



State of Arizona

Board of Chiropractic Examiners

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Members Present: Richard A. Guarino, D.C., Chair; Wayne Bennett, D.C., Vice-Chair; Steven Knauf, D.C., Professional Member; Angela Giordano-Powell, Public Member-Virtually via Zoom; Mitchell L. Turbenson, Public Member

Members Absent:

Staff Present: Seamus Monaghan, A.A.G; Alissa M. Vander Veen, Executive Director; Ryan Dominick, Investigator; Conny Gillum, Licensing and Operations Coordinator; Larry Acosta, Administrative Assistant

A. Call to Order

A meeting of the Arizona Board of Chiropractic Examiners was called to order on July 19, 2022, at 9:00 a.m. with Dr. Guarino presiding.

B. Roll Call of Board Members Present

See above.

C. Recognition, Instruction, and Dialogue with New Licensees

Dr. Guarino recognized new licensees present for Continuing Education.

D. Formal Hearing - 9:05 a.m. - 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. 1	2018-056	Joseph Maher, D.C. (Active)	5340
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Mr. Seamus Monaghan, A.A.G., appeared on behalf of the state.

Dr. Joseph Maher and his legal counsel, Mr. David Morrison, appeared in person.

The Board addressed two preliminary matters prior to the Formal Hearing.

Mr. Monaghan requested the Board makes a motion to designate the record as confidential as it relates to the large volume of medical records for this matter.

Mr. Monaghan presented a consent agreement for the Board to consider.

The Board discussed considered the signed consent agreement.

Mr. Morrison addressed the Board regarding the consent agreement.

1 The Board took a break at 9:24 a.m., reconvening its public meeting at 9:30 a.m.

2 Following discussion, upon MOTION by Dr. Bennett, SECOND by Dr. Knauf to offer
3 the proposed consent agreement with the following revisions a STAYED
4 REVOCATION for a period of two years during which the license will be placed on
5 PROBATION, violation of any portion on this agreement will result in immediate
6 revocation, \$15,000 penalty to be imposed \$10,000 civil penalty and \$5,000 for the
7 cost of the Board's investigation, with the terms of the payment to be the following
8 \$7,500 within 30 days and \$7,500 to be paid within 75 days. During the two-year
9 period of PROBATION, quarterly audits are to be conducted on a minimum of 25
10 randomly selected patient files with a focus on medical necessity, standard of care,
11 and patient management to be signed by no later than Monday.

9 **ROLL CALL:**

	Dr. Richard Guarino	Dr. Wayne Bennett	Dr. Steven Knauf	Ms. Angela Powell	Mr. Mitchell Turbenson
AYE	X	X	X	X	X
NAY					
ABSENT					

15 Motion passed 5-0-0-0-0-0

16 5-Aye 0-Nay 0-Abstained 0-Absent 0-Recused 0-Vacant

17 MOTION by Dr. Bennett, SECOND by Dr. Knauf to vacate the Formal Hearing.

18 Motion passed 5-0-0-0-0-0

19 5-Aye 0-Nay 0-Abstained 0-Absent 0-Recused 0-Vacant

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

22 **Tab No. 2** **2022-026 &**
23 **2022-027** **Billie Barefoot, D.C. (Active)** **7996**

24 The professional declined to participate in the Formal Interview.

25 Ms. Vander Veen requested that we release the complainants and witnesses in this
26 matter from this part of the Board Meeting.

27 Dr. Gaurino noted for the record that it was the professional's right to decline the
28 Formal Interview and not participate, but with the declination does not preclude the
Board from moving the matter forward or taking other necessary steps in the
investigative process.

7 The professional and his legal counsel, Mr. Joseph Greer, appeared virtually via
8 Zoom.

9 The professional was sworn in by the court reporter.

10 Ms. Vander Veen provided a summary of the allegations:

- 11 1. Non-compliance with a Board Subpoena
- 12 2. Violation of a Board Order
- 13 3. Practicing while license while on Administrative Suspension
- 14 4. Unprofessional conduct as it relates to:
 - 15 a. Improper billing
 - 16 b. Failure to maintain adequate records

17 The professional answered questions from the Board.

18 The complainant appeared virtually via Zoom.

19 The complainant was sworn in by the court reporter.

20 The complainant provided sworn testimony.

21 UPON a motion by Dr. Bennett SECOND by Dr. Knauf the Board voted to adopt the
22 following finding of facts as they related to this matter:

- 23 1. Non-compliance with a Board Subpoena
- 24 2. Non-compliance with a Board Order
- 25 3. Practicing while license was Administratively Suspended
- 26 4. Unprofessional conduct as it relates to:
 - 27 a. Improper billing
 - 28 b. Failure to maintain adequate records

Motion passed 4-0-0-0-1-0 Ms. Powell was absent.

