

State Board of
CHIROPRACTIC
NEWSLETTER

WINTER 2006/2007



COMMONWEALTH
OF PENNSYLVANIA

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Regulatory Programs
and Director,
Bureau of Professional and
Occupational Affairs*

Mark Vessella
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Board telephone: (717) 783-7155

E-mail: ST-CHIROPRACTIC@state.pa.us

www.dos.state.pa.us/chiro

Role of the Commissioner on the Board

The Bureau of Professional and Occupational Affairs (BPOA) touches the lives of millions of Pennsylvanians each day. We protect the health, safety and welfare of the public from fraudulent and unethical practitioners by administering professional licensing to physicians and cosmetologists to accountants and funeral directors. In addition, the bureau provides administrative and legal support to 27 professional and occupational licensing boards and commissions.

As commissioner of the BPOA, I am responsible for administering the commonwealth's licensing boards, sitting as a voting member on disciplinary cases and policy matters for 25 of the 27 boards and signing all licenses issued by the BPOA.

My administrative duties include working with the deputy commissioner to make "the trains run on time." In BPOA's case, it means making sure license renewals, applications and inquiries are properly handled by our staff. It also involves making sure that where appropriate, reciprocal licenses requested from out-of-state individuals are properly reviewed. BPOA is also required to conduct reviews of education programs for some boards.

*I truly believe
the most
important thing
I can do for you
is to provide you
with professional
service — and
that is my goal*

My duties as a voting member on 25 of the 27 licensing boards are the same duties and obligations that the professional and public members have as part of their service on our licensure boards. I act as a judge, along with the other board members, on disciplinary hearings. I participate with the other board members in the drafting and enactment of regulations, rules and other policy initiatives. In addition, I have the responsibility of coordinating policy matters of all 27 boards for Governor Edward G. Rendell.

I truly believe the most important thing I can do for you is to provide you with professional service – and that is my goal.

When Governor Rendell appointed and nominated me BPOA commissioner, he told me to make BPOA and the commonwealth's 27 licensing boards more accessible, responsive and accountable to the legislature, the licensees and the public we are sworn to protect. My pledge to you is that I, as commissioner, am working to carry out Governor Rendell's charge with intelligence, vigor and effectiveness.

If I can be of any assistance, please do not hesitate to reach out and contact my office at any time.

Proper Chiropractic Medical Coding

by Jonathan W. McCullough, DC, FACO, DACR, DACRB, Board Chairman

A recent report from the federal Office of the Inspector General issued in June 2005 titled "Chiropractic Services in the Medical Program: Payment Vulnerability Analysis" indicated 57 percent of billed services did not meet Medicare coverage criteria. In addition, 16 percent of the services were miscoded or billed at the incorrect level of spinal manipulation and six percent were undocumented. Obviously, this is cause for concern to the entire profession. The American Chiropractic Association's opinion states that the OIG report reflects a universal problem in physician documentation and does not

represent a concerted effort by Doctors of Chiropractic to overbill the government for non-reimbursable Medicare services. In far too many instances, chiropractic providers are simply failing to adequately document the medically necessary care provided. While it must be noted that the OIG report draws on 2001 data, this report underscores the importance of conscientious documentation.

The regulation of the State Board of Chiropractic at § 5.51(c) requires the patient record to contain sufficient information to document the clinical necessity for

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Proper Chiropractic Medical Coding

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chiropractic care rendered, ordered or prescribed. The board is in the process of amending this regulation to include greater detail of what is required in the patient record. This proposed amendment was published for public comment in the fall of 2006. It is believed this regulation will help improve chiropractic documentation and thus help prevent inadvertent coding errors which could be perceived as fraud.

Currently the HIPAA National Code Set and Transaction Standards are incorporated under Pennsylvania's Motor Vehicle Financial Responsible Law (MVFRL) and Workers' Compensation Act. One of the code sets under the National Code Set is the American Medical Association's (AMA) CPT-4 Codes for physician services and other health care services. HHS Health Insurance Reform: Standards for Electronic Transactions, 45 CFR § 162.1002(e) (2000). The AMA's CPT-4 is the code set used under the MVFRL/Workers' Compensation Act.

