

Meeting Minutes
IOWA BOARD OF CHIROPRACTIC
April 10, 2013
Lucas State Office Building, 5th Floor Conference Room #526
Des Moines, Iowa

Call To Order:

The meeting was called to order by Dr. John Calisesi, D.C., Chairman at 9: 10 a.m.

Roll Call:

Members Present:

John Calisesi, D.C.

Bradley Brown, D.C.

Joellen Jenson, Public Member

Nancy Kahle, D.C.

Aaron Martin, D.C.

Members Absent:

David Gehling, D.C.

Julie Mueller, Public Member

Staff Present:

Pierce Wilson, Board Executive

Meghan Gavin, AAG

Marvin Firch, Education and Outreach Coordinator

Barb Christiansen, Administrative Assistant

Guests Present:

Mike Sellers

Stuart Hoven

Collette Hoven

Dan Garrett – Iowa Chiropractic Society

Cassiema Bradley

Loos hearing has been continued.

Public Comment:

Mike Sellers reported that Dr. Hoven, D.C. had a court order issued to have an evaluation completed. The evaluation recommended an in depth in house evaluation to be done. There were some restrictions recommended when re-entering the practice. It will be required that Dr. Hoven, D.C. continues with the recommendations of the evaluation. Dr. Hoven, D.C. has asked for his license to be reinstated. Mr. Sellers is here today to ask that the reinstatement be approved due to the completion of the evaluation.

Meghan Gavin objected to the reinstatement stating this board has no authority to take action on this reactivation during this meeting. This was not listed on the agenda so the board cannot rule on this today. Meghan suggests that a Notice of Reinstatement hearing be issued and an ALJ be present to assist with the reinstatement process and request. Dr. Calisesi, D.C. stated that the board needs to review all of the information before any decisions could be made.

Mr. Sellers reported that all of the documents from the evaluation have been in the office and should have been distributed to all of the members. Pierce asked that Dr. Calisesi, D.C. stop the public comment at this time since this item has not been posted on the agenda so there was no public notification of the discussion item. Pierce asked that Mr. Sellers provide any documentation or information in writing to the board office. Mr. Sellers waives the contested case hearing. Meghan reported that the state would agree to a hearing date before the next full board meeting.

Approval of Minutes:

A motion was made by Brown to approve the meeting minutes of March 20, 2013 teleconference with the corrections. A second was received from Jenson. All ayes, opposed none, motion carried.

A motion was made by Jenson to approve the meeting minutes of March 28, 2013 conference call with corrections. A second was received from Martin. All ayes, opposed none, motion carried.

A motion was made by Jenson to approve the meeting minutes of January 9, 2013 with corrections. A second was received from Kahle. All ayes, opposed none, motion carried.

Reports:

Chair – Dr. Calisesi, D.C. reported that the national board allows two people to be sent to the Part Four Examination. Dr. Calisesi, D.C. plans to attend, also Dr. Kahle may attend. The meeting will be held on May 15-17 in Davenport, Iowa. 15 hours are allowed toward continuing education for attending the Part Four Examination. For those attending lodging and a small per diem will be paid.

Part Four Test Committee is held each year in Greeley, CO. Ph.D.'s write the test and the board members in attendance select the test that is given. Arrangements will be made by the National Examination group for one board member to attend. This committee will meet on June 7&8, 2013.

Pierce asked the board to submit names for a delegate and alternate delegate for the national board conference in San Francisco, CA. The conference will be held May 1-5, 2013. FCLB also has a meeting during this same time and need delegate and alternate delegate names submitted. Pierce suggested that for this year the board will not send any one to the conference, but will still need two names for this year. Dr. Aaron Martin, D.C. will be Iowa's delegate and Dr. Nancy Kahle, D.C. will be the Alternate Delegate. FCLB meeting will be submitted as follows: Delegate: Dr. Nancy Kahle, D.C. Alternate Delegate: Dr. Aaron Martin, D.C.. Pierce will ask that conference materials be sent for the board members to review.

FCLB district meeting. Asked if any members were interested in attending this meeting. No members were identified.

