

**CHIROPRACTIC EXAMINING BOARD  
MEETING MINUTES  
APRIL 12, 2016**

**PRESENT:** Kelly Brown (*via GoToMeeting*); John Church, D.C.; Jeffrey Mackey, D.C.; Juli McNeely; and Patricia Schumacher, D.C.

**STAFF:** Tom Ryan, Executive Director; Nilajah Hardin, Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Patricia Schumacher, Chair, called the meeting to order at 8:31 a.m. A quorum of five (5) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- *Under Item N. 2) Proposed Stipulation(s), Final Decision(s) and Order(s): Add “c) 13 CHI 040 – Hien Nguyen, D.C.”*

**MOTION:** Jeffrey Mackey moved, seconded by John Church, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Jeffrey Mackey moved, seconded by John Church, to approve the minutes of December 22, 2015 as published. Motion carried unanimously.

**ELECTIONS, NOMINATIONS, AND APPOINTMENTS**

**Election of Officers**

*Board Chair*

**NOMINATION:** Kelly Brown nominated Patricia Schumacher for the Office of Board Chair.

Tom Ryan called for nominations three (3) times.

Patricia Schumacher was elected as Chair by unanimous consent.

*Vice Chair*

**NOMINATION:** Jeffrey Mackey nominated John Church for the Office of Vice Chair.

Tom Ryan called for nominations three (3) times.

John Church was elected as Vice Chair by unanimous consent.

*Secretary*

**NOMINATION:** Patricia Schumacher nominated Jeffrey Mackey for the Office of Secretary.

Tom Ryan called for nominations three (3) times.

Jeffrey Mackey was elected as Secretary by unanimous consent.

<b>2016 ELECTION RESULTS</b>	
<b>Board Chair</b>	Patricia Schumacher
<b>Vice Chair</b>	John Church
<b>Secretary</b>	Jeffrey Mackey

### Appointment of Liaisons

<b>2016 LIAISON APPOINTMENTS</b>	
<b>Preceptor Liaison</b>	John Church <i>Alternate: Jeffrey Mackey</i>
<b>Monitoring Liaison</b>	Jeffrey Mackey <i>Alternate: John Church</i>
<b>Credentialing Liaison</b>	Kelly Brown <i>Alternate: John Church</i>
<b>Exams, Education and Continuing Education Liaison</b>	Patricia Schumacher <i>Alternate: Kelly Brown, John Church</i>
<b>Travel Liaison</b>	Patricia Schumacher <i>Alternate: John Church</i>
<b>Rules Liaison</b>	John Church <i>Alternate: Kelly Brown</i>
<b>Screening Panel</b>	John Church, Kelly Brown, Patricia Schumacher <i>Alternate: Juli McNeely</i>

**MOTION:** Jeffrey Mackey moved, seconded by John Church, to affirm the Chair's appointment of liaisons for 2016. Motion carried unanimously.

### Delegation of Authority

#### *Delegated Authority for Urgent Matters*

**MOTION:** Jeffrey Mackey moved, seconded by Kelly Brown, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

***Delegated Authority for Application Denial Reviews***

**MOTION:** Jeffrey Mackey moved, seconded by John Church, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

***Document Signature Delegation***

**MOTION:** Jeffrey Mackey moved, seconded by Juli McNeely, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

***Credentialing Authority Delegations***

**MOTION:** Juli McNeely moved, seconded by Jeffrey Mackey, to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters except potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

**MOTION:** Juli McNeely moved, seconded by Jeffrey Mackey, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

***Monitoring Delegations***

**MOTION:** Juli McNeely moved, seconded by John Church, to affirm the Chair's appointment of Jeffrey Mackey as the Monitoring Liaison, and John Church as the alternate, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor; document as presented. Motion carried unanimously.

***Travel Delegation***

**MOTION:** Juli McNeely moved, seconded by Jeffrey Mackey, to authorize the travel liaison to approve all Board travel. Motion carried unanimously.

**LEGISLATIVE/ADMINISTRATIVE RULE MATTERS****Statement of Scope for Chir 1 to 12 Relating to Chiropractic Practice**

**MOTION:** John Church moved, seconded by Jeffrey Mackey, to approve the Scope Statement on Wis. Admin. Code Chapters Chir 1 to 12 relating to Chiropractic Practice for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

**SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATIONS REQUEST(S)****Authorize Dr. Schumacher to Attend the Federation of Chiropractic Licensing Boards (FCLB) 90<sup>th</sup> Annual Educational Congress – April 27- May 1, 2016 – Phoenix, AZ**

**MOTION:** Jeffrey Mackey moved, seconded by Juli McNeely, to designate Patricia Schumacher and John Church as alternate to attend the Federation of Chiropractic Licensing Boards (FCLB) 90<sup>th</sup> Annual Educational Congress on April 27-May 1, 2016 in Phoenix, Arizona and to authorize travel. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Jeffrey Mackey moved, seconded by Juli McNeely, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Patricia Schumacher read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Kelly Brown-yes; John Church-yes; Jeffrey Mackey-yes; Juli McNeely-yes; Patricia Schumacher-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:07 a.m.

