

**Arkansas State Board of Chiropractic Examiners
Board Meeting
Thursday, October 8, 2015**

CALL TO ORDER

The meeting was called to order by Julie Traylor-Logan, D.C., President, at 9:57 a.m.

ROLL CALL

Board Members present:

Dustin Heard, D.C.
Michael Courtney, D.C.
Harold Gunter
Thomas D. Taylor, D.C., FICA
Jack McCoy
Thomas Butler, D.C.
Julie Traylor-Logan, D.C.

Board Members absent:

None

Staff Members present:

Ed Armstrong, Assistant Attorney General (subbing for Sara Farris)
Laurie Mayhan, Executive Director

Guests Present:

Chris Cathey, D.C.
James Burke, D.C.
Gail Ragland
James Burke, D.C.
Lisa Burke

MINUTES

The July 23, 2015, minutes were presented to the Board. A motion to approve the minutes was made by Mr. McCoy and seconded by Dr. Butler. Motion passed unanimously.

DIRECTOR'S REPORTS

Budget Report

The monthly Expenditure Report by Appropriation and the Monthly Revenue Summary Report by Fund was presented to the Board. As of October 5, 2015 the total expense is \$24,388.15 with 163,051.85 remaining.

There was discussion regarding the budget for hiring a second full time employee. Funding is currently available in the budget to hire another employee. However, the position could be downgraded to Part time if needed.

Continuing Education Report

By FY 2016 July 1, 2015 – June 31, 2016

CE Status	# of Apps	# of Hours	Fee Due	Fee Paid
Approved	97	1931	\$9,655.00	\$9,655.00
Approved w/exception	1	20	\$100.00	\$100.00
Not Approved	1	2	\$10.00	\$10.00
Pending	3	38	\$190.00	\$190.00
Cancelled	0	0	\$0.00	\$0.00
Incomplete	0	0	\$0.00	\$0.00
Void	0	0	\$0.00	\$0.00
Totals:	102	1991	\$9,955.00	\$9,955.00

By CY 2016 January 1, 2015 – December 31, 2015

CE Status	# of Apps	# of Hours	Fee Due	Fee Paid
Approved	238	3915	\$19,575.00	\$19,575.00
Approved w/exception	2	40	\$200.00	\$200.00
Not Approved	7	72	\$360.00	\$360.00
Pending	3	38	\$190.00	\$190.00
Cancelled	2	30	\$150.00	\$150.00
Incomplete	0	0	\$0.00	\$0.00
Void	0	0	\$0.00	\$0.00
Totals:	252	4095	\$20,475.00	\$20,475.00

FOIA Report

5 FOIA Requests have been received and completed during July 1, 2015 through October 7, 2015.

Motion to approve the Director's reports was made by Dr. Taylor and seconded by Dr. Butler. The motion passed unanimously.

OLD BUSINESS

Proposed Language for registering Professional Corporations & LLC

Director is currently still working on the proposed language.

Proposed Language Part IV

Dr. Taylor gave his proposed changes verbally to the Board regarding Part IV. Changes will be added to a markup for the next meeting.

The Joint

This item was tabled at the July meeting. A recommendation was made to send Mr. Martinez another letter reiterating what was mentioned in the letter from February. Dr. Courtney made a motion to send the additional letter that was recommended. The motion was seconded by Dr. Butler. Motion passed unanimously.

CE Credit for NBCE testing

This item was tabled at the July meeting for further research by the board's attorney. Since the board's attorney, Ms. Farris, was not present the board discussed the topic with Mr. Armstrong who filled in as her sub. After further discussion the Board decided to table the item for verification from Ms. Farris on whether it would be an ethical violation or not.

NEW BUSINESS

License Transfer Request

James Burke, D.C. submitted a transfer of license application. Dr. Heard made a motion to approve Dr. Burke's transfer of license application and the motion was seconded by Mr. McCoy. Motion passed unanimously.

Reapplication Fee Waiver Request

Dr. Wallace Massah would like to reapply, but would like to request the application fees be waived as he has already paid them in the past. The reason for reapplication is that his original application expired for not being complete after 1 calendar year. Dr. Courtney made a motion to deny the fee waiver request with a second by Mr. Gunter. Motion passed unanimously.

Temporary License Request(s)

Hayley E. Mitchell, D.C. submitted an unsupervised temporary license request along with her completed credentials. Dr. Heard made a motion to accept the temporary license application. The motion was seconded by Dr. Courtney. Motion passed unanimously.

License Reinstatement Request

Dr. John D’Onofrio submitted a license reinstatement request due to his license being lapsed for nonpayment of his 2015 license renewal. He also failed to keep current contact information on file which delayed his incomplete renewal. Several attempts were made in contacting him. On September 25, 2015 Dr. D’Onofrio submitted a reinstatement request along with all subsequent fees. A motion was made by Dr. Taylor to approve his reinstatement request. The motion was seconded by Dr. Butler. Motion passed unanimously.

Fill in Doctors

This item was brought to the Board for concerns that we are unaware of who is coming into the state to cover for an Arkansas D.C. This item was tabled for the next meeting and for further research.

