

**Arkansas State Board of Chiropractic Examiners  
Board Meeting Minutes  
July 24, 2014**

**CALL TO ORDER**

The meeting was called to order by Terry Barnett, D.C., President, at 10:40 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  
Julie Traylor-Logan, D.C.

Board Members absent:

None

Staff Members present:

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

Guests Present:

Kendra Booth, BCBS  
Terrance Carolan, D.C.  
Gaylon Carter, D.C.  
Brad Chambers, D.C.  
Patrick James, Attorney  
Colin Johnson, Attorney  
David Lewis, Attorney  
Michael Riley, D.C.  
Todd Talley, D.C.  
Ellen Withers, State Farm  
Ebony Williams, State Farm  
Megan Wooster, Attorney  
Rock Wooster, D.C.

### **CREDENTIALS REVIEW / REQUEST TO ATTEND ORIENTATION**

The following candidates' credentials review was denied at the June 19, 2014, Board meeting. Each requested to speak to the Board before orientation.

**Michael Riley, D.C.** Dr. Riley submitted a letter through his attorney, Colin Johnson, to the Board, explaining how his clinic is set up. Dr. Riley and Mr. Johnson addressed the Board regarding the clinic set up. Discussion followed. Dr. Traylor-Logan moved to pass Dr. Riley's credentials and allow him to sit for orientation. Dr. Butler seconded the motion. The motion passed unanimously.

**Todd Talley, D.C.** Dr. Talley submitted a letter to the Board, explaining how he came to work at Markham Injury and Rehab with Dr. Heath Lenox. Dr. Talley addressed the Board regarding his employment. He stated that he was not aware of the complaints filed against Dr. Lenox when he accepted the position. He stated that he worked as a chiropractic assistant at three (3) clinics that Dr. Lenox owns: Markham Injury and Rehab in Little Rock, Argenta Neck and Back in North Little Rock, and Crown Chiropractic in Conway. Dr. Barnett asked what work Dr. Talley performed at the clinics. Dr. Talley stated that he worked as a chiropractic assistant; he did not have anything to do with the marketers. Dr. Talley stated he only saw Dr. Lenox when he came to adjust patients. Dr. Barnett asked if Dr. Lenox was present at the clinic all the time. Dr. Talley stated that he and other assistants would perform examinations and perform therapies when Dr. Lenox was not in the clinic. Dr. Talley stated that when he received his notice in June that his credentials did not pass, he submitted his notice to Dr. Lenox and is no longer employed with him. Dr. Talley would like to open his own clinic in Camden when he is licensed. Dr. Moore moved to pass Dr. Talley's credentials and allow him to sit for orientation. Dr. Traylor-Logan seconded the motion. Discussion followed. A vote was taken. Dr. Taylor abstained. The motion passed.

**Rock Wooster, D.C.** Dr. Wooster submitted a letter through his attorney, Megan Wooster, to the Board, explaining how he will set up a clinic in Arkansas. Dr. Wooster and Ms. Wooster were present to address the Board. Discussion followed. Dr. Taylor moved to pass Dr. Wooster's credentials and allow him to sit for orientation. Dr. Moore seconded the motion. The motion passed unanimously.

### **ORIENTATION OF NEW LICENSEES**

Congratulations to the doctors who received their licenses this day:

	<b>Lic. No.</b>	<b>First Name</b>	<b>Last Name</b>
1	16064	Andrew	Badell
2	16067	Merissa	Beard
3	16071	Jordana	Beutelschies
4	16052	Christopher	Burton
5	16066	Kelly	Nagle
6	16049	Lance	Richardson
7	16068	Michael	Riley
8	16075	Todd	Talley
9	16074	Paul	Thebeau
10	16070	Jordan	Travis
11	16073	Rock	Wooster

Andrew Badell, D.C., attended the January 30, 2014, orientation. Per the January 30, 2014, Board meeting, Dr. Traylor-Logan moved to approve a supervised temporary license with Dr. Estes as the

supervisor until July 2014; Dr. Badell will receive his license in July 2014 and he will not need to attend orientation because he attended the January orientation. Dr. Butler seconded the motion. The motion passed unanimously.

