

**Arkansas State Board of Chiropractic Examiners
Board Meeting
Tuesday, December 4, 2018**

CALL TO ORDER

The board meeting was called to order by Kent Moore, D.C., President, at 10:06 a.m.

ROLL CALL

Board Members present:

Kent Moore, D.C.
Dustin Heard, D.C.
Sarah Hays, D.C.
Michael Courtney, D.C.
Tanya Holt, D.C.
Jack McCoy

Board Members absent:

Harold Gunter

Guests Present:

Laurie Mayhan, Executive Director
Brad Nye, Assistant Attorney General
Geraldan Bradford
Chris Cathey, DC
Patrick James
Terrance Carolan, DC
David McCoy, Assistant Attorney General, hearing officer
Susan Whitson, CCR

ADMINISTRATIVE HEARING- APPLICATION APPEAL

An administrative appeal hearing took place regarding case No. 701-09-29-18, for applicant, William Lewis. The applicant did not appear for the appeal hearing, and without submitting a continuance, the Board proceeded with the appeal hearing. The board affirmed that the allegations of fact and conclusion of law was true and denied the applicant for licensure. Complaint closed.

Short recess approximately 3-5 minutes

MINUTES

Mr. McCoy motioned to accept the October 9, 2018 board minutes. Dr. Heard seconded the motion. Motion passed.

DIRECTOR'S REPORTS

Budget Report

The biennial budget for FY20 & FY21 was approved with a decrease by the budget committee on the professional fees line item of \$7,328, which leaves us with \$12,672 in that line. Our overall budget for FY20 & FY21 will be roughly \$187,977 each year.

An itemized cash flow statement for July 2018 – October 2018 was presented to the Board. The total amount expended, thus far, for fiscal year 2019 (July 01, 2018- June 30, 2019) is **\$47,567.71** with **\$140,323.79** remaining of the FY19 budget (\$187,891.50). The total revenue received, thus far, for fiscal year 2019 is **\$51,103.14**, which includes money received, transferred in, and interest on COI.

The final FY17 Audit report was presented to the Board, noting that there were no findings in the audit. A letter was received regarding in order to make the agency aware that deposits should be made at least weekly. The director explained that the agency started making weekly deposits after their FY16 audit and that it did not reflect on the FY17 audit due to when the audits were performed and when weekly deposits started.

(July 1, 2018 – June 30, 2019) FY2019

Status	Apps received	Class hours offered	Fee Due	Fee Paid
Approved	200	2647.6	\$13,238.00	\$13,238.00
Approved with Exception	2	48	\$240.00	\$240.00
Not Approved	0	0	\$0.00	\$0.00
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
Total:	202	2695.6	\$13,478.00	\$13,478.00

(2 approved w/exception: 1 hr. denied due to sponsor not able to provide CV of speaker after several requests, 10hrs of TX law/rules not approved for AR.)

2019 Renewals

638 renewal forms mailed out September 1, 2018

216 received and processed as of 11/28/18

422 still remaining to be received

FOIA Report

FY2019: A total of **5** Freedom of Information Act requests have been received from July 1, 2018 to November 28, 2018. **1** of those were received since the last Board meeting in October.

A motion to accept the Directors reports was made by Dr. Heard. Motion seconded by Dr. Holt. Motion passed.

OLD BUSINESS

Preceptor Legislation Draft Bill & Chiropractic Corporation Legislation Draft Bill

Both the Preceptor draft bill and chiropractic corporation draft bill was presented to the board for their input as to who they would like to suggest for sponsorship. Mr. McCoy motioned to contact both state chiropractic association lobbyists to submit sponsor names that the board could select from at their January meeting. Motion seconded by Dr. Heard. Motion passed.

