made motion to approve the continuing education request submitted by Dr. Steve Thaxton. The continuing education seminar is scheduled for January 3-4, 2020 in Charleston entitled "Innate Nutrition for the Practicing Chiropractor and Optimum Patient Care" for 18 hours.

- Terry Chambers - 2nd Motion
- Motion carried.

The Board discussed diversity in completing continuing education hours. Barry Stowers will draft a notice from the Board stating courses must be a different topic every year for consideration from the Board for approval.

Motion was made by Holly Harvey to accept and approve P-card (purchasing card expenditures) for August, September, and October 2019. Barbara also presented Board with Board's cash balance.

- Terry Chambers - 2nd Motion
- Motion carried.

Barbara provided the Board with a copy of the Purchasing Inspection completed for the period of July 1, 2018 through June 30, 2019. Notice of the inspection was provided on September 13, 2019, and the inspection commenced on September 24, 2019. There were no material findings from this inspection and the Board received a score of 100% on the inspection. No motion needed.

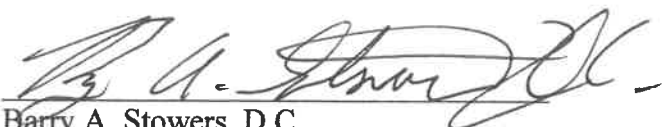
Barbara discussed cancellation of the inLumon presentation with the Board. Our current budget will not allow the cost associated with the contract and, at this time, it isn't feasible for the Board to proceed. inLumon is a software solution for State Licensing Boards, Commissions and Government Regulatory Agencies. No motion needed.

A brief synopsis was given by Barry Stowers, Holly Harvey, and Ruth Lemmon for attending the FCLB Districts III & V Meeting in Jersey City, NJ on October 3-6, 2019. No motion needed.

A brief synopsis was given by Barry Stowers, Geoff Mohn, and Barbara for attending the required (State Auditor) Annual Seminar for Chapter 30 Licensing Board on October 29, 2019 in Charleston. No motion needed.

Adjourn

Signed & Dated:


Barry A. Stowers, D.C.
Chairman

**WV BOARD OF CHIROPRACTIC
MEETING AGENDA
February 6, 2020 - 8:00 a.m.
Fairfield Inn & Suites by Marriott
402 Second Avenue, South Charleston, WV 25303**

Agenda Topics:

Call to Order

Approval of Minutes from Board Meeting held on November 14, 2019

Jurisprudence Exam - seven applicants scheduled

Investigative Officer's Report

- **Complaint No. 2019-181**

Old Business

- **Complaint #2018-174 and Complaint #2019-177 - Dr. Christopher Grose Consent Decree and Order Entered into the records of the Board on January 6, 2020**
- **Dr. Dustin E. Wright - Board-initiated Complaint No. 2019-182**
- **Justin McCarter, D.C. - Update**
- **Update on House Bill 118 - New Rule Series 8, Consideration of Prior Criminal Convictions in Initial Licensure Determinations - Approved as Modified on November 17, 2019 by the Legislative Rule-Making Review Committee and Filed as Modified on November 18, 2019. Upon passage of the bill and signature of the Governor, the Board will file a Notice of Final Filing with the SOS's office.**

New Business

- **Request for Continuing Education Approval submitted by Standard Process of Ohio to be held March 7, 2020 in Bridgeport, WV for 8 hours**
- **Email received from Dr. James Leonette regarding Iontophoresis**
- **Approval of P-Card (purchasing card) expenditures for November and December 2019 and January 2020 and Review of Board's Cash Balance**
- **Review 2020 Legislation**

New Business - Continued:

- **FCLB Annual Educational Congress
Grand Hyatt Denver, Denver, CO
(April 22 Arrival/if Attending Board Member Training, Arrive on April 21;
April 26 Departure)**
- **FCLB Delegate and Alternate Voting Designation**
- **NBCE Delegate and Alternate Voting Designation**
- **Select Date for May 2020 Board Meeting**