The proper document for use in making a determination if an Evaluation and Management Service (E/M) is to be performed and documented every visit is the one used by Medicare, the Documentation Guidelines (DG) for Evaluation and Management Services. Document Guidelines were published jointly by the AMA and Health Care Financing Administration (now Centers for Medicare and Medicaid Services or CSM) in May 1997 and clearly state on page 3 that the documentation of each patient encounter should include:

- Reason for the encounter and relevant history, physical examination findings and prior diagnostic test results
- Assessment, clinical impression on diagnosis
- Plan for care
- Date and legible identity of the observer

One example of an E/M service described in the DG would be 99212. The correct documentation for this service described in the DG requires that the office or outpatient visit for the evaluation and management of an established patient requires at least two of these three key components:

- A problem-focused history
- A problem-focused examination
- Straight-forward medical decisionmaking

Counseling and/or coordination of care with other providers or agencies are consistent with the nature of the problem(s) and the patient's and/or family's needs.

The first component, a **problem-focused history**, is described in the CPT as *chief complaint, a brief history of present illness or problem*. Breaking it down further, the DG describes the chief complaint as *a concise statement describing the symptom, problem, condition, diagnosis, physician-recommended return, or other factors that is the reason for the encounter, usually stated in the patient's own words*. The documentation of a brief history of presenting illness (HPI) as described in the DB consists of at least three elements from the following list:

- Location
- Quality
- Severity
- Duration
- Timing
- Context
- Modifying factors
- Associated signs and symptoms

A **problem-focused examination**, the second component, is described by the DG as the *performance and documentation* of the elements identified below. The elements used in the documentation of an examination of the patient as described by the DG are:

Examination of joint(s), bone(s) and muscle(s), tendon(s) of four of the following six areas:

- Head and neck
- Spine, ribs and pelvis
- Left upper extremity
- Right upper extremity
- Left lower extremity
- Right lower extremity

It is also important to note that the DG includes the following as part of the description:

- The examination of a given area includes: inspection, percussion and/or palpation with notation of any

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Continuing Education

by Dr. Evon Barvinchack

There is some confusion about how to determine if a continuing education course is approved for Pennsylvania continuing education credit. There are three criteria to identify approved courses.

1. The numbering system goes by the biennial. If you are taking courses that will be approved for the 2006-2008 renewal period, look for courses that have the prefix "DCE-08" in the number, followed by a sequential number (suffix). Example: DCE-08-001.

2. View the list online. For a list of approved courses, log on at www.dos.state.pa.us/chiro and click on "Licensure Information," then "Approved Continuing Education Programs." The board approval numbers are **not** listed on the Web site;

you **must** obtain those from the sponsors.

3. If a course does not have the correct approval number, be aware you are assuming a very real risk that it will not be accepted for credits, should you be audited.

Every renewal period, we, the board, hear many sad tales such as, "I thought it was approved," or "the instructor said our course approval number would be mailed to us," etc. **Caveat Emptor — Buyer beware.** If it is not listed with the course description from the sponsor at the time of registration, you are assuming the potential risk of the course being denied for continuing education. If you are audited and a course is not approved, you could be levied a fine, in addition to other penalties.

I hope this clears up any confusion.

Proper Chiropractic Medical Coding

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misalignment, asymmetry, crepitation, defects, tenderness, masses or effusions.

- Assessment of range of motion with notation of any pain (e.g., straight leg raising), crepitation on contracture.
- Assessment of muscle strength and tone (e.g., flaccid, cog wheel spastic) with notation of any atrophy or abnormal movement.

According to the DG, **straight-forward medical decisionmaking**, the third component, includes considering:

- The number of possible diagnoses and/or the number of management options that must be considered;
- The amount and/or complexity of medical records, diagnostic tests, and/or other information that must be obtained, reviewed and analyzed; and

- The risk of significant complications, morbidity and/or mortality, as well as co-morbidities, associated with the patient's presenting problem(s), the diagnostic procedure(s) and/or the possible management options.

Proper chiropractic medical coding at its very essence is best summarized again by the board's regulation at §5.51(c) that states, "*The patient record shall contain sufficient information to document the clinical necessity for chiropractic care rendered, ordered or prescribed.*" The Pennsylvania Chiropractic Practice Act also requires the performance of an examination prior to the initiation of each patient encounter. If the examination (Evaluation and Management) is not provided at each encounter, medical necessity of chiropractic manipulation cannot be established.

The author is grateful for the input afforded by David Novatnak, D.C., a Certified Professional Coder by the American Academy of Professional Coders.

