

**Arkansas State Board of Chiropractic Examiners
Board Meeting Minutes
June 19, 2014**

CALL TO ORDER

The meeting was called to order by Terry Barnett, D.C., President, at 9:10 a.m.

ROLL CALL

Board Members present:

Terry Barnett, D.C.
Thomas R. Butler, D.C.
Jack McCoy
Kent Moore, D.C.
Weldon Roberts
Julie Traylor-Logan, D.C.

Board Members absent:

Thomas D. Taylor, D.C., FICA

Staff Members present:

Mark Ohrenberger, Assistant Attorney General
Laurie Mayhan, Administrative Analyst
Rebecca Wright, Executive Director

Guests Present:

Kendra Booth, BCBS
Gaylon Carter, D.C.
Chris Cathey, D.C.
Brad Chambers, D.C.
Patrick James, Attorney
Michael Riley, D.C.

MINUTES

The May 30, 2014, transcript of minutes, and the April 17, 2014 minutes were presented to the Board. Mr. Roberts moved to approve the minutes for both meetings. Dr. Traylor-Logan seconded the motion. The motion passed unanimously.

DIRECTOR'S REPORTS

Budget Report

The monthly revenue summary report by fund and the monthly expenditure summary by appropriation reports were presented to the Board.

Arkansas Building Authority – Office rent: will implement a 3% increase to all ABA leases beginning in FY16 (+\$133.645/quarter).

Yearly Current	Quarterly Current		Yearly +3%	Quarterly +3%
17,819.36	4,454.84		18,353.94	4,588.485

Standard Business – Copier contract: There will be a \$3.46 /month increase.

Yearly Current	Monthly Current		Yearly +3.46	Monthly +3.46
3,678.48	306.54		3,720.00	310.00

(36 months = \$11,160.00)

Mr. Roberts moved to approve the budget report. Dr. Butler seconded the motion. The motion passed unanimously.

Continuing Education Report

2014 Courses (Calendar Year)

CE Status	Count	Amount Due	Amount Paid	
Approved	341	\$20,875.00	\$20,875.00	No credits on file
Not Approved	5	\$410.00	\$335.00	
Pending	5	\$415.00	\$415.00	
Cancelled	1	\$60.00	\$60.00	
Incomplete	1	\$80.00	0	
Void	2	0	0	
Subtotal	355	\$21,840.00	\$21,685.00	

2015 Courses (Calendar Year)

CE Status	Count	Amount Due	Amount Paid
Approved	38	\$1,242.50	\$1,242.50
Not Approved	2	\$150.00	\$150.00
Pending	1	\$60.00	\$60.00
Cancelled	0	0	0
Incomplete	1	\$60.00	\$0
Void	0	0	0
Subtotal	42	\$1,512.50	\$1,452.50

Grand Total:	\$23,352.50	\$23,137.50
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Freedom of Information Act (FOIA) Requests

The FOIA report was presented to the Board. At this time, twenty (20) requests have been received since July 1, 2013.

State Exam / Jurisprudence Exam

This was not an agenda item. The staff requested to digitize the State exam and have new packets printed. Content will not be changed by the staff. The Board discussed eliminating the State exam and only accepting the National Board of Chiropractic Examiners (NBCE) Part IV exam. The staff will research this option and provide more information to the Board at the 7/24/14 Board meeting.

The Board discussed adding a grandfather provision for doctors who have been licensed twenty (20) years or more.

The staff will update the jurisprudence exam to be consistent with the 2014 Rules, Regulations, and Statutes.

OLD BUSINESS

Update of Rules, Regulations, and Statutes

The 2014 Rules, Regulations, and Statutes were submitted to the Bureau of Legislative Research by email on 6-4-2014. Included was a summary, a clean copy, and a markup copy of the final Rules, Regulations, and Statutes. These will be reviewed in July 2014 by the Rules Review Committee.

Board Stipend Payments

Stipend payments were not accurately budgeted for FY14. A total of 12 meetings/hearings were held this fiscal year. An amount of \$4,633 was allotted and \$5,400 has been paid out from July 2013 – April 2014. Per Department of Finance and Administration, the Board can vote to suspend stipend payments.

