

State of Arizona Board of Chiropractic Examiners

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07/10/2013

NOTICE OF MEETING AND HEARINGS OF THE ARIZONA STATE BOARD OF CHIROPRACTIC EXAMINERS

Pursuant to A.R.S. § 38-431.02, NOTICE IS HEREBY GIVEN to the members of the Arizona State Board of Chiropractic Examiners and to the general public that the Board of Chiropractic Examiners will hold a scheduled meeting. The meeting will be open to the public, on **Wednesday July 17, 2013** at 5060 North 19th Avenue, **Suite 416**, conference room Phoenix, Arizona. The meeting will begin at **9:00 a.m.** When necessary, the Board may go into Executive Session intermittently throughout the meeting for discussion and consultation for legal advice regarding any of the agenda items. (A.R.S. § 38-431.03(A)(3). The Board may also go into Executive Session to discuss personnel matters A.R.S. § 38-431.03(A)(1), records exempt by law from public inspection A.R.S. § 38-431.03 (A)(2) or for legal advice and consultation regarding pending or contemplated litigation A.R.S. § 38-431.03 (A)(4). The Board reserves the right to change the order of items on the Agenda and to call cases in random order.


A copy of the agenda for the meeting will be available at 5060 North 19th Avenue, Suite 416, Phoenix, Arizona at least 24 hours prior to the meeting.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Ruby Kelley, Administrative Assistant at (602) 864-5088, ext. 14. Requests should be made as early as possible to allow time to arrange the accommodation.

DATED this 10th day of July 2013.

BOARD OF CHIROPRACTIC EXAMINERS

By


Patrice A. Pritzl, Executive Director

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of this notice will be duly posted at 5060 North 19th Avenue, Suite 416, Phoenix, Arizona on, **July 15, 2013 at 5:00 p.m.** in accordance with the statement filed by the Arizona State Board of Chiropractic Examiners with the Arizona Secretary of State.

DATED this 10th of July 2013

By


Patrice A. Pritzl, Executive Director

Janice K. Brewer
Governor

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James J. Badge, D.C.
Chairperson

Richard A. Guarino, D.C.
Vice-Chairperson

Norris Nordvold
Member

Gregory Katsaros, D.C.
Member

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Patrice A. Pritzl
Executive Director

ARIZONA STATE BOARD OF CHIROPRACTIC EXAMINERS
5060 N. 19 Ave. #416
Phoenix, AZ 85015

FINAL
BOARD MEETING AGENDA
Wednesday
July 17, 2013
9:00 am

When necessary, the Board may go into Executive Session intermittently throughout the meeting for discussion and consultation for legal advice regarding any of the agenda items. A.R.S. § 38-431.03 (A)(3). The Board may also go into Executive Session, on agenda items C through M to discuss records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law. A.R.S. § 38-431.03 (A)(2).

The Board reserves the right to change the order of items on the Agenda or to take action on any item and call cases in random order. The Board may discuss, consider or take action on any item on the agenda.

In accordance with Title II of the Americans with Disabilities Act (ADA), this Board does not discriminate on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting Ruby Kelley at 602.864.5088 ext. 214. Requests should be made as early as possible to allow time to accommodate the request.

- A. Call to Order**
- B. Roll Call**
- C. Board Meeting Minutes** – Review, discussion and possible action on the following:

TAB NO.	
01	Board Meeting Minutes for May 15, 2013
02	Board Meeting Minutes for June 19, 2013

D. Formal Interview – Review, discussion and possible action on the following cases scheduled for Formal Interview pursuant to A.R.S. § 32-924 (F):

TAB NO.	CASE NO.	RESPONDENT	LIC. NO.	
Vacant				

E. Formal Hearing – 9:00 AM - Review, discussion and possible action on the following cases scheduled for Formal Hearing pursuant to A.R.S. § 32-924 (G), (H) and (I):