State Board of Chiropractic Authority Limits

by *Dennis G. Ridenour, D.C.*

Before I begin, I would like to thank the chiropractic profession for the opportunity to be of service to the board for the past eight years. I feel privileged to have been given the chance to fulfill two terms on the board. This position brings with it great responsibility. Judging your peers is a very weighty matter, and I always tried to bring my thirty-five years of accumulative knowledge and clinical expertise to the table when deliberating a case. Again, I was very honored to be in your service.

Undoubtedly, the most frequently asked question posed to me as a board member was: Why doesn't the board take more assertive action on certain matters so vital to the profession? Great question, and there is a very easy answer. The board has power that relates to matters that are only concerned with primarily disciplinary actions.

Often, topics that concern insurance and scope of practice issues arise as major challenges to the profession. While these issues are absolutely critical to the practice of chiropractic in Pennsylvania, and the right of our patients to be served properly and not be discriminated against, these issues can best be served by the chiropractic trade associations within the state. The rules and regulations set forth into law by the state legislature define very precisely what the board can and cannot change and rule upon.

To reiterate, the board has no authority over matters that relate to insurance coverage to our patients or expanding our scope of practice. Again, these are trade association issues. However, if a licensee violates his professional responsibilities in areas such as substance abuse, sexual boundary matters, inadequate continuing education credits, insurance fraud, or an improperly credentialed chiropractic license, the licensee surely will have the opportunity to meet the state board members on a personal basis some Thursday morning in Harrisburg.

In conclusion, let me provide you with a bit of insider information. As I wind up my term, I feel the percentage of violations of the Chiropractic Practice Act is very small. While I must honestly tell you I have seen evidence of absolutely heinous acts done by some in our profession, ninety-nine percent of the doctors of chiropractic in this state are providing wonderful health care to our citizens. We are making a significant difference in people's lives, and in a moment of weakness, don't ever acquiesce to doing what you know is wrong ethically and morally. A brief lapse of professional judgment has cost doctors of chiropractic their licenses and livelihoods permanently.

Remember, never tire of doing the right thing!

The board members, board counsel and board administrator sincerely wish the best to Dr. Ridenour in his future endeavors.

Farewell

by *John Slavek, D.C., DABCO*

It has been my privilege to have served on the board for the past eight years. It seems like yesterday that I took my Oath of Office. It has been a rewarding experience and I have learned a lot from it.

Chiropractic is in good hands. I have never met more dedicated people than those serving on, and for, the board.

Our current board counsel, Thomas Blackburn, is a fine example of what an attorney should be. I would like to thank him for his conscientiousness and patience.

I would also like to thank our board administrator, Deb Smith. Her patience and dedication are

outstanding. She truly has become a good friend and a trusted advisor on board policy. Her knowledge of chiropractic practice is commendable.

I believe the State Board of Chiropractic has protected the health care of consumers to the best of our abilities, as well as maintaining the integrity of the chiropractic profession.

Aristotle said, "By the just we mean that which is lawful and that which is fair and equitable." I think we have accomplished that!

The board members, board counsel and board administrator sincerely wish the best to Dr. Slavek in all his future endeavors.

What is BEI?

*by Thomas Bat, PCI
and Edmund Booth, PCI
of the Scranton Regional Office*

Perhaps as a licensee you already know that the Commonwealth of Pennsylvania's Department of State, Bureau of Professional and Occupational Affairs (BPOA), provides administrative and legal support to 27 professional and occupational licensing boards and commissions. BPOA protects the health, safety and welfare of the public from fraudulent and unethical practitioners. Professionals range from physicians and cosmetologists to accountants and funeral directors. However, many licensees are not aware of another bureau in the Department of State that is equally important, the Bureau of Enforcement and Investigation (BEI).

BEI is mandated by legislation to conduct investigations and enforce selected regulations of all 27 boards and commissions in Pennsylvania. BEI is able to accomplish this task through the use of Professional Conduct Investigators (PCIs), Regulatory Enforcement Inspectors (REI's), funeral home inspectors and pharmacy inspectors.

What does a PCI do?

All of the cases PCIs investigate are complaint-driven. All complaints against any licensee are filed through the BPOA's Complaints Office first, where legal staff determine whether the allegation, if true, would potentially constitute a violation of the respective licensing Act or regulations. If so, the Complaints Office will open a case and request BEI to conduct an investigation.

