

Minutes
Arkansas State Board of Chiropractic Examiners
101 East Capitol, Suite 209
Teleconference Board Meeting
June 16, 2009

CALL TO ORDER

The meeting was called to order by Dr. Beverly Foster, Chair, at 12:00 p.m.

ROLL CALL

Board Members present: Dr. Vinton Savelle Barnes, Dr. Ryan Collins, Dr. Michael Courtney, Mr. Roland Getchell, Mr. Weldon Roberts, and Dr. Tom Taylor.

Staff Members present: Ms. Amanda Abernethy, Assistant Attorney General, and Ms. Rebecca Wright, Executive Director.

Guests Present: Ms. Kendra Booth, Dr. Vance Cornelison, Janie Evans, Attorney at Law, Dr. Sonjia Michaels, Mrs. Judie Price, Dr. Richard Rankin, and Dr. Anthony Taylor.

Minutes

The May 26, 2009 minutes were presented to the Board. Dr. Tom Taylor made a motion that the statement that he did not recuse from a discussion be struck from the minutes. There was not a second. The motion failed.

Mr. Weldon Roberts made a motion to add an addendum to the minutes to note Dr. Taylor's objection. Dr. Michael Courtney seconded. Dr. Taylor voted no. The motion passed. Dr. Taylor's objection is noted.

Ms. Rebecca Wright, Executive Director, stated that the minutes from April 17, 2009 and May 4, 2009 were not available for review at this time. She stated they would be available for review at the July 24, 2009 Board meeting.

CASH FLOW STATEMENT

Ms. Wright presented the May 2009 cash flow report to the Board. Dr. Courtney made a motion to approve the report. Mr. Roland Getchell seconded the motion. The motion passed unanimously.

APPROPRIATION REQUEST

Ms. Wright stated that she had discovered that a vendor had double-billed the Board office while processing invoices. Ms. Wright contacted the general manager of the vendor and the issue has been corrected. At that time, it was also discovered that the Board's appropriations were low for line 10, Operating Expenses and line 2, Extra Help. Ms. Wright worked closely with the Board's budget analyst at the Department of Finance and Administration to request

appropriation of \$7,500 for each line, totaling \$15,000. The request was approved. Ms. Wright stated that steps have been implemented to ensure that the Board does not overspend its budget and to ensure that the Board is not double-billed by vendors.

OLD BUSINESS

There was no old business at this time.

NEW BUSINESS

Meeting Agenda

Dr. Foster requested the agenda be modified to allow those present for specific agenda items to be at the top of the agenda. Agenda item regarding Dr. John Price was requested to be added to the agenda. Dr. Courtney made a motion to approve the request. Dr. Vinton Barnes seconded the motion. The motion passed unanimously.

LICENSE RENEWAL REQUEST

Dr. John Price submitted a license renewal for 2009, dated December 31, 2008. However, his license renewal was not renewed due to lack of submission of continuing education hours for 2008. Mrs. Judie Price stated that she had spoken to the previous Executive Director and was assured that the continuing education had been received, separately from the license renewal. But, then was told later that it had not been received. The Board discussed the issue. Dr. Barnes made a motion to accept Dr. Price's license renewal as complete and in order as of December 31, 2008. Dr. Taylor seconded the motion. The motion passed unanimously.

LICENSE REACTIVATION REQUEST

Dr. Richard Rankin had an Order that stated that when all items were completed appropriately his license may be reinstated. Ms. Amanda Abernethy, Assistant Attorney General, stated that if the Order is fulfilled, Dr. Rankin's license may be reactivated. Dr. Taylor made a motion to accept Dr. Rankin's Order fulfilled. Dr. Courtney seconded the motion. The motion passed unanimously.

EXTENSION REQUEST – FINE

Dr. Vance Cornelison had an Order that included a fine of \$2,675.60. He is requesting an extension of the due date. Dr. Cornelison stated that at this time he is unable to pay the fine by the due date. He stated he previously requested a payment plan from the Board was denied. Dr. Barnes made a motion to extend the due date for the fine for six (6) months. Dr. Ryan Collins seconded the motion. The motion passed unanimously.

FY2010 ANNUAL OPERATION PLAN

Ms. Wright presented the FY2010 Annual Operation Plan. She stated that the Board is within its operating budget.

X-RAY EXAMINATION FOR STATE EXAMINATION

Dr. Barnes stated that he has researched purchasing a new examination on disk. The examinees could take the X-Ray examination on computer by using this disk. Dr. Barnes stated that the examination is prepared by a Board certified radiologist. The cost would be approximately \$3000. Discussion followed. Dr. Barnes made a recommendation that the Board purchase the X-Ray examination on disk. Dr. Courtney made a motion to approve the X-Ray examination on disk and to approve a budget up to \$3000. Mr. Getchell seconded the motion. Dr. Collins and Dr. Taylor voted no. The motion passed. The examination officer is authorized to make the purchase.

RENEWAL OF LAPSED LICENSE

Dr. Jeremy Kildow did not renew his 2009 license due to lack of continuing education in 2008. He submitted a request to renew his lapsed license and paid the license fee and the penalty fee. Dr. Kildow currently does not have the continuing education to submit with the license renewal application. Dr. Courtney made a motion to not consider the license renewal application due to being incomplete. When it is complete, Dr. Kildow may present the request to renew to the Board. Dr. Barnes seconded the motion. The motion passed unanimously.

