

**Minutes**  
**Arkansas State Board of Chiropractic Examiners**  
**101 East Capitol, Suite 209**  
**Board Meeting / Orientation**  
**January 26, 2010**

**CALL TO ORDER**

The meeting was called to order by Dr. Savelle Barnes, President, at 10:00 a.m.

**ROLL CALL**

Board Members present: Dr. Terry Barnett, Dr. Ryan Collins, Dr. Beverly Foster, Mr. Jack McCoy, Mr. Weldon Roberts, and Dr. Tom Taylor.

Board Members absent: None.

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

Guests Present: Kendra Booth, Gaylon Carter, D.C., Chris Cathey, D.C., Janie Evins, Attorney, Tim Isaac, Ty Russell, D.C. – Requirement to attend orientation to receive a temporary license, Jim Taylor, D.C., and Tony Taylor, D.C.

New Licensees Present for Orientation: Jason Blacketter, D.C., Michael Clark, D.C., Denise Hoffecker, D.C., Ryan Johnston, D.C., Rebecca Meintsma, D.C., Sarah Morter, D.C., Floyd Powell, D.C., Jennifer Robertson, D.C., James Sanford, Jr., D.C., Jason Sherrod, D.C., John Shipp, D.C., Matthew Torres, D.C., and Nathan Wagner, D.C.

**CREDENTIALS REVIEW**

Dr. Tom Taylor presented the credentials review of Sarah Morter and Jennifer Roberson. These applicants are present this day for orientation. Ms. Morter and Ms. Roberson had completed application files by the December 12, 2009, deadline. They were scheduled to be reviewed at the December 15, 2009 Board meeting. Ms. Morter and Ms. Roberson do not graduate chiropractic college until spring 2010; therefore, their files were not reviewed in December, according to Rule and Regulation A(2)(f). Dr. Taylor stated that he spoke with the applicants and although they graduate in spring 2010, per Rule and Regulation A(3)(g), Dr. Taylor is requesting that they receive their licenses preceding graduation. Dr. Taylor stated that this was a Board oversight and requested the Board to accept the applicants' credentials at this time so they may participate in the orientation. Dr. Taylor made a motion to accept the credentials of Sarah Morter and Jennifer Roberson under Rule and Regulation A(3)(g), due to Board oversight. Mr. Jack McCoy seconded the motion. The motion passed unanimously. Sarah Morter and Jennifer Roberson have passed credentials review and may sit for orientation this day.

**ORIENTATION OF NEW LICENSEES**

Dr. Barnes introduced the Board members and staff to the new licentiates.

Dr. Ryan Collins, Investigation Officer, stated to the new licentiates to have good communication with patients. He stated to take all complaints seriously if a complaint is filed against them.

Mr. Weldon Roberts, Treasurer and Public Member, stated to the new licentiates that he is involved in veterans' issues. He extended an invitation to the new licentiates to help them get involved with veterans and provide chiropractic care.

Dr. Terry Barnett, Secretary, stated to the new licentiates that he reviews the continuing education pre-approval applications. He stated that licensees must earn continuing education hours per the Rules and Regulations preceding the license renewal year. Dr. Barnett stated that approved continuing education is posted on the Board's website.

Dr. Taylor, Examination Officer, stated to the new licentiates that the National Board of Chiropractic Examiners (NBCE) Part IV examination is accepted in Arkansas through legislation. The Part IV examination can be taken in lieu of the Arkansas state examination.

Mr. McCoy, Consumer Member, stated to the new licentiates to introduce themselves to the representatives and legislators in the State. He stated that when legislation comes about regarding chiropractic, the licensees and the representatives and/or legislators can work together.

Dr. Barnes, President, stated to the new licentiates that the Arkansas chiropractic doctors protect the Arkansas law. He suggested that the new chiropractic doctors meet and talk to the chiropractic doctors that have been licensed for a long time for the history of the Arkansas law.

The Board presented the licenses to the new licentiates.

Congratulations to the following chiropractic doctors who were licensed this day:

Jason Blacketter, D.C., Michael Clark, D.C., Denise Hoffecker, D.C., Ryan Johnston, D.C., Rebecca Meintsma, D.C., Sarah Morter, D.C., Floyd Powell, D.C., Jennifer Robertson, D.C., James Sanford, Jr., D.C., Jason Sherrod, D.C., John Shipp, D.C., Matthew Torres, D.C., and Nathan Wagner.

The Board recessed for ten (10) minutes.

The Board reconvened.

**COMPLAINT 325-01-19-09**

Complaint 325-01-19-09 was presented to the Board with a recommendation to dismiss the complaint. The following Board members recused: Dr. Barnes, Dr. Collins, Dr. Foster, and Dr.

Taylor. The following Board members were special appointed by the Governor's office to hear this agenda item: Dr. Michael Jarman, Dr. Sherrie Rine, and Dr. William Maurice Traylor.

Mr. McCoy made a motion to turn the meeting over to Dr. Barnett. Dr. Traylor seconded the motion. The motion passed unanimously. A roll call was taken by Dr. Barnett. Dr. Collins, recused, will provide information of the complaint to the Board members, Mr. Roberts, Dr. Barnett, Dr. Traylor, Dr. Jarman, Dr. Rine and Mr. McCoy were present.

