

**Arkansas State Board of Chiropractic Examiners  
Board Meeting Minutes  
Thursday, April 14, 2016**

**CALL TO ORDER**

The meeting was called to order by Julie Traylor-Logan, D.C., President, at 10:00 a.m.

**ROLL CALL**

Board Members present:

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

Board Members absent:

None

Staff Members present:

Laurie Mayhan, Executive Director

Staff Members absent:

Sara Farris, Assistant Attorney General

Guests Present:

James Burke, DC  
Chris Cathey, DC  
Terrance Carolan, DC  
Becky Crenshaw

## MINUTES

The January 21, 2016 meeting minutes and the March 3, 2016 teleconference minutes were presented to the Board. A motion to approve the minutes was made by Dr. Heard and seconded by Mr. McCoy. Motion passed unanimously.

## DIRECTOR'S REPORTS

### Budget Report

The March monthly Expenditure Report by Appropriation and the Monthly Revenue Summary Report by Fund was presented to the Board for review. Also presented were cash flow reports for February and March. As of March 31, 2016 the total expense is \$81,113.63 with 106,326.37 remaining.

### CE Report

(July 1, 2015 - April 12, 2016)

CE Status	# of Applications	# of Hours	Fee Due	Fee Paid
Approved	350	4996.5	24982.5	24982.5
Approved w/exception	3	279	1395.00	1395.00
Not Approved	4	24	120.00	120.00
Pending	6	-	-	-
Cancelled	2	27	135.00	135.00
Incomplete	0	0	\$0.00	\$0.00
Void	0	0	\$0.00	\$0.00
<b>Total:</b>	<b>365</b>	<b>5326.50</b>	<b>\$26,632.50</b>	<b>\$26,632.50</b>

### FOIA Report

12 FOIA Requests have been received and completed since July 1, 2015 through April 14, 2016.

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

## OLD BUSINESS

### Proposed language regarding Part IV, Corp. Certificates, Complaint procedures

Items tabled until June for further research.

### CE Credit for NBCE/FCLB attendance

On 01-05-16, an email was sent to the Ethics Commission regarding if Board members in their official capacity could receive CE credit for attending/participating at a FCLB national conference or NBCE examinations. The commission responded on January 21, 2016. The response from the commission did not directly answer the questions posed. The Board requested that the Executive Director get with the Board's AG on how to reword the questions originally sent to get a specific answer.

### Fill in Doctors

Dr. Heard was assigned to research other state's rules and regulations regarding traveling doctors, fill in doctors. Dr. Heard verbally presented what he has researched so far, but he has not drafted proposed language at this time. Item tabled until June.

### **The Joint**

The Board requested at the January meeting that this item be investigated by Dr. Barnett, Board Investigator, as to who owns the clinic. This item was forwarding to Dr. Barnett and he replied stating that Dr. Browning owns the Little Rock franchise location. A motion was made by Dr. Courtney to request a copy of Dr. Browning's franchise/ownership documents and articles of incorporation. Motion was seconded by Dr. Taylor. Motion passed unanimously.

## **NEW BUSINESS**

### **License Renewal Request**

Dr. Shanuri Settles submitted his 2016 renewal packet which was postmarked on 12-31-15 and received on January 4, 2016. The renewal packet was incomplete due to the CE not being preapproved by the Board. The renewal packet was returned to Dr. Settles as incomplete on January 8, 2016. Dr. Settles was reminded of his incomplete renewal on January 21, 2016 and was instructed what he needed to do in order to comply with the renewal process. A Final notice was mailed on March 1, 2016 stating that his licensed is expired and forfeited due to not receiving a completed renewal packet in time. Statute 17-81-311 and 17-81-317 were also mentioned in the final notice. Dr. Settles recently returned his completed 2016 renewal packet containing CE which was attended April 6, 2016 and is approved by the Board, renewal fee, late fee and a letter to the board requesting approval for the late renewal. A motion was made by Dr. Courtney to deny Dr. Settles request and send him a copy of the rules and regulations. The motion was seconded by Mr. Gunter. Discussion regarding reinstatement was proposed, but was not considered as an amendment to the motion. Motion and second stayed. Motion passed unanimously.

### **Pulmonary Testing**

Dr. Derek Smith submitted a question to the Board regarding pulmonary testing and whether it was within the scope of practice for Arkansas Chiropractors. A motion was made by Dr. Courtney stating that pulmonary function testing is within the Arkansas Chiropractic scope of practice. The motion was seconded by Dr. Taylor. Motion passed unanimously.