Temporary License Request

Dr. Michael Clark submitted an application for examination. He missed the deadline to be considered for orientation/examination in July 2009. Dr. Clark is requesting an unsupervised temporary license so that he may practice until the January 2010 orientation/examination. Dr. Courtney made a motion to grant an unsupervised temporary license to start within the six (6) months required of the January 2010 orientation/examination. Dr. Taylor seconded the motion. The motion passed unanimously. A specific start date was not set due to the January 2010 date not being set at this time.

COPY FEES

Ms. Wright presented the copying fees of Arkansas Code Section 16-46-106 Medical Records to the Board. It includes cost of photocopying shall not exceed fifty cents (0.50) per page for the first twenty-five (25) pages and twenty-five cents (0.25) per page for each additional page. Dr. Courtney made a motion to use this as the Board's policy for copying fees. Dr. Taylor seconded the motion. The motion passed unanimously.

HEARING TRANSCRIPT

Dr. Barnes stated that he would like to discuss the April 21, 2009 hearing transcript regarding Dr. J. Michael Glover. It was requested that copies of the transcript be sent to the current Board members and to the two (2) doctors who attended the hearing. The discussion will be tabled. Dr. Barnes made a motion to copy the transcripts and to send them to the current Board members and to the two (2) doctors who attended the hearing. Dr. Courtney seconded the motion. Dr. Taylor voted no. The motion passed.

HEARING – REQUEST TO REMOVE

A hearing was scheduled for July 24, 2009. After further review, Ms. Abernethy stated that there is not sufficient evidence to hold a hearing. She requested that the hearing be removed from the calendar. Dr. Collins made a motion to remove the hearing from the Board calendar. Mr. Roberts seconded the motion. The motion passed unanimously.

APPLICATION CREDENTIALS REVIEW

Dr. Barnes presented twelve (12) applicants for review. Ms. Wright stated that applicant twelve could be removed due to previous Board discussion. Ms. Wright stated that applicant eleven did not meet the requirements due to the application being incomplete for over one (1) year. Dr. Barnes made a motion that applicants one through ten (1-10) be accepted. Dr. Courtney seconded the motion. The motion passed unanimously.

TEMPORARY LICENSE REQUESTS

Dr. Barnes stated that two applicants, of the ten (10) approved, requested supervised temporary licenses. Dr. Barnes made a motion to grant the supervised temporary license. There was not a second. The motion failed. Due to the applicants attending orientation/examination on July 24, 2009, the temporary licenses will not be granted.

INVESTIGATION REPORT

Dr. Courtney presented the investigation report.

Complaint 317-11-11-08. Dr. Courtney has recused. Dr. Foster is the investigator. Dr. Foster stated that recommendation will be brought to the Board at the July 24, 2009 Board meeting.

Complaint 322-11-26-08. Dr. Courtney stated that this complaint has been removed from the Board calendar.

Complaint 325-01-19-09. Dr. Courtney recommended a letter of reprimand. Discussion followed. Dr. Barnes made a motion that a hearing be held. Mr. Getchell seconded the motion. Dr. Courtney abstained. The motion passed. Dr. Collins made a motion that the hearing schedule for all hearings needed be set in July 2009 unless there is a public safety concern. Dr. Barnes seconded the motion. The motion passed unanimously.

Complaint 326-01-30-09. Dr. Courtney has recused. Dr. Foster is the investigator. Dr. Foster stated that recommendation will be brought to the Board at the July 24, 2009 Board meeting.

Complaint 329-02-26-09. Dr. Courtney stated that this complaint remains under investigation.

Complaint 330-03-06-09, 333-03-23-09 – Combined. Dr. Courtney recommended a hearing. Dr. Barnes made a motion that there a hearing be held on these combined complaints. Mr. Getchell seconded the motion. The motion passed unanimously.

Complaint 335-04-03-09. This complaint remains under investigation.

Complaint 336-04-20-09. This complaint remains under investigation.

Complaint 337-04-20-09. Dr. Courtney recommended a hearing. Dr. Barnes made a motion that there a hearing be held. Mr. Getchell seconded the motion. Dr. Taylor abstained. The motion passed.

Complaint 338-05-01-09. Dr. Taylor recused from the discussion. Dr. Collins made a motion to table this complaint until all responses have been reviewed. Mr. Roberts seconded the motion. Dr. Collins, Mr. Getchell, and Mr. Roberts voted yes. Dr. Taylor recused. Dr Barnes and Dr. Courtney voted no. The motion passed.

Complaint 339-05-08-09. This complaint remains under investigation.

Complaint 340-05-11-09. This complaint remains under investigation.

Complaint 341-05-15-09. This complaint remains under investigation.

Complaint 342-05-22-09. This complaint remains under investigation. This doctor was also given a Cease and Desist Order from practicing without a license. Dr. Courtney stated it will probably go to hearing but not at this time.

Complaint 343-05-28-09. This complaint remains under investigation.

Complaint 344-06-05-09. This complaint remains under investigation.

Complaint 345-06-12-09. This complaint remains under investigation.

Complaint 346-06-12-09. This complaint remains under investigation.

Dr. Collins thanked Dr. Courtney for his hard work on the investigations.

Adjourn

Dr. Barnes moved to adjourn. Dr. Collins seconded the motion. The motion passed unanimously.