

**Arkansas State Board of Chiropractic Examiners  
Board Meeting – Video/Teleconference  
Thursday, January 20, 2022**

**CALL TO ORDER**

The board meeting was called to order by Tanya Holt, D.C., President, at 9:02 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  
Chris Blackmon, DC  
W. Reid Clark

## NEW LICENSEE ORIENTATION

The board's director went over new licensee orientation materials. Dr. Chris Cathey spoke on behalf of the Arkansas Chiropractic Society and Mrs. Bonnie Hicks spoke on behalf of the Arkansas Chiropractic Physicians Association. Each board member introduced themselves and gave some words of encouragement to 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       |
|-----------|-------------|----|-----------------|
| 16307     | James       | D  | Cooper          |
| 16314     | Stuart      | F  | Rutledge        |
| 16315     | Daniel      | A. | Marti           |
| 16316     | John        | B  | Currie          |
| 16317     | Kelly       | T  | Hafemeister     |
| 16318     | Zachary     | E  | Pinter          |
| 16319     | Michael     | E  | Stidham         |
| 16320     | Nicholas    | A  | Wuthnow         |
| 16321     | Alejandro   |    | Montoya-Beltran |
| 16322     | Hayden      | J  | Chighizola      |
| 16323     | Christopher | O  | Ray             |
| 16324     | Benjamin    | M  | Phillips        |

Provisional license 16308 issued to Joseph D. Dietrich expired this day due to not attending today's orientation and withdrawing his application for an original license.

|       |        |   |          |
|-------|--------|---|----------|
| 16308 | Joseph | D | Dietrich |
|-------|--------|---|----------|

**Board recessed at 10:04 am and resumed at 10:10 am.**

## MINUTES

Mr. McCoy motioned to accept the minutes from the November 4, 2021 board meeting and December 9, 2021 teleconference meeting minutes. Dr. Long seconded the motion. 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 December. The allotted budget for FY22 was **\$188,457.00**. Total amount expended thus far for FY2022 is **\$71,351.39**. Total revenue received thus far for FY22 is **\$141,459.69**, which includes monies receipted, interest distribution, and rebates or transfers received. A list of all agency expenditures for November-December was also provided.

## (July 1, 2021– June 30, 2022) FY2022

| CE Status            | # of Applications | # of Hours      | Fee Due             | Fee Paid            |
|----------------------|-------------------|-----------------|---------------------|---------------------|
| Approved             | 360               | 2871.25         | \$ 14356.25         | \$ 14366.25         |
| Approved w/exception | 1                 | 35              | \$ 175.00           | \$ 175.00           |
| Not Approved         | 4                 | 5               | \$ 25.00            | \$ 25.00            |
| Pending              | 6                 | 53              | \$ 265.00           | \$ 265.00           |
| 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>371</b>        | <b>2,964.25</b> | <b>\$ 14,821.25</b> | <b>\$ 14,831.25</b> |

**2022 License Renewal**

687 renewals were mailed out the first week of September.  
 13 renewals were mailed out for new licensees in November.  
 700 renewal forms distributed overall  
 664 have renewed as of 01/14/2022  
 36 renewals remain as of 01/18/2022

