

**Arkansas State Board of Chiropractic Examiners  
Board Meeting  
Thursday, April 14, 2022**

**CALL TO ORDER**

The board meeting was called to order by Tanya Holt, D.C., President, at 9:15 a.m.

**ROLL CALL**

Board Members present:

Michael Courtney, D.C.  
Harold Gunter  
Sarah Hays, D.C.  
Joseph Long, D.C.  
Gregory Ungerank, D.C.  
Tanya Holt, D.C.  
Jack McCoy

Staff present:

Laurie Mayhan, Executive Director  
Joe West, Assistant Attorney General

Guests present:

Chris Cathey, DC  
Bonnie Hicks  
Becky Crenshaw  
Aimee Acevedo

## NEW LICENSEE ORIENTATION

The board's director called roll of all new licensee orientation attendees. Each board member introduced themselves and gave some words of encouragement to the new licensees. Mrs. Bonnie Hicks spoke on behalf of the Arkansas Chiropractic Physicians Association and Dr. Chris Cathey spoke on behalf of the Arkansas Chiropractic Society. 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
16326	Gunnar	L	<b>James</b>
16327	Cecil	P	<b>Smith</b>
16328	Cameron	M	<b>Daniels</b>
16329	Paige	E	<b>Parker</b>
16330	William	R	<b>Clark</b>
16331	Blake	W	<b>Dugger</b>
16332	Humberto		<b>Acevedo</b>
16333	John	T	<b>Harrington</b>
16334	Ryan	H	<b>Helms</b>
16335	Michiru	D	<b>Forbess</b>
16336	James	D	<b>Sheen</b>
16337	Gregory	F	<b>Poma</b>

The following applicants met the requirement to attend today's orientation with the exception of their pending graduation from chiropractic college. They will receive their license upon graduation and the submission of their final chiropractic transcript and copy of their diploma.

License #	First Name	MI	Last Name
TBD	Danielle	F	<b>Craig</b>
TBD	Payton	R	<b>Hulse</b>
TBD	Jolee	K	<b>Higginbotham</b>
TBD	Regan	M	<b>Daniel</b>
TBD	Nathan	B	<b>Bubak</b>
TBD	Jbess		<b>Ruby</b>

**Board recessed at 10:20 am and resumed at 10:32 am.**

## MINUTES

Dr. Ungergank motioned to accept the minutes from the January 20, 2022 board meeting. Motion seconded by Dr. Courtney. Motion passed.

Dr. Long motioned to accept the minutes from the February 11, 2022 teleconference with the amendment of two typos; second line under the second business item where it says “must me at” should be “must be at” and the second line under the fourth business item where it says “Park IV” should be “Part IV”. Motion seconded by Dr. Courtney. Motion passed.

Dr. Courtney motioned to accept the minutes from the March 29, 2022 teleconference. Motion seconded by Mr. McCoy. Motion passed.

## DIRECTOR’S REPORTS

### Budget Report

An itemized cash flow statement for FY2022 (July 1, 2021 – June 30, 2022) was presented to the Board along with accounting reports through March. The allotted budget for FY22 was **\$188,457.00**. Total amount expended thus far for FY2022 is **\$106,397.82**. Total revenue received thus far for FY22 is **\$206,444.43**, which includes monies received, interest distribution, and rebates or transfers received. A list of all agency expenditures for January-March was also provided.

(July 1, 2021– June 30, 2022) FY2022

CE Status	# of Applications	# of Hours	Fee Due	Fee Paid
Approved	554	5,230	\$ 26,150.00	\$ 26,150.00
Approved w/exception	2	94	\$ 470.00	\$ 470.00
Not Approved	7	19	\$ 95.00	\$ 95.00
Pending	0	0	\$ 0.00	\$ 0.00
Cancelled	0	0	\$ 0.00	\$ 0.00
Incomplete	0	0	\$ 0.00	\$ 0.00
Void	0	0	\$ 0.00	\$ 0.00
<b>Total:</b>	<b>563</b>	<b>5,343</b>	<b>\$ 26,715.00</b>	<b>\$ 26,715.00</b>

### Animal Chiropractic Certification maintenance by the Board

The director suggested that the board start maintaining animal chiropractic certification roster since not all certification programs maintain a list of those chiropractors who passed the program other than the AVCA and/or IVCA. This is being brought to the board’s attention as we have had this question brought up by a member of the public who was trying to verify a chiropractor’s certification. The director will look into this with the Vet board and how we can maintain this information.