A total of \$1,500 or more in stipend payments is requested to not be paid for the following meetings held:

- 4-29-2014 - Investigative Committee Teleconference
 - 2 Board members = \$200
- 5-30-2014 - Board Meeting Teleconference
 - 7 Board members = \$700
- 6-19-2014 – Board Meeting
 - 6 Board members = \$600 (estimated attendance)

Mr. McCoy moved that the above-stated stipend payments be suspended. Mr. Roberts seconded the motion. The motion passed unanimously. Dr. Traylor-Logan stated that the appropriated stipend payments will be increased so there will be a cushion.

Website – Adding Online Functionalities

The Executive Director met with Renee Rast of INA in May 2014. The flow sheet for the below projects including the number of hours and the timeline are current at this time.

The original price quote was estimated at \$18,700 as an expedited project. The breakdown is \$85/hour for 220 hours. However, the price has increased to \$90/hour, \$19,800. The Executive Director has requested if other options could be considered, such as a reduced rate or to make set, monthly payments.

INA has an option that if they build the agency website, they can also add the online functions, and a monthly payment can be made. As of today, the proposal for this option is not ready. The following have been requested to be added to the website for use by the public, applicants, and licensees:

- License Renewal
- Verifications: no charge – anyone can pull up the information;
 - make it official so licensees can use it for applying to other states;
 - access disciplinary actions against licensees

The Board discussed adding a credit card machine in the office. The Board requested to research the INA payment portal and if there is a cost to use it if another company added the online functionalities.

Medical Records Retention.

This item was tabled.

NEW BUSINESS

Medicaid and Chiropractic

Brian Reilly, D.C., emailed the Board office a letter he wrote to Senator Sample and Representative Vines. The Board discussed that this topic is not in its purview, and suggested that the Arkansas Medical Advisory Committee be contacted.

Federation of Chiropractic Licensing Boards (FCLB) / Letter to Governor

Dr. Barnett provided an overview of the FCLB topics. He stated that attendees to future FCLB meetings also provide reports to the Board.

Topics of the May 2104 Conference included:

- how regulators handle problems differently from state to state
- how rules and regulations differ from state to state
- chiropractic education around the world
- board actions and the use of CIN-BAD for background checks and disciplinary actions
- the National Board of Chiropractic Examiners has partnered with life University to establish the first computerized testing center for national boards

Although many other topics were discussed the three presentations that presented the most interest and excitement were the introduction of the model practices act, National Board of

Chiropractic Examiners announcement regarding their ethics and boundaries examination, and a presentation by Dr. Anthony Lisi the chiropractic director for Veterans Health Administration.

The model practices act will provide a much-needed tool to assist state regulatory boards with updating their rules and regulations. This is a project that has been ongoing for 10 years and will be presented to the FCLB in September 2014.

The NBCE announced that they are starting a for-profit company to administer ethics and boundaries assessment exams. These exams are designed to assist in identifying ethics and boundary issues throughout all professions, not just chiropractic. The NBCE has established itself as one of only two examining agencies in the country providing this service.

Dr. Anthony Lisi reported of chiropractic inclusion within the VA hospitals. Dr. Lisi's presentation provided an update on the outstanding progress and overall acceptance chiropractic has achieved within the participating hospitals that have allowed our doctors to practice. He also informed us that the VA is now establishing a chiropractic intern program within some of the VA hospitals. This means that chiropractic interns will participate in all the rotations of other health care disciplines provided by the hospital. It is truly an exciting time to be a Chiropractic Physician.

A sample letter to the Governor was provided. The letter has already been submitted to the Governor's office due to a deadline. Dr. Traylor-Logan moved to always send the letter to the Governor after the FCLB conference. Dr. Butler seconded the motion. The motion passed unanimously.

Missouri Continuing Education (CE) Rules / Barry Wilson, D.C.

