

**Minutes**  
**Arkansas State Board of Chiropractic Examiners**  
**101 East Capitol, Suite 209**  
**Board Meeting**  
**July 22, 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. Meredith Rebsamen, Assistant Attorney General, Ms. Rebecca Wright, Executive Director.

Guests Present: Gaylon Carter, D.C.; Chris Cathey, D.C.; Nicole Hart of the Governor's office; Pat James, Attorney; Sarah Morter, D.C.; Tom Morter, D.C.; and Becky Sewell.

New Licensees Present for Orientation: Burton Berger, D.C.; Charlotte Fleming, D.C.; William McCauley, D.C.; Bryan Moore, D.C.; Joseph Morrison, D.C.; David Morse, D.C.; Charles Raley, D.C.; Donald Roe, D.C.; Harvey Roeder, D.C.; Joshua Rowden, D.C.; Ty Russell, D.C.

**ORIENTATION OF NEW LICENSEES**

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

Mr. Jack McCoy, Consumer Member, stated to the new licentiates to that they are entering a very important profession. He encouraged them to get involved in all aspects of chiropractic outside of the clinic.

Dr. Tom Taylor, Examination Officer, stated to the new licentiates that chiropractors are needed and can help primary care physicians if the number of medical doctors decreases.

Dr. Beverly Foster, Board member, stated to the new licentiates that she has been a Board member for 14 ½ years. She stated that the agency regulates licensure and protects the public. Dr. Foster stated that when communicating with the Board to put requests in writing for good record keeping. She stated that license renewals should be renewed each year by the deadline.

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.

Dr. Terry Barnett, Secretary, stated to the new licentiates to be active in chiropractic such as joining any of the State associations and getting to know other chiropractors in their town. He stated that the new licensees, being licensed in July, need to earn twelve (12) hours of continuing education before the next license renewal. Dr. Barnett reiterated that it is important to have the license renewals submitted during the license renewal period and before the deadline.

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. Barnes, President, summarized to the new licentiates to be sure to answer quickly any complaints filed, to renew their licenses on time, to give back to the community, and continuing education pre-approved by the Arkansas board will have an Arkansas course number and the approved courses are listed on the website.

The Board presented the licenses to the new licentiates.

Congratulations to the following chiropractic doctors who were licensed this day: Burton Berger, D.C.; Charlotte Fleming, D.C.; William McCauley, D.C.; Bryan Moore, D.C.; Joseph Morrison, D.C.; David Morse, D.C.; Charles Raley, D.C.; Donald Roe, D.C.; Harvey Roeder, D.C.; Joshua Rowden, D.C.; Ty Russell, D.C.

The Board recessed at 10:40 a.m.

The Board reconvened at 10:50 a.m.

## **MINUTES**

The June 10, 2010, minutes were presented to the Board. Dr. Foster requested to amend the minutes with the following: add Becky Sewell as a guest present and a typographical error under guests present. Dr. Taylor provided a two (2) page handout of amendments. Discussion followed. Dr. Taylor moved to accept the amended minutes. Dr. Foster seconded the motion. Dr. Foster, Mr. McCoy and Dr. Taylor voted yes. Dr. Barnett, Dr. Collins and Mr. Roberts voted no. The vote was a tie. Dr. Barnes broke the tie and voted no. The motion failed.

Mr. McCoy moved that Rebecca Wright, Executive Director, take the notes given by Dr. Foster and Dr. Taylor, listen to the meeting recording and add the amendments that are correct, and have the attorney general assistant assist in the review, then present the updated minutes to the Board at the next regularly scheduled Board meeting. Dr. Collins seconded the motion. Discussion followed. The Board voted to have a vote on the current motion. Dr. Barnett called the question. Dr. Barnett, Dr. Collins, Mr. McCoy and Mr. Roberts voted yes. Dr. Foster and Dr. Taylor voted no. The motion passed. Mr. McCoy withdrew his motion. Mr. Roberts moved to have the Board meeting recording sent to a court reporter to transcribe. Dr. Collins seconded the motion. Dr. Barnett, Dr. Collins, Mr. McCoy and Mr. Roberts voted yes. Dr. Foster and Dr. Taylor voted no. The motion passed.

**Budget Report**

Ms. Wright presented the June budget report to the Board. She stated that the reports are sent to the office after the month has occurred. Dr. Foster moved that the line items "Travel Conference Fees" and "Professional Fees and Services" be itemized with the budget report. Dr. Collins seconded the motion. The motion passed unanimously.

