

**Arkansas State Board of Chiropractic Examiners  
Board Meeting  
Thursday, December 10, 2015**

***CALL TO ORDER***

The meeting was called to order by Julie Traylor-Logan, D.C., President, at 10:05 a.m.

***ROLL CALL***

Board Members present:

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

Board Members absent:

Thomas Butler, D.C.

Staff Members present:

Sara Farris, Assistant Attorney General  
Laurie Mayhan, Executive Director

Guests Present:

Chris Cathey, D.C.  
Gaylon Carter, D.C.  
Gail Ragland  
Terrance Carolan, D.C.

## ***MINUTES***

The October 8, 2015, minutes were presented to the Board. A motion to approve the minutes was made by Mr. McCoy and seconded by Mr. Gunter. 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 November 30, 2015 the total expense is \$46,023.69 with 141,416.31 remaining.

Funding is currently available in the budget to hire another employee. However, the Governor has a hiring freeze in effect and has put the Board's request to hire on hold.

### **2016 License Renewal**

- 612 license renewal notices mailed August 31, 2015
- 245 renewals received as of 12/9/15
  - 205 processed
  - 40 pending entry
- 367 not received yet

### **Continuing Education Report**

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

<b>CE Status</b>	<b># of Apps</b>	<b># of Hours</b>	<b>Fee Due</b>	<b>Fee Paid</b>
Approved	203	3109.75	\$15548.75	\$15548.75
Approved w/exception	1	20	\$100.00	\$100.00
Not Approved	1	2	\$10.00	\$10.00
Pending	2	34	\$170.00	\$170.00
Cancelled	0	0	\$0.00	\$0.00
Incomplete	0	0	\$0.00	\$0.00
Void	0	0	\$0.00	\$0.00
<b>Totals:</b>	<b>207</b>	<b>3165.75</b>	<b>\$15,828.75</b>	<b>\$15,828.75</b>

### **FOIA Report**

No new requests received since the last meeting.

Motion to approve the Director's reports was made by Mr. McCoy and seconded by Dr. Courtney. The motion passed unanimously.

## ***OLD BUSINESS***

### **Proposed Language Part IV**

Dr. Taylor gave his proposed changes verbally to the Board regarding Part IV at the October meeting. The first markup draft was presented to the Board for consideration. After discussing the changes, the Board decided to table this item for some updates and further research.

### **Proposed Language for registering Professional Corporations & LLC**

Director is currently still working on the proposed language. Item tabled.

### **CE Credit for NBCE testing**

This item was tabled at the October meeting for further research by the board's attorney. The item was tabled again for clarification from the Ethics committee.

### **Fill in Doctors**

This item was tabled from the meeting in October for further research. Power polls were presented to the Board for review regarding other state regulations regarding licensing or registration of fill in doctors, especially those coming from out of state to fill in. The President gave a directive for the Executive Director and Dr. Heard to work on options of how to register/regulate/track the number of times these doctors are working in the state without being licensed under 17-81-302. Item tabled.

### **The Joint**

This item was just an FYI to the Board. It was brought to the Board's attention that The Joint was opening in Little Rock. With that the Board wanted to make sure this information was forwarded on to the Board's investigator. Item tabled for any further developments.

## ***NEW BUSINESS***

### **License Status Change**

Dr. Jeffrey Becker submitted a request to change his status from Inactive to Active. All requirements have been met in order to do so. Dr. Courtney made a motion to approve the status change with a second by Mr. Gunter. Motion passed unanimously.

### **Licensee Application**

The application and credentials for Dr. Shanuri Settles, a recent licensee, has been brought to the attention of the Board after searching his file for a correct address. It was found that Dr. Settles answered "No" to a question asking if he had been disciplined by any Government, jurisdictional or licensing Authority; Federal, State or Municipal, when in fact he had been. Since the licensee was untruthful on his application Dr. Courtney made a motion to notice him for a hearing on January 21, 2016. The motion was seconded by Mr. McCoy. Motion passed unanimously.

### **2016 Renewal notice**

Dr. Philip Roberts' 2016 license renewal was brought before the Board due to him marking that he was convicted of a felony in recent months. The conviction did not pose an immediate threat to the public as it was a tax issue. Dr. Taylor made a motion to deny Dr. Roberts' 2016 Renewal until a hearing can be held to determine what actions need to be taken with regard to the violation of 17-81-313 and other RRS that may be applicable. The motion was seconded by Dr. Courtney. Discussion followed regarding Dr. Roberts currently being incarcerated and him possibly not being able to attend a hearing. Another idea was to send a consent order requesting that Roberts agrees to suspend his license while he is incarcerated. Then have him come back before the Board in order to request his license. With that, Dr. Taylor amended his motion to deny Dr. Roberts' 2016 renewal and send him a consent order requesting that he agree to suspend his license until he is released from prison and can provide evidence satisfactory to the Board at a hearing that he is fit to practice. Dr. Courtney seconded the amended motion and the motion passed unanimously.

