CALL TO ORDER

The meeting was called to order by Dr. Savelle Barnes, President, at 10:00 a.m.

ROLL CALL

Board Members present: Dr. Terry Barnett, Dr. Ryan Collins, Mr. Weldon Roberts, and Dr. Tom Taylor.

Board Members absent: Dr. Beverly Foster and Mr. Jack McCoy.

Staff Members present: Ms. Amanda Abernethy, Assistant Attorney General; Ms. Rebecca Wright, Executive Director.

Guests Present: Dr. Gaylon Carter, Dr. Vance Cornelison, Dr. Ty Russell, and Ms. Becky Sewell.

MINUTES

The July 24, 2009 minutes were presented to the Board. Dr. Ryan Collins moved to accept the minutes. Dr. Terry Barnett seconded the motion. The motion passed unanimously.

The September 15, 2009 minutes were presented to the Board. Dr. Collins moved to accept the minutes. Dr. Barnett seconded the motion. The motion passed unanimously.

The October 20, 2009 minutes were presented to the Board. Dr. Tom Taylor moved to amend page 1 to state that the doctors applying for temporary license apply for externships, not be granted externships. Dr. Collins seconded the motion. The motion passed unanimously. The October 20, 2009 minutes will be amended. Dr. Barnett moved to accept the amended minutes. Mr. Weldon Roberts seconded the motion. The motion passed unanimously.

The December 9, 2009 minutes were presented to the Board. Dr. Barnett moved to accept the minutes. Dr. Collins seconded the motion. The motion passed unanimously.

BUDGET REPORT

Ms. Rebecca Wright presented the budget report to the Board. This report is provided by the Service Bureau of the Department of Finance and Administration. The report shows the operations of the Board office and the operations of the payroll for each month.
Ms. Wright stated that currently the Board is using Simmons First National Bank instead of the State Treasury. The Board pays a quarterly service charge for using a bank outside of the State Treasury. The Board requested that Ms. Wright research further which State agencies use the State Treasury and those who do not, and the reasons for those decisions.

Dr. Collins moved to accept the budget report. Dr. Barnett seconded the motion. The motion passed unanimously.

EXECUTIVE DIRECTOR REPORT

Ms. Wright presented the 2010 Statement of Financial Interests to the Board member. Each Board member was provided with the forms. The forms must be completed and submitted to the Secretary of State’s office each year for travel reimbursement and stipend payments.

Ms. Wright presented the Federation of Chiropractic Licensing Board’s (FCLB) District V News newsletter of October 2009. She stated that this newsletter provided a summary of Buffalo, New York meeting on October 1-4, 2009. Ms. Wright stated that the next FCLB meeting will be held in Baltimore, MD in late April.

D’Youville College in Buffalo, New York, is accredited by the Council of Chiropractic Education (CCE). The recent graduates have had difficulty being licensed in some states although the curriculum is accredited. Dr. Taylor moved that Ms. Wright research why other States are not accepting the graduates. Dr. Collins seconded the motion. The motion passed unanimously.

Ms. Wright stated that billing for decompression therapy was discussed at the FCLB meeting. Insurances are paying for traction therapy but not decompression therapy. Discussion followed.

Ms. Wright stated that the FCLB provided information about chiropractic assistant training. There will be a national training standardization for chiropractic assistants. The FCLB has accepted this training under its Resolution #2-06. Information can be found on the FCLB website at [www.fclb.org](http://www.fclb.org). Mr. Roberts stated that the training could decrease the turnover of assistants in office. Also, having a State level certification could provide further protection for the patients, doctors and the Board.

Mr. Roberts stated that a discussion was held at the FCLB meeting of training for coding seminars is in process of being set up.

Mr. Roberts stated that a discussion was held at the FCLB meeting of reporting disciplinary actions. The Arkansas Board uses the FCLB’s CIN-BAD reporting database. However, not all states participate. He stated that the Board could publish disciplinary actions in other ways. Ms. Amanda Abernethy stated that the Arkansas Freedom of Information Act (FOIA) is one of the broadest in the United States. However, it does protect the Board in that disciplinary actions can be reported on the website because the same information can also be obtained from the Board office.