The PCI then conducts field interviews with the complainant, licensee, witnesses, and anyone else who has personal knowledge of the subject matter being examined. The PCI will collect and categorize all the documents that are pertinent to the case. If the need arises, the PCI will take photographs, verify records, serve subpoenas and visit sites in order to accurately record any relevant facts. This information is submitted to the prosecuting attorney of that licensing board, who will make a decision as to whether to close the case or file appropriate charges. Those charges are filed via a document called an Order to Show Cause (OSC). The PCI may be called to testify as a witness at a formal hearing to present any information he or she personally gathered during the investigation.

If you are ever visited by a PCI, the most important thing to remember is that they are there not to determine whether you have committed a violation. Their job is to simply obtain your side of the story, so that a prosecutor has as much information as possible in order to make the appropriate charging decision.

What does an inspector do?

The Regulatory Enforcement Inspector (REI), mortuary inspector and pharmacy inspector perform field inspection work to determine that a facility is in compliance with the laws, rules and regulations regarding professional and occupational licensing and other areas under the jurisdiction of the Secretary of the Commonwealth. The REI does routine and new business inspections for the Cosmetology, Barber, Real Estate and Motor Vehicle boards. Typically, an inspector will make an appointment to do a new business inspection. All routine inspections, for obvious reasons, are unannounced.

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What is BEI?

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When an inspector enters your place of business, it is to verify that your facility is in compliance with that particular board's rules and regulations. During the inspection, BEI will ask to see your current licenses, required equipment, material, devices and reference books, etc.

Does BEI have the authority to impose any disciplinary action?

When violations are discovered, the inspector may issue a citation (ticket) under Act 48 of 1993. The Pennsylvania Legislature created Act 48 in an effort to streamline the disciplinary process for BPOA. Currently, citations may be issued for certain violations under the following boards: Barber, Cosmetology, Funeral, Pharmacy, Real Estate, Vehicle, Accountancy, Architect, Auctioneer, Engineering and Dentistry. Thus, there are occasions when a PCI may also issue a citation during the course of an investigation. By and large, however, most of the significant charging decisions are made by a BPOA prosecutor and are filed via an Order to Show Cause, as noted above.

An important thing for all licensees to remember is that during the course of an investigation or inspection, the PCI/inspector is gathering facts to be considered by the licensing board. Although BEI is not the ultimate decision maker in most instances, failure to cooperate with the PCI/REI is paramount to not cooperating with the mandates of the licensing board itself.

We hope this brief introduction gives you a better understanding of what to expect when a PCI or an inspector visits you. BEI maintains four regional offices, located in Harrisburg, Pittsburgh, Philadelphia and Scranton. BEI employs approximately 75 PCIs and 28 inspectors to cover the 67 counties in Pennsylvania in an expeditious, professional and customer-oriented manner.

Reminder...

Renew Your License Online

**Go to the Department's Web site at
www.dos.state.pa.us**

**Click on RENEW a Professional License
(www.myLicense.state.pa.us).**

**Then simply follow the instructions
to renew your license online.**

You are eligible to renew online if:

- You are currently in your license renewal period
- Your license is delinquent by no more than 30 days

First-time users need the following information:

- Pennsylvania License Number
- Registration Code
- Current mailing address
- Credit Card information
- E-mail address

Disciplinary Actions

Following is a chronological listing of disciplinary actions taken by the board from May 27, 2005 through May 30, 2006. Each entry includes the name, certificate or registration number (if any), and last known address of the respondent; the disciplinary sanction imposed; a brief description of the basis of the disciplinary sanction; and the effective date of the disciplinary sanction.

Every effort has been made to ensure that the following information is correct. However, this information should not be relied on without verification from the Prothonotary's Office of the Bureau of Professional and Occupational Affairs. One may obtain verification of individual disciplinary action by writing or telephoning the Prothonotary's Office at P.O. Box 2649, Harrisburg, PA 17105-2649; (717) 772-2686. Please note that the names of persons listed below may be similar to the names of persons who have not been disciplined by the board.

