

**Arkansas State Board of Chiropractic Examiners
Board / Credentials Review Meeting Minutes
Tuesday, June 14, 2016**

CALL TO ORDER

The meeting was called to order by Julie Traylor-Logan, D.C., President, at 9:58 a.m.

ROLL CALL

Board Members present:

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

Board Members absent:

None

Staff Members present:

Terry Barnett, D.C., Investigator
Reid Adkins, Assistant Attorney General
Laurie Mayhan, Executive Director
Lisa Cross, Administrative Analyst

Guests Present:

Becky Crenshaw
Sara Farris, Assistant Attorney General
Ryan Smith, AG Law Clerk
Terrance P. Carolan, DC
Gail Ragland, Governor Liaison

MINUTES

The April 14, 2016 meeting minutes and the April 25, 2016 teleconference minutes were presented to the Board. A motion to approve the minutes for April 14th was made by Mr. McCoy and seconded by Dr. Courtney. Motion passed unanimously.

A second motion to approve the minutes for April 25th was made by Mr. McCoy and seconded by Dr. Courtney. Motion passed unanimously.

DIRECTOR'S REPORTS

Budget Report

The cash flow statements for April and May were presented to the Board for review along with April's monthly Expenditure Report by Appropriation and the Monthly Revenue Summary Report by Fund. As of May 31, 2016 the total expense is \$101,848.76 with \$85,591.24 remaining.

CE Report

(July 1, 2015 - April 12, 2016) **April Report Corrected**

| CE Status | # of Applications | # of Hours | Fee Due | Fee Paid |
|----------------------|-------------------|----------------|------------------|-----------------|
| Approved | 297 | 4576.75 | 22883.75 | 22883.75 |
| Approved w/exception | 1 | 20 | 100 | 100 |
| Not Approved | 2 | 15 | 75 | 75 |
| Pending | 2 | 30 | 150 | 150 |
| Cancelled | 1 | 12 | 60 | 60 |
| Incomplete | 0 | 0 | \$0.00 | \$0.00 |
| Void | 0 | 0 | \$0.00 | \$0.00 |
| Total: | 303 | 4653.75 | 23,268.75 | 23268.75 |

(July 1, 2015 – June10, 2016) **June Report**

| CE Status | # of Applications | # of Hours | Fee Due | Fee Paid |
|----------------------|-------------------|----------------|------------------|------------------|
| Approved | 326 | 5011.75 | 25058.75 | 25058.75 |
| Approved w/exception | 2 | 32 | 160 | 160 |
| Not Approved | 3 | 27 | 135 | 135 |
| Pending | 8 | 99 | 495 | 495 |
| Cancelled | 1 | 12 | 60 | 60 |
| Incomplete | 0 | 0 | \$0.00 | \$0.00 |
| Void | 0 | 0 | \$0.00 | \$0.00 |
| Total: | 340 | 5181.75 | 25,908.75 | 25,908.75 |

FOIA Report

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

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

FY14 & FY15 Legislative Audit Report of Findings

The agency recently went through a Legislative Audit for FY14 and FY15. The Summary of Findings for the two year period ending June 30, 2015 was presented to the Board for further review along with a copy of the signed management representation letter. The Director informed the Board what the documents were for and that all four (4) findings are currently being corrected. A response will be submitted to the legislative auditor by no later than June 24, 2016. A motion was made by Dr. Moore to approve the audit report. The motion was seconded by Mr. McCoy. Motion passed unanimously.

OLD BUSINESS

Proposed language regarding:

Part IV, NBCE transcript, Corp. Certificates/registrations, Complaint procedures, FBI background checks, Animal Chiropractic language/rule, Fill in/ vacation coverage

Act 200 was presented to the Board showing that special language had been added reflecting the change in Ark. Code § 17-81-304 regarding the Board practical being repealed and that Part IV of NBCE will be mandatory effective July 1, 2016. All other items have been tabled until the next meeting 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 A.G. on how to reword the questions originally sent to get a specific answer. As the Board has recently been reassigned to a new Assistant Attorney General, this item has not been completed yet. The Director and new Asst. Attorney General are currently going over all pending matters from the last meeting. Item Tabled.

