CALL TO ORDER

The meeting was called to order by Kent Moore, D.C., Secretary, at 9:55 a.m.

ROLL CALL

Board Members present:
    Dustin Heard, D.C.
    Jack McCoy
    Thomas D. Taylor, D.C.
    Tanya Holt, D.C.
    Harold Gunter
    Michael Courtney, D.C.
    Kent Moore, D.C.

Board Members absent:
    None

Guests Present:
    Laurie Mayhan, Executive Director
    Reid Adkins, Assistant Attorney General
    Chris Cathey, D.C.
    Samuel S. Haley, D.C.
    Steven Bennett, D.C.
Election of Officers
Due to the recent appointment of a new member, the Board is without an elected President to sign the new licenses for today’s orientation. With that, the Board agreed to move the election of officers up on the agenda in order to vote on a new President, Secretary and Treasurer.

The secretary, Dr. Moore, called for nominations for President. Dr. Courtney nominated Dr. Tom Taylor be the next President, and Mr. McCoy nominated Dr. Kent Moore as President. Dr. Taylor withdrew his name from the nomination and thanked Dr. Courtney for the nomination. Dr. Moore called for any other nominations, none were given. Dr. Moore called for a vote for him to be President. All were in favor. Dr. Moore is the FY18 President.

Dr. Moore called for nominations for Secretary. Mr. Gunter nominated Dr. Michael Courtney for secretary. Dr. Taylor nominated Dr. Dustin Heard for secretary. Dr. Moore called for any other nominations, none were given. Dr. Moore called for a vote for Dr. Courtney as Secretary. Mr. Gunter voted for Dr. Courtney with no other votes of the Board. Dr. Moore called for a vote for Dr. Heard as Secretary. Dr. Holt, Dr. Taylor, and Mr. McCoy voted for Dr. Heard. Dr. Heard is the FY18 Secretary.

Dr. Moore called for nominations for Treasurer. Dr. Courtney nominated Mr. Hal Gunter to be the Treasurer. Dr. Moore called for any other nominations, none were given. Dr. Moore called for a vote for Mr. Gunter to remain as Treasurer. All were in favor. Mr. Hal Gunter is the FY18 Treasurer.

Discussion regarding appointments of an Examination of officer and Investigation officer followed. It was discussed that Dr. Terry Barnett is currently our investigator with Dr. Gaylon Carter as his back up as needed. The Director discussed with the Board that having a pool of people to forward complaints to would be a good idea since we still have a number of complaints on hand. The Board agreed to bring some additional names to the next board meeting for further discussion.

Dr. Moore then appointed Dr. Taylor, as Examination officer. Dr. Taylor accepted. Dr. Thomas Taylor is the Examination officer for FY18.

ORIENTATION

Dr. Steven Bennett presented information to the new licensees on behalf of the Arkansas Chiropractic Society.

Dr. Sam Haley presented information to the new licensees on behalf of the Arkansas Chiropractic Physicians Association.

Congratulations to the following applicants who attended orientation and received their licenses this day:

<table>
<thead>
<tr>
<th>Lic. No.</th>
<th>First Name</th>
<th>MI</th>
<th>Last Name</th>
<th>Suffix</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 16169</td>
<td>Jaymond</td>
<td>R</td>
<td>Clark</td>
<td>D.C.</td>
</tr>
<tr>
<td>2. 16167</td>
<td>Justin</td>
<td>C</td>
<td>Collier</td>
<td>D.C.</td>
</tr>
<tr>
<td>3. 16172</td>
<td>Kirsten</td>
<td>M</td>
<td>Courtney</td>
<td>D.C.</td>
</tr>
<tr>
<td>4. 16176</td>
<td>Brook</td>
<td>B</td>
<td>Forringer</td>
<td>D.C.</td>
</tr>
<tr>
<td>5. 16174</td>
<td>Shannon</td>
<td>J</td>
<td>Green</td>
<td>D.C.</td>
</tr>
<tr>
<td>6. 16171</td>
<td>Paul</td>
<td>P</td>
<td>Holderfield</td>
<td>D.C.</td>
</tr>
<tr>
<td>7. 16166</td>
<td>Brian</td>
<td>M</td>
<td>May</td>
<td>D.C.</td>
</tr>
<tr>
<td>8. 16173</td>
<td>Spencer</td>
<td>P</td>
<td>Neal</td>
<td>D.C.</td>
</tr>
</tbody>
</table>
Congratulations to the following licensees who were licensed on 04/11/2017 and who are fulfilling their orientation requirement this day:

