

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)

Revised
10/4/12

Janice K. Brewer
Governor

•••
James J. Badge, D.C.
Chair

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

Norris Nordvold
Member

•••
Patrice A. Pritzl
Executive Director

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 14, 2012** 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 4th day of October 2012


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, **November 11th, 2012 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 4th day of October 2012

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
November 14, 2012
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	October 11, 2012 Board Meeting Minutes

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

TAB NO.	CASE NO.	RESPONDENT	LIC. NO.	
02	2012-081	Joseph Greer, D.C.	4905	
03	2011-110 2012-029	Scott Carrell, D.C.	3676	

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

TAB NO.	CASE NO.	RESPONDENT	LIC. NO.	
04	2011-120	Matthew J. Mannino, D.C.	4490	
05	2011-121	Ty S. Ruddell, D.C.	6023	
06	2012-014	Aaron Kovac, D.C.	7294	
07	2012-082	James L. Warlick, D.C.	5514	

F. 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.	
08	2012-056	Roger P. Walker, D.C.	5011	

G. Formal Hearing – 10:00 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.	
09	2013-011	Charles Spear, D.C.	7147	

H. 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				

I. 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 or forwarding the matter for further investigation.

TAB NO.	CASE NO.	RESPONDENT	LIC. NO.	
10	2011-111	Scott J. Dannatt, D.C.	7631	
11	2011-112	Patrick M. Sartz, D.C.	7183	
12	2011-113	Michael A. Temple, D.C.	4548	Possible Admin Suspension
13	2011-118	Howard C. Thompson, D.C.	897	
14	2011-119	Donald J. Bernard, D.C.	5458	
15	2011-123	Eric J. Vindiola, D.C.	6002	
16	2012-002	Carol N. Ngo, D.C.	8033	
17	2012-003	James L. Warlick, D.C.	5514	
18	2012-048	James L. Warlick, D.C.	5514	
19	2012-005	Arthur A. Mejia, D.C.	7410	
20	2012-008	Martin C. Gage, D.C.	3781	

21	2012-010	Joanne Hauptert, D.C.	5785	
22	2012-011	Shane J. Fleharty, D.C.	5998	
23	2012-016	Gayle A. Stockwell, D.C.	5018	
24	2012-017	Murray N. Victor, D.C.	4255	
25	2013-004	Robert B. Coffey, D.C.	7166	

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

TAB NO.	CASE NO.	RESPONDENT	LIC. NO.	
26		Tiffany Johnson, D.C.		Open complaint for Non-Disciplinary Advisory letter

K. 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
27	Fred G. Arnold, NMD	Unlic	Advertising as D.C./practicing without proper licensure
28	Harvey R. Davis, D.C.	783	Failure to comply with continuing education requirements
29	Daniel J. Cappozzo, D.C.	8209	False/misleading advertising; claiming professional superiority; aiding and abetting unlicensed practice
30	Rebecca M. Cappozzo, D.C.	8283	Practicing without license
31	Alan D. Cross, D.C.	5368	False/misleading advertising, claiming professional superiority; exceeding scope
32	Charles W. Enouen, D.C.	5489	Failure to comply with continuing education requirements; procuring

			license through fraud/deception; making false statements
33	Marvin C. Faulker, D.C.	8287	Practicing without license
34	Amiko S. Fountain, D.C.	8118	Felony indictments
35	Peter Kan, D.C.	7415	Failure to comply with chiropractic assistant regulations
36	Raheel A. Mann, D.C.		Practicing without license
37	Michael D. Prsbrey, D.C.	5970	Aiding/abetting unlicensed practice; failure to use initials D.C.
38	David A. Warkentin, D.C.	7042	Aiding/abetting unlicensed practice; failure to use initials D.C.
39	Keith M. Stone, D.C.	3458	Failure to properly identify chiropractic

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

TAB NO.	CASE NO.	RESPONDENT	LIC. NO.	
40	2009-049	Jason C. Morris, D.C.	6096	Possible open complaint for failure to comply
41	2009-057	Grant K. Shapiro, D.C.	5741	Request for termination of probation
42	2011-116	Bryan T Sloyan, D.C.	8058	Request for termination of probation

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

Licensure by Examination:

TAB NO.	APPLICANTS	
43	Brad T. Martin, D.C.	

	Bonnie H. Mitchell, D.C. John A. Palthen, D.C. Jordan M. Reidhead, D.C. Gerald R. Snelling, D.C.	
--	---	--

Licensure by Reciprocity:

TAB NO.	APPLICANTS	
44	Vacant	

Licensure by Examination with Disclosure:

TAB NO.	APPLICANTS	DISCLOSURE
45	Aaron M. Hicks, D.C.	With Physical Medicine Modalities and Therapeutic Procedures Certification and Disclosed Misdemeanors

Licensure by Reciprocity with Disclosure:

TAB NO.	APPLICANTS	DISCLOSURE
Vacant		

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

TAB NO.	APPLICANTS	
Vacant		

- O. 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	
46	Benny Cocio, D.C. Brad T. Martin, D.C. Bonnie H. Mitchell, D.C. John A. Palthen, D.C. Jordan M. Reidhead, D.C. Gerald R. Snelling, D.C.	

Acupuncture:

TAB NO.	APPLICANTS	
47	Christopher Heimlich, D.C. Brad T. Martin, D.C. Jason Szabo, D.C.	

- P. 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	DISCLOSURES
48	Matthew Colby, D.C. with Scott A. Weiland	11/14/2012 through 12/19/2012	
49	John Casalino, D.C. with Jeffrey R. Staheli	11/16/2012 through 12/04/2012	With Undisclosed Misdemeanors and Prior Misdemeanor-related Advisory Letter
50	Khaled Abuwandi, D.C. with Peter Rayis	11/16/2012 through 12/15/2012	With Disclosed Deferred Judgment

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

TAB NO.	
51	Review and approval of Warning Letters regarding advertising, identification of chiropractic and compliance with Chiropractic Assistant regulations
52	Arizona Association of Chiropractic sunrise bill
53	Continuing Education, implementation of amended rule – report only
54	Cash flow and budget report

R. 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.

S. Adjournment