Externship Application

Brett Thackery submitted a completed Externship application along with his supervisor's application for John Unruh, DC. Mr. Thackery has graduated from Chiropractic College, however, he is in the process of retaking some portions of his NBCE exams. This item was tabled at the last meeting due to concerns that the applicant has to retake some parts of his national boards and was deferred to board counsel. In a statement provided by counsel to the agency, counsel did not think failing portions of the exams precluded him from participating in the program. Dr. Heard motioned to approve the applicant for the extern program and his supervisor, as long as they are made aware that the supervisor must be on premise, directly supervising. Motion seconded by Dr. Courtney. Motion passed.

NEW BUSINESS

ADH letter regarding the Governor's Transformation Plan

Recently the Department of Health sent out a form letter to some, if not all, health related agencies regarding the Governor's Transformation Plan. The letter was simply to reach out and introduce some of the contacts we may be working with going forward. This item is just informational and not action needed.

Externship Application

Kaitlin L. Parker submitted a completed Externship application along with her supervisor's application for Michael Butler, DC. Ms. Parker will be graduating from Chiropractic College this month, however, she has to retake one of the national board exams next March. She requests to participate in the extern program beginning in January 2019. Dr. Heard motioned to approve the applicant for the extern program and her supervisor, as long as they are made aware that the supervisor must be on premise, directly supervising. Motion seconded by Mr. McCoy. Motion passed.

Preceptor Application

Sabrina Williams, DC submitted a completed Preceptor application in order to take over the supervisory requirement for Ms. Tracy Tedford. Ms. Tedford is currently approved to extern under Amanda Bledsoe, DC, however, due to working arrangements Ms. Tedford is working as a chiropractic assistant with Dr. Williams. In order for Ms. Tedford to continue her externship program she needs to have Dr. Williams approved as her new supervisor/preceptor. Dr. Courtney motioned to approve Dr. Williams' preceptor application for Ms. Tedford as long as they are made aware that the supervisor must be on premise, directly supervising. Motion seconded by Dr. Heard. Motion passed.

Discounts

Dr. Marty Kotlar with targetcoding.com inquired about prompt-pay discounts to patients that qualify, and if there is a maximum discount allowed. He also inquired if direct primary care agreements can be offered by Arkansas chiropractors. Board gave a directive to the director to inform Mr. Kotlar to consult his personal counsel as the Board does not give legal advice.

Credentials Review

Lindsay E. Audirsch has submitted an original license application request. She meets all requirements for licensure, except for graduating from Chiropractic College. She is set to graduate on 12/8/18. If approved her license would not be issued until receipt of her final transcript, copy of diploma, NBCE Part IV score, and attendance at Orientation in January. Dr. Courtney motioned to approve the applicant for licensure, pending the receipt of her pending items/requirements. Dr. Holt seconded the motion. Motion passed.

Caitlin H. Corona has submitted a completed original license application request. She meets all requirements for licensure. She also submitted a supervised temporary license in case she is unable to attend orientation in January as she is due to have a baby around that time. The supervisor will be Samuel Haley, DC. Dr. Courtney motioned to approve the applicant for a supervised temporary license as well as original licensure if she is able to attend the orientation in January. Mr. McCoy seconded the motion. Motion passed.

Anthony O. Le is currently an Extern under the supervision of Eric Santos, DC. The applicant submitted an original license application along with a supervised temporary license request, however, he also request it be unsupervised if possible. He meets all requirements for licensure. Dr. Courtney motioned to approve the applicant for a supervised temporary license and credentialed for orientation. Dr. Holt seconded the motion. Motion passed.

Maddison Maginn has submitted an original license application request. She meets all requirements for licensure, except for graduating from Chiropractic College. She is set to graduate on 12/8/18. If approved her license would not be issued until receipt of her final transcript, copy of diploma, NBCE Part IV score, and attendance at Orientation in January. Dr. Heard motioned to approve the applicant for licensure, pending the receipt of her pending items/requirements. Mr. McCoy seconded the motion. Motion passed.

