CALL TO ORDER

The board meeting was called to order by Kent Moore, D.C., President, at 10:00 a.m.

ROLL CALL

Board Members present:
  Kent Moore, D.C.
  Dustin Heard, D.C.
  Sarah Hays, D.C.
  Michael Courtney, D.C.
  Harold Gunter
  Tanya Holt, D.C.
  Jack McCoy (arrived at 10:17 am)

Board Members absent:
  None

Guests Present:
  Laurie Mayhan, Executive Director
  Brad Nye, Assistant Attorney General
  Geraldan Bradford
  Chris Cathey, DC with counsel, Patrick James
  Jack Hopkins, Governor Liaison
HEARING
A disciplinary hearing was scheduled for today regarding complaint 684-11-27-17 for non-compliance of board communications. However, with the recent receipt of a response from the chiropractor, the complaint committee recommended the complaint be closed due to the respondent no longer practicing in Arkansas and no longer holds a valid license. The respondent also included a statement from his treating physician regarding his current state of health. Dr. Heard motioned to dismiss the complaint. Motion seconded by Mr. Gunter. Motion passed.

MINUTES
Dr. Heard motioned to accept the July 19, 2018 board minutes. Dr. Holt seconded the motion. Motion passed.
Dr. Hays motioned to accept the August 23, 2018 teleconference minutes. Dr. Courtney seconded the motion. Motion passed.

DIRECTOR’S REPORTS
Budget Report
An itemized cash flow statement for July 2018 – September 2018 was presented to the Board, along with the September service bureau expenditure report, revenue report, as well as the budget forms for FY20-21. The total amount expended, thus far, for fiscal year 2019 (July 01, 2018- June 30, 2017) is $33,891.37 with $154,000.13 remaining of the FY19 budget ($187,891.50). The total revenue received, thus far, for fiscal year 2019 is $28,359.71, which includes money receipted, transferred in, and interest on COI.

Additionally, the director informed the board that the biennial budget for FY20 & FY21 is set for review by the budget committee on October 16, 2018 and the FY17 Fiscal Audit will be presented to Legislative Joint Auditing Committee on October 11, 2018. Also, the Sunset Review has been completed and the agency rules will remain in force until the next Sunset Review, which has yet to be determined.

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<th>Class hours offered</th>
<th>Fee Due</th>
<th>Fee Paid</th>
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</table>

(1 approved w/exception: 1 hr. denied due to sponsor not able to provide CV of speaker after several requests)
FOIA Report
FY2019: A total of 4 Freedom of Information Act requests have been received from July 1, 2018 to October 8, 2018. 2 of those were received since the last Board meeting in July.

A motion to accept the Directors reports was made by Dr. Holt. Motion seconded by Dr. Heard. Motion passed.

OLD BUSINESS

Preceptor Legislation Draft
The final draft bill, with the board’s changes from their last meeting, regarding the preceptorship program was presented to the board. The board was also made aware at their last meeting that this draft would have to be submitted to the Governor’s office by September 14, 2018 and we should have a response no later than November 9th. No action requested on this item, just informational.

Proposed Chiro. Corp. Language
The Board’s proposed language for a Chiropractic Corporation Act was presented again. Board counsel explained that due to some complaints that have come through he agrees with the board that they may want to continue their pursuit of this language. Just in case the board would want to submit the language, the director received permission from the Board President in order to submit the language to the governor’s office prior to the September 14th deadline. Dr. Courtney motioned to accept the language. Dr. Holt seconded the motion. Motion passed.

Jurisprudence Exam Language needed
Topic to be added to the running list of proposed legislation and Rules

Renewals (frequency of)
Dr. Heard mentioned that renewals were discussed at the last FLCB conference and wondered if it would be better for Arkansas to renew every two years like Texas instead of renewing annually. It may save time and money. After a brief discussion, the Board decided to not to make changes to the renewal period.

NEW BUSINESS

Ear Lavage
Dr. Audirsch submitted correspondence to the Board requesting their opinion regarding performing ear lavage (CPT code 69209) by a Registered Nurse at his clinic. He also requests the Board’s opinion in the appropriateness of offering this procedure in a chiropractic environment. The Director forwarded Dr. Audirsch a letter in response quoting Ark. Code Ann. § 17-81-102(6) and referred him to also contact the Nursing and or Medical board. Dr. Courtney motioned that a letter be sent stating ear lavage is within the scope. Motioned seconded by Dr. Hays, adding that we may need to include that Dr. Audirsch be referred to the Nursing board regarding the Registered Nurse. Motion passed.

Dry Needling
Dr. Machycek inquired with the Board President about Dry Needling in order to get clarification where the Board stands on certifications for it. Dr. Machycek’s plea was that Dry Needling is a completely separate therapeutic procedure that treats entirely different conditions than acupuncture. He disagrees
with having to get certified in acupuncture since Dry Needling is a completely separate course. Dr. Courtney motioned to table for further review, then withdrew his motion. The Board chose to stand by their original motion from July of 2015 that only individuals certified in acupuncture may perform dry needling and that it is within Arkansas chiropractic scope of practice.

