

**Arkansas State Board of Chiropractic Examiners
Board Meeting Minutes
June 16, 2011**

CALL TO ORDER

The meeting was called to order by Thomas D. Taylor, D.C., President, at 12:40 p.m.

ROLL CALL

Board Members present:

Terry Barnett, D.C.
Jack McCoy
Weldon Roberts
Thomas D. Taylor, D.C.

Board Members absent:

Beverly Foster, D.C.
Kent Moore, D.C.
Julie Traylor-Logan, D.C.

Staff Members present:

Arnold Jochums, Assistant Attorney General
Rebecca Wright, Executive Director

Guests Present:

Kendra Booth, Blue Cross Blue Shield
Chris Cathey, D.C.
Becky Sewell, Rehab Net of AR/ArPTA
Kendall Wilson, D.C.

MINUTES

The April 12, 2011, minutes were presented to the Board. Dr. Barnett moved to accept the minutes. Mr. Roberts seconded the motion. The motion passed unanimously.

BUDGET REPORT

The budget report was presented to the Board. The report included the monthly report from the Office of Budget showing an available budget of \$56,010.94 on 6/1/2011. The office register report of the money management trust fund balance is at \$98,836.35. Dr. Barnett moved to accept the budget report. Mr. McCoy seconded the motion. The motion passed unanimously.

FREEDOM OF INFORMATION ACT (FOIA) REQUESTS REPORT

The FOIA requests report was presented to the Board. The report shows that in FY2011 (July 2010-June 2011), twenty (20) requests have been received to date.

OLD BUSINESS

Michael Boyd, Attorney; AR Trial Lawyers Association President

Mr. Boyd addressed the investigative committee during its meeting regarding working together to resolve the solicitation issues.

Alexander Rejistre, D.C. – Consent Order

Dr. Rejistre was offered two consent orders for complaints 392-08-04-10 and 396-08-12-10. Consent Order for complaint 392-08-04-10 states that Dr. Rejistre is to pay a \$6,000 civil penalty and be on probation for one (1) year to run concurrent with 396-08-12-10. Consent Order 396-08-12-10 states that Dr. Rejistre is to pay a \$1,000 civil penalty and be on probation for one (1) year to run concurrent with 392-08-04-10. To date, Dr. Rejistre has paid the \$6,000 civil penalty. He has sixty (60) days from the date of the signed Consent Order to pay the \$1,000 civil penalty. Dr. Rejistre and the Board were in agreement with the Consent Orders. Mr. McCoy moved to accept the agreements providing that the check clears the bank. Mr. Roberts seconded the motion. The motion passed unanimously.

Kendall Wilson, D.C. – Non-compliance of a Consent Order

Dr. Wilson has a Consent Order on file and did not comply with it by the due date. Mr. McCoy moved that a hearing be held regarding the non-compliance. Mr. Roberts seconded the motion. The motion passed unanimously.

Mr. Roberts moved that the hearing for Jason Collins, D.C., be held on July 21, 2011, at 2:00 p.m. and that the hearing for the Keith Currie, D.C., and Natalie Currie, D.C., and Kendall Wilson, D.C., be held on another day. Mr. McCoy seconded. The motion passed unanimously.

Mr. McCoy moved that the hearing for the Drs. Keith and Natalie Currie be held on August 11, 2011, at 10:00 a.m., and the hearing for Dr. Wilson be held on August 11, 2011, immediately following the first hearing. Mr. Roberts seconded the motion. The motion passed unanimously.

Orientation Presentations

The Board discussed the presentations for orientation on July 21, 2011. The three State associations will be given five (5) minutes to present. They will be organized by alphabetical order. Pinnacle Business/Medicare will be given thirty (30) minutes to present after the State associations. Ms. Wright will notify each group.

NEW BUSINESS

Federation of Chiropractic Licensing Boards (FCLB) – Letter to Governor

The FCLB would like to send a letter to the Governor regarding the attendance of the Board members and staff at the annual conference held in May 2011. Discussion followed. Mr. Roberts

moved that the letter not be sent to the Governor. Mr. McCoy seconded the motion. The motion passed unanimously.

Angela Moore, D.C. – Dual Fees

Dr. Moore requested clarification of dual fees and membership fees. Dr. Barnett moved to inform Dr. Moore to refer to the Rules and Regulations sections C. Professional Conduct, subsection 4, Improper Charges and Fraud; and D. Advertising by Chiropractic Physicians, subsection 4, Limitations to Advertising Free or Reduced Charges. Point of Service discounts can be offered if it is within the Chiropractic Scope of Practice. Mr. Roberts seconded the motion. The motion passed unanimously.

Medi-Stim, Inc. – Dispensing TENS Units

Medi-Stim, Inc. requested clarification about chiropractors in the State of Arkansas dispensing TENS units. The Board stated that it is within the Chiropractic Scope of Practice to dispense TENS units.

Drew Sexton – Injectables / Prescriptions

Mr. Sexton requested clarification of chiropractors providing injectables or writing prescriptions. The Board stated that Mr. Sexton could refer to the Statutes section 7-81-102, 6(B) stating that Chiropractors cannot inject and cannot write prescriptions.

Target Coding – CPT Codes

Marty Kotlar, D.C., of Target Coding, requested clarification of CPT code 97530 as to whether a doctor of chiropractic have a chiropractic assistant/staff member oversee and supervise therapeutic activities. Discussion followed. Dr. Barnett moved to inform Dr. Kotlar to refer to the Rules and Regulations, and Statutes regarding chiropractic assistants. Mr. Roberts seconded the motion. The motion passed unanimously.