### FY2022

A total of **8** Freedom of Information Act request have been received from January 18, 2022 to April 11, 2022.

Dr. Courtney motioned to accept the director’s reports. Motion seconded by Dr. Long. Motion passed.

## OLD BUSINESS

### 93<sup>rd</sup> General Assembly Acts – Rule promulgation update

The Director updated the board regarding the rule promulgation process that amendments are currently going through. The Board amendments have been approved and have gone through the public comment

period and are set for review by the ALC rules subcommittee April 20<sup>th</sup>. If approved, that committees rule report will then have to be accepted by the full ALC on April 22<sup>nd</sup>. Once approved by the Arkansas Legislative Council (ALC) our final filings can be submitted and upon filing with secretary of state the rules will be effective ten (10) days later, which would give us an effective date of May 2<sup>nd</sup> and would complete our rule promulgation. Dr. Holt did agree to attend the ALC subcommittee meeting on the 20<sup>th</sup> with the director.

### **PTs practicing outside of scope**

A complaint was reported to the PT board, by the chiropractic board, and the PT board did not take any action on the PT other than talking to him. The board asked counsel at the last meeting to investigate what action the board can take from here. Counsel stated that if this individual is continuing to practice outside the scope the board would need to notify the PT board again of his practicing outside the scope. Dr. Long motioned that we resubmit this to the PT board to see what course of action they took. The director contacted the PT board and received a recording of their meeting and an explanation that their board felt that Mr. Hunt was practicing mobilization and not manipulation and that what he does is manual therapy techniques which is with their scope of practice. It was also suggested in the recording that Mr. Hunt should take down anything that is below board or that could be misinterpreted. The board requested at the recommendation of counsel to send over a formal complaint regarding the pictures and videos the Mr. Hunt has up and for the PT board to reconsider this complaint.

### **Application requirements – Statute Update**

The 45-day application deadline has come into question in previous board meetings, mainly due to applicants missing the deadline as NBCE scores were not released in time. The main reason for the scores not being released was due to exams being rescheduled by NBCE or by the applicant, or simply having to retake an exam. It was mentioned in previous meetings that a statute change may need to occur. For that fact, the director provided the board with all statutes and rules concerning license applications. Director Mayhan stated that if a legislative change is to occur the board needs act quickly as legislative changes are due by or before the middle of May, and the board might need to call a teleconference to confirm those changes prior to that deadline. Currently, with the laws and rules that have been provided to the board for review, the director has requested their input as to what needs to be changed with regard to the 45-day statute. The director did explain to the board the current application process with regard to the application deadline. Dr. Courtney stated that he would be okay with reducing the deadline to 30 days if that would still provide enough time for staff to process applications, but we don't need to lower the standards in any other aspects of what is required for application. Dr. Long suggested that an exception be made to applicants for extenuating circumstances regarding national boards. Such as approving their application pending receipt of their final NBCE transcript showing all scores and upon receipt of that final item a license would then be issued, but not before.

In addition to the application deadline, the director also discussed that the board doesn't have to have a new licensee orientation, the statute and/or rule just states they can provide one. Suggested by the director, the board could simply provide a disk or link to a PowerPoint and just have the applicants attend the one-hour orientation. Or whatever the board feels would be most convenient, however if a PowerPoint is provided the director would need help with information to add to it regarding the process of becoming an insurance provider, etc. Dr. Long suggested that maybe the associations could put on a new licensee orientation for insurance, etc. that could be approved for CE as well.

