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.
  Michael Courtney, D.C.
  Jack McCoy
  Harold Gunter
  Tanya Holt, D.C.
  Sarah Hays, D.C.

Staff present:
  Laurie Mayhan, Executive Director
  Brad Nye, Assistant Attorney General

Guests present:
  Chris Cathey, DC
  Becky Crenshaw
  Rachel Hoard
MINUTES

Dr. Courtney requested to discuss page 4 of the April 9, 2019 minutes regarding other business before the board. Dr. Moore agreed to the discussion. After further reflection, Dr. Courtney felt that the continuing education course 7401, Clinical Management of the Fitness Athlete by I.C.E., should not be approved because it is not physician level. According to the board rules and statutes, courses have to be taught at the physician level and since physical therapists are not considered physicians under Arkansas Law, the board should not approve the course for continuing education. Dr. Courtney motioned that upon further review the course be denied per Rule II, section 3(b) and (d)(5) as it is not physician level. Mr. McCoy seconded the motion. Motion passed. Dr. Heard motioned to accept the April 9, 2019 minutes. Dr. Holt seconded the motion. Motion passed.

Dr. Heard motioned to accept the April 10, 2019 teleconference minutes. Dr. Courtney seconded the motion. Motion passed.

DIRECTOR’S REPORTS

Budget Report
An itemized cash flow statement for July 2018 – May 2019 was presented to the Board. The total amount expended, thus far, for fiscal year 2019 (July 01, 2018- June 30, 2019) is **$123,850.49** with **$63,928.51** remaining of the FY19 budget ($187,779.00). The total revenue received, thus far, for fiscal year 2019 is **$200,850.53**, which includes money receipted, transferred in, and interest on COI.

<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>411</td>
<td>5,516.10</td>
<td>$27,580.50</td>
<td>$27,580.50</td>
</tr>
<tr>
<td>Approved with Exception</td>
<td>3</td>
<td>64</td>
<td>$320.00</td>
<td>$320.00</td>
</tr>
<tr>
<td>Not Approved</td>
<td>1</td>
<td>25</td>
<td>$125.00</td>
<td>$125.00</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>3</td>
<td>40</td>
<td>$200.00</td>
<td>$200.00</td>
</tr>
<tr>
<td>Incomplete</td>
<td>0</td>
<td>0</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Total:</td>
<td><strong>418</strong></td>
<td><strong>5,645.10</strong></td>
<td><strong>$28,225.50</strong></td>
<td><strong>$28,225.50</strong></td>
</tr>
</tbody>
</table>

3 approved w/exception: 1 hr. denied due to sponsor not able to provide CV of speaker after several requests
10hrs of TX law/rules not approved for AR. Bd approved I.C.E. course only for max of 12 hrs per Rule II E3(d)(1).
1 Not approved: Dry Needling course not approved for CE by board on 3/8/19 teleconference
2 cancelled: 2 courses cancelled by sponsors

FOIA Report
FY2019: A total of 20 Freedom of Information Act requests have been received from July 1, 2018 to June 7, 2019. 3 of those were received since the last Board meeting in April.

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

Running List of Proposed Rules
The running list of proposed rules was present again for further consideration and finalization prior to starting the promulgation of those rules. Tabled and moved to next item.

Mayhan Performance Improvement Plan completed
Dr. Moore updated the board on the status of the Directors performance improvement plan that was issued on January 15, 2019. Dr. Moore met with the director each month according to the plan. The meetings were by phone and/or in person and were documented and signed by both the director and president. The director will be attending a mandatory directors training in August, which is given by the Attorney Generals office. The director will be required to continue with the changes requested of her in January. Dr. Heard motioned that the director’s probationary period be over. Motion seconded by Dr. Holt. Motion passed.

NEW BUSINESS

Markup of Proposed Rules & Legislative changes
The board was provided with a markup of all legislative changes that were made during the recent general session. Those legislative changes are already in law and will be updated in the board’s Law and Rules booklet as soon as possible. No action is needed by the board for those changes. Also, in the markup are current drafted corrections required within the Rules section according to several laws that passed. Those corrections the board will need to vote on. This booklet is simply a markup for the board to review and consider the changes in the rules section.

Dr. Moore turned to the board’s counsel regarding how the board needs to go about working on all these changes. Mr. Nye, counsel, discussed several laws that will affect many agencies, however, his office is working on model rules for those laws that the board could potentially use for promulgation. Any practice specific laws he will have to defer to the board for their subject matter expertise. Due to the transformation act adding an additional layer to the reporting process, all rules will now have to go through an additional step before going to the Governor’s office for approval. That may add an additional 30 days to what is already roughly a 6-month process. Also, due to the governor’s office being short staffed regarding rules review, that may add an additional 30 days or more to the process.

