

**Arkansas State Board of Chiropractic Examiners
Board Meeting
Tuesday, December 10, 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.
Kent Moore, D.C.

Staff present:

Laurie Mayhan, Executive Director
Brad Nye, Assistant Attorney General

Guests present:

Geraldan Bradford
Chris Cathey, DC
Rachel Hoad
Travis Morrissey
Matt Gilmore
Steven Bennett, DC

MINUTES

Mr. McCoy motioned to accept the October 15, 2019 board minutes. Dr. Holt seconded the motion. Motion passed.

DIRECTOR'S REPORTS

Budget Report

The monthly Revenue Summary and Expenditure reports was presented to the Board. Also presented was an itemized cash flow report for FY2020 (July 1, 2019 – June 30, 2020). Total amount expended, thus far, for FY2020 is **\$56,993.52** with **\$130,946.48** remaining of FY20 budget (**\$187,940.00**).

Fiscal 2018 Legislative Audit Report was presented to the board which contained no findings, but did contain 4 verbal recommendations for the agency to work on. This report was presented to the Legislative Joint Audit Committee in October of 2019 and was approved by the committee. Dr. Moore inquired about the verbal recommendations and the director explained what they were for and that the agency has already started working on making changes to some procedures.

FY2020 (July 1, 2019 – June 30, 2020)

Status	Apps received	Class hours offered	Fee Due	Fee Paid
Approved	290	2,608	\$13,040.00	\$13,040.00
Approved with Exception	1	18.5	\$92.50	\$92.50
Not Approved	0	0	\$0.00	\$0.00
Pending	1	12	\$60.00	\$60.00
Cancelled	0	0	\$0.00	\$0.00
Incomplete	0	0	\$0.00	\$0.00
Void	0	0	\$0.00	\$0.00
Total:	292	2,638.5	\$13,192.50	\$13,192.50

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 12/06/2019, 240 completed renewals have been received and entered.

FOIA Report

A total of **10** Freedom of Information Act requests have been received from October 15, 2019 to December 6, 2019. **25** have been received since the July 1, 2019.

Dr. Courtney inquired if it was normal to have 420 renewals still remaining to be submitted this late in the renewal period. Director stated it was typical.

The Director also informed the Board that the reports and the agency letterhead will look different going forward as the agency has now gone “live” with ADH. ADH will be entering the agency’s expenditure and revenue data into AASIS instead of DFA.

Dr. Moore inquired about the FY18 audit report regarding the concerns audit found, but did not consider them findings at this time. The Director read through each one and explained what it was for and that the agency is working to make the changes for future expenditures.

Dr. Courtney motioned to accept the director’s reports. Motion seconded by Mr. McCoy. Motion passed.

OLD BUSINESS

New Licensee Orientation

Board President asked the board at their October meeting if they would be willing to have orientation four times a year instead of twice a year, so that licenses could be issued more frequently to recent graduates. Dr. Holt also requested to see what the surrounding states are doing regarding this matter. A poll was requested of our neighboring states as to how often they give an orientation or if they have one at all. The poll was provided for review. Dr. Courtney motioned to have four (4) orientations a year. Motion seconded by Dr. Holt. Motion passed. The board went on to discuss when credentials review would be for those four orientations. Dr. Moore asked Dr. Courtney if he would be willing to review the applications and if approved those would go on to orientation. Dr. Courtney agreed to help review applications. Dr. Holt then motioned that the president or his/her designee will review the new licensee applications along with the director and if any applications are questionable then those will go to the full board. Dr. Ungerank seconded the motion. Motion passed.

C.E. Application Review

At the October meeting Dr. Moore discussed 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. Also, a letter was received from Paulette Kaelin with the Arkansas Chiropractic Society informing the Board that she believes that some seminars being conducted in Arkansas that were approved by the Board are not properly monitored. Dr. Ungerank motioned that the Board require the Continuing Education sponsor to have an attendance monitor that they furnish, or their courses will not be approved in Arkansas. Motion seconded by Dr. Courtney. Motion passed.

The consensus of the Board was that all physician level courses should be taught by a physician and nonphysician level courses can be taught by someone who is an expert in that field.

NEW BUSINESS

Update- Deadline for Procurer documents

The January 1, 2020 deadline is fast approaching regarding the procurer documents requested by the Board. Board counsel reminded the board of this, however, he posed a question to the Board whether or not the Complaint Committee would be empowered to investigate and potentially request a notice of hearing for those licensees who do not respond to the valid request made by the board. So, how important is this to the Board, is this something the Board is interested in pursuing at this time? Initially the January 1 deadline is something the Board needs to consider at this time. Dr. Courtney discussed the annual renewal of procurers and that the licensees could provided all the data requested with the annual registration. As a follow up to Dr. Courtney's discussion, the Director informed the board that the annual renewal rule for procurers has not been promulgated therefore they could not enforce it at this time as it is pending approval from the Governor along with all other proposed rules. Again, counsel reiterated the fact that after the deadline has passed and some licensees have not responded to the board's request, will the board then notice those licensees for a hearing. It is up to the Board to make that determination. A concern in the community which was brought to counsel's attention is that some of the documents requested by the board may possibly be a violation of PHI or give an unfair competitive advantage to competitors if the documents were requested through FOIA. After additional discussion regarding this item, Dr. Courtney motioned that the Board currently require 1/1/20 the name of all procurers registered under any chiropractic physician in Arkansas along with the procurer's driver's license and all phone numbers, and an affidavit to be signed and notarized by the Chiropractic Physician which states that these are the procurers they have under their domain with

current address, phone numbers, and a copy of the procurers driver's license. Dr. Ungerank seconded. Motion passed

C.H.I.R.O Proclamation

Tabled until January due to guest not being able to attend.