Lance Richardson, D.C., attended the January 30, 2014, orientation. Per the January 30, 2014, Board meeting, Dr. Traylor-Logan moved to approve an unsupervised temporary license until July 2014; Dr. Richardson will receive his license in July 2014 and he will not need to attend orientation because he attended the January orientation. Dr. Moore seconded the motion. Dr. Taylor abstained. The motion passed. Dr. Richardson was inadvertently listed on the January 30, 2014, minutes as having received his license. The correct date is July 24, 2014.

## MINUTES

The June 19, 2014, minutes were presented to the Board. Mr. McCoy moved to approve the minutes. Dr. Moore seconded the motion. The motion passed unanimously.

## DIRECTOR'S REPORTS

### Budget Report

The June 2014 monthly revenue summary report by fund and the monthly expenditure summary by appropriation reports were presented to the Board. As of 6/30/2014, the total expense is \$172,012.20 with \$29,597.30 remaining. The total revenue is \$395,552.23. Fiscal year 2015 began on 7/1/2014.

### Continuing Education Report

#### 2014 Courses (Calendar Year)

CE Status	Count	Amount Due	Amount Paid	
Approved	355	\$22,080.50	\$22,080.50	No credits on file
Not Approved	5	\$410.00	\$335.00	
Pending	5	\$1,970.00	\$1,970.00	
Cancelled	1	\$60.00	\$60.00	
Incomplete	2	\$160.00	\$80.00	
Void	2	0	0	
<b>Subtotal</b>	<b>370</b>	<b>\$24,680.50</b>	<b>\$24,525.50</b>	

#### 2015 Courses (Calendar Year)

CE Status	Count	Amount Due	Amount Paid
Approved	40	\$1,362.50	\$1,362.50
Not Approved	2	\$150.00	\$150.00
Pending	0	0	0
Cancelled	0	0	0
Incomplete	0	0	0
Void	0	0	0
<b>Subtotal</b>	<b>42</b>	<b>\$1,512.50</b>	<b>\$1,512.50</b>

**Grand Total:** **\$26,193.00** **\$26,038.00**

### **Freedom of Information Act (FOIA) Requests**

The FOIA report was presented to the Board. There were twenty-one (21) requests received in fiscal year 2014 (July 1, 2013 – June 30, 2014). No requests have been received from July 1, 2014 to current.

### **OLD BUSINESS**

#### **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 for Arkansas, and he holds an active license in Missouri. Dr. Wilson submitted a letter to the Board asking if the Missouri CE procedure would be accepted by Arkansas, and a follow-up letter at the Board's request explaining that Missouri considers his license to be active in the state. Dr. Traylor-Logan moved to accept Dr. Wilson's CE as accepted by Missouri. Dr. Taylor seconded the motion. The motion passed unanimously.

#### **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 were a summary, a clean copy, and a markup copy of the final Rules, Regulations, and Statutes. These will be reviewed in August 2014 by the Rules Review Committee.

#### **National Board of Chiropractic Examiners (NBCE) Part IV Examination Information**

Information of which States only accept the Part IV examination versus having both Part IV and a State examination was provided to the Board. The topic was tabled.

#### **Medical Records Retention**

Information of States that have set medical records retention and those that do not was presented to the Board. Discussion followed. The Board will continue with its procedure to respond to inquiries that doctors can seek legal advice regarding medical records retention.

#### **Reciprocity / Grandfathering Power Poll**

Information of States that have reciprocity or a grandfather clause for licensees who have practiced for twenty (20) years or more in another State was presented to the Board. The topic was tabled.

#### **Website – Adding Online Functionalities**

Per INA, their website queue is booked solid through the end of 2015 and are not currently taking on any additional licensing applications due to the current project workload. They asked that we check back in the second or third quarter of 2015 about scheduling any project requests. The Executive Director has contacted Engage Point and provided information and the below-named requests. The most recent correspondence received stated that their product team is working on a level of effort based on the agency's requirements. They are a JAVA development shop and do not have MS Expression expertise (website program), so they will be assuming a build from scratch model. A company by the name of FireSpring in Nebraska also provides website applications development. The Executive Director has contacted them to get a quote.

