

**Arkansas State Board of Chiropractic Examiners
Board Meeting Minutes
January 24, 2013**

CALL TO ORDER

The meeting was called to order by Thomas D. Taylor, D.C., FICA, President, at 10:00 a.m.

ROLL CALL

Board Members present:

Terry Barnett, D.C.
Thomas R. Butler, D.C.
Jack McCoy
Kent Moore, D.C.
Weldon Roberts
Thomas D. Taylor, D.C., FICA

Board Members absent:

Julie Traylor-Logan, D.C. - Excused

Staff Members present:

Meredith Rebsamen, Assistant Attorney General
Rebecca Wright, Executive Director

Guests Present:

Kendra Booth
Terrance P. Carolan, D.C.
Gaylon Carter, D.C.
Chris Cathey, D.C.
Brad Chambers, D.C.
Brian Reilly, D.C.
Ramona Seubold
Jamie Wells

ORIENTATION / LICENSING

Congratulations to the following applicants who attended the orientation and received licenses: John Armitage, D.C.; Mary Branch, D.C.; Caroline Carpenter, D.C.; Ivory Chenteyl, D.C.; Elizabeth Kelly, D.C.; Courtney Larson, D.C.; Miranda Oliver, D.C.; Eric Phipps, D.C.; Morgan Sensabaugh, D.C.; Joshua Seubold, D.C.; Jeremy Ungerank; , D.C.

Andrew Dunlap attended orientation and will received his license after graduation and the final paperwork has been submitted.

MINUTES

The December 13, 2012, minutes were presented to the Board. Mr. Roberts moved to approve the minutes. Dr. Moore seconded the motion. The motion passed unanimously.

BUDGET REPORT

The budget report was presented to the Board. The report included the monthly report from the Office of Budget showing an available budget of \$ 59,055.18 on 12/31/2012. The trial balances provided to the office include an overall report and a specific report for the NCH0000 fund. The Money Management Trust Fund (MMTF) account has an available budget of \$99,204.36 as of 1/2/2013. Dr. Barnett moved to the budget report. Mr. McCoy seconded the motion. The motion passed unanimously.

Agency Treasury account is an account called an "N" fund. Therefore, if the Board chooses, to deposit the MMTF into the Treasury account, no changes would have to be made. The Treasury account is an interest earning account at Bank of America. It is earning a little over 1% interest (an exact number was not given). If this option is chosen, the MMTF account can be moved on February 1. It will be combined with the Treasury account, and there would not be any monthly reconciliation reports needed from the agency. State Treasury and DFA would process reports all reports so a checks and balances system would be in place.

MMTF balance:	\$99,204.36	\$99,204.36
Treasury (available budget):	\$59,055.18 (original budget)	\$142,316.00
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	\$158,559.54	\$241,520.36

Dr. Moore moved to confirm that there are no costs and no lock-in periods when transferring the MMTF to the Treasury account. If there are not, the transfer can be made in February 2013. Mr. McCoy seconded the motion. The motion passed unanimously.

Continuing Education (CE) Report

2012 Courses (Calendar Year)		
CE Status	Count	Amount
Approved	462	\$21,211.25
Not Approved	3	\$313.75
Cancelled	2	\$120.00
Pending	6	\$502.50 Parker College issues
Void	21	\$0.00
<i>Subtotal</i>		<i>\$22,147.50</i>

2013 Courses (Calendar Year)

CE Status	Count	Amount
Approved	105	\$4,442.50
Not Approved	1	\$20.00
Cancelled	0	\$0.00
Pending	16	\$870.00
Void	0	\$0.00
<i>Subtotal</i>		<i>\$5,332.50</i>

Total

CE Status	Count	Amount
Approved	567	\$25,653.75
Not Approved	4	\$333.75
Cancelled	2	\$120.00
Pending	22	\$1,372.50
Void	21	\$0.00
<i>Subtotal</i>		<i>\$27,480.00</i>

Freedom of Information Act (FOIA) Requests Report

The FOIA requests report was presented to the Board. The report shows that from July 2012 to current, ten (10) requests were received.

OLD BUSINESS**2013 License Renewal**

Renewal Notices Issued	596
Processed as of 1/24/2013	470
Active	405
Out of State Active	42
Inactive	22
Retired	1
Remaining	126

The following inquiries were considered:

Brad Chambers, D.C. Request to waive the late fee. Dr. Barnett moved that the licensee must follow the Rules, Regulations, and Statutes regarding renewals postmarked and/or received after 12/31. Mr. McCoy seconded the motion. The motion passed unanimously.

