

**Arkansas State Board of Chiropractic Examiners  
Board Meeting  
Thursday, April 5, 2018**

**CALL TO ORDER**

The meeting was called to order by Kent Moore, D.C., President, at 10:00 a.m.

**ROLL CALL**

Board Members present:

Kent Moore, D.C.  
Dustin Heard, D.C.  
Jack McCoy  
Thomas D. Taylor, D.C.  
Tanya Holt, D.C.  
Harold Gunter  
Michael Courtney, D.C.

Board Members absent:

None

Guests Present:

Laurie Mayhan, Executive Director  
Brad Nye, Assistant Attorney General  
Geraldan (Judi) Bradford  
Chris Cathey, D.C.  
Terrance Carolan, D.C.  
Michael DuPriest, D.C.  
Matthew Goodwin, rep. with VA hospital  
Robin Atkins, rep. with VA hospital

## MINUTES

The *January 9, 2018* board minutes was presented to the Board for review and a motion was made by Mr. McCoy to approve the minutes. Mr. Gunter seconded the motion. Motion passed.

The *February 13, 2018* teleconference minutes was presented to the Board for review and a motion was made by Mr. McCoy to approve the minutes. Dr. Holt seconded the motion. Motion passed.

## DIRECTOR'S REPORTS

### Budget Report

An itemized cash flow statement for January - March was presented to the Board, along with the March service bureau budget and accounting reports. The total amount expended thus far for fiscal year 2018 (July 01, 2017-March 31, 2018) is \$97,727.93 with \$93,151.07 remaining of the FY18 budget (\$190,879.00). The total revenue received thus far for fiscal year 2018 is \$183,029.27, which includes money received and interest on COI.

### CE Report FY2018

(July 1, 2017 – June 30, 2018)

Status	Apps received	Class hours offered	Fee Due	Fee Paid
Approved	332	4733.5	\$23,667.50	\$23,667.50
Approved with Exception	1	34	\$170.00	\$170.00
Not Approved	1	47	\$235.00	\$235.00
Pending	0	0	\$0.00	\$0.00
Cancelled	0	0	\$0.00	\$0.00
Incomplete	0	0	\$0.00	\$0.00
Void	0	0	\$0.00	\$0.00
<b>Total:</b>	<b>334</b>	<b>4814.5</b>	<b>\$24,072.50</b>	<b>\$24,072.50</b>

### 2018 License Stats

Active: 548  
 Active-Out of State: 51  
 Inactive: 26  
 Total: 625 (renewable licenses)

Expired December 2017: 16 (4 deceased, 12 non-renewal)

### FOIA Report

A total of **32** Freedom of Information Act requests have been received from 7/1/17 thru 03/27/18. **9** of those were received since the last board meeting.

A motion to approve the Directors reports was made by Dr. Taylor. Motion seconded by Mr. McCoy. Motion passed.

## **OLD BUSINESS**

### **Proposed legislative changes / rule changes regarding: Part IV, NBCE transcript, Corp. Certificates/registrations, etc.**

Again, proposed rules and or legislation language was presented to the Board for consideration as it was tabled from the last meeting for updates. Some items have already been approved by the Board where as others have not. The board discussed the Internship program language that Dr. DuPriest had presented at a past meeting. The board made changes to (d)(5), (e)(1) & (2) and requested Dr. DuPriest's opinion. Dr. DuPriest submitted addition changes for the board to review today.

Dr. Courtney motioned to accept Dr. DuPriest's updated language on (d)(5) which states, "A full, unrestricted license to practice chiropractic in this state, and a minimum of five (5) years active practice of chiropractic in this and/or another state." Dr. Holt seconded the motion. Motion passed unanimously.

Dr. Taylor motioned to accept Dr. DuPriest's updated language on (e)(1) which states, "Chiropractic student in the preceptorship program may assist chiropractors in the performance of those duties that are lawful and ethical including but not limited to physical examinations, patient consultation, x-ray examinations, chiropractic manipulative therapy and physical therapeutics and other Physician level services as indicated." Dr. Courtney seconded the motion. Motion passed unanimously.

Dr. Courtney motioned to accept Dr. DuPriest's updated language on (e)(2) with the addition of chiropractic in the first sentence before physician. The language will state, "Chiropractic student may participate in the formulation of a differential diagnosis and plan of care while under the supervision/mentoring of the attending chiropractic physician. He/she may not sign insurance forms or any other forms, which require the signature of a licensed chiropractor." Dr. Holt seconded the motion. Motion passed unanimously.

At the last meeting, a directive was given to the director to draft an act using the medical board's corporation act and substitute their name with ASBCE. That draft was presented to the Board today, however since the board has recently been assigned to a new assistant attorney general, this item was tabled in order for the new attorney to review it. It was also briefly discussed that an Act would not be necessary as the board could simply reference the State's professional corporation act in their rules.

### **CLEST Re: Physicals**

A response was received from CLEST and they are still upholding their original decision. A directive was given to the executive director to ask CLEST to add us to their next meeting so that Dr. Courtney could be there to discuss the issue of not accepting physicals from chiropractic physicians.

## **NEW BUSINESS**

### **Sunset Review Part II due 7/1/18**

The report for part one was presented to the board as well as a screenshot of what part two's report looks like. Part two is due the first of July and we are to provide a statement regarding the legal authority or agency justification for continued enforcement of our three title rules as none of our rules, in their entirety, need to be repealed. Dr. Taylor made a motion that the director should work with the board's council and draft a statement. Dr. Heard seconded the motion. Motion passed.