Palmer College of Chiropractic – Externship Program

Palmer College of Chiropractic requested clarification if the Arkansas externship program requires the extern to have graduated from Chiropractic College. The Board stated to refer Palmer College of Chiropractic to the Rules and Regulations, and Statutes; the student must be graduated to participate in the Arkansas externship program.

Dale Huntington, D.C. – Processing Continuing Education Pre-Approval Applications

Dr. Huntington corresponded to the Board regarding the slow processing of CE pre-approval applications. The Board stated that it recognized Dr. Huntington's concerns and that the process would be streamlined to ensure timely processing.

Rep. Donna Hutchinson / Sen. Mike Lamoureux – Complaints Handling Procedure

Ms. Wright stated that she had received correspondence from Rep. Hutchinson regarding complaint 406-12-16-10, Ryan Monson, D.C, and from Sen. Lamoureux regarding the complaints against the Drs. Currie. Mr. Lamoureux is an attorney and will be representing the Drs. Currie. The Board discussed the complaint handling procedures and determined that they are being handled properly per the Rules, Regulations, and Statutes.

Investigation Report

Recommendation	Complaint Number	Complaint Description
Continue Investigating	424-4-22-11	Unprofessional Conduct by Staff
Continue Investigating	414-12-27-10	Advertising
Continue Investigating	413-2-24-11	Solicitation
Continue Investigating	425-4-27-11	Solicitation
Continue Investigating	422-4-4-11	Billing/Release of Records
Continue Investigating	400-9-20-10	Practicing Chiropractic without a License; Non-Licensee
Continue Investigating	394-7-29-10	Practicing Chiropractic without a License; Non-Licensee
Continue Investigating	401-9-20-10	Practicing Chiropractic without a License; Non-Licensee
Continue Investigating	388-6-8-10	Practicing Chiropractic without a License; Non-Licensee
Continue Investigating	402-9-20-10	Practicing Chiropractic without a License; Non-Licensee
Hearing - Noncompliance of Subpoena Request	387-5-28-10	Working in a clinic that is not owned by a licensed chiropractor.
Hearing - Noncompliance of Subpoena Request	393-7-14-10	Series Treatment; billing
Hearing - Noncompliance of Subpoena Request	395-8-4-10	Series Treatment; Billing
Hearing - Noncompliance of Subpoena Request	403-9-22-10	Series Treatment; Billing
Hearing - Noncompliance of Subpoena Request	409-1-11-11	Series Treatment; Billing
Hearing - Noncompliance of Subpoena Request	411-1-18-11	Series Treatment; Billing
Hearing - Noncompliance of Subpoena Request	417-2-2-11	Series Treatment; Billing
Hearing - Noncompliance of Subpoena Request	420-2-2-11	Series Treatment; Billing
Hearing - Noncompliance of Subpoena Request	417-2-2-11	Series Treatment; Billing
Hearing - Noncompliance of Subpoena Request	419-2-2-11	Series Treatment; Billing
Hearing - Noncompliance of Subpoena Request	420-2-2-11	Series Treatment; Billing
Letter of Caution	423-4-5-11	Unprofessional Conduct

The Board approved the recommendations of the Investigative Committee.

Credentials Review

The following applicants were presented for credentials review.

	Last Name	First Name	Middle Name	Board Decision
1	Acridge	William	Allen	Dr. Barnett moved to accept. Mr. McCoy seconded. The motion passed unanimously.
2	Austin	William	Tyson	Dr. Barnett moved to accept. Mr. McCoy seconded. The motion passed unanimously.
3	Feste	Jessica	J.	Dr. Barnett moved to accept. Mr. McCoy seconded. The motion passed unanimously.
4	Garner	Jamee	Danai	Dr. Barnett moved to accept. Mr. McCoy seconded. The motion passed unanimously.
5	Hatami	Gholamreza		Mr. McCoy moved to accept. Dr. Barnett seconded. The motion passed unanimously.
6	Jameson	Jonathan	D	Dr. Barnett moved to accept. Mr. McCoy seconded. The motion passed unanimously.
7	McBride	Julia	B.	Dr. Barnett moved to accept. Dr. McBride may attend the July 2011 orientation but cannot practice until her NBCE Part IV scores have been received and she has graduated. Mr. McCoy seconded. The motion passed unanimously.
8	Meeker-Pregon	Mary		Dr. Barnett moved to accept. Mr. Roberts seconded. The motion passed unanimously.
9	Morter	Katrina		Dr. Barnett moved to accept. Mr. Roberts seconded. The motion passed unanimously.
10	Morter IV	Milton	Ted	Dr. Barnett moved to accept. Mr. McCoy seconded. The motion passed unanimously.
11	Olds	Gavin	W.	Dr. Barnett moved to accept. Mr. McCoy seconded. The motion passed unanimously.
12	Ozanne	Benjamin	Arn	Dr. Barnett moved to accept. Mr. McCoy seconded. The motion passed unanimously.
13	Sherman	Meghann	D.	Dr. Barnett moved to accept. Mr. Roberts seconded. The motion passed unanimously.
14	Wilson	Seth	M.	Dr. Barnett moved to accept. Mr. McCoy seconded. The motion passed unanimously.

Temporary License Requests

Dr. Barnett moved that no action be taken on the temporary license requests due to 2/3 of the Board membership not being present. Mr. McCoy seconded the motion. The motion passed unanimously.

Adjourn

Dr. Barnett moved to adjourn. Mr. McCoy seconded the motion. The motion passed unanimously. The Board adjourned at 2:36 p.m.

Board minutes approved: 7-21-2011