Adjourn

MINUTES
WV BOARD OF CHIROPRACTIC
February 6, 2020
Fairfield Inn & Suites by Marriott
402 Second Avenue, South Charleston, WV 25303

MEMBERS:

Barry A. Stowers, D.C., Chairman
Geoffrey R. Mohn, D.C., Vice Chairman
Terry W. Chambers, D.C., Secretary
Holly L. Harvey, D.C., Investigative Officer
Ruth R. Lemmon, Public Member

PRESENT:

Barry A. Stowers
Geoffrey R. Mohn
Terry W. Chambers
Holly L. Harvey
Ruth R. Lemmon

ALSO, IN ATTENDANCE:

Barbara L. Johnson, Executive Director
Anthony D. Eates, II, Deputy Attorney General

CALL TO ORDER:

Barry Stowers called the meeting to order at 8:00 a.m.

APPROVAL OF MINUTES:

Geoff Mohn moved that the Minutes for the November 14, 2019 Board meeting be approved.

- Terry Chambers - 2nd Motion
- Motion carried.

EXECUTIVE SESSION:

Motion was made by Terry Chambers to enter Executive Session to administer jurisprudence exam and receive the Investigative Officer's recommendation for Complaint #2019-181, and to review and consider matters for complaints under Old Business.

- Geoff Mohn - 2nd Motion
- Motion carried.

DISMISS EXECUTIVE SESSION:

Motion was made by Terry Chambers to dismiss Executive Session.

- Geoff Mohn - 2nd Motion
- Motion carried.

The jurisprudence exam was administered to the following applicants - - Margo J. Brown, Patricia L. Ellingson, Kyle D. Moore, Thomas F. Munoz, II, Muhummad A. Razak, Michael G. Scarton, and William R. Snyder. All received a license to practice chiropractic in the State of West Virginia.

Reports were presented during Executive Session and Barry Stowers called to accept reports presented to the Board as follows:

Motion was made by Geoff Mohn to accept the Investigative Officer's report for Complaint #2019-181 as no probable cause.

- Terry Chambers - 2nd Motion
- Motion carried.

Complaint #2018-174 and Complaint #2019-177 - Dr. Christopher Grose - - reviewed!
No motion needed.

Complaint #2019-182 - Motion was made by Terry Chambers for Anthony to draft a Consent Agreement placing Dr. Dustin Wright's license on probation for one year and, within that one year, he must complete a billing and coding seminar, as well as complete and pass the EBAS exam (fraud course) offered by the NBCE (National Board of Chiropractic Examiners).

- Geoff Mohn - 2nd Motion
- Motion carried.

Barbara updated Board regarding Dr. Justin McCarter (Complaint #2019-179). Dr. McCarter enrolled and continues to participate in a substance abuse treatment program with weekly supervised drug screens.
No motion needed.

OLD BUSINESS:

Update on House Bill 118 - New Rule Series 8, Consideration of Prior Criminal Convictions in Initial Licensure Determinations - before 2020 Legislative session.
No motion needed.

NEW BUSINESS:

Motion was made by Terry Chambers to deny approval for the continuing education request received from Standard Process of Ohio to be held on March 7, 2020 in Bridgeport, WV, due to the fact it does not follow state guidelines.

- Holly Harvey - 2nd Motion
- Motion carried.

The Board reviewed and discussed Dr. James Leonette's email regarding Iontophoresis. It was the consensus of the Board that Iontophoresis is within the chiropractic scope of practice if the doctor has completed training in this therapy. Terry Chambers made motion to add this Board approved therapy to the Board's Policy & Procedures Manual to show that three (3) hours of training must be completed for this therapy. The training may be completed post-grad and/or while attending chiropractic college.

- Geoff Mohn - 2nd Motion
- Motion carried.

Motion was made by Holly Harvey to accept and approve P-card (purchasing card expenditures) for November and December 2019 and January 2020. Barbara also presented Board with Board's cash balance.