<table>
<thead>
<tr>
<th>Lic. No.</th>
<th>First Name</th>
<th>MI</th>
<th>Last Name</th>
<th>Suffix</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.</td>
<td>Amy</td>
<td>A</td>
<td>Anderson</td>
<td>D.C.</td>
</tr>
<tr>
<td>12.</td>
<td>Koltur</td>
<td>C</td>
<td>Easton</td>
<td>D.C.</td>
</tr>
</tbody>
</table>

Congratulations to the following licensees who were licensed on 04/18/2017 and who are fulfilling their orientation requirement this day:

<table>
<thead>
<tr>
<th>Lic. No.</th>
<th>First Name</th>
<th>MI</th>
<th>Last Name</th>
<th>Suffix</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.</td>
<td>Duane</td>
<td>J</td>
<td>Paterson</td>
<td>D.C.</td>
</tr>
</tbody>
</table>

Mr. Tracer Moore was approved to attend orientation this day and has met most of his new applicant requirements. Once he graduates from Chiropractic College and turns in his final chiropractic transcripts and copy of his diploma, he will receive his license effective the date those items are received.

| 14.      | Tracer     | D. | Moore      |        |

Additionally, there was one applicant who did not attend today’s orientation and did not receive a license.

| 15.      | Jared      | J  | Bennett    | D.C.   |

(Minutes)

MINUTES

The June 20, 2017 minutes were presented to the Board. Dr. Courtney asked about his request from the June meeting regarding copies of CE applications that were approved with exception and not approved and that he would still like to see them. The Director stated she will make sure and get those out after the meeting. Dr. Taylor also inquired about the “Temporary license- adding supervisors” item on page 4 of the minutes and whether or not the supervisors met the 5 year requirement. Director confirmed they met the requirement. A motion to approve the minutes was made by Dr. Courtney and seconded by Dr. Heard. Dr. Taylor asked that a typo be corrected on page 5 of the minutes under Shannon Green’s credential review. The typo is Stephen and should be Steven. Motion passed unanimously.

DIRECTOR’S REPORTS

Budget Report

A general cash flow statement for June was presented to the Board, along with the monthly expenditure and revenue reports for June. At the end of Fiscal Year 2017, which ended June 30, 2017, the total amount expended for the fiscal year was $122,623.65 with $64,832.35 remaining.

At the end of Fiscal Year 2017, which ended June 30, 2017, the total revenue received for the fiscal year was $187,986.14. This total includes licensee fees, applicant fees, interest, refunds/reimbursements, and
rebates. Total overall revenue is $571,245.68 which includes Fund Balance, Cash Fund and FY2017 revenue.

CE Report FY2017
(July 1, 2016 – June 30, 2017)

<table>
<thead>
<tr>
<th>Status</th>
<th>Apps received</th>
<th>Class hours offered</th>
<th>Fee Due</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved</td>
<td>355</td>
<td>4,443</td>
<td>$22,215.00</td>
<td>$22,215.00</td>
</tr>
<tr>
<td>Approved with Exception</td>
<td>9</td>
<td>741</td>
<td>$3,705.00</td>
<td>$3,705.00</td>
</tr>
<tr>
<td>Not Approved</td>
<td>20</td>
<td>182</td>
<td>$910.00</td>
<td>$910.00</td>
</tr>
<tr>
<td>Pending</td>
<td>0</td>
<td>0</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Cancelled</td>
<td>2</td>
<td>2</td>
<td>$120.00</td>
<td>$120.00</td>
</tr>
<tr>
<td>Incomplete</td>
<td>0</td>
<td>0</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Void</td>
<td>1</td>
<td>0</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>355</strong></td>
<td><strong>5,390</strong></td>
<td><strong>$26,950.00</strong></td>
<td><strong>$26,950.00</strong></td>
</tr>
</tbody>
</table>

CE Report FY2018
(July 1, 2017 – June 30, 2018)

<table>
<thead>
<tr>
<th>Status</th>
<th>Apps received</th>
<th>Class hours offered</th>
<th>Fee Due</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved</td>
<td>8</td>
<td>182</td>
<td>$910.00</td>
<td>$910.00</td>
</tr>
<tr>
<td>Approved with Exception</td>
<td>0</td>
<td>0</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Not Approved</td>
<td>0</td>
<td>0</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Pending</td>
<td>2</td>
<td>54.5</td>
<td>$272.50</td>
<td>$272.50</td>
</tr>
<tr>
<td>Cancelled</td>
<td>0</td>
<td>0</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Incomplete</td>
<td>0</td>
<td>0</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Void</td>
<td>0</td>
<td>0</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>10</strong></td>
<td><strong>236.5</strong></td>
<td><strong>$1,182.50</strong></td>
<td><strong>$1,182.50</strong></td>
</tr>
</tbody>
</table>

FOIA Report
A total of 48 Freedom of Information Act requests were received during FY2017 (July 1, 2016- June 30, 2017). No requests have been received since the Board’s last meeting on June 20, 2017.

