

**Arkansas State Board of Chiropractic Examiners
Board Meeting Minutes
June 14, 2012**

CALL TO ORDER

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

Kendra Booth, Blue Cross Blue Shield
Terrance Carolan, D.C.
Mark Ohrenberger, Assistant Attorney General

Retirement Announcement – Assistant Attorney General

Mr. Jochums announced his retirement from the State of Arkansas after 32.5 years. The Board wishes Mr. Jochums a happy retirement!

Mr. Jochums introduced Mark Ohrenberger as the Board's new Assistant Attorney General. A warm welcome was given to Mr. Ohrenberger.

MINUTES

Ms. Wright stated that the April 17, 2012, minutes would be presented to the Board on July 19, 2012.

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 \$ 21,815.04 on 5/31/2012. Ms. Wright informed

the Board that appropriation increase requests for Board member travel, staff travel, and the extra-help position were submitted to the Office of Budget. A final decision has not been reached at the time of the Board meeting.

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, ten (10) requests were received.

Continuing Education (CE) Report

The CE report was presented to the Board. The report shows that for the 2012 calendar year, 314 courses have been processed, and 308 have been approved. A total of \$17,101.25 in payments has been received.

Discussion followed regarding the fee charged for CE applications and if Arkansas can increase its fee. Dr. Butler moved to request a power poll through the Federation of Chiropractic Licensing Boards (FCLB) and find out what other States/jurisdictions charge. Dr. Moore seconded the motion. The motion passed unanimously.

OLD BUSINESS

Ronald Wells, D.C. – Re-activation of Lapsed License

Dr. Wells' request was presented to the Board. The request was originally presented to the Board in December 2010. At that time, the Board tabled the issue to obtain more information. The staff did not immediately follow up and the request was delayed. Discussion followed. Dr. Traylor-Logan moved that if Dr. Wells' license was current to 12/31/2010, that he pay the 2011 and 2012 license renewal fees with no penalties. Dr. Barnett seconded the motion. During discussion, Dr. Butler requested that the license be researched for any lapses before issuing the license renewal. The motion passed unanimously.

FCLB Annual Congress - Review; Letter to Governor

The FCLB held its 86th Annual Educational Congress in San Antonio, Texas, May 3-6, 2012. Topics included international regulatory models, regulating chiropractic assistants, the public's perception of regulation, disciplinary approaches worldwide, post discipline monitoring, and changes in board examinations

The FCLB would like to send a letter to Governor Beebe regarding the attendance of the Board members and staff at the annual conference held in May 2012. Discussion followed. Dr. Traylor-Logan moved that the letter not be sent to Governor Beebe. Dr. Moore seconded the motion. The motion passed unanimously.

Julie-Traylor Logan, D.C. – Reappointed to the Board

This item was not on the agenda. Dr. Traylor-Logan announced that she was reappointed to the Board for five (5) years. Congratulations to Dr. Traylor-Logan!

NEW BUSINESS

Health Services Subcommittee Hearing - Review

Information about the Health Services Subcommittee Hearing of the House Committee on Public Health, Welfare and Labor that was held on June 7, 2012, was presented to the Board. Representative Donna Hutchison requested of the subcommittee that Interim Study Proposal 2011-176 be considered. Two main points that were brought up by Representative Hutchison during the meeting were a) how to notify the public of a doctor receiving disciplinary action, and any conditions placed on his license, and b) how the Board can monitor a disciplined doctor.

Rules, Regulations, and Statutes - First Draft Updates

The Board was presented with a first draft of updates to the Rules, Regulations, and Statutes. It was informational only. No action was necessary.

Chiropractors Working at Sporting Events

Language regarding chiropractors working at sporting events was presented to the Board. Discussion followed. Dr. Barnett moved that the language be informational only for the office staff and to not publish it on the website, and to request a power poll through the FCLB and ask other States if they have any procedures in place. Dr. Butler seconded the motion. The motion passed unanimously.

Florida Chiropractic Physicians Association (FCPA) –CE Application

The FCPA submitted a CE application to the Board and the full application was denied due to not being within the AR chiropractic scope of practice. The FCPA requested to appeal the decision; however, a letter was sent to the Attorney General's office. The Attorney General's office turned the complaint over to the Board. Discussion followed. Mr. McCoy moved that the classes that meet the AR chiropractic scope of practice be approved and classes that do not meet it be disapproved. Dr. Moore voted no. The motion passed. The Attorney General's office will be notified that the issue was addressed.

