



State of Arizona Board of Chiropractic Examiners

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Open Session Minutes
June 23, 2021

Call to Order:

Richard Guarino, D.C. called the meeting to order at 9:00 a.m.

Roll Call of Board Members Present:

The roll was called and the following Board members were present:

Richard A. Guarino, D.C., Chair
Wayne Bennett, D.C., Vice-Chair
Steven Knauf, D.C., Professional Member
Angela Giordano-Powell, Public Member

Board Staff:

Justin Bohall, Interim Executive Director
Jaime Shapiro, Deputy Director
Jackie Kennell, Investigator
Mona Leonard, Licensing Specialist
Gigi Damashek, Administrative Assistant

Assistant Attorneys General:

Seamus Monaghan, Esq.
Mary D. Williams, Esq.

Recognition, Instruction, and Dialogue with New Licensees:

Dr. Guarino recognized new licensees.

Formal Interview – Review, Discussion, and Possible Action on the Following Cases scheduled for a Formal Interview pursuant to Arizona Revised Statutes (A.R.S.) §32-924(F):

Case Nos. 2020-013, 2021-001, and 2021-035 – Joseph L. Greer, D.C., License No. 4905
Dr. Greer was present via Google Meet and not represented by counsel. Dr. Greer was sworn in. Mr. Bohall summarized allegations of Case No. 2020-013:

1. Improper Treatment
2. Improper Billing
3. Patient Abandonment
4. Non-compliance with a Board Subpoena
5. Unprofessional Conduct
6. Failure to Properly Supervise

1 7. Failure to Complete Continuing Education

2 8. Practicing While License is Suspended

3
4 Dr. Greer stated that he paid his renewal fees but the renewal applications containing his
5 new address were not submitted, which was why he did not receive the Board's subpoenas
6 or the administrative suspension notification.

7
8 Dr. Guarino pointed out that these cases are largely based on failure to update the Board
9 with an address of record.

10
11 Dr. Greer answered Board members' questions regarding his efforts to remediate, when he
12 became aware that his license was administratively suspended, and testified that he did
13 treat patients after being notified of the suspension.

14
15 The complainant "R.L." was not present.

16
17 Regarding Case No. 2021-001, Dr. Greer answered Board members' questions regarding
18 the breach in patient confidentiality, confirmed that he provided the complainant with the
19 X-ray of another patient, and described remediation efforts.

20
21 The complainants for Case Nos. 020-013 and 2021-035 were not present.

22
23 For Case No. 2020-013, a motion was made by Dr. Knauf and seconded by Dr. Bennett to
24 adopt Findings of Fact for allegation four, Noncompliance with a Board Subpoena for not
25 responding to a subpoena or providing records to the Board in a timely manner; allegation
26 five, Unprofessional Conduct; and allegation eight, Practicing While License is Suspended
27 for practicing after Dr. Greer was notified on April 27, 2021, that his license was
28 administratively suspended.

29
30 Dr. Guarino called for a vote and it passed: 4-Aye 0-Nay 0-Abstained 0-Absent 0-
31 Recused 1-Vacant

32
33 For Case No. 2021-001, a motion was made by Dr. Knauf and seconded Ms. Powell to
34 adopt Findings of Fact for allegation one, Breach of Doctor/Patient Confidentiality for
35 providing another patient's X-ray images to the complainant; allegation two,
36 Noncompliance with a Board Subpoena for not responding to a subpoena or providing
37 records to the Board in a timely manner; allegation five, Failure to Maintain Adequate
38 Records related to lack of policy or procedure related to the confidentiality breach;
39 allegation six, Practicing While License is Suspended for practicing after Dr. Greer was
40 notified on April 27, 2021, that his license was administratively suspended; and seven,
41 Unprofessional Conduct for mismanagement of patient records, practicing while his
42 license was administratively suspended, and lack of policy or procedures related to patient
43 record management.

44

1 Dr. Bennett was compelled to share that while he found Dr. Greer's patient notes to be
2 impressive, that is inconsistent when compared to his response to the complaints which
3 could indicate a competency issue.

4
5 Dr. Guarino called for a vote and it passed: 4-Aye 0-Nay 0-Abstained 0-Absent 0-
6 Recused 1-Vacant

7
8 For Case No. 2021-035, a motion was made by Dr. Knauf and seconded by Ms. Powell to
9 adopt Findings of Fact for allegation one, Practicing While License is Suspended for
10 practicing after Dr. Greer was notified on April 27, 2021, that his license was
11 administratively suspended.

