

Minutes
Arkansas State Board of Chiropractic Examiners
101 East Capitol, Suite 209
Board Meeting
October 21, 2010

CALL TO ORDER

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

ROLL CALL

Board Members present: Dr. Terry Barnett, Dr. Kent Moore, Mr. Weldon Roberts, and Dr. Tom Taylor.

Board Members absent: Mr. Jack McCoy and Dr. Beverly Foster. At the time of roll call, these Board members were absent. Dr. Foster arrived at 10:10 a.m. and Mr. McCoy arrived at 10:15 a.m. They joined the Executive Session that was already in progress.

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

Guests Present: John Bomar, D.C.; Gaylon Carter, D.C.; Chris Cathey, D.C. of the Arkansas Chiropractic Society; Cora Gentry of the Arkansas State Police; Pat James, Attorney, representing Dr. Cathey; Maggie Joseph, D.C.; Ken Lack, D.C.; Becky Sewell of Rehab Net of AR/ArPTA; Paul Townsend, D.C., of the National Board of Chiropractic Examiners.

EXECUTIVE SESSION

Dr. Tom Taylor moved to enter into Executive Session at 10:10 a.m. Dr. Terry Barnett seconded the motion. The motion passed unanimously. Mr. Jack McCoy and Dr. Beverly Foster were absent. At the time of roll call, these Board members were absent. Dr. Foster arrived at 10:10 a.m. and Mr. McCoy arrived at 10:15 a.m. They joined the Executive Session that was already in progress.

The Board reconvened in public session at 11:20 a.m. Dr. Kent Moore moved that the President will meet with the Executive Director regarding not getting items/requests completed in a timely manner. Dr. Foster and Dr. Taylor abstained. The motion passed.

MINUTES

The June 10, 2010, minutes were presented to the Board. Dr. Taylor moved to accept the minutes with additions noted. Dr. Barnett seconded the motion. The motion passed unanimously.

The July 22, 2010, minutes were presented to the Board. Dr. Barnett moved to accept the minutes. Dr. Moore seconded the motion. The motion passed unanimously.

The August 16, 2010, minutes were presented to the Board. Dr. Barnett moved to accept the minutes. Mr. Weldon Roberts seconded the motion. The motion passed unanimously.

The September 28, 2010, minutes were presented to the Board. Mr. McCoy moved to accept the minutes with additions noted. Dr. Barnett seconded the motion. The motion passed unanimously.

BUDGET REPORT

The budget report with travel reimbursement specified was presented to the Board. Dr. Taylor asked if a three thousand dollar (\$3000) x-ray examination for the State examination was purchased. It was not. Dr. Barnett moved to accept the budget report. Mr. Roberts seconded the motion. The motion passed unanimously.

FREEDOM OF INFORMATION ACT REQUESTS REPORT

The Freedom of Information Act (FOIA) requests report was presented to the Board. The report shows the number of requests received, and the information provided to Pat James, Attorney.

CORRESPONDENCE/COMMUNICATIONS

A letter from Dr. Foster regarding the minutes was presented to the Board. Amanda Abernethy, Assistant Attorney General, stated that the Board can adapt its own procedures of how minutes are written and disseminated to Board members. She reminded the Board that there can be no communication between Board members. Dr. Barnett moved that the Executive Director will send one (1) draft of the minutes to the Board members and any amendment requests will be brought to the next regularly scheduled Board meeting. Mr. McCoy seconded the motion. The motion passed unanimously.

A letter from Dr. John Bomar regarding a recent newspaper article about the Board was presented to the Board. Dr. Taylor moved to table Dr. Bomar's letter until after a hearing for the chiropractors named in the article was held. Dr. Barnett seconded the motion. The motion passed unanimously.

A letter from Dr. Amanda Warren regarding working in two (2) locations was presented to the Board. Dr. Foster moved that the staff check that Dr. Warren's license is in good standing, and that Dr. Warren be allowed to practice in multiple sites as long as she complies with the Arkansas Chiropractic Rules and Regulations, and Statutes. Dr. Moore seconded the motion. The motion passed unanimously.

This is not an agenda item. Pat James, Attorney representing Chris Cathey, D.C., asked as a public member if copies of the Board packets could be made so the public can follow along during meetings. Dr. Foster moved that extra Board packets be made for the public at Board meetings, that Board packets be provided to the Arkansas chiropractic associations, and that the staff continues to maintain a library of Board packets. Any copies requested of the library will be subject to the charge the Board has set in place. Mr. McCoy seconded the motion. The motion passed unanimously.

