

**Arkansas State Board of Chiropractic Examiners
Board Meeting/ New Licensee Orientation
Thursday, January 21, 2016**

CALL TO ORDER

The meeting was called to order by Julie Traylor-Logan, D.C., President, at 10:09 a.m.

ROLL CALL

Board Members present:

Michael Courtney, D.C.
Hale Gunter
Jack McCoy
Thomas D. Taylor, D.C., FICA
Dustin Heard, D.C.
Julie Traylor-Logan, D.C.
Thomas Butler, D.C. (via speaker phone)

Board Members absent:

None

Staff Members present:

Sara Farris, Assistant Attorney General
Laurie Mayhan, Executive Director

Guests Present:

Chris Cathey, D.C.
Lisa Burke
Gail Ragland

NEW LICENSEE ORIENTATION

Due to the fact that Dr. Butler was attending by conference call and was not able to sign the wall licenses himself, a motion was made by Mr. McCoy to approve printing Thomas Butler, D.C. under the member list on the licenses. The motion was seconded by Dr. Courtney. Motion passed unanimously.

Congratulations to the following applicants who attended orientation and received their licenses this day:

	Lic. No.	First Name	Middle Name	Last Name	Suffix
1	16122	Jeffrey	John	Albright	D.C.
2	16129	William	Raen	Browder	D.C.
3	16118	Timothy	Chad	Bryant	D.C.
4	16120	Michael	Robert	Butler	D.C.
5	16133	Gabriel	Matthew	Carroll	D.C.
6	16130	Jackson	Clay	Chism	D.C.
7	16112	Gregory	John	Chmelik	D.C.
8	16111	Christopher	John	Cmiel	D.C.
9	16131	Stephan	Elisha	Conley	D.C.
10	16128	Grant	Daniel	Dennis	D.C.
11	16100	Olivia	Marie	Fisher	D.C.
12	16117	Nakoma	Rose	Johnson	D.C.
13	1215	Stanley	Hoffman	Kaiser	D.C.
14	16127	Amy	Renee	Lewis	D.C.
15	16082	Chad	D.	Loveless	D.C.
16	16109	Hayley	Ellen	Mitchell	D.C.
17	16124	Thomas	Oliver	Niemela	D.C.
18	16132	Maurice	Robert	Pearl, Jr.	D.C.
19	16125	Hayley	Irene	Plumlee	D.C.
20	16123	Blair	Ashley	Sipes	D.C.
21	16086	Spencer	Chad	Smith	D.C.

Dr. James Burke was licensed on 10/08/2016 as a Transfer Licensee. His attendance to the orientation this day was to complete the Transfer of License requirements.

16096	James	Francis	Burke	D.C.
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Ms. Megan R. Cartillar was approved to attend orientation this day and has met most of the new applicant requirements. Once she graduates Chiropractic College and turns in her remaining application items, she will then receive her license.

16121	Megan	Rhea	Cartillar	D.C.
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MINUTES

The December 10, 2015 meeting minutes were presented to the Board. A motion to approve the minutes was made by Dr. Courtney and seconded by Mr. McCoy. Motion passed unanimously.

The December 18, 2015 teleconference minutes were also presented to the Board. A motion to approve the minutes was made by Dr. Taylor and seconded by Dr. Heard. 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 December 31, 2015 the total expense is \$55,164.21 with 132,275.79 remaining.

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

2016 License Renewal

- 612 license renewal notices mailed August 31, 2015
- 590 renewals received as of 01/19/2016
 - 510 Active, 19 Active-Out of State, 27 Inactive, 3 retired, 1 suspended
- 22 license renewals remaining

Continuing Education Report

Fiscal Year (July 1, 2015 - October 7, 2015)

CE Status	# of Applications	# of Hours	Fee Due	Fee Paid
Approved	223	3391.75	\$16,958.75	\$16,958.75
Approved w/exception	1	20	\$100.00	\$100.00
Not Approved	1	2	\$10.00	\$10.00
Pending	Apps pending			
Cancelled	0	0	\$0.00	\$0.00
Incomplete	0	0	\$0.00	\$0.00
Void	0	0	\$0.00	\$0.00
Total:	225	3413.75	\$17,068.75	\$17,068.75

FOIA Report

We received one FOIA request since the last meeting. The request is from State Farm regarding all documents related to Dr. James Burke. The request was received on 01/18/2016 via email. The ASBCE director requested an extension which was approved by State Farm until 02/01/2016 in order to complete it.

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 Dr. Taylor for approval. Dr. Taylor then discussed with the Board about the first draft at the December meeting. Further discussion followed today. The Board decided to table this item again for further research by Dr. Taylor.

