

**Arkansas State Board of Chiropractic Examiners
Board Meeting Minutes
December 12, 2013**

CALL TO ORDER

The meeting was called to order by Terry Barnett, D.C., President, at 10:05 a.m.

ROLL CALL

Board Members present:

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

Board Members absent:

Thomas R. Butler, D.C. – inclement weather
Weldon Roberts - inclement weather

Staff Members present:

Mark Ohrenberger, Assistant Attorney General
Laurie Mayhan, Administrative Analyst
Rebecca Wright, Executive Director

Guests Present:

Terrance P. Carolan, D.C.
Gaylon Carter, D.C.
Chris Cathey, D.C.
Brad Chambers, D.C.

MINUTES

The October 17, 2013, minutes were presented to the Board. Dr. Taylor moved to amend page 5 – change Department of Human Services to Department of Health. Dr. Traylor-Logan seconded the motion. The motion passed unanimously.

DIRECTOR'S REPORTS

Budget Report

The budget report was presented to the Board. A new cash flow statement was presented to the Board. Copies of the monthly reports are available in the Board office.

TREASURY ACCOUNT

Beginning Balance	78,827.92
Deposits	8,816.73
TOTAL	\$ 69,750.74

COMMITMENTS 24,493.63**EXPENDITURES**Warrants

U S POSTMASTER	4.00
SLICKS SANDWICH SHOP	88.70
DEPT. OF INFORMATION SYSTEMS	203.15
BEST PARK LLC	119.90
DFA - EBD Insurance Matching	410.00
GORDON CONSULTING	390.00
Sub-Total	1,215.75

Purchasing Credit Card

11/20 IVIZE SERVICES, INC.	796.57
11/11 CLEAR MOUNTAIN REFRESHMEN	25.07
11/08 STANDARD BUSINESS SYSTEMS	29.43
Sub-Total	851.07
TOTAL EXPENDITURES	\$ 2,066.82

END OF YEAR PROJECTION

Expenditure Analysis Report

Original	Projected	Savings
151,602.00	136,412.57	15,189.43

Revenue Analysis Report

Original	Projected	Difference
440,000.00	281,296.14	(82,284.86)

The Board discussed areas to raise fees to pay for the new Administrative Analyst position long-term. A report will be provided at a later date. Mr. McCoy moved to accept the budget report. Dr. Traylor-Logan seconded the motion. The motion passed unanimously.

Office Phones

This item was not on the agenda. Dr. Traylor-Logan moved that the staff set the phones to have the main phone number ring to both phones in the office to avoid missed calls. Mr. McCoy seconded the motion. The motion passed unanimously.

Continuing Education Report

2013 Courses (Calendar Year)

CE Status	Count	Amount Due	Amount Paid
Approved	387	\$26,132.50	\$26,066.25
Not Approved	4	\$230.00	\$230.00
Pending	8	\$845.00	\$845.00
Cancelled	0	0	0
Incomplete	11	\$1,457.50	\$690.00
Void	23	0	0
<i>Subtotal</i>	<i>433</i>	<i>\$28,665.00</i>	<i>\$21,751.25</i>

Payment pending for 2: \$120.00

2014 Courses (Calendar Year)

CE Status	Count	Amount Due	Amount Paid
Approved	97	\$5,327.50	\$5,327.50
Not Approved	0	0	0
Pending	65	\$2,165.00	\$2,165.00
Cancelled	0	0	0
Incomplete	0	0	0
Void	1	0	0
<i>Subtotal</i>	<i>163</i>	<i>\$7,492.50</i>	<i>\$7,492.50</i>

2015 Courses (Calendar Year)

CE Status	Count	Amount Due	Amount Paid
Approved	5	\$300.00	\$300.00
Not Approved	2	\$150.00	\$150.00
Pending	0	0	0
Cancelled	0	0	0
Incomplete	0	0	0
Void	0	0	0
<i>Subtotal</i>	<i>7</i>	<i>\$450.00</i>	<i>\$450.00</i>

Grand Total:	<u>\$36,607.50</u>	<u>\$29,693.75</u>
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Freedom of Information Act (FOIA) Requests

The FOIA report was presented to the Board. At this time, five (5) requests have been received since July 1, 2013.

2014 License Renewal Status

The 2014 license renewal report was presented to the Board. A total of 608 license renewal notices were mailed 10-31-2013. As of 12-10-2013, 203 license renewals processed, and 405 license renewals remain to be submitted by chiropractors.