- Geoff Mohn - 2nd Motion
- Motion carried.

The Board reviewed and discussed various bills affecting Chapter 30 boards presented during the 2020 Legislative session.
No motion needed.

The Board discussed the FCLB 2020 Annual Educational Congress scheduled for April 22-26, 2020 in Denver, CO.
No motion needed.

Motion was made by Terry Chambers to elect Holly Harvey as the FCLB and NBCE Delegate and Barry Stowers as the Alternate Voting Designation for the FCLB 2020 Annual Educational Congress scheduled for April 22-26, 2020 in Denver, CO.

- Geoff Mohn - 2nd Motion
- Motion carried.

The date for the next Board meeting was scheduled for May 21, 2020 at 9:00 a.m.

Meeting adjourned at 12:30 p.m.

Signed & Dated:



Barry A. Stowers, D.C.
Chairman

**WV BOARD OF CHIROPRACTIC
MEETING AGENDA
March 24, 2020 - 3:00 P.M.
Conference Call
Office of WV Board of Chiropractic
415 ½ D Street, Suite B
South Charleston, WV 25303**

Agenda Topics:

Call to Order

New Business

- **Due to Covid-19, the Board will discuss taking steps to modify the continuing education requirements due by July 1, 2020.**

Adjourn

MINUTES
WV BOARD OF CHIROPRACTIC
March 24, 2020 - 3:00 p.m.
Conference Call
415 ½ D Street, Suite B
South Charleston, WV 25303

MEMBERS:

Barry A. Stowers, D.C., Chairman
Geoffrey R. Mohn, D.C., Vice Chairman
Holly L. Harvey, D.C., Investigative Officer
Terry W. Chambers, D.C., Secretary
Ruth R. Lemmon, Public Member

PRESENT:

Barry A. Stowers
Geoffrey R. Mohn
Holly L. Harvey
Terry W. Chambers

ALSO IN ATTENDANCE:

Barbara L. Johnson, Executive Director
No member from the public was present.

CALL TO ORDER:

Barry Stowers called the meeting to order at 3:00 p.m.

EXECUTIVE SESSION:

Motion was made by Geoff Mohn to enter Executive Session to discuss Complaint No. 2019-179.

- Terry Chambers - 2nd Motion
- Motion carried.

DISMISS EXECUTIVE SESSION:

Motion was made by Terry Chambers to dismiss Executive Session.

- Geoff Mohn - 2nd Motion
- Motion carried.

Motion was made by Terry Chambers to forward information the Board received to the Board's Attorney General, Anthony Eates, regarding Complaint No. 2019-179.

- Holly Harvey - 2nd Motion
- Motion carried.

NEW BUSINESS:

Due to COVID-19, the Board discussed taking steps to modify the continuing education requirements due by July 1, 2020. The Board reviewed a letter, drafted by Barry Stowers, allowing licensees to complete all 18 required hours online. Barbara will send the letter to licensees via email, as well as update the Board's website. Holly Harvey made motion that the Board accept and approve the letter.

- Terry Chambers - 2nd Motion
- Motion carried.

ADJOURN:

Terry Chambers made motion to adjourn at 3:30 p.m.

- Holly Harvey - 2nd Motion
- Motion carried.

Signed & Dated:



Barry A. Stowers, D.C.
Chairman

**WV BOARD OF CHIROPRACTIC
MEETING AGENDA
May 21, 2020 - 9:00 a.m.
Conference Call
415 ½ D Street, Suite B
South Charleston, WV 25303**

Agenda Topics:

Call to Order

Approval of Minutes from Board Meeting held on February 6, 2020 and Conference Call held on March 24, 2020

Investigative Officer's Report

- Complaint No. 2020-183

Old Business

- Dr. Dustin E. Wright - Board-initiated Complaint No. 2019-182 - Update
- Justin McCarter, D.C. - Update
- Stephen D. Hertog - Update
- Emil R. Nardone - Update
- Update on Senate Bill 396 - New Rule Series 7, Application for Waiver of Initial Licensing Fees on Certain Individuals (effective July 1, 2020)
- Update on House Bill 118 - New Rule Series 8, Consideration of Prior Criminal Convictions in Initial Licensure Determinations (effective July 1, 2020)

