

**Arkansas State Board of Chiropractic Examiners  
Board Meeting / Orientation  
Tuesday, January 10, 2017**

**CALL TO ORDER**

The meeting was called to order by Julie Traylor-Logan, D.C., President, at 10:13 a.m.

**ROLL CALL**

Board Members present:

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

Board Members absent:

Michael Courtney, D.C.

Guests Present:

Laurie Mayhan, Executive Director  
Reid Adkins, Assistant Attorney General  
Chris Cathey, D.C.  
Stacy Runnels  
Samuel S. Haley, D.C.

## ORIENTATION

Dr. Sam Haley presented information to the new licensees on behalf of the Arkansas Chiropractic Physicians Association.

Dr. Christopher Cathey presented information to the new licensees on behalf of the Arkansas Chiropractic Society.

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

	Lic. No.	First Name	MI	Last Name	Suffix
1.	16146	Eric	C.	Bell	D.C.
2.	16157	Blake	A.	Butler	D.C.
4.	16160	James	M.	Galvin, III	D.C.
5.	16158	Anna	A.	George	D.C.
7.	16136	Kathryn	B.	Hill	D.C.
8.	16063	Michael	A.	Miller	D.C.
9.	16149	Mallory	A.	Province	D.C.
10.	16154	Steven	K.	Runnels	D.C.
11.	16161	Sarah	E.	Slattery	D.C.

Congratulations to the following licensees who were licensed on 12/08/2016 and who are fulfilling their orientation requirement this day:

	Lic. No.	First Name	MI	Last Name	Suffix
12.	16151	Christine	L.	Dunsworth	D.C.
13.	16153	Timothy	D.	Henderson	D.C.
14.	16154	Steven	K.	Runnels	D.C.

Mr. John D. Machycek and Mr. Taylor J. Stevens were approved to attend orientation this day and have met most of their new applicant requirements. Once they graduate from Chiropractic College and turn in their final chiropractic transcripts and copy of their diplomas, they will receive their licenses effective the date those items are received.

15.	John	D.	Machycek	D.C.
16.	Taylor	J.	Stevens	D.C.

Additionally, there were two applicants who did not attend today's orientation and did not receive a license.

17.	Tanner	W.	Coleman	D.C.
18.	Christin	M.	Phillips	D.C.

## MINUTES

The December 8, 2016 minutes were 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

A general cash flow statement for **December** was presented to the Board, however it was not a complete report as DFA-Accounting and Budget had not forwarded the agencies monthly expenditure and revenue reports to the director yet.

As of January 1, 2017, the total amount expended thus far for FY17 is \$58,004.26 with \$129,436.74 remaining.

As of January 1, 2017 the total FY17 revenue is \$123,617.09 which includes licensee fees, applicant fees, interest, refunds/reimbursements, and rebates. Total overall revenue is \$506,876.63 which includes Fund Balance, Cash Fund and FY2017 revenue.

### CE Report FY2017

(July 1, 2016 – October 3, 2016)

Status	Apps received	Class hours offered	Fee Due	Fee Paid
Approved	314	4189	\$20,945.00	\$20,945.00
Approved with Exception	10	691	\$3,455.00	\$3,455.00
Not Approved	7	104	\$520.00	\$520.00
Pending	1	12	\$60.00	\$60.00
Cancelled	0	0	\$0.00	\$0.00
Incomplete	0	0	\$0.00	\$0.00
Void	1	0	\$0.00	\$0.00
<b>Total:</b>	<b>333</b>	<b>4,996</b>	<b>\$24,980.00</b>	<b>\$24,980.00</b>

### 2017 License Renewal

- 629 License Renewal notices were mailed September 1, 2016
- 594 completed license renewals have been received and processed as of 01/09/2017.
  - 35 license renewals remaining

### FOIA Report

20 Freedom of Information Act requests have been received and completed thus far for FY2017 (July 1, 2016- June 30, 2017).

A motion to accept the Directors reports was made by Dr. Moore. Motion 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, Fill in/ vacation coverage, Temporary license rule, etc.**

Now that the amended changes have been made from the last meeting, the next step is to get the bill sponsored by a Representative and or Senator. The draft will then be filed once sponsored. No action by the board at this time. Item tabled for future updates to bill process.

