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
   Julie Traylor-Logan, D.C.

Board Members absent:
   None

Staff Members present:
   Mark Ohrenberger, Assistant Attorney General
   Rebecca Wright, Executive Director

Guests Present:
   Patrick Barry, D.C.
   Kendra Booth
   Terrance P. Carolan, D.C.
   Gaylon Carter, D.C.
   Chris Cathey, D.C.
   Brad Chambers, D.C.
   Sonjia Michaels, D.C.

MINUTES

The January 24, 2013, minutes were presented to the Board. Dr. Barnett moved to approve the minutes. Mr. Roberts seconded the motion. The motion passed unanimously.

DIRECTOR’S REPORT

Ronald Wells, D.C. – License Status

Dr. Wells submitted an e-mail to the Board office requesting to withdraw his request for an Arkansas license and to refund payments made in 2012. Ms. Wright stated that a refund will be requested and mailed to Dr. Wells. A check that was ready to be deposited was pulled from the deposit and mailed back to Dr. Wells.
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 $36,741.98 on 3/31/2013. More appropriation will be requested for line item “Operating Expenses” to process Board travel through June 30, 2013. Dr. Traylor-Logan moved to accept the budget report. Dr. Barnett seconded the motion. The motion passed unanimously.

Continuing Education (CE) Report

2013 Courses (Calendar Year)

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<tr>
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</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>176</strong></td>
<td><strong>$7,740.00</strong></td>
</tr>
</tbody>
</table>

122 applications processed in 2012
54 applications processed in 2013

Dr. Traylor-Logan moved to accept the CE report. Mr. Roberts seconded the motion. The motion passed unanimously.

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, twelve (12) requests were received.

2013 License Renewal

578 Renewed

- 500 Active
- 1 Active / Probation
- 49 Out of State Active
- 28 Inactive
- 19 Expired

Total: $114,875.00 Late Fees: $5,400.00 (27 late fees)

Money Management Trust Fund/N Fund

The MMTF has been transferred to the agency Treasury account. Amount $99,226.57 transfer was requested in February 2013. Amount $26.36, interest earned, transfer was requested in March 2013.
Agency Website – Adding Online Functions to Website

The Executive Director met with a project manager from Information Network of AR (INA). The project manager will provide a flow sheet and timeline for each project. The following have been requested to be added to the website for use by the public, applicants, and licensees:

- License Renewal
- Licensees:
  - limited access to file to update contact information
  - make payments
- Verifications
- New Applicants:
  - limited access to file to request an application
  - make payment(s)
  - enter and update contact information
- File Complaints: user can file a complaint electronically
- Continuing Education: allow sponsor to submit an application online and make payment

Postage Contract Update

Pitney Bowes is on State contract so a Board decision is not needed. One option is $126.39 for 60 months is being considered. It does not include the folder inserter. A green machine (refurbished) will be requested to keep costs down. Mr. Roberts moved to approve the Executive Director to consider the postage options for the office. Dr. Butler seconded the motion. The motion passed unanimously.

LICENSE RENEWAL INQUIRIES

William Fisher, D.C.

Dr. Fisher was short 1 CE hours for 2013. All other items were postmarked 12-31-2012. At the 1-24-2013 Board meeting, the Board voted that Dr. Fisher could earn the 1 hour in 30 days, and he must pay the late fee. Dr. Fisher was notified by phone but not in writing. He called approximately 2-21-2013 requesting to take a March seminar and allow 1 hour to be used. He was reminded that he had to earn the hour in 30 days, and the March seminar would push it out to 60 days. Dr. Fisher then was unable to take the March seminar due to a court appointed duty. Dr. Fisher has since taken 2 online hours on 4-8-13 and submitted on 4-9-2013. Dr. Fisher would like to renew his license. He submitted the following, postmarked 12-31-12: 2013 renewal form, $200 payment, 10 hours of onsite CE, and 12 hours of online CE. On 4-9-13, he submitted: 2 hours of online CE. A correction was noted that Dr. Fisher required two (2) hours. Due to Dr. Fisher not receiving written notice of the Board’s January decision, the late fee has not been submitted at this time. Dr. Moore moved to accept the CE submitted and that Dr. Fisher pays the late fee in thirty (30) days. This is the second year in a row that Dr. Fisher has submitted a late license renewal. Dr. Fisher cannot use the two (2) hours of online CE for the 2014 license renewal. Mr. McCoy seconded the motion. The motion passed unanimously. Dr. Traylor-Logan moved to add that if Dr. Fisher did not pay the late fee thirty (30) days from the date of the
letter, his license will be expired. Dr. Moore seconded the motion. The motion passed unanimously.