New Business

- Letter received on February 20, 2020 from Juanita Snyder regarding licensee
- Request for Continuing Education Approval from Fetterman Events
June 13, 2020, Charleston, 12 Hours
- Discuss mandated hours for 2021 Renewal (Infectious Disease)
- Review and approve FY 2021 Budget
- Approval of P-Card (purchasing card) expenditures for February, March, April 2020 and Review of Board's Cash Balance

New Business - Continued:

- Review 2020 Legislation and letter received from the WV Legislature, dated April 29, 2020, as described in House Concurrent Resolutions: HCR 114, requesting the Joint Committee on Government and Finance to conduct a study of licensure, certification and registration forms of occupational and professional regulation; HCR 116, a study of duplicative and unnecessary professional and occupational regulations; and HCR 129, to study the professional and occupational licensing policies.
- Discuss Chiropractic, Massage Therapy, and Acupuncture Boards
- WV Board of Physical Therapy and Athletic Trainers
The West Virginia Board of Physical Therapy has been appointed to provide licensure for all Athletic Trainers working within the state of West Virginia. Beginning July 1, 2011, all Athletic Trainers will be required to obtain licensure to practice within the state.
- FCLB Annual Educational Congress - Canceled due to COVID-19
Grand Hyatt Denver, Denver, CO

Adjourn

MINUTES
WV BOARD OF CHIROPRACTIC
May 21, 2020 - Conference Call
WV Board of Chiropractic
415 ½ D Street, Suite B
South Charleston, WV 25303

MEMBERS:

Barry A. Stowers, D.C., Chairman
Geoffrey R. Mohn, D.C., Vice Chairman
Terry W. Chambers, D.C., Secretary
Holly L. Harvey, D.C., Investigative Officer
Ruth R. Lemmon, Public Member

PRESENT:

Barry A. Stowers
Geoffrey R. Mohn
Terry W. Chambers
Holly L. Harvey
Ruth R. Lemmon

ALSO, IN ATTENDANCE:

Barbara L. Johnson, Executive Director
Anthony D. Eates, II, Deputy Attorney General
No member from the public was present!

CALL TO ORDER:

Barry Stowers called the meeting to order at 9:00 a.m.

APPROVAL OF MINUTES:

Terry Chambers moved that the Minutes for the February 6, 2020 Board meeting, and conference call held on March 24, 2020 be approved.

- Geoff Mohn - 2nd Motion
- Motion carried.

EXECUTIVE SESSION:

Motion was made by Terry Chambers to enter Executive Session to receive the Investigative Officer's recommendation for Complaint #2020-183, review update regarding licensee, Justin McCarter, and to review letter received from Juanita Snyder regarding a licensee.

- Holly Harvey - 2nd Motion
- Motion carried.

DISMISS EXECUTIVE SESSION:

Motion was made by Terry Chambers to dismiss Executive Session.

- Holly Harvey - 2nd Motion
- Motion carried.

Reports were presented during Executive Session and Barry Stowers called to accept reports presented to the Board as follows:

Motion was made by Terry Chambers to accept the Investigative Officer's report for Complaint #2020-183 as no probable cause.

- Geoff Mohn - 2nd Motion
- Motion carried.

Justin McCarter

Justin's Consent Agreement and Order was entered into the records of the Board on July 5, 2019. In a letter received from the St. Joseph Recovery Center, dated March 18, 2020, Justin successfully satisfied all therapy requirements and was discharged with no positive drug screens during his substance abuse treatment program he entered on October 15, 2019, at which time his summary suspension was lifted.

The Board also reviewed and discussed a letter received on March 23, 2020 from the U.S. Department of Transportation regarding Justin. Geoff Mohn made motion to request proof of exams from the Director of Driver, Carrier & Vehicle Safety Standards, Charles A. Horan, III, and to place on the August 6 Board meeting agenda for discussion.