12
13 Dr. Guarino called for a vote and it passed: 4-Aye 0-Nay 0-Abstained 0-Absent 0-
14 Recused 1-Vacant

15
16 A motion was made by Dr. Knauf and seconded by Ms. Powell to adopt the following
17 Conclusions of Law: Arizona Revised Statutes (A.R.S.) §§ 32-923(A), 32-924(A)(5), (16),
18 32-929, and Arizona Administrative Code (A.A.C.) R4-7-902(5) and (36).

19
20 Dr. Guarino called for a vote and it passed: 4-Aye 0-Nay 0-Abstained 0-Absent 0-
21 Recused 1-Vacant

22
23 Discussion was held about a fitness to practice examination, practice monitoring, record-
24 keeping auditing, and restitution.

25
26 A motion was made by Dr. Knauf and seconded by Dr. Bennett to place Dr. Greer's license
27 on probation for a period of one year without early termination and to impose a \$1000.00
28 civil penalty which includes \$50.00 for failure to timely update his address of record to be
29 paid within the probationary term.

30
31 Dr. Guarino called for a vote by roll call and it passed: 4-Aye 0-Nay 0-Abstained 0-
32 Absent 0-Recused 1-Vacant

33
34 Dr. Guarino – Aye

35 Dr. Knauf – Aye

36 Dr. Bennett – Aye

37 Ms. Powell – Aye

38
39 **Reinstatement – Review, Discussion, and Possible Action on the Following Application**
40 **for Reinstatement of License:**

41 Joseph L. Greer, D.C. License No. 4905

42 A motion was made by Ms. Powell and seconded by Dr. Knauf to ratify the reinstatement
43 of Dr. Greer's license.

44

1 Dr. Guarino called for a vote and it passed: 4-Aye 0-Nay 0-Abstained 0-Absent 0-
2 Recused 1-Vacant

3
4 *The Board took a break from 10:33 a.m. to 10:42 a.m.*

5
6 **Whether to Open – Review, Discussion, and Possible Action on Whether to Open a**
7 **Complaint to Take Other Action:**

8 Jayson Foster – Myopractor, Unlicensed

9 Mr. Foster was not present. Mr. Bohall summarized that the complaint alleges that a patient
10 received “myopractic” treatment by Mr. Foster who is not licensed to practice Chiropractic
11 in Arizona. Dr. Guarino wondered if Mr. Foster holds any other license. Dr. Knauf added
12 he wishes to continue the investigation. Dr. Bennett asked what legal options the Board
13 has and discussion ensued. The Board directed staff to continue the investigation and
14 obtain related records.

15
16 David Slebodnik, License No. 4594

17 Dr. Slebodnik was not present. Mr. Bohall summarized that the anonymous complaint
18 alleges that Dr. Slebodnik suggested to the patient ways to obtain more money for treatment
19 for their personal injury case.

20
21 A motion was made by Dr. Bennett and seconded by Dr. Knauf to open the complaint
22 based on all four allegations and obtain related records.

23
24 Dr. Guarino called for a vote and it passed: 4-Aye 0-Nay 0-Abstained 0-Absent 0-
25 Recused 1-Vacant

26
27 Lawrence Paule, D.C., License No. 939

28 Dr. Paule was present. Mr. Bohall summarized the anonymous complaint alleges Dr.
29 Paule’s evaluations of drivers are inadequate under Federal Motor Carrier Safety
30 Administration (FMCSA) standards by not requesting supporting documentation related
31 to patients’ management of conditions.

32
33 Dr. Paule explained he has performed Department of Transportation and Commercial
34 Driver’s License examinations for 21 years and that some applicants may not disclose
35 medical conditions on applications. He added that requesting additional documentation is
36 at the discretion of the examiner and answered Board members’ questions.

37
38 After discussion, a motion was made by Dr. Bennett and seconded by Ms. Powell to open
39 the complaint related to all allegations, instruct staff to identify the patients who may have
40 the conditions specified, and subpoena a sampling of those records.