| Lic Number   | Last Name          | First Name     | Original Issue Date | Expiration Date   | Expired Reason                               |
|--------------|--------------------|----------------|---------------------|-------------------|--|
| <b>768</b>   | <b>Colclasure</b>  | <b>Ronald</b>  | <b>10/19/1964</b>   | <b>12/31/2021</b> | <b>Non-Renewal of License</b>                |
| 799          | Huntington         | Dale           | 01/10/1972          | 12/31/2021        | Vol. Non-Renewal of License                  |
| 835          | Mosby, Jr.         | John           | 07/17/1976          | 12/31/2021        | Vol. Non-Renewal of License                  |
| 926          | Floyd              | Edward         | 07/21/1979          | 12/31/2021        | Vol. Non-Renewal of License                  |
| 933          | Johnson            | Kirk           | 02/23/1980          | 12/31/2021        | Vol. Non-Renewal of License                  |
| <b>964</b>   | <b>Southerland</b> | <b>Barry</b>   | <b>01/17/1981</b>   | <b>12/31/2021</b> | <b>Non-Renewal of License</b>                |
| 1042         | Vannucci           | Rocky          | 08/18/1984          | 12/31/2021        | Vol. Non-Renewal of License                  |
| <b>1123</b>  | <b>Ennis</b>       | <b>James</b>   | <b>04/30/1988</b>   | <b>12/31/2021</b> | <b>Non-Renewal of License</b>                |
| <b>1154</b>  | <b>Glover</b>      | <b>J.</b>      | <b>01/14/1989</b>   | <b>12/31/2021</b> | <b>Submitted Late; Reactivation Request</b>  |
| <b>1218</b>  | <b>Weeks</b>       | <b>Larry</b>   | <b>02/24/1990</b>   | <b>12/31/2021</b> | <b>Non-Renewal of License</b>                |
| <b>1231</b>  | <b>Gardner</b>     | <b>Roger</b>   | <b>07/13/1990</b>   | <b>12/31/2021</b> | <b>Non-Renewal of License</b>                |
| <b>1246</b>  | <b>Fergusson</b>   | <b>Jeffrey</b> | <b>01/12/1991</b>   | <b>12/31/2021</b> | <b>Non-Renewal of License</b>                |
| 1252         | Weum               | Krystine       | 01/12/1991          | 12/31/2021        | Vol. Non-Renewal of License                  |
| 1511         | McElrath           | Bernasue       | 01/21/1999          | 12/31/2021        | Vol. Non-Renewal of License                  |
| <b>1538</b>  | <b>Looper</b>      | <b>Rick</b>    | <b>01/20/2000</b>   | <b>12/31/2021</b> | <b>Non-Renewal of License</b>                |
| <b>1569</b>  | <b>Carlyle</b>     | <b>Thomas</b>  | <b>01/25/2001</b>   | <b>12/31/2021</b> | <b>Pending status change</b>                 |
| <b>1632</b>  | <b>Stobaugh</b>    | <b>Kristin</b> | <b>07/22/2004</b>   | <b>12/31/2021</b> | <b>Submitted Late; Reactivation Request</b>  |
| <b>1637</b>  | <b>Davis</b>       | <b>Kelly</b>   | <b>07/22/2004</b>   | <b>12/31/2021</b> | <b>Submitted Late; Reactivation Request</b>  |
| <b>15621</b> | <b>Bennington</b>  | <b>Scott</b>   | <b>01/23/2009</b>   | <b>12/31/2021</b> | <b>Non-Renewal of License</b>                |
| 15660        | Sevcik             | Franc          | 07/25/2002          | 12/31/2021        | Vol. Non-Renewal of License                  |
| <b>16006</b> | <b>Jennings</b>    | <b>Kelly</b>   | <b>07/19/2012</b>   | <b>12/31/2021</b> | <b>Submitted Late; Reactivation Request</b>  |
| 16022        | Ethridge           | Leslie         | 01/30/2014          | 12/31/2021        | Vol. Non-Renewal of License                  |
| <b>16031</b> | <b>Foreman</b>     | <b>Caleb</b>   | <b>07/25/2013</b>   | <b>12/31/2021</b> | <b>Non-Renewal of License</b>                |
| <b>16091</b> | <b>Francois</b>    | <b>Serge</b>   | <b>12/08/2016</b>   | <b>12/31/2021</b> | <b>Non-Renewal of License</b>                |
| <b>16194</b> | <b>Goulart</b>     | <b>Timothy</b> | <b>06/26/2018</b>   | <b>12/31/2021</b> | <b>Non-Renewal of License</b>                |
| 16195        | Jackson            | Leslie         | 07/19/2018          | 12/31/2021        | Vol. Non-Renewal of License                  |
| <b>16235</b> | <b>Spencer</b>     | <b>Alec</b>    | <b>01/14/2020</b>   | <b>12/31/2021</b> | <b>Submitting Late; Reactivation Request</b> |

