

**Arkansas State Board of Chiropractic Examiners
Board Meeting Minutes
October 16, 2014**

CALL TO ORDER

The meeting was called to order by Julie Traylor-Logan, D.C., President, at 9:10 a.m.

ROLL CALL

Board Members present:

Thomas R. Butler, D.C.
Thomas D. Taylor, D.C., FICA
Kent Moore, D.C.
Weldon Roberts
Jack McCoy
Julie Traylor-Logan, D.C.
Dustin Heard, D.C.

Board Members absent:

None

Staff Members present:

Meredith Rebsamen, Assistant Attorney General subbing for
Mark Ohrenberger, Assistant Attorney General
Laurie Mayhan, Executive Director

Guests Present:

Terry Barnett, D.C., Independent Investigator
Chris Cathey, D.C.
Shannon Boyd
Ellen Withers, State Farm
Gaylon Carter, D.C.
Becky Crenshaw
Terrance Carolan, D.C.
Brad Chambers, D.C.
Porter Jackson, D.C.
Kendra Booth, BSBS

Board Meeting reconvened at 12:45 p.m.

NEW BUSINESS

Dr. Porter Jackson, D.C.

Dr. Porter Jackson, D.C. addressed the Board about his license application from May of 2013 and the complaint that was filed against him, which is still pending. Dr. Jackson wanted an update from the Board about his application and the complaint. Dr. Julie Traylor-Logan, D.C. deferred the questions and comments to Dr. Terry Barnett, D.C. since he knows more about the case than she does. Dr. Barnett stated, that after investigations were completed, no evidence was found that Dr. Jackson practicing without a license. Dr. Barnett's recommendation for Dr. Jackson's complaint (511-6-20-14) was that it could be dismissed. Motion made by Dr. Tom Taylor to re-credential Dr. Jackson at the next credentials review in December. Motion was seconded by Dr. Tom Butler and the motion passed unanimously.

INVESTIGATION REPORT

Presented by Dr. Terry Barnett, independent investigator

Currie Consent Order

The Order has been drafted by the Board's attorney, Mark Ohrenberger, and it has been approved by the Board's investigating officer. The draft was forwarded to Mr. Lamoureux, the Currie's attorney, and he is reviewing it.

Lenox Consent Order

The Order has not been drafted at this time. Dr. Lenox's new attorney is reviewing the pending complaints that would be covered by the Order.

Complaints that were recommended by the Independent investigator to be closed or dismissed were:

563-9-30-14
 550-6-27-14
 511-6-20-13
 538-5-6-14
 496-11-14-13
 564-10-3-14
 457-10-19-12

Motion was made by Mr. Jack McCoy to close the recommended complaints, seconded by Dr. Tom Butler and Dr. Tom Taylor abstained. Motion passed.

FCLB DISTRICT MEETING Report

Mr. Roberts briefly ran through a list of topics that were discussed at the FCLB district meeting in September.

OLD BUSINESS

Part IV Research

This item was tabled from the last meeting in July. Information from each State which only accepts Part IV examinations versus having both Part IV and a State examination was provided to the Board. Arkansas is one of two states that still require a state exam if an applicant does not have Part IV. All other states require Part IV for licensure.

Discussion followed on whether or not the Board should continue to give a State Exam for new applicants. Some pros and cons were given from several Board members on why the Board should get rid of the State Exam and why the Board should keep the state exam. More discussion followed and Dr. Julie Traylor-Logan made a directive for Dr. Tom Taylor to draft some language and to also research on how the Board could update the State Exam. This item was tabled for the December 11, 2014 meeting.

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

New Business Cont.

THE JOINT

A letter from Attorney C. David Martinez on behalf of "The Joint Corp." was presented to the Board seeking confirmation on whether or not The Joint franchises may provide management services to Chiropractic clinics in Arkansas. A motion was made by Dr. Tom Taylor that the Board seek the direction of their Assistant Attorney General, Mark Ohrenberger. Motion was withdrawn after discussion and a new motion was made. The new motion was that the Board will get the opinion of the AAG and that the Board will notify Mr. Martinez to refrain from further action until a response is given by the AAG, Mr. Ohrenberger. Motion seconded by Dr. Kent Moore and passed unanimously.

CHIROPRACTIC AIDES/ASSISTANTS

An email was presented to the Board from Erica Rasmussen with EMC Insurance. She requested the board's position regarding chiropractic aides performing procedures such as trigger point massage and exercise. Also, a more specific definition and description of spinal mobilization and how it relates to the Board's position regarding the chiropractic aide may not render such.

The board made a directive to reiterate ASBCE's rules, regulations and statutes to Ms. Rasmussen.

PHYSICALS FOR ATHLETIC COMMISSION

An email request was presented to the Board from Dr. Deb Callahan regarding physicals performed by Chiropractors not being accepted by the Athletic Commission. Documentation was provided to Dr. Callahan showing previous Board minutes on this topic and that the Board would not seek the opinion of the AG's office. A motion was made by Dr. Tom Taylor that the Board inform Dr. Callahan they are standing by their previous board ruling, which was that the Board was not going to request the opinion of the Attorney general. Motion was seconded by Mr. Jack McCoy and the motion passed unanimously.

CE APPROVAL REQUEST

A request was submitted by Dr. Stewart to get a post approval on CE that he took but was not applied for by the Sponsor. A motion was made by Dr. Tom Taylor that the Board not approve the request due to the fact that the course was not applied for nor approved by the Board prior to the course date. Motion seconded by Dr. Heard and abstained by Dr. Tom Butler. Motion passed.

APPEAL LETTERS FOR APPLICATION/EXAM

Dr. Walter Olsen submitted an appeal letter to the Board requesting reconsideration of his Licensure application. A directive was made by the Board to notify Dr. Olsen that his credentials will be reconsidered in December.

Dr. Donald Selvidge submitted an appeal letter to the Board requesting the Board invalidate the result of the examination and grant him a license because he failed a portion of the exam. A motion was made by Dr. Tom Taylor that we resend the original score letter and let him know that he can retake the failed portion. The motion was seconded by Dr. Kent Moore and it passed unanimously.

NBCE PART IV PRACTICAL EXAMINATION NOMINATION

NBCE is requesting nominations for their November 14-16 Part IV Practical Examination. A board member would volunteer to administer Part IV to students. Dr. Kent Moore stated he would think about it and get back with Board's office to confirm.

BUSINESS VERIFICATIONS

Dr. Julie Traylor-Logan had a phone call from an Attorney asking about our state law regarding Chiropractor clinic ownership and how do we know if they own it or not. Dr. Traylor-Logan asked the Board if there was some way to have the Chiropractors update their information each year and or prove their clinic ownership. Directive was made for the Executive Director to add this requested information to the renewal for 2016. A motion was made by Dr. Taylor that the Board would make this reporting mandatory. The motion was seconded by Dr. Tom Butler and the motion passed unanimously.

SERVICE RECOGNITION

The board was presented with two examples of service plaques. The Board decided that they would like to reinstate giving service recognition awards to Board members when they leave the Board. They also suggested that certificates could be made annually for those still serving on the Board.

A motion was made by Dr. Tom Taylor to go into Executive session to discuss employment and seconded by Dr. Kent Moore. Session started at 2:20pm and reconvened at 2:33pm.

A motion was made by Dr. Tom Butler to hire Dr. Terry Barnett as the board's investigator on the basis of \$50 per investigative hour and mileage to and from board meetings when needed. The motion was seconded by Mr. Jack McCoy, no discussions, motion passes unanimously.

Adjourn

Mr. Roberts moved to adjourn. Dr. Moore seconded the motion. The motion passed unanimously. The Board adjourned at 2:35 p.m.

Board minutes approved: 12/11/2014 .