

**Arkansas State Board of Chiropractic Examiners
Board Meeting- Video/Teleconference
Tuesday, January 12, 2021**

CALL TO ORDER

The board meeting via Zoom video/teleconference was called to order by Tanya Holt, D.C., President, at 10:02 a.m.

ROLL CALL

Board Members present:

Michael Courtney, D.C
Harold Gunter
Sarah Hays, D.C.
Jack McCoy
Kent Moore, D.C.
Gregory Ungerank, D.C.
Tanya Holt, D.C.

Board Members absent:

None

Staff present:

Laurie Mayhan, Executive Director
Brad Nye, Assistant Attorney General

Guests present:

Steven Bennett, DC
Amy McKee, DC
Chris Cathey, DC
Rachel Hoard
Bonnie Hicks

NEW LICENSEE ORIENTATION

The new licensee orientation was held today via video conference for new licensees due to current social distancing guidelines. However, licenses will still be issued this day for those that were scheduled to receive a license today and are in attendance. All applications were reviewed and approved by Dr. Michael Courtney prior to today's meeting.

Each board member was given a turn to speak to the new licensees. Then Dr. McKee spoke on behalf of the Arkansas Chiropractic Physicians association and Dr. Bennett spoke on behalf of the Arkansas Chiropractic Society. The board's director then went over some new licensee orientation materials.

Congratulations to the following applicants who received their license this day with their attendance at today's orientation.

	License No.	First Name	MI	Last Name
1	16266	Kevin	T	Waterloo
2	16267	Larry	D	Dunnagan
3	16268	Ryan	J	Richard
4	16269	Blake	L	Taylor
5	16270	Ryan	P	Harward
6	16271	Erik	S	Moll
7	16272	Cathrine	A	Post
8	16273	Lauren		Alexander
9	16274	Kevin	M	Nguyen

MINUTES

Dr. Courtney motioned to accept the October 20, 2020 minutes, seconded by Mr. McCoy. Motion passed

DIRECTOR'S REPORTS

Budget Report

An itemized cash flow statement for FY2021 (July 1, 2020 – June 30, 2021) was presented to the Board. The allotted budget for FY21 is **\$187,370.00**. Total amount expended thus far for FY2021 is **\$66,144.38**. Total revenue received thus far for FY21 is **\$147,082.38**, which includes monies received, interest distribution, and rebates or transfers received. A list of all agency expenditures for October - December was also provided.

(July 1, 2020 – June 30, 2021) FY2021

CE Status	# of Applications	# of Hours	Fee Due	Fee Paid
Approved	376	2532	\$ 12,660.00	\$ 12,660.00
Approved w/exception	1	8	\$ 40.00	\$ 40.00
Not Approved	0	0	\$ 0.00	\$ 0.00
Pending	3	51	\$ 255.00	\$ 255.00
Cancelled	2	87	\$ 435.00	\$ 435.00
Incomplete	0	0	\$ 0.00	\$ 0.00
Void	0	0	\$ 0.00	\$ 0.00
Total:	382	2,678	\$ 13,390.00	\$ 13,390.00

1 approved w/exception: AR7967, (TCA) disallowed breaks as CE time

2021 License Renewal

672 renewals were mailed out on August 31, 2020. Five more were sent to new licensees since August. Overall 677 renewal forms were mailed out. 634 have renewed as of 01/06/2021.

Our Condolences go out to the families of those licensees who passed during 2020

William R McCauley, DC (1/14/2020)

William L Schmidt, DC (4/15/2020)

Ronald E Shaw, DC (9/11/2020)

Teri L Hines, DC (9/29/2020)

Gregory T Kaumeyer, DC (11/26/2020)

FOIA Report FY21

A total of 1 Freedom of Information Act requests have been received from October 16, 2020 to January 6, 2021. A description of that FOIA was also provided to the board.

Dr. Moore motioned to accept the director's reports. Motion seconded by Dr. Courtney. Motion passed.