TAB NO.	CASE NO.	RESPONDENT	LIC. NO.	
03	2013-078	Anthony Wassif, Applicant		Hearing on Denial of License

F. MOTION FOR REHEARING OR REVIEW – Review, discussion and possible action on the motion for rehearing or review pursuant to A.A.C. R4-7-305

TAB NO.	CASE NO.	RESPONDENT	LIC. NO.	
Vacant				

G. Initial Action on Complaints – Review, discussion and possible action on the following cases before the Board for the first time. The Board may consider dismissing the complaint; issuing a Non-Disciplinary Advisory Letter; Order for Non-Disciplinary Continuing Education or forwarding the matter for further investigation.

TAB NO.	CASE NO.	RESPONDENT	LIC. NO.	
04	2012-092	B. Jeffrey Jolley, D.C.	3768	
05	2013-034	Amiko S. Fountain, D.C.	8118	
06	2012-108	Jennifer Rasp-Bickerton, D.C.	5686	
07	2012-110	R. Jacob Hoerr, D.C.	5425	
08	2012-111	Kevin A. Fox, D.C.	5716	

09	2013-033	Raheel A. Mann, D.C.	8295	
10	2013-003	Paul W. Pratt, D.C.	3511	
11	2013-040	Randolph F. Langholdt, D.C.	1024	
12	2013-057	Matthew L. Bradley, D.C.	8262	
13	2013-059	S. Scott Moller, D.C.	7688	
14	2013-060	William V. Siefken, D.C.	820	
15	2013-061	Robert F. Leibmann, D.C.	4757	

H. Previously Before the Board – Review, discussion and possible action on the following items previously before the Board:

TAB NO.	CASE NO.	RESPONDENT	LIC. NO.	
Vacant				

I. Whether to Open – Review, discussion and possible action on whether to open a complaint or take other action on the following:

TAB NO.	LICENSEE	LIC NO.	ALLEGATIONS
16	Michael Miller, D.C.	5422	Failure to Comply with a Board Order

J. Probation – Review, discussion and possible action regarding the following cases currently under Probation:

TAB NO.	CASE NO.	RESPONDENT	LIC. NO.	
17	2006-116 & 2010-077	Caron C. Pedersen, D.C.	5882	Continue Stay of Probation
18	2006-128	Carmen N. Brodeur, D.C.	6042	Continue Stay of Probation
19	2006-129	Marc A. Brodeur, D.C.	6010	Continue Stay of Probation
20	2009-049	Jason C. Morris, D.C.	6096	Terminate Probation
21	2011-110 & 2012-029	Scott H. Carrell, D.C.	3676	Open complaint for failure to comply with a Board Order

22	2011-008	David J. Hobbs, D.C.	6059	Open complaint for failure to comply with a Board Order
23	2012-050	Clifton G. Mack, D.C.	6098	Open complaint for failure to comply or extend examination deadline
24	2011-036 & 2012-018	Richard A. Madrid, D.C.	3052	Open complaint for failure to comply with a Board Order

K. Consent Agreements – Review, discussion and possible action on proposed Consent Agreements.

TAB NO.	CASE NO.	RESPONDENT	LIC. NO.	
25	2012-083	Lawrence Paule, D.C.	4584	Approve or reject proposed consent agreement
26	2012-075	Taylor Ramsdell, D.C.	8186	Approve or reject proposed consent agreement

L. Consent Agenda Open Complaint/Issue Advisory Letter – Review, discussion and possible action on consent to Open a Complaint and Issue a Non-Disciplinary Advisory Letter or take other action.

TAB NO.	RESPONDENT	LIC. NO.	
Vacant			

M. Consent Agenda Issue Advisory Letter – Review, discussion and possible action on consent to Issue a Non-Disciplinary Advisory Letter or take other action.

