

**Arkansas State Board of Chiropractic Examiners
Board Meeting Minutes
October 9, 2012**

CALL TO ORDER

The meeting was called to order by Thomas D. Taylor, D.C., FICA, President, at 10:00 a.m.

ROLL CALL

Board Members present:

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

Board Members absent:

Thomas R. Butler, D.C.
Jack McCoy

Staff Members present:

Mark Ohrenberger, Assistant Attorney General
Rebecca Wright, Executive Director

Guests Present:

Kendra Booth, Blue Cross Blue Shield
Terrance Carolan, D.C.
Chris Cathey, D.C.
Brad Chambers, D.C.
Joseph Morrison, D.C.
Jason Smedley, Governor's Office Liaison

MINUTES

The July 19, 2012, minutes were presented to the Board. The date on the top of page 1 is incorrect and will be corrected before publication. Dr. Moore moved to approve the minutes. Dr. Barnett seconded the motion. The motion passed unanimously.

The August 29, 2012, minutes were presented to the Board. Dr. Traylor-Logan moved to approve 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 \$87, 185.08 on 10/1/2012.

The Money Management Trust Fund (MMTF) account has an available budget of \$99,196.24 as of 10/2/2012. Ms. Wright presented to the Board the information regarding the audit of the State Treasury. Since July 1, 2008, the Treasury has purchased a significant proportion of its bonds from an individual broker associated with two different Arkansas securities firms. During one period, a single firm sold the Treasury \$1.69 billion in bonds, with the next largest firm selling the Treasury \$886 million in bonds. Based on potential financial benefit from a single firm analysis, the individual firm with the Treasury's largest amount of purchases did not have the highest dollar value weighted average yield. This firm's dollar value weighted average yield was only .02 percent higher than the fourth and fifth largest yields received. Therefore, no advantage to the Treasury's concentrated use of this one firm was apparent. In addition, the three firms that sold the most bonds to the Treasury for this time period are the same firms that resulted in the Treasury's economic net loss of \$58,172. Discussion followed. Dr. Moore moved that research be done on moving the MMTF to the agency's State Treasury account, including any costs and benefits of the change. Dr. Traylor-Logan seconded the motion. The motion passed unanimously.

Dr. Barnett moved to approve the budget report. Dr. Traylor-Logan seconded the motion. The motion passed unanimously.

Continuing Education (CE) Report

The CE report was presented to the Board. The report shows that for 2012, 483 courses have been processed, and 454 have been approved. A total of \$29,342.50 was received. The report shows that for 2013, 15 courses have been processed, and 10 have been approved. The 5 remaining are still in process of being reviewed. A total of \$730.00 was received.

Freedom of Information Act (FOIA) Requests Report

The FOIA requests report was presented to the Board. The report shows that from July 2012 to current, nine (9) requests were received.

OLD BUSINESS

Representative Donna Hutchison – Meeting Request

Representative Hutchison, through the House Constituency Services, request to schedule a meeting with a Board member regarding two (2) bills she and Sue Scott, if elected into Rep. Hutchison's position, may introduce during the next legislative session. Ms. Wright informed the House Constituency Services that the time requested was the same day as this Board meeting and asked if Rep. Hutchison would like to attend and address the Board. The offer was declined due to Rep. Hutchison's meeting being scheduled at the same time as the Board meeting. Ms. Wright requested copies of the bills and has not received them to date.

Complaints Filed Against Alphabiotics

A warrant was served to Garritt Mason. Louis Tamez is aware of a warrant but it is not known if it has been served. No information has been received regarding Stephen Kudabeck. Mr. Mason's court appearance for arraignment is set for 10/9/2012, at 1:00 p.m. in the Hot Springs District Court. The Board and Mr. Ohrenberger do not need to attend, nor will the prosecutor need anything. The Mr. Ohrenberger will contact the deputy prosecutor who will ultimately handle the case, Curt Meredith, the date after the court appearance to confirm what plea Mr. Mason entered and what, if anything, the prosecutor's office needs moving forward. No information has been received regarding a court date, if any are scheduled, for Louis Tamez or Stephen Kudabeck.

