

**Arkansas State Board of Chiropractic Examiners  
Board Meeting  
Thursday, July 21, 2022**

**CALL TO ORDER**

The board meeting was called to order by Tanya Holt, D.C., President, at 9:10 a.m.

**ROLL CALL**

Board Members present:

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

Staff present:

Laurie Mayhan, Executive Director  
Joe West, Assistant Attorney General

Guests present:

Chris Cathey, DC  
Bonnie Hicks  
Randy Holt, DC  
Jerry White

Prior to start of orientation the director presented gifts from the board to Ms. Lisa Cross, administrative analyst, who will be retiring July 31<sup>st</sup>. Ms. Cross has served the board for the last six years and she has been a wonderful asset to the agency, and she will be missed. The board wishes her the best in her retirement.

## NEW LICENSEE ORIENTATION

The board's director called roll of all new licensee orientation attendees, all present. Dr. Chris Cathey spoke on behalf of the Arkansas Chiropractic Society, and Mrs. Bonnie Hicks spoke on behalf of the Arkansas Chiropractic Physicians Association. Each board member introduced themselves and gave some words of encouragement to the new licensees. The director presented orientation materials to all the new licensees.

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

| License # | First Name | MI | Last Name         |
|-----------|------------|----|-------------------|
| 16338     | Chee       | N  | <b>Yang</b>       |
| 16344     | Georgia    | G  | <b>Dawson</b>     |
| 16345     | Lauren     | E  | <b>Garrison</b>   |
| 16346     | Charlotte  | W  | <b>Fleming</b>    |
| 16347     | Richard    | P  | <b>Williams</b>   |
| 16349     | Gerald     | C  | <b>Dembrowski</b> |
| 16350     | Jedediah   | D. | <b>Badders</b>    |
| 16351     | Chee       |    | <b>Kue</b>        |
| 16352     | Chase      | H  | <b>Alexander</b>  |
| 16353     | Rianna     | M  | <b>Nicodemus</b>  |
| 16354     | Peyten     | R  | <b>Dillon</b>     |
| 16355     | Karen      | J  | <b>Achtermann</b> |
| 16356     | Elizabeth  | L  | <b>Blair-Finn</b> |
| 16357     | Marissa    | I  | <b>Acevedo</b>    |
| 16358     | Jeffrey    | B  | <b>Mathews</b>    |
| 16359     | Alexander  | T  | <b>Andreadis</b>  |
| 16360     | Brianna    | S  | <b>Biehl</b>      |
| 16361     | Madison    | E  | <b>Mayfield</b>   |

The following applicants met the requirement to attend today's orientation with the exception of their pending graduation from chiropractic college. They will receive their license upon graduation and the submission of their final chiropractic transcript and copy of their diploma.

| License # | First Name | MI | Last Name     |
|-----------|------------|----|---------------|
| TBD       | Kelli      | T  | <b>Ramey</b>  |
| TBD       | Savannah   | J  | <b>Norman</b> |
| TBD       | Jacob      | E  | <b>Curran</b> |

April attendees that graduated after orientation were issued the following licenses:

| License # | First Name | MI | Last Name           | Licensed   |
|-----------|------------|----|---------------------|------------|
| 16339     | Danielle   | F  | <b>Craig</b>        | 04/28/2022 |
| 16340     | Regan      | M  | <b>Daniel</b>       | 04/28/2022 |
| 16341     | Payton     | R  | <b>Hulse</b>        | 04/29/2022 |
| 16342     | Jolee      | K  | <b>Higginbotham</b> | 04/29/2022 |
| 16343     | Nathan     | B  | <b>Bubak</b>        | 05/02/2022 |
| 16348     | Jbess      |    | <b>Ruby</b>         | 06/29/2022 |

## Board recessed at 10:24 am and resumed at 10:38 am.

### MINUTES

Dr. Courtney motioned to accept the minutes from the April 14, 2022 and May 23, 2022 board meetings. Motion seconded by Dr. Hays. Motion passed.

### DIRECTOR'S REPORTS

#### Budget Report

An itemized cash flow statement for FY2022 (July 1, 2021 – June 30, 2022) was presented to the Board along with accounting reports through June. The allotted budget for FY22 was **\$188,457.00**. Total amount expended for FY2022 is **\$137,660.03**. Total revenue received for FY22 is **\$218,680.53**, which includes monies received, interest distribution, and rebates or transfers received. A list of all agency expenditures for April-June was also provided.