### **Hyperbaric Therapy (HBOT)**

A current license applicant inquired as to whether Hyperbaric Therapy is within the Arkansas Chiropractic scope of practice. The Board deferred this to counsel in July for confirmation as to whether the percentage of oxygen being used affects its prescription drug status. Research was presented to the Board by counsel and the executive director. This topic was approved in 2009 after Dr. Jason Collins had inquired about it, however the question about oxygen percentages was not noted in 2009. More research was presented by Dr. Courtney on December 8, 2016 and the board requested that we get a powerpoll from other states on their position. A 2014 archived powerpoll from FCLB was presented to the Board on January 10, 2017. After reviewing the powerpoll and past research, Dr. Moore made a motion that HBOT is not within our scope of practice because oxygen is considered a drug. Motion seconded by Mr. Gunter. Discussion followed regarding Dr. Courtney's original motion that was rescinded in December. Dr. Moore amended his motion to state Dr. Courtney's motion that oxygen, based on our current law, is a legend drug and is not permissible in current chiropractic practice, but that oxygen concentrators and recreational oxygen can be used. Mr. Gunter seconded the amended motion. Motion passed unanimously.

### **Letter to CLEST Re: Physicals by a Chiropractor**

Due to a decision made by CLEST in 2013 concerning chiropractors not being an approved medical provider to administer physicals to basic training students, Dr. Carter previously asked the Board to go on record stating that chiropractors have the same right as medical doctors to perform physical exams. Dr. Courtney made a motion at the December 2016 meeting stating that a letter be sent to the appropriate authorities indicating that chiropractic physicians are licensed to do examinations and to reiterate our statute that any certificate of health that we sign is with like authority as any other physician, 17-81-102 (5) and 17-81-106. The letter was drafted and sent to the Board's attorney and president for review prior to mailing. The letter has not been mailed to CLEST as the Board's attorney wanted to present to the Board today that the letter be addressed to Dr. Carter instead of CLEST. That way Dr. Carter can disseminate the letter if needed. Mr. McCoy motioned to address the letter to Dr. Carter instead of CLEST. Mr. Gunter seconded the motion. Discussion followed regarding what the exam consists of as it may include something that is not within the Arkansas chiropractic scope of practice. Motion and second were withdrawn. Item tabled in order to ask Dr. Carter to get more information as to what the physical for incoming students for basic training consist of, and or protocol or criteria of the exam. Possibly get a copy of the physical exam form.

### **Statement to Insurance companies**

Requested at a previous board meeting, Dr. Carter asked if the Board would write a statement regarding the scope of practice so that if insurance companies deny procedures that are within the scope of practice the chiropractor will have something in writing to give to the insurance company proving otherwise. The Board's counsel previously stated that the scope of practice is written in statute. Dr. Traylor-Logan gave a directive to counsel, Reid Adkins, at the last board meeting to look into this and possibly draft a letter. A letter has not been drafted as the information that would be included would just reiterate the practice act.

Due to the request being so broad, the Board agreed to send a response to Dr. Carter stating that his request would need to be more specific. No further action on this item.

## **NEW BUSINESS**

### **Statement of Financial Interest.**

Just a reminder to Board members that the SFI is due by January 31.

### **Board Stipend**

25-16-905, Each year at the Boards first regularly scheduled meeting, a vote may be taken to authorize payment to its members of a stipend not to exceed one hundred dollars per meeting attended. Dr. Taylor motioned to approve the payment authorization, with a second by Dr. Heard. Motion passed unanimously.

### **FCLB Annual Conference**

The 2017 FCLB Annual Conference and NBCE meeting will be held May 3-7, 2017 at the Hyatt Regency Hotel in Orlando Florida. FCLB has blocked rooms at the Hyatt Regency for conference attendees. The hotel room rate is \$205. Travel and meals will be reimbursed per Federal and or state travel guidelines.

### **FCLB 2017 Delegate & Alternate**

Voting Delegates and Alternate Delegates for the FCLB Annual meeting will need to be submitted by April 6, 2017. Dr. Taylor made a motion to send Dr. Traylor-Logan, Dr. Moore, and the executive director to the FCLB annual conference in Orlando, May 3-7. Dr. Heard will be a substitute if Logan or Moore cannot attend. Motion seconded by Mr. McCoy. Motion passed unanimously.

### **NBCE 2017 Call for Delegates**

Voting Delegates and Alternate Delegates will need to be submitted by March 6, 2017. The NBCE meeting coincides with the FCLB annual conference and those attending as delegates for the FCLB conference will serve as delegates for the NBCE meeting during May 3-7.

### **NBCE Part IV Exam – Not on Agenda**

Since the Board has not been noticed yet about sending a Board member to help administer the NBCE Part IV examination, Dr. Heard asked if the Board would consider voting today regarding him attending in May. A motion was made by Mr. McCoy to send Dr. Heard to help administer the NBCE Part IV examination in May with Dr. Moore as a substitute if Dr. Heard cannot attend. Dr. Taylor seconded the motion. Motion passed unanimously.

Also, a motion was made by Dr. Taylor to send Dr. Heard to NBCE in Greeley, CO in June for the Part IV test committee meeting with Dr. Moore as a substitute. Motion seconded by Mr. McCoy. Motion passed unanimously.