### **FCLB Annual Conference**

Notices have been sent out to all Chiropractic Boards regarding the 90<sup>th</sup> annual Federation of Chiropractic Licensing Board conference. This item is just informational for the Board as to when and where the conference will be. Registrations will need to be turned in by 02/28/2016.

### **Statement of Financial Interests**

Reminder that SFI's are due by January 31<sup>st</sup>. Copies can be found on the Ethics commission website at: <http://www.arkansasethics.com/forms.htm> .

## ***CREDENTIALS REVIEW***

**Jeffrey J. Albright-** Motion to approve credentials and Temporary Unsupervised License was made by Dr. Courtney and seconded by Mr. McCoy. Motion passed unanimously.

**Michael R. Butler-** Motion to approve credentials was made by Dr. Taylor and seconded by Dr. Courtney. Motion passed unanimously.

**Gregory J. Chmelik-** Motion to approve credentials was made by Dr. Courtney and seconded by Dr. Heard. Dr. Taylor abstained. Motion passed.

**Christopher J. Cmiel-** Motion to approve credentials was made by Dr. Courtney and seconded by Dr. Heard. Dr. Taylor abstained. Motion passed.

**Stephan E. Conley-** Motion to approve credentials was made by Dr. Heard and seconded by Mr. McCoy. Motion passed unanimously.

**Olivia M. Fisher-** Motion to approve credentials was made by Mr. McCoy and seconded by Dr. Heard. Motion passed unanimously.

**Derrick D. Hamilton-** Motion to approve credentials was made by Dr. Courtney and seconded by Mr. McCoy. Motion passed unanimously.

**Nakoma R. Johnson-** The applicant answered question #9 on page 2 of the application with "No". This particular question asks if the applicant will "promise to support and agree to abide by the laws of the State of Arkansas, especially those of ASBCE..." A motion was made by Dr. Heard to approve her credentials with the contingent that she re-evaluates her application, specifically question 9 on page 2, and resubmits it with corrections, by

Friday, December 18, 2015. The motion was seconded by Mr. McCoy and abstained by Dr. Courtney. Motion passed.

**Stanley H. Kaiser-** Motion to approve credentials was made by Dr. Courtney and seconded by Mr. Gunter. No ASBCE board exam needed since he was previously licensed and took it in the 90s. Motion passed unanimously.

**Amy R. Lewis-** Motion to approve credentials was made by Dr. Taylor and seconded by Mr. McCoy. Motion passed unanimously.

**Chad D. Loveless-** (2<sup>nd</sup> attempt at credentials review) Application is complete with supplemental information. Motion to approve credentials was made by Mr. McCoy and seconded by Dr. Courtney. Motion passed unanimously.

**Ashley M. McElroy-** Motion to approve credentials was made by Dr. Heard and seconded by Mr. Gunter. Motion passed unanimously.

**Hayley I. Plumlee-** Motion to approve credentials was made by Dr. Heard and seconded by Mr. McCoy. Motion passed unanimously.

**Spencer C. Smith-** Motion to approve credentials was made by Dr. Courtney and seconded by Dr. Heard. Motion passed unanimously.

*The following are applicants who will be graduating within the month and are pending the receipt of a copy of their diploma, final transcripts and results of NBCE Part IV.*

**William R. Browder-** Motion to approve credentials pending graduation and the receipt of the final Chiropractic college transcripts, copy of diploma and results of Part IV was made by Mr. McCoy. Motion seconded by Dr. Heard. Motion passed unanimously.

**Timothy Chad Bryant-** Motion to approve credentials pending graduation and the receipt of the final Chiropractic college transcripts, copy of diploma and results of Part IV was made by Dr. Courtney. Motion seconded by Mr. McCoy. Motion passed unanimously. There was not motion on the temporary supervised license.

**Gabriel M. Carroll-** Motion to approve credentials pending graduation and the receipt of the final Chiropractic college transcripts, copy of diploma and results of Part IV was made by Dr. Heard. Motion seconded by Mr. Gunter. Motion passed unanimously.

**Megan R. Cartillar-** Motion to approve credentials pending graduation and the receipt of the final Chiropractic college transcripts, copy of diploma and results of Part IV was made by Mr. McCoy. Motion seconded by Mr. Gunter. Motion passed unanimously.

**Jackson C. Chism-** Motion to approve credentials pending graduation and the receipt of the final Chiropractic college transcripts, copy of diploma and results of Part IV was made by Dr. Heard. Motion seconded by Dr. Courtney. Motion passed unanimously.

**Grant D. Dennis-** Motion to approve credentials pending graduation and the receipt of the final Chiropractic college transcripts, copy of diploma and results of Part IV was made by Dr. Heard. Motion seconded by Dr. Courtney. Motion passed unanimously.

**Blair A. Sipes-** Motion to approve credentials pending graduation and the receipt of the final Chiropractic college transcripts, copy of diploma and results of Part IV was made by Dr. Heard. Motion seconded by Dr. Courtney. Motion passed unanimously.