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

## **NEW BUSINESS**

### **State Medical Board – Regulation 16 Medical Practices Act**

Regulation 16 provides for physicians with HIV, HBV and HCV. The State Medical Board corresponded that UAMS recently revised their policy and do not plan to institute it until the Medical Board reevaluates this issue and determines that the policy revision is appropriate. The State Medical Board voted to contact other state health licensing Boards concerning their reporting and policies regarding blood-borne diseases.

### **Akins Law Firm**

Dr. Larry Six passed away; Akins Law Firm is handling the estate, including the chiropractic clinic. The law firm requests guidance from the Board to determine the best way to proceed with his business and patient records. They currently have two (2) individuals interested in the practice and would like to continue the business until such time that it can be sold. Akins Law Firm can take the time needed to proceed.

## **CREDENTIALS REVIEW**

Walter Olsen, D.C. Application for licensure is complete. At the Board's request, the staff requested more information from Dr. Olsen regarding working in an Arkansas clinic before applying for licensure, and for more information on the ART system. Dr. Olsen submitted a letter to the Board. Discussion followed. Dr. Traylor-Logan moved to deny the credentials because of concerns that Dr. Olsen is practicing chiropractic in Arkansas without a license according to his correspondence. He stated that he is practicing per statute 17-801-302(2). Dr. Olsen may petition the Board for a hearing per Rule and Regulation A(3)(g). Dr. Moore seconded the motion. Discussion followed. The motion passed unanimously.

## **Investigation Report**

	<b>Complaint No.</b>	<b>Complaint Allegation</b>	<b>Recommendations</b>
1	535-4-10-14	Unprofessional Conduct	Pending
2	536-4-21-14	Unprofessional Conduct	Pending
3	516-1-21-14	Solicitation	Pending
4	547-6-20-14	Unregistered Procurer	Pending
5	552-7-2-14	Solicitation; Unregistered procurer; Unregistered procurer using alias (name also isn't registered)	Pending
6	512-1-8-14	Solicitation	Pending
7	513-1-8-14	Solicitation	Pending
8	517-1-20-14	Solicitation	Pending
9	539-2-27-14	Solicitation	Pending

10	548-6-20-14	Unregistered Procurer	Pending
11	475-6-26-13	Solicitation	Pending
12	495-11-22-13	Unregistered Procurer	Pending
13	524-2-11-14	Unregistered Procurers	Pending
14	546-6-20-14	Unregistered Procurer	Pending
15	553-7-1-14	Unregistered Procurer; Unregistered Procurer Using Name of a Registered Procurer; Fraudulent Documents Submitted for Marcus Stephens	Pending
16	393-7-14-10	Series Treatment; Billing	Settlement or Hearing for Non Compliance
17	395-8-4-10	Series Treatment; Billing	Settlement or Hearing for Non Compliance
18	403-9-22-10	Series Treatment; Billing	Settlement or Hearing for Non Compliance
19	409-1-11-11	Series Treatment; Billing	Settlement or Hearing for Non Compliance
20	411-1-18-11	Series Treatment; Billing	Settlement or Hearing for Non Compliance
21	381-4-20-10	Series Treatment; Billing	Settlement or Hearing for Non Compliance
22	381-4-20-10	Series Treatment; Billing	Settlement or Hearing for Non Compliance
23	417-2-2-11	Series Treatment; Billing	Settlement or Hearing for Non Compliance
24	417-2-2-11	Series Treatment; Billing	Settlement or Hearing for Non Compliance
25	419-2-2-11	Series Treatment; Billing	Settlement or Hearing for Non Compliance
26	420-2-2-11	Series Treatment; Billing	Settlement or Hearing for Non Compliance
27	420-2-2-11	Series Treatment; Billing	Settlement or Hearing for Non Compliance
28	462-2-6-13	Series Treatment; Billing	Settlement or Hearing for Non Compliance
29	542-6-4-14	Unprofessional Conduct	Pending
30	545-6-10-14	Unprofessional Conduct	Pending
31	493-10-22-13	Solicitation; Unregistered Procurer	Pending
32	526-2-18-14	Solicitation	Pending
33	527-2-19-14	Solicitation	Pending
34	528-2-20-14	Solicitation; Unregistered Procurer	Pending
35	541-5-20-14	Solicitation	Pending
36	549-6-23-14	Solicitation	Pending
37	550-6-27-14	Billing / Unprofessional Conduct	Pending
38	515-1-16-14	Unprofessional Conduct: Not Supervising on Premise	Pending
39	525-2-18-14	Unprofessional Conduct	Pending
40	531-3-3-14	Unprofessional Conduct	Pending
41	478-7-23-13	Solicitation	Pending
42	491-10-9-13	Solicitation; Unprofessional Conduct	Pending
43	511-6-20-13	Practicing without a License	Pending
44	394-7-29-10	Practicing Chiropractic without a License; Non-Licensee	Pending
45	401-9-20-10	Practicing Chiropractic without a License; Non-Licensee	Pending
46	460-12-11-12	Receiving Personal Financial Loan from Patient	Pending

