

**Arkansas State Board of Chiropractic Examiners
Special Meeting Teleconference
Monday, September 19, 2022**

CALL TO ORDER

The special meeting was called to order by Tanya Holt, D.C., President, at 12:36 p.m.

ROLL CALL

Board Members present:

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

Board Members absent:

Gregory Ungerank, D.C.

Staff present:

Laurie Mayhan, Executive Director
Joe West, Assistant Attorney General

Guests present:

Ms. Tolliver
Jerry White
Steven Bennett, DC
Matt Gilmore

Business Items

Consent Agreement – 768a Dixon

A consent agreement was presented for approval to resolve complaint 768a-04-20-2022. The licensee agreed to the consent agreement and fine for failure to register his procurer prior to the procurer acting on his behalf. Dr. Courtney motioned to accept the consent agreement. Mr. Gunter seconded the motion. Motion passed.

Consent Agreement – 757 Osowski

A consent agreement was presented for approval to resolve complaint 757-07-19-21. The licensee agreed to the consent agreement and fine for failure to register his procurer prior to the procurer acting on his behalf. Dr. Courtney motioned to accept the consent agreement. Dr. Long seconded the motion. Motion passed.

Consent Agreement – 754 Fowler

A consent agreement was presented for approval to resolve complaint 754-01-26-21. The licensee agreed to the consent agreement and fine for failure to register her procurer prior to the procurer acting on her behalf. Dr. Long motioned to accept the consent agreement. Mr. McCoy seconded the motion. Motion passed.

Database payment processor

The director requested the board's opinion on whether the agency should absorb the credit card processing/convenience fees for applications, renewals and other fees that will be available to pay online once the new database is live. The board would have to absorb upwards of \$6,000 or more for the processing of credit cards vs. mailing in a check. The processing/convenience fee of 3% plus \$1 would be added to all payments processed with a credit card. Dr. Long commented to not absorb the processing/convenience fee and Mr. Gunter agreed. Mr. Gilmore asked the President if he could speak, and he reiterated that it is totally up to the board which way they would prefer to handle the fees and that several other state agencies absorb it and some don't. All members present agreed that pushing the convenience fee to the licensee would be acceptable since there will still be an option to pay by mailing a check.

Temporary License Requests

Alexee L. Chambers – Submitted an unsupervised temporary license request. Her licensure application is complete, but she does not hold licensure in another state or territory. The board office had also received allegations that this applicant has been practicing without a license. No actions have been taken by the complaint committee due to not having a formal complaint filed by the complainants. McCoy moved that the board take no action on this one until the next regular meeting in order to secure additional information. Dr. Courtney seconded for the purposes of discussion. Dr. Courtney stated that she does not qualify for a temporary license, but she can sit for the orientation in October and be licensed, upon approval of her license application. Mr. McCoy stated that his motion would allow for all questions to be answered by the October meeting. All were in favor. Motion passed.

Jailine Lopez Diaz – Submitted a supervised temporary license request with Kendall Wilson, DC as her supervisor. Dr. Wilson does have a disciplinary history and those orders were provided for board

consideration. Actions are older than 5 years and he has met all his disciplinary requirements. Dr. Long motioned to approve. Motion seconded by Mr. McCoy. Motion passed.

Garrett Naveran – Submitted a supervised temporary license request with Grant Dennis, DC as his supervisor, however, his license application is pending receipt of his CBC results. Dr. Courtney motioned to approve supervised temporary license pending completed application. Motion seconded by Dr. Long. Motion passed.

Joseph Pinney – Submitted a supervised temporary license request with Max Engelhoven, DC as his supervisor. Dr. Long motioned to approve the request. Motion seconded by Mr. Gunter. Motion passed.

Shawn VanWinkle – Submitted a supervised temporary license request with Lee N. Horine, DC as his supervisor. Dr. Courtney motioned to approve the request. Motion seconded by Mr. McCoy. Motion passed.

Meeting with Insurance Commissioner update

Dr. Holt gave a summary of how the meeting with the commissioner went regarding insurance companies denying services due to not being within Arkansas chiropractic scope. Dr. Holt informed the board that the commissioner's legal counsel, Mr. Rand, recommended that the board encourage the chiropractic associations to work on and get legislation passed with regard to this issue. The board was also informed that Mr. Rand had stated that those who had complaints regarding denial for scope could send their complaint directly to him and he would get back with them within 21 days. Mr. McCoy suggested that a draft of this suggested legislation be requested of the commissioner's office so that it can be passed on to the associations for them to work on or agree to and run. However, it was recognized that any legislation needed to be handled strictly by the associations and that any action of the board would be interpreted as though the board was running the legislation. Dr. Courtney referenced that there is still a past motion regarding the request for an AG opinion and it was to go into effect if there was no resolution from the meeting with the commissioner. Mr. West, ASBCE counsel, stated that the original request that was sent prior to the scheduling of the meeting with the insurance commissioner was submitted per executive guidelines to the ADH and was not approved. Mr. Gilmore, ADH Boards & Commissions coordinator, it was instructed for the board to pursue conversations with the insurance commission, and not to submit an AG's opinion and this was in consultation with the governor's office. Additionally, the solution from the meeting was that these insurance complaints be filed with the insurance commission. It was explained that the associations are the advocacy groups, and the board is the regulatory group. The associations push for legislative change and the board enforces those laws with regard to the practice of chiropractic.

ADJOURN

Mr. McCoy moved to adjourn. Seconded by Mr. Gunter. The Board adjourned at 1:30 p.m.

Board minutes approved: October 20, 2022