Dr. Barnes stated that travel reimbursement requests for the last part of the fiscal year was held until July so they could be paid with the new budget. Dr. Foster requested the minutes reflect that her travel reimbursement for the Federation of Chiropractic Licensing Boards (FCLB) April conference will be paid from the July 2010 budget.

**OLD BUSINESS****Kendall Wilson, D.C. – Settlement – Signature on File**

Ms. Wright provided, per the Board's request, the signature for Dr. Wilson regarding the lawsuit settlement.

Dr. Foster requested information about the complaints filed by Dr. Wilson with the Governor's office. Nicole Hart of the Governor's office stated that she has not provided those to the Board office at this time.

**FileMaker Pro Database**

Ms. Wright provided, per the Board's request, the FileMaker Pro contract from Gordon Consulting and the Department of Information System's approval letter for IT amendment to implement the new database in the office.

**State Treasury Information**

Ms. Wright presented information regarding changing the Board's bank account to the State Treasury. Ms. Wright stated that by moving the account to the State Treasury, the workload in the office would decrease, any risks associated with the current office process would be decreased, and invoices would be processed faster than they are in the office (due to workload). Warrants would be issued from the Auditor's office instead of checks from the commercial bank account. The 1.5% cash fund service charge by the State Treasury would not be charged. This is a service charge for having a bank account outside of the Treasury. The Board pays \$1,800 - \$2,000 a year in service charges. The Board would get interest at the end of each month by a distribution done pursuant to a program that Treasury runs on the average daily balances of all alpha numeric funds. Discussion followed. Dr. Collins moved to change the Board's bank account to the State Treasury. Dr. Barnett seconded the motion. A roll call vote was taken. Dr. Barnett, Dr. Collins, Mr. McCoy, and Mr. Roberts voted yes. Dr. Foster and Dr. Taylor voted no. The motion passed.

The Board recessed at 11:51 a.m.

The Board reconvened at 12:01 p.m.

### **Federal Background Checks**

Dr. Taylor moved to table this item. Mr. Roberts seconded the motion. Dr. Barnett, Dr. Collins, Mr. McCoy, Mr. Roberts, and Dr. Taylor voted yes. Dr. Foster voted no. The motion passed.

### **Regulation Q/Runners Discussion**

Ms. Wright stated that a powerpoll through the FCLB has been requested. Discussion followed. Dr. Taylor moved to follow up with Amanda Abernethy, Assistant Attorney General, regarding a request made in 2009 for an opinion on the Regulation Q language. Dr. Foster seconded the motion. Discussion followed. Dr. Taylor amended his motion to state that the Board wait for the powerpoll results and for input from the chiropractic state associations. The motion failed due to lack of a second.

Dr. Barnett moved to send the updated Regulation Q language written by Dr. Isaac to the Attorney General for an opinion on the language standing up in court. Dr. Collins seconded the motion. A roll call vote was taken. Dr. Barnett, Dr. Collins, Mr. McCoy, and Mr. Roberts voted yes. Dr. Foster and Dr. Taylor voted no. The motion passed.

### **Guidelines of Hearing and Disciplinary Actions Consistency**

The Georgia and Florida guidelines were provided by Dr. Foster.

### **National Board of Chiropractic Examiners (NBCE) Part IV Examination**

This item was not an agenda item. Dr. Foster moved to invite an NBCE representative to attend a regularly scheduled Board meeting to discuss Arkansas changing to only accepting the Part IV examination. Dr. Barnett seconded the motion. Dr. Barnett, Dr. Collins, Dr. Foster, Mr. McCoy, and Mr. Roberts voted yes. Dr. Taylor abstained. The motion passed.

### **FCLB District III and V Meeting: Sept 30 – Oct 3, 2010 Attendance Request**

Ms. Wright presented the information of the FCLB District III and V meeting. She requested to attend as the Executive Director. Dr. Barnett requested to attend as a Board member. Dr. Taylor moved to approve the attendance of Dr. Barnett and Ms. Wright at the meeting. Dr. Collins seconded the motion. Dr. Barnett, Dr. Collins, Mr. Roberts, and Dr. Taylor voted yes. Dr. Foster and Mr. McCoy voted no. The motion passed.