Lauren L. Mitchell has submitted an original license application request. She meets all requirements for licensure, except for graduating from Chiropractic College. She is set to graduate on 12/8/18. If approved her license would not be issued until receipt of her final transcript, copy of diploma, NBCE Part IV score, and attendance at Orientation in January. Dr. Hays motioned to approve the applicant for licensure, pending the receipt of her pending items/requirements. Mr. McCoy seconded the motion. Motion passed.

Richard A Planzo has submitted a completed original license application request. He meets all requirements for licensure and attendance at Orientation in January. Dr. Courtney motioned to approve the application. Dr. Holt seconded the motion. Motion passed.

Samuel I Sawyer has submitted a completed original license application request. He meets all requirements for licensure and attendance at Orientation in January. Dr. Holt motioned to approve the application. Mr. McCoy seconded the motion. Motion passed.

Shane T Walker has submitted a completed transfer license application request. He meets all requirements for licensure if he agrees to attend the Orientation in January, and attends. Dr. Heard motioned to approve the application and attendance at Orientation in January. Mr. McCoy seconded the motion. Motion passed.

Michael R Warren is currently an Extern under the supervision of John Unruh, DC. The applicant submitted an original license application along with an unsupervised temporary license request. He meets all requirements for licensure. Dr. Courtney motioned to approve the applicant for original licensure and attendance at orientation in January. Mr. McCoy seconded the motion. Motion passed.

Dr. Hays motioned to deny the temporary unsupervised application due to the previous motion. Motion seconded by Dr. Courtney. Six in favor with Dr. Moore abstaining. Motion passed.

Dustin M Worthen has submitted an original license application request. He meets all requirements for licensure, except for graduating from Chiropractic College. He is set to graduate on 12/8/18. If approved his license would not be issued until receipt of his final transcript, copy of diploma, NBCE Part IV score, and attendance at Orientation in January. Mr. McCoy motioned to approve the applicant for licensure, pending the receipt of his pending items/requirements. Dr. Moore seconded the motion. Motion passed.

Investigative Committee Report

Complaint Recommendations

Close by Consent Agreement:

690-04-18-18 / Dr. Heard motioned to accept the consent agreement signed by the respondent. Motion seconded by Mr. McCoy. Motion passed. Agreement finalized with President's signature.

Dismiss for lack of violation:

691-04-19-18, 700-08-30-16, 703-10-15-18

Dismiss for lack of evidence to prove violation:

699-08-20-18

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

Dr. Heard motioned to close complaints 691-04-19-18, 699-08-20-18, 700-08-30-18, 703-10-15-18 with the recommendations of the investigative committee. Motioned seconded by Mr. McCoy. Motion passed.

Short recess from approximately 12:05pm – 12:14 pm

Other Business

FOIA Lawsuit

At the October 9, 2018 meeting, regarding this topic, the board requested a full copy of Ms. Mayhan's deposition for further review in order to discuss it further at today's meeting. Prior to going into executive session to discuss and/or determine the demotion or disciplining of Ms. Mayhan, members of the board asked her to clarify some answers to questions that were provided in the deposition. After questioning Ms. Mayhan, Dr. Moore motioned to go into executive session to discuss and/or determine the demotion or disciplining of Ms. Mayhan. Motion seconded by Dr. Courtney. Motion passed.

Executive Session started at 1:15pm.

This session is closed to the public.

Executive Session ended at 2:08pm

Dr. Heard motioned that the board has agreed to discipline Ms. Mayhan with the following items:

1. Probation for 6 months
2. No unauthorized visits to the capitol unless directed by the Board or Board President
3. All FOIA requests sent to the entire board must be forwarded based on law
4. A letter of reprimand will be added to personnel file
5. Job description will need to be updated with specific guidelines
6. No discussion of board business outside of board or its members

Motion seconded by Mr. McCoy. Motion passed

ADJOURN

Dr. Heard moved to adjourn. Dr. Courtney seconded the motion. Motion passed.
The Board adjourned at 2:11p.m.

Board minutes approved: 01/15/2019