#### (July 1, 2021– June 30, 2022) FY2022

| CE Status            | # of Applications | # of Hours     | Fee Due             | Fee Paid            |
|----------------------|-------------------|----------------|---------------------|---------------------|
| Approved             | 619               | 6036.5         | \$ 30,182.50        | \$ 30,182.50        |
| Approved w/exception | 3                 | 154            | \$ 770.00           | \$ 770.00           |
| Not Approved         | 11                | 65             | \$ 325.00           | \$ 325.00           |
| Pending              | 0                 | 0              | \$ 0.00             | \$ 0.00             |
| 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>633</b>        | <b>6,255.5</b> | <b>\$ 31,277.50</b> | <b>\$ 31,277.50</b> |

**AR8631:** Northwestern Health Sciences University (NWSU), exception was disallowing 2.75 hrs as a speaker was an APRN and not a physician.

**AR8941:** Parker University, exception was disallowing 8 hrs regarding CA's as they were not considered to be at physician level.

**AR9127:** Parker University, exception was disallowing 2 hrs regarding CA course content.

**11 courses** that are **Not Approved** due to instructors lack of credentials proving that they are or have the expertise in subject matter.

(FY22: 438 on line & 184 onsite)

#### (July 1, 2022– June 30, 2023) FY2023

| CE Status            | # of Applications | # of Hours   | Fee Due            | Fee Paid           |
|----------------------|-------------------|--------------|--------------------|--------------------|
| Approved             | 16                | 271.5        | \$ 1,357.50        | \$ 1,357.50        |
| Approved w/exception | 0                 | 0            | \$ 0.00            | \$ 0.00            |
| Not Approved         | 1                 | 13           | \$ 65.00           | \$ 65.00           |
| Pending              | 0                 | 0            | \$ 0.00            | \$ 0.00            |
| 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>17</b>         | <b>284.5</b> | <b>\$ 1,422.50</b> | <b>\$ 1,422.50</b> |

#### Animal Chiropractic Certification maintenance by the Board

With the recent changes in law regarding the addition of animal chiropractic certification courses and who is certified through those courses, it might be wise for the board to start a registry of who has obtained certification. Some programs do not maintain a registry, and for the public's knowledge this may be helpful for the board to maintain. This is currently being discussed with AVMB director.

**FY2022**

A total of 4 Freedom of Information Act request have been received from April 14, 2022-July 19, 2022.

Dr. Ungerank motioned to accept the director's reports. Motion seconded by Mr. Gunter. Motion passed.

**OLD BUSINESS****Thentia Database update**

The Director gave an update to the status of the new database. We have been assigned a new project manager, but we are still with the team based out of Oklahoma. We still need to review the configuration of the new database, set up and test our payment portal, send final datapoints to Thentia before going live and verify everything is configured properly prior to going live. Our tentative go live date is in October if we can stay on track without configuration timeline.

**Meeting with Ins. Commissioner update**

Director gave a timeline on contacting the Insurance commissioner's office and has been unsuccessful on making reaching the commissioner's secretary. Dr. Courtney motioned to have counsel send a letter to insurance commissioner requesting an appointment. Counsel suggested an amendment as he knows an attorney in their legal department and could get in touch with him instead of sending a formal letter. Dr. Courtney withdrew his motion. Dr. Courtney then motioned that if counsel needs to send a formal letter to the commissioner, he can do so if his contact in the legal department is unsuccessful. Motioned seconded by Mr. McCoy. Motion passed.

**Application Requirements – Orientation**

In recent meetings regarding orientation requirements or lack thereof, the director obtained powerpolls from FCLB regarding whether other states require a new licensee orientation. From those, most do not or provide alternative method. An email was sent out to both state associations asking if they could provide an orientation to their new members or participate in helping the board put one on. Board discussed putting on a 1-3 hour(s) orientation/CE coverings multiple topics for new licensees. Dr. Courtney suggested that the board could outline a curriculum depending on what each association is going to teach, then divide the rest up amongst the board members and director. Dr. Holt suggested for the members to come up with topics and for the director confirm conference room availability and CE inclusion.

**Thelehealth/Telemedicine - Chiropractic**

The Board previously requested a powerpoll and see what other state chiropractic boards are doing. Powerpolls from FCLB were provided to the board for further review and develop a statement as to what they deem is the standard of care in chiropractic in Arkansas. Dr. Courtney motioned that the board establish a rule governing telemedicine/telehealth for chiropractic in addition that the board establish what the standard of care will be for telemedicine for chiropractic. Dr. Long seconded the motion. Motion passed.

## **NEW BUSINESS**

### **Election of Officers – FY23**

Dr. Holt opened the floor for nominations for President. Dr. Courtney nominated Dr. Hays. Dr. Long nominated Dr. Holt. Dr. Hays deferred to Dr. Holt. Dr. Courtney supported the withdrawal and Dr. Holt as President. Dr. Ungerank motioned nominations cease and elect Dr. Holt as President. Mr. Gunter seconded. Motion passed.

Dr. Holt opened the floor for nominations for Secretary. Dr. Courtney nominated Dr. Hays. Dr. Ungerank seconded the nomination. No other nominations were made. Motion passed.