Ms. Amanda Abernethy, Assistant Attorney General, briefed the Board members on how complaints are processed. She stated that Dr. Collins investigated the complaint and therefore will not vote in the Board's decision.

Ms. Abernethy stated that the complaint was investigated and the recommendation is to dismiss the complaint due to finding no violations of the Rules, Regulations, and Statutes. She stated that the chiropractic doctor complied with the investigation by providing requested records. Ms. Abernethy stated that the diagnosis made by the chiropractic doctor was in question. It was found that the diagnosis was not an unreasonable diagnosis by a chiropractic doctor. Dr. Collins stated that this particular complaint began before he was the Investigating Officer. When he became the Investigating Officer, he investigated this complaint. Dr. Collins stated that there are Board members who have had to recuse which is why the Board asked the Governor's office for special appointed Board members to discuss and to vote on the complaint.

Dr. Traylor moved to accept the recommendation to dismiss the case. Dr. Jarman seconded the motion. The motion passed unanimously. The complaint will be dismissed and closed.

The special appointed Board members were thanked for their time and were excused from the Board meeting.

Mr. Roberts moved to turn the meeting over to Dr. Barnes. Dr. Collins seconded the motion. The motion passed unanimously.

## **MINUTES**

The December 15, 2009, minutes were presented to the Board. Dr. Barnett moved to accept the minutes. Mr. McCoy seconded the motion. The motion passed unanimously.

## **BUDGET REPORT**

Ms. Rebecca Wright presented the budget report to the Board. This report is provided by the Service Bureau of the Department of Finance and Administration. The report shows the operations of the Board office and the operations of the payroll for each month.

Ms. Wright stated that she was informed by the Board's budget analyst that the salary appropriation will run out in May 2010. Ms. Wright informed the Board that requesting more appropriation is asking permission to use the funds. She will make this request in March for the Performance Evaluation and Expenditure Review (PEER) meeting in April.

## **EXECUTIVE DIRECTOR REPORT**

### **Statement of Financial Interest**

Ms. Wright reminded the Board members that the statements of financial interests are due by Monday, February 1, 2010.

### **License Renewal Report**

Ms. Wright provided the license renewal report of the 2010 license renewal. She stated that to date 548 licensees have renewed their licenses. The fees received are \$103,350.00 for renewal fees, \$800.00 for late penalty fees, and \$75.00 for insufficient funds fees, totaling \$104,225.00.

Dr. Foster stated that in the past, the Executive Director provided a list of chiropractic doctors that did not renew their licenses along with copies of the letters stating they had not renewed to the Board. She also stated that in the past a roster of non-renewed chiropractic doctors was posted on the website.

### **Tasks in Progress**

Ms. Wright stated that the following tasks were in progress:

Database Status: The Executive Director will meet with Jane Gordon, FileMaker Pro Consultant on Thursday, January 28, 2010.

License File Audits: The Executive Director is currently auditing two license files. These doctors have requested to not have a social security number on file.

Ty Russell, D.C.: Dr. Russell is present today for the orientation as part of his temporary license request. The Executive Director has requested copies of Dr. Russell's records from the Colorado State Board of Chiropractic Examiners. A response has not been received to date.

State Treasury status, Runners Poll, Federal Background Checks, Guidelines of Hearing and Disciplinary Actions Consistency will be worked on.

## **OLD BUSINESS**

### **Temporary License Request**

Charles Raley, D.C., is an applicant that was credentialed reviewed on December 15, 2009. The application was approved. Dr. Raley requested after the credential review meeting for an unsupervised temporary license and to attend the July 22, 2010, new licensee orientation. Dr. Raley does qualify for an unsupervised temporary license. Discussion followed. Dr. Foster made a motion to grant an unsupervised temporary license to Dr. Raley. Mr. McCoy seconded the motion. The motion passed unanimously.

**Hearings: Information Provided to Board Members in Advance**

A discussion followed regarding Board members receiving or not receiving hearing information in advance of a scheduled hearing. The Board is given limited information in advance of a hearing to avoid prejudice. The Board can receive copies of the Notice of Hearing because the respondent will have received this and it will be public information. The Board can call a recess during the hearing to take time to read information that is given to them.

A discussion followed regarding the complaint handling procedures. Dr. Taylor made a motion to follow the complaint handling procedures as outlined in the Rules and Regulations, and to update the website so that it is consistent with the Rules and Regulations. Dr. Barnett seconded the motion. Discussion followed. Ms. Abernethy stated that some options to be compliant with the Rules and Regulations complaint handling procedures is to have a Rule change or to issue a point of clarification. Ms. Abernethy stated that it appears the President and the Investigative Officer does not have to recuse from the hearings. A roll call vote was taken: Dr. Barnett, Mr. Roberts and Dr. Taylor voted yes. Dr. Collins, Dr. Foster and Ms. McCoy voted no. Dr. Barnes voted no as the tie breaker. The motion failed.