OLD BUSINESS

Database proposals – Thentia & Certemy

Due to the changing times, and the fact that the agency still does not accept online or credit card payments, or online renewals, etc., the director re-presented two (2) database quotes that the board tabled in October. The two quotes, one from Thentia, and one from Certemy, were both fairly similar with similar concepts of how one accesses the program both by the agency and by the licensee. However, either one will take some time getting used to by all parties. Thentia quoted a slightly cheaper monthly price than Certemy, but Certemy is also already being used by another state agency. Either vendor would work for the Chiropractic Board for what is needed. The Board was given time to ask any additional questions about each vendor since they had several months to review each quote. Dr. Courtney inquired as to the difference in monthly costs. Thentia came in at \$154 less than Certemy with their monthly price. After board discussion, a motion was made by Dr. Moore to accept Thentia's quote. Dr. Courtney seconded the motion. Motion passed.

Battlefield Acupuncture - VA

Dr. DuPriest recently completed training and certification to perform Battlefield Acupuncture (BFA) for veterans with chronic pain. BFA is a technique developed within the Department of Defense for pain management and used widely within VA as part of our Whole Health and Wellness interventions that includes a range of Complementary and Integrative Health procedures. Dr. DuPriest also stated in his correspondence that BFA is unique to the DOD/VA and performed by a variety of providers from MD/DOs, DCs, PTs, nurses for example. His question is, "does the board have statutory problem with performance of BFA on federal property only (this will be added to his credentials relative to scope within the VA) for the veteran population?"

This item was tabled at the last meeting so that counsel could give an opinion to the board at today's meeting. Counsel could not attend the entire meeting today and a statement was read to the Board by the director stating, "[counsel] was correct, the CFRs confirm that the procedure, if performed at a VA facility, is outside the purview of the Board." After additional discussion by the Board, a motion was made by Dr. Moore. Dr. Moore motioned, DCs, while practicing on VA property, are, essentially, practicing under the umbrella of the Federal Government. As long as an intervention is acceptable in the VA system, it is ok. However, if acupuncture is performed off of VA property, the DC must obtain acupuncture certification through according to the ASBCE acupuncture rule. Dr. Courtney seconded the motion, motion passed.

Procurer Rule

This item was tabled at the last meeting to discuss later about putting more teeth into the rule about holding the chiropractor and procurer both accountable for the same actions. After discussion Dr. Ungerank motioned to accept the addition of the language to require chiropractors and/or their procurers to maintain their call logs for a minimum of one (1) year, which would be added to procurer rule 9(b)(2). Motion seconded by Dr. Moore. Motion passed.

NEW BUSINESS

Vote to pay Stipends for 2021

Annually, at their first meeting of the calendar year, the board is to vote to pay stipends for the current year. Dr. Moore motioned to pay the stipends of \$100 per meeting. Motion seconded by Dr. Ungerank. Motion passed.

Statement of Financial Interests Reminder

This item is informational and is a reminder to the board that their SFI is due by January 31st. SFI will be emailed in case someone needs a blank copy.

Continuing Education Hours 2021

The director put forth an onsite CE waiver request before the board as several questions had been received from licensees about CE requirements for 2021. The director explained that out of the 254 courses currently approved for 2021 only 25 of those are onsite courses and with the way things are going with the pandemic those courses could potentially switch to online courses. So, it doesn't look like our licensees will have many options of onsite CE for 2021. However, the board can only waive the onsite requirement as long as the Governor extends his Health Emergency order. Dr. Moore motioned to table this until the next meeting. Dr. Courtney seconded the motion. Motion passed.

ADH COVID-19 Vaccination Phased Plan

This item is just informational as it is an update to the last vaccination plan that was sent out. Chiropractors are in Phase 1-A as they are considered healthcare workers. The director informed the board that if they are contacted by licensees, they should direct them to the ADH website and find the listing of pharmacies that are administering the vaccine. However, due to limited doses on hand, licensees may have to be put on a waiting list. The COVID-19 vaccine is not mandatory but is highly recommended by the CDC and ADH.

Part IV Administration Dates & Review by Dr. Hays

Dr. Hays presented her experience about attending the last Part IV administration at Logan University. She expressed that the board should continue to send members to help be proctors every chance we can get. It was a really wonderful experience even with Covid-19 restrictions. There were doctors from all over the U.S. that were there to be proctors. Again, it was a great experience and a good way to get out and be a part of the national stage.

