

**Arkansas State Board of Chiropractic Examiners  
Board Meeting  
Tuesday, October 15, 2019**

**CALL TO ORDER**

The board meeting was called to order by Kent Moore, D.C., President, at 10:03 a.m.

**ROLL CALL**

Board Members present:

Michael Courtney, D.C.  
Jack McCoy  
Harold Gunter  
Tanya Holt, D.C.  
Sarah Hays, D.C.  
Greg Ungerank, D.C.

Staff present:

Laurie Mayhan, Executive Director  
Brad Nye, Assistant Attorney General

Guests present:

Geraldan Bradford  
Chris Cathey, DC  
Thomas Taylor, DC  
Rachel Hoad  
Nate Smith, MD  
Matt Gilmore  
Becky Crenshaw  
Randy Holt, DC

## MINUTES

Dr. Courtney motioned to accept the July 16, 2019 board minutes. Dr. Holt seconded the motion. Motion passed.

Mr. McCoy motioned to accept the September 17, 2019 teleconference minutes. Mr. Gunter seconded the motion. Motion passed.

## DIRECTOR'S REPORTS

### Budget Report

The monthly Service Bureau report was presented to the board instead of the Revenue Summary report and the Expenditure report as it contains both revenue and expenditures for the agency. Also presented was an itemized cash flow report for FY2020 (July 1, 2019 – June 30, 2020). Total amount expended, thus far, for FY2020 is **\$33,416.33** with **\$154,523.67** remaining of FY20 budget (**\$187,940.00**).

#### FY2020 (July 1, 2019 – June 30, 2020)

Status	Apps received	Class hours offered	Fee Due	Fee Paid
Approved	89	1,204	\$6,020.00	\$6,020.00
Approved with Exception	1	18.50	\$92.50	\$92.50
Not Approved	0	0	\$0.00	\$0.00
Pending	1	49	\$245.00	\$245.00
Cancelled	0	0	\$0.00	\$0.00
Incomplete	0	0	\$0.00	\$0.00
Void	0	0	\$0.00	\$0.00
<b>Total:</b>	<b>91</b>	<b>1,271.51</b>	<b>\$6,357.50</b>	<b>\$6,357.50</b>

### 2020 License Renewals

A total of 660 renewals were mailed out on August 30, 2019. Of those, 6 have been returned as not deliverable/unable to forward. As of 10/14/19, 116 completed renewals have been received and entered.

### FOIA Report

A total of **15** Freedom of Information Act requests have been received from July 1, 2019 to October 14, 2019. **13** have been received since the July 16, 2019 meeting.

No motion was made regarding the directors' reports.

## OLD BUSINESS

### Reciprocity Rule Review

The board, again, considered the reciprocity model language that was drafted by the AG's office. After additional questioning and discussion by the board, a motion was made by Dr. Courtney to accept the language. Motion seconded by Dr. Holt. Motion passed with one opposed.

### **Daith ear piercing**

Mr. Majors, director of the Body Art Department at the Arkansas State Health Department, contacted our agency to inquire about daith ear piercing and if it was within the scope of practice for chiropractic acupuncture. Mr. Majors' agency was contacted by a chiropractor with regard to the procedure, and thought the ASBCE may want to adopt a policy regarding the procedure and if it is or is not within the scope for Arkansas chiropractors. After reviewing the powerpoll recently received from the FCLB a motion was made by Dr. Courtney that daith ear piercing is not within the Arkansas Chiropractic acupuncture scope of practice. Motion seconded by Mr. Gunter. Motion passed.

## **NEW BUSINESS**

### **Board Member position – Secretary**

Dr. Moore opened the floor for nominations of Secretary due to Dr. Heard not being reappointed. Mr. McCoy nominated Dr. Ungerank. Dr. Courtney nominated Dr. Hays. Dr. Ungerank declined his nomination. Nominations ceased. Motion to accept Dr. Hays as Secretary was made by Dr. Moore. Motion seconded by Dr. Ungerank. Motion passed.

*\* Dr. Nate Smith, Secretary of Health, was given the floor to address the board. He introduced himself and informed the board that the department of health is here to help and if the board needs anything to let him or Mr. Gilmore know. They are doing their best to implement the transformation Act as seamlessly as possible with all of the new agencies that are now under their department.*

### **Temporary License requests**

**Kody L Chastain** has submitted an original license application request along with a supervised temporary license request. He meets all requirements for temporary licensure. Dr. Courtney motioned that the application be approved. Dr. Hays seconded the motion. Motion passed.

**Mika A Felton** has submitted an original license application request along with a Supervised temporary license request. She meets all requirements for temporary licensure. Dr. Holt motioned to accept the application. Motion seconded by Mr. McCoy. Motion passed.

**Alec J Spencer** has submitted an original license application request along with an Unsupervised temporary license request. He meets all requirements for temporary licensure. Dr. Holt motioned to accept the unsupervised temporary license application. Mr. McCoy seconded the motion. Motion passed.

### **New Licensee Orientation**

Board President would like to know if the board would be willing to have orientation four times a year instead of twice a year, so that licenses could be issued more frequently. Dr. Courtney suggested that one of the next orientations be taped and that way if an applicant fell within the period between the two orientations, the board could send them the recording to meet their requirement. Dr. Holt requested to see what the surrounding states are doing regarding this matter. This item was tabled for the next meeting.

