

IOWA BOARD OF CHIROPRACTIC

January 12, 2022

Origination Site: Lucas State Office Building, 5th Floor Conference Room #526
Des Moines, Iowa

Closed Session Meeting Minutes

The Board meeting was hosted virtually and in-person at the Lucas Building, 5th Floor, Conference Room 525. Instructions for virtual attendance through ZOOM were provided on the agenda.

Members Present

Shane Townsend, D.C.

Lauri Wondra, D.C.

Jason Wall, D.C.

Rodney Langel, D.C.

Christopher Frethiem, D.C.

Leslie Duinink, Public Member

Kirby Connell, Public Member

Members Absent

None.

Staff Present

Susan Reynolds, Executive Officer

Kristi Traynor, Assistant Attorney General

Steve Garrison, Bureau Chief

Vicky Winter-Clearman, Assistant to Board Administration

Beth Jorgenson, Compliance Administrator

Closed Session Meeting Minutes

The Board reviewed the closed session meeting minutes of October 13, 2021. Board consensus is approval as presented in open session.

12-005 Stuart Hoven (Monitoring)

The Board was in consensus the licensee was in compliance.

18-0108 and 19-0192 Nicholas McColley (Monitoring)

The Board was in consensus the licensee was in compliance with his quarterly reports and the submission of \$300 for costs associated with his probation. The licensee's probation will terminate December 31, 2023.

20-0104 Joel Rexroth

Review Quarterly Reports.

The Board was in consensus the licensee was in compliance with his quarterly reports.

20-0105 Joshua Hannish

The licensee is currently out on bond and is under a voluntary agreement not to practice. He has multiple charges of Class B and C felonies. In the interest of economy and pending criminal charges, the hearing has been continued to 10:00 a.m. on April 13, 2022.

21-0142 Joshua Blunt

The licensee was charged with insurance fraud, identity theft and forgery by the Iowa Insurance Fraud Bureau. The complaint will remain pending until a final judgement is rendered on the criminal charges.

21-0146 Drew Corpstein

The allegations involve an intern providing chiropractic services without supervision that resulted in personal injury; and the chiropractor making deceiving references to the public and patients that the intern was a licensed chiropractor. The Board reviewed the investigative report. The report substantiated the student provided services without the presence of the chiropractor; and, the chiropractor admitted he referenced the intern as a doctor multiple times.

The Board was in consensus to issue a Statement of Charges against the licensee for violating IAC 45.2(3) by knowingly making misleading and deceptive statements; and allowing the intern to provide chiropractic services on patients without appropriate supervision.

21-0182 Josiah Fitzsimmons

Complaint alleges predatory lending on an advance prepayment plan. Narrative, superbill and clinic notes were reviewed by the Board. The patient signed a contract for \$10,000 in services. A few days later, she asked to rescind the contract because she couldn't afford it. The patient was refunded \$2,000 for an adjustment that was not documented in the medical records. She did not receive reimbursement for the durable medical equipment and supplements because the contract stated these items were

nonrefundable. The patient referenced that she contacted the Attorney General's Office about VERO and their predatory lending habits. AAG Traynor will contact the Consumer Protection Agency if similar cases are pending. Initially the patient said she was offered a discounted federal loan program. The Board was unaware that such a program existed. It was the Board's consensus to request the ABN; ask for clarification on the federal assistant program; and to wait on the details from the Consumer Protection Division.

At the January meeting, no communication had been received from the licensee to clarify the federal loan assistance. AAG Traynor confirmed there were consumer fraud complaints filed but the Bureau is understaffed and it will take some time before the investigations are finalized. The complaint will remain pending until the licensee responds.

21-0197 Heather Ni Yost

The complaint alleges the licensee is distorting lab interpretations to make patient purchase services that are not needed. The patient's name was obtained and letter to request patient records was requested. The information was received the day prior to the board meeting and the complaint will remain pending until the Board has had sufficient time to review the records.

21-0219 Jason James

The complaint alleges discrepancies on advance prepayment plan. The provider advertised a \$220 service for \$17 with a coupon. The patient was denied the use of the coupon and her insurance was charged \$375. The advertising clearly states the offer does not apply to federal beneficiaries. The patient had Humana (Medicare product) which disqualifies her from using the coupon.

The patient was advised she needed treatment three days a week for a year. A claim of excessive treatment recommendations must be supported by clinical findings. Medical records were not received from the provider to support or refute the claim.

The patient was offered a loan to prepay for services. The patient accepted the loan and then decided not to accept the treatment plan, and cancelled future services. The loan was repaid by the patient but she disputes the remaining amount owed to her by the provider. The disputed amount owed by the patient are not supported by billing records in the Board's possession. A narrative report by office staff mentions a credit on the patient's account and they are waiting on insurance before they issue a refund. The

figures quoted do not balance with what the provider is owed. This point cannot be satisfied until proper billing records are provided.

The provider provided the patient's billing and medical records, including the Humana records and a narrative prepared by his attorney. The issue on the discrepancy of the signatures on the contract are outside the Board's scope of practice. It was the Board's consensus to close the complaint with a Letter of Education on misleading advertising.

21-0240 Wayne Meylor

The complaint alleges the licensee is advocating that spinal adjustments boost the immune system to prevent COVID-19. The Board reviewed the licensee's narrative. The Board was in consensus the licensee did not do anything unethical but requested he be issued a Letter of Education to remind him there is no quality evidence to support spinal adjustments can improve immunity to COVID-19.

21-0261 Douglas Kremer

The complaint alleges the licensee is advocating misinformation on COVID-19 through social media posts. The Board reviewed the licensee's narrative. The Board was in consensus the licensee was giving his personal opinion in a public forum and to close the complaint for no probable cause.

21-0264 Gregory Kern

The complaint alleges that that the licensee advocated against mask requirements in a public survey. The Board reviewed the response from the licensee and were in conformity he was expressing his own opinion and not that of a practitioner. The Board was in consensus the licensee did not commit harm to the public and to close the complaint for no probable cause.

21-0283 Vincent Hassel

A complaint was opened against licensee Vincent Hassel after receiving an anonymous complaint he incurred his third OWI. Iowa Courts online reported three OWI's over the last five years. He was offered an agreement through the Impaired Practitioner's Program but declined. The complaint was referred for investigation. Investigator Barton provided a summary of the investigative report. The Board was in consensus to move forward with Statement of Charges cited 45.2(1)a and 45.15 for failing to report a conviction within 30 days and to acknowledge the conviction on his renewal.

21-0287 Shannon Clark

The complaint alleges the licensee provides free adjustments to high school athletes on game day. Iowa code and rules does not restrict a provider from providing free adjustments. Dr. Wondra said there is a restriction on the amount of services that a provider can provide free of charge but she can't remember where it was referenced. Dr. Langel stated that if any of the students were on Title 19 that is a federal program and it would be illegal. AAG Traynor said the licensee has not had an opportunity to respond. If the Board feels a Letter of Education is warranted, they need to determine if any of the athletes have coverage under Title 19 or other federal programs. The Board was in consensus to request a narrative from the licensee clarifying if any of the athletes are on federal insurance programs. The complaint will remain pending.

21-0338 Jennifer Slifer

Complaint alleges the licensee failed to properly file documents with the Secretary of State's office. The Board lacks jurisdiction over the complaint and was in consensus to close for no probable cause.

Duinink moved the Board return to open session at 12:06 p.m. A second was received by Townsend. All ayes, nays none, motion carried.