

**Arkansas State Board of Chiropractic Examiners
Board Meeting
Thursday, January 19, 2023**

CALL TO ORDER

The board meeting was called to order by Tanya Holt, D.C., President, at 9:06 a.m.

ROLL CALL

Board Members present:

Michael Courtney, D.C.
Harold Gunter
Sarah Hays, D.C.
Joseph Long, D.C. (arrived at 9:20 a.m.)
Gregory Ungerank, D.C.
Tanya Holt, D.C.
Jack McCoy

Staff present:

Laurie Mayhan, Executive Director
Sara Farris, Assistant Attorney General

Guests present:

Bonnie Garner
Dr. Chris Cathey
Kevin O'Dwyer
Jerry White
Brady DeClerk
Becky Crenshaw

NEW LICENSEE ORIENTATION

Dr. Chris Cathey spoke on behalf of the Arkansas Chiropractic Society and Mrs. Bonnie Hicks Garner spoke on behalf of the Arkansas Chiropractic Physicians Association. Each board member introduced themselves and gave some words of encouragement to the new licensees. The director presented orientation materials to all the new licensees.

Congratulations to the following applicants who received their license this day with their attendance at today's orientation.

License #	First Name	MI	Last Name
16382	Ralph		Burton
16379	Justin	K	Cole
16377	Logan	R	Collins
16384	Carlee	E	Garrett
16367	Daniel	J	Jacobazzi
16375	Emily	M	McNally
16383	James	L	Pike
16378	Nathan	D	Richards
16385	John	R	Toenjes, III
16376	Chuck	A	Turkowski

The following licensees attended the October orientation prior to graduation in December. Licenses were issued upon receipt of their Chiropractic transcript and copy of diploma.

License #	Issue Date	First Name	MI	Last Name
16380	01/03/2023	Trystan	L	Oakley
16381	01/03/2023	Jaelyn	N	Crowder

Board recessed at 10:07 am and resumed at 10:25 am.

MINUTES

Dr. Ungerank motioned to accept the minutes from both the October 20, 2022, meeting and the December 6, 2022, Teleconference meeting with a second by Dr. Courtney. Motion passed.

DIRECTOR'S REPORTS

Budget Report

An itemized cash flow statement for FY2023 (July 1, 2022 – December 31, 2022) was presented to the Board along with accounting reports through December. The allotted budget for FY23 is **\$189,987.00**. Total amount expended thus far for FY2023 is **\$79,518.19**. Total revenue received thus far for FY23 is **\$163,964.93**, which includes monies receipted, interest distribution, and rebates or transfers received. A list of all agency expenditures for October – December was also provided.

(July 1, 2022– June 30, 2023) FY2023

CE Status	# of Applications	# of Hours	Fee Due	Fee Paid
Approved	416	3,526.25	\$ 17,631.25	\$ 17,631.25
Approved w/exception	0	0	\$ 0.00	\$ 0.00
Not Approved	2	14	\$ 70.00	\$ 70.00
Pending	1	12	\$ 60.00	\$ 60.00
Cancelled	0	0	\$ 0.00	\$ 0.00
Incomplete	7	0	\$ 0.00	\$ 0.00
Void	12	0	\$ 0.00	\$ 0.00
Total:	438	3,672.25	\$ 17,761.25	\$ 17,761.25

2023 License Renewal

724 renewals were mailed out August 31st.

9 new licenses issued since September 1st.

Overall licenses to renew are **733**.