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 forwarded to Dr. Barnett and he replied stating that Dr. Browning owns the Little Rock franchise location. A motion was made at the April meeting by Dr. Courtney to request a copy of Dr. Browning's franchise/ownership documents and articles of incorporation. A FOIA request was sent to the corporation division of the AR Secretary of State to request all public documents pertaining to The Joint, Browning PLLC, and Strait Up Ventures LLC. Those documents were received and presented to the Board. After review of those documents a motion was made by Dr. Taylor to request Dr. Browning's management agreement. Motion was seconded by Dr. Courtney. Discussion followed. Dr. Taylor amended his motion to request any and all business contracts/management agreements between Dr. Browning/ Browning, PLLC and Straight Up Ventures and or The Joint. Dr. Courtney amended his second. Motion passed unanimously.

Contracted DOT Examiners / Testing

This item was presented to the Board on April 14, 2016 regarding whether or not an Arkansas licensed Chiropractor who is contracted with a non-licensed/certified professional in Arkansas can legally do so. The Board voted to get the Attorney General's opinion regarding this topic. As the Board has recently been reassigned to a new Assistant Attorney General, this item has not been completed. The Director and new Asst. Attorney General are currently going over all pending matters from the last meeting. Item Tabled.

NEW BUSINESS

License status change request

Alicia Hankins submitted a request to change her status from Inactive to Active. All appropriate fees and CE have been submitted. A motion was made by Dr. Moore to approve the status change from Inactive to Active. Motion was seconded by Dr. Courtney. Motion passed unanimously.

Continuing Education applications

Dr. Taylor had some clarifications on several C.E. applications that were submitted by National University of Health Sciences and Northwestern Health Science University. Some of the course content was questionable as to what exactly was being taught in the classes. Dr. Taylor asked the Board to discuss the applications in order to decide if the applications will be approved or not. After discussion, Dr. Taylor was confident he could complete the review process on the C.E. presented at this meeting.

Dr. Taylor asked that the topic of C.E. webinars also be discussed as a sponsor recently asked if they could add a webinar to an onsite course that had already been approved this year. Dr. Courtney made a motion to Table this item for further research. Dr. Taylor seconded the motion. The board will request a powerpoll from FCLB regarding this topic. Motion passed unanimously.

Student Rotations at AR V. A. Hospital

C. Michael DuPriest, DC submitted a letter to the Board asking about student rotations at the V. A. Hospital through academic affiliations with Logan University for the clinical training of senior level chiropractic students. His question was, "If Central Arkansas Veterans Healthcare System established an academic affiliation with Logan would senior students be allowed to perform Hx and physical, develop tx plans, and be allowed to adjust patients?" If not his alternative would be to establish a 1 year paid residency program for licensed graduates. A motion was made by Dr. Taylor to request information from other states regarding their rules and regulations concerning internships of senior chiropractic students. The motion was seconded by Dr. Heard. Motion passed unanimously.

Extremity x-ray reimbursement BC/BS

A letter from Beverley Foster, DC was forwarded to the Board concerning Blue Cross & Blue Shield denying an extremity x-ray(s). No action will be taken at this time until the Board has received proof that the DC who received the denial has gone through their due process regarding the claim and has received a written statement from BC/BS. Once that process is completed the Board would like to review the denial and the response from BC/BS stating why the extremity x-rays were denied.

After further discussion Dr. Courtney made a motion that All Skeletal Radiography is within the Arkansas Chiropractic scope of practice. The motion was seconded by Dr. Moore. Motion passed unanimously.