Committee Reports:

Rules – none

Licensure – none

Con Ed. – None

Board Executive – Pierce presented Dr. Brown, D.C. with a Certificate of Appreciation for his service on the board. Pierce noted that Dr. Brown chaired the discipline committee. He did a great job in keeping that committee on task.

Pierce has received from Palmer preceptor forms. Dr. Shroud has been sending out these forms. Palmer will continue to do the education side and share the board forms with them. The forms would be returned to her and then she will forward them to the board. Pierce also sent out to all the schools in the United States a letter of announcement with the changes to the preceptorship along with the forms. Once forms are received staff will review them to ensure compliance. If there are issues identified then staff will contact the individuals and school. This will be handled administratively similar to other types of applications. The Board will be involved only if an issue needs to be resolved.

Bureau Chief – Barb again thanked Dr. Brown, D.C..

AAG: Meghan Gavin introduced Megan Greene, legal assistant intern.

Meghan also thanked Dr. Brown for his service on the board.

Applications/Unlicensed Individual Cases:

Scott Penney checked yes to one of the felony/misdemeanor questions. Board agrees to license Mr. Penney. Pierce suggesting sending a version of the congratulatory letter that notes the board is aware of his past incidents and will be paying close attention to future action.

A motion was made by Brown to approve this application. A second was received from Kahle. All ayes, opposed none, motion carried.

Old Business:

Continuing Education Requirements – Draft Rule Discussion

This item was tabled until the next meeting. Pierce will work with Dr. Martin, D.C. for presentation at the next meeting.

Ethics and Practice Referral Discussion – Draft Rule Discussion.

This agenda item will be tabled until the next meeting.

New Business:

Travel and Treat Application Discussion

Pierce has received questions from providers who are involved in an Olympic event coming to the area regarding obtaining temporary or permanent licensure for chiropractic in Iowa. This can be handled by

the bureau office staff. Pierce is asking for permission handle these individuals as they have been in the past unless problems arise with specific applications. Board agreed.

The board took a break at 10:47 a.m. to prepare for the hearing.

Hearing:

ALJ Maggie La Marsh called the Cassiema Bradley hearing into order at 11:05 a.m. This hearing will be held in open session.

Meghan discussed that fact that it is Dr. Brown's last meeting with this board. She asked if Dr. Brown, D.C. would be participating in deliberations. ALJ Maggie La Marsh left the decision up to Dr. Brown if he participates in deliberations or not. It is clear that after April 30th Dr. Brown may not participate in any decision making process. Dr. Calisesi, D.C. and the other members had no objections to Dr. Brown's participation in deliberations.

Opening statements:

Meghan Gavin, AAG. An Intent to Deny was filed according to the notice based on two grounds. Ms. Bradley was convicted to driving under the influence on two different occasions and is still under probation in NE regarding those charges. Ms. Bradley allegedly began practice in the state of Iowa without a license.

Introduced States exhibits: An Order of Protection for exhibits where patient names are listed was requested by AAG Gavin.

Order of Protection was granted by Judge La Marsh.

Meghan distributed evidence packets to board members.

Kimberly Groves, DIA Investigation was called as witness and sworn in.

Ms. Bradley was advertising and posting on the internet her practice at New Hope Wellness Center. Other websites also listed Ms. Bradley's practice. Ms. Groves made an unannounced visit to the office. A business card was given to her for Ms. Bradley by an employee. Ms. Groves returned another day and interviewed Ms. Bradley. Ms. Bradley denied she had been seeing patients, but did report that she was treating family members and her boyfriend. Ms. Groves shared with Ms. Bradley that her probation officer had given DIA a name of a patient she had treated. During the interview it was found that Ms. Bradley's patient files were incomplete. The records did not appear to be adequate to Ms. Groves. At the end of the interview Ms. Bradley did take responsibility of her actions and she stated she does want to be licensed in the State of Iowa. Her first conviction was in 2007 and the second was in 2011 enhanced DUI in the State of Nebraska because it was her second conviction.

The State has no further questions of Ms. Groves.

No questions from Ms. Bradley

A ten minutes break will be taken at 11:39 a.m.. Returned to open session at 11:56 a.m.