The director then informed the board of the next dates to participate in administering Part IV of the National Boards is May 21-23, 2021 and November 12-14, 2021. There is also a Part IV Test Committee meeting licensed members can participate in on June 11-12, 2021. Dr. Moore and Dr. Holt expressed that they would be willing to go if the dates work with their schedules. They will have to get back with the director for confirmation by mid-February.

FCLB & NBCE Annual Conference

The next annual FCLB/NBCE conference will be April 28 – May 2, 2021. The conference will be held at the Hilton West in Palm Beach, Florida. Travel will be reimbursed according to GSA and state travel guides. Dr. Holt and Dr. Moore expressed their interest in attending; however, they will have to check their

schedules. Delegate forms for FCLB and NBCE will need to be turned in by March 1, 2021, so the director will need to know who will be able to attend before that date. Additional travel information will be provided at a later date once FCLB has released the reservation information.

Procurer Registrations

A clarification request was submitted to the board's counsel by Rachel Hoard asking, "I have several companies that we use for marketing so when it comes to registering them for the ASBCE how do I do that? We don't pay a person, we pay an entity so therefore there is no DL or state ID. I do not see in the regs where it states specifically that I can't use a company or even how to go about that, can you clear this up for me so that we can have the registration paperwork in by the deadline ? The owners of the businesses I'm referring to refuse to give their ID or DL because that's why they have their LLC to begin with." However, counsel thought it would be best that the board give their interpretation of their laws and rules. Dr. Courtney asked the director, as confirmation, if the boards regulations state drivers license or state issued ID, then if that is what the regulation says, that is what we are bound too. Dr. Courtney also pointed out that if someone has an LLC, that doesn't mean that individual can't provide a driver's license or state ID. The LLC is irrelevant. Dr. Ungerank stated that we should send a letter referencing the regulation and that a driver's license or state issued ID is required. Dr. Courtney agreed with Dr. Ungerank's suggestion, however when reiterating the regulation, it needs to be reiterated that each procurer must be registered with proper identification which is specified in the regulation. Directive to the director to send letter reiterating regulation and that each procurer must be registered with proper identification.

AR BlueCross BlueShield – Dr. Raker

A motion was made by Dr. Courtney that this item be tabled in order to discuss with board counsel. Call public teleconference if time allows to discuss this one item before meeting in April. Motion seconded by Dr. Ungerank. Motion passed.

Externship & Supervisor Applications

Two externship and supervisor applications were submitted for review and approval.

Tanner Hebert submitted a completed extern application. Mr. Hebert is applying as he still has to take Part IV of national Boards in May of 2021. His supervisor, Dr. Michael Butler, also submitted a completed preceptor application. Both are eligible to participate in the program. Dr. Moore motioned to accept the applications. Motion seconded by Mr. Gunter. Motion passed.

Chase Alexander submitted a completed extern application. Mr. Alexander is applying as he still has to take and/or retake Part II and Physiological Therapeutics Section of National Boards. His supervisor, Dr. John Chance Norman, also submitted a completed preceptor application. Both are eligible to participate in the program. Dr. Hays motioned to accept the applications. Motion seconded by Dr. Ungerank. Motion passed.

Investigative Committee Report

The complaint committee presented the complaint report with their recommendations. The committee provided and gave a brief explanation of two (2) complaints and the recommendation for each.

744-03-02-20 regarding solicitation: recommendation, dismiss for lack of cooperation by the patient/complainant and lack of evidence to prove a violation by the respondent.

Motion made by Mr. Gunter to accept the recommendation of the committee. Motion seconded by Dr. Moore. All in favor: Dr. Courtney and Dr. Hays. Recused: Dr. Ungerank. Mr. McCoy was not on the call at this time. Motion passed.

747-09-02-20 regarding ethics and billing violations: recommendation, dismiss for lack of violation.

Motion made by Dr. Moore to accept the recommendation of the committee. Motion seconded by Mr. Gunter. All in favor: Dr. Hays. Recused: Dr. Ungerank and Dr. Courtney. Mr. McCoy was not on the call at this time and Dr. Holt voted in favor of the motion. Motion passed.

ADJOURN

Dr. Moore moved to adjourn. Seconded by Dr. Ungerank. The Board adjourned at 12:21 p.m.

Board minutes approved: April 6, 2021