



State of Arizona Board of Chiropractic Examiners

5060 North 19th Avenue Suite 416
Phoenix, Arizona 85015
Voice: (602) 864-5088 FAX (602) 864-5099
TTY (800) 367-8939 (Arizona Relay Service)

07/10/2013

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

Janice K. Brewer
Governor

•••

James J. Badge, D.C.
Chairperson

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

Norris Nordvold
Member

Gregory Katsaros, D.C.
Member

•••

Patrice A. Pritzl
Executive Director

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 August 14, 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. 214. 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, **August 12, 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

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

FINAL
BOARD MEETING AGENDA
Wednesday
August 14, 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 R 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	Meeting Minutes of July 17, 2013
02	Executive Session Minutes of July 17, 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.	
03	2012-096	Gene James, D.C.	4545	

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.	
04	2013-080	Angel Chire, Applicant		

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.	
05	2013-016	Clifton G. Mack, D.C.	6098	

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
06	C. Cade Broderick, D.C.	8231	False statements/misleading advertising
07	Alexander J. Carr, D.C.	7388	Improper treatment
08	Carla E. Diana, D.C.	7508	Failure to diagnose and make proper referral
09	Robert L. Gear Jr., D.C.	554	Committing a felony
10	Timothy J. Harrigan, D.C.	8026	Misleading advertising; exceeding scope of chiropractic
11	Clinton L. Huston, D.C.	7550	Improper treatment
12	Donald L. Nelson, D.C.	3838	Unnecessary treatment and failure to maintain adequate records
13	John D. Pham, D.C.	7151	Improper treatment
14	Roland F. Phillips Jr., D.C.	3770	Failure to comply with Continuing Education requirements
15	Daniel P. Secrest, D.C.	7326	Exceeding scope; improper treatment; misleading advertising and failure to use initials D.C.
16	Orrin C. Smith, D.C.	4475	False statements/misleading advertising
17	Todd Teller, D.C.	8136	Unprofessional conduct

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

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

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

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

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.	
18	Adam V. Downs, D.C.	7632	Failure to properly identify chiropractic
19	Ross P. Dye, D.C.	8251	Failure to use initials D.C.
20	Nicholas J. Schultz, D.C.	7074	Failure to comply with Chiropractic Assistant regulations
21	Larry A. Shipley, D.C.	5010	Failure to comply with Chiropractic Assistant regulations
22	David A. Warkentin, D.C.	7042	Failure to comply with Chiropractic Assistant regulations

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.
Vacant			

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

Licensure by Examination:

TAB NO.	APPLICANTS
23	Margo J. Brown, D.C. John A. Fuentes, D.C. Kimberly A. Kerch, D.C. Michele J. Mountain, D.C. Andrew E. Roberts, D.C.

Licensure by Reciprocity:

TAB NO.	APPLICANTS
Vacant	

Licensure by Examination with Disclosure:

TAB NO.	APPLICANTS	DISCLOSURE
24	Daniel Migliarese, D.C.	Disclosed Investigation and Undisclosed Disciplinary Action in Another Jurisdiction

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	
25	J. Sue Davis, D.C. Wendy E. Picarello, 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	
26	John A. Fuentes, D.C. Yolanda M. Loafer, D.C. Andrew E. Roberts, D.C.	

Acupuncture:

TAB NO.	APPLICANTS	
Vacant		

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

Chiropractic Assistant:

TAB NO.	APPLICANTS	
Vacant		

Preceptorship:

TAB NO.	APPLICANTS	PROGRAM DATES
Vacant		

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

TAB NO.	
27	Draft rule amendment R4-7-901 and draft rule R4-7-903 regarding advertising
28	Newsletter draft for approval
29	Reconsideration of Reciprocity with the New York Board for Chiropractic
30	Budget report

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