

**Arkansas State Board of Chiropractic Examiners
Board Meeting Minutes
December 13, 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.
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:

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.
David Morse, D.C.

MINUTES

The October 9, 2012, minutes were presented to the Board. Mr. Roberts 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 \$67,602.22 on 12/1/2012. There were four (4) different trial balances included in the report. Dr. Barnett moved that the budget report not be accepted and to get clarification of each trial balance report, and to have the clarification when the reports are received monthly. Dr. Moore seconded the motion. The motion passed unanimously.

The Money Management Trust Fund (MMTF) account has an available budget of \$99,196.65 as of 12/1/2012. Dr. Taylor directed Dr. Traylor-Logan work with the Executive Director with the research to move the MMTF to another account with a higher earning interest rate.

Continuing Education (CE) Report

The CE report was presented to the Board. The report from the database had incorrect numbers. Ms. Wright stated that the database consultant will be contacted to help correct the problem. The updated report shows that for 2012 and 2013 calendar years, 566 applications have been approved, 23 are pending, and 28 were not approved, cancelled, or voided. The total amount received is \$34,963.75.

Dr. Traylor-Logan moved that the CE processing fee be non-refundable for all CE applications. Dr. Butler seconded the motion. Discussion followed. Dr. Moore voted no. The motion passed.

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, ten (10) requests were received.

2013 License Renewal

The 2013 license renewal report was presented to the Board. The report shows that at this time 141 renewals have been processed. The total amount received is \$27,200.00.

OLD BUSINESS

Appeal Results - Keith Currie, D.C. and Natalie Currie, D.C.

This Court reversed the Board's decision and dismissed the case on the following grounds: (1) the Board's decision violated the statutory provision set out in A.C.A. 25-15-201(b)(2) by failing to have a concise and explicit statement of the underlying facts to support the finding; (2) the Board failed to identify in any of the findings of facts which specific doctor was the treating physician, yet in its conclusion of law the Board sanctioned two of the three physicians in the clinic for all eight (8) alleged violations. The Court found that the conclusions of law did not have corresponding factual support in the wholly deficient findings of fact. Mr. Ohrenberger stated that the final date for the Board to file a notice of appeal is 12/14/2012 if it so chooses. Mr. Ohrenberger said that an appeal could be costly mainly due to records being copied by the Faulkner County clerk's office. Mr. McCoy moved that the Board appeal the Court's decision and file the notice of appeal before the deadline. Dr. Barnett seconded the motion. The motion passed unanimously. Mr. Ohrenberger stated that the notice of appeal would be filed this day.

Mr. Ohrenberger stated that for the complaints that the Drs. Currie were found to be in non-compliance the information has been assigned to a hearing.

Complaints Filed Against Alphabiotics

Garritt Mason's court appearance was on 10/9/2012 in the Hot Springs District Court. Mr. Mason was found guilty of practicing chiropractic without a license and was fined \$2,500.00. Mr. Mason stated that he would file an appeal of the decision. As of this day, no notice of appeal has been received.

The warrants for Stephen Kudabeck and Louis Tamez have not been issued.

Logan College of Chiropractic – Master's Degree Internship

Laney Nelson, D.C., submitted information regarding the master degree internship offered at Logan College. Discussion followed. Mr. McCoy moved to not consider the item. The motion failed for a lack of second. Dr. Barnett moved that the program not be adopted due to requiring Rules, Regulations, and Statute changes. Dr. Moore seconded the motion. Dr. Butler voted no. The motion passed.

Certified Chiropractic Clinical Assistant (CCCA) Program

Ms. Wright stated that model language for the CCCA is not available at this time. It is currently being discussed by the Federation of Chiropractic Licensing Boards (FCLB). Ms. Wright presented to the Board information from the FCLB website that could be used immediately if the Board implements the program. Discussion followed. Mr. McCoy moved that the Board not adopt the CCCA program for Arkansas. Dr. Barnett seconded the motion. The motion passed unanimously.

NEW BUSINESS

David Morse, D.C. - Administration of Prescribed Medication

Dr. Morse present to the Board information about the administration of prescribed medication from a patient's physician by means of iontophoresis or phonophoresis. He stated that he practices in a multidiscipline clinic and would like to use this method so that patients are not internally ingesting medications. Dr. Morse stated that he was trained utilizing these applications. He requested the Board's approval to use this method since it is not described in the Rules, Regulations, and Statutes. Discussion followed. The Board stated that the Rules, Regulations, and Statutes clearly states that prescription medications is not within the scope of practice. Chiropractors in Arkansas cannot use this method to administer prescribed medications.

Tony Barger, D.C. - Request to Reinstate License

Dr. Barger would like to reinstate his license and move back to Arkansas. His license is expired as of 12/31/2009 for non-renewal of license. Dr. Traylor-Logan moved that Dr. Barger may apply for a reinstatement of license per Statute 17-81-317, reactivation of a lapsed license. The doctor may apply for a reinstatement of his license and must submit to the Board a reinstatement fee of twenty-five dollars (\$25.00), all back fees, plus proof of compliance with the continuing education requirements, and obtain verification from all states in which he has practiced indicating whether or not disciplinary action has been taken against the licensee during that

period. When submitted by Dr. Barger, it will be presented to the Board for review. Dr. Moore seconded the motion. The motion passed unanimously.