### **Externship & Supervisor application**

Chee Kue submitted an externship application and along with his application he submitted a Preceptor/supervisor application for Kelley Hensley, D.C. to be reviewed. Mr. Kue graduated from Chiropractic College on June 14, 2019, but still needs to take NBCE parts III, IV and physiotherapy. Dr.

Courtney motioned that the application be denied due to being graduated and not passing 3 portions of the national boards. Dr. Moore seconded the motion. Motion passed.

### **C.E. Application Review**

Dr. Moore wanted to discuss several CE applications that didn't have speakers that were doctors. He thinks the board has been inconsistent with the approval of these courses. He would like to clarify if the board is denying the courses because the speakers are not physicians or if the course work is not at the physician level. Several courses he had pulled by the agency staff were:

AR7401 – Clinical Management of the Fitness Athlete: Live Seminar – The Institute of Clinical Excellence (July 13-14,2019)

AR7515 – Forward 19 – Texas Chiropractic College (September 20-22, 2019)

AR7516 – October 2019 Seminar – Arkansas Chiropractic Physicians Association (October 5-6, 2019)

AR7523 – Parker Seminar Las Vegas 2020 – Parker University (February 6-8, 2020)

Dr. Moore started with AR7401 and stated that the speaker was a doctor (DPT) and why the board denied it. Dr. Courtney stated that DPT's are not considered physicians by statute in Arkansas. Dr. Holt stated that physicians are MD's, DO's or DC's by the board's statute. Dr. Courtney then quoted statute 17-81-102(5).

Dr. Moore posed a counter scenario, if a speaker teaches Medicare compliance and or insurance billing but the speaker is not a physician themselves, however the course content is considered physician level, should the course be approved or denied? Dr. Moore allowed a guest to speak with regard to Rule 3(d) under continuing education and how the board and/or reviewer has the option to approve a course for up to 12 hours if the speaker or course content does not fall within the normal requirements.

Dr. Moore also briefly discussed AR7523 that was submitted from Parker University where they have both physicians and non-physicians teaching, but the majority of the content is physician level. Dr. Moore stated that the board needs to clarify this as the board has elected a new secretary so that she isn't confused by these situations.

Dr. Moore briefly discussed AR7515 from Texas Chiropractic College regarding the hours being taught and the speakers who are not considered physicians.

The Board decided to revisit this topic in December in order to determine a better procedure for approving courses that are taught by non-physicians.

### **Complaint Committee Report**

The complaint committee presented the regular report listing the current complaints on file, as well as, individual reports with a synopsis of each complaint that has a recommendation for the Board. The committee read through each compliant report that had a recommendation and the Board voted on each one after it was read.

720-06-05-19 regarding solicitation: Motion made by Mr. McCoy to accept the committee's recommendation of dismissal due to lack of evidence. Motion seconded by Dr. Moore. Motion passed.

724-06-06-19 regarding Billing: Motion made by Mr. McCoy to accept the committee's recommendation of dismissal for lack of violation. Motion seconded by Dr. Hays. Motion passed.

727-06-12-19 regarding Unprofessional Conduct/Negligent or reckless practice: Motion made by Dr. Ungerank to accept the committee's recommendation of sending a consent agreement to the respondent

with the requirement that the respondent obtain 12 hours of continuing education regarding x-ray safety by December 31, 2019. Motion seconded by Mr. Gunter. Motion passed.

734-08-21-19 regarding advertising: Motion made by Mr. McCoy to accept the committee's recommendation to dismiss due to lack of jurisdiction. Motion seconded by Mr. Gunter. Motion passed.

730-06-21-19 regarding solicitation: Motion made by Mr. McCoy to accept the committee's recommendation to dismiss as the respondent took necessary action to correct or rectify all wrong doing. Motion seconded by Mr. Gunter. Dr. Courtney abstained. Motion passed.

## **Other Business before the Board**

Dr. Courtney gave a recap of his trip to the FCLB District meeting for districts III & V. The district meeting occurred on October 3-6, 2019 in Jersey City, NJ. All states were represented along with one providence from Canada, Nova Scotia.

- Physicians with impairment and how to deal with those impairments.
- CBD was discussed again
- Model Practice Act
- Registration of chiropractic assistants (several states register and/or license CA's)
- Opioid epidemic
- Chiropractic specialties and how they are to be specialized
- Dry Needling (Maryland has a program to look into)

Dr. Moore allowed a guest to ask a question regarding the rationale of denying the extern application earlier. Dr. Moore stated because the applicant did not have all his national boards. The guest cited Statute 17-81-316(b) and stated that there is no criteria listed in the statute for denying an applicant. It was also stated that the extern program was developed for those graduates who are still trying to pass all their national boards the ability to work under direct supervision of a licensed chiropractor while trying to complete their license application. Dr. Holt motioned to revisit the extern application for Chee Kue and open it up for further discussion. Motion seconded by Dr. Courtney. Motion passed. Discussion followed regarding the clarification of the extern program and what's required to participate along with the applicants NBCE score deficiencies. Dr. Courtney motioned to approve the extern & preceptor application. Motion seconded by Dr. Holt. Motion passed.

## **ADJOURN**

Mr. McCoy moved to adjourn. Dr. Courtney seconded. Motion passed. The Board adjourned at 11:43 a.m.

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*Board minutes approved: December 10, 2019*