### **Hair Follicle Testing**

Dr. Edward Sarver called the Board office to inquire if Hair follicle testing is within the Arkansas Chiropractic scope of practice. A motion was made by Dr. Courtney stating that hair analysis including hair follicle testing falls within the Arkansas Chiropractic scope of practice. The motion was seconded by Dr. Heard. Motion passed unanimously.

### **Contracted DOT Examiners/Testing**

This item was presented to the Board regarding whether or not an Arkansas licensed Chiropractor who is contracted with a non-licensed/certified professional in Arkansas can legally do so. Dr. Taylor made a motion to ask the Attorney General's office for an opinion regarding this topic. Motion was seconded by Dr. Courtney. Motion passed unanimously.

### **NBCE transcript- electronic version**

The National Board of Chiropractic Examiners sent notices out regarding NBCE exam transcripts. They would like confirmation from the Board on whether or not an electronic version would be accepted instead of a hard copy that is normally mailed. A motion was made by Dr. Courtney to propose a change in wording on Rule A3(b) to include, "and or electronic receipt for any National Board examination". The motion was seconded by Dr. Taylor. Motion passed unanimously.

### **Accreditation Actions- FYI**

The Council on Chiropractic Education sent out notices regarding reaffirmation of accreditations. This item was simply informational and not action is needed by the Board.

### **New Office Computer(s)**

The Executive Director is looking to purchase new computers for the office as the current ones are over 5 years old. Currently only one computer needs to be replaced as it is used daily and has had issues the past year. The secondary computer can wait to be replaced next fiscal year. The quoted price for the main computer was \$1,706.18. Since this purchase is over \$500, the director is requesting approval of the Board. A motion was made by Mr. McCoy to approve the Director's request. The motion was seconded by Dr. Taylor. Dr. Butler discussed the idea of also purchasing a Veridesk for the office. Mr. McCoy and Dr. Taylor amended their motion and second to approve the purchase of the new computer and if funds are available to purchase a Veridesk. Motion passed unanimously.

### **Temporary License Request**

*Nathaniel P. Ziegler* submitted a license application and temporary supervised license application for approval. His application shows that Robert Ziegler, DC will be the supervisor. He also submitted a letter to the Board inquiring if he could be approved for an unsupervised license instead so that he could work at a satellite clinic for another DC. Nathaniel has not yet graduated from Chiropractic College, but will graduate later this month. A motion was made by Dr. Butler to approve the temporary supervised license pending graduation and receipt of his final transcript and copy of his diploma. Motion was seconded by Mr. McCoy. Motion passed unanimously.

*Edward R. Virgil* submitted a license application and temporary unsupervised license application for approval. His proposed work location is with James D. Taylor, DC. A motion was made by Dr. Heard to approve the unsupervised temporary license application. Dr. Courtney seconded the motion, but then rescinded his second because he thought the motion was for a supervised temporary license. The original motion was restated by Dr. Heard to approve the unsupervised temporary license. The motion failed for lack of a second. Dr. Butler then made a motion to approve a supervised temporary license. The motion was seconded by Dr. Courtney. All others who voted for the motion were Dr. Heard, Mr. McCoy, and Mr. Gunter. Dr. Taylor abstained. Motion passed.

### **Agenda item added by Board President**

**Dr. Megan Cartillar** submitted her application prior to graduating Chiropractic College on December 4, 2015. The Board reviewed her credentials on December 10, 2015 and approved her to attend orientation pending the receipt of her final Chiropractic transcripts and copy of her diploma. Dr. Cartillar attended orientation on January 21, 2016 but will not be licensed until all requirements are met. Dr. Cartillar graduated on March 26, 2016 and her transcripts were received on April 4, 2016. However her diploma will not be printed until the middle of May. Dr. Cartillar wanted to know if she could start working since getting a copy of her diploma is out of her hands at this time. A motion was made by Dr. Taylor that the board issue her license and add the diploma to the Board file once received. Motion seconded by Mr. McCoy. Motion passed unanimously.

## INVESTIGATION REPORT

### Felony Disciplinary Action

According to the agency's records there have been 7 licensees who have been convicted of a Felony. These convictions span from the late 90's to present. At the request of the chairman, research has been conducted to see if disciplinary action was taken by the Board against those with felonies. Documents regarding disciplinary actions by the Board were found for 6 out of the 7 licensees. These 6 licensees also had their records on file regarding their felony conviction(s). Documents regarding disciplinary actions by the Board were not found for 1 licensee. Therefore it is believed that action was not taken. This licensee also does not have on file any court documents pertaining to his felony conviction other than a letter from an attorney. However this licensee has recently passed away and no further action will be taken.

### Consent Order- Thomas Hayde, DC

Dr. Hayde's attorney returned the amended consent order signed by himself and the respondent. The Board finalized Dr. Hayde's consent order regarding complaint No. 600-04-21-15 with the signature of the Board Secretary, Thomas Taylor, DC.

