

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

STATE BOARD OF

Chiropractic

NEWSLETTER

Fall 2005



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or visit the
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Board telephone: (717) 783-7155
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Voluntary Recovery Program

Dennis G. Ridenour, D.C.

The Voluntary Recovery Program (VRP) is a plan initiated by the state of Pennsylvania to help impaired professionals. This program does not chastise an individual for addictions, but rather offers an opportunity for recovery while keeping one's professional life intact.

In spite of the fact that Doctors of Chiropractic represent the largest drugless health care profession in America, we unfortunately live in a culture that makes addiction easy. As a health care provider you owe your patients first, and yourself second – the paramount responsibility of providing health care of the highest integrity. If you would fall into the trap of addiction, the VRP can be a life-saving safety net. But, you must want to help yourself. To qualify you initiate contact yourself by calling directly at #1-800-554-3428.

My tenure on the board has provided me with the first-hand opportunity to observe two distinct ways drug cases may be handled. The first is rather straight-forward – if arrested by the police for using illegal drugs, you will be prosecuted like any other common criminal, and incarcerated if convicted. The police will report the crime to the

Complaints Office and your license may be disciplined/revoked.

The second and wisest method is for you to realize you are impaired, report yourself to the VRP before you hurt a patient or yourself and begin the road to recovery, renewed self esteem and most likely the ability to continue practicing chiropractic.

The VRP involves monitoring procedures to ensure compliance, and most importantly, your recovery from addiction.

As a result of spending the last seven years serving on the State Board of Chiropractic, I have personally witnessed how invaluable this program can be in doctors lives. If you are impaired due to an addiction, get your life back by participating in this program now!

Chiropractic Assistants and the Delegation of Ancillary Procedures

John K. Slavek, D.C.

A licensed Chiropractor, who is also certified to perform adjunctive procedures, may utilize the assistance of unlicensed supportive personnel. The chiropractic assistant must perform these procedures under the direct on-premises supervision of a licensed Chiropractor. A Chiropractor may not delegate any activity or duty to an unlicensed individual which requires formal training or education in the practice of chiropractic or the knowledge and skill of a licensed chiropractor.

Therefore, a licensed Chiropractor may delegate the duties of performing adjunctive and ancillary procedures such as applying physiological therapeutics, e.g. ultrasound therapy or electrical stimulation to an assistant, as long as the Chiropractor is on the premises and has directly supervised the procedure as to the way it is applied as well as the location and duration.

We hope this explains anything misleading in our Practice Act.

Pennsylvania Chiropractic Specialists

Jonathan McCullough, D.C., DACRB, FACO, DACR

Section 506(a)(17) of the Chiropractic Practice Act authorizes the Board to take disciplinary action against a licensee who holds himself out as a specialist unless he possesses a postgraduate certification in that specialty. The Board's regulation at Section 5.1 defines chiropractic specialty as "a specialized area of chiropractic in which a licensee has achieved certification or diplomate status through a program approved by an approved chiropractic college that has established valid standards acceptable to the Board for the achievement of certification or diplomate status."

Like so many of the ethical issues the state board grapples with on a bi-monthly basis, this question of chiropractic specialization is fairly straight-forward. If you didn't really earn it, don't use it. A few years ago a popular book was on the best seller list *All I Ever Needed to Know, I Learned in Kindergarten*. Who would have ever imagined that it would become necessary to tell doctors, learned men and women, of a noble profession, not to lie? That is exactly what "Resume Inflation" is; it is deceptive. You all know the programs, the legitimate and the illegitimate ones. The legitimate programs are taught by actual institutes of higher education, they require years of study, inconvenience and are costly, both financially as well as in time away from your family and practice. The illegitimate ones promise you credit for "time served" and various "grandfathering" schemes, \$750 application fees paid to "Boards" that have no standing with approved chiropractic colleges nor this Board (of Chiropractic).

Before you gratuitously add initials behind your name consider your motive for this. Am I attempting to accurately explain my educational background or am I trying to elevate myself over my peers, after all who really knows the difference between a DACRB and DACBR? Does anyone know that "Board Certified" is different from the albatross "Board Eligible". There is a

difference between being certified by a credible board and simply being eligible to take the exam; be advised that many of the specialty boards have completely abolished this title "Board Eligible" because of title abuse. If you are using this title improperly you may be subject to sanctions.