Ms. Wright requested that the Board office purchase a new database. She stated that the current database does not have security features such as being password protected, and the
database is unstable. Ms. Wright stated she met with the Department of Information System (DIS) and with a consultant of FileMaker Pro. The FileMaker Pro database has a lower cost associated with it. Dr. Barnett moved to purchase the FileMaker Pro database. The cost is not to exceed $10,000. Dr. Taylor seconded the motion. The motion passed unanimously. Ms. Wright stated that two backup systems are in place.

OLD BUSINESS

Vance Cornelison, D.C. – Complaint 300-05-19-08, 305-07-08-08

A hearing was held on October 28, 2008 for Dr. Vance Cornelison. The Findings of Fact, Conclusions of Law, and Order was signed and dated December 9, 2008. Order number two (2) states that the, “Respondent will appear before the Board in one (1) year to provide an update on the procedures he has changed in his office”. Ms. Wright stated that she spoke to Dr. Cornelison by telephone regarding his continuing education. She stated that the civil penalty of $2,675.60 was due on December 9, 2009, after a six (6) month extension, and this has not been received by the Board office. Dr. Barnes stated that Dr. Cornelison may approach the Board with his update. Dr. Cornelison stated that he no longer does a release; gowning is restricted to x-rays only; he is specific on what clothing is removed; there is always a female present in room with him and the patient; he does not administer therapies except acupuncture because he is the only one certified in acupuncture; and his wife does therapies and she is licensed as a chiropractor.

Dr. Cornelison confirmed that he took the National Board of Chiropractic Examiners (NBCE) SPEC ethics and boundaries examination. He stated that the cost was over $800. He stated that he passed with a very high score.

Dr. Cornelison stated that he has taken the continuing education required for his license renewal but not the continuing education required by the Order. He stated that he found a six (6) hour continuing education ethics course he would like to take and asked the Board if they would approve it. It was determined at a later time that the course was already pre-approved.

Dr. Barnes asked if the civil penalty has been paid. Dr. Cornelison stated that he has not paid his civil penalty and has saved $500. He stated that he is three (3) months behind on his rent for his practice. Dr. Collins asked if he is still working as a security guard. Dr. Cornelison stated that he was not because the disciplinary action of the Board was included in a background check. He stated that he is considered unemployable because of the letter provided by the psychiatrist per Order number six (6). Dr. Barnett stated that Dr. Cornelison had six (6) months to pay the civil penalty, and then was given a six (6) month extension. The civil penalty was due on December 9, 2009 and it has not been paid. Dr. Barnett asked Dr. Cornelison is practicing. Dr. Cornelison stated that he is not practicing at this time but his wife is licensed and she is practicing. Dr. Cornelison stated that he received the notice of his civil penalty two (2) weeks before it was due. Ms. Abernethy stated that he was given a six (6) month extension in June 2009 so he was aware of his due date. Dr. Barnett asked Dr. Cornelison has paid any of the civil penalty. Dr. Cornelison stated that the Board will not accept a payment plan. He stated that in the past the Board has reduced fines and other doctors have received lower fines for greater actions. He stated he could write a check for $500 this day. Discussion followed. Dr. Barnes stated that Dr.
Cornelison has had one (1) year to pay the civil penalty and that an extension was granted in June 2009. Dr. Taylor moved that Dr. Cornelison get his six (6) hours of continuing education and pay the Board the civil penalty in three months. This is a three month extension being provided. Mr. Roberts seconded the motion. Discussion followed. Mr. Roberts stated that Dr. Cornelison could pay the $500 now and pay the remainder in the three (3) months extension. Dr. Cornelison must pay the civil penalty in full. A roll call vote was taken on the motion and the second. Dr. Barnett voted yes. Dr. Collins voted yes. Mr. Roberts voted yes. Dr. Taylor voted yes. The motion passed unanimously. Dr. Cornelison is granted a three (3) month extension to obtain six (6) hours of continuing education and to pay the civil penalty in full. The due date is March 15, 2010.