41
42 Dr. Guarino called for a vote and it passed: 4-Aye 0-Nay 0-Abstained 0-Absent 0-
43 Recused 1-Vacant

44
45

1 Robert C. Martin, D.C., Inactive License No. 939

2 Dr. Martin was not present. Mr. Bohall summarized that the complaint alleges that on his
3 radio show, Dr. Martin, may be implying that he has an active Arizona license.
4

5 Dr. Guarino stated that his website mentions that he is an expert and that he is a board-
6 certified physiotherapist in Arizona and it appears that several grounds exist to open the
7 complaint.
8

9 A motion was made by Dr. Knauf and seconded by Ms. Powell to open the complaint
10 regarding allegations two, three, and four and forward the complaint to Colorado and
11 Kentucky.
12

13 Dr. Guarino called for a vote and it passed: 4-Aye 0-Nay 0-Abstained 0-Absent 0-
14 Recused 1-Vacant
15

16 Adrian Marnell, D.C., Revoked License No. 2064

17 Dr. Marnell was not present. Mr. Bohall summarized the complaint alleges that Dr.
18 Marnell is practicing animal chiropractic without a license.
19

20 A motion was made Ms. Powell and seconded by Dr. Knauf to open the complaint and
21 direct staff to investigate.
22

23 Dr. Guarino called for a vote and it passed: 4-Aye 0-Nay 0-Abstained 0-Absent 0-
24 Recused 1-Vacant
25

26 Petula M. Gillingham, D.C., License No. 6097

27 Dr. Gillingham was present. Mr. Bohall summarized that Board received communication
28 from the American Specialty Health Network (ASHN) notifying the Board that Dr.
29 Gillingham was reported to the National Practitioner Databank (NPDB) for failure to
30 comply with a corrective action plan.
31

32 Dr. Gillingham explained she participated in a tiered program with ASHN and was dropped
33 down to the first tier which precluded her from making adjustments on patients. She
34 declined to further participate in the network and a report of non-compliance to the NPDB
35 was filed.
36

37 A motion was made by Dr. Bennett to subpoena a random sampling of ten patients' records
38 for the last 30 days in order to determine if records meet the standard of care. The motion
39 died for lack of a second.
40

41 A motion was made by Dr. Knauf and seconded by Ms. Powell to take no action.
42

43 Dr. Guarino called for a vote and it passed: 3-Aye 1-Nay 0-Abstained 0-Absent 0-
44 Recused 1-Vacant
45

1 *Dr. Bennett opposed.*

2
3 Michael Papamatheakis, D.C., License No. 7397

4 Dr. Papamatheakis was not present and was represented by counsel, Greg Collins, Esq.
5 Mr. Collins explained that this complaint likely stems from another lawsuit and requested
6 that the matter is continued for a month. Mr. Bohall summarized that the complaint alleges
7 that Dr. Papamatheakis attempted to negotiate a reduced fee with the attorney for another
8 provider. Mr. Collins argued that no basis exists for an investigation at this point.

9
10 A motion was made by Ms. Powell and seconded by Dr. Knauf to open the complaint and
11 added there appears to be potential of criminal behavior.

12
13 Dr. Guarino called for a vote and it passed: 4-Aye 0-Nay 0-Abstained 0-Absent 0-
14 Recused 1-Vacant

15
16 **Consent Agreements – Review, Discussion, and Possible Action on Proposed Consent**
17 **Agreements**

18 Case No. 2021-009 – Stephen Gillen, D.C., License No. 7987

19 Dr. Gillen was present with counsel, Adam Jaffe, Esq. Mr. Bohall summarized that during
20 the January 2021 meeting, the Board offered Dr. Gillen a consent agreement for probation
21 and Dr. Gillen has offered a counter-proposal.

22
23 Mr. Jaffe explained that Dr. Gillen is not contesting the facts of the matter and has
24 demonstrated rehabilitation and remediation. Dr. Gillen is requesting that the probationary
25 period is removed from the agreement.

26
27 After discussion, a motion was made by Dr. Bennett and seconded by Dr. Knauf to deny
28 the request to modify the consent agreement. Discussion ensued.

29
30 Dr. Bennett amended his motion to deny the request to modify the consent agreement, and
31 re-offer the consent agreement as drafted; if the agreement is not signed within 30 days,
32 the Board shall move the matter to a Formal Interview. Dr. Knauf seconded the amended
33 motion.

34
35 Dr. Guarino called for a vote and it passed: 3-Aye 1-Nay 0-Abstained 0-Absent 0-
36 Recused 1-Vacant

37
38 *Ms. Powell opposed.*

39
40 **Licensure – Review, discussion, and possible action on the following applications for**
41 **licensure:**

42 Jordan D. Rasch, D.C., Licensure by Examination and PMMTP Certification

43 Dr. Rasch was present. Ms. Shapiro summarized the application which included a DUI in
44 2014.

45

1 After discussion, a motion was made by Dr. Knauf and seconded by Ms. Powell to grant
2 licensure.

3
4 Dr. Guarino called for a vote and it passed: 4-Aye 0-Nay 0-Abstained 0-Absent 0-
5 Recused 1-Vacant

6
7 Jamie W. Lessard, D.C., Licensure by Examination and PMMTP Certification

8 Dr. Rasch was present. Ms. Shapiro summarized the application which included four
9 DWIs from 1999 to 2015 and potential for future issues due to outstanding fees in Wake
10 County.