A letter from Dr. Chris Primeaux regarding records retention was presented to the Board. Discussion followed. Dr. Foster moved that Dr. Primeaux be informed the Arkansas Chiropractic Rules and Regulations, and Statutes do not specify a period of time to keep patient records, to suggest he follow federal guidelines, and to suggest helpful website links. Mr. McCoy seconded the motion. Discussion followed. The motion passed unanimously.

A transcript of Dr. Harvey Roeder's earned acupuncture hours was presented to the Board. Dr. Roeder took module 1 two (2) times and module 4 two (2) times. Discussion followed. Dr. Moore moved to accept the transcript as received because it does meet the requirements of the Arkansas Chiropractic Rules and Regulations, and Statutes. Dr. Taylor seconded the motion. The motion passed unanimously. Mr. McCoy moved that the Board update the Arkansas Chiropractic Rules and Regulations, and Statutes to specify that acupuncture modules cannot be duplicated. Dr. Taylor seconded the motion. Discussion followed. The motion passed unanimously. Mr. Roberts moved that Dr. Barnett research and provide a draft of language for the changes. Mr. McCoy seconded the motion. Dr. Barnett voted no. The motion passed.

A letter and attachments from Dr. Lee regarding filing a complaint against the National Board of Chiropractic Examiners (NBCE) was provided to the Board. No action was taken.

A letter from the Arkansas Chiropractic Association regarding continuing education was presented to the Board. Dr. Barnett moved that the Board agree with the letter. Dr. Moore seconded the motion. Dr. Foster was absent. The motion passed unanimously.

The Board recessed at 12:33 p.m. for a break.

The Board reconvened in public session at 12:46 p.m.

A letter from Dr. Foster regarding the State examination supplies was presented to the Board. Dr. Taylor will inventory the supplies.

Mr. Roberts moved to table the Executive Director report due to time to allow presentations to be made. Dr. Barnett seconded the motion. The motion passed unanimously.

EXECUTIVE DIRECTOR REPORT

Acupuncture Certificate vs. Formal Letter

Ms. Wright asked the Board if an acupuncture certificate or a formal letter should be sent to chiropractors. Dr. Taylor moved that an acupuncture certificate be sent out to the eligible doctors. Dr. Moore seconded the motion. The motion passed unanimously.

License Statuses

Ms. Wright stated that the Board voted at the July 22, 2010, Board meeting that a specific doctor wanting to change his status must submit the request to the Board. Ms. Wright asked the Board if this applies to all doctors. Dr. Barnett moved that any change in status by any doctor is subject to Board approval. Mr. Roberts seconded the motion. The motion passed unanimously.

Ms. Wright presented an inquiry previously brought to the Board regarding a doctor with an inactive license owning a chiropractic clinic. The Board tabled this item so that legal counsel can research this information.

Plaques for Outgoing Board Members

Dr. Collins stated that he would like to start giving plaques to outgoing Board members, starting with Dr. Savelle Barnes. Purchases less than five hundred dollars (\$500) do not require Board approval. The Board agreed with giving plaques.

Continuing Education Process

Ms. Wright stated that the office process of receiving continuing education requests will be by mail only. Dr. Taylor moved to continue allowing submission by facsimile and electronic mail, and to research how to submit online and take credit cards for payment. Dr. Barnett seconded the motion. The motion passed unanimously.

OLD BUSINESS

National Board of Chiropractic Examiners (NBCE) Part IV Exam presentation by Dr. Paul Townsend

Dr. Townsend of the NBCE presented to the Board information about the Part IV examination. He provided handouts to each Board member. No action was taken the Board. The Board thanked Dr. Townsend for his time and the presentation.

Dr. Foster left the meeting at 1:30 p.m. due to illness. She informed the President before leaving.

Federal Background Checks vs. State Background Checks by Cora Gentry

Cora Gentry of the Arkansas State Police presented to the Board information about federal background checks and State background checks. Rebecca Wright, Executive Director, stated that it is difficult to get the fingerprint cards in the office because the Board is not doing federal background checks. The cards come from the federal government. The Board stated it would start the process to include in the Arkansas Chiropractic Rules and Regulations, and Statutes requiring federal background checks. Dr. Moore moved that this information be discussed by all of the State chiropractic associations and for them to send recommendations to the Board at its next regularly scheduled Board meeting in December. Mr. McCoy seconded the motion. The motion passed unanimously.