James Ennis, D.C. Request to waive the late fee. Dr. Barnett moved that the licensee must follow the Rules, Regulations, and Statutes regarding renewals postmarked and/or received after 12/31. Mr. Moore seconded the motion. The motion passed unanimously.

William Fisher, D.C. Short 1 continuing education hour. Dr. Barnett moved that the license renewal was incomplete and the licensee must pay the late fee. Dr. Fisher may earn 1 continuing education hour in 30 days. Mr. McCoy seconded the motion. The motion passed unanimously.

Jordan Gliedt, D.C. CE hours not approved in AR. Dr. Barnett moved that the licensee pay the late fee, and earn 24 AR approved continuing education hours in the next 60 days. The hours cannot be used for the next renewal period. The licensee may continue to practice. Mr. McCoy seconded the motion. Dr. Moore abstained. The motion passed.

Kelley Hensley, D.C. CE hours divided into two seminars. The licensee requested that the CE hours she earned be considered as one class instead of two classes held on separate days. The sponsor submitted a letter that the class was to be held one time instead of two. Dr. Moore moved to accept the hours as one class. Dr. Barnett seconded the motion. The motion passed unanimously.

Stephen Matthew, D.C. Renewal lost in mail. Dr. Barnett moved that the licensee resubmit the license renewal with the late fee. If the original is delivered at a later date, the late fee will be refunded to the licensee. Dr. Moore seconded the motion. The motion passed unanimously.

Sonjia Michaels, D.C. CE hours not approved in AR. Dr. Moore moved that the licensee pay the late fee, and earn 24 AR approved continuing education hours in the next 60 days. The hours cannot be used for the next renewal period. Dr. Butler seconded the motion. The motion passed unanimously.

Charles Osgood, D.C. Took all 24 CE hours online instead of onsite Dr. Moore moved that the licensee pay the late fee, and earn 12 AR approved continuing education on site hours in the next 60 days. The hours cannot be used for the next renewal period. Dr. Butler seconded the motion. The motion passed unanimously.

NEW BUSINESS

FY2011 Audit Results

The FY2011 audit assessment findings and responses were presented to the Board. Assessment procedures disclosed the following internal control or compliance matters that were discussed with Agency officials during the assessment and at the exit conference:

Finding 1: The Agency had inadequate control over cash transactions because of insufficient segregation of duties due to a limited number of personnel.

Finding 2: The fixed asset balance was overstated by \$10,322. Review of fixed assets revealed the Agency transferred seven items to Marketing and Redistribution on April 1, 2008; however, these items remained on the Agency's asset listing. We recommend the Agency implement procedures to ensure the fixed asset listing is properly maintained.

Management Response: *The auditor provided the Executive Director with a list of items that were transferred to Marketing and Redistribution (M&R) in 2008. A database of fixed assets has been created in FileMaker Pro (FMP). The items on the current list and the list from the auditor have been entered into the database. The Executive Director will inventory each item to ensure proper documentation. Items that have been transferred to M&R will be documented as such in FMP. An office file will be created and a quarterly report will be printed.*

Finding 3: Review of 26 travel expenditures revealed the following:

- In six instances totaling \$264, the Agency paid personal expenses for or on behalf of Board members and an employee.
- In three instances, \$102 was paid for valet parking for Board members and an employee when self-parking was available.
- In one instance totaling \$53, a Board member received reimbursement in excess of the daily per diem rate for meals for himself and another employee.

Travel reimbursement requests should also be submitted for each person separately. We recommend the Agency review the Financial Management Guide Regulation R1-19-4-903 and establish procedures to ensure only allowable travel costs are expended by the Agency. We also recommend that the Agency seek reimbursement from the benefiting party for all unallowable costs.

