

**Arkansas State Board of Chiropractic Examiners  
Board Meeting  
Tuesday, April 11, 2017**

**CALL TO ORDER**

The meeting was called to order by Julie Traylor-Logan, D.C., President, at 10:04 a.m.

**ROLL CALL**

Board Members present:

Thomas D. Taylor, D.C., FICA  
Michael Courtney, D.C.  
Harold Gunter  
J. Kent Moore, D.C.  
Julie Traylor-Logan, D.C.  
Jack McCoy (arrived at 10:23am)

Board Members absent:

Dustin Heard, D.C.

Guests Present:

Laurie Mayhan, Executive Director  
Reid Adkins, Assistant Attorney General  
John Ogles  
Chris Cathey, D.C.  
Becky Crenshaw  
Kendra Simpson  
G. Judi Bradford  
T. P. Carolan, D.C.  
Jack Hopkins

## MINUTES

The January 10, 2017 minutes were presented to the Board. A motion to approve the minutes was made by Dr. Taylor and seconded by Dr. Moore. Motion passed.

## DIRECTOR'S REPORTS

### Budget Report

A general cash flow report for **March** was presented to the Board along with copies of the agencies March expenditure and revenue reports. As of April 1, 2017, the total amount expended thus far for FY17 is \$89,302.35 with \$98,153.65 remaining.

As of April 1, 2017, the total FY17 revenue is \$179,211.00 plus a \$15 revenue that was not included on the cash report, which brings the total revenue to \$179,226.00. This total includes licensee fees, applicant fees, interest, surplus property sales, and rebates/refunds. Total overall revenue according to DFA-Budget Dept. is \$562,485.54 which includes Fund Balance, Cash Fund and FY2017 revenue. ASBCE's projected savings is \$70,315.29.

### CE Report FY2017

(July 1, 2016 – Jan. 6, 2017) **CORRECTION**

CE Status	# of Applications	# of Hours	Fee Due	Fee Paid
Approved	191	2207	\$ 11,035.00	\$ 11,035.00
Approved w/exception	7	655	\$ 3,275.00	\$ 3,275.00
Not Approved	5	74	\$ 370.00	\$ 370.00
Pending	0	0	\$ 0.00	\$ 0.00
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>204</b>	<b>2,936</b>	<b>\$ 14,680.00</b>	<b>\$ 14,680.00</b>

(July 1, 2016 – April 7, 2017)

CE Status	# of Applications	# of Hours	Fee Due	Fee Paid
Approved	278	3705	\$ 18,525.00	\$ 18,525.00
Approved w/exception	7	655	\$ 3275.00	\$ 3275.00
Not Approved	5	74	\$ 370.00	\$ 370.00
Pending	0	0	\$ 0.00	\$ 0.00
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>291</b>	<b>4,434</b>	<b>\$ 22,170.00</b>	<b>\$ 22,170.00</b>

## 2017 License Renewal

- 613 completed license renewals have been received and processed as of March 13, 2017, which was the end of the 60 day grace period.
  - 540 Active
  - 45 Active- Out of State
  - 28 Inactive
- 25 Expired/Forfeited for Non-Renewal

## Discussion on CE Report

Dr. Michael Courtney raised the subject of CE's approved with exception and wished to discuss, in particular, a course applied for by National University of Health Sciences which had approved with exception status. He referenced the subject of courses approved by DABCI that may have used the term pharmacology. He agreed as it referred to writing prescriptions being beyond chiropractic scope but believed it is within the practice of chiropractic when it comes to herbal supplements and their interaction with other medications. It is his belief that this is exactly what the course was about. The course had previously been approved up until the last two Secretaries. It was pointed out that the rules indicate if hours are not approved the Board should have a discussion about those hours rather than just decided by the Secretary of the Board. Dr. Moore explained his extensive research on those courses but could not recall specifics without seeing it. Dr. Traylor-Logan suggested tabling since there was no information to look at specifically, but for Dr. Courtney to bring the specific information to the Board so it can be discussed and decided on for future reference.