My experience has been that those using bogus credentials are by far an exceedingly small minority. Far and away the vast majority of licensed chiropractors are honest, caring professionals who would never dream of bringing illegitimacy to themselves or their profession.

The use of valid, honestly earned specialty credentials is protected by the Chiropractic Practice Act. If you haven't earned the credentials in an approved program, don't use it. IT IS DECEPTIVE!

The use of diploma-mill credentials serves neither the public nor the profession but rather casts dispersion on us all. Don't think that your attorney can argue successfully that "Chiropractic Neurosurgeon" really is protected free speech and, as such, is immune from prosecution by this Board or the State Boards of Medicine or Osteopathic Medicine. Remember, a letter of reprimand will follow you just as far as any other disciplinary action.

What is the answer? If you didn't earn it honestly, don't use it! Tell the truth. Don't make false, misleading untrue or fraudulent representation in the practice of chiropractic. This is not just a violation that could lead to professional discipline. Under Section 702(12) of the Chiropractic Practice Act, holding oneself out as a specialist without possessing a post-graduate certification is also a misdemeanor of the third degree subjecting you to criminal prosecution.

REMINDER

Renew your Chiropractic License Online

If you choose to renew via the Internet, go to the Department's website at **www.dos.state.pa.us** and click on LicensePA (**www.myLicense.state.pa.us**). Then simply follow the instructions to renew your chiropractic 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 will need the following information at hand:

- Pennsylvania License Number
- Renewal ID Number (located on the Renewal Application)
- Current mailing address
- Credit Card information
- Social Security Number
- E-mail address
- Continuing Education information

Meet Our Newest Board Members

Michael A. Phillips D.C.

Michael A. Phillips is the newest member of the chiropractic board. He graduated in 1970 from Shikellamy High School and in 1974 from Lock Haven University, with a B.S. degree in biology. Phillips earned his D.C. degree from Sherman College of Straight Chiropractic in 1978 and was class valedictorian. He opened his office in Sunbury in September of 1978 and has been in continuous practice at the same location since that time. Phillips completed post graduate studies in chiropractic orthopedics through the Los Angeles College of Chiropractic, is a panel doctor for the Industrial Medicine System, Sunbury Community Hospital and was a past member of the Board of Directors of the Pennsylvania Chiropractic Federation. He is currently a member of the Pennsylvania Chiropractic Association. Phillips has been married to his wife Melissa for 27 years and lives in Point Township, located outside the borough of Northumberland. They have three children, Rebecca, 25, a high school French teacher in Montross, VA, Joshua, 23, a recent graduate of Lock Haven University with a degree in Sports Administration, and Nathaniel, 20, a third year student at Shippensburg University, Shippensburg, PA.

Thomas M. Devlin

Thomas M. Devlin is a Senior Deputy Attorney General in the Charitable Trusts & Organizations Section of Pennsylvania's Office of Attorney General, where he prosecutes civil enforcement cases; does mergers, acquisitions, and dissolution of nonprofit entities; and pursues orphan's court cases. He has practiced law for approximately 25 years in both private and public sectors. He is a member of the Pennsylvania Bar Association and the Dauphin County Bar Association. After law school, Mr. Devlin served as law clerk for two distinguished bankruptcy judges in the Middle District of Pennsylvania. He received his J.D. from the Claude W. Pettit School of Law of the Ohio Northern University and graduated from Penn State University receiving B.A. and M.A. degrees.

Be Prepared for Board Hearings

Carole Lee, Public Member

The older I get and the more I learn about life, the more I realize how important the lessons we learned as children have become. The lesson or motto I am referring to in this article is the Boy Scout Motto: Be Prepared.

It is amazing the number of chiropractors who appear before the Board for a hearing ill-prepared. You are appearing either at your request or at the request of the Board. Some hearings are conducted by a Hearing Examiner and don't come before the Board. Whether your hearing is before the Board or a Hearing Examiner – please be prepared.

I have witnessed doctors at the hearing without any documentation whatsoever. Also, many have tried to use evi-

dence that is hearsay. If you have witnesses willing to testify on your behalf, bring them along.

Being unprepared may result in regrets for the rest of your life! Remember that a hearing before the Board is serious. Your reputation and your license may be on the line. Therefore, take a little time and make sure you are ready to present your case.