**RECONVENE TO OPEN SESSION**

**MOTION:** Jeffrey Mackey moved, seconded by John Church, to reconvene in Open Session at 11:18 a.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE**

**MOTION:** Jeffrey Mackey moved, seconded by Juli McNeely, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

**DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS*****14 CHI 010 (C.J.S.)***

**MOTION:** Jeffrey Mackey moved, seconded by John Church, to issue an Administrative Warning in the matter of 14 CHI 010 (C.J.S.). Motion carried unanimously.

***14 CHI 032 – K.O.***

**MOTION:** John Church moved, seconded by Jeffrey Mackey, to issue an Administrative Warning in the matter of 14 CHI 032 (K.O.). Motion carried unanimously.

**Proposed Stipulations, Final Decisions and Orders*****13 CHI 012 – Casimir Kobylinski, D.C.***

**MOTION:** Jeffrey Mackey moved, seconded by Kelly Brown, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of disciplinary proceedings against Casimir Kobylinski, D.C., DLSC case number 13 CHI 012. Motion carried unanimously.

***15 CHI 023 – Mory Von Werner, D.C.***

**MOTION:** Jeffrey Mackey moved, seconded by Kelly Brown to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of disciplinary proceedings against Mory Von Werner, D.C., DLSC case number 15 CHI 023. Motion carried unanimously.

***13 CHI 040 – Hien Nguyen, D.C.***

**MOTION:** Jeffrey Mackey moved, seconded by Juli McNeely, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of disciplinary proceedings against Hien Nguyen, D.C., DLSC case number 13 CHI 040. Motion carried unanimously.

**Case Closings*****14 CHI 010 - J.A.S.***

**MOTION:** Jeffrey Mackey moved, seconded by Juli McNeely, to close DLSC case number 14 CHI 010 - J.A.S. for **Insufficient Evidence**. Motion carried unanimously.

***15 CHI 002 - B.B., A.S., and D.W.***

**MOTION:** Jeffrey Mackey moved, seconded by Juli McNeely, to close DLSC case number 15 CHI 002 - B.B., A.S., and D.W. for **No Violation**. Motion carried unanimously.

***15 CHI 009 - D.B.***

**MOTION:** Jeffrey Mackey moved, seconded by Juli McNeely, to close DLSC case number 15 CHI 009 - D.B. for **No Violation**. Motion carried unanimously.

***15 CHI 024 - M.A.S.***

**MOTION:** Juli McNeely moved, seconded by Jeffrey Mackey, to close DLSC case number 15 CHI 024 - M.A.S. for **No Violation**. Motion carried unanimously.

**PROPOSED FINAL AND DECISION(S) AND ORDER(S)****Tyler G. Schneekloth, D.C., Respondent (DHA Case # SPS 15-0036)(DLSC Case # 14 CHI 004) and Objections**

**MOTION:** Juli McNeely moved, seconded by Jeffrey Mackey, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Tyler G. Schneekloth, D.C., Respondent (DHA Case # SPS 15-0036)(DLSC Case # 14 CHI 004) with the following variance: the Respondent shall pay 100 percent costs and serve a one week suspension rather than a reprimand. Motion carried. *Kelly Brown voted No.*

**MOTION:** Jeffrey Mackey moved, seconded by Juli McNeely, to designate the Chair to review and approve the Order with Variance in the matter of disciplinary proceedings against Tyler G. Schneekloth, D.C., Respondent (DHA Case # SPS 15-0036)(DLSC Case # 14 CHI 004). Motion carried unanimously.

**CREDENTIALING MATTERS****Application Review*****Cheryl Bournoville – Chiropractic Technician Application***

**MOTION:** Juli McNeely moved, seconded by Jeffrey Mackey, to **table** the Chiropractic Technician application of Cheryl Bournoville pending receipt of additional information. Motion carried unanimously.

**RATIFICATION OF LICENSES AND CERTIFICATES**

**MOTION:** Jeffrey Mackey moved, seconded by Juli McNeely, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Jeffrey Mackey, seconded by Juli McNeely, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:55 a.m.