



## State of Arizona Board of Chiropractic Examiners

5060 North 19<sup>th</sup> Avenue Suite 416  
Phoenix, Arizona 85015  
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11/08/13

### 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 November 13, 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 8<sup>th</sup> day of November 2013.**

BOARD OF CHIROPRACTIC EXAMINERS

By *Pamela J. Paschal*  
Pamela J. Paschal, Interim 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 **November 08, 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 8<sup>th</sup> of November 2013**

By *Pamela J. Paschal*  
Pamela J. Paschal, Interim 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

• • •

Pamela J. Paschal  
Interim Executive Director

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

**\*\*FINAL\*\***  
**BOARD MEETING AGENDA**  
**Wednesday**  
**November 13, 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 S 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**
- A. Recognition, Instruction and Dialogue with New Licensees**

**C. Board Meeting Minutes – Review, discussion and possible action on the following:**

TAB NO.	
01	Meeting Minutes of October 16, 2013

**D. 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.	
02	2012-045	David M. Pickett, D.C.	8111	

**E. 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				

**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.	
03	2013-065	David Stender, D.C.	5437	
04	2013-081	Todd M. Sembaluk, D.C.	5776	
05	2013-072	Scott M. Johnson, D.C.	7360	
06	2013-073	Stevanie M. Bahnerth, D.C.	7482	
07	2014-001	P. Andrew Richetto, D.C.	7873	
08	2014-004	David J. Hobbs, D.C.	6059	

- 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
09	Andrew B. Anthony, D.C.	7556	Exceeding scope of chiropractic; promise to cure; misleading advertising; and failure to identify chiropractic.
10	Paul S. Huffman, D.C.	5112	Failure to comply with Continuing Education requirements; possible Administrative Suspension
11	Allen E. Stout, D.C.	7353	Failure to comply with Chiropractic Assistant regulations

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

TAB NO.	CASE NO.	RESPONDENT	LIC. NO.	
12	2012-056	Roger P. Walker, D.C.	5011	Termination of Probation
13	2010-078 & 2012-012	Peter J. Gariboldi, D.C.	4579	Termination of Probation
14	2009-074, 2012-050 & 2013-016	Clifton G. Mack, D.C.	6098	Compliance with Terms of Probation

**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.	
15	Tanoj C. Bhakta, D.C.	7559	Failure to comply with Chiropractic Assistant regulations
16	Justin Gomez, D.C.	7951	Failure to comply with Chiropractic Assistant regulations
17	Jolene N. Kutty, D.C.	7653	Failure to comply with Chiropractic Assistant regulations
18	Thomas R. Martin, D.C.	4772	Failure to comply with Chiropractic Assistant regulations
19	Radman Rahiminejad, D.C.	7150	Failure to comply with Chiropractic Assistant regulations
20	Jeffery B. Stires, D.C.	5131	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.	
21	2013-075	William M. Haas, D.C.	7394	Dismiss No Basis
22	2013-076	Bruce A. Weary, D.C.	3936	Dismiss No Basis
23	2013-079	Bruce A. Weary, D.C.	3936	Dismiss Fee Dispute
24	2013-077	Allen E. Stout, D.C.	7353	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	
25	Wesley L. Gregg, D.C. Heidi C. Klosterman, D.C.	

**Licensure by Reciprocity:**

TAB NO.	APPLICANTS	
Vacant		

**Licensure by Examination with Disclosure:**

TAB NO.	APPLICANTS	DISCLOSURE
26	Charles P. Schofield, D.C.	Application for Licensure by Examination and Physical Medicine Modalities and Therapeutic Procedures Certification with Disclosed Convictions and Court-Ordered Alcohol and Drug Evaluations and Treatment Programs
27	Craig B. DeFries, D.C.	Application for Licensure by Examination and Physical Medicine Modalities and Therapeutic Procedures Certification with Disclosed Convictions and Undisclosed Court-Ordered Alcohol Evaluation and Treatment

**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	
28	Robert R. Schultz, 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	
29	Wesley L. Gregg, 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.	
30	Business Entity Rules status update
31	Proposed Reciprocity Agreement the State of Alaska
32	2014 Renewal Update
33	Budget Update
34	Continuing Education Courses taught by Post-Graduate Faculty

**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**