4-Aye 0-Nay 0-Abstained 1-Absent 0-Recused 0-Vacant

The UPON a motion by Dr. Bennett SECOND by Dr. Knauf the Board voted to adopt
the conclusions of law as they are laid out in the Board's investigatative report.

Conclusions of Law:

- A.R.S. §32-924(A)(15)-Any conduct or practice contrary to recognized standards in chiropractic or any conduct or practice that constitutes a danger to the health, welfare, or safety of the patient or the public or any conduct, practice or condition that impairs the ability of the licensee to safely and skillfully practice chiropractic.

- A.R.S. §32-924(A)(16)-Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of the provisions of this chapter or any board order.
- A.R.S. 32-923(B)- Except as provided in section 32-4301, every person who is licensed to practice chiropractic in this state shall annually make a renewal application to the board before January 1 after the original issuance of a license and shall pay a renewal license fee of not more than two hundred twenty-five dollars as established by the board. The renewal application shall be made on a form and in a manner prescribed by the board. At least thirty days before the renewal application and renewal fee are due, the board shall send by first class mail a renewal application and notice requiring license renewal and payment of the renewal fee.
- A.R.S. 32-924(A)(22)- Billing or otherwise charging a patient or third-party payor for services, appliances, tests, equipment, an x-ray examination, or other procedures not actually provided.
- A.R.S. §32-924(A)(23)-Intentionally misrepresenting to or omitting a material fact from the patient or third-party payor concerning charges, services, appliances, tests, equipment, an x-ray examination, or other procedures offered or provided.
- A.R.S. §32-924(A)(5)-Unprofessional or dishonorable conduct of a character likely to deceive or defraud the public or tending to discredit the profession.
As it relates to:
 - A.A.C. R4-7-902(14)-Failing to timely comply with a board subpoena pursuant to A.R.S. § 32-929 that authorizes Board personnel to have access to any document, report, or record maintained by the chiropractic physician relating to the chiropractic physician's practice or professional activities.
 - A.A.C. R4-7-902(5)-Failing to create an adequate patient record that includes the patient's health history, clinical impression, examination findings, diagnostic results, x-ray films if taken, x-ray reports, treatment plan, notes for each patient visit, and a billing record. The notes for each patient visit shall include the patient's name, the date of service, the chiropractic physician's findings, all services rendered, and the name or initials of the chiropractic physician who provided services to the patient.

Motion passed 4-0-0-1-0-0 Ms. Powell was absent.

4-Aye 0-Nay 0-Abstained 1-Absent 0-Recused 0-Vacant

Following discussion, upon MOTION by Dr. Bennett, SECOND by Dr. Knauf to move this matter to a formal hearing and in lieu of a formal hearing to offer the professional a consent agreement for the Voluntary Surrender of licensure.

Ms. Powell rejoined the meeting at 10:35 a.m.

ROLL CALL:

	Dr. Richard Guarino	Dr. Wayne Bennett	Dr. Steven Knauf	Ms. Angela Powell	Mr. Mitchell Turbenson
AYE	X	X	X	X	X
NAY					
ABSENT					

Motion passed 5-0-0-0-0-0

5-Aye 0-Nay 0-Abstained 0-Absent 0-Recused 0-Vacant

The Board took a break at 10:55 a.m., reconvening its public meeting at 11:05 a.m.

Tab No. 4 2021-037 Charles Kevin Stermetz (Active) 4738

Ms. Mandi Karvis appeared in person on behalf of the professional. The professional was not present.

Ms. Vander Veen presented the Board with the signed Consent Agreement for the Board's approval.

Ms. Karvis addressed the Board.

After review and discussion, upon MOTION by Dr. Bennett and SECOND by Dr. Knauf to approve and accept the proposed consent agreement as written.

Motion passed 5-0-0-0-0-0

5-Aye 0-Nay 0-Abstained 0-Absent 0-Recused 0-Vacant

Upon MOTION by Dr. Knauf and SECOND by Dr. Bennett to vacate the Formal Interview.

Motion passed 5-0-0-0-0-0

5-Aye 0-Nay 0-Abstained 0-Absent 0-Recused 0-Vacant

F. 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, and forwarding the matter for further investigation or Formal Interview.