## FOIA Report

44 Freedom of Information Act requests have been received thus far for fiscal year 2017 (July 2016 – June 2017). 24 of the 44 requests were received since the last Board meeting on 01/10/2017.

Dr. Taylor inquired about the FOIA report presented. He said it appears that Patrick James is saying that he doesn't feel like he has received what he's requested, is that still the position he is taken? The Board's counsel stated, yes, that's still Mr. James' and or his client's position. At this point, since it was recently filed, counsel did not want to go into details, but a lawsuit was filed against the agency's Director, as custodian of records, with regard to production of documents in the Freedom of Information Act requests. Dr. Taylor wanted to know who filed the lawsuit. No answers were given by Counsel or the Director as they were not entertaining any questions at this time. However, a member of the public, Dr. Christopher L. Cathey, spoke up and stated he had filed the lawsuit. Dr. Traylor-Logan then stated that no other questions will be asked at this time since the lawsuit was recently filed and that Board counsel will keep us updated.

[10:23am Mr. McCoy arrived]

A motion to accept the Directors reports was made by Dr. Moore. Motion seconded by Mr. Gunter. Motion passed.

## **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.**

List made last year and just adding to it so it can be addressed. Language for the Preceptorship Program was given to Board so they can study and put on future agenda to discuss. Subject was tabled for next meeting. Later in meeting there was a discussion on Temporary Licensing and Orientation requirements being put on proposed language list.

### **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. This item was tabled in December 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. No additional information has been provided by Dr. Carter at this time. No further action was taken by the Board.

## **NEW BUSINESS**

### **FCLB Passport Program**

Subject was tabled and placed on agenda for next meeting due to lack of information at this time.

### **Late Renewal- CE approval**

Dr. Thomas Carlyle submitted a late renewal application with 12 of his 24 hours completed in 2017 instead of 2016. Dr. Carlyle requested that the Board accept the 12 online hours completed in 2017 to count towards the hours for 2016. A motion was made by Mr. McCoy to accept the 12 online hours completed in 2017 for his remaining 2016 hours with the understanding 24 additional hours will be required in 2017 for his 2018 renewal. Motion seconded by Dr. Moore. Motion passed with an abstention by Dr. Courtney.

### **Temporary License Request**

Jaymond R. Clark – Completed application on file and applying for Temporary Supervised License. Has disciplinary history. Dr. Moore motioned to approve credentials for a Supervised Temporary license. Motion seconded by Dr. Courtney. Motion passed.

Justin C. Collier – Completed application on file and applying for a Temporary Supervised License, but would like to request an Unsupervised Temporary License. Dr. Courtney motioned to approve credentials for a Supervised Temporary License. Motion seconded by Dr. Moore. Motion passed.

Paul P. Holderfield – Completed application on file and applying for a Temporary Supervised License. Mr. McCoy motioned to approve credentials for a supervised temporary license. Motion seconded by Dr. Moore. After discussion, motion passed.

Spencer P. Neal – Completed application on file and applying for an Unsupervised Temporary License. He holds a license in Tennessee. Dr. Courtney made a motion to approve with a second by Dr. Moore. Motion passed.

### **Transfer License Request**

Amy A. Anderson, DC – Completed application on file and applying for Transfer License. Has had license in Louisiana and now holds one in Florida. Husband is in military and transferring to Arkansas. Motion made by Dr. Moore to approve Transfer of License with a second by Dr. Courtney. After discussion, motion passed.

Jared J. Bennett, DC – Completed application on file and has held Utah license and currently holds Oklahoma license and is requesting Transfer of License. Motion to approve transfer of license was made by Mr. Gunter with second by Dr. Courtney. Motion passed.

Koltur C. Easton, DC – Completed application on file requesting Unsupervised Temporary License and/or Transfer of License. He has an active license in Texas and held one in Washington. Dr. Courtney motioned to grant a Transfer of License since he qualifies. There was a second by Jack McCoy. Motion passed.