Judy C. Thompson, license no. **DC-008786**, of West Palm Beach, FL, was suspended indefinitely based upon disciplinary action in another state. (05-27-05)

Robert G. Bittenbender, Jr., license no. **DC-006306-L**, of Freeland, Luzerne County, was ordered to pay a \$2,500 civil penalty and suspended indefinitely for practicing on an expired license. Bittenbender last practiced in Monroe County. (06-01-05)

Robert Allen Hileman, Jr., license no. **DC-003547-L**, of Reading, Berks County, was revoked, based upon his criminal convictions and his failure to report those convictions to the

board. Hileman last practiced in Philadelphia County. (06-01-05)

Robert A. Ackert, license no. **DC-003201-L** of Philadelphia, Philadelphia County, was suspended for a period of no less than two years (the first 30 days active and the remaining period stayed in favor of probation) and ordered to pay a \$1,000 civil penalty because he was convicted of a felony in a court of this commonwealth, failed to report his criminal conviction to the board, and committed felony insurance fraud and immoral conduct in connection with his chiropractic practice. (07-28-05)

Leonid Kruglyak, license no. **DC-005987-L**, of Wayne, NJ, was required to pay a \$1,200 civil penalty and he must complete the 24 hours of approved continuing education credits within six months. Kruglyak failed to complete the required continuing education credits for the Sept. 2, 2002 through Sept. 1, 2004 licensing period. (07-28-05)

Jeffrey L. Bott, license no. **DC-001339-L** of New Kensington, Westmoreland County, had a public reprimand placed on his permanent board record and was ordered to pay a \$1,000 civil penalty because he practiced chiropractic from Sept. 1, 2002 to June 10, 2004 without a current license. (07-28-05)

Edward F. Bartek, license no. **DC-002209-L** and **AJ-002209-P**, of Easton, Northampton County, was assessed a \$1,200 civil penalty

and must successfully complete 24 hours of continuing education within six months. Bartek failed to provide proof of having completed the required 24 hours of continuing education for the September 2, 2002 and September 1, 2004 licensing period. (09-22-05)

Mary H. Bartek, license nos. **DC-002210-L** and **AJ-002210-P** of Easton, Northampton County, was assessed a \$1,200 civil penalty and must successfully complete 24 hours of continuing education credits within six months. Bartek failed to provide proof of having completed the required 24 hours of continuing education for the Sept. 2, 2002 to Sept. 1, 2004 licensing period. (09-22-05)

Sahfi Anna Goldenberg, license no. **DC-009030-L** of Philadelphia, Philadelphia County, was ordered to pay a \$700 civil penalty because Goldenberg practiced chiropractic from Sept. 1, 2004 through April 2, 2005 while she was not properly licensed. (09-22-05)

Kathleen Anne Hartford, license no. **DC-004358-L** of Natrona Heights, Allegheny County, was assessed a \$700 civil penalty because Hartford practiced chiropractic from Sept. 1, 2004 through March 25, 2005 while she was not properly licensed. (09-22-05)

Brad Douglas Hirschhorn, license no. **DC-003718-L**, of Jenkintown, Montgomery County, had dismissed a charge of failing to provide proof

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Disciplinary Actions

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that he completed the required amount of continuing education. (09-22-05)

David Ian Sarnoff, of Vineland, NJ, was granted a license to practice chiropractic based upon the finding that he is rehabilitated following probation without verdict in disposition of felony charge. (9-22-05)

Adam H. Kleinberg, license no. **DC-009079**, of Bronx, NY, had no disciplinary action imposed based upon disciplinary action in another jurisdiction. (11-17-05)

UNETHICAL OR UNLICENSED ACTIVITY

If you believe the practice or service provided by a licensed professional to be unethical, below an acceptable standard or out of the scope of the profession; or if you are aware of unlicensed practice, please call the Bureau of Professional and Occupational Affairs complaints hotline at:

In Pennsylvania:
1-800-822-2113

Out of State:
717-783-4854

A complaint form is available on the Department of State's Web site at

www.dos.state.pa.us

Richard D. Mercadante, license no. **DC-003277-L**, of Jamison, Bucks County, was required to pay a \$600 civil penalty and successfully complete the lacking 12 hours of continuing education within six months. Mercadante failed to meet the required continuing education credits by 12 hours for the Sept. 2, 2002 to Sept. 1, 2004 licensing period. (11-17-05)