Michael Broeg, D.C.

Dr. Broeg did not receive a license renewal form by mail. He mailed a letter and a payment of $25 before 12/31. Dr. Broeg attempted to contact the board office and he went to the website but did not see the renewal form on the home page. When he went to the page Licensee> License Renewal, the inactive fee was listed as $25 instead of $100. A screenshot is on file showing this. The website has since been updated to reflect the current amount. Dr. Broeg has submitted a 2013 renewal form and a payment of $100. He is requesting a late fee waiver due to the website not having the correct amount listed and that he did submit a letter and payment before 12/31. Dr. Moore moved to waive the late fee since Dr. Broeg attempted to renew his license in good faith. Dr. Barnett seconded the motion. The motion passed unanimously.

Deborah Hill, D.C.

Dr. Hill requested the Board waive and refund the late fee paid due to mailing the license renewal to the AR Chiropractic Association by mistake. Later, Dr. Hill had an illness. Discussion followed. Dr. Barnett moved that the late fee stand. Mr. Roberts seconded the motion. The motion passed unanimously.

Graden Hall, D.C.

Dr. Graden mailed in his license renewal, CE, and active status payment in January 2013. Due to his own illness and his wife’s illness, he was not able to renew the license on time, and he is unable to pay the late fee. Discussion followed. Mr. Roberts moved to not waive the late fee and due to financial hardship to give Dr. Hall six (6) months from the date of the letter to pay. Dr. Moore seconded the motion. The motion passed unanimously. The Board stated that it sympathizes with Dr. Graden’s situation.

OLD BUSINESS

FY2011 Assessment Audit

Beverly Foster, D.C., submitted correspondence regarding the unallowable expenses that were paid to her and she reimbursed per the FY2011 Assessment Audit. In the response submitted to the findings, a Board member and the Executive Director will both review travel expenses before requests are processed.

Tony Barger, D.C. – License Request Update / Complaint

Dr. Barger would like to renew his license. The Board voted at the 12-13-2012 meeting that Dr. Barger could reactive the license, pay the $25 reactivation fee, and pay all back fees. The total is $1,425.00. (If late fees were not to be included, the total is $825.) Dr. Barger has inquired about other options available. Mr. Roberts moved that a decision has been made and his license is still within five (5) years of reactivating his license. After the five (5) years, Dr. Barger can reapply for a new license. Dr. Traylor-Logan seconded the motion. The motion passed unanimously.

Arkansas State Board of Chiropractic Examiners
Board Meeting Minutes
April 11, 2013
Dr. Barger has filed a complaint against the Executive Director because of the time it has taken to respond to him. The Executive Director notified the Board President stating that due to the amount of work, and the request was open during the license renewal period, the request was not processed as quickly as it could have been. An information page will be added to the website, and a form may be created to streamline this process. Options will be provided up front to the licensee. He/she will then request in writing, either on the form or on letterhead, the appropriate option, or if needed the Board will make that final decision. The request will be reviewed by the Board at a regular board meeting. The Board's decision will be provided in writing following the meeting.

The Board recessed at 10:07 a.m.

The Board reconvened at 10:22 a.m.

NEW BUSINESS

2013 Legislation – Act 513

The Board discussed that the Rules, Regulations, and Statutes will need to be updated to incorporate Act 513. A public hearing will be part of the process of the update. At a later date, a letter and a copy of the Act will be mailed to each licensee. Dr. Barnett and Ms. Wright will talk to other Boards at the San Francisco annual FCLB conference about how they register procurers and how they process complaints against procurers.