FCLB District Meeting III and IV, Charleston, SC

Topics included:

- Misleading advertising
- Fraternalizing with patients – In person and with social media
- Licensees who conceal prior convictions – State and Federal Background checks
- Impaired practitioners
- Publicizing disciplinary actions
- Emergency suspension orders
- Regulation of Chiropractic Assistants - use of the CCCA
- National Registry - Certified Medical Examiners (DOT)
- Licensure for graduates of foreign schools
- Regulating military spouses
- Continuing Education: Approving providers, assuring compliance
- How does your board help your board staff?
- Recruiting new board members
- New board member orientation and continued development – *ED will contact the national speech pathologist organization for information on their orientation information.*
- Board member CE credits - FCLB meetings - NBCE Test committees - *ED will be researching this information and providing a report to the FCLB in March 2013*
- Empowering public members

- FCLB 87th Annual Educational Congress. May 1-5, 2013 at the Grand Hyatt San Francisco. \$209 + tax, single or double occupancy
 - Auction Items for Gala – The Gala is to raise money to pay for the CCCA process and items. A budget to buy an item and/or items are being requested.

The Board requested that the model language for the Certified Chiropractic Clinical Assistant program be presented at the 12/13/2012 Board meeting.

NEW BUSINESS

Joseph Morrison, D.C.

Dr. Morrison requested to make a presentation to the Board regarding modernizing and implementing communications in the profession. Dr. Morrison was not prepared to give the presentation. He requested to give the presentation at the December 2012 Board meeting. Dr. Barnett moved to not allow Dr. Morrison on the December agenda. Dr. Moore seconded the motion. Discussion followed. Dr. Morrison's presentation was not Board business. The motion passed unanimously.

Dr. Barnett and Dr. Traylor-Logan addressed Dr. Morrison regarding his attitude to other doctors and an inappropriate email that he sent to the doctors through the AR Chiropractic Association in the spring. Discussion followed. Dr. Barnett stated that a formal apology should be given to Dr. Traylor-Logan and the Association staff by Dr. Morrison.

Council on Chiropractic Education (CCE)

Dr. Taylor stated that the CCE wants to remove the term "subluxation" from its language. He asked if the Board would like to make a position statement. The Board would like to research how the FCLB has addressed this issue. If the Rules, Regulations, and Statutes do need to be updated, it should be done after the CCE changes its language.

Logan College of Chiropractic – Master Degree Internship

Laney Nelson, D.C., provided information regarding the master degree internship offered at Logan College. Dr. Barnett moved to table the item until the December meeting and to send the Board members the information. Dr. Traylor-Logan seconded the motion. The motion passed unanimously.

Needle Electromyography (EMG)

An inquiry was received in the board office about needle EMG and if it is within the scope of practice. Dr. Barnett moved that the Board interprets needle EMG as being within the scope of practice. Dr. Traylor-Logan seconded the motion. The motion passed unanimously.

Credentials Review

There were no files to review.

Investigation Report

	Recommendations	Complaint No.	Complaint Description
1	Pending	444-12-2-11	Unprofessional Conduct; Solicitation
2	Pending	456-8-23-12	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	454-7-6-12	Unprofessional Conduct: Fracture
8	Pending	413-2-24-11	Solicitation
9	Pending	425-4-27-11	Solicitation
10	Pending	443-11-7-11	Solicitation
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	Hearing for Non Compliance	381-4-20-10	Series Treatment; Billing
21	Hearing for Non Compliance	417-2-2-11	Series Treatment; Billing
22	Hearing for Non Compliance	419-2-2-11	Series Treatment; Billing
23	Hearing for Non Compliance	420-2-2-11	Series Treatment; Billing
24	Prosecuting Attorney	400-9-20-10	Practicing Chiropractic without a License; Non-Licensee
25	Prosecuting Attorney	394-7-29-10	Practicing Chiropractic without a License; Non-Licensee
26	Prosecuting Attorney	401-9-20-10	Practicing Chiropractic without a License; Non-Licensee
27	Prosecuting Attorney	388-6-8-10	Practicing Chiropractic without a License; Non-Licensee
28	Prosecuting Attorney	402-9-20-10	Practicing Chiropractic without a License; Non-Licensee

Keith Currie, D.C.; Natalie Currie, D.C.: A court date has been scheduled in November for the first appeal. The second appeal is currently in process.

J. Michael Glover, D.C.: A sentencing date has not been scheduled at this time.

Dr. Traylor-Logan moved to accept the investigative report. Mr. Roberts seconded the motion. The motion passed unanimously.

Adjourn

Dr. Barnett moved to adjourn. Mr. Roberts seconded the motion. The motion passed unanimously. The Board adjourned at 12:00 p.m.

Board minutes approved: 12-13-2012.