Management Response: *The Executive Director (ED) has reviewed the Financial Management Guide Regulation R1-19-4-903 and the current Federal Guidelines available at www.qsa.gov, and printed copies are on file in the Board office. Each Board member and the ED were notified of the reimbursements to be paid. All have paid the reimbursements. Copies of the payments received are on file. The ED will process travel reimbursements, following the Financial Management Guide Regulation and the Federal Guidelines. The documents will be sent to the Treasurer of the Board, typically by email, to review. He/she will not review his/her own travel reimbursement requests. If approved by the Treasurer, the ED will finalize the requests. The Treasurer's request will be sent to the Secretary of the Board for review. The ED will watch the travel budget closely. When requests are made to attend the national meeting and the district meeting, the ED will provide the amount available in the travel budget and state how many people can attend without going over the budget before the Board makes a motion of who can attend. The ED will provide copies of the Financial Management Guide Regulation and the Federal Guidelines before travel, and as needed, so that all Board members and staff are aware of what will and will not be reimbursed.*

Department of Health to Use "Chiropractic Physician"

Karen Konarski-Hart, D.C., requested the Board to consider that it notify the Department of Health to correct the designation of "Chiropractor" back to "Chiropractic Physician" in its formal documents. The chiropractic profession had requested the change of our official Health Department designation to "chiropractic physician" in the 1990s and it was made. Somehow in the past few years it has been reversed to "chiropractor", a familiar term. Because we access these documents for legislative and legal arguments and presentations, we need to maintain our legal licensed status on official documents. It is important that we address this and have the change made as soon as possible before we present any documents during this legislative session. Mr. McCoy moved that a letter be drafted to the Department of Health. Dr. Barnett seconded the motion. Discussion followed. Dr. Butler requested that the letter include that the designation "Chiropractic Physician" be kept continuously. The motion passed unanimously.

Use of Gas Cards/Gift Cards

Kyle Campbell, D.C., inquired if Arkansas chiropractic doctors can offer gas cards to their patients to help them with the cost of gas coming to their appointments. Dr. Barnett moved that according to Rule and Regulation Section C, offering gas cards appears to be in violation. Dr. Moore seconded the motion. The motion passed unanimously.

Statement of Financial Interests

The January 2013 statement of financial interest information and packets were provided to the Board members.

Dr. Barnett moved to approve the stipend payments of \$100 for Board members for 2013. Mr. McCoy seconded the motion. The motion passed unanimously.

Postage Machine Update

The new contract options for Pitney Bowes postage machines were provided to the Board.

1. DM300 mailing system with eRR feature \$126.39 for 60 months
2. Green DM300 w/eRR and DI200 inserter \$203.26 for 60 months
3. Green DM300 w/eRR and DF800 folder \$225.13 for 60 months

They are all on the new WSCA state contract. Dr. Barnett moved that research be done if the program, Stamps.com, could be used. Mr. McCoy seconded the motion. The motion passed unanimously.

FCLB 2013 Annual Conference

The Federation of Chiropractic Licensing Board's 87th Annual Educational Congress will be held May 1-5, 2013 in San Francisco. Dr. Moore moved to approve Dr. Barnett and Ms. Wright to attend the conference, and that Dr. Barnett is designated as the FCLB and the NBCE delegate. Dr. Butler seconded the motion. The motion passed unanimously.

Investigation Report

No recommendations to present on pending complaints at this time.

Garritt Mason was found guilty on 11/29/2012 of practicing chiropractic in Arkansas without a license. He was fined \$2500 plus court costs.

Louis Tamez's arrest warrant is in process.

Credentials Review

Patrick Barry, D.C. Unable to attend today's orientation; requesting a temporary license. Per Rule and Regulation section E(1)(a)(4), the temporary license request is denied at this time. The applicant can reapply for a temporary license. Dr. Moore seconded the motion. The motion passed unanimously.

Kevin Ethridge, D.C. Requesting credentials review and temporary license to accept position at Hurley Chiropractic position in Conway, AR. Dr. Barnett moved that the application be fully completed. Mr. McCoy seconded the motion. The motion passed unanimously.

Executive Session

Dr. Moore moved that the Board would begin looking for an employee for the office extra-help position to cover days off of the Executive Director. Mr. McCoy seconded the motion. The motion passed unanimously.

Adjourn

Mr. McCoy moved to adjourn. Dr. Barnett seconded the motion. The motion passed unanimously. The Board adjourned at 1:05 p.m. A hearing for J. Michael Glover, D.C. was held.

The Board entered Executive Session at 3:20 pm to discuss personnel issues.
The Board resumed the public meeting at 3:40 pm.

Dr. Barnett moved to adjourn. Dr. Moore seconded the motion. The motion passed unanimously. The Board adjourned at 1:05 p.m.

Board minutes approved: 4-11-2013.