

**Arkansas State Board of Chiropractic Examiners
Board Meeting Minutes
October 13, 2011**

CALL TO ORDER

The meeting was called to order by Thomas D. Taylor, D.C., President, at 10:10 a.m.

ROLL CALL

Board Members present:

Terry Barnett, D.C.
Jack McCoy
Kent Moore, D.C.
Weldon Roberts
Thomas D. Taylor, D.C.
Julie Traylor-Logan, D.C.

Board Members absent:

Thomas R. Butler, 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. AR Chiropractic Society
Heath Lenox, D.C.
Becky Sewell, Rehab Net of AR/ArPTA

MINUTES

The July 21, 2011, minutes were presented to the Board. Mr. Roberts moved to accept the minutes. Dr. Barnett 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 \$118,446.72 on 9/1/2011. The office register report of the money management trust fund balance is at \$98,931.83. Mr. McCoy moved to accept the budget report. Dr. Barnett 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 from July 2011 to August 2011, four (4) requests were received.

OLD BUSINESS

Ryan Monson, D.C. Consent Order: Questions regarding license

Dr. Monson inquired if he is to renew his license each year since his license is currently suspended. Dr. Moore moved to notify Dr. Monson that per the Consent Order, his license is suspended and therefore is not renewed yearly. The Consent Order includes an option to reapply for his license. Dr. Traylor-Logan seconded the motion. The motion passed unanimously.

Money Management Trust Fund (MMTF) / N Fund

Ms. Wright presented to the Board the information about changing the MMTF to another high yield account. Ms. Wright spoke to the State Treasury regarding the N Fund. To become part of the monthly "N Fund" Distribution, the agency funds would have to be transferred into a Treasury Fund. On the last day of the month Treasury calculates the average daily balance of the fund and multiplies by current rate earned by the State Treasury investments.

- The MMTF is has about half of its portfolio in a money market and the other half in agency bonds that have duration of two (2) years.
- The State Treasury Investments are made up of money markets, demand accounts, and bonds that can go out five (5) years.
- The average the MMTF earned in 10 months is 0.026050977.
- The N Fund was 1.286% last month. Averaged over 10 months = 0.1286.
 - Difference in rates = 0.102549023, with the N Fund having a higher rate.

The board thanked Ms. Wright for the information and requested that she research the AR Public Employees Retirement fund.

CE Update Report; Changes to ensure timely processing

Ms. Wright presented to the Board that 381 seminars for 2011 have been processed and 128 seminars for 2012 have been processed. The total amount paid was not available.

Ms. Wright stated that the database has been updated to include the username and the date when a CE entry is made. This is to help ensure timely processing of CE applications.

Federation of Chiropractic Licensing Boards (FCLB) District Meeting Report of Meeting

Ms. Wright presented to the Board a report of the FCLB District meeting report. The following topics were included: Labour Mobility Issues, General Regulatory Issues, Disciplinary Topics, Board Operations, etc.

NEW BUSINESS

Alexander Rejistre, D.C. Consent Order - Fine Not Paid Complaint 396-08-12-10

Ms. Wright stated that Dr. Rejistre did not pay his fine per Consent Order for complaint 396-08-12-10. Mr. McCoy made a motion to schedule a hearing for non-compliance at the next Board meeting at 2:00 pm. Dr. Traylor-Logan seconded the motion. The motion passed unanimously.

Ryan Bowers - Attending Out of Country Chiropractic College

Mr. Bowers inquired if Arkansas would accept a Chiropractic degree from another country. Dr. Moore moved to notify Mr. Bowers that the Arkansas Statute section 17-81-305 states the applicant must possess a Doctor of Chiropractic (D.C.) degree. Dr. Barnett seconded the motion. The motion passed unanimously.

Timothy Nix, D.C. - Request to Renew License

Dr. Nix's license has been expired for more than five (5) years. Dr. Nix inquired if he could reactivate his license or submit a new application. Dr. Traylor-Logan made a motion that Dr. Nix must submit a new application. Mr. Roberts seconded the motion. The motion passed unanimously.

License Verifications - Steve Bennett, D.C.; Kirk Johnson, D.C.

Ms. Wright stated that license verifications were processed for Dr. Bennett and Dr. Johnson to credentialists. The doctors questioned that complaint information was included. Mr. Roberts made a motion to keep the verification process with details made available on the website due to the information being public information. Dr. Barnett seconded the motion. The motion passed unanimously.

Dr. Traylor-Logan made a motion to notify Dr. Bennett by letter that the verification process was followed properly. The information included is a permanent record and is public record. Dr. Moore seconded the motion. The motion passed unanimously.

Dr. Moore made a motion to notify Dr. Johnson by letter that the information included is a permanent record and is public record. Dr. Moore seconded the motion. The motion passed unanimously.

The Board requested that the verification form be updated.

Use of Oxygen Concentrators

Ms. Wright stated that she has received several inquiries regarding the use of oxygen concentrators. Discussion followed. Dr. Barnett made a motion that the use of oxygen concentrators are within the chiropractic scope of practice. Dr. Traylor-Logan seconded the motion. The members voted yes. Two members voted no. The motion passes.

John Orlandini - Chiropractic Record Review Inquiry

Mr. Orlandini inquired if an Arkansas chiropractor can review records from another out of state chiropractor; and to give an opinion that the treatment is not reasonable and necessary for the purpose of denying payment by an insurance company without examining the patient. The Board discussed that an Arkansas chiropractor can review records from an out of state chiropractor. However, it is the insurance company's decision if treatment payment is allowed or denied. Dr. Barnett made a motion to notify Mr. Orlandini by letter that an Arkansas

chiropractor can review records depending on State laws where the records are generated. Dr. Traylor-Logan seconded the motion. The motion passed unanimously.