Dr. Moore suggested to skip this item for now and come back to it and the running list of proposed rules after all other business has been discussed, if time allows.

Arizona Corporation Rule
Dr. Moore presented a copy of the corporation rule from Arizona as an alternate idea for what the board could do to better regulate chiropractic corporations in Arkansas with regard to making owners and/or employees accountable for any violations. Dr. Heard gave a brief synopsis of Arizona’s corporation rule and what Arizona did to better regulate their corporations. Dr. Courtney asked that the board delegate this to the board’s counsel for further review. No action taken by the board on this item.

License Reactivation request
Dr. Justin C. Collier submitted a license reactivation request in order to practice in Arkansas again. He has submitted all hours required, along with his late fees and renewal fees for the past two years. License verifications have been received and there are no reports in CIN-BAD. Dr. Holt motion to accept the request. Dr. Courtney seconded the motion. Motion passed.
Externship/Preceptor Application requests
Jeremy Johnson submitted an externship application due to not having all his national board exams completed. Dr. Benjamin Ozanne submitted a preceptor/supervisor application as well. All application fees have been paid and the applicants chiropractic transcript is on file proving he has graduated chiropractic college. Dr. Heard moved to accept the externship/preceptor applications. Motion seconded by Dr. Holt. Motion passed with and Dr. Courtney and Dr. Hays abstained.
Dr. Courtney mentioned that these application forms may need to be updated and the director offered to forward him a copy for any corrections he thinks are needed.

FCLB/NBCE Annual Conference Highlights
Dr. Heard briefly discussed some of the topics that were presented and/or discussed at this year’s national conference. Some of those topics were:
- Corporation rules
- Advertising regulations - social media
- The Opioid Epidemic
- CBD regulations
- Ethics
- Licensure Exams and Services of the NBCE
- Stem Cell Therapy and Chiropractic Regulation

Federal: Sports Medicine License Clarity Act of 2018
This item was also discussed at this year’s national conference. However, this federal Act may affect our current travel to treat language. The board’s language cannot conflict with this Act. Deferred to board counsel and board to review this Act and make sure if changes are needed.

FCLB Pace Program (Pace Pre-Check)
The director explained what the Pace program is and how it could possibly help our agency in processing CE applications, in that, those particular applications would have additional considerations as they have been vetted through FCLB’s staff for content and credentials. After a short discussion as to how this additional step would work into our current application process the board agreed that this pre-check could be used. A motion was made by Dr. Courtney that the Arkansas State Board of Chiropractic Examiners may utilize the FCLB Providers of Approved Chiropractic Education (PACE) Pre-Check Program to help the Board identify appropriate and acceptable continuing education courses and programs for chiropractic license renewal in this state, so long as the continuing education provider still makes application with required fees to the ASBCE. Dr. Holt seconded the motion. Board gave a directive to the director to add a line to the ASBCE CE application form asking if the course is PACE approved. Motion passed.

Daith Ear Piercing
Mr. Majors, director of the Body Art Department at the Arkansas State Health Department, contacted our agency to inquire about daith ear piercing and if it was within the scope of practice for chiropractic acupuncture. Mr. Majors’ agency was contacted by a chiropractor with regard to the procedure, and thought the ASBCE may want to adopt a policy regarding the procedure and if it is or is not within the scope for Arkansas chiropractors. After a short discussion, the board gave a directive to reach out to the acupuncture board regarding this procedure to see if they have a policy or stance about it. The board also requested a powerpoll be run through FCLB. Item tabled for further discussion in July.

Status Change CE requirements
Dr. Barry Wilson submitted correspondence regarding changing his status from Active-Out of State to Instate Active. However, there is some confusion on the agencies part as to whether or not he should submit 24 hours of preapproved CE along with his status change request. After a short discussion, Dr. Courtney
motioned that Dr. Wilson’s license be changed to Active once he submits his status change request and pays the require fee, no additional CE required. Motion seconded by Dr. Heard. Motion passed.

Credentials Review
Nicholas J. Boris submitted an original application with letters from both NBCE and Cleveland University. Mr. Boris’ application would be complete pending graduate however he had issues with taking Part II of national boards due to his computer freezing and the school not allowing him to retake the exam the same day. The school and NBCE submitted letters to the Board with regard to this incident in hopes it would not delay Mr. Boris’ application due to not having the Part II score on hand at the time of June review. Board discussed deadlines, what is required at time of review, and considered letters. Dr. Heard motioned to approve the application pending the graduation, passage of Parts II & IV, receipt of final chiropractic transcripts and copy of diploma, and allowance to attend orientation. Motion seconded by Dr. Courtney, for purposes of discussion. Board discussed that approving this would be setting a new precedence. He could possibly apply for temporary license after he graduates. After discussion was completed, Dr. Courtney withdrew his second. Chair called for a second. Motion failed for lack of second. Dr. Courtney motioned that the application be denied because it’s incomplete. Motion seconded by Mr. Gunter. Mr. McCoy voted aye. Dr. Holt, Dr. Hays, and Dr. Heard abstained. Motion passed.