Barry Wilson, D.C. Earning Continuing Education; Will be in China

Dr. Wilson submitted correspondent to the board stating that he will be out of the country during the year of 2013 working in China at a hospital. He holds an out of state status license in Arkansas and an active license in Missouri; he lives in Missouri. He requested that he pay for his 2014 AR license when he returns in late 2013, and then earn the required CE in 2014. Discussion followed. Dr. Moore moved that Dr. Wilson earn 24 hours of online CE for Arkansas in calendar year 2013; Dr. Wilson can only do this in 2013. Dr. Barnett seconded the motion. The motion passed unanimously.

Thomas Hayde, D.C. Invoice - Expert Testimony

Dr. Hayde provided expert testimony in the court hearing of Garritt Mason of Alphabiotics. He submitted an invoice for his time plus mileage reimbursement, totaling \$918.00. Dr. Barnett moved that the invoice be paid. Dr. Butler seconded the motion. The motion passed unanimously.

Foreign Education – Mexico

Ms. Wright stated that a recent graduate of a Mexico chiropractic college has contacted the Board about accepting her credentials. She and Dr. Traylor-Logan will be researching the information.

American Imaging File Scanning / Costs

Ms. Wright presented information and a quote from American Imaging. They are a local company that provides document services such as scanning, document destruction, and storage on site or electronically. Ms. Wright requested to try their services for scanning due to limited space for files in the office. If acceptable, the office will have one (1) to two (2) boxes scanned per quarter. This will allow the costs to be spread over the fiscal year, or not use the service if the budget will not allow it at that time. A quote provided by American Imaging included the following:

Scanning	\$.08 per image
	Includes – document prep, high speed scanning, automated image cleanup, indexing of 1 field, and 100% QA image review by our trained staff. The 100% image review includes rescanning where necessary.
	Note: This pricing is based on confirmation of doing a 2,000 document test.
Additional Indexing	\$0.03 per field
Document Destruction	\$4.00 per box
Professional Services Fee	\$95.00 per hour
Programming and Coding Fee	\$125.00 per hour

The estimated cost of conversion for one (1) box of approximately 3,000 images is \$240.00.

Dr. Traylor-Logan moved that one (1) box be scanned and try the service. Dr. Butler seconded the motion. The motion passed unanimously. Results will be presented to the Board when completed.

Investigation Report

	Recommendation	Complaint No.	Complaint Description
1	Pending	433-6-2-11	Solicitation
2	Pending	437-9-20-11	Solicitation
3	Pending	438-9-20-11	Solicitation
4	Pending	413-2-24-11	Solicitation
5	Pending	425-4-27-11	Solicitation
6	Pending	443-11-7-11	Solicitation
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	403-9-22-10	Series Treatment; Billing
10	Hearing for Non Compliance	409-1-11-11	Series Treatment; Billing
11	Hearing for Non Compliance	411-1-18-11	Series Treatment; Billing
12	Hearing for Non Compliance	381-4-20-10	Series Treatment; Billing
13	Hearing for Non Compliance	417-2-2-11	Series Treatment; Billing
14	Hearing for Non Compliance	420-2-2-11	Series Treatment; Billing
15	Hearing for Non Compliance	381-4-20-10	Series Treatment; Billing
16	Hearing for Non Compliance	417-2-2-11	Series Treatment; Billing
17	Hearing for Non Compliance	419-2-2-11	Series Treatment; Billing
18	Hearing for Non Compliance	420-2-2-11	Series Treatment; Billing
19	Pending	456-8-23-12	Solicitation
20	Pending	444-12-2-11	Unprofessional Conduct; Solicitation
21	Pending	441-10-28-11	Sexual Misconduct
22	Prosecuting Attorney	394-7-29-10	Practicing Chiropractic without a License; Non-Licensee
23	Prosecuting Attorney	401-9-20-10	Practicing Chiropractic without a License; Non-Licensee
24	Hearing	440-10-12-11	Practicing Without A License; Unprofessional Conduct
25	Close; Found Guilty by Court	400-9-20-10	Practicing Chiropractic without a License; Non-Licensee
26	Pending	454-7-6-12	Unprofessional Conduct: Fracture
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
29	Pending	457-10-19-12	Billing / Fraud

J. Michael Glover, D.C.: Dr. Glover was convicted in 11/2012 of a class C felony for buying firearms as a felon. He received probation and a \$25,000.00 fine. The Investigative Committee recommended a hearing. Dr. Traylor-Logan moved that the hearing be held on 1/24/2013 at 1:00 pm. Dr. Moore seconded the motion. The motion passed unanimously.

Credentials Review

The following applicants were presented to the Board for credentials review.

	Lic No.	Last Name	First Name	Middle Name
1	16013	Armitage	John	Bradley
2	16015	Barry	Patrick	Shaun
3	15958	Branch	Mary	Sue
4	16007	Carpenter	Caroline	L
5	16011	Chenteyl	Ivory	Brynn
6	16016	Dunlap	Andrew	Barry
7	16012	Kelly	Elizabeth	Adne
8	16014	Larson	Courtney	Leigh
9	16021	Oliver	Miranda	Louanna
10	16017	Phipps	Eric	Alan
11	16020	Sensabaugh	Morgan	Thomas
12	15961	Thomas	Lee	Michael
13	16005	Ungerank	Jeremy	Seth

Dr. Barnett moved to approve all applicants except John Armitage. He requested that a current license verification be obtained from the Texas Chiropractic Board. If there are no findings, his application is approved. Dr. Butler seconded the motion. The motion passed unanimously.

Adjourn

Dr. Barnett moved to adjourn. Dr. Moore seconded the motion. The motion passed unanimously. The Board adjourned at 1:00 p.m.

Board minutes approved: 1-24-2013.