Tab No. 5 2021-039 Matthew D. Coen, D.C. (Active) 5921

1 The professional appeared in person before the Board.

2 The professional was not represented by legal counsel.

3 The professional answered questions from the Board.

4
5 Upon MOTION by Dr. Knauf and SECOND by Dr. Bennett to offer a consent
6 agreement for PROBATION for 1 year to continue with the SoberLink testing on the
7 current schedule and submit quarterly reports to the Board and quarterly
8 appearances before the Board or its designee to monitor his compliance with
complete absence from alcohol and mirror the terms of his probation with the
Dreamy Draw Court, if not adhered to forward to a Formal Interview.

9 Motion passed 5-0-0-0-0-0

10 5-Aye 0-Nay 0-Abstained 0-Absent 0-Recused 0-Vacant

11 **Tab No. 6 2022-040 Joseph Greer, D.C. (Probation) 4905**

12 The professional appeared virtually via Zoom and was not represented by legal
13 counsel.

14 Ms. Vander Veen provided a summary of the allegations:

- 15 1. Making false statements
- 16 2. Procuring a license by fraud/misrepresentation

17 Ms. Vander Veen provided an update regarding the professional's compliance with
18 the previous order and the status of his license and the status of the civil penalty
payment.

19 After review and discussion, upon MOTION by Dr. Bennett, SECOND by Ms. Powell
20 consistent with A.R.S. 32-924 (C) to issue an interim order for a fitness to practice
evaluation to be completed within 90 days.

21 Motion passed 5-0-0-0-0-0

22 5-Aye 0-Nay 0-Abstained 0-Absent 0-Recused 0-Vacant

23 **Tab No. 7 2022-020 Shaun M. Malone, D.C. (Active) 6028**

24 Ms. Mandi Karvis appeared in person on behalf of Dr. Malone. Dr. Malone was not
25 present.

26 The Complainant was not present.

27 Ms. Vander Veen presented the Board with the signed Non-Disciplinary Consent
28 Agreement for Continuing Education for the Board's approval.

Ms. Karvis addressed the Board.

1
2 After review and discussion, upon MOTION by Dr. Bennett and SECOND by Ms.
3 Powell to approve and accept the proposed non-disciplinary consent agreement as
4 written.

5 Motion passed 5-0-0-0-0-0

6 5-Aye 0-Nay 0-Abstained 0-Absent 0-Recused 0-Vacant

7 **Tab No. 8 2022-031 James R. Sieffert, D.C. (Active) 5294**

8 The professional was not present.

9 Ms. Vander Veen provided a summary of the allegations:

- 10 1. Use of drugs or alcohol

11 Ms. Vander Veen provided a history of the matter and what actions took place and
12 that the professional completed the necessary requirements of his probation and
13 was properly notified by the Board in a timely manner.

14 After review and discussion, upon MOTION by Dr. Bennett, SECOND by Dr. Knauf
15 to take no action.

16 Motion passed 5-0-0-0-0-0

17 5-Aye 0-Nay 0-Abstained 0-Absent 0-Recused 0-Vacant

18 **G. Previously Before the Board** – Review, discussion, and possible action on the
19 following items previously before the Board including violation/s of Interim Order(s):

20 **Tab No. 9 2021-012 & Andrew Altman, D.C. (Active) 5558**
21 **2021-015**

22 Ms. Powell recused from this matter.

23 The professional and his attorney, Mr. Dave Morrison, appeared in person.

24 Ms. Vander Veen summarized the status of these two cases and the Board’s
25 investigator's numerous attempts to get an updated status with the Maricopa
26 County Attorney’s Office.

27 Mr. Morrison addressed the Board and encourage the Board to dismiss.

28 After review and discussion, upon MOTION by Dr. Knauf, SECOND by Dr. Bennett to
dismiss complaints 2021-012 and 2021-015 without prejudice.

Motion passed 4-0-0-1-0-0 Ms. Powell recused.

1
2 **Tab No. 10**

**2022-026 &
2022-027**

Billie Barefoot, D.C. (Active)

7996

3 The Board reviewed a memo from the Executive Director to continue the
4 investigation and help establish additional evidence for the Board to resolve these
5 matters by issuing an Interim Order for a Psycho-Sexual Evaluation to be completed
6 within 90 days pursuant to its authority:

7 *A.R.S. 32-924 (C) The board may require a licensee under investigation pursuant to
8 this section to be interviewed by the board or its representatives. The board may
9 require a licensee who is under investigation pursuant to this section to undergo, at
10 the licensee's expense, any combination of medical, physical, or mental examinations
11 that the board finds necessary to determine the licensee's competence.*

12 Mr. Monaghan stated for the record that the Interim Order would be to assist in the
13 investigation and allow the Board to have additional evidence as it relates to these
14 matters and not because the professional declined to participate in the Formal
15 Interview.