### **2018 Control Self-Assessment (CSA)**

The Executive director completed the agency's 2018 CSA. This is a biannual internal agency assessment. One CSA session was conducted with the executive director, administrative analyst and board president to

review the entire report. The President and or administrative analyst suggested several changes. Those changes were made and a final report was submitted by the March 30<sup>th</sup> deadline. The entire board was given a copy for their review and if any changes were needed, they would be added to the next CSA. The board president, and several other board members complimented the executive director for going through this lengthy assessment as well as all the other reports and legislative changes that have come down this past year adding to her work load. Mr. McCoy motioned to accept the 2018 Control Self-Assessment. Dr. Heard seconded the motion. Motion passed.

### **FAA Basic Med Exam**

Two requests were received about the need for board action for the public and the profession regarding the Federal Aviation Administration's new BasicMed legislation. The requests were received from Dr. Derek Smith, DC (Arkansas Licensee) and Dr. Michael Megehee, DC (TeamCME President).

Each request was for the board's determination as to whether or not Arkansas chiropractors meet the physician requirement according to the FAA legislation.

Arkansas code states:

- Ark. Code Ann. § 17-80-107 states, "For the purposes of the 'Good Samaritan' law, 17-95-101, and any other law of this state which takes effect on or after January 1, 1994, the term 'physician' shall mean a person licensed by the Arkansas State Medical Board, the Arkansas State Board of Chiropractic Examiners, or the Arkansas Board of Podiatric Medicine." (*AR State Medical Board law*)
- Ark. Code Ann. § 17-81-102(5) states, " 'Physician' means a person authorized or licensed to practice medicine pursuant to the Arkansas Medical Practice Act, §§ 17-95-201 – 17-95-207, 17-95-301 – 17-95-305, and 17-95-401 – 17-95-411, a person authorized or license to practice chiropractic pursuant to the provisions of this chapter, and a person authorized to practice osteopathy pursuant to § 17-91-101 et seq." (*AR State Board of Chiropractic Examiners law*)
- Ark. Code Ann. § 17-81-106 states, "Chiropractic practitioners licensed under this chapter shall be bound by all applicable health and police regulations of the State. They shall be qualified to sign death certificates, insurance certificates, and all other certificates pertaining to public health with like effect as other licensed physicians." (*AR State Board of Chiropractic Examiners law*)
- Ark. Code Ann. § 17-81-315(a)(1) states, "Each holder of a license under the provisions of this chapter shall be privileged to use after his name: Any of the following 'Doctor of Chiropractic'; 'Chiropractic Physician'; 'Chiropractor' and 'D.C.'" (*AR State Board of Chiropractic Examiners law*)

Mr. McCoy motioned that the board reviewed the list of requirements for the FAA BasicMed exam and Arkansas chiropractors are qualified to perform everything on the list if the licensee is a qualified DOT examiner. Dr. Courtney seconded the motion. Motion passed.

### **Practical Exam Equipment**

Since the Board no longer gives a state practical exam, the agency staff has compiled a list of examination items still being stored in the office. The executive director asked the board what they would like to do with the items. The items consist of a carousel projector, boxes of headrest paper, small x-ray view boxes, boxes of tongue depressors, folding examination/adjustment tables with attachments, and carrying cases/luggage. Dr. Moore motioned to shred what needs to be shredded and sale the equipment. Motion seconded by Dr. Courtney. Motion passed.

### **Externship Application**

Anthony Le, a student who will graduate from Cleveland Chiropractic College in mid April, submitted an externship application along with a preceptor application for his supervisor. Mr. Le is still working on getting his national boards completed and wants to be able to practice once he graduates. Mr. McCoy motioned to approve Mr. Le for the externship program pending his upcoming graduation and receipt of his chiropractic college transcript. Motions seconded by Dr. Courtney. Motion passed.

**Temporary (supervised) License request**

Brandon DeNike submitted a completed original license application along with a supervised temporary license request. Dr. Taylor motioned to approve the request. Motion seconded by Dr. Courtney. Motion passed.

**Transfer License request**

Kazunori Cook submitted a completed transfer of license application. Dr. Moore motioned to accept the application. Motioned seconded by Dr. Holt. Motion passed.

Nathan Jones submitted a completed transfer of license application. Dr. Courtney motioned to approve the application. Motioned seconded by Mr. McCoy. Motion passed.

**Investigative Committee Report****Complaint Recommendations**

Complaints dismissed for lack of evidence to prove violation:

598-03-31-15, 635-02-16-16, 637-02-25-16, 638-04-07-16, 649-09-22-16

Complaints dismissed for lack of violation:

668-10-08-16, 669-11-14-16, 681-08-22-17, 682-11-09-17, 683-13-17

All other complaints are pending or under further investigation/review.

Dr. Courtney motioned to accept the investigation report and the recommendations of the investigative committee. Motioned seconded by Mr. McCoy. Motion passed.

**Private Investigator update**

Due to the last investigator backing out due to the caseload, the agency reached out to three other investigators in the area. Only one responded, Noble Investigations. Fee schedule is in line with the last one the board approved and their credentials are current. Dr. Moore motioned to accept this company for complaint investigations as needed. Motion seconded by Mr. McCoy. Motion passed.

Other items discussed briefly, but no motions were made: the Governor's Agency Transformation Saving Plan, occupational licensing and reciprocity, and boardroom chairs.

**ADJOURN**

Dr. Moore moved to adjourn. Mr. McCoy seconded the motion. The motion passed unanimously. The Board adjourned at 11:41 a.m.

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*Board minutes approved: June 26, 2018*