TAB NO.	CASE NO.	RESPONDENT	LIC. NO.	
Vacant				

N. Consent Agenda – Review, discussion and possible action on consent to Dismiss or take other action.

TAB NO.	CASE NO.	RESPONDENT	LIC. NO.	
27	2013-012	John L. MacDonald, D.C.	7949	Dismiss Fee Dispute
28	2013-015	Donald L. Nelson, D.C.	3838	Dismiss No Basis
29	2013-020	David J. Farnsworth, D.C.	4101	Dismiss No Basis
30	2013-022	Timothy J. Harrigan, D.C.	8026	Dismiss Fee Dispute
31	2013-032	Gerald K. Gifford, D.C.	4996	Dismiss Fee Dispute
32	2013-038	Richard P. Ornelas II, D.C.	5671	Dismiss No Basis
33	2013-041	Dean J. Micalizio, D.C.	4280	Dismiss Fee Dispute
34	2013-058	Brett B. Brimhall, D.C.	7089	Dismiss No Basis

- O. **Licensure** – Review, discussion and possible action on the following applications for licensure upon payment of appropriate fees:

Licensure by Examination:

TAB NO.	APPLICANTS	
35	Bijan Eshkevari, D.C. James O. Holloway, D.C.	

Licensure by Reciprocity:

TAB NO.	APPLICANTS	
Vacant		

Licensure by Examination with Disclosure:

TAB NO.	APPLICANTS	DISCLOSURE
36	Chad M. Messina, D.C.	Undisclosed Conviction

Licensure by Reciprocity with Disclosure:

TAB NO.	APPLICANTS	DISCLOSURE
Vacant		

- P. Reinstatement** – Review, discussion and possible action on the following applications for reinstatement of license upon payment of appropriate fees:

TAB NO.	APPLICANTS	DISCLOSURE
37	Gary R. Martin, D.C.	From Administrative Suspension

- Q. Certification** – Review, discussion and possible action on the following applications for certification upon payment of appropriate fees:

Physical Medicine Modalities and Therapeutic Procedures:

TAB NO.	APPLICANTS	DISCLOSURE
38	Bijan Eshkevari, D.C. James O. Holloway, D.C. Jihad A. Sakr, D.C.	

Acupuncture:

TAB NO.	APPLICANTS	DISCLOSURE
Vacant		

- R. Training Applications** – Review, discussion and possible action on the following course and training applications:

Chiropractic Assistant:

TAB NO.	APPLICANTS	DISCLOSURE

Vacant		
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Preceptorship:

TAB NO.	APPLICANTS	PROGRAM DATES
39A	Christopher L. Bonin, D.C. with Julie K. Goplin	08/12/2013 – 11/14/2013
39B	Ira Keith Lavender, D.C. with Anthony A. Janssen	07/17/2013 – 09/20/2013
39C	Carson D. Robertson, D.C. with Alexander J. Svac	08/12/2013 – 11/14/2013

S. Board Business – Review, discussion and possible action regarding the following:

TAB NO.	
40	Election of Chair and Vice-Chair
41	Noncriminal Justice Fingerprint Compliance Program
42	PROBE: Professional/Problem-Based Ethics program
43	Fall 2013 Newsletter draft
44	Business Entity Rulemaking. Approval for Final Rulemaking
45	Draft rule and review of Board policy pertaining to A.R.S. § 32-924(A)(18), A.A.C. R4-7-901 and proposed R4-7-903
46	Draft rule pertaining to fees
47	For information only, matter pertaining to Utah chiropractic licensee with an Emergency Order issued by the Utah Board and alleged activities in Arizona marketing 'diabetic solutions'
48	FY2013 annual cash flow report, FY2014 budget appropriations and financial implications for FY2015
49	Review, discussion and possible action on change to bi-monthly Board Meetings

T. Call to the Public

Pursuant to A.R.S. § 38-431.01(H), Board members are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. However, members may ask staff to review a matter or may ask that a matter be placed on a future agenda.

U. Adjournment