696 have renewed as of January 13, 2022

37 renewals still outstanding

Status	Last Name	First Name	Middle	NOTES
Lapsed	Acevedo	Humberto		1/5/23: moved out of state and not renewing
Lapsed	Ariciu	Gabriel	James	1/5/23: moved out of state and not renewing
Lapsed	Barger	Tony	J	12/11/22: stated not renewing for 2023
Lapsed	Beagley	Justin	Wade	1/5/23: no working # and not employed at last known address
Lapsed	Butler	Blake	Alan	1/5/23: stated not renewing as he won't be moving back to AR, at this time.
Lapsed	Carlyle	Thomas	E	1/5/23: no answer and VM not set up
Lapsed	Cheshier	Richard	S.	1/5/23: left VM on cell
Lapsed	Cook	Kazunori		1/5/23: left VM on cell, called wk and no longer works there- potentially moved out of state
Lapsed	Culpepper	Christopher	T	1/4/23: stated will be renewing late due to health
Suspended	D'Onofrio	John		
Lapsed	Des Marais	Robert	L	1/5/23: # busy 1/5/23: DC called stated mailing late renewal.
Lapsed	Dietrich	Joseph	D.	12/27/22: stated not renewing
Lapsed	Fisher	William	E	1/5/23: no answer and VM not set up/ 1/9/23: DC called back sending CE hrs and late fee.
Lapsed	Goldberg	Jacob	Evan	1/5/23: left VM on cell, called last known employment and they stated he moved to FL.
Lapsed	Hill	Chez	Khalid	1/5/23: left VM
Lapsed	Hsieh	I-Ching		1/13/23: call attempted could not get Dr. Hsieh on phone
Lapsed	Johnson	Terry	G	1/13/23: numbers not in service
Lapsed	Kahn	Shaun	J	1/13/23: wk# left v-mail, cell#, DC called back and is practicing in FL, potentially not planning on renewing AR lic.
Lapsed	Koenen	Jeane		01/19/23 cell#, left v-mail, no wk #
Lapsed	Lovelace	Colby	Austin	Awaiting Status Change
Lapsed	Meeker-Pregon	Mary		Awaiting Status Change
Lapsed	Melnar	Randall	K	Awaiting Status Change
Lapsed	Merrick	Lyndin	F	01/19/23: called cell#, "unavailable" msg, wk# not in service
Lapsed	Oxford	Tanner	Samuel	01/19/23: spoke w Dr. Oxford, moved from AR and is not renewing
Lapsed	Poma	Gregory	Frank	01/19/23: Left v-mail on cell#, no wk#
Lapsed	Rine	Sherrie	Y	01/19/23: Left v-mail on cell#, wk# same as cell
Lapsed	Scott	Billy	D	1/5/23: stated he will not be renewing his license
Lapsed	Sevcik	Francis	A	01/19/23: called cell#, v-mail full. wk# disconnected
Lapsed	Stobaugh	Kristin	Kay	Lic called to state that she did not get her hours and will be renewing late

Lapsed	Thebeau	Paul	Wesley	01/19/23: licensee passed away in Nov.
Lapsed	Travis	Jordan	Daniel	12/31/22: email from DC stating envelope was returned but has made attempts to resend.
Lapsed	Tucker	Michael	C	1/9/23: DC called and stated not renewing
Lapsed	Vertino	Anthony	M	Retired, selling practice/equipment
Lapsed	Weum	Rick	D	01/19/23: Stated he will not be renewing his license
Lapsed	Wilson	Barry	S	01/19/23: called cell#, v-mail full. no wk#
Lapsed	Wolfe	Richard	D.	8/9/22: retiring and not renewing
Lapsed	Wuthnow	Nicholas	Andrew	01/19/23: Moved to MO and not renewing

FOIA Report

FY2022

A total of 5 Freedom of Information Act requests have been received from October 12, 2022 – January 13, 2023. A report of those requests was provided to the board.

Dr. Courtney motioned to accept the director’s reports. Motion seconded by Mr. Hal Gunter. Motion passed.

OLD BUSINESS

Thentia Database Update

The Director gave an update to the status of the new database. We are still working to finalize phase one to go live by January 31st. This covers the license application portal, public registry (A.K.A. license lookup/license verification), and online complaint portal. Along with that, the payment processor will be tested with the application portal as well as the workbench for the administrative side.

Telehealth/Telemedicine - Chiropractic

A discussion was previously held by the Board at the October 20, 2022, meeting regarding telehealth/telemedicine for chiropractic. The Board previously requested a powerpoll to see what other state chiropractic boards are doing regarding this. Powerpolls from FCLB were provided to the Board for further review to develop a statement as to what they deem is the standard of care in chiropractic in Arkansas. Dr. Courtney previously motioned that the Board establish a rule governing telemedicine/telehealth for chiropractic in addition that the Board establish what the standard of care will be for telemedicine for chiropractic. A directive was given to Mrs. Mayhan to see if the FCLB had model language. Counsel (then Joe West, Assistant Attorney General) stated that he could forward language from another board that could also be used but would need to be modified to the ASBCE Board. The director was also asked to email that language to the Board for further review. Director Mayhan provided information from FCLB about telehealth/telemedicine in October. Director Mayhan reached out to FCLB board member to see if they had any guidance or direction on this. Joe West also provided Director Mayhan with model language from another state agency on this topic. Director Mayhan will provide this to Board members in the coming days. Director Mayhan suggested this be tabled for now.