Sarah D. Bright submitted a, complete, original license application. Dr. Heard motioned to accept the application. Motion seconded by Dr. Courtney. Motion passed.

Jason D. Inman submitted a, complete, original license application. Dr. Heard motioned to accept the application. Motion seconded by Dr. Holt. Motion passed.

Colby A. Lovelace submitted a, complete, original license application. Dr. Heard motioned to accept the application. Motion seconded by Dr. Hays. Motion passed.

William R. McCauley submitted a, complete, original license application. Applicant was originally licensed in AR from July 22, 2010 to December 31, 2015, but failed to renew and let license expire and be forfeited. Dr. Courtney motioned to approve the application. Motion seconded by Dr. Holt. Motion passed.

Kaitlin L. Parker submitted a, complete, original license application along with a request for an unsupervised temporary license. She is currently an extern under Dr. Michael Butler. Dr. Holt motioned to accept the application and unsupervised temporary license request and attendance at the July orientation. Motion seconded by Dr. Hays. Motion passed.

Brett J. Thackery submitted a, complete, original license application. He is currently an extern under Dr. John Unruh. Dr. Courtney motioned to accept the application. Motion seconded by Mr. Gunter. Motion passed.
Complaint Committee Report

Complaint Report
Dismiss, lack of complaint cooperation and evidence to prove violation
672-05-11-17, 707-12-17-18, 708-12-28-18, 709-01-24-19, 710-01-24-19, 714-03-18-19, 715-03-18-19

Dismiss, letter of caution (revised letter of caution will be sent reiterating the laws and rules regarding procurers)
675-06-19-17, 678-07-07-17, 679-07-07-17, 680-07-07-17

Dismiss, lack of violation
702-10-12-18, 705-12-03-18, 711-02-04-19, 712-02-12-19, 713-03-01-19

Dismiss, lack of evidence to prove violation
716-03-21-19

Dismiss, lack of violation, forward to Medical and Nursing board
717-04-02-19, 718-05-02-19

The remaining 9 complaints are pending or under further investigation/review.

Dr. Heard motioned to accept the complaint committee’s recommendation report whereas the board will dismiss items 1-6 and 8-20. Motioned seconded by Mr. McCoy. Motion passed.

New Business Continued

Running list of proposed rules
Board continued their discussion regarding the list of proposed rules.
- The Board agreed that the changes on the list that are in blue, and that have already been voted on, need to be added to the working draft of rule changes.
- Dr. Holt motioned that the animal chiropractic rule, as written, be added to the working draft. Motion seconded by Dr. Courtney. Motion passed.
- Dr. Hays motioned that the black wording under the procurer rule, “All registered phone numbers and their picture will be made public on the board website to be as transparent as possible” be added. Dr. Holt seconded the motion. Motion passed.
- Dr. Heard motioned to repeal any practical examination wording from the rules except for the jurisprudence examination. Motioned seconded by Dr. Courtney. Motion passed.
- With regard to the preceptorship draft rules and after discussion, Dr. Courtney motioned that the board eliminate (d)(4) on page 18 of the board booklet. Motion seconded by Dr. Holt. Motion passed.
- Dr. Heard motioned that the board will evaluate the preceptorship programs annually, and the students that apply, the director may approve them if they meet all requirements and there are no extenuating circumstances, otherwise they will need to be presented to the board. Motion seconded by Dr. Holt. Motion passed.
- Regarding the preceptorship draft rule on page 18 of the board booklet, Dr. Holt motioned to remove the words “or complaints” from (d)(6). Motion seconded by Dr. Courtney. Motion passed.
Other business before the board
The director asked the board if they wouldn’t mind Dr. Holt attending the NCIT basic program through the CLEAR Institute. Training is given several times a year. This course is designed for investigators and inspectors working within regulatory organizations. It goes over principles of administrative law and regulatory process along with giving the student tools to investigate in a safe and professional manner. Dr. Courtney motioned to send the sitting investigative officer to the Clear Institute. Motion seconded by Dr. Hays. Motion passed.

ADJOURN

Dr. Courtney motioned to adjourn. Seconded by Dr. Holt. The Board adjourned at 12:26 p.m.

Board minutes approved: July 16, 2019