|       |            |         |            |            |                                       |
|-------|------------|---------|------------|------------|---------------------------------------|
| 16251 | Ojogbaduwa | Shelia  | 04/07/2020 | 12/31/2021 | Submitting Late; Reactivation Request |
| 16264 | Barowsky   | Cassidy | 10/20/2020 | 12/31/2021 | Non-Renewal of License                |
| 16287 | Wilson     | Shelby  | 07/20/2021 | 12/31/2021 | Vol. Non-Renewal of License           |
| 16300 | Hebert     | Tanner  | 11/04/2021 | 12/31/2021 | Vol. Non-Renewal of License           |
| 16310 | Sontheimer | Brandon | 11/04/2021 | 12/31/2021 | Submitting Late; Reactivation Request |

**Our Condolences go out to the families of those who passed during 2021:**

|                         |                     |                           |
|-------------------------|---------------------|---------------------------|
| Roger R. Bullington, DC | (12/07/2021) age 61 | License 1305, 07/10/1993  |
| Travis J. Sellers, DC   | (08/28/2021) age 50 | License 16198, 06/26/2018 |
| Anthony E. Taylor, DC   | (02/05/2021) age 66 | License 965, 01/17/1981   |

**FY2022**

A total of 5 Freedom of Information Act request have been received from November 1, 2021 to January 18, 2022.

Dr. Courtney motioned to accept the director's reports. Motion seconded by Dr. Hays. Motion passed.

**OLD BUSINESS**

**Scope of Practice – AG Opinion update**

During previous board meetings the Board discussed concerns about insurance companies defining or determining what is within the ASBCE scope of practice. The Board, with the help of counsel, drafted a request for an AG opinion. However, the request had to go through several approvals before it can go to the AG. The request was sent to the Department of Health and the agency was informed that they did not approve the request. It was requested, at the last meeting, that a representative of the Department of Health attend the Board's next meeting to explain and clarify the opinion request to the ADH representative. Mr. Matt Gilmore, Coordinator for the ADH Boards and Commissions department, attended to answer any questions and/or clarify the ADH's decision on submitting the opinion request. Dr. Ungerank motioned to have Ms. Mayhan, Mr. West, and/or Mr. Gilmore facilitate a meeting with the insurance commissioner and if insurance commissioner doesn't rectify the issue with determining the boards scope of practice, the Board continue with an opinion through the AG's office. Motion seconded by Dr. Courtney. Public discussion was allowed by Dr. Holt and Dr. Blackmon explained that he could possibly help in getting in touch with BCBS to find out why they are making determinations in chiropractic scope of practice. Dr. Blackmon asked the board if they could hold off on their current plan of action for about a month to allow him time to get in touch with contacts at BCBS to potentially get a resolution without the board having to go to the insurance commissioner and/or the AG. Director to send Dr. Blackmon any correspondence received from BCBS. Motion passed.

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

The Director updated the board regarding the receipt of approval from the Department of Health and the Governor's office to move forward with rule promulgation. The Boards next step is to get a public notice in the paper and on our website as well as filing necessary documents with secretary of state and BLR. The Director stated that she is hopeful to get public notice out and advertised for January 30<sup>th</sup>, 31<sup>st</sup> and February 1<sup>st</sup> so that we can complete the comment period by March 1<sup>st</sup>. Then get on the April rule committee agenda, which could potentially give us a rule effective date of May 1<sup>st</sup>.

### **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. Motion seconded by Mr. McCoy. Motion passed.

### **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. 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, hopefully, before September 1, 2022.