Proposed Language for registering Professional Corporations & LLC

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

CE Credit for NBCE testing

This item was tabled at the December meeting for clarification from the Ethics committee. The ASBCE director called the commission and spoke with Drew Blankenship and he informed the director that they did not see a violation of A.C.A. § 21-8-304. The directors understanding from the conversation with Mr. Blankenship was that they didn't particularly see a violation with obtaining C.E. credit as long as attendance of the annual and district meetings were alternated between Members. The Board requested a response in writing. Item tabled.

Fill in Doctors

At the December meeting a directive was given to the Executive Director and Dr. Heard to work on options of how to register/regulate/track the number of times unlicensed doctors are working in the state without being licensed under 17-81-302. At this time no drafts have been completed to present to the Board. However, there was discussion of removing the statute entirely. Item tabled.

The Joint

This item was just an FYI to the Board. It was brought to the Board's attention that The Joint opened in Little Rock. With that, the Board wanted to make sure this information was forwarded on to the Board's investigator. Dr. Taylor made a motion to forward this information to the investigator so that he can look into ownership, etc. Motion seconded by Dr. Courtney. Motion passed unanimously.

FCLB Annual Conference

FCLB and NBCE called for 2016 Delegates and Alternate Delegates. Mr. McCoy made a motion to nominate Dr. Taylor as the Delegate and Dr. Heard as the Alternate for the FCLB annual meeting in April with the attendance of the executive director. Motion seconded by Dr. Courtney. Motion passed unanimously.

A second motion was made by Dr. Taylor to send Dr. Heard to help administer Part IV in May and to attend the Part IV committee meeting in June. The motion was seconded by Dr. Courtney. Motion passed unanimously.

Statement of Financial Interests

Just a reminder to the Board members, they need to complete an SFI for calendar year 2015. The SFI is due by February 1, 2016.

NEW BUSINESS

2016 License Renewal extension/waiver requests

Dr. Melanie Gartside requested an extension to acquire 2 remaining onsite hours that she did not get prior to 12/31/2015. Mr. McCoy made a motion to approve her extension request with the payment of the \$200 late fee, with the understanding that she is still required to get an additional 24 hours for the 2017 renewal. Motion seconded by Dr. Heard and abstained by Dr. Courtney. Motion passed.

Dr. Caroline Carpenter was short 12 preapproved hours for her 2016 renewal and requested that the 12 online hours she recently took be accepted towards her 2016 renewal as they were taken in the 2016 calendar year. Mr. McCoy made a motion to approve her request with payment of the \$200 late fee, with the understanding that she is still required to get an additional 24 approved hours for the 2017 renewal. The motion was seconded by Dr. Heard. The motion was opposed by Dr. Courtney and abstained by Dr. Taylor. Motion passed by majority.

Dr. Robynn Zinser submitted 24 hours with her 2016 renewal, but 12 of the 24 were not preapproved. She requested an extension in order to get the 12 approved hours during the 2016 calendar year in order to meet her continuing education requirements. Mr. McCoy made a motion to grant the CE extension request with the payment of the \$200 late fee, which both will be due by February 29, 2016. She will also be required to get an additional 24 approved hours for the 2017 renewal. The motion was seconded by Dr. Courtney and abstained by Dr. Taylor. Motion passed.

Dr. Larry J. Bell requested an extension in order to get his remaining 12 onsite hours. He had registered for a seminar in December but was unable to attend due to unforeseen circumstances that were health related. Dr. Courtney made a motion according to statute §17-81-311, section b, that the Board waive the 12 onsite hours for 2015 and waive the late fee with the receipt of a certificate from his attending physician showing that he was physically unable to attend the seminar he was registered for. The motion was seconded by Dr. Butler. Motion passed unanimously.

Dr. Steven W. Underwood submitted a late fee waiver request as his Inactive renewal application was received postmarked on 01/12/2016 which is after the 12/31/2015 deadline. Dr. Michael Courtney made a motion that his request be denied. The motion was seconded by Mr. Gunter and abstained by Dr. Thomas Taylor. Motion passed.

Dr. Brock Johnson was short 12 hours for his 2016 renewal and requested that the 12 online hours he recently took in 2016 be counted towards the 2015 calendar year as he was unaware that as a first year licensee he would have to turn in CE hours with his renewal. A motion was made by Mr. McCoy to approve the 12 online hours for the 2015 calendar year with the payment of the \$200 late renewal fee. He will also be required to get an additional 24 approved hours for the 2017 renewal. Motion seconded by Dr. Heard and abstained by Dr. Courtney and Dr. Taylor. Motion passed with majority.