Neural Organization Technique - Oregon Board

The Oregon Board requested information through an FCLB poll about Neural Organization Technique. Ms. Wright provided research information found about this organization. Discussion followed. Dr. Traylor-Logan made a motion that this is not an issue in Arkansas. Mr. McCoy seconded the motion. The motion passed unanimously.

License Renewal 2012 Form

Ms. Wright presented the updated license renewal form to the Board. The information is specific to each doctor and the information in the database record will be populated into the form. She stated that the forms will be inserted into window envelopes so that collating will not be necessary. Ms. Wright stated that a questionnaire will be included per Act 1489 of 2009.

Premium Refreshment Services - Coffee Services

Ms. Wright presented coffee options available from Premium Refreshment Services. Discussion followed. Dr. Traylor-Logan made a motion that the Board continues using regular pots of coffee. Dr. Barnett seconded the motion. The motion passed unanimously.

Enterprise Car Rentals

Ms. Wright stated that Enterprise is now on State contract through Western States Contracting Alliance.

FCLB Silent Auction - Budget/Items for Silent Auction Diamonds & Denim Gala

Ms. Wright presented the FCLB silent auction information that will be held at the May 2012 annual conference. She requested that the Board donate to the auction. Mr. Roberts suggested contacting the Democratic Party and asking for a donation of a diamond. This item will also be tabled so Ms. Wright can ask for donations.

Document Imaging Software Overview; Proposals

Ms. Wright presented information about document imaging software. The software would help make the records on the computers more concise and easier to research. She provided proposals for LaserFiche (DataMax) and DocuWare (Standard Business Systems). Ms. Wright requested that the Board look over the information and be discussed at a later time.

Investigation Report

Investigation report of pending complaints:

	Recommendation	Complaint Number	Complaint Description
1	Closed; No Violation	434-6-6-11	Spouse Emailing Patients re Political Position
2	Closed; No Action	422-4-4-11	Billing/Release of Records
3	Closed; No Violation	436-8-1-11	Unprofessional Conduct
4	Consent Order	432-5-20-11	Advertising Physical Therapy
5	Hearing for Non Compliance	381-4-20-10	Series Treatment; Billing
6	Hearing for Non Compliance	381-4-20-10	Series Treatment; Billing
7	Hearing for Non Compliance	393-7-14-10	Series Treatment; Billing
8	Hearing for Non Compliance	395-8-4-10	Series Treatment; Billing
9	Hearing for Non Compliance	396-8-12-10	Advertising
10	Hearing for Non Compliance	403-9-22-10	Series Treatment; Billing
11	Hearing for Non Compliance	409-1-11-11	Series Treatment; Billing
12	Hearing for Non Compliance	411-1-18-11	Series Treatment; Billing
13	Hearing for Non Compliance	417-2-2-11	Series Treatment; Billing
14	Hearing for Non Compliance	417-2-2-11	Series Treatment; Billing
15	Hearing for Non Compliance	419-2-2-11	Series Treatment; Billing
16	Hearing for Non Compliance	420-2-2-11	Series Treatment; Billing
17	Hearing for Non Compliance	420-2-2-11	Series Treatment; Billing
18	Letter of Caution	424-4-22-11	Unprofessional conduct by staff.
19	Pending	387-5-28-10	Working in a clinic that is not owned by a licensed chiropractor.
20	Pending	388-6-8-10	Practicing Chiropractic without a License; Non-Licensee
21	Pending	394-7-29-10	Practicing Chiropractic without a License; Non-Licensee
22	Pending	400-9-20-10	Practicing Chiropractic without a License; Non-Licensee
23	Pending	401-9-20-10	Practicing Chiropractic without a License; Non-Licensee
24	Pending	402-9-20-10	Practicing Chiropractic without a License; Non-Licensee
25	Pending	413-2-24-11	Solicitation
26	Pending	425-4-27-11	Solicitation
27	Pending	431-5-4-11	Solicitation
28	Pending	433-6-2-11	Solicitation
29	Pending	437-9-20-11	Solicitation
30	Pending	438-9-20-11	Solicitation
31	Pending	440-10-12-11	Practicing Without A License; Unprofessional Conduct
32	Reviewed; Met Criteria of Rules and Regulations	435-8-22-11	Continuing Education Seminar

Mr. McCoy moved to approve the investigation report. Dr. Traylor-Logan seconded the motion. The motion passed unanimously.

Credentials Review

Justin K. Pomeroy Dr. Traylor-Logan moved to approve with an unsupervised temporary license. Dr. Barnett seconded the motion. The motion passed unanimously.

Matthew Bauer Dr. Traylor-Logan moved to approve with an unsupervised temporary license. Dr. Moore seconded the motion. The motion passed unanimously.

Reynaldo Amador Dr. Traylor-Logan moved to approve with an unsupervised temporary license. Dr. Moore seconded the motion. The motion passed unanimously.

Heath Lenox Dr. Barnett moved to reject due to having an incomplete application. Mr. McCoy seconded. The motion passed unanimously.

Adjourn

Mr. Roberts moved to adjourn. Mr. McCoy seconded the motion. The motion passed unanimously. The Board adjourned at 12:52 p.m.

Board minutes approved: 10-13-2011