2018 License Renewals
Reminder: 2018 License Renewal period will begin September 1st. The agency will mail out renewal forms at the end of August.

A motion to accept the Directors reports was made by Dr. Taylor. Motion seconded by Mr. McCoy. Motion passed unanimously.
OLD BUSINESS

Proposed legislative changes / rule changes regarding: Part IV, NBCE transcript, Corp. Certificates/registrations, Complaint procedures, Animal Chiropractic, Fill in/ vacation coverage, Temporary license rule, etc.

Again, proposed rules and or legislation were presented to the Board for consideration as it was tabled from the last meeting. Some items have already been approved by the Board where as others have not. Dr. Courtney motioned that the Board go ahead with a hearing on the NBCE transcript and JP Exam changes in order to approve those as a rule, and the remaining material the Board would address at the next meeting in order for Dr. Holt to have time to review. Mr. McCoy seconded the motion. After a brief discussion as to why not include the procurer rule change by Dr. Taylor, the Board’s counsel suggested it would be best to submit all changes at the same time as the rule process is long. Dr. Courtney and Mr. McCoy withdrew their motion and second. Dr. Heard then motioned to table this until the next meeting. Dr. Courtney seconded the motion. Motion passed.

Advertisement Acupuncture
Board was presented a letter at their last meeting from the Acupuncture Board stating the Board needed to send a letter to its licensees regarding not using the term “licensed” acupuncturist unless they were so licensed. The Board’s counsel was asked to do more research on the law and to review rules and regulations of both boards to see how to proceed in addressing this with the licensees. Board’s counsel discussed that there is an exemption in the acupuncture statutes that provides for an exemption for Chiropractors according to the ASBCE rules with regard to the practice of acupuncture, but not necessarily the term to be used by chiropractors. Dr. Taylor motioned that a power poll be conducted regarding the term used by other states. Motion seconded by Dr. Holt. Motion passed.

Response to advertisement on Letterhead- Dr. Masters
Dr. Blair Masters previously submitted a question to the Board on his letterhead where his letterhead stated the words “vasectomy” and “laceration repair” on his list of services. The Board questioned the services as only DC’s were listed on the letterhead. Dr. Masters’ response stated it was a typo and the doctor in question should have been listed as a DO. Dr. Masters’ has spoken to his printer and until the new letterheads are printed he will make the appropriate referral to that DO. Dr. Heard motioned that a letter be sent in response to this stating that Dr. Masters will still need to discontinue use of his current letterhead with Dr. Simpson listed as he is no longer with the practice nor is a DC, per Dr. Masters’ response, as well as the removal of “vasectomy” and “laceration repair” as it is not within the Arkansas Chiropractic scope of practice. Additionally, Dr. Masters will need to discontinue advertising, in any format, anything he is not licensed to practice upon the receipt of the letter from the Board. Dr. Taylor seconded the motion. Motion was amended by Dr. Heard to add that Dr. Masters will need to submit proof, by email or other format, that he has updated his letterhead to the satisfaction of the Board. Amendment seconded by Dr. Taylor. Motion passed

Powerpoll Re: Background cks
Item tabled as the powerpoll had not been received yet.

NEW BUSINESS

Election of Officers
Item moved to top of agenda. See minutes above.
Arkansas State Board of Chiropractic Examiners
Board Meeting/ Orientation
July 20, 2017

New Meeting Dates for FY18 (July 1, 2017 – June 30, 2018)

October 17, 2017 Tuesday
December 7, 2017 Thursday
January 9, 2018 Tuesday
April 5, 2018 Thursday
June 12, 2018 Tuesday
July 19, 2018 Thursday

FCLB District Meeting / Sept. 14-17, 2017
The annual FCLB District III and V meeting will be in Quebec City, Quebec, Canada in September. The meeting will be held at the Le Bonne Entente Hotel with a room rate of $179/night + taxes. Taxi to and from the hotel and airport is available. Meals and travel will be reimbursed according to State and or Federal guidelines. A motion was made by Dr. Taylor to send Mr. McCoy to the district meeting. Mr. McCoy agreed he’d like to attend. Dr. Courtney seconded the motion. Dr. Taylor amended his motion to include Dr. Heard as a backup in case Mr. McCoy cannot attend. Amendment seconded by Dr. Courtney. Motion passed.