Proposed Rule change to Complaint Handling Procedures

Currently we are required to process every complaint to the respondent regardless of whether the complaint is under our jurisdiction or not. The Executive Director would like to propose a rule change regarding non-procurer complaint handling procedures. The director did not present proposed language today as she is still working on it. The Board tabled this item for further research as to how many frivolous complaints we receive.

INVESTIGATION REPORT

EBAS- Informational

A letter was sent to the Boards from Dr. Judi Gerstung, EBAS Executive Director, to remind the Boards that they can utilize the Ethics and Boundaries Assessment Services' (EBAS) E&B essay examination program as a disciplinary action. No action taken, just informational.

Phil Roberts, DC – Consent Order

A consent order that was approved by the Board on December 18, 2015 was sent to Dr. Roberts for his consideration regarding the felony conviction he received in 2015. Dr. Roberts signed the consent order on 12/30/2015 and returned it to ASBCE on 12/31/2015, in which the Executive Director signed it reflecting the date it was received. The Board President signed the consent order this day, the 21st of January, and it will be entered into CIN-BAD and the NPDB.

Felony Disciplinary Actions

This was brought to the Board because Felonies are supposed to be reported to the Board with copies of what felony conviction they received and why. Currently documented in the agency's database, there have been 7 Felony convictions reported to the Board that span from the late 90's to present. The status of those licenses are; 1 expired, 1 surrendered, 2 suspended, 2 Active and 1 Active/Probation. However, since the director is fairly new she wanted to verify all records were actually on file for those who have marked yes to the felony question on the renewal form. While researching, some records were not found to be on file. One particular D.C. had a 1 page letter from his attorney and nothing else. Another reason for this item is that an insurance company called to verify if disciplinary action had taken place on the aforementioned licensee who has a felony. According to the Director's research through the Agency's documents no disciplinary action(s) was found. A motion was made by Mr. Gunter to send a certified letter to the licensee requesting the documentation regarding his felony. The motion was seconded by Mr. McCoy. Motion passed unanimously.

Complaint report

	Recommendations	Complaint No.	Complaint Allegations
1	Pending	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	Pending	629-12-21-15	Solicitation/offering \$
12	Pending (failed to submit a response)	628-12-18-15	Unregistered Procurer
13	Pending	618-07-21-15	Unprofessional Conduct
14	Further Investigation	515-1-16-14	Unprofessional Conduct: Not Supervising on Premise
15	Consent Agreement pending	600-04-21-15	Unprofessional Conduct
16	Further Investigation	525-2-18-14	Unprofessional Conduct
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	Close- withdrawn by complainant	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	Pending	630-01-11-16	Unprofessional conduct
26	Hearing (1-21-16)	627-12-10-15	Respondent was untruthful on license application
27	Further Investigation	509-12-18-13	Solicitation
28	Duplicate Record	510-12-27-13	Solicitation - dup rec of 509-12-18-13
29	Further Investigation	532-3-7-14	Solicitation
30	Further Investigation	540-5-21-14	Solicitation
31	Further Investigation	544-6-5-14	Solicitation
32	Pending	572-12-3-14	Solicitation
33	Pending	577-01-30-15	Solicitation/ unprofessional conduct
34	Further Investigation	604-04-29-15	Unregistered Procurer/ Unprofessional conduct
35	Pending	613-06-04-15	Unregistered Procurer / Unprofessional conduct
36	Pending	614-06-04-15	Unregistered Procurer / Unprofessional conduct

37	Further Investigation	606-05-19-15	Unregistered Procurer
38	Further Investigation	611-05-25-15	Unregistered Procurer / advertising
39	Further Investigation	555-7-1-14	Solicitation; False Statements by Registered Procurer

The Executive Director informed the Board that on complaint 628-12-18-15 the notice was refused by the Respondent and wanted to let the Board know if action was to be taken. A motion was made by Dr. Courtney to set the Respondent for a hearing for Unprofessional conduct regarding him not responding to the complaint notice sent by the Board and for the unregistered procurer allegations filed by the complainant. The motion was seconded by Dr. Taylor. Motion passed unanimously.

The Director also informed the Board that complaint 620-08-05-15 was withdrawn by the complainant and the recommendation is to close it.

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

Dr. Taylor made a motion to schedule complaint 628-12-18-15 for hearing at the next regularly scheduled meeting on April 14, 2016. Motion seconded by Dr. Courtney. Motion passed unanimously.

The Board President called upon Mrs. Gail Ragland, who is the Board's liaison at the Governor's office, if there was anything they could do to help get the agency's second position hired. Mrs. Ragland stated she has followed up on the request, but will follow up again.

Adjourn

Mr. McCoy moved to adjourn with a second by Dr. Courtney. The motion passed unanimously. The Board adjourned at 12:28 p.m.

Board minutes approved: April 14, 2016