### **NEW BUSINESS**

#### **2010 Year End Closing Book Status**

Ms. Wright stated she was working on the 2010 year end closing book.

Dr. Collins moved to approve the FY2011 budget. Mr. McCoy seconded the motion. The motion passed unanimously.

**Inquiry: Can an Arkansas Chiropractor give a free service to a human if the human adopted an animal from a participating rescue?**

Ms. Wright presented to the Board an inquiry from a chiropractor asking if an Arkansas Chiropractor give a free service to a human if the human adopted an animal from a participating rescue. Dr. Taylor moved to ask the Board's assistant attorney general about how to address these questions. Dr. Foster seconded the motion. The motion passed unanimously.

**Brooks Holifield – In-State Active Status Request**

Brooks Holifield requested that he change his status from out of state active to in state active. Discussion followed. Dr. Foster moved that Dr. Holifield apply for the status conversion during the 2010 license renewal period and be brought to the Board to be considered. Mr. McCoy seconded the motion. Dr. Barnett, Dr. Collins, Dr. Foster, Mr. McCoy, and Mr. Roberts voted yes. Dr. Taylor abstained. The motion passed.

The Board recessed at 1:19 p.m.

The Board reconvened at 1:23 p.m.

**Investigation Report**

Dr. Collins presented the following investigation report with a motion to accept the recommendations. Dr. Barnett seconded the motion. Discussion followed. Dr. Barnett, Dr. Collins, Dr. Foster, Mr. McCoy, and Mr. Roberts voted yes. Dr. Taylor abstained. The motion passed.

<b>Complaint Number</b>	<b>Date of Complaint</b>
<b>Recommend Close</b>	
None	
<b>Recommend Pending</b>	
344-06-05-09	06/05/09
350-06-30-09	06/29/09
374-02-16-10	02/16/10
378-04-08-10	04/08/10
380-04-15-10	04/15/10
382-04-20-10	04/20/10
386-05-03-10	05/03/10
<b>Recommend Letter of Advisement</b>	
None	
<b>Recommend Hearing</b>	
None	

### **Board Meeting Dates**

Ms. Wright presented the following dates for Board meetings through July 2011:

October 21, 2010	Board Meeting
December 14, 2010	Credentials Review
January 20, 2011	Orientation
April 12, 2011	Board Meeting
June 16, 2011	Credentials Review
July 21, 2011	Orientation

The October date was corrected from the 22<sup>nd</sup> to the 21<sup>st</sup>. Dr. Foster moved to accept the amended dates. Dr. Barnett seconded the motion. The motion passed unanimously.

### **Election of Officers**

The nominations for Board officers were opened. Nominations for President were as follows:

Dr. Barnes nominated Dr. Barnett. Dr. Barnett declined the nomination. Dr. Foster nominated Dr. Taylor. Dr. Barnett nominated Dr. Collins.

Mr. Roberts moved to close nominations. Dr. Barnett seconded the motion. The motion passed unanimously.

The votes for Dr. Taylor were: Dr. Foster, Mr. McCoy and Dr. Taylor. The votes for Dr. Collins were: Dr. Barnett, Dr. Collins and Mr. Roberts. The vote was tied. Dr. Barnes provided the tie breaker vote and voted for Dr. Collins. Dr. Collins is the President of the Board.

Dr. Collins thanked Dr. Barnes for his service and his leadership of the Board as President.

Dr. Collins opened nominations for Secretary. Nominations for Secretary were as follows:

Dr. Foster nominated Dr. Taylor. Mr. Roberts nominated Dr. Barnett.

Mr. Roberts moved to close nominations. Dr. Barnes seconded the motion. The motion passed unanimously.

The votes for Dr. Taylor were: Dr. Foster and Dr. Taylor. The votes for Dr. Barnett were: Dr. Barnes, Mr. McCoy and Mr. Roberts. Dr. Barnett abstained from voting. The motion passed by majority for Dr. Barnett. Dr. Barnett declined the position of Secretary. Dr. Taylor is Secretary of the Board.

Dr. Collins appointed Dr. Barnett as Investigative Officer, Dr. Foster as Examination Officer, and Mr. Roberts as Treasurer. Dr. Barnett moved to accept the appointments. Dr. Taylor seconded the motion. The motion passed unanimously.

### **Adjourn**

Dr. Barnes made a motion to adjourn. Dr. Foster seconded the motion. The motion passed unanimously.

*Board minutes approved: 10/21/2010.*