Larry E. Wilkins, license no. **DC-001456-L**, of Mt. Pleasant, Westmoreland County, was required to pay a \$300 civil penalty and successfully complete the lacking six hours of continuing education within six months. Wilkins failed to meet the required continuing education credits by six hours for the Sept. 2, 2002 to Sept. 1, 2004 licensing period. (11-17-05)

Douglas Andrew Wine, license no. **DC-002460-L**, of Hampton, NH, was required to pay a \$200 civil penalty and successfully complete the lacking four hours of continuing education within six months, because he failed to meet the required continuing education credits by four hours for the Sept. 2, 2002 to Sept. 1, 2004 licensing period. (11-17-05)

Jonathan M. Masorti, license no. **DC-003788-L**, of State College, Centre County had his license reinstated to non-suspended and non-probationary status after verification that Masorti has complied with the board's July 25, 2002 order. (12-30-05)

Patrick J. Russamano, unlicensed, of Easton, Northampton County, was ordered to pay a \$5,000 civil penalty and cease practicing of chiropractic for practicing without a license. (01-11-06)

Katherine P. Cicirello, license no. **DC-001863-L**, of Oakmont, Allegheny County, was ordered to pay a \$300 civil penalty and successfully complete the lacking six hours of continuing education within six months. Cicirello failed to provide proof of having completed 24 hours of continuing education between Sept. 2, 2002 and Sept. 1, 2004. (01-26-06)

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2007 Board Meeting Dates

Jan. 27
March 22
May 24
July 26
Sept. 27
Nov. 15

Please check
www.dos.state.pa.us/chiro
for updated information

Disciplinary Actions

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Glen August Siebert, license no. **DC-007343-L**, of Wyndmoor, Philadelphia County, was ordered to pay a \$400 civil penalty and must successfully complete the lacking eight hours of continuing education credits within six months, because Siebert failed to provide proof of having completed 24 hours of continuing education in acceptable courses taken between Sept. 2, 2002 and Sept. 1, 2004. (01-26-06)

Thomas V. Bianco, license no. **DC-005690-L**, of Chadds Ford, Delaware County, was ordered to pay a \$1,200 civil penalty and to complete 24 credit hours of continuing education because Bianco failed to submit proof of completion of at least 24 credit hours of continuing education courses between Sept. 2, 2002 and Sept. 1, 2004. (01-26-06)

Theodore Albert Glazer, license no. **DC-007347-L**, of Wayne, Delaware County, was ordered to pay a \$600 civil penalty and to complete the lacking 12 hours of continuing education credits within six months. Glazer failed to provide proof of having completed 24 hours of continuing education in acceptable courses taken between Sept. 2, 2002 and Sept. 1, 2004. (01-26-06)

Robert Alan Keeler, license no. **DC-002401-L**, of Mt. Pleasant, Westmoreland County, was ordered to pay a \$300 civil penalty and complete the lacking six hours

of continuing education credits within six months. Keeler failed to provide proof of having completed 24 hours of continuing education courses between Sept. 2, 2002 and Sept. 1, 2004. (01-26-06)

Robert Asher Kaplan, license no. **DC-002703-L**, of Narberth, Montgomery County, was temporarily suspended for no more than 180 days on the grounds that his continued practice of chiropractic within the commonwealth is an immediate and clear danger to the public health and safety because of his felony conviction for criminal attempt to commit unlawful contact with a minor, and criminal use of a communication facility in connection with an Internet sex sting in which Kaplan used the Internet to engage in instant messaging and electronic mail communication with an undercover agent posing as a 13-year-old female for the purpose of engaging in deviate sexual intercourse. (03-23-06)

William C. Filcheck, Jr., license number **DC-005467-R**, of Uniontown, Fayette County, was suspended for a minimum of one year based upon his criminal conviction, disciplinary action in another state and failure to report those actions to the board. (04-03-06)

Scott G. Taylor of Morgantown, WV, license no. **DC-004781-L**, was suspended for a minimum of

one year based upon his criminal conviction, disciplinary action in another state and failure to report those actions to the board. (04-03-06)

Bruce C. Gipson, license no. **DC-005000-L** of Reading, Berks County, was indefinitely suspended for no less than six years because Gipson is addicted to prescription narcotics and was arrested for acquisition or obtaining possession of a controlled substance by misrepresentation, and possession of a controlled substance. (05-25-06)