### **Thentia Database update**

The Director gave an update to the status of the new database. We have been delayed in developing our database due to covid and the director being on leave, but we are working towards getting back on track. Due to a lot of turnovers with Thentia's employment, we have been set back even further. However, we

have been assigned a new team that is based out of Oklahoma, so hopefully we can get back on track. The agency is scheduled to meet with that team within the next week. The director has given Thentia of a June 1, 2022 deadline. We still need to review the configuration of the new database, set up payment portal, send final datapoints to Thentia before going live and verify everything is configured properly prior to going live.

### **Additional old business brought before the board**

Mr. Gunter requested an update from one of the last teleconferences as to the meeting that was to be scheduled with the insurance commissioner regarding some of the insurance companies trying to define scope of practice, etc. Dr. Courtney read the minutes from the January 20, 2022 stating that Dr. Ungerank made the motion and he seconded it that the director, counsel and Mr. Gilmore facilitate that meeting. He also stated that Dr. Bennett sent him an email stating that some of his problems has not been resolved and that Dr. Blackmon had promised that someone from BlueCross would call him. Director Mayhan apologized for not getting that meeting set as she was under the impression that the information provided by Dr. Blackmon was resolution to the issue, but if not, she will get with Mr. Gilmore and work on getting that scheduled. Mr. Gunter stated that it seemed like BCBS just supplied a minimal response and failed to address all the issues brought before them.

## **NEW BUSINESS**

### **Status Change**

Dr. Garrett Nikolay submitted a status change request to go from Active – out of state to Instate active. He has supplied proof of CE and paid the remainder of his renewal fee to bump him up to Instate Active. Dr. Ungerank motioned to approve the request. Motion seconded by Mr. Gunter. Motion passed.

### **Applicant Education (C Average) interpretation**

The director has run into a situation with an applicant who does not have enough science hours with a C or higher grade, however, according to Ark. Code R 007.33.8.2.A.1(a), does this provide that course work with a D or higher can be counted if the overall GPA is 2.0 or higher. “Scenario: Applicant has submitted several college transcripts with science hours on most of them. Science hours counted from all transcripts with a C or higher grade letter = 27 hours, however there are also one or two science courses with a grade of D that could potentially be added depending on how the rule above is interpreted.” Dr. Ungerank motioned to not accept a grade of “D” in any science course. Motion failed for lack of a second. After discussion another issue brought up is that the applicant took the same course at two different institutions, can you count both or just one that has the higher grade. Once everyone had a chance to discuss and give their interpretation it was confirmed, by the board, that courses with a D could be counted if the GPA at that institution and/or overall was a 2.0 or higher and additionally if a course was taken at multiple institutions that only one would count towards the undergraduate hours.

### **Telehealth/Telemedicine – Chiropractic**

The agency received a letter from Bruce Tidwell with Friday, Eldredge & Clark, LLP requesting clarification of the requirements of telemedicine for chiropractic in Arkansas as per the plain language of the ASMB Regulations, the ASBCE’s requirement of an in-person visit to establish a professional relationship violates the AR Telemedicine Act due to it being more restrictive than rules established by the ASMB. However they also reference standard of care and that is the issue, would what they are trying to provide meet the standard of care as an in person visit. The correspondence received from Mr. Tidwell is vague on what they are providing. The Board stated that they will need to research and possibly promulgate rules to give more direction. Dr. Courtney suggested that the board may need to get a powerpoll and see

what other state chiropractic boards are doing. It was confirmed by counsel that the DC would need to be licensed here in Arkansas in order to do telehealth with a patient in Arkansas. Counsel will get with Director Mayhan about a response to Mr. Tidwell.

### **Investigative Committee Report**

No recommendations were presented but will have multiple recommendations at the July meeting.

### **ADJOURN**

Dr. Long moved to adjourn. Seconded by Dr. Courtney. The Board adjourned at 12:01 p.m.

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*Board minutes approved: July 21, 2022*