### Complaint Report

	Recommendations	Complaint No.	Complaint Description
1	Pending	635-02-16-16	Solicitation
2	Further Investigation	598-03-31-15	Aiding or abetting an unlicensed practitioner Unregistered procurers
3	Remain Open	605-05-19-15	Unregistered Procurer
4	Remain Open	612-05-25-15	Unregistered Procurer / Advertising
5	Remain Open	621-09-16-15	Unprofessional Conduct/ Unregistered Procurer
6	Remain Open	622-09-16-15	Unprofessional Conduct/ Unregistered Procurer(s)
7	<b>Dismiss, insufficient evidence</b>	636-02-16-16	Solicitation
8	<b>Dismiss, insufficient evidence</b>	607-05-22-15	Unregistered Procurers/ unprofessional conduct
9	<b>Dismiss, insufficient evidence</b>	608-05-22-15	unregistered Procurer/ unprofessional conduct
10	<b>Dismiss, insufficient evidence</b>	623-09-30-15	Solicitation/ Unprofessional conduct/ Billing
11	<b>Dismiss, insufficient evidence</b>	624-10-07-15	Unprofessional Conduct/ unregistered procurer
12	<b>Dismiss, insufficient evidence</b>	539-2-27-14	Solicitation
13	<b>Dismiss, insufficient evidence</b>	629-12-21-15	Solicitation/offering \$
14	Hearing	628-12-18-15	Unregistered Procurer/ refused to respond to complaint notice
15	<b>Dismiss, insufficient evidence &amp; lack of jurisdiction</b>	632-01-29-16	Filed 1099 on former patient, had past sexual relations with patient
16	Remain Open	618-07-21-15	Unprofessional Conduct
17	<b>Dismiss, insufficient evidence</b>	515-1-16-14	Unprofessional Conduct: Not Supervising on Premise
18	Consent Agreement Finalized 4-14-16	600-04-21-15	Unprofessional Conduct
19	Further Investigation	525-2-18-14	Unprofessional Conduct
20	Remain Open	633-02-16-16	Solicitation by Procurer
21	Sent to Consumer Div.	602-04-27-15	Unprofessional Conduct
22	Sent to Consumer Div.	603-04-27-15	Advertising
23	<b>Dismiss, insufficient evidence</b>	574-12-9-14	Solicitation
24	<b>Dismiss due to procurer law not in place at time of alleged action occurring</b>	543-6-5-14	Solicitation; Unregistered Procurer

25	<b>Dismiss, insufficient evidence</b>	616-07-15-15	Unregistered Procurer
26	<b>Dismiss, insufficient evidence</b>	626-12-04-15	Billing Fraud; billing for services not rendered, excessive treatment, inflated billing, unprofessional conduct
27	<b>Dismiss, insufficient evidence</b>	634-02-16-16	Solicitation
28	<b>Dismiss, insufficient evidence</b>	617-07-15-15	Unregistered Procurer
29	<b>Dismiss, insufficient evidence</b>	630-01-11-16	Unprofessional conduct
30	Remain Open	637-02-25-16	Solicitation
31		638-04-07-16	Solicitation
32	Further Investigation	509-12-18-13	Solicitation
33	Duplicate Record	510-12-27-13	Solicitation - dup rec of 509-12-18-13
34	Further Investigation	532-3-7-14	Solicitation
35	Further Investigation	540-5-21-14	Solicitation
36	Further Investigation	544-6-5-14	Solicitation
37	Further Investigation	572-12-3-14	Solicitation
38	Further Investigation	577-01-30-15	Solicitation/ unprofessional conduct
39	Further Investigation	604-04-29-15	Unregistered Procurer/ Unprofessional conduct
40	Further Investigation	613-06-04-15	Unregistered Procurer / Unprofessional conduct
41	Further Investigation	614-06-04-15	Unregistered Procurer / Unprofessional conduct
42	<b>Dismiss, insufficient evidence</b>	606-05-19-15	Unregistered Procurer
43	<b>Dismiss, insufficient evidence</b>	611-05-25-15	Unregistered Procurer / advertising
44	<b>Dismiss, insufficient evidence</b>	555-7-1-14	Solicitation; False Statements by Registered Procurer

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

Dr. Butler inquired if the Board's consumer members are covered like the professional members regarding sovereign immunity. The Board President gave a directive to the Executive Directive to speak with the Board's AG regarding this matter.

## Adjourn

Dr. Taylor moved to adjourn. Dr. Heard seconded the motion. The motion passed. The Board adjourned at 11:43 p.m.

---

*Board minutes approved: 06/14/2016*