Ryan Monson, D.C. - Inquiry re: Legislation - House Bill 1356

Dr. Monson submitted an email regarding HB 1356 which is proposed legislation that would require the Board to permanently revoke the license of any chiropractor convicted of a sexual offense. He requested confirmation that his understanding of constitutional law is correct that any such legislation, if passed, would have no effect upon the Consent Order issued by the Board on 4-12-2011 since it was executed before the passage of any such legislation. Dr. Traylor-Logan moved that Dr. Monson seek private, legal advice. Dr. Butler seconded the motion. The motion passed unanimously.

Waiver IAW 17-95-308 - State Medical Board

The Board discussed waiver IAW 17-95-308 in the State Medical Board’s statute. If the Board would like to add it to the statutes, legislation would be required, and then a Rule and Regulation change could be implemented.

Sarah Rowden, D.C. - Prosthesis Fitting

Dr. Rowden would like to provide breast prosthesis fittings for women; these can be worn in clothes. She inquired if this is within the AR chiropractic scope of practice. Dr. Butler moved to notify Dr. Rowden that there is not a specific statute that prohibits prostheses fittings; however, the Board has no information on certification that may be required by law. Dr. Barnett seconded the motion. Dr. Moore voted no. The motion passed.
Max DeLee, D.C. - Referrals for Patients to Obtain Mobility Items

Dr. DeLee inquired if AR licensed chiropractors can provide referrals for patients for mobility items such as canes, wheelchairs, scooters, etc. Dr. Traylor-Logan moved to notify Dr. DeLee that making referrals is within the AR chiropractic scope of practice. Dr. Moore seconded the motion. The motion passed unanimously.

Paulette Kaelin - Licensee Roster on Website

Paulette Kaelin of the AR Chiropractic Society submitted an e-mail complaint to Dr. Taylor regarding the licensee rosters posted to the agency website. In the correspondence, Mrs. Kaelin stated that she has had several complaints on this issue; some chiropractors consider it an invasion of privacy; and that one doctor stated that the last thing he wanted was advertising sent to his fax number and that the email he had provided the ASBCE was his private one. Discussion followed. Dr. Traylor-Logan moved to notify Mrs. Kaelin that anyone who would like to not be listed on the rosters to notify the Board office. Mr. McCoy seconded the motion. The motion passed unanimously.

American Chiropractic Board of Sports Physicians - Sports Concussion Survey

Robert C. Nelson, DC, DACBSP, of the American Chiropractic Board of Sports Physicians, submitted an e-mail to the Board office that they are updating the rules and regulations regarding each state's policy on sports chiropractors evaluating, managing and determining return to play for concussed athletes. Many sports chiropractors are team doctors who treat athletes on the sidelines and in the office. Dr. Nelson inquired what the AR rules are on a chiropractor being allowed to evaluate, manage and determine return to play for athletes with concussions. Dr. Barnett moved to notify Dr. Nelson that there is no specific rule regarding treatment of concussions; team doctors treating athletes, and making evaluating, managing and determining return to play is within the AR scope of practice. And, to provide a copy of the AR Rules, Regulations, and Statutes which encompass the scope of practice in Arkansas. Mr. McCoy seconded the motion. The motion passed unanimously.

Credentials Review

Patrick Barry, D.C. Requested an unsupervised temporary license. Dr. Traylor-Logan moved to approve the request and Dr. Barry to attend the July 2013 orientation. Dr. Moore seconded the motion. Discussion followed. The motion passed unanimously.

Kevin Ethridge, D.C. Requested a supervised temporary license. The clinic has five (5) chiropractors on site and Dr. Ethridge requested three (3) as supervisors. The doctors are Christine Hurley, D.C., Mary Lee, D.C., and Amanda Bledsoe, D.C. Dr. Traylor-Logan moved to approve the request with three (3) doctors being supervisors. Dr. Barnett seconded the motion. The motion passed unanimously.