### **CE Waiver/ Extension Requests**

Dr. Michael Jarman was not able to attend an onsite seminar for his 12 remaining hours needed to renew his license due to an unforeseen health issue. Dr. Jarman submitted 24 hours of online preapproved CE with his request and renewal application. He is requesting that the board accept the 24 online hours instead of 12 of those hours being onsite. Dr. Moore motioned to accept the 24 online hours contingent upon Dr. Jarman submits a letter from his treating physician stating that he, Dr. Jarman, was physically unable to attend the onsite course due to sickness or injury. Motion seconded by Dr. Heard. Motion passed unanimously.

### Status Change Request

Christopher Culpepper, DC, LPN requested to change his status from Inactive to Active for 2017. Dr. Culpepper submitted a completed renewal application along with 24 hours of CE and required Active fee. No new disciplinary history was found when checking CIN-BAD. Mr. McCoy motioned to approve the status change request with a second by Dr. Moore. Motion passed unanimously.

### Temporary (supervised) License request

Brian M. May, DC applied to ASBCE for licensure and due to missing credentials review, applied for a supervised temporary license. Supervisors will be Cory Oldham, DC and or Shayla Swanson, DC. Dr. Moore motioned to approve the supervised temporary license with a second by Mr. McCoy. Motion passed unanimously.

## INVESTIGATION REPORT

### Complaint Report

	Recommendations	Complaint No.	Complaint Allegations
1	Hearing 4-11-17	525-2-18-14	Unprofessional Conduct
2	Further Investigation	572-12-3-14	Solicitation
3	Further Investigation	577-01-30-15	Solicitation/ unprofessional conduct
4	Further Investigation	598-03-31-15	Aiding or abetting an unlicensed practitioner Unregistered procurers
5	Fwd. to OIG / no response yet	602-04-27-15	Unprofessional Conduct
6	Fwd. to OIG / no response yet	603-04-27-15	Advertising
7	Further Investigation	604-04-29-15	Unregistered Procurer/ Unprofessional conduct
8	Pending	633-02-16-16	Solicitation by Procurer
9	Pending	635-02-16-16	Solicitation
10	Pending	637-02-25-16	Solicitation
11	Pending	638-04-07-16	Solicitation
12	Pending	644-08-31-16	Suspected Fraud by Solicitation
13	Pending	645-08-31-16	Billing for services not rendered, Duplicate Billing, Excessive Treatment
14	Pending	648-09-21-16	Billing Fraud
15	Pending	649-09-22-16	Solicitation
16	Pending	650-10-06-16	Billing Fraud
17	Pending	651-10-06-16	solicitation
18	Pending	652-10-06-16	Billing Fraud
19	Pending	653-10-06-16	Billing Fraud
20	Pending	654-10-06-16	Billing fraud
21	Pending	655-10-06-16	Billing Fraud & Solicitation
22	Pending	656-10-06-16	Billing Fraud & Solicitation
23	Pending	657-10-06-16	Billing Fraud
24	Pending	658-10-06-16	Billing Fraud
25	Pending	659-10-06-16	Billing Fraud

26	Pending	660-10-06-16	Billing fraud
27	Pending	661-10-06-16	Billing Fraud
28	Pending	662-10-06-16	Billing Fraud
29	Pending	663-10-18-16	Billing Fraud / solicitation
30	Pending	664-10-19-16	Billing
31	Pending	665-10-28-16	Billing- unethical
32	Pending	666-11-01-16	Practicing without a license, & advertising
33	Pending	667-11-03-16	Unprofessional Conduct
34	Pending	668-10-08-16	C(2)(o) fail to keep accurate records, C(4) improper charges, C(2)(1) using 'Doctor' without indicating profession licensed in, C(3)(d) professional qualifications, C(4)(a),(d),(g) up-charging, incorrectly reporting services rendered, overutilization of practice
35	Pending	669-11-14-16	Solicitation/ misrepresentation

The hearing for complaint **525-2-18-14** is still on schedule for April 11, 2017 at 10am.

The Executive Director along with the board's counsel presented one update to the investigation report. Complaint 668-10-08-16 was recommended to be withdrawn as the complainant and their attorney submitted a statement to withdraw the complaint. The board requested to keep this complaint pending for investigation. If the investigator sees that the complaint contains a violation, then the board will generate its own complaint and will dismiss 668-10-08-16. If the investigator sees no violations, then the complaint will be dismissed with no further action.

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

## **ADJOURN**

Mr. McCoy moved to adjourn. Mr. Gunter seconded the motion. The motion passed unanimously. The Board adjourned at 11:53 a.m.

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*Board minutes approved: 04/11/2017*