

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
NOVEMBER 17, 2011**

Present: Wendy Henrichs, John Church, Mania Moore, James Koshick, Jodi Griffith and Kathleen Schneider

Staff: Denise Aviles, Executive Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant; and other Department staff

Wendy Henrichs, Board Chair, called the meeting to order at 8:34 a.m. A quorum of 6 members was confirmed. She welcomed new member John Church. The members introduced themselves and provided a brief background.

ADOPTION OF AGENDA

Amendments

- Add Under F(5)
 - 2009 Wisconsin Act 355
 - 2011 SB 280

MOTION: Kathleen Schneider moved, seconded by Jodi Griffith, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

Corrections

- Under informational items – Change “the” to “that”
- Under application matters – Note that Dr. Koshick recused himself.
- Clarification that Mania Moore might only be available by phone for the March 2012 meeting

MOTION: Jodi Griffith moved, seconded by Mania Moore, to approve the minutes of October 6, 2011 as Corrected. Motion carried unanimously.

EXECUTIVE DIRECTOR MATTERS

Denise Aviles indicated that the only item that she would like to address is elections.

Elections

NOMINATION: James Koshick nominated Wendy Henrichs as chairperson. The chair called for additional nominations three times before calling the vote.

MOTION: James Koshick moved, seconded by John Church, to close the nominations and cast a unanimous ballot for Wendy Henrichs. Motion carried unanimously. Wendy Henrichs was elected chairperson for the 2012 calendar year.

NOMINATION: Mania Moore nominated James Koshick as vice-chairperson. The chair called for additional nominations three times before calling the vote.

MOTION: Jodi Griffith moved, seconded by Kathleen Schneider, to close the nominations and cast a unanimous ballot for James Koshick. Motion carried unanimously. James Koshick was elected vice-chairperson for the 2012 calendar year.

NOMINATION: Mania Moore nominated Jodi Griffith as secretary. The chair called for additional nominations three times before calling the vote.

MOTION: Kathleen Schneider moved, seconded by John Church, to close the nominations and cast a unanimous ballot for Jodi Griffith. Jodi Griffith was elected secretary for the 2012 calendar year.

Wendy Henrichs made the following Board Appointments:

Screening Panel – James Koshick, Kathleen Schneider and Jodi Griffith - Mania Moore as alternate

Continuing Education Liaison – John Church Primary and Wendy Henrichs

Monitoring Liaison – James Koshick

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS BY THE DIVISION OF ENFORCEMENT

Attorney Gu from the Division of Enforcement provided a presentation related to the Stipulation, Final Decision and Order for Jason W. Davidson, D.C., 10 CHI 028.

BOARD DISCUSSION

DIVISION OF ENFORCEMENT MATTERS

a. Review and Discuss Historical Discipline Reference Sheet

James Koshick noted that the purpose behind the grid was to aid the board in consistency of board orders. The Board will use the grid provided by Attorney Koplien as a springboard for discussion surrounding discipline. Wendy Henrichs noted that the final grid will only be a guideline for discipline that will serve as historical “institutional” data for future Board members. Mania Moore noted that her suggestions were a progression where by each subsequent offense includes the discipline from the previous offenses. Yolanda McGowan cautioned the Board to use the grid for historical information yet continue to address each complaint on a case by case basis. Wendy Henrichs asked the Board to use this as a tool. Jim Polewski explained that the Division of Enforcement (DOE) approaches each case on an individual basis. He noted that the process by which DOE tries the cases before them is in place to provide discipline while protecting the Board and the members from lawsuits. DOE attempts to be as consistent as possible to avoid the appearance of “arbitrary” discipline. Wendy Henrichs summarized that this is not something that the Board must use but rather a guide if one should need historical data. Case advisors will still work with DOE on each individual case. Jim Polewski suggested that case advisors can always ask the prosecutors and investigators what has been done in the past and what the options are.

EDUCATION AND EXAMINATION MATTERS

- a. Wendy Henrichs noted that she and Jim Koshick met with the Department and indicated that the exam materials should be ready by January 2012. They are scheduling a mock exam and would ask the Board members to be a part of that exam.

CREDENTIALING MATTERS

a. Preceptor Approval – Patrick Anderson

This item was tabled until a future meeting.

LEGISLATION/ADMINISTRATIVE RULE MATTERS

a. 2009 Wisconsin Act 355

Yolanda McGowan indicated that this law has been in effect for about 1 year and has been included for informational purposes only.

b. 2011 SB 280

Yolanda McGowan indicated that this item is still just a bill.

CLOSED SESSION

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Wendy Henrichs - yes; John Church - yes; Mania Moore - yes; James Koshick - yes; Kathleen Schneider – yes and Jodi Griffith - yes. Motion carried unanimously. Open session recessed at 10:18 a.m.

RECONVENE TO OPEN SESSION

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to reconvene in open session at 11:29 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

10 CHI 028

JASON W. DAVIDSON, D.C.

MOTION: Kathleen Schneider moved, seconded by Jodi Griffith, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 10 CHI 028 – Jason W. Davidson, D.C. Motion carried unanimously.

CASE CLOSINGS

MOTION: Jodi Griffith moved, seconded by John Church, to close the following cases according to the recommendations of the Division of Enforcement.

1. 08 CHI 062
2. 10 CHI 050
3. 10 CHI 054

Motion carried unanimously.

Wendy Henrichs appointed James Koshick and Mania Moore to work together to go through each item on the discipline reference sheet and come up with appropriate discipline, potentially working with DOE, for Board discussion at a future meeting.

Wendy Henrichs asked that DOE provide notification within the agenda of which cases will be closed and the facts surrounding those cases.

ADJOURNMENT

MOTION: James Koshick moved, seconded by Kathleen Schneider, to adjourn the meeting at 11:33 a.m. Motion carried unanimously.