Joel Inman, D.C. Requested a supervised temporary license. Michael Jarman, D.C., was listed as the supervisor, and a phone call was received from Chancellor Wayne, D.C., that he would be the supervisor. During a recess, Dr. Barnett called Dr. Jarman for clarification. Dr. Barnett stated
that he was told by Dr. Jarman that Dr. Inman contacted him and asked if he would be his supervisor. Later, he contacted Dr. Jarman and asked if he would supervise him if he (Dr. Inman) bought a clinic in Corning, AR. Dr. Jarman agreed to both of these scenarios. The Board had concerns that Dr. Jarman did not know Dr. Inman very well to supervise him and that Dr. Inman was not aware that supervision must be direct and onsite. Dr. Traylor-Logan moved that with the information provided and received, that the supervised temporary license not be approved. His application file will be submitted for credential review at the 6-20-2013 Board meeting. Dr. Barnett seconded the motion. Discussion followed. The motion passed unanimously.

Jason Neal. Requested an externship with Kyle Jarnagin, D.C. Dr. Traylor-Logan moved to approve the externship. Dr. Barnett seconded the motion. The motion passed unanimously.

### Investigation Report

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<tr>
<th>Complaint Number</th>
<th>Recommendations</th>
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<td>2 437-9-20-11</td>
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<td>3 438-9-20-11</td>
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<td>4 413-2-24-11</td>
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<td>5 425-4-27-11</td>
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<td>25 401-9-20-10</td>
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<td>Practicing Chiropractic without a License; Non-Licensee</td>
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</table>
Garritt Mason has filed an appeal of the court’s decision that he was practicing chiropractic without a license. The complaint against Mr. Mason will remain as pending.

Dr. Traylor-Logan moved to request the Attorney General’s office file a petition of injunctive relief to be filed in case a criminal prosecution is not timely initiated before the statute of limitations ends in the complaint against Louis Tamez. Mr. McCoy seconded the motion. The motion passed unanimously.

Dr. Barnett recommended a hearing for complaints 459-1-16-13 and 461-12-31-12 to be held on 6-20-2013, the same day as the next regularly scheduled Board meeting. Mr. Ohrenberger will review the complaints and determine if there will need to be two (2) hearings held or if the complaints can be combined into one (1) hearing. Dr. Traylor-Logan moved to schedule one hearing on 6-20-2013 at 10:00 a.m., the second at 11:00 a.m., and the Board meeting to immediately follow. Mr. Roberts seconded the motion. The motion passed unanimously.

Mr. McCoy moved to accept the Investigation Report. Mr. Roberts seconded the motion. The motion passed unanimously.

J. Michael Glover, D.C. – Review of Order

A hearing was held for Dr. Glover on 1-24-2013. The Order for Dr. Glover was finalized on 1-30-2013 and a copy mailed to Dr. Glover and his attorney on 1-30-2013.

Injectable Nutrients Courses

Dr. Taylor received several notices of an e-mail sent out by Paulette Kaelin of the AR Chiropractic Society regarding Oklahoma Chiropractic Injectable Nutrients Courses. In the e-mail, Mrs. Kaelin stated,

> Several Arkansas licensed doctors have already taken and passed this course presented by Dr. Michael Taylor. Currently, it is not a part of the chiropractic
practice law in Arkansas but we hope that will be changed in the near future. Many of our doctors have obtained Oklahoma licenses so that they can utilize this and other therapies in their practices. I am forwarding this information for any of you who may be interested in taking these courses.

Dr. Moore moved to notify Mrs. Kaelin with clarification that AR chiropractors cannot practice injectable nutrients in AR and to state that other state licenses do not override or replace an AR license. Dr. Traylor-Logan seconded the motion. The motion passed unanimously.

Out of State Reviews – Not an Agenda Item

Dr. Gaylon Carter inquired if out of state can reviews can be done for AR chiropractors. Discussion followed. The Board discussed that a letter could be submitted to the Attorney General’s office and in it request an advisory opinion if out of state reviews constitute practicing chiropractic.

Executive Session

Dr. Traylor-Logan moved to enter Executive Session to discuss follow-up on the employee review of 2012, and discuss potential discipline. Dr. Moore seconded the motion. The motion passed unanimously.

The Board entered into Executive Session at 12:49 p.m.

The Board reconvened the public meeting at 1:11 p.m.

Dr. Traylor-Logan moved to hire a second full-time employee. Dr. Moore 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.

Board minutes approved: 6-20-2013.