Missouri allows their licensees to earn 48 hours of CE in two (2) years, and all of it can be earned online. The Board typically accepts other States' CE procedure for Arkansas out-of-state active status licensees; however, because all classes in MO can be earned online, this topic was brought to the Board.

Barry Wilson, D.C., is currently in China. His status is out-of-state active and he is licensed in MO. Dr. Wilson submitted a letter to the Board asking if the MO CE procedure would be accepted by Arkansas.

The Board tabled this topic and requested the staff gather more information.

Credentials Review

The following applicants submitted applications for credentials review and/or temporary license requests:

Merissa Beard, D.C. Application for licensure is complete. Dr. Traylor-Logan moved to approve the credential review. Mr. McCoy seconded the motion. The motion passed unanimously.

Jordana Beutelschies, D.C. Application for licensure is complete. She requested a supervised temporary license with Henry Seubold, D.C., as her supervisor. Dr. Traylor-Logan moved to approve the credential review and the supervised temporary license. Mr. McCoy seconded the motion. The motion passed unanimously.

Walter Olsen, D.C. Application for licensure is complete. Discussion followed. Dr. Traylor-Logan moved to deny the credential review. Mr. Roberts seconded the motion. The motion passed unanimously. The staff will request more information from Dr. Olsen regarding working in an Arkansas clinic before applying for licensure, and for more information on the ART system and if that is part of a franchise.

Donald Selvidge, D.C. Application for licensure is complete. Dr. Traylor-Logan moved to approve the credential review. Mr. McCoy seconded the motion. The motion passed unanimously.

Todd Talley, D.C. Application for licensure is complete. No motion was made. The applicant can resubmit his file for credentials review. The Board requested more information about where Dr. Talley is working.

Paul Thebeau, D.C. Application for licensure is complete. Dr. Moore moved to approve the credential review. Dr. Traylor-Logan seconded the motion. The motion passed unanimously.

Rock Wooster, D.C. Application for licensure is complete. No motion was made. The applicant can resubmit his file for credentials review. The Board requested more information about Dr. Wooster's ownership of the clinic he plans to open in Arkansas.

Michael Riley, D.C. Application for licensure is complete. Mr. McCoy moved to approve the credential review. There was no second. The motion failed due to lack of a second. Dr. Riley may resubmit his requests to the June 2014 regularly, scheduled meeting.

Investigation Report

	Complaint No.	Complaint Description	Recommendations
1	535-4-10-14	Unprofessional Conduct	Pending
2	536-4-21-14	Unprofessional Conduct	Pending
3	516-1-21-14	Solicitation	Pending
4	512-1-8-14	Solicitation	Pending
5	513-1-8-14	Solicitation	Pending
6	517-1-20-14	Solicitation	Pending
7	539-2-27-14	Solicitation	Pending
8	475-6-26-13	Solicitation	Pending
9	495-11-22-13	Unregistered Procurer	Pending
10	524-2-11-14	Unregistered Procurers	Pending
11	393-7-14-10	Series Treatment; Billing	Settlement or Hearing for Non Compliance

