

**Arkansas State Board of Chiropractic Examiners
Board Meeting Minutes
April 17, 2012**

CALL TO ORDER

The meeting was called to order by Thomas D. Taylor, D.C., FICA, President, at 10:05 a.m.

ROLL CALL

Board Members present:

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

Board Members absent:

None

Staff Members present:

Arnold Jochums, Assistant Attorney General
Rebecca Wright, Executive Director

Guests Present:

Pat Carolan, D.C.
Jason Smedley, Governor's Office

MINUTES

The January 19, 2012, Board meeting minutes were presented to the Board. Mr. Roberts moved that page 6 be amended to include titles with doctors' names, and that anywhere a chiropractic physicians name appears a title be included. Dr. Butler seconded the motion. The motion passed unanimously.

CONSENT ORDER

Jason Collins, D.C. - Complaint 387-5-28-10

Dr. Collins has a complaint for working in a clinic that is not owned by an AR licensed chiropractor. A consent order agreed on by both parties was presented to the Board. Mr. Roberts moved to accept the consent order. Dr. Butler seconded the motion. The motion passed unanimously.

Reynaldo Amador, D.C.

Dr. Amador is an applicant and received an unsupervised temporary license. As part of review of his application, he was found to be working in a clinic that is not owned by an AR licensed chiropractor. A consent order agreed on by both parties was presented to the Board. Dr. Moore moved to accept the consent order. Dr. Traylor-Logan 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 \$ 40,062.15 on 3/31/2012. Dr. Traylor-Logan 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 current, seven (7) requests were received.

Continuing Education (CE) Report

The CE report was presented to the Board. The report shows that for the 2012 calendar year, 199 courses have been processed, and 160 have been approved. A total of \$12,357.50 in payments has been received.

2012 License Renewal Report

A total of 575 license renewals were processed, totaling \$110,875.00.

OLD BUSINESS

Kristin Stobaugh, D.C.

Dr. Stobaugh currently has a suspended license. A license renewal form was submitted by 12/31/2012 requesting active status. The renewal along with an explanation that she could not renew her license at the active status was mailed to Dr. Stobaugh on 1/26/2012. The renewal was resubmitted on 4/6/2012 with no acknowledgment of the Board office letter. Dr. Traylor-Logan moved to return the license renewal with a thorough explanation that Dr. Stobaugh cannot renew her license at the active status. She can renew the license at the inactive status. Dr. Moore seconded the motion. The motion passed unanimously.

Pending Complaints Information

This is not an agenda item. Dr. Carolan was present and addressed the Board regarding information that can or cannot be released during a pending complaint investigation. The Executive Director and the Assistant Attorney General will research this issue.

NEW BUSINESS

2011 Audit Findings

The 2011 audit findings were presented to the Board.

Finding #1 W /P Discovered- U3. In a test of 91 expenditures, the Agency was unable to provide supporting documentation for 38 expenditures, as follows: 1) Fiscal Year 2008-24 expenditures with a value of \$15,703; 2) Fiscal Year 2009 -13 expenditures with a value of \$6,400; 3) Fiscal Year 2010-1 expenditure with a value of \$62. In addition, in Fiscal Year 2010, three conference-travel-related expenditures with a total value of \$2,439 were erroneously coded to maintenance-and- general-operations-related G/L accounts and appropriation classification as follows: 1) \$1,350 in Conference Fees (G/L account 5050018000, Character 09) were recorded as Association Member Dues (G/L account 5080006000, Character 02); 2) \$1,089 in Travel Expenditures (G/L account 5050003000, Character 09) were recorded as Charge Card Payments (G/L account 5080004000, Character 02). We recommend the agency continue to improve record-keeping practice with respect to the maintenance of source documentation. We also recommend the agency review DFA's Financial Management Guide and ACA §§ 19-4-521- 19-4-525 for guidance on the classification of appropriations and proper coding of expenditures.

Finding #2 W /Ps Discovered- C3.1, C3.2. Bank reconciliations for the Bank of America account were not prepared correctly in FY2008 and FY2009 until the account was closed in December of 2008. Reconciliations carried a \$1,383 negative variance in cash on deposit that was not explained. We recommend the Agency continue to strengthen internal controls related to cash on deposit.

Verbal Comment #1 W /P Discovered- U3. In a test of 91 expenditures, the following items were discovered: 1) Seven travel related expenditures with a value of \$6,324 were noted exceeding daily per diem rates, but were not accompanied by a memo from the Director explaining the reason; 2) Three travel related expenditures with a value of \$2,261 were not properly supported by hotel receipts, rather only a credit card statement; 3) Two expenditures with a value of \$242.50 were made for security services to employees of another state agency, Arkansas State Police, which is in violation of ACA 19-11-1004 (c)(1), which prohibits state agencies from obtaining professional services with a part-time or full-time employee of another state agency. We recommend the agency review applicable sections of DFA's Financial Management Guide and Arkansas Code.

The Executive Director and Dr. Traylor-Logan will research the information.