## ***INVESTIGATION REPORT***

### **Thomas Hayde, DC - order**

The consent order with revisions from the October meeting was sent back to the Respondents attorney, but at this time a response has not been received. Item tabled.

### **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 and again today. The Board forwarded this information to their investigator and the investigators recommendation was that he did not see any violations of her advertisement with regards to practicing chiropractic. After considering the investigators recommendation the Board discussed whether or not a cease and desist letter should be sent. A motion was made by Dr. Courtney to send a cease and desist letter, also, in a similar format as the he PT Board's letter, also covering the chiropractic act. Motion was seconded by Dr. Taylor. Motion passed unanimously.

### **Complaint report**

	<b>Recommendations</b>	<b>Complaint No.</b>	<b>Complaint Description</b>
1	<b>Hearing-December 10, 2015</b>	598-03-31-15	Aiding or abetting an unlicensed practitioner Unregistered procurers
2	Further Investigation	605-05-19-15	Unregistered Procurer
3	Pending	612-05-25-15	Unregistered Procurer / Advertising
4	Pending	621-09-16-15	Unprofessional Conduct/ Unregistered Procurer
5	Pending	622-09-16-15	Unprofessional Conduct/ Unregistered Procurer(s)
6	Further Investigation	607-05-22-15	Unregistered Procurers/ unprofessional conduct
7	Further Investigation	608-05-22-15	unregistered Procurer/ unprofessional conduct
8	Pending	623-09-30-15	Solicitation/ Unprofessional conduct/ Billing
9	Pending	624-10-07-15	Unprofessional Conduct/ unregistered procurer
10	Further Investigation	539-2-27-14	Solicitation
11	<b>Close- No violation of RRS</b>	625-10-27-15	Therapy Machine burned Pt (Malpractice)
12	Pending	618-07-21-15	Unprofessional Conduct
13	Further Investigation	515-1-16-14	Unprofessional Conduct: Not Supervising on Premise
14	Consent Agreement pending	600-04-21-15	Unprofessional Conduct
15	Further Investigation	525-2-18-14	Unprofessional Conduct
16	<b>Close- No Violation of RRS</b>	615-06-24-15	Unprofessional conduct- not fulfilling request for records / insurance fraud
17	Pending- Sent to Consumer Div.	602-04-27-15	Unprofessional Conduct
18	Pending- Sent to Consumer Div.	603-04-27-15	Advertising

19	Pending	574-12-9-14	Solicitation
20	Further Investigation	543-6-5-14	Solicitation; Unregistered Procurer
21	Further Investigation	616-07-15-15	Unregistered Procurer
22	Further Investigation	620-08-05-15	Unregistered Procurer(s)
23	Pending	626-12-04-15	Billing Fraud; billing for services not rendered, excessive treatment, inflated billing / unprofessional conduct
24	Further Investigation	617-07-15-15	Unregistered Procurer
25	Further Investigation	509-12-18-13	Solicitation
26	Duplicate Record	510-12-27-13	Solicitation - dup rec of 509-12-18-13
27	Further Investigation	532-3-7-14	Solicitation
28	Further Investigation	540-5-21-14	Solicitation
29	Further Investigation	544-6-5-14	Solicitation
30	<del>Hearing- December 10, 2015</del>	572-12-3-14	Solicitation
31	<del>Hearing- December 10, 2015</del>	577-01-30-15	Solicitation/ unprofessional conduct
32	Further Investigation	604-04-29-15	Unregistered Procurer/ Unprofessional conduct
33	Pending	613-06-04-15	Unregistered Procurer / Unprofessional conduct
34	Pending	614-06-04-15	Unregistered Procurer / Unprofessional conduct
35	Further Investigation	606-05-19-15	Unregistered Procurer
36	Further Investigation	611-05-25-15	Unregistered Procurer / advertising
37	Further Investigation	555-7-1-14	Solicitation; False Statements by Registered Procurer

The investigator recommended that complaints 625-10-27-15 and 615-06-24-15 be closed as he did not find a violation of the Rules, Regulations and Statutes in either case. As for the hearings that were to take place today, no notices were sent due to the committee not being fully prepared. A motion was made by Dr. Taylor to change the status of 598-03-31-15, 572-12-3-14 and 577-01-30-15 to pending since a new hearing date will not be scheduled today. Motion seconded by Mr. McCoy. Motion passed unanimously.

Dr. Heard made a motion to approve the investigative report with the recommendations of the investigative committee. Mr. Gunter seconded the motion. Motion passed unanimously.

### Peer Review

The President added a last minute item regarding Peer Review. She would like for the Board to work on language that in order to do peer review one has to be an actively licensed and practicing Arkansas Chiropractor. She issued a directive to Dr. Courtney of the Board and Dr Gaylon Carter of the general public to work on the language with a review by Ms. Farris.

### Adjourn

Dr. Heard moved to adjourn with a second by Mr. McCoy. The motion passed unanimously. The Board adjourned at 12:40 p.m.

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Board minutes approved: 01/21/2016