Application Requirements – Orientation

The Board previously discussed this item at the October 20, 2022, meeting. In recent meetings regarding orientation requirements or lack thereof, the Director obtained powerpolls from FCLB regarding whether other states require a new licensee orientation. From those, most do not or provide alternative methods. An email was sent out to both state associations asking if they could provide an orientation to their new members or participate in helping the Board put one on. The Board discussed putting on a 1-3 hour(s) orientation covering CE/multiple topics for new licensees. Dr. Courtney previously suggested that the

Board could outline a curriculum depending on what each association is going to teach, then divide the rest up amongst the Board members and Director. Dr. Holt had also previously suggested for the members to come up with topics and for the Director to confirm conference room availability and CE inclusion. This item was tabled for further review at the October 20, 2022, meeting. Director Mayhan suggested doing orientation in the current meeting room where Board meetings are held instead of changing the location. Dr. Hays suggested that, since she is the Secretary, she would like to meet with Dr. Chris Cathey and Bonnie Hicks-Garner about orientation, so this is in order before the April 20, 2023, meeting. Dr. Hays will attempt to get a more formal plan together. Items tabled.

FCLB & NBCE Annual Conference

Annual Conference will be April 26 – April 30, 2022, in West Palm Beach, FL. The event will be at the Hilton West Palm Beach, room rate \$243/night plus taxes.

Dr. Ungerank stated he would be able to attend the conference. Dr. Holt explained that her final answer regarding her ability to attend would have to come later in the week. Dr. Courtney motioned that Dr. Ungerank and/or Dr. Holt should attend the FCLB & NBCE Annual Conference. Dr. Long seconded. Motion passed.

A newsletter from the FCLB District V director was provided to the board regarding the 2022 District Meeting.

NEW BUSINESS

Life West Preceptorship Program

Life Chiropractic College West submitted their Preceptorship Program for approval by the Board. The official Preceptor Program packet was included in the meeting packets and was sent to the Board prior to the meeting. The packet contains a complete description of the program with eligibility requirements, along with applications for both the student and the chiropractor. Life Chiropractic College West also provided a summary of graduation requirements, preceptorship eligibility requirements, and what requirements may be completed during preceptorship. Dr. Ungerank stated that this program models that of Life University's Preceptorship Program. Dr. Ungerank noted that the Board has always accepted their Preceptorship Program(s), so the Board should accept that of Life Chiropractic College West. Dr. Ungerank made a motion to accept the Life Chiropractic College West Preceptorship Program. Dr. Hays seconded. Motion passed.

Vote to Pay Stipends

Director Mayhan noted that there is not a page in the meeting packet for this item, but it needs to be voted on. Dr. Courtney motioned at pay member stipends. Dr. Ungerank seconded the motion. Stipends are in the amount of \$100.00 as usual. Motion passed unanimously.

Status Change Requests

Director Mayhan asked for clarity regarding the following: Can the Director and Administrative Analyst process status change and/or late renewal reactivation requests without putting them before the Board? This has been something that has been previously discussed in meetings. However, Director Mayhan would like a final decision from the Board to be on record so that future status change and late renewal reactivation requests can be handled in a timely manner. Director Mayhan stated that, going forward, it would be easier for staff and licensees if Board staff can approve these requests so long as there are no outstanding issues with the licensee's request. Recommendation is that the Board allow Director to renew status changes and reactivation requests if they are submitted before the renewal deadline or within the sixty (60) day period after the renewal deadline. If a request comes in after the sixty (60) day period, it must go before the Board.

Additionally, if there are any issues with their application/request or if they have disciplinary action, their request must go before the Board regardless of when it is submitted. Dr. Courtney motioned to accept the recommendation with the stipulations explained. Motion seconded by Dr. Long. Motion passed.

William Fisher – His status change request was voted on in the October 20, 2022, meeting. However, he has still not provided Director Mayhan with proof of approved continuing education taken in 2022 to renew his license for 2023. Mr. Fisher’s request is late renewal and a status change to active in-state. Director Mayhan requested to be allowed to process Mr. Fisher’s renewal once the Board office is in receipt of his proof of continuing education. The fees for Mr. Fisher’s request will not be waived. Dr. Long motioned to accept Mr. Fisher’s status change request pending receipt of his continuing education and fees. Dr. Ungerank seconded. Motion passed.