When preparing for a disciplinary hearing, remember these two very important words:

BE PREPARED!

Disciplinary Actions

Following is a chronological listing of disciplinary actions taken by the Board from March 1, 2004 through June 30, 2005. 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.

Joseph D. Diana, license no. **DC-002597-L**, of Hazleton, Luzerne County, was ordered to pay a civil penalty of \$100, because he failed to include his name and profession in an advertisement for his services and placed an advertisement for his services that was misleading in that it did not indicate that it was an advertisement for chiropractic services. (05-27-04)

Steven R. Emch, license no. **DC007697L**, of Erie, Erie County, was ordered to pay a civil penalty of \$1,200, because he failed to complete the continuing education credits required by the Board. (05-27-04)

David J. Leh, license no. **DC002226L**, of Yardley, Bucks County, was ordered to pay a civil penalty of \$500, because he failed to complete the continuing education credits required by the Board. (05-27-04)

Lucinda Ann Marsh, license no. **DC002804L**, of Harding, Luzerne County, was ordered to pay a civil penalty of \$600, because she failed to comply with continuing education required by the Board. (05-27-04)

Anthony Tartamosa, license no. **DC006507L**, of Red Lion, York County, was ordered to pay a civil penalty of \$250, because he failed to complete the continuing education credits required by the Board. (05-27-04)

Edward J. Bouldin, Jr., license no. **DC-002004-L**, of Irwin, Westmoreland County, was ordered to pay a civil penalty of \$500, because he practiced chiropractic in the Commonwealth of Pennsylvania from September 1, 2002 to July 3, 2003 without a current license. (07-22-04)

Koreen Lynn Byrns, unlicensed, of Jeannette, Westmoreland County, was ordered to pay a civil penalty of \$5,000 and cease and desist from the practice of chiropractic until such time as she becomes duly licensed by the Pennsylvania State Board of Chiropractic, because she practiced chiropractic on at least 100 occasions in the Commonwealth of Pennsylvania from September 1998 to July 2002 without ever having been issued a license to practice chiropractic in the Commonwealth of Pennsylvania. (07-22-04)

Mark Rosenberg, license no. **DC-007230-L**, of Ardmore, Montgomery County, license was voluntarily revoked, because he committed immoral and unprofessional conduct in that he failed to conform to the standards of acceptable and prevailing chiropractic practice when he was arrested and charged with one count of aggravated indecent assault and one count of indecent assault. (07-22-04)

Thomas R. Lawrence, license no. **DC-003703-L**, of Littleton, CO, had his license to practice chiropractic revoked based upon his conviction of 36 felonies. (07-29-04)

Caren L. Shanfeld, license no. **DC-002804-L**, of Newtown, Bucks County, was ordered to pay a civil penalty of \$100, because she failed to comply with continuing education requirements established by the State Board of Chiropractic. (09-23-04)

George A. Szekely, license no. **DC-000850-L**, of Lansdale, Montgomery County, was ordered to pay a civil penalty of \$1,500 and was placed on probation with terms and conditions for six months, because he was convicted of a misdemeanor in the practice of chiropractic. (09-23-04)

Richard J. Herbert, license no. **DC-004001-L**, of Point Pleasant, NJ, was suspended indefinitely and ordered to pay a civil penalty of \$5,000, based upon disciplinary action in another state, failing to report to the Board disciplinary action in another state, practicing on a lapsed license, failing to provide proof of completion of the required amount of continuing education and submitting a false or deceptive biennial registration statement. (09-28-04)

Mark Allen Lauffer, of Alhambra, CA, was denied licensure to practice chiropractic, because he had not successfully completed all parts of the national exam. (01-10-05)

Larry Turetsky, license no. **DC-006260-L**, of Philadelphia, Philadelphia County, agreed to a permanent, voluntary surrender of his license to practice chiropractic because he was convicted of multiple felonies and misdemeanors, including rape, indecent assault, aggravated assault, and involuntary deviate sexual intercourse, in the Court of Common Pleas of Philadelphia County. (01-27-05)

Larry Skinner, license no. **DC-002681-L**, of Weatherly, Carbon County, was ordered to pay a civil penalty of \$5,000 and suspended indefinitely, for practicing on an expired license. (01-31-05)