Michael A. Smith, license no. **DC-005302-L** of Quentín, Lebanon County, was ordered to pay a \$1,000 civil penalty. Smith violated the Chiropractic Act at 63 P.S. §625.506(a)(9) through a violation of 49 Pa. Code §5.31(c)(4), i.e., soliciting business from motor vehicle accident victims. (05-25-06)

Robert Asher Kaplan, license no. **DC-002703-L** of Narberth, Montgomery County, agreed to a permanent, voluntary surrender of his license to practice chiropractic medicine because he was convicted of a felony, failed to report in writing his admission of guilt to two felony offenses within 90 days after its occurrence, and engaged in immoral conduct by committing acts involving moral turpitude, dishonesty or corruption. (05-25-06)

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Disciplinary Actions

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Douglas A. Henderson, license no. **DC-003561-L** of Lower Burrell, Westmoreland County, permanently and voluntarily surrendered his chiropractic license. Henderson displayed misconduct in carrying on the practice of a chiropractor, committed immoral and unprofessional conduct, submitted to a third-party payor a claim for a service or treatment which was not actually provided to a patient, and committed an act involving moral turpitude, dishonesty or corruption. (05-25-06)

Anthony P. Galzarano of Philadelphia, Philadelphia County, was assessed a \$300 civil penalty for failing to complete board-required continuing education. (06-05-06)

William S. Matura, license no. **DC-001218-L**, of Philadelphia, Philadelphia County, was revoked and assessed a \$5,000 civil penalty based upon his convictions in federal court for conspiracy to commit health care fraud and obstruction of justice, as well as making fraudulent statements in the practice of chiropractic, submitting to third-party payors claims for service or treatment not actually provided, and committing immoral or unprofessional conduct. (06-05-06) **Vernon Edwin Stafford**, license no. **DC-005164-L**, of Erie, Erie County, was suspended, stayed in favor of probation, based on his guilty plea to a felony in federal court. (06-05-06)

Richard S. Capacio, license no. **DC-002723-L**, of Philadelphia, Philadelphia County, was suspended for five years and assessed a \$3,000 civil penalty based upon his convictions in federal court for conspiracy to commit health care fraud and obstruction of justice, as well as making fraudulent statements in the practice of chiropractic, submitting to third-party payors claims for service or treatment not actually provided, committing immoral or unprofessional conduct, and failing to report his convictions to the board. After one year of active suspension, the remaining period of suspension was stayed in favor of probation. (6-23-06)

Thomas R. Wilkins, license no. **DC-007143-L**, of New Castle, Lawrence County, was automatically suspended based on his guilty plea to a felony of knowingly or intentionally possessing a controlled or counterfeit substance. (06-27-06)

Lewis Korff, license no. **DC-003793-L**, of Philadelphia, Philadelphia County, agreed to a permanent, voluntary surrender of his license to practice chiropractic medicine. Korff was convicted of a felony in federal court; made misleading, deceptive, untrue or fraudulent representations in the practice of chiropractic medicine; intentionally submitted to third-party payors claims for service or treatment that was not actually provided to the patient; and committed immoral and unprofessional conduct in the practice of chiropractic medicine. (07-27-06)

Gertrude Elizabeth Johnson of Rialto, CA, license number **DC-005880-L**, was reprimanded based upon disciplinary action in another state. (08-03-06)

Brian S. Torchin of Boca Raton, FL, license no. **DC-006613-L**, was revoked of his license to practice chiropractic. Torchin displayed misconduct in carrying on the practice of chiropractic, committed immoral and unprofessional conduct, intentionally submitted to a third-party payor a claim for a service or treatment which was not actually provided, and committed an act involving moral turpitude, dishonesty or corruption. (09-28-06)

Kathleen K. Petrucci, license no. **DC-006880-L**, of Yardley, Bucks County, was assessed a \$350 civil penalty. Petrucci failed to provide proof of having completed 24 hours of continuing education in acceptable courses taken between Sept. 2, 2002 and Sept. 1, 2004. (09-28-06)

Joseph J. Davidson, license no. **DC-005414-L**, was revoked and assessed a \$5,000 civil penalty based upon his federal criminal conviction and for making fraudulent statements in the practice of chiropractic, submitting to third-party payors claims for service or treatment not actually provided, committing immoral or unprofessional conduct, and failing to report this conviction to the board. (09-29-06)

P E N N S Y L V A N I A

State Board of
CHIROPRACTIC

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