Colby Lovelace –Dr. Courtney motioned to approve Mr. Lovelace’s status change. Mr. McCoy seconded the motion. Motion passed.

Mary Meeker-Pregon – Dr. Courtney motioned to approve Mrs. Meeker-Pregon’s status change request. Mr. Gunter seconded. Motion passed.

Randall Melnar – Dr. Courtney motioned to approve Mr. Melnar’s status change request. Dr. Long seconded. Motion passed.

Temporary (Supervised) License Request

Jimmy White submitted a temporary (supervised) license request. His supervisor will be Dr. Scott Clark. Dr. Long motioned to approve Mr. White’s request. Dr. Ungerank seconded. Motion passed.

Cash Fund Reduction Plan

Director Mayhan provided the Board with an updated chart with a plan to reduce the Board’s cash fund. Director Mayhan suggested several changes that the Board could make in order to reduce the Board’s cash fund including the following: start traveling to district and annual conferences again as travel has not happened in the last 2-3 years; hold more Board meetings each year, which would reduce fund due to stipend payments; support a student or students, but that would involve legislation down the road; reduce or eliminate the fees referenced in the chart. Dr. Courtney suggested that Director Mayhan calculate how different cuts would impact revenue and the cash fund. Board gave Director Mayhan a directive to look at the difference between the active renewal fee being \$175.00 and \$225.00. Board wants Director to show where the funds will end up if either of those changes were to be made. Report back to the Board should be made at the April 20, 2023, meeting. Item tabled for April 20, 2023, meeting.

District III & V Notes

This is informational for the Board. The FCLB district director sent a recap of the recent district meeting.

NBCE Testing Dates

This is informational for the Board. NBCE provided Director Mayhan a list of testing and committee dates.

Investigative Committee Report

The complaint committee presented several recommendations.

Complaint No. 748-10-29-20 – Recommendation that this complaint be dismissed upon acceptance of consent agreement in lieu of today’s hearing. Dr. Long motioned to accept. Dr. Courtney seconded the motion. Dr. Hays did not vote. Motion passed.

Complaint No. 753-01-11-21 – The committee recommends that this complaint be dismissed. Dr. Courtney motioned to accept the recommendation. Dr. Long seconded. Motion passed.

Complaint No. 762-01-18-22 – The committee recommends that this complaint be dismissed with a letter of warning. Dr. Long motioned to accept the recommendation. Dr. Courtney seconded. Motion passed.

Complaint No. 762a-01-18-22 – The committee recommends that this complaint be dismissed with a letter of warning. Dr. Courtney motioned to accept the recommendation. Mr. McCoy seconded. Motion passed.

Complaint No. 763-01-25-22 – The committee recommends that this complaint be dismissed. Dr. Courtney motioned to accept the recommendation. Dr. Long seconded. Motion passed.

Complaint No. 768-04-20-22 – The committee recommends that this complaint be dismissed on the respondent (owner). Dr. Long motioned to accept the recommendation. Mr. Gunter seconded. Motion passed.

Complaint No. 770-05-17-22 – The committee recommends that this complaint be dismissed against this respondent, and a new one, 770a, be issued on the, now known, practicing chiropractor at that location during the time of this contact. Dr. Courtney motioned to accept the recommendation. Mr. McCoy seconded. Motion passed.

Complaint No. 771-06-27-22 – The committee recommends that this complaint be dismissed for lack of evidence, but a warning letter should be sent to the procurer. Dr. Holt stated that this may be something the Attorney General's office should take on instead of the Board. Dr. Courtney motioned to accept the committee's recommendation. Mr. McCoy seconded. Motion passed. One opposed.

Complaint No. 772-07-01-22 – The committee recommends that the complaint be dismissed if the applicant applies and is approved for licensure. Dr. Courtney motioned to accept the recommendation. Dr. Long seconded. Motion passed.

Complaint No. 774-12-15-22 – The committee recommends that the complaint be dismissed for lack of violation of ASBCE laws and rules. Dr. Long motioned to accept the recommendation. Mr. McCoy seconded the motion. Motion passed.

ADJOURN

Mr. McCoy moved to adjourn. Seconded by Dr. Ungerank. The Board adjourned at 11:25 a.m.

Board minutes approved: April 20, 2023