16 After review and discussion, upon MOTION by Dr. Bennett, SECOND by Dr. Knauf to
17 issue an Interim Order for a Psycho-Sexual Evaluation be completed by the
18 professional within 90 days.

19 Motion passed 5-0-0-0-0-0

20 5-Aye 0-Nay 0-Abstained 0-Absent 0-Recused 0-Vacant

21 **H. Probation & Suspension** – Review, discussion, and possible action regarding the
22 following cases currently under Probation or Suspension:

23 **Tab No. 11**

2017-057

**Roger Fuller, D.C. (Probation)
(Request for release from
Probation)**

3831

24 The professional appeared in person and was not represented by legal counsel.

25 Ms. Vander Veen provided a status update regarding the Respondent’s probation
26 and compliance.

27 After review and discussion, upon MOTION by Dr. Bennett, SECOND by Dr. Knauf
28 that the Respondent had fully complied with the Board Order and granted the
request to be released from probation and restore his license to active status.

Motion passed 5-0-0-0-0-0

5-Aye 0-Nay 0-Abstained 0-Absent 0-Recused 0-Vacant

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

3 **Tab No. 12 Evin Pingalore, D.C. Licensure by Examination**

4
5 The applicant was not present.

6 Ms. Vander Veen provided a summary of the licensure application and background
7 investigation findings.

8 After review and discussion, upon MOTION by Dr. Bennett, SECOND by Dr. Knauf;
9 to grant licensure in accordance with A.R.S. §32-921 presuming all fees and
monetary dues have been resolved.

10 Motion passed 5-0-0-0-0-0

11 5-Aye 0-Nay 0-Abstained 0-Absent 0-Recused 0-Vacant

12 **J. Board Business** – Review, discussion, and possible action regarding the
13 following:

14 **Tab No. 13 Board Meeting Minutes**

15 June 1, 2022, Open Session Meeting Minutes

16 After review and discussion, upon MOTION by Dr. Knauf, SECOND by Dr. Bennett;
17 the Board voted to ACCEPT THE MINUTES AS AMENDED.

18 Motion passed 5-0-0-0-0-0

19 5-Aye 0-Nay 0-Abstained 0-Absent 0-Recused 0-Vacant

20 **Tab No. 14 Executive Director’s Report**

21 Ms. Vander Veen provided a budget update.

22 Ms. Vander Veen provided an update on the agency.

23
24 Ms. Vander Veen provided an update on the status of the Executive Director’s
Leader Standard Work and the current activities that she is responsible for.

25
26 Ms. Vander Veen reviewed for the Board the status of previous actions taken by the
Board and that staff had completed all the necessary follow-up items.

27 Ms. Vander Veen presented the Board with the proposed 2023 Board Meeting
28 Calendar.

1 After review and discussion, upon MOTION by Mr. Turbenson, SECOND by Dr.
2 Bennett to approve the 2023 Board Meeting Calendar.

3 Motion passed 5-0-0-0-0-0

4 5-Aye 0-Nay 0-Abstained 0-Absent 0-Recused 0-Vacant

5 **Tab No. 15 Election of Board Officers for Chair and Vice Chair per A.R.S. §**
6 **32-902**

7 **Board Chair**

8 Dr. Guarino opened nominations for Chair of the Board.

9 Dr. Bennett nominated Dr. Guarino for Chair.

10 There were no other nominations and nominations were closed.

11 Dr. Guarino was elected Chair by acclamation.

12 **Board Vice Chair**

13 Dr. Guarino opened nominations for Vice Chair of the Board.

14 Ms. Powell nominated Dr. Bennett for Vice Chair.

15 There were no other nominations and nominations were closed.

16 Dr. Bennett was elected Vice Chair by acclamation.

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

22 The Board did not receive a comment from the public.

23 **L. Establishment of the future meeting date(s)**-

24 The next regular meeting is scheduled for Tuesday, August 30, 2022, at 9:00 a.m., at
25 1740 W. Adams St., Board Room C.

26 **M. Adjournment**

27 Meeting adjourned at 11:51 a.m.

28 

Richard A. Guarino, D.C., Chairman



Alissa M. Vander Veen,
Executive Director