OLD BUSINESS

Reschedule Hearing – Mark Varley, D.C.

A third continuance was granted for the 12-13-2013 scheduled date. Subpoenas issued to an insurance company by the Board have not been answered at this time. A hearing date may be scheduled at a later date.

Chiropractic Rules, Regulations, and Statutes Advisory Committee - Status update

Draft language for Act 513 was presented to the Board. The Board members will look over the draft language along with Act 513 and bring feedback for the 1-30-2014 Board meeting. The form included in the language will be added to the current procurer registration form.

The Board staff will include other draft language that has been written at the 1-30-2014 Board meeting.

Chiropractors Performing Physicals

Dr. Phillip Corbin received a letter from Mayor Frank E. Anderson of Bella Vista that they were told by the Commission on Law Enforcement Standards and Training (CLEST) that a medical doctor must sign off on the pre-employment physicals for police officers and annual fire department physicals. Ms. Wright provided the following Chiropractic Statutes and Rules and Regulations to Dr. Corbin by email on October 1, 2013:

Page 14: Statute 17-81-106, Health and police regulations applicable. -- Chiropractic practitioners licensed under this chapter shall be bound by all applicable health and police regulations of the State. They shall be qualified to sign death certificates, insurance certificates, and all other certificates pertaining to public health with like effect as other licensed physicians. [Acts 1971, No. 706, §19; A.S.A. 1947, §72-433].

Page 1: Section A, Applications For State Board Examinations And Licensure, Sub-Section 2, Approved Chiropractic Education.

Page 10: Section E, Professional Practices, sub-section 4, Interpretation of Terminology,

Page 13: Statute 17-81-102, Definitions (5): 'Physician' means a person authorized or licensed to practice medicine pursuant to the Arkansas Medical Practice Act, §§ 17-95-201 – 17-95-207, 17-95-301 – 17-95-305, and 17-95-401 – 17-95-411, a person authorized or licensed to practice chiropractic pursuant to the provisions of this chapter, and a person authorized to practice osteopathy pursuant to §17-91-101 et seq.

Dr. Corbin forwarded the 10-10-2013 CLEST meeting minutes. The vote was that physicals may only be accepted by medical doctors,

The question of allowing Chiropractic Physicians to conduct the physical exams for the basic training students was discussed. A motion was made and seconded to allow only licensed Medical Doctors to perform Physical Examinations for incoming students for basic training.

Dr. Traylor-Logan moved to contact CLEST by letter and inquire as to the decision, and to include the Chiropractic Rules, Regulation, and Statute language that chiropractors may perform

physicals. Dr. Moore seconded the motion. Discussion followed. The Board voted. Dr. Taylor abstained. The motion passed.

Registering Procurer Businesses

The following inquiries were presented to the Board: 1) Can a business be registered and it automatically includes all employees, or must each procurer be registered? 2) Can the business and/or procurer be out of state? 3) Do patients who receive referral fees need to be registered as procurers? Discussion followed. Each procurer is to be registered, not the company. A procurer can be from out of state. He/she can be registered with an Arkansas chiropractor; the Board has authority over the chiropractor. Mr. Ohrenberger stated that there are laws in place for people who conduct business over state lines. No referral fees are to be issued to patients. A patient can recommend a chiropractor to his/her family and friends and does not have to be registered as a procurer.

Board Newsletter

The staff will begin putting together a newsletter. Any submissions by Board members will be helpful. The Board suggested that the newsletter be emailed and included on the website, and save the cost of printing.

NEW BUSINESS

Doctors Performing Reviews: Should They Hold Arkansas Licenses?

Dr. Gaylon Carter inquired if the review of records done on an Arkansas chiropractor considered the practice of chiropractic, and should a chiropractor doing the review hold an Arkansas license since state scope of practice is different in Arkansas as is the guidelines adopted state by state. Dr. Barnett stated that major medical requires a chiropractor doing reviews be licensed in the State, and third party reviews do not require a license. Discussion followed. Mr. Ohrenberger noted that statute 17-81-102(6)(a) shows that the practice of chiropractic language deals with a patient rather than other chiropractors. Statutory language change may be required if the Board would like only licensed chiropractors to perform reviews. Dr. Carter and Dr. Isaac will draft Rules, Regulation, and Statute language to include that reviewers are to be licensed by the State. The draft will be presented to the Board at the 1-30-2014 Board meeting.