12	395-8-4-10	Series Treatment; Billing	Settlement or Hearing for Non Compliance
13	403-9-22-10	Series Treatment; Billing	Settlement or Hearing for Non Compliance
14	409-1-11-11	Series Treatment; Billing	Settlement or Hearing for Non Compliance
15	411-1-18-11	Series Treatment; Billing	Settlement or Hearing for Non Compliance
16	381-4-20-10	Series Treatment; Billing	Settlement or Hearing for Non Compliance
17	381-4-20-10	Series Treatment; Billing	Settlement or Hearing for Non Compliance
18	417-2-2-11	Series Treatment; Billing	Settlement or Hearing for Non Compliance
19	417-2-2-11	Series Treatment; Billing	Settlement or Hearing for Non Compliance
20	419-2-2-11	Series Treatment; Billing	Settlement or Hearing for Non Compliance
21	420-2-2-11	Series Treatment; Billing	Settlement or Hearing for Non Compliance
22	420-2-2-11	Series Treatment; Billing	Settlement or Hearing for Non Compliance
23	462-2-6-13	Series Treatment; Billing	Settlement or Hearing for Non Compliance
24	542-6-4-14	Unprofessional Conduct	Pending
25	545-6-10-14	Unprofessional Conduct	Pending
26	493-10-22-13	Solicitation; Unregistered Procurer	Pending
27	526-2-18-14	Solicitation	Pending
28	527-2-19-14	Solicitation	Pending
29	528-2-20-14	Solicitation; Unregistered Procurer	Pending
30	541-5-20-14	Solicitation	Pending
31	515-1-16-14	Unprofessional Conduct: Not Supervising on Premise	Pending
32	525-2-18-14	Unprofessional Conduct	Pending
33	531-3-3-14	Unprofessional Conduct	Pending
34	478-7-23-13	Solicitation	Pending
35	491-10-9-13	Solicitation; Unprofessional Conduct	Pending
36	511-6-20-13	Practicing without a License	Pending
37	394-7-29-10	Practicing Chiropractic without a License; Non-Licensee	Pending
38	401-9-20-10	Practicing Chiropractic without a License; Non-Licensee	Pending
39	460-12-11-12	Receiving Personal Financial Loan from Patient	Pending
40	440-10-12-11	Practicing Without A License; Unprofessional Conduct	Hearing
41	469-4-12-13	Solicitation	Hearing
42	474-6-14-13	Solicitation	Pending
43	479-8-6-13	Solicitation	Pending
44	480-8-30-13	Solicitation	Pending
45	497-10-4-13	Solicitation	Pending
46	498-11-20-13	Solicitation by Registered Procurer	Pending
47	502-8-27-13	Solicitation	Pending
48	503-8-26-13	Solicitation	Pending
49	504-8-26-13	Solicitation	Pending

50	507-12-10-13	Solicitation	Pending
51	514-1-14-14	AR Insurance Dept - Solicitation	Pending
52	533-3-26-14	Solicitation	Pending
53	468-2-9-13	Solicitation	Pending
54	538-5-6-14	Performing Injections	Pending
55	496-11-14-13	Practicing without a License	Pending
56	501-4-10-13	Solicitation	Pending
57	543-6-5-14	Solicitation; Unregistered Procurer	Pending
58	388-6-8-10	Practicing Chiropractic without a License; Non-Licensee	Pending
59	402-9-20-10	Practicing Chiropractic without a License; Non-Licensee	Pending
60	459-1-16-13	Unprofessional Conduct: Solicitation	Hearing
61	461-12-31-12	Unprofessional Conduct: Solicitation	Hearing
62	494-11-19-13	Solicitation	Pending
63	506-12-10-13	Solicitation	Pending
64	508-12-13-13	Solicitation	Pending
65	509-12-18-13	Solicitation	Pending
66	532-3-7-14	Solicitation	Pending
67	540-5-21-14	Solicitation	Pending
68	544-6-5-14	Solicitation	Pending
69	457-10-19-12	Billing / Fraud	Pending

Reschedule Hearing for Complaint 469-4-12-13, Heath Lenox, D.C.

The hearing for complaint 469-4-12-13 was originally scheduled for 6/19/2014. The hearing was continued which was agreed on by all parties. The Board rescheduled the hearing for Thursday, 7/24/2014, at 1:00 p.m.

Keith Currie, D.C., Natalie Currie, D.C. Complaint Updates

A settlement is being discussed regarding all complaints filed against the Drs. Currie. Mr. Ohrenberger stated that he will present more information to the Board at a later date.

Executive Session

The Board entered into executive session at 11:00 a.m.

The Board entered into public session at 11:05 a.m.

Dr. Butler made a motion that the staff is to sign in / out of the office, and the staff is to work from 8:00 a.m. to 4:30 p.m. The time log is to be sent to the President and Secretary. Mr. McCoy seconded the motion. The motion passed unanimously.

Adjourn

Dr. Moore moved to adjourn. Dr. Traylor-Logan seconded the motion. The motion passed unanimously. The Board adjourned at 11:10 a.m.

Board minutes approved: July 24, 2014.