Letter from Steven Bennett, DC

Dr. Bennett was given the floor to present his concerns about Blue Cross. In his letter that he provided to the Board states, "My concern is that BCBS has continued to perpetuate a narrative that extremity x-rays are not within the scope of practice of chiropractic physicians within the State of Arkansas for several years. Scope of practice should not be determined by BCBS, but rather legally through the Attorney General's Office based upon our true scope of practice and not that perceived by BCBS." This issue was also brought before the board in 2016, however, the board did not take action as they wanted to make sure the licensee had gone through their due process and then provide to the board denial letters from BCBS. Dr. Bennett's second concern was regarding the fact that an RN is determining guidelines for chiropractic scope of practice and feels he is practicing outside their scope of practice. Dr. Bennett requested that the Board take some form of action regarding this issue. Dr. Courtney motioned that extremity treatment and x-ray, all imaging of extremities, is within chiropractic scope. Motion seconded by Dr. Holt. Motion passed. Dr. Courtney then motioned that the board send a letter to BCBS and Insurance Commissioner indicating what the board's position is regarding extremity treatment and x-ray, all imaging of extremities, being within chiropractic scope. Dr. Holt seconded the motion. Motion passed. Dr. Hays motioned that the board Cc the Attorney General's office on the letter to BCBS and the Insurance Commissioner. Motion seconded by Dr. Courtney. Motion passed.

Dr. Courtney suggested that Dr. Bennett could file a complaint with the nursing board regarding the RN practicing outside their scope of practice.

Credentials review

Tyler L. Awe is a late graduate and has submitted an original license application request. He still needs to submit his final chiropractic transcript and copy of his diploma after he graduates. Dr. Courtney motioned that the application be approved pending the applicant's graduation and submission of pending items. Dr. Holt seconded the motion. Motion passed.

Nicholas J. Boris has submitted an original license application request. Dr. Holt motioned to accept the application. Motion seconded by Mr. McCoy. Motion passed.

Colin R. Dingle has submitted an original license application request. Dr. Holt motioned to accept the application. Dr. Ungerank seconded the motion. Motion passed.

Leila M. Doolittle has submitted an original license application request. Dr. Hays motioned that the application be approved. Dr. Holt seconded the motion. Motion passed.

Kenneth G. Ericksen has submitted an original license application. Dr. Courtney motioned to accept the application. Motion seconded by Mr. McCoy. Motion passed.

Bethany A. Galimore has submitted an original license application request however the applicant self-reported criminal history that does not disqualify her from licensure. Dr. Holt motioned to accept the application. Mr. Holt seconded the motion. Dr. Moore abstained. Motion passed.

Dana Grenman has submitted an original license application request. Dr. Courtney motioned that the application be approved. Mr. Gunter seconded the motion. Motion passed.

Hunter V. Holt is a late graduate and has submitted an original license application request. He still needs to submit his final chiropractic transcript and copy of his diploma after he graduates. He also needs to submit NBCE Part IV prior to orientation. Dr. Courtney motioned that the application be approved pending the applicant's graduation and submission of pending items. Dr. Holt seconded the motion. Motion passed.

I-Ching Hsieh has submitted an original license application request along with an Unsupervised temporary license request. Dr. Holt motioned to accept the unsupervised temporary license application. Dr. Hays seconded the motion. Motion passed.

Jeremy R. Johnson has submitted an original license application request however the applicant self-reported criminal history that may not disqualify him from licensure. The applicant's CBC II is still pending receipt from ASP. Dr. Ungerank motioned that the application be approved pending the results of his CBC II. Dr. Holt seconded the motion. Dr. Hays abstained. Motion passed.

Ronald D. Muse has submitted a transfer license application request. Dr. Holt motioned to accept the application. Motion seconded by Dr. Courtney. Motion passed.

Misty D. Tramel is a late graduate and has submitted an original license application request along with a supervised temporary license request. She still needs to submit her final chiropractic transcript and copy of her diploma after she graduates. Dr. Holt motioned to deny supervised temporary license application and approve the original license application pending receipt of pending items. Mr. McCoy seconded the motion. Motion passed.

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.

704-12-03-19 regarding fraudulent solicitation: Board counsel requested to remove this recommendation from the report due to additional information that has come in. Board unanimously accepted counsels request.

719-06-05-19 regarding Solicitation: Motion made by Mr. McCoy to accept the committee's recommendation of setting this complaint for a hearing for failure to comply with the committee's request for records. Motion seconded by Dr. Ungerank. Motion passed. Set for April.

728-06-13-19 regarding Unprofessional Conduct: Motion made by Dr. Ungerank to accept the committee's recommendation of dismissing the compliant for lack of evidence to prove a violation. Motion seconded by Mr. McCoy. Motion passed.

729-06-21-19 regarding Unregistered Procurer, offering services for free but charging, guarantee of settlement amounts, offering pain medication as inducement: Motion made by Mr. McCoy to accept the committee's recommendation to set the complaint for a hearing for failure to comply with records request. Motion seconded by Dr. Ungerank. Motion passed.

ADJOURN

Mr. McCoy moved to adjourn. The Board adjourned at 12:36 p.m.

Board minutes approved: January 14, 2020