11
12 Dr. Lessard stated that the fees in Wake County have been paid and can provide supporting
13 documentation. Dr. Lessard stated that he holds current licensure in good standing in
14 Georgia, does not abuse substances, and does not drink alcohol anymore. Dr. Lessard also
15 stated that he drinks socially, but does not do bar or party scenes any longer.

16
17 A motion was made by Dr. Bennett to issue licensure to Dr. Lessard contingent upon a
18 consent agreement for a one-year probation requiring a compliance monitor, take and pass
19 all parts of the Ethics and Boundaries Services (EBAS) Examination, random urine drug
20 screens, and documents supporting compliance in Wake County.

21
22 After discussion, Dr. Bennett amended his motion to strike requirement for a compliance
23 monitor.

24
25 Dr. Guarino asked Dr. Lessard if he would consent to the probationary period and the
26 requirements being discussed and Dr. Lessard declined. Dr. Guarino stated that in lieu of
27 a formal denial, Dr. Lessard could withdraw his application.

28
29 After discussion, Dr. Bennett withdrew his previous motion.

30
31 A motion was made by Dr. Bennett and seconded by Dr. Knauf to accept Dr. Lessard's
32 withdraw of his application for licensure.

33
34 Dr. Guarino called for a vote and it passed: 4-Aye 0-Nay 0-Abstained 0-Absent 0-
35 Recused 1-Vacant

36
37 Daniel L. Coflin, D.C., Licensure by Examination and PMMTP Certification

38 Dr. Coflin was present. Ms. Shapiro summarized the application which included a
39 malpractice settlement in 2018.

40
41 After discussion, a motion was made by Dr. Knauf and seconded by Ms. Powell to grant
42 licensure.

43
44 Dr. Guarino called for a vote and it passed: 4-Aye 0-Nay 0-Abstained 0-Absent 0-
45 Recused 1-Vacant

1 **Board Business – Review, Discussion, and Possible Action Related To:**

2 National Board of Chiropractic Examiners’ Presentation on Ethics and Boundaries
3 Assessment Services with Jason Jaeger, D.C.

4 Dr. Jaeger presented information to the Board about the Special Purposes for Chiropractic
5 (SPEC) which serves to ensure clinical competency, Jurisprudence Examinations which
6 measure a doctor’s knowledge of a state’s statutes and rules, and the EBAS Examination
7 which assess ethics, boundaries, and other professional standards.

8
9 Board Meeting Minutes

10 Open Session Minutes from the May 26, 2021, Meeting

11 After discussion, a motion was made by Dr. Bennett and seconded by Dr. Knauf to adopt
12 the open session minutes, as amended.

13
14 Dr. Guarino called for a vote and it passed: 4-Aye 0-Nay 0-Abstained 0-Absent 0-
15 Recused 1-Vacant

16
17 Executive Session Minutes from the May 26, 2021, Meeting

18 A motion was made by Dr. Bennett and seconded by Dr. Knauf to adopt the open session
19 minutes, as drafted.

20
21 Dr. Guarino called for a vote and it passed: 4-Aye 0-Nay 0-Abstained 0-Absent 0-
22 Recused 1-Vacant

23
24 Executive Director’s Report

25 Mr. Bohall reported to the Board with updates on the budget, licensing, and investigation
26 reports.

27
28 Mr. Bohall provided verbal updates regarding Senate Bill 1823 and House Bills 2454 and
29 2895.

30
31 Proposed Exempt Rulemaking in Accordance with HB 2454, Section 24

32 Mr. Bohall explained that the bill allows boards to conduct exempt rule-making for one
33 year in order to comply with the Telemedicine Expansion Act signed by the Governor last
34 month. It directs each Board to draft and create a telemedicine registry in which individuals
35 licensed in other states can register and perform telemedicine services in Arizona. Today,
36 the Board would need to clarify what the one-time fee would be. The bill also gives
37 jurisdiction over complaints filed related to registrants of telemedicine.

38
39 After discussion, a motion was made by Dr. Bennett and seconded by Dr. Knauf to set the
40 fee at \$250.00.

41
42 **Call to the Public:**

43 No comments were made.

44
45 **Adjournment:**

1 A motion was made by Dr. Knauf and seconded by Ms. Powell to adjourn.
2
3 The motion passed at 12:39 p.m.: 4-Yes 0-No 0-Abstained 0-Absent 0-Recused 1-
4 Vacant