Dr. Courtney also motioned that ASBCE recognizes Neuromuscular Skeletal Imaging which would include CT and MRI is within the Arkansas Chiropractic scope of practice. Motion was seconded by Dr. Moore. Motion passed unanimously.

Stipend Payment Request

Dr. Traylor-Logan requested that the stipend payment be waived for the last teleconference that was held on April 25, 2016 since it was a short conference call. Dr. Taylor motion to waive the payment. Mr. Gunter seconded the motion. Motion passed unanimously.

FCLB Annual Conference Recap

Dr. Taylor, Dr. Heard and Ms. Mayhan attended the recent FCLB conference in Phoenix, Arizona on April 27, 2016 through May 1, 2016.

Topics that were covered at the conference consisted of:

- Malpractice cases
- NC Dental Board v. FTC
- Licensees on Social Media
- Regulatory Ethics
- Competence and Safety in Accreditation and Regulation
- Addressing Common and Uncommon Regulatory Scenarios
- Licensure Exams and Services of the NBCE
- Development of International Standards
- Ethics and Boundaries
- Board Member Training

Dr. Heard and Dr. Taylor spoke on several topics that they think the Board could add to the Rules, Regulations and Statutes in order to be a better regulatory board.

Also included with the FCLB recap was a request from the FCLB regarding the annual letter of participation. A motion was made by Mr. McCoy to approve the sending of the letter. The motion was seconded by Mr. Gunter. Motion passed unanimously.

Consumer Members Liability, FYI

This item was brought up at the April meeting regarding the liability of consumer members not being the same as the professional members. Section VII. Liability/immunity of Boards and Members, Part A. General Principles of the Attorney Generals Board member handbook was presented for clarification as to the liability of members. This was just informational and no action was needed by the Board.

Affiliated Monitoring, FYI

The Director presented a letter from Affiliated Monitoring, Inc. Affiliated Monitoring is a company that provides regulatory agencies a mechanism for independent oversight and feedback about practitioners' compliance and remediation activities. The director informed the Board that this company might be useful in the future for any disciplinary actions that may need to be monitored as we currently do not have a process or procedure for following up on licensees who may need supervision while practicing, etc. This was just information and no action was needed by the Board.

CREDENTIALS REVIEW

Eric Clayton Bell- Motion to not approve for credentialing regarding application not being complete and will need proof of §17-81-305 (a)(7) was made by Dr. Courtney. The motion was seconded by Dr. Moore. Applicant will not be permitted to attend orientation/examination in July. Motion passed unanimously.

Caleb Mark Bryant- Motion to approve credentials pending graduation and receipt of final chiropractic transcripts, copy of chiropractic diploma and NBCE Part IV score was made by Dr. Heard and seconded by Dr. Courtney. Motion passed unanimously.

James Michael Bub- Motion to approve credentials and unsupervised temporary license was made by Dr. Courtney and seconded by Dr. Taylor. Motion passed unanimously.

Dillon Quayed Crawford- Motion to approve credentials was made by Dr. Heard and seconded by Mr. McCoy. Motion passed unanimously.

Christopher Taylor Elder- Motion to approve credentials was made by Dr. Moore and seconded by Dr. Heard. Motion passed unanimously.

Chez Khalid Hill- Motion to approve credentials pending the receipt of NBCE Part IV score was made by Mr. McCoy and seconded by Dr. Courtney. Motion passed unanimously.

Tember Lenn Hursh- Motion to approve credentials pending graduation and receipt of chiropractic college transcripts, copy of chiropractic diploma, and NBCE Part IV score was made by Dr. Moore and seconded by Mr. McCoy. Motion passed unanimously.

Miranda Miller Tipton- Motion to approve credentials was made by Dr. Moore and seconded by Mr. Gunter. Motion passed unanimously.

June Marie VanBuskirk- Motion to not approve credentials for incomplete application, lack of SPEC exam results, was made by Dr. Courtney and seconded by Dr. Moore. Motion passed unanimously.