Dr. Barnett moved that Dr. Cornelison must comply fully with the original Order, with two (2) extensions now granted, by March 15, 2010. If it is not, Dr. Cornelison must surrender his license with no prejudice or the Board will revoke the license. Dr. Collins seconded the motion. A roll call vote was taken on the motion and the second. Dr. Barnett voted yes. Dr. Collins voted yes. Mr. Roberts voted yes. Dr. Taylor voted yes. The motion passed unanimously.

Jason Collins, D.C. – Hyperbaric Oxygen Therapy

Ms. Wright stated that Dr. Jason Collins provided a response regarding his use of hyperbaric oxygen therapy. This therapy is not considered a class drug. It is administered in a chamber, not injected into the body. Dr. Collins moved that the Board office respond that Dr. Jason Collins’ use of the hyperbaric oxygen therapy is within the Chiropractic Scope of Practice. Dr. Barnett seconded the motion. There was discussion. The motion passed unanimously.

Runners Issue

A continued discussion followed regarding chiropractors using runners to bring in patients. Dr. Barnett stated that Dr. Gaylon Carter may add to the discussion. Dr. Taylor moved that Ms. Wright contact the Boards that participated in the FCLB poll and get information about what has been addressed, obtain any model law that has been used, and obtain information on the legalities that other States have used. Ms. Wright is to coordinate with legal counsel and to have the information for the January 2010 meeting. Dr. Barnett seconded the motion. The motion passed unanimously.

NEW BUSINESS

Practice Guidelines Regarding Chiropractic Care and Whiplash Associated Disorders

Ms. Wright presented correspondence from Western States Chiropractic College requesting information of adoption of any clinical practice guidelines regarding chiropractic care and whiplash associated disorders. The Board stated that there will be no response provided.
Formation of Chiropractic Board of Clinical Nutrition

Ms. Wright presented informational correspondence from the Chiropractic Board of Clinical Nutrition regarding the formation of chiropractic board of clinical nutrition. There is no action needed from the Board.

National College of Chiropractic – DCM Degree

Ms. Wright presented correspondence from the National College of Chiropractic (NCC) regarding its Doctor of Chiropractic Medicine (DCM) degree. The NCC is requesting if Arkansas would accept this degree. The Board stated that the practice of medicine is not in the Chiropractic Scope of Practice; therefore, it would be a violation of the Board’s Rules, Regulations and Statutes. Dr. Taylor moved that the Board office respond with a statement that a chiropractor cannot legally practice medicine in the state of Arkansas, and therefore, Arkansas cannot accept NCC’s DCM degree, and that NCC refer to the Rules, Regulations, and Statutes. Dr. Collins seconded the motion. The motion passed unanimously.

Time of Service Discounts

Ms. Wright presented correspondence from an Arkansas chiropractor requesting information of time of service discounts. Discussion followed. Dr. Taylor moved that legal advice be sought on this matter to insure proper compliancy. Dr. Collins seconded the motion. The motion passed unanimously.

Federal Background Checks/Fingerprint Cards

This item will be tabled until the January 2010 Board meeting.

License File Audits

Ms. Wright stated that Steven Shiver’s, D.C., database record did not have a social security number. She researched Dr. Shiver’s license file and there are discrepancies regarding the social security number and the date of birth. The Board requested that Ms. Wright correspond with Dr. Shiver regarding the discrepancies.

Board Members Being Contacted by Complainants/Respondents

The Board members have received correspondence from complainants or respondents of complaints. To ensure fairness of investigations and/or hearings, it is respectfully requested that the Board members do not correspond with complainants or respondents. Please contact the Board office and inform the Board staff of any occurrences. Ms. Wright will inform complainants and respondents to only contact the Board office.

Office Security

Ms. Wright stated that the locks have been changed. She stated that a computer backup system is in place. She stated that the Board office files are open to the public under the Freedom of Information Act (FOIA). The Board office staff must be notified in advance if someone would like to view or have copies of files. The request must be specific and within reason for the Board
staff to comply with the request. Dr. Collins made a motion that if anyone enters the Board office file room, the person must sign-in and the person must be accompanied by the Board staff. Dr. Taylor seconded the motion. The motion passed unanimously.

License Statuses and Requirements

Ms. Wright provided a list of the license statuses and the requirements. She is requesting Board input to ensure that the information is correct. Discussion followed. Information of license statuses and the requirements will be on file in the Board office.

