

**Arkansas State Board of Chiropractic Examiners
Teleconference
Tuesday, September 17, 2019**

CALL TO ORDER

The board meeting was called to order by Kent Moore, D.C., President, at 1:00 p.m.

ROLL CALL

Board Members present:

Kent Moore, D.C.
Michael Courtney, D.C.
Jack McCoy
Harold Gunter
Tanya Holt, D.C.

Board Members absent:

Dustin Heard, D.C.
Sarah Hays, D.C.

Staff present:

Laurie Mayhan, Executive Director
Brad Nye, Assistant Attorney General

BUSINESS ITEMS

Transfer & Temporary License Requests

Katelyn R Holt - has submitted an original license application request along with a Supervised temporary license request. She meets all requirements for a temporary license. Mr. McCoy moved that the applicant be approved for a supervised temporary license. Dr. Courtney seconded the motion. Motion passed.

Martin S Parks - has submitted a transfer license application request and does qualify under the Transfer of license rule. He meets all requirements for licensure with the exception of attending the next New Licensee Orientation. Dr. Holt moved to approve the application. Mr. Gunter seconded the motion. Motion passed.

NBCE Part IV examiners requested

The NBCE asks that the state boards participate in the administration of the NBCE Part IV examinations several times a year and since the board was informed that Dr. Heard was not going to be reappointed the board could select another board member to go. Dr. Courtney volunteered to be an alternate as he is unsure of his schedule. No other professional members volunteered to attend.

Rules review- Reciprocity

The model language that was received from the attorney general's office was reviewed again and the chairman had issues with the section titled, "License for person from a state that does not license profession..." whereas he thinks it does not apply to the board as all states license chiropractors. Also, the director pointed out that the last section titled, "Reciprocity and state specific education..." may not be needed as the board does not require Arkansas specific education requirements other than what is listed under A(1)(a)(i). Dr. Holt motioned to accept the model language with the exception of the last two sections titled "License for person from a state that does not license profession", and "Reciprocity and state specific education". Motion seconded by Mr. McCoy. Discussion followed. Motion failed due to lack of votes.

Rules review- Pre-Licensure Criminal Background check waiver request

The model language that was received from the attorney general's office was reviewed again and counsel explained that this rule is to give an applicant with a background history the option to petition the board for a determination of whether a waiver may be obtained. The waiver would allow the applicant to know in advance of application to a chiropractic college and/or this state for licensure if he/she would qualify for licensure with regard to their background history. Mr. McCoy motioned to accept the pre-licensure criminal background check waiver model language. Motion seconded by Dr. Holt. Motion passed.

Rules review booklet (all other updates)

The director pointed out in the working draft of the rule booklet that she made additional notations of sections that may need to be amended or stricken from the current rules.

- Rule II A(2)(e) needs to be amended to add that NBCE Part IV is required as of 7/1/16. Dr. Courtney motioned to approve the amendment. Motion seconded by Mr. McCoy. Motion passed.

The Chairman pointed out on page 18 of the booklet under Preceptorship(d)(7) where it states, "Is not an immediate family member to the chiropractic student," that it should be removed for those chiropractors

who have children in chiropractic college that may want to come back and precept with their parent. Dr. Holt motioned to strike line (d)(7). Motion seconded by Mr. McCoy. Motion passed.

- Rule II A(2)(h), is it still needed since 17-81-306 has been repealed. Dr. Holt motioned to strike rule A(2)(h). Motion seconded by Dr. Courtney. Motion passed.
- Rule II A(3)(e) may need to be amended due to ACT 990 where terms like moral character and/or turpitude should not be used regarding an applicant's background. Counsel recommended that this section be stricken as similar terms were stricken from statute. Dr. Courtney motioned to strike Rule II A(3)(e). Motion seconded by Mr. Gunter. Motion passed.
- Rule II A(4) may need to amend or strike this rule due to non-use over past 6 years. Dr. Courtney motioned to strike rule II A(4) along with (4)(a) and (b). Motion seconded by Dr. Holt. Motion passed.
- Rule II A(5)(b) needs to be amended to remove item two (2) where it states, "the Practical Examination of the Arkansas State Board of Chiropractic Examiners." Mr. McCoy motioned to remove item (2) from rule II A(5)(b). Motion seconded by Dr. Holt. Motion passed.
- Rule II D(9) may need to be better defined as who the agent of the chiropractor could be. It has been discussed in the past with other board appointed attorneys that the terms procurer, contractor or employee may need to be added throughout. Mr. McCoy motioned to accept the amendment. Motion seconded by Mr. Gunter. Motion passed.
- Discussion regarding license status definitions being added to the rules especially one for Active-Out of State. Members agreed that it would not hurt to have them listed, but it's not something the board has to work on right now, it can be revised at a later date.

No other members brought forward any other rules to be amended or stricken.

The Chairman asked that counsel work on the reciprocity model language regarding the provisional license being issued at will without required documents being on hand at time of application.

The Director informed the board that all the rules they have approved thus far will be drafted into a final copy or copies and that they will be sent over to the secretary of the Department of Health for review and then on to the Governor for his review and approval.

ADJOURN

Dr. Courtney moved to adjourn. Dr. Holt seconded. Motion passed. The Board adjourned at 1:52 p.m.

*Board minutes approved: **October 15, 2019***