Letter to Board Re: practice
Dr. Eddy petitioned the Board for direction as to whether or not it’s ok for him fill in at a clinic no longer owned by a Chiropractor and whether or not he’d be liable for Medicare audits if he were to see Medicare patients at that clinic. Dr. Courtney motioned that a letter be sent to Mrs. D. Traylor, with a 30 day deadline to respond, asking what corporation the business is registered under and another letter to Dr. Eddy that will need to inform him to seek legal counsel regarding his questions. If the response comes back that the business is under the Professional Corporation Act, the Board would need to call a teleconference to address the issue of a non-licensee owning the clinic. Motion seconded by Dr. Taylor. Motion passed.

CE approval request
Dr. Clary petitioned the Board to request that credit be given for the seminar he attended as it is identical to an already approved seminar except for being offered in a different location. He additionally requested that consideration be given in the future to seminar series of this type, i.e. those whose identical content is presented in multiple locations in a given year, for which ASBCE has approved the nearest seminar location. Dr. Taylor motioned to deny Dr. Clary’s request. Dr. Courtney seconded the motion. Motion passed.

Order for MRI or CT with contrast
Ms. Gierke inquired to the Board regarding the clarification from June Board minutes on a motion that was passed that included CT and MRI being within the AR Chiropractic scope of practice. Her question was, “does this include when those tests are ordered with contrast? Or is contrast considered a medicine and outside the scope of practice?” Dr. Taylor informed the Board that he was also contacted about a similar situation. He explained that a chiropractor could order the procedure as he/she would not be the one to perform the injection, the Radiologist would be the one who would prescribe the contrast in order for a licensed individual, who could administer the contrast, to execute the procedure. A motion was made by Dr. Courtney that the Board adopt Dr. Taylor’s explanation that was previously stated and also state that the Board does not give legal advice. Seconded by Dr. Holt. Motion passed.

INVESTIGATION REPORT

Complaint No. 667-11-03-16
Complainant alleged that she was uncomfortable during a chiropractic exam where she was asked to disrobe and wear a gown and only her underwear. She also was not comfortable with how she was
examined while wearing the gown. Investigative committee recommended a consent agreement for Rule C2(p)(2) for inappropriate procedures, including, but not limited to, disrobing or draping practices that reflect a lack of respect for the patient’s privacy. A motion was made by Dr. Courtney to dismiss the complaint for lack of violation and since there is no violation a consent agreement is not necessary. Motion seconded by Mr. McCoy. Motion passed.

Complaint No. 674-05-22-17
Complainant alleged that the chiropractor did not submit her insurance claims according to the agreement signed by the complainant. Complainant stated she was in a MVA and the chiropractor held her claims until her civil case was filed and submitted a claim for all fees to be paid out of her settlement. Complainant believes the chiropractor should have filed the claims to insurance per her signed agreement with the chiropractor. Investigative committee recommends that the Board dismiss for lack of violation of the Rules, Regulations and Statutes. A motion was made by Dr. Heard to dismiss the complaint for lack of violation. Motion seconded by Dr. Holt. Motion passed.

Complaint No. 664-08-31-16 (Was incorrectly presented at the June 20th meeting)
Complaint 664-10-19-16 & 644-08-31-16 were unintentionally combined on the June complaint report. The allegations, and complaint summary previously presented were for 644-08-31-16, which was not ready to be presented or dismissed. However, the recommendation to dismiss was for 664-10-19-16. Dr. Taylor motioned that complaint 644-08-31-16 be returned to pending. Motion seconded by Dr. Heard. Motion passed.

Complaint No. 664-10-19-16
Complainant alleged that his chiropractor was billing him for services that his insurance should have paid for as there has never been an issue in the past with his insurance. Complainant alleged that his chiropractor failed to tell him that she was no longer in network. Investigative committee recommends that the Board dismiss for lack of violation of the Rules, Regulations and Statutes. A motion was made by Dr. Courtney to dismiss the complaint. Motion seconded by Dr. Taylor. Motion passed.

Other Business before the Board
The ASBCE director asked the Board for direction as to how to handle the Licensee who did not attend the orientation today as he was a Transfer License holder and was required to attend today’s orientation to complete his requirements. Since he did not attend this orientation his transfer license is no longer valid. A motion was made by Dr. Courtney to extend the orientation requirement until January and that the applicant will have to apply for a unsupervised temporary license in order to practice prior to the attendance at the January orientation. His current license is no longer active due to not meeting the orientation requirement. Motion seconded by Dr. Holt. Motion passed.

ADJOURN
Dr. Heard moved to adjourn. Mr. McCoy seconded the motion. The motion passed unanimously. The Board adjourned at 12:27 p.m.

Board minutes approved: 10/17/2017

Arkansas State Board of Chiropractic Examiners
Board Meeting/ Orientation
July 20, 2017