Poll results of Other States' Regulation on Contacting Patients after Car Accidents

The poll results, other States' Regulation, and a letter from the Arkansas Chiropractic Association regarding contacting patients after car accidents were presented to the Board. An official request for an opinion from the Attorney General's office has not been officially submitted. Dr. Taylor moved to rescind the motion that the Board obtain an opinion from the Attorney General's office about the language of Regulation Q. Dr. Barnett seconded the motion.

The motion passed unanimously. Dr. Taylor moved that that this information be discussed by all of the State chiropractic associations and for them to send recommendations to the Board at its next regularly scheduled Board meeting in December. Dr. Barnett seconded the motion. The motion passed unanimously.

Digital Motion X-Ray Information Position Statement on File; Board guidance on future proposals

The Board's position statement regarding Digital Motion X-Ray was presented to the Board. Dr. Collins asked the Board if it would like the State chiropractic associations' agreements noted in future Board position statements. The Board unanimously stated no.

Kristin Stobaugh, D.C. Request to Lift Suspension on License

Dr. Kristin Stobaugh through her attorney requested that her license be reinstated and provided a proposal. This information was presented to the Board. Mr. Roberts moved that Dr. Stobaugh complete her consent order and to make her request when she finishes all stages/courses of her rehabilitation. Dr. Barnett seconded the motion. The motion passed unanimously.

Mark Bradley - Check received per order

A check received from Dr. Mark Bradley's estate was presented to the Board. A letter from Dr. Bradley's widow was presented to the Board. No action was taken.

November Hearing – Attendance Request

Ms. Wright requested attendance confirmation for the November hearing. Dr. Barnett and Mr. Roberts stated they would attend. Ms. Abernethy stated that the doctors have obtained a second attorney and may request a continuance. She will inform the Board office if the request is received. Mr. Roberts moved that the alternative dates of December 7, 2010, or December 9, 2010, be presented if a continuance is requested. Dr. Barnett seconded the motion. Dr. Moore voted no. Dr. Taylor abstained. The motion passed.

NEW BUSINESS

Externship Inquiry

Ms. Wright requested clarification that an extern of the Arkansas extern program must be graduated from a chiropractic college. The Board stated the candidate must have graduated.

Request To Order New Computers for the Office

Ms. Wright requested to order two (2) new computers for the Board office. An estimate was provided to the Board. Dr. Moore moved to approve the purchase of two (2) new computers for the Board office at no more than twenty-one hundred dollars (\$2100). Dr. Barnett seconded the motion. The motion passed unanimously.

Association of Chiropractic Board Association (ACBA) funds

Ms. Wright presented to the Board a request by ACBA for the Board's decision on distribution of the ACBA assets since it dissolved and became an ad hoc committee of the Federation of Chiropractic Licensing Boards (FCLB). Dr. Taylor moved that the Arkansas funds be returned to the State. Mr. McCoy seconded the motion. Dr. Barnett and Mr. Roberts voted no. The motion passed.

Temporary License Requests

Maggie Joseph, D.C., and Kevin Schultz, D.C., requested unsupervised temporary licenses. Dr. Schultz did not complete his application for licensure, therefore, he cannot be considered at this time. Dr. Joseph has a completed license on file excluding fingerprint cards as discussed earlier. Dr. Moore moved to grant Dr. Joseph an unsupervised temporary license. Dr. Barnett seconded the motion. The motion passed unanimously.

INVESTIGATION REPORT

Complaint Number	Date of Complaint
Recommend Close	
374-02-16-10	02/16/10
380-04-15-10	04/15/10
389-06-15-10	06/15/10
391-07-12-10	07/12/10
Recommend Pending	
344-06-05-09	06/05/09
350-06-30-09	06/29/09
378-04-08-10	04/08/10
382-04-20-10	04/20/10
386-05-03-10	05/03/10
387-05-28-10	05/28/10
388-06-08-10	06/08/10
392-08-04-10	08/04/10
393-07-14-10	07/14/10
394-07-29-10	07/29/10
395-08-04-10	08/04/10
396-08-12-10	08/12/10
Recommend Letter of Advisement	
390-07-07-10	07/07/10
Recommend Hearing	
None	

Mr. McCoy moved to accept the investigation report. Dr. Moore seconded the motion. Dr. Taylor abstained. The motion passed.

FCLB District Meeting

This is not an agenda item. Dr. Barnett stated the he and Ms. Wright attended the district meeting and was present at all meetings while there. He stated that there is great information available at these meetings.

Adjourn

Dr. Taylor moved to adjourn. Mr. Roberts seconded the motion. The motion passed unanimously.

Board minutes approved: 12/14/2010.