Dr. Holt opened the floor for nominations for Treasurer. Dr. Courtney nominated Mr. Gunter. Dr. Ungerank seconded. No other nominations were made. Motion passed.

Dr. Holt appointed Dr. Ungerank to continue as the Board Investigator.

### **Meeting Dates for FY23**

The Board agreed on the following dates for their FY22 board meetings/new licensee orientations:

|                  |          |         |
|------------------|----------|---------|
| October 20, 2022 | Thursday | 9:00 am |
| January 19, 2023 | Thursday | 9:00 am |
| April 20, 2023   | Thursday | 9:00 am |
| July 20, 2023    | Thursday | 9:00 am |

Dates were provided for the upcoming FCLB District meeting September 29- October 2, 2022 and FCLB/NBCE annual conference April 26-30, 2023.

### **Continuing Education – Live Webinars**

At the request of Dr. Courtney, the director asked the board for clarification on attendance monitoring and testing of livestreaming and live webinars. The majority of the applications received do not meet the board's distance learning monitoring requirements. Dr. Courtney referenced one vendor who could only provide a timestamp logging in and out, but there was not testing and could not validate if the attendee was on the course the entire time. There is also a hybrid situation to consider such as having a in person seminar and having overflow in another conference room, but the overflow would still be considered live webinar. Dr. Long motioned to disallow live webinars and go back to the in-person and ondemand formats we accepted prior to Covid.

### **FCLB District III & V Meeting**

Fall district meeting will be September 29 - October 2, 2022 in Miami, FL. The event will be at the Miami The Confidante, room rate \$179/night plus taxes and \$20 hotel fee.

Dr. Courtney volunteered to attend. Mr. McCoy motioned to approved. Dr. Long seconded. Motion passed.

Annual Conference will be April 26 – April 30, 2022 in West Palm Beach, FL. The event will be at the Hilton West Palm Beach, room rate \$243/night plus taxes.

Dr. Holt volunteered but would have to check her schedule. Dr. Ungerank volunteered to be the alternate but would need to check his schedule.

A copy of the District V FCLB highlights was provided to the board from Dr. Beth Ehlich.

## Investigative Committee Report

The complaint committee presented the complaint reports from May 5<sup>th</sup> and July 14<sup>th</sup> with their recommendations. The committee gave a brief explanation of eight complaints and their recommendations.

**748-10-29-20** regarding unprofessional conduct, billing fraud: recommendation, dismiss due to complaint being a civil matter between co-owners. However, committee also recommends, since this is the respondents first complaint, that a letter of warning be sent to the respondent reiterating that it is a violation to not respond to board communications in a timely manner. Dr. Long motioned to send this back to the investigative committee. Motion seconded by Mr. Gunter. Dr. Hays did not vote. Motion passed.

**759-09-07-21** regarding billing: recommendation, that this case be dismissed for lack of violation of ASBCE law or rule. Dr. Courtney motioned to accept the committee's recommendation. Motion seconded by Dr. Long. Motion passed.

**761-11-04-21** regarding unlicensed practitioner: recommendation, that the complaint be dismissed. Dr. Courtney motioned to accept the committee's recommendation. Motion seconded by Dr. Long. Motion passed.

**764-01-25-22** regarding negligent acts, failure to maintain accurate records: recommendation, that this complaint be dismissed for lack of violation. Dr. Long motioned to accept the committee's recommendation. Motion seconded by Dr. Courtney. Motion passed.

**766-02-17-22** regarding unprofessional conduct, unethical behavior: recommendation, that this complaint be dismissed for lack of violation. Dr. Courtney motioned to accept the committee's recommendation. Motion seconded by Mr. McCoy. Dr. Hays did not vote. Motion passed.

**754-01-26-21:** recommendation, that this complaint be scheduled for a hearing before the board.

**757-07-19-21:** recommendation, that this complaint be scheduled for a hearing before the board.

Dr. Courtney motioned to accept the committee's recommendation for both 754 & 757 and schedule for hearing(s). Motioned seconded by Mr. McCoy. Motion passed.

It was suggested to have the orientation at 9 then board meeting and hearings to follow at 1 or 2pm. Additionally, counsel mentioned that he could set up a board member training for hearings.

**769-05-17-22** regarding advertising for PTA, not having PT on staff to supervise: recommendation, that this complaint be dismissed for lack of violation of ASBCE laws and rules. Dr. Long motioned to accept the committee's recommendation. Motioned seconded by Mr. McCoy. Motion passed.

The board questioned the director about the informal complaint that was discussed in previous meetings regarding the videos on Facebook of a PT adjusting clients. The director stated the PT board did not discipline their licensee, just suggested he take down anything that could be misleading. Those videos have been taken down as well as pictures that could be misleading.

## ADJOURN

Dr. Courtney moved to adjourn. Seconded by Mr. Gunter. The Board adjourned at 12:31 p.m.

*Board minutes approved: October 20, 2022*