

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
NOVEMBER 21, 2019**

PRESENT: Scott Bautch, D.C.; James Damrow, D.C.; James Fortier; Bryan Gerondale, D.C.; Jeffrey King, D.C. (*via Skype*)

STAFF: Valerie Payne, Executive Director; Jameson Whitney, Board Legal Counsel; Dale Kleven, Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Advanced; Megan Glaeser, Bureau Assistant; and other Department Staff

CALL TO ORDER

Jeffrey King, Chairperson, called the meeting to order at 8:30 a.m. A quorum was confirmed with five (5) board members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Open Session: Under item “E. Administrative Matters” **ADD:** Discussion of 2020 Meeting Dates
- Open Session: After Item “J. PACE Precheck of Continuing Education Courses” **ADD:** “Speaking Engagements, Travel, Public Relations Requests and Reports; 1) Travel Report: NBCE Health Sciences University Part IV Exam Administration on November 15-16, 2019 in Minneapolis, MN – Scott Bautch”

MOTION: James Fortier moved, seconded by Scott Bautch, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 29, 2019

MOTION: James Fortier moved, seconded by Bryan Gerondale, to approve the Minutes of August 29, 2019 as published. Motion carried unanimously.

**8:30 AM PUBLIC HEARING: SCOPE STATEMENT SS 068-19 –
CHIR 5 RELATING TO APPROVAL OF CONTINUING EDUCATION PROGRAMS**

Review and Respond to Public Comments

MOTION: James Damrow moved, seconded by James Fortier, to approve the Scope Statement revising Chir 5, relating to approval of continuing education programs, for implementation. Motion carried unanimously.

**8:30 AM PUBLIC HEARING:
CR 19-129 – CHIR 6, RELATING TO STANDARDS OF CONDUCT**

Review and Respond to Public Comments and Clearinghouse Report

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, to authorize the Chairperson (or other member) to approve the Legislative Report and Draft for Clearinghouse Rule CR 19-129, relating to standards of conduct, for submission to the Governor’s Office and Legislature. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Adoption Orders: CR 18-071, Relating to Chiropractic Practice and CR 18-103, Relating to Chiropractic Preceptorship

MOTION: James Damrow moved, seconded by Bryan Gerondale, to approve the Adoption Order for Clearinghouse Rule CR 18-071, relating to chiropractic practice. Motion carried unanimously.

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, to approve the Adoption Order for Clearinghouse Rule CR 18-103, relating to chiropractic preceptorship. Motion carried unanimously.

Germane Modification to CR 18-105, Relating to Delegation of Services to Health Care Professionals

MOTION: James Damrow moved, seconded by Scott Bautch, to approve the recall of Clearinghouse Rule CR 18-105, relating to delegation of services to health care professionals, from the chief clerk of each house of the Legislature. Motion carried unanimously.

MOTION: Scott Bautch moved, seconded by James Fortier, to approve the resubmission of Clearinghouse Rule CR 18-105, relating to delegation of services to health care professionals, to the chief clerk of each house of the Legislature with a germane modification revising ss. Chir 4.04 (3) and 10.03 to reflect s. 446.02 (7) (d), Stats., which provides a chiropractor may delegate x-ray services only to a chiropractic radiological technician or a health care professional acting within the scope of the health care professional's license, registration, or certification. Motion carried unanimously.

Proposals for Chir 5, Relating to Approval of Continuing Education Programs; and Chir 10, Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians

MOTION: Brian Gerondale moved, seconded by Scott Bautch, to request DSPS staff draft a Scope Statement relating to Chir 5, Relating to Continuing Education. Motion carried unanimously.

Practice of Dry Needling

MOTION: Scott Bautch moved, seconded by James Damrow, to request DSPS staff draft a Scope Statement to create rules to govern the practice of dry needling by a chiropractor, as well as the ability for a chiropractor to draw blood. Motion carried unanimously.

CLOSED SESSION

MOTION: James Damrow moved, seconded by Scott Bautch, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1)(a), Stats.); to consider licensure or certification of individuals (§ 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (§§ 19.85(1)(b), and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85(1)(f), Stats.); and to confer with legal counsel (§ 19.85(1)(g), Stats.). Bryan Gerondale, Secretary, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Scott Bautch-yes; James Damrow-yes; James Fortier-yes; Bryan Gerondale-yes; and Jeffrey King-yes. Motion carried unanimously.

The Board convened into Closed Session at 12:43 p.m.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS**Proposed Stipulations, Final Decisions and Orders*****17 CHI 005 – Jeremy Bria, D.C.***

MOTION: Scott Bautch moved, seconded by Bryan Gerondale, to adopt the Findings of Fact, Conclusions of Law, and Order in the matter of disciplinary proceedings against Jeremy Bria, D.C., DLSC Case Number 17 CHI 005. Motion carried unanimously.

17 CHI 021 – Robert R. Anderson, D.C.

MOTION: Scott Bautch moved, seconded by James Damrow, to adopt the Findings of Fact, Conclusions of Law, and Order in the matter of disciplinary proceedings against Robert R. Anderson, D.C., DLSC Case Number 17 CHI 021. Motion carried unanimously.

17 CHI 026 – Andrew D. Kiefert, D.C.

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, to adopt the Findings of Fact, Conclusions of Law, and Order in the matter of disciplinary proceedings against Andrew D. Kiefert, D.C., DLSC Case Number 17 CHI 026. Motion carried unanimously.

Case Closings***17 CHI 005 – R.J.G.***

MOTION: Scott Bautch moved, seconded by James Fortier, to close DLSC Case Number 17 CHI 005, against R.J.G, for No Violation. Motion carried unanimously.

18 CHI 003 – B.M.M.

MOTION: James Damrow moved, seconded by Scott Bautch, to close DLSC Case Number 18 CHI 003, against B.M.M., for No Violation. Motion carried.

(Jeffrey King recused himself and disconnected for deliberation and voting in the matter concerning B.M.M., DLSC Case Number 18 CHI 003.)

18 CHI 037 – M.A.C.

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, to close DLSC Case Number 18 CHI 037, against M.A.C., for Insufficient Evidence. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Bryan Gerondale moved, seconded by James Damrow, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 1:06 p.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,

IF VOTING IS APPROPRIATE

MOTION: James Fortier moved, seconded by Scott Bautch, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Scott Bautch moved, seconded by James Damrow, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Bryan Gerondale, seconded by James Fortier, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:11 p.m.