Redirect by AAG Gavin: Ms. Bradley is not licensed in any other state at this time, but has held licenses in Nebraska and Colorado. Ms. Groves answered “Correct” to this question.

The state rests.

Cassiema Bradley was sworn in by Judge La Marsh. Ms. Bradley stated she was told by Pierce Wilson that she was approved on contingency and she began to practice thinking she was licensed. Ms. Bradley is not here to contest the case but rather to plead her case and hope to be granted a license. She is willing to do anything to make things right and get her life back on track.

Meghan asked Ms. Bradley to tell the board about her education. Ms. Bradley attended Parker in Texas to pursue her Chiropractic career, moved to Iowa in February of 2012. Ms. Bradley subleased the clinic after moving to Adel. Intention is to practice Chiropractic full time. Last substance abuse evaluation was completed two months ago with no follow up treatment required. She has one more meeting with her parole officer and has had no problems criminally in Iowa since moving here. Ms. Bradley believes that she had been approved for licensure through a consent agreement. She denies signing any consent agreement or receiving anything from the board that would indicate she was granted an Iowa license. Ms. Bradley assures the board that she is willing to do what it takes to have these issues be in the past and move forward. Ms. Bradley is asking for a second chance to get this right and move on with her life.

Board members questioned Ms. Bradley.

Closing arguments:

Meghan Gavin gave the board members the choices that are available for licensing this individual. The facts are not disputed in this case by Ms. Bradley. The state would suggest granting Ms. Bradley a license with conditions to include attending an ethics class, place license under probation for at least 5 years but could ask for release after 3 years if all requirements have been completed. The state does not feel a civil penalty would be warranted in this case.

Ms. Bradley gave her closing statement including the fact that she would be willing to be licensed under any conditions the board would see fit.

A motion was made by Brown to enter into closed session at 12:30 pm to deliberate the decision to be rendered in a contested case according to Iowa Code Chapter 21.5(1) f. A second was made by Martin. Roll call taken.

Calisesi – aye

Martin – aye

Brown – aye

Kahle – aye

Jenson – aye

Motion Carried.

A motion was made by Calisesi to instruct ALJ La Marsh to prepare a Decision and Order as discussed in closed session. A second was received from Jenson. All ayes, opposed none, motion carried.

The board members took a break and returned to open session at 1:07 p.m.

A motion was made by Calisesi to enter into closed session at 1:07 to go into closed session to discuss confidential material related to applications and complaints according to Iowa Code Chapter 21.5(1) a and d. A second was received from Martin. Roll call taken.

Calisesi – aye

Martin – aye

Brown – aye

Kahle – aye

Jenson – aye

Motion Carried.

Closed Session:

Board returned to open session at 3:20 p.m.

Closed Session Follow-Up:

A motion was made by Brown to the Statement of Charges as drafted in case #12-010. A second was received from Jenson. All ayes, opposed none, motion carried.

A motion was made by Brown to approve a Statement of Charges for case #12-025. A second was received from Martin. All ayes, opposed none, motion carried.

A motion was made by Brown to close the following cases #13-002, #13-003, #13-004, #13-005, #13-006, and #13-007. A second was received from Jenson. All ayes, opposed none, motion carried.

A motion was made by Brown to close case #13-008 as discussed in closed session. A second was received from Jenson. All ayes, opposed none, motion carried.

A motion was made by Brown to close case #13-009 as discussed in closed session. A second was received from Jenson. All ayes, opposed none, motion carried.

A motion was made by Brown to approve the Settlement Agreement in case #12-006 as discussed in closed session. A second was received from Martin. All ayes, opposed none, motion carried.

A motion was made by Brown to deny the state's Motion to Dismiss case #09-021. A second was received from Martin. All ayes, opposed none, motion carried.

A motion was made by Brown to approve the settlement Agreement in case #10-009 as discussed in closed session. A second was received from Jenson. All ayes, opposed none, motion carried.

Adjournment:

A motion was made by Brown to adjourn the meeting at 3:30 p.m. A second was received from Martin. All ayes, opposed none, motion carried.