Modus – Document Imaging Services

A proposal by Modus for document imaging services was presented to the Board. The proposal includes lower prices than those proposed by American Imaging. Dr. Taylor moved that the staff scan 2014 license renewals through January and report to the Board at the 1-30-2014 Board meeting. Dr. Traylor-Logan seconded the motion. Discussion followed. Dr. Moore stated that even if the staff can scan newer documents to still consider using an outside company to scan older documents. The Board voted. The motion passed unanimously.

Perform Radiographs in a Chiropractic Clinic

Dr. Taylor informed the Board that the Board website has been updated with the statement,

The chiropractor, and also if present, a chiropractic extern. Chiropractic assistants (CAs) may perform x-rays ONLY if they are in compliance with the requirements of the Arkansas Department of Health Radiology Division. CAs may find those requirements by visiting the website of www.healthy.arkansas.gov/rtl and then click onto *Radiology Technology Licensure* which will bring one to that section showing FAQs, Licensing Information, Forms and CE relating to the subject matter. For more information, the Radiation Control Division may be contacted by calling 501-661-2301 or via US mail at 5800 W. 10th Street, Suite 100, Little Rock, AR 72204.

Language will be drafted for the Rules, Regulations, and Statutes with this update and provided to the Board for review on 1-30-2014.

Credentials Review

The following applicants submitted applications for credentials review and temporary license requests:

Brian Beard, D.C. Application for licensure is complete. Dr. Traylor-Logan moved to approve the credential review. Dr. Moore seconded the motion. The motion passed unanimously.

Jeffrey Becker, D.C. Application for licensure is complete. He requested an unsupervised temporary license. Dr. Traylor-Logan moved to approve the credential review and the unsupervised temporary license. Dr. Moore seconded the motion. The motion passed unanimously.

Melanie Gartside, D.C. Application for licensure is complete. Dr. Gartside provided information of criminal background; she was never charged or convicted. Dr. Taylor moved to approve the credential review. Dr. Traylor-Logan seconded the motion. The motion passed unanimously.

Kim Hodge, D.C. Application for licensure is complete except for the chiropractic college diploma. The college typically sends the diploma with the official transcript. Dr. Hodge has been notified to contact the chiropractic college and request the diploma be submitted to the Board office. Dr. Traylor-Logan moved to approve the credential review. Dr. Moore seconded the motion. The motion passed unanimously.

Emily Hollingsworth, D.C. Application for licensure is pending graduation, final transcript, final diploma, and NBCE Part IV score which is due seven (7) days before orientation. Dr. Traylor-Logan moved to approve the credential review per receiving the pending items and Dr. Hollingsworth graduating. Mr. McCoy seconded the motion. The motion passed unanimously. Dr. Hollingsworth will attend the 1-30-2014 orientation and will receive her license after she graduates in April 2014.

Faron LeGarde, D.C. Application for licensure is complete. Dr. Traylor-Logan moved to approve the credential review and the unsupervised temporary license. Mr. McCoy seconded the motion. The motion passed unanimously.

Amy Logan, D.C. Application for licensure is complete; the State background check result is pending. Dr. Traylor-Logan moved to approve the credential review. Dr. Moore seconded the motion. The motion passed unanimously.

Kelly Martin, D.C. Application for licensure is pending the jurisprudence exam and the NBCE transcript. Dr. Martin submitted the jurisprudence exam but the form was blank. Dr. Martin informed the staff that she requested the NBCE transcript but they have not been received at this time. Dr. Taylor moved to not approve the credential review because the application is incomplete. Dr. Moore seconded the motion. The motion passed unanimously.

Julian McMurray, D.C. Application for licensure is pending the NBCE transcript. Dr. McMurray informed the staff that the transcript was requested and was mailed on 12-6-2013 by the NBCE. He has requested to take the State exam in lieu of the NBCE Part IV exam. Dr. McMurray requested a supervised temporary license with Dr. Gaylon Carter as the supervisor. He is currently an extern with Dr. Carter. Dr. Traylor-Logan moved to approve the credential review pending the NBCE transcript, to not approve the temporary license request, and to add Dr. John D'Onofrio as an additional supervisor to the externship pending a clear background check. Mr. McCoy seconded the motion. The motion passed unanimously.

Taylor Wallace, D.C. Application for licensure is complete. He has requested to take the State exam in lieu of the NBCE Part IV exam. Dr. Traylor-Logan moved to approve the credential review. Dr. Moore seconded the motion. The motion passed unanimously.

Dr. Traylor-Logan informed the Board that she has not created any study materials.