- Terry Chambers - 2nd Motion
- Motion carried.

Letter from Juanita Snyder February 20, 2020

Board reviewed and no motion needed!

Dr. Dustin Wright

Dr. Wright signed the Consent Decree and Order on March 10, 2020 and it was entered into the Board's records on March 25, 2020. Dr. Wright must complete 12 CE hours in billing and coding, and complete and pass the EBAS Exam (fraud section) by March 10, 2021.

No motion needed!

Stephen D. Herto

Herto was indicted by a special Preston County grand jury in November 2013 on 13 counts; 2 of sexual abuse by a parent, custodian or person in a position of trust; 1 count of using obscene matter with intent to seduce a minor; and 10 counts of soliciting a minor via computer. At trial in January 2015, he was convicted of all the charges except one count of sexual abuse by a parent, custodian, or person in a position of trust. He was sentenced to 4 to 20 years in prison, with five years' probation after release and 10 years extended supervision. Projected release date was December 2019. Final order entered into the Board's records on November 16, 2015. License was revoked.

No motion needed!

Emil R. Nardone

Reprimanded for his actions in practicing outside scope of practice for advertising violations; including claims of superiority and claims and offers to reverse Diabetes care or treatment. Consent Agreement and Order entered into the Board's records on November 6, 2014. Nardone satisfied all requirements outlined in the Order. Does not have active license in WV; however, may apply for reinstatement.

No motion needed!

New Rule Series 7, Application for Waiver of Initial Licensing Fees on Certain Individuals passed 2020 legislation and signed by the Governor to be effective July 1, 2020.

No motion needed!

New Rule Series 8, Consideration of Prior Criminal Convictions in Initial Licensure Determinations passed 2020 legislation and signed by the Governor to be effective July 1, 2020.

No motion needed!

Terry Chambers made motion to deny request for continuing education approval received from Fetterman Events scheduled for June 13, 2020 in Charleston, WV for 12 hours. The hours submitted were not CCE accredited and the course was for 9 hours instead of 12 hours outlined on the application.

- Geoff Mohn - 2nd Motion
- Motion carried.

Due to COVID-19, the Board discussed mandating 6 continuing education hours for next year's renewal due June 30, 2021. Terry Chambers made motion to mandate the 6 hours and will research the subject matter and will notify Barbara so that she may notify licensees of requirement.

- Geoff Mohn - 2nd Motion
- Motion carried.

The Board reviewed the FY2021 Budget, and Terry Chambers made motion to approve the Budget as presented. The Board's cash balance was also presented to the Board.

- Holly Harvey - 2nd Motion
- Motion carried.

Motion was made by Geoff Mohn to accept and approve P-card (purchasing card expenditures) for February, March, and April 2020.

- Terry Chambers - 2nd Motion
- Motion carried.

The Board reviewed and discussed the 2020 Legislation and letter received from the WV Legislature, dated April 29, 2020, as described in House Concurrent Resolutions: HCR 114, requesting the Joint Committee on Government and Finance to conduct a study of licensure, certification and registration forms of occupational and professional regulation; HCR 116, a study of duplicative and unnecessary professional and occupational regulations; and HCR 129, to study the professional and occupational licensing policies. The Board will address the questions outlined in the letter on or before the deadline of September 1, 2020.

No motion needed!

The Board discussed Chiropractic, Massage Therapy, and Acupuncture Boards and the WV Board of Physical Therapy and Athletic Trainers.

No motion needed!

The Board discussed the FCLB 2020 Annual Educational Congress scheduled for April 22-26, 2020 in Denver, CO which was canceled due to COVID-19.

No motion needed.

Geoff Mohn made motion to adjourn meeting at 11:00 a.m.

- Holly Harvey - 2nd Motion
- Motion carried.

Signed & Dated:



Barry A. Stowers, D.C.
Chairman