Investigation Report

	Recommendations	Complaint No.	Complaint Description
1	Close - Cease and Desist Letter	449-10-6-11	Advertising "Physical Therapy"
2	Pending	444-12-2-11	Unprofessional Conduct; Solicitation
3	Pending	441-10-28-11	Sexual Misconduct
4	Pending	433-6-2-11	Solicitation
5	Pending	437-9-20-11	Solicitation
6	Pending	438-9-20-11	Solicitation
7	Pending	413-2-24-11	Solicitation
8	Pending	425-4-27-11	Solicitation
9	Pending	443-11-7-11	Solicitation
10	Dismiss - No Action	452-1-11-12	Spouse Emailing Patients re Political Position
11	Hearing	440-10-12-11	Practicing Without A License; Unprofessional Conduct

12	Hearing for Non Compliance	393-7-14-10	Series Treatment; Billing
13	Hearing for Non Compliance	395-8-4-10	Series Treatment; Billing
14	Hearing for Non Compliance	403-9-22-10	Series Treatment; Billing
15	Hearing for Non Compliance	409-1-11-11	Series Treatment; Billing
16	Hearing for Non Compliance	411-1-18-11	Series Treatment; Billing
17	Hearing for Non Compliance	381-4-20-10	Series Treatment; Billing
18	Hearing for Non Compliance	417-2-2-11	Series Treatment; Billing
19	Hearing for Non Compliance	420-2-2-11	Series Treatment; Billing
20	Close - Cease and Desist Letter	451-10-6-11	Practicing Physical Therapy
21	Hearing for Non Compliance	381-4-20-10	Series Treatment; Billing
22	Hearing for Non Compliance	417-2-2-11	Series Treatment; Billing
23	Hearing for Non Compliance	419-2-2-11	Series Treatment; Billing
24	Hearing for Non Compliance	420-2-2-11	Series Treatment; Billing
25	Close - No Action; Caution Doctor	450-4-19-12	Medical Lien not Released After Payment Made
26	Prosecuting Attorney	400-9-20-10	Practicing Chiropractic without a License; Non-Licensee
27	Prosecuting Attorney	394-7-29-10	Practicing Chiropractic without a License; Non-Licensee
28	Prosecuting Attorney	401-9-20-10	Practicing Chiropractic without a License; Non-Licensee
29	Prosecuting Attorney	388-6-8-10	Practicing Chiropractic without a License; Non-Licensee
30	Prosecuting Attorney	402-9-20-10	Practicing Chiropractic without a License; Non-Licensee

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

Kristin Stobaugh-Spavale, D.C. - Request for Hearing to Lift Suspension

Dr. Stobaugh-Spavale contacted the Board office by phone on 6/12/2012. She stated that she would like to address the Board or have a hearing and request to have the suspension on her license lifted. There was no written request by her or her attorney. Discussion followed. Dr. Traylor-Logan moved that Dr. Stobaugh-Spavale send documentation per the Order showing the resolution of the criminal charges brought against her, and that the Order has been complied with, and to provide specific documentation. Dr. Stobaugh-Spavale can make a request to the Board at the July 2012 meeting if she chooses. Dr. Moore seconded the motion. The motion passed unanimously.

The Board recessed at 11:53 a.m.

The Board reconvened at 12:05 p.m.

Credentials Review

	Board Mtg Date	Last Name	First Name	Mid Name	Review Passed	Review Not Passed	Temp Lic Supervised Approved	Temp Lic Supervised Not Approved	Temp Lic Unsupervised Approved	Temp Lic Unsupervised Not Approved
1	06/14/2012	Bennett	Charles	Eugene	Yes					06/14/2012
2	06/14/2012	Carpenter	Caroline	L		Yes		06/14/2012		
3	06/14/2012	England	Deborah	Lee		Yes				
4	06/14/2012	Grindstaff, Jr.	Paul	Andre		Yes				
5	06/14/2012	Hutchison	John	Adam	Yes					
6	06/14/2012	Jennings	Kelly	LeAnn	Yes					
7	06/14/2012	Kight	Tyler	James		Yes				
8	06/14/2012	Kothari	Rakesh			Yes				
9	06/14/2012	Massah	Wallace	Karley		Yes				
10	06/14/2012	Merrell	Russel	Thomas		Yes				
11	06/14/2012	Morris	Daniel	Scott	Yes					
12	06/14/2012	Morter	Russell	Thomas	Yes					
13	06/14/2012	Newton	Lauren	Elizabeth	Yes					
14	06/14/2012	Nolan	George	Reddell	Yes		06/14/2012			
15	06/14/2012	Pomeroy	Kendra	Ann	Yes		06/14/2012			
16	06/14/2012	Romick	Tracy	Leeann	Yes					
17	06/14/2012	Smith	Kevin		Yes				04/17/2012	
18	06/14/2012	Stice	Garrett	Logan	Yes					06/14/2012
19	06/14/2012	Teece	Erik	William	Yes					
20	06/14/2012	Thomas	Lee	Michael	Yes					6/14/2012
21	06/14/2012	Witter	Joshua		Yes		6/14/2012			

Discussion followed regarding when to mail the fingerprint card and the jurisprudence examination. Dr. Taylor issued a directive to the Executive Director to send these items with the application packet.

Executive Session

The Board entered into executive session at 1:15 p.m. to discuss personnel matters.

The Board reconvened at 2:35 p.m.

Adjourn

Dr. Traylor-Logan moved to adjourn. Dr. Barnett seconded the motion. The motion passed unanimously. The Board adjourned at 2:35 p.m.

Board minutes approved: July 19, 2012.