Brandon Fitch, D.C. – Change License Status

Dr. Fitch renewed his 2012 license at the out-of-state active status and would like to change it to the in-state active status. Dr. Traylor-Logan moved that Dr. Fitch pay the cost difference; the CE submitted will be accepted. Dr. Fitch must earn 24 hours of Arkansas approved CE in 2012 as per

the Rules, Regulations, and Statutes. Dr. Moore seconded the motion. The motion passed unanimously.

CE for Senior Chiropractors

Dr. Taylor will talk to other states at the annual FCLB congress in May about this item.

Electromyography (EMG)

A question was received in the board office regarding the use of electromyography and if it is in the Arkansas chiropractic scope of practice. Discussion followed. EMG is within the Arkansas chiropractic scope of practice.

Diagnoses Claims

A question was received in the board office regarding diagnoses claims submitted by Jason Collins, D.C. Discussion followed. Diagnoses are within the Arkansas chiropractic scope of practice.

Russel Merrell, D.C. – Reactivate License

Dr. Merrell's license is currently expired. It expired on 12/31/2008 due to non-renewal of license. Dr. Merrell would like to reactivate his license. Discussion followed. Dr. Traylor-Logan moved that Dr. Merrell submit an application for licensure, and that he may qualify for transfer of license. Dr. Barnett seconded the motion. The motion passed unanimously.

Investigation Report

	Recommendations	Complaint Number	Complaint Description
1	Close	445-2-3-12	Unprofessional Conduct
2	Hearing	440-10-12-11	Practicing Without A License; Unprofessional Conduct
3	Hearing for Non Compliance / Civil Action	393-7-14-10	Series Treatment; Billing
4	Hearing for Non Compliance / Civil Action	395-8-4-10	Series Treatment; Billing
5	Hearing for Non Compliance / Civil Action	403-9-22-10	Series Treatment; Billing
6	Hearing for Non Compliance / Civil Action	409-1-11-11	Series Treatment; Billing
7	Hearing for Non Compliance / Civil Action	411-1-18-11	Series Treatment; Billing
8	Hearing for Non Compliance / Civil Action	381-4-20-10	Series Treatment; Billing
9	Hearing for Non Compliance / Civil Action	381-4-20-10	Series Treatment; Billing
10	Hearing for Non Compliance / Civil Action	417-2-2-11	Series Treatment; Billing
11	Hearing for Non Compliance / Civil Action	417-2-2-11	Series Treatment; Billing
12	Hearing for Non Compliance / Civil Action	419-2-2-11	Series Treatment; Billing
13	Hearing for Non Compliance / Civil Action	420-2-2-11	Series Treatment; Billing
14	Hearing for Non Compliance / Civil Action	420-2-2-11	Series Treatment; Billing
15	Pending / Contact Prosecuting Attorney	388-6-8-10	Practicing Chiropractic without a License; Non-Licensee
16	Pending / Contact Prosecuting Attorney	394-7-29-10	Practicing Chiropractic without a License; Non-Licensee
17	Pending / Contact Prosecuting Attorney	400-9-20-10	Practicing Chiropractic without a License; Non-Licensee
18	Pending / Contact Prosecuting Attorney	401-9-20-10	Practicing Chiropractic without a License; Non-Licensee
19	Pending	413-2-24-11	Solicitation
20	Pending	425-4-27-11	Solicitation

21	Pending / Contact Prosecuting Attorney	402-9-20-10	Practicing Chiropractic without a License; Non-Licensee
22	Close; no action	431-5-4-11	Solicitation
23	Pending	433-6-2-11	Solicitation
24	Pending	437-9-20-11	Solicitation
25	Pending	438-9-20-11	Solicitation
26	Pending / No Action at this time	441-10-28-11	Sexual Misconduct
27	Dismiss; No Validity	442-11-15-11	Sexual Misconduct
28	Pending	443-11-7-11	Solicitation
29	Pending	444-12-2-11	Unprofessional Conduct; Solicitation
30	Close; no action	446-2-22-12	Unprofessional Conduct
31	Pending	449-10-6-11	Listing "Physical Therapy"

Dr. Moore moved to accept the investigative report. Mr. McCoy seconded the motion. The motion passed unanimously.

Credentials Review

	Board Mtg	Name_Last	Name_First	MI	Suffix	Cred Review Passed	Cred Review No Passed	Temp Lic Supervised Approved	Temp Lic Supervised Not Approved	Temp Lic UnSupervised Approved	Temp Lic UnSupervised Not Approved
1	04/17/2012	Moore	Devin	Shea	D.C.	Yes		04/17/2012			
2	04/17/2012	Renner	Kaitlin	Beth	D.C.	Yes					
3	04/17/2012	Smith	Kevin		D.C.	Yes				04/17/2012	
4	04/17/2012	Thomas	Lee	Michael	D.C.		Yes				04/17/2012
5	04/17/2012	Witter	Joshua		D.C.		Yes		04/17/2012		

Adjourn

Mr. Roberts moved to adjourn. Dr. Traylor-Logan seconded the motion. The motion passed unanimously. The Board adjourned at 12:42 p.m.

Board minutes approved: July 19, 2012.