Ralph C. Bencivengo, license no. **DC-002211-L**, of Hamilton, NJ, was ordered to pay a civil penalty of \$1,000 and had a public reprimand placed on his permanent Board record because he had his license to practice chiropractic disciplined by the proper licensing authority of another state. (03-24-05)

Robert A. Mancuso, license no. **DC-001539-L**, of Nicholson, Wyoming County, agreed to a permanent, voluntary surrender of his license to practice chiropractic because he committed immoral and unprofessional conduct in that he failed to conform to the standards of acceptable and prevailing chiropractic practice when he was arrested and charged with one felony count of aggravated indecent assault and one count of indecent assault. (03-24-05)

Joanne M. Gallagher, license no. **DC-002496-L**, of Conyngham, Luzerne County, license was revoked, based upon her criminal convictions and for displaying gross incompetence, negligence or misconduct in the profession, committing unprofessional conduct and failing to refer a patient. (03-28-05)

DisMelissa Grill, of Smyrna, GA, was denied licensure to practice chiropractic, because Georgia, the state in which she is licensed, does not accord reciprocal licensure privileges to persons licensed in Pennsylvania and because she has not taken and passed part IV of the National Board Examination. (03-28-05)

Gary Gene Schumaker, of Vandergrift, Westmoreland County, was granted a license to practice chiropractic, based upon a finding that he made

Disciplinary Actions...con't

significant progress in personal rehabilitation since his conviction for drug trafficking so that licensure should not be expected to create either a risk of harm to the health and safety of his patients or the public or a substantial risk of further criminal activity. (03-28-05)

Robert Boback, DC, license no. **DC-006856-L**, of Sewickley, Allegheny County, was ordered to pay a civil penalty of \$1,000 and suspended indefinitely, for failing to submit evidence that he completed continuing education. (03-28-05)

Barbara Stein, DC, of Ventnor, New Jersey, was granted a license to practice chiropractic, based upon finding that she is rehabilitated following probation without verdict in disposition of felony charge. (03-28-05)

Carl E. Weisse, license no. **DC-004436-L**, of Philadelphia, Philadelphia County, had a public reprimand placed on his permanent Board record and was ordered to pay a civil penalty of \$1,000, because he practiced chiropractic in the Commonwealth of Pennsylvania from September 1, 2002 to November 4, 2004 without a current license. (05-26-05)

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

Joseph M. Giacalone, DC, of Canadensis, Monroe County, was granted a license to practice chiropractic, based upon a finding that he is rehabilitated following disciplinary action in another jurisdiction. (05-27-05)

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

Robert Allen Hileman, Jr., DC, 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)

Clarification of PIAA and DMV Evon Barvinchack, D.C.

In a recent letter State Representative Jess M. Stairs, Mr. Michael L. Solomon representing the PIAA states: "On the basis of the statutory limitation upon the scope of the practice of Chiropractic in Pennsylvania, this prevents chiropractors from performing the type of examination contemplated by Article V of the PIAA By-laws."

In other words, the PIAA requires school physicals to be performed by a physician who has a plenary (unrestricted) medical license. Chiropractors have a limited scope (restricted) license. Mr. Solomon went on to say that the PIAA's position on physical exams should not be construed to imply that chiropractors may not be able to provide appropriate treatment for athletic related injuries.

It's official, according to the PA Department of Motor Vehicles – Chiropractors may perform physical examinations for drivers licenses in Pennsylvania – there is a box on the form with the designation "D.C."

Remaining 2005 Board Meeting Dates

September 22
November 17

Public Member Point of View Nancy Semmel, Public Member

The State Board of Chiropractic consists of five chiropractors, two public members and one Consumer Protection Member. In the past year we have seen far too many serious substance abuse cases. This is alarming because not only does this put the doctor's physical and professional well-being into jeopardy, but it can endanger patients lives. A chiropractor with an addiction may commit insurance fraud to "fund" the problem.

Help is available through the Professional Health Monitoring Program (PHMP) at #1-800-554-3428.

We encourage all patients and office staff to report any abuse cases to the proper authorities.

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: 1-717-783-4854

A complaint form is available on the Department of State's website at www.dos.state.pa.us

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Act and Regulations Booklets

The “Chiropractic Act of 1986” and “Title 49. Chapter 5.Regulations” are available on the Department of State’s website at www.dos.state.pa.us.

To obtain paper copies, please contact the Board Office at
(717) 783-7155.

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