Michael L. Goebel, DC – Completed application on file and applying for Transfer of License from Texas. Has a discharged sentence for a drug related felony. Court documents have been requested, but not received yet. Motion made by Mr. Gunter to request court documents on felony charge before a decision is made on the applicant's credentials. Motion seconded by Dr. Moore. Motion passed.

Duane J. Paterson, DC – Completed application on file and applying for Transfer of License from California. Motion made by Dr. Courtney with a second by Mr. Gunter to grant Transfer of License but still need verification of license from California which has not submitted his license verification. Motion passed.

Andrew T. Pham, DC – Application on file requesting Transfer of License, but is lacking one character affidavit. Character affidavit was mailed today according to applicant. Motion was made by Dr. Courtney that the application is incomplete and be denied until the application is completed. Motion was seconded by Dr. Taylor. Motion passed.

### **Reinstatement Request**

Dr. Philip Roberts submitted his request for a hearing in order to reinstate his license. The Board had told him after he had fulfilled his time of incarceration to come back to the Board and we would grant him a hearing to request reinstatement of his license. Motion to schedule a hearing was made by Mr. Gunter with a second by Dr. Taylor. Motion passed. Hearing to be held at June 20, 2017 Board meeting.

### **Radiology Questionnaire**

A questionnaire was presented to the Board by the American Chiropractic College of Radiology asking if a DACBR is within the scope of practice within the state of Arkansas. The discussion that followed had the consensus of yes for the first two questions because they pertained particularly to doctors of chiropractic. The third question raised discussion of radiology licensing not being within the realm of our Board. We have no rules or regulations concerning DACBR so unable to answer question three. Motion made to table question three by Dr. Taylor and a second by Mr. McCoy. One opposed by Dr. Moore. One abstention by Dr. Courtney. Motion passed. Dr. Taylor and Reid Adkins will obtain more information from health department.

## INVESTIGATION REPORT

### Complaint Report

The hearing for complaint **525-2-18-14** was scheduled for today, April 11, 2017, at 10am. However, due to death of close family friend complainant could not attend hearing. As of yesterday, according to Board Counsel, complainant said since it was so old she would be okay with it being dismissed especially since the chiropractor is not currently practicing. Board Counsel requested a continuance to see if we receive a letter stating she did not wish to continue with complaint. If she does wish to pursue, another hearing will be scheduled. Motion to continue by Dr. Moore with no second. Motion failed. Floor open for discussion. Discussed whether Board could move forward without witness. Motion by Dr. Courtney that the complaint be dropped pending receipt of letter from complainant wishing to do so. Motion seconded by Dr. Moore. Attorney for the respondent stated the physician was no longer practicing. Discussion closed and vote taken. Motion passed with one opposed from Dr. Taylor.

Complaint **666-11-01-16** practicing without a license. Respondent was previously licensed in Arkansas. Board counsel laid out the complaint and expressed wishes to write up a consent agreement because of family difficulties being cause for the complaint. Respondent did, however, admit to doing “cash only” treatments, stating he thought it was okay after age of 65 to do so. Dr. Courtney made a motion to bring this to a hearing. Motion was seconded by Dr. Taylor. Motion passed with one abstention from Dr. Moore. Hearing to be held on June 20, 2017.

### ADDITIONAL BOARD BUSINESS

Dr. Courtney raises concerns he found through his recent FOIA request. He discovered emails from Dr. Traylor-Logan to Executive Director Laurie Mayhan concerning a Florida Chiropractic Physician Association Legislative Committee update at which Dr. Courtney will be speaking. Feels there is improper communications between the Arkansas Chiropractic Physicians Association and the Executive Director of the Board. Dr. Traylor-Logan stated she did not recall particulars but it was just an email forwarded to her and it pertained to continuing education so she forwarded it to the Executive Director. Dr. Courtney feels there is a closer relationship with one association and the Director than the other. No actions taken by the Board at this time.

### ADJOURN

Dr. Taylor moved to adjourn. Dr. Courtney seconded the motion. The motion passed. The Board adjourned at 11:53 a.m.

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*Board minutes approved: 06/20/2017*