Dr. Foster made a motion that a policy and procedures manual be maintained by the Executive Director with clarification pertaining to the discussion of this particular Rules and Regulation section, section D(2), with the procedure be adopted that the Investigative Officer and the President not meet in person. However, each will give input to the Attorney General's office. The three (3) will decide whether an investigation should occur and those recommendations will be taken to the Board members with a general description of the nature of the complaint without factual information. Dr. Collins seconded for purposes of discussion. Discussion followed. Dr. Collins requested clarification of the motion of the statement that when a complaint is received the investigative committee decides if an investigation should occur and that recommendation is taken to the Board, or does the Investigative Officer investigate the complaint and gives a recommendation to the President, then a recommendation given to the Board. The Rules and Regulations section D(2) states that the investigative committee decides together to investigate the complaint. Dr. Collins called the question. A roll call vote was taken. Dr. Barnett, Dr. Collins, Dr. Foster, Mr. McCoy, and Mr. Roberts voted yes. Dr. Taylor voted no. The motion passed.

**Vance Cornelison, D.C. – Complaint 300-05-19-08, 305-07-08-08**

A hearing was held on October 28, 2008 for Dr. Vance Cornelison. The Findings of Fact, Conclusions of Law, and Order was signed and dated December 9, 2008. Order number three (3) states that, "In addition to the twenty-four (24) hours of continuing education Respondent must complete each year, Respondent will complete an additional six (6) hours of continuing education per year for the next three (3) years in the areas of ethics and boundaries and risk management. During each of the next three (3) years, the courses comprising the additional six (6) hours of continuing education must be pre-approved by the Board". Dr. Cornelison took six (6) hours of pre-approved continuing education on 12/29/2009 and submitted this to the Board office. To date, Dr. Cornelison has not paid the civil penalty of \$2,675.60.

**Jim Taylor, D.C.**

Mr. McCoy requested to put Jim Taylor, D.C., on the agenda and asked the Board to listen to Dr. Taylor. This item is not an agenda item.

The Board recessed at 12:06 p.m.

The Board reconvened at 12:13 p.m.

Mr. McCoy moved that the Board hear Dr. Jim Taylor or to set a specific date for a hearing to reinstate Dr. Taylor's license. Dr. Barnes stated that he would not recognize this request. He stated that a hearing was held in June 2009 and the Board decision was made at that hearing. Dr. Barnes stated that there is a Board Order of the Board's decision and Dr. Taylor has not met those requirements. The hearing was held on June 23, 2009. The Findings of Facts, Conclusions of Law and Order was signed on June 23, 2009. Ms. Abernethy stated that the Order was not appealed. Dr. Barnes stated that the attorneys may correspond with each other; however, the Board will not hear from Dr. Taylor this day. Dr. Taylor must follow the Order. When these requirements are met, the Board will review the information provided.

Mr. McCoy retracted his original motion. Mr. McCoy moved that the Board hear from Dr. Taylor and his attorney at its next regularly scheduled Board meeting. There was no second. The motion failed.

## **NEW BUSINESS**

### **Define Absences and Regularly Scheduled Meetings**

Dr. Barnes stated that the Governor's office stated that a recusal is an excused absence. If a Board member has a minimum of three (3) absences in a row and the recusal is part of these absences, the Board member is still reported to the Governor's office within thirty (30) days of the third absence.

### **John Lodrigue, D.C. – 2010 License Renewal**

John Lodrigue, D.C., has an out-of-state active status with Arkansas. He would like to be in-state active but did not receive the required twenty-four (24) hours of Arkansas pre-approved continuing education to renew at this status. Dr. Lodrigue requested that Arkansas accept the Tennessee continuing education hours. The Board stated that Dr. Lodrigue must have Arkansas pre-approved continuing education hours to renew at the in-state active status. Mr. McCoy made a motion that Dr. Lodrigue is required within the sixty (60) day time period after December 31, 2009, to get the Arkansas pre-approved continuing education hours. Dr. Collins seconded the motion. Dr. Taylor abstained. The motion passed.

### **Federation of Chiropractic Licensing Boards (FCLB's) 84<sup>th</sup> Annual Educational Congress – April 28-May 2, 2010, Baltimore MD - Travel Approval Request**

Ms. Rebecca Wright, Executive Director, Dr. Foster, and Mr. Roberts requested to attend the FCLB April 2010 meeting. Dr. Collins moved to approve the expenses for Ms. Wright, Dr. Foster and Mr. Roberts to attend the meeting. Dr. Taylor abstained. The motion passed.

**INVESTIGATION REPORT**

Dr. Collins stated that due to the clarification of the Rules and Regulations, he would not give the investigative report at this time. The President has not reviewed these complaint files.

**Regulation Q**

Dr. Collins requested to handout one (1) sheet of new verbiage for Regulation Q. Dr. Barnes stated that he could handout the sheets but there will be no discussion today. This item is not an agenda item.

**Website Update**

Mr. Roberts stated that he would like to see the Board's website updated to include Board minutes and Board newsletters. This item is not an agenda item.

**Adjourn**

Mr. Roberts moved to adjourn. Dr. Barnett seconded the motion. The motion passed unanimously. The Board adjourned at 12:40 p.m.