47	440-10-12-11	Practicing Without A License; Unprofessional Conduct	Hearing
48	469-4-12-13	Solicitation	Hearing - Scheduled for 7-24-14
49	474-6-14-13	Solicitation	Pending
50	479-8-6-13	Solicitation	Pending
51	480-8-30-13	Solicitation	Pending
52	497-10-4-13	Solicitation	Pending
53	498-11-20-13	Solicitation by Registered Procurer	Pending
54	502-8-27-13	Solicitation	Pending
55	503-8-26-13	Solicitation	Pending
56	504-8-26-13	Solicitation	Pending
57	507-12-10-13	Solicitation	Pending
58	514-1-14-14	AR Insurance Dept - Solicitation	Pending
59	533-3-26-14	Solicitation	Pending
60	468-2-9-13	Solicitation	Pending
61	538-5-6-14	Performing Injections	Pending
62	496-11-14-13	Practicing without a License	Pending
63	501-4-10-13	Solicitation	Pending
64	543-6-5-14	Solicitation; Unregistered Procurer	Pending
65	551-7-2-14	Advertisement	Pending
66	388-6-8-10	Practicing Chiropractic without a License; Non-Licensee	Pending
67	402-9-20-10	Practicing Chiropractic without a License; Non-Licensee	Pending
68	459-1-16-13	Unprofessional Conduct: Solicitation	Hearing
69	461-12-31-12	Unprofessional Conduct: Solicitation	Hearing
70	494-11-19-13	Solicitation	Pending
71	506-12-10-13	Solicitation	Pending
72	508-12-13-13	Solicitation	Pending
73	509-12-18-13	Solicitation	Pending
74	532-3-7-14	Solicitation	Pending
75	540-5-21-14	Solicitation	Pending
76	544-6-5-14	Solicitation	Pending
77	457-10-19-12	Billing / Fraud	Pending
78	555-7-1-114	Solicitation; False Statements by Registered Procurer	Pending

#### **Complaint 469-4-12-13 - Heath Lenox, D.C.**

Mr. Ohrenberger stated that Dr. Lenox, through his attorney David Lewis, has agreed to the general terms for a consent order in resolution of the thirteen (13) complaints currently pending against him. The basic terms were presented to the Board for its consideration, with the formal consent order to be prepared if the terms were accepted by the Board. Under the proposed agreement, Dr. Lenox would pay a total of \$24,000 in fines to settle the thirteen (13) pending complaints, with \$10,000 due thirty (30) days after the Consent Order is final, then \$2,000 a month for seven (7) months. Dr. Lenox would also be placed on probation for a period of three (3) years from the date of the consent order. Mr. Ohrenberger explained that for any acts that occur while a doctor is on probation, if the Board conducts a hearing and

finds a violation, the Board can vote for a heavier penalty than normal for that act. The act must occur while the doctor is on probation, not before or after the probation. Mr. Ohrenberger explained the general types of allegations involved in the thirteen (13) complaints and set out their agreed disposition. Specifically, Dr. Lenox would plead “no contest,” and the Board would find violations in connection with the following complaints:

Complaint No. 440-10-12-11 – Practice without a license - \$5,000 fine;  
 Complaint No. 469-4-12-13 – involving Lalia Byrd - \$3,000 fine;  
 Complaint No. 533-3-26-14 – involving Brenda Williams - \$3,000 fine;  
 Complaint No. 514-1-14-14 – involving Kataria Dismuke - \$3,000 fine;  
 Complaint Nos. 502-8-27-13, 503-8-26-13, 504-8-26-13 – involving Matthew Dykes, Patrice Jones, and Kiana Bryant - \$3,000 fine for these three (3) cases collectively;  
 Complaint No. 474-6-14-13 – involving Greg Baker - \$2,000 fine;  
 Complaint No. 507-12-10-13 – involving Tara Billings - \$2,000 fine;  
 Complaint No. 480-8-30-13 – involving Shavonda Jackson - \$2,000 fine;  
 Complaint No. 497-10-04-13 – involving LaFarrah Stricklin - \$2,000 fine;

Under the proposed agreement, the Board would dismiss the following complaints:

Complaint No. 498-11-20-13 – involving David McClendon;  
 Complaint No. 479-8-6-13 – involving Ganna Agee.

Dr. Moore moved to accept the Consent Order terms as presented. Mr. McCoy seconded the motion. The motion passed unanimously. Mr. Ohrenberger will draft the Consent Order and submit it for final signatures.

#### **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.

#### **Election of Officers – FY15**

Dr. Barnett opened the floor for nominations.

Dr. Barnett nominated Dr. Traylor-Logan for President. There were no other nominations. Nominations were closed The Board voted unanimously by acclamation.

Dr. Taylor nominated Dr. Moore for Secretary. There were no other nominations. Nominations were closed The Board voted unanimously by acclamation.

Dr. Taylor nominated Mr. Roberts for Treasurer. There were no other nominations. Nominations were closed The Board voted unanimously by acclamation.

Dr. Traylor-Logan appointed Dr. Taylor as the Examination Officer.

Dr. Traylor-Logan appointed Dr. Barnett and Dr. Butler as Investigation Officers. If Dr. Barnett requires additional help with investigations, Dr. Butler will help. They will not work together on investigations.



Dr. Gaylon Carter will also be available to help with investigations if the Board chooses to use his services.

#### **Board Meeting Dates – FY15**

Dr. Barnett moved to accept the following meeting dates for FY15. Mr. Roberts seconded the motion. The motion passed unanimously.

October	16 <sup>th</sup>	Thursday	
December	11 <sup>th</sup>	Thursday	Credentials Review
January	22 <sup>nd</sup>	Thursday	Orientation (45 days Application due date is 12/4/14)
April	9 <sup>th</sup>	Thursday	
June	16 <sup>th</sup>	Tuesday	Credentials Review
July	23 <sup>rd</sup>	Thursday	Orientation (45 days Application due date is 6/5/15)

#### **Federation of Chiropractic Licensing Boards (FCLB) District Meeting**

The FCLB district meeting will be held in West Palm Beach, FL, September 4-7, 2014. Mr. Roberts and Dr. Butler stated that they would like to attend. Mr. Roberts moved that two (2) Board members attend the FCLB district meeting. Dr. Barnett seconded the motion. The motion passed unanimously.

#### **Executive Session**

The Board entered into executive session at 12:59 a.m.

The Board entered into public session at 1:08 p.m.

Dr. Moore moved to accept the resignation of the Ms. Wright. Mr. McCoy seconded the motion. The motion passed unanimously.

Dr. Moore moved to promote Ms. Mayhan to Executive Director beginning August 11, 2014. Mr. McCoy seconded the motion. The motion passed unanimously.

#### **Adjourn**

Dr. Moore moved to adjourn. Dr. Barnett seconded the motion. The motion passed unanimously. The Board adjourned at 1:15 p.m.

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*Board minutes approved: October 16, 2014*