## **NEW BUSINESS**

### **Reactivation request(s)**

**Kelly Davis** submitted a reactivation request, but with an additional request for a waiver of the late fee and reactivation fee due to financial hardships. After considering her request the board's discussion resulted in the waiver request would set a precedent if approved. Motion made by Dr. Courtney to deny the request. Motioned seconded by Dr. Ungerank. Motion passed.

**John Michael Glover** submitted a reactivation request, but due to obtaining hours in 2022, his hours need to be accepted for 2021. Motion was made by Mr. McCoy to accept the hours and his reactivation with the understanding that the hours obtained for this renewal do not count for the 2023 renewal. Motion seconded by Dr. Courtney. Motion passed.

**Kelly Jennings** submitted a reactivation request, but due to obtaining hours in 2022, her hours need to be accepted for 2021. Motion was made by Dr. Ungerank to accept the hours and her reactivation with the understanding that the hours obtained for this renewal do not count for the 2023 renewal. Motion seconded by Dr. Courtney. Motion passed.

**Kristin Stobaugh** submitted a reactivation request, but due to obtaining hours in 2022, her hours need to be accepted for 2021. However, her request is short one hour due to submitting one hour that was not preapproved for CE. Motion was made by Dr. Courtney to deny the reactivation due to her hour not being preapproved. Motion seconded by Mr. Gunter. Discussion followed about allowing her request to be processed without having to come back before the board if she supplies an hour that is preapproved. Dr. Courtney amended his motion to allow the ASBCE staff to process the request upon receipt of the preapproved hour. Dr. Long seconded the amendment. Motion passed.

### **Status Change**

**Thomas Carlyle** submitted a status change request with his renewal, and he would like to go from Inactive to Active (in-state). He has no disciplinary actions from another state. A motion was made by Dr. Ungerank to approve the request. Motion seconded by Dr. Hays. Motion passed.

### **Temporary License Requests**

**William Reid Clark** submitted a supervised temporary license request, with Dr. Christopher Blackmon as his supervisor. He is set to graduate in February 2022, so the board would approve pending graduation and receipt of final chiropractic transcript and copy of diploma. Then he would be set for attendance at the April orientation. Dr. Blackmon requested of the President to speak, and the President gave him the floor. Dr. Blackmon discussed that the applicant missed the 45-day application deadline due to his NBCE exam being rescheduled due to Covid. He feels that there should be additional orientations or meetings so that these applicants can get licensed sooner. It was discussed that the 45-day deadline is in statute and rule and until this is changed through the legislature and in rule, the board can't do anything for this applicant other than to offer a temporary license until the next orientation. Dr. Courtney motioned to approve the supervised temporary license request pending the applicant's graduation and receipt of final transcript and copy of diploma. Motion seconded by Dr. Long. Motion passed.

**Cameron Daniels** submitted a supervised temporary license request, with Dr. Grant Dennis as his supervisor. He is set to graduate in February 2022, so the board would approve pending graduation and receipt of final chiropractic transcript and copy of diploma. Then he would be set for attendance at the April orientation. Dr. Ungerank motioned to approve pending graduation and receipt of final transcript and copy of diploma. Motion seconded by Mr. McCoy. Motion passed.

**Gunnar James** submitted a supervised temporary license request, with Dr. Spencer Neal as his supervisor. Dr. Ungerank motioned to approve pending passing JP exam. Motion seconded by Dr. Long. Motion passed.

**Cecil Smith** submitted a request and qualified for a temporary license. The applicant graduated prior to NBCE Part III and IV being required which is why he has not reported those scores on his application. Dr. Ungerank motioned to approve the request. Motion seconded by Dr. Courtney. Motion passed.

### **Statement of Financial Interests (SFI) reminder! Due 1/31/22**

This item is informational and is a reminder to the board that their SFI is due by January 31st. SFI will be emailed in case someone needs a blank copy.

### **Vote to Pay Stipends for 2022**

Annually, at their first meeting of the