Investigation Report

	Complaint No.	Recommendations	Complaint Description
1	475-6-26-13	Pending	Solicitation
2	495-11-22-13	Pending	Unregistered Procurer
3	393-7-14-10	Hearing for Non Compliance	Series Treatment; Billing
4	395-8-4-10	Hearing for Non Compliance	Series Treatment; Billing
5	403-9-22-10	Hearing for Non Compliance	Series Treatment; Billing
6	409-1-11-11	Hearing for Non Compliance	Series Treatment; Billing
7	411-1-18-11	Hearing for Non Compliance	Series Treatment; Billing
8	381-4-20-10	Hearing for Non Compliance	Series Treatment; Billing
9	381-4-20-10	Hearing for Non Compliance	Series Treatment; Billing
10	417-2-2-11	Hearing for Non Compliance	Series Treatment; Billing
11	417-2-2-11	Hearing for Non Compliance	Series Treatment; Billing
12	419-2-2-11	Hearing for Non Compliance	Series Treatment; Billing
13	420-2-2-11	Hearing for Non Compliance	Series Treatment; Billing
14	420-2-2-11	Hearing for Non Compliance	Series Treatment; Billing
15	462-2-6-13	Pending	Series Treatment; Billing
16	470-5-14-13	Pending	Solicitation

17	471-6-12-13	Pending	Solicitation
18	493-10-22-13	Pending	Solicitation
19	489-9-25-13	Pending	Address Listing
20	441-10-28-11	Remain Open	Sexual Misconduct
21	478-7-23-13	Pending	Solicitation
22	491-10-9-13	Pending	Solicitation; Unprofessional Conduct
23	394-7-29-10	Remain Open	Practicing Chiropractic without a License; Non-Licensee
24	401-9-20-10	Remain Open	Practicing Chiropractic without a License; Non-Licensee
25	460-12-11-12	Close - Resolved	Receiving Personal Financial Loan from Patient
26	440-10-12-11	Hearing	Practicing Without A License; Unprofessional Conduct
27	469-4-12-13	Pending	Solicitation
28	472-6-12-13	Pending	Solicitation
29	473-6-14-13	Pending	Solicitation
30	474-6-14-13	Pending	Solicitation
31	476-6-26-13	Pending	Solicitation
32	479-8-6-13	Pending	Solicitation
33	480-8-30-13	Pending	Solicitation
34	497-10-4-13	Pending	Solicitation
35	498-11-20-13	Pending	Solicitation by Registered Procurer
36	502-8-27-13	Pending	Solicitation
37	503-8-26-13	Pending	Solicitation
38	504-8-26-13	Pending	Solicitation
39	468-2-9-13	Pending	Solicitation
40	496-11-14-13	Pending	Practicing without a License
41	500-11-20-13	Pending	Solicitation; Unregistered Procurer
42	501-4-10-13	Pending	Solicitation
43	488-8-23-13	Pending	Advertising; Animal Chiro w/o Vet Supervision
44	454-7-6-12	Close	Unprofessional Conduct: Fracture
45	388-6-8-10	Prosecuting Attorney	Practicing Chiropractic without a License; Non-Licensee
46	402-9-20-10	Prosecuting Attorney	Practicing Chiropractic without a License; Non-Licensee
47	459-1-16-13	Hearing	Unprofessional Conduct: Solicitation
48	461-12-31-12	Hearing	Unprofessional Conduct: Solicitation
49	494-11-19-13	Pending	Solicitation
50	482-9-16-13	Pending	Unprofessional Conduct
51	481-8-30-13	Close	Advertising re Solicitation
52	457-10-19-12	Pending	Billing / Fraud
53	492-10-25-13	Pending	Unprofessional Conduct

Complaint 496-11-14-13 – practicing without a license: Dr. Traylor-Logan moved that Dr. Gaylon Carter be designated to speak to the patient about the details of what procedures the unlicensed person used to treat her. If Dr. Carter, in his professional opinion, concludes that the unlicensed person was applying chiropractic procedures, the Board will submit a motion to file an injunction to stop the person from practicing chiropractic without a license. Dr. Carter may later be called to be an expert witness and provide testimony. Mr. McCoy seconded the motion. The motion passed unanimously.

Adjourn

Dr. Traylor-Logan moved to adjourn. Mr. McCoy seconded the motion. The motion passed unanimously. The Board adjourned at 12:00 p.m.

Board minutes approved: 1-30-2014.