Multidisciplinary Practices

A licensee sent a request to the board regarding what he needed to do or if he could be a part of a multidisciplinary practice. He wanted to make sure he will be within the parameters of the Board’s rules and regulations. A motion was made by Dr. Taylor that a letter be sent to the licensee stating he seek legal counsel as the board does not dispense legal advice. The motion was seconded by Mr. McCoy. Motion passed unanimously.

NBCE Test Committee Nomination

A request for nominations to participate in the November Part IV examination was presented to the Board. The nominee will help in administering the Part IV examination. The motion to send Dr. Heard was made by Dr. Courtney and seconded by Dr. Butler. Motion passed unanimously.

INVESTIGATION REPORT

Thomas Hayde, DC - order

A signed revision of the consent order was presented to the board for approval. A motion to approve the consent order was made by Dr. Taylor and seconded by Dr. McCoy. The motion and second were withdrawn after discussion of a few corrections that needed to be made. A new motion was made by Dr. Butler to strike the last sentence at the bottom of page 2 and was seconded by Mr. McCoy. After discussion the motion was amended to correct #3 on page 1 to state “...executed by the Secretary of the Board”, remove the last sentence on page 2, and change the board signature line to Thomas Taylor, D.C., Board Secretary. The amended motion was then seconded by Dr. Courtney and the motion passed unanimously. The consent order will be sent back to the Respondents attorney.

Order 10/27/14- Kendall Wilson

Notice was given to the Board that as of this meeting Dr. Wilson’s fine had not been paid yet and it is due on 10/27/15. If not paid by the due date the Board would need to take further action. At this time the Board will wait until the due date of the fine(s), and if not paid by then they will call a teleconference.

PT Board Re: Kathleen Rea, PhD. Advertisement

A letter and supporting documents provided by the Physical therapy board regarding an advertisement by Kathleen Rea, PhD was presented to the Board in June. The Board forwarded this information to their investigator and no updates have been provided at this time.

Complaint report

<u>Recommendation</u>	<u>Complaint #</u>	<u>Complaint Allegations</u>
Hearing- December 10th	598-03-31-15	Aiding or abetting an unlicensed practitioner Unregistered procurers
Under Investigation	605-05-19-15	Unregistered Procurer
Pending	612-05-25-15	Unregistered Procurer / Advertising
Pending	621-09-16-15	Unprofessional Conduct/ Unregistered Procurer
Pending	622-09-16-15	Unprofessional Conduct/ Unregistered Procurer(s)
Further Investigation	607-05-22-15	Unregistered Procurers/ unprofessional conduct
Further Investigation	608-05-22-15	unregistered Procurer/ unprofessional conduct
Pending	623-09-30-15	Solicitation/ Unprofessional conduct/ Billing
Further Investigation	539-2-27-14	Solicitation
Withdrawn by Complainant- Close	619-07-21-15	Unregistered procurer
Pending	618-07-21-15	Unprofessional Conduct
Further Investigation	515-1-16-14	Unprofessional Conduct: Not Supervising on Premise
Consent Agreement Pending	600-04-21-15	Unprofessional Conduct
Further Investigation	525-2-18-14	Unprofessional Conduct
Pending	615-06-24-15	Unprofessional conduct- not fulfilling request for records
Close	394-7-29-10	Practicing Chiropractic without a License; Non- Licensee
Close	401-9-20-10	Practicing Chiropractic without a License; Non- Licensee
fwd to Consumer Protection	602-04-27-15	Unprofessional Conduct
fwd to Consumer Protection	603-04-27-15	Advertising
Pending	574-12-9-14	Solicitation
Further Investigation	543-6-5-14	Solicitation; Unregistered Procurer
Further Investigation	616-07-15-15	Unregistered Procurer
Further Investigation	620-08-05-15	Unregistered Procurer(s)

Close- Letter of Caution	566-10-21-14	Billing
Close- Letter of Caution	601-04-22-15	Unprofessional Conduct
Under Investigation	617-07-15-15	Unregistered Procurer
Further Investigation	509-12-18-13	Solicitation
Duplicate Record	510-12-27-13	Solicitation – dup rec. of 509-12-18-13
Further Investigation	532-3-7-14	Solicitation
Further Investigation	540-5-21-14	Solicitation
Further Investigation	544-6-5-14	Solicitation
Hearing- December 10th	572-12-3-14	Solicitation
Hearing- December 10th	577-01-30-15	Solicitation/ unprofessional conduct
Under Investigation	604-04-29-15	Unregistered Procurer/ Unprofessional conduct
Pending	613-06-04-15	Unregistered Procurer / Unprofessional conduct
Pending	614-06-04-15	Unregistered Procurer / Unprofessional conduct
Under Investigation	606-05-19-15	Unregistered Procurer
Under Investigation	611-05-25-15	Unregistered Procurer / advertising
Further Investigation	555-7-1-14	Solicitation; False Statements by Registered Procurer

Note: letters of caution are for licensees to review all rules and regulations.

Mr. Jack McCoy made a motion to approve the investigative report with the recommendations of the investigative committee. Dr. Butler seconded the motion. Motion passed unanimously.

Adjourn

Dr. Butler moved to adjourn with a second by Mr. McCoy. The motion passed unanimously. The Board adjourned at 11:38 p.m.

Board minutes approved: 12/10/2015