**FCLB Annual Conf. Recap- May 2018**
Several topics were presented at this year’s FCLB/NBCE Annual conference in May. Several topics that were discussed were Opioid Epidemic, Stroke in Chiropractic, Animal Chiropractic, DOT Physicals, Robert’s Rules of Order, NBCE Psychometric Practices, EBAS, and Ethics & Boundaries.

**Gov. Transformation Plan**
Recently, Governor Hutchinson announced his proposal for Government Transformation. The Board was given the link to the live feed of the announcement. An outline of his key points was provided to the Board. At this time the agency will not be drastically affected by the transformation plan if passed during the 2019 General Assembly. Reporting duties would change with this plan, but the Chiropractic Board, as well as other boards, will retain their authority and revenue sources. The proposed Transformation Plan shows that the Chiropractic Board will be lumped under the Department of Health with other health related agencies.

**Externship Application**
Brett Thackery has submitted a completed Externship application along with his supervisor’s application for John Unruh, DC. Mr. Thackery has graduated from Chiropractic College, however, he is in the process of retaking some portions of his NBCE exams. Dr. Courtney motioned to deny the application with a second by Mr. McCoy. After a brief discussion both Dr. Courtney and Mr. McCoy withdrew their motion and second in order to defer to counsel. Dr. Heard motioned to table this item. Motion seconded by Dr. Holt. Motion passed.

**Temporary License requests**
*Tyler R. Collins* has submitted an original license application along with a supervised temporary license request. He meets all requirements for licensure, except for graduating from Chiropractic College. He is set to graduate on 10/19/18. If approved his temporary license would not be issued until receipt of his final transcript and copy of his diploma. Dr. Courtney motioned to approve the applicant for a temporary supervised license. Dr. Holt seconded the motion. Motion passed.

*Matthew P English* has submitted a completed original license application along with a supervised temporary license request. He meets all requirements for licensure. The supervisor will be Bryan Moore, DC. Dr. Courtney motioned to approve the applicant for a supervised temporary license. Mr. McCoy seconded the motion. Motion passed.

*Gina C Fowler* has submitted an original license application along with an unsupervised temporary license request. She meets all requirements for licensure. Dr. Moore motioned to approve the applicant for an unsupervised temporary license. Dr. Heard seconded the motion. Brief discussion regarding the applicants proposed practice. All those in favor were Dr. Moore, Dr. Heard, Dr. Holt, and Dr. Hays. Those opposed were Mr. McCoy and Mr. Gunter. Dr. Courtney abstained. Motion passed.

*Kelsie A Myers* has submitted a completed original license application along with a supervised temporary license request. She meets all requirements for licensure. The supervisor will be Bryan Moore, DC. Dr. Courtney motioned to approve the applicant for a supervised temporary license. Dr. Heard seconded the motion. Motion passed.
Christopher Cathey, DC
Dr. Cathey, through his attorney, submitted a request on 10/1/18 to be added to the October 9th agenda in order to discuss the recent FOIA lawsuit decision. Dr. Cathey’s attorney, Patrick James, provided packets, to the board members and the board’s counsel, of excerpts from Ms. Mayhan’s deposition along with some additional materials from the lawsuit. The court order was also provided within the packets. The board President allowed Mr. James to present his client’s case against the executive director for approximately 25 minutes. After the presentation, the board had a short discussion. Dr. Courtney motioned to go into executive session to discuss and/or determine the demotion or disciplining of the Executive Director. Motion seconded by Mr. Gunter. Dr. Heard asked that the board not go into executive session as they did not get all the information regarding the FOIA lawsuit. Only parts of the deposition were given and they did not even have a copy of the court transcript. After further discussion by the board, Dr. Courtney withdrew his motion. The board requested a full copy of Ms. Mayhan’s deposition and a copy of the court transcript. This item was then tabled until the December 4, 2018 meeting.

Investigative Committee Report

Complaint Recommendations
Complaints dismissed for lack of evidence to prove violation:
688-03-14-18, 689-03-14-18

Complaints dismissed for lack of violation:
687-03-05-18, 692-04-26-18, 693-04-26-18, 694-06-12-18, 694a-06-12-18, 697-07-02-18

Complaints closed with letter of caution:
670-03-02-17, 698-07-03-18

Complaints closed, other:
684-11-27-17 (hearing cancelled for 10/9/18, see hearing agenda item above)

All other complaints are pending or under further investigation/review.

Mr. McCoy motioned to accept the recommendations of the investigative committee. Motioned seconded by Dr. Heard. Motion passed.

ADJOURN

Dr. Courtney moved to adjourn. Dr. Holt seconded the motion. Motion passed.
The Board adjourned at 12:21 p.m.

Board minutes approved: 12-04-18