Ashley Brooke Wilcoxson- Application and Supervised temporary license was reviewed. With the documentation provided the Board decided that an unsupervised temporary license would be applicable. Motion to approve credentials and an Unsupervised Temporary license was made by Dr. Courtney and seconded by Mr. McCoy. Motion passed unanimously.

INVESTIGATION REPORT

Hearing June 14, 2016/ Consent Order- Donald W. Eastman, DC

In lieu of the hearing on June 14, 2016 at 1:00 p.m. a consent agreement was mailed to Dr. Eastman. The violation was failing to respond as required to the communication duly served by the Board upon Licensee. The order states that the licensee will be on probation for a period of six (6) months once the agreement is approved by the Board. At this time the Board has not received the signed agreement back, however Dr. Eastman still has four (4) days to return it. Once received it will be presented to the Board for final approval. No other action is required at this time.

Complaint Report

| Case Pending | 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 | Pending Hearing | 640-05-23-16 | Solicitation (soliciting patient at other Chiro. Clinic) |
| 8 | Close, no violation | 641-06-06-16 | Billing |
| 9 | Hearing cancelled/ Consent Agreement pending | 628-12-18-15 | Unregistered Procurer/ refused to respond to complaint notice |
| 10 | Remain Open for Board decision Further Investigation | 618-07-21-15 | Unprofessional Conduct |
| 11 | Remain Open for Board decision Hearing 7/21/16 | 525-2-18-14 | Unprofessional Conduct |
| 12 | Pending | 633-02-16-16 | Solicitation by Procurer |
| 13 | Sent to Consumer Div. | 602-04-27-15 | Unprofessional Conduct |
| 14 | Sent to Consumer Div. | 603-04-27-15 | Advertising |
| 15 | Pending | 639-04-14-16 | Unprofessional Conduct - has not complied with Records request |
| 16 | Pending | 637-02-25-16 | Solicitation |
| 17 | Pending | 638-04-07-16 | Solicitation |
| 18 | Further Investigation | 509-12-18-13 | Solicitation |
| 19 | Duplicate Record | 510-12-27-13 | Solicitation - dup rec of 509-12-18-13 |
| 20 | Further Investigation | 532-3-7-14 | Solicitation |
| 21 | Further Investigation | 540-5-21-14 | Solicitation |
| 22 | Further Investigation | 544-6-5-14 | Solicitation |
| 23 | Further Investigation | 572-12-3-14 | Solicitation |
| 24 | Further Investigation | 577-01-30-15 | Solicitation/ unprofessional conduct |
| 25 | Further Investigation | 604-04-29-15 | Unregistered Procurer/ Unprofessional conduct |
| 26 | Further Investigation | 613-06-04-15 | Unregistered Procurer/ Unprofessional conduct |
| 27 | Further Investigation | 614-06-04-15 | Unregistered Procurer/ Unprofessional conduct |

Complaint 641-06-06-16, after the Investigative Committee presented a summary of the complaint without names, the recommendation changed from being blank to Close, no violation.

Complaint 618-07-21-15, after a very brief presentation by the Investigative Committee, the Board felt that the investigative committee should investigate the complaint further by getting articles of incorporation and management agreements.

Complaint 525-2-18-14, after the Investigative Committee presented a summary of the complaint without names, a motion was made by Dr. Taylor to proceed with a hearing. The motion was seconded by Dr. Courtney. Motion passed unanimously. Hearing to be scheduled for July 21, 2016 at 1:00 pm

Complaint 640-05-23-16, after the Investigative Committee presented a summary of the complaint without names, a motion was made by Dr. Moore to proceed with a hearing. The motion was seconded by Mr. McCoy. Motion passed unanimously. Hearing will be scheduled for October.

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

Adjourn

Dr. Taylor moved to adjourn. Mr. Gunter seconded the motion. The motion passed. The Board adjourned at 12:27 p.m.

Board minutes approved: July 21, 2016