CREDENTIALS REVIEW

Dr. Ty Russell was discussed separately from list of applicants. Dr. Russell relinquished his license in Colorado. He did have a felony charge; however, it was removed from his record due to compliancy. Dr. Russell has held a license in Ireland and left in good standing. He is applying for licensure in Arkansas. Ms. Wright stated that she has spoken to James Breletic, the investigator for the Ireland Board. He gave a positive recommendation of Dr. Russell. Mr. Wright stated that she has contacted the Colorado Chiropractic Board several times and has not had a response. Dr. Collins moved that Ms. Wright contact the Colorado Chiropractic Board or the Colorado Attorney General’s office and receive information in writing. Mr. Roberts seconded the motion. The motion passed unanimously. Discussion followed. Dr. Barnett moved to grant a supervised temporary license to Dr. Russell at this time. Dr. Russell must attend the January 2010 orientation. If he attends, the supervised temporary license will begin that day. Ms. Wright is to continue contacting the Colorado Chiropractic Board and/or the Colorado Attorney General’s office for information. If there is no new information from what Dr. Russell has provided to the Board, he may attend the July 2010 orientation as a new licensee. However, if there is any information that was not reported by Dr. Russell, the Board may revoke the supervised temporary license. Mr. Roberts seconded the motion. The motion passed unanimously.

The applicants discussed for credentials review are: Jason Blackketter, Michael Clark, Denise Hoffecker, Ryan Johnston, Rebecca Meintsma, Floyd Powell, Charles Raley, Donald Roe, James Sanford, Jr., Jason Sherrod, John Shipp, Matthew Torres, and Nathan Wagner. Dr. Taylor moved that these applicants be approved for licensure. Dr. Barnett seconded the motion. The motion passed unanimously.

INVESTIGATION REPORT

Dr. Collins presented the following complaints with recommendations.

Dr. Collins moved to close complaint 340-05-11-0. Dr. Barnett seconded the motion. The motion passed unanimously.

Dr. Collins recused from complaint 361-10-21-09. Dr. Barnes stated that he investigated this complaint due to Dr. Collins recusal. Dr. Barnes recommended this complaint be closed. Dr. Barnett moved to close this complaint. Mr. Roberts seconded the motion. Dr. Collins recused. Dr. Taylor abstained. The motion fails due to lack of quorum.
Dr. Collins moved that the following pending cases remain open for investigation. Dr. Barnett seconded the motion. Dr. Taylor abstained. Dr. Barnes provided a vote per the Rules and Regulations to obtain a quorum. Dr. Barnes voted yes. The motion passed. The pending complaints are: 325-01-19-09, 335-04-03-09, 343-05-28-09, 347-06-12-09, 354-07-14-09, 355-07-20-09, 360-09-25-09, 362-10-26-09, 363-11-09-09, and 364-11-12-09.

**Eric Bailey, D.C. – Request for Extension to Obtain Continuing Education**

This item was added to the agenda this day. Dr. Bailey contacted the Board office and stated that due to a medical reason, he was unable to obtain twenty-four (24) hours of continuing education for his 2010 license. The Board stated that it would not grant an extension. Ms. Wright stated that there are seminars still available in December that have been pre-approved by Arkansas that Dr. Bailey could attend.

**Guidelines on Consistency of Hearings**

This item was added to the agenda this day. Mr. Roberts stated that the Board should have guidelines to ensure consistency of hearings and disciplinary actions. This item will be tabled until January 2010. Dr. Taylor moved that the Board office obtain the Board manual from the Attorney General’s office and provide a copy to the Board members and to make this an office procedure. Dr. Collins seconded the motion. The motion passed unanimously.

**Executive Session – Personnel Review**

The Board entered into Executive Session to discuss Ms. Wright’s personnel review, as stated by the Board when it was voted to hire Ms. Wright. The Board reconvened to public session. Dr. Taylor moved to raise Ms. Wright’s salary to $55,000 annually. Dr. Barnett seconded the motion. The motion passed unanimously.

**Adjourn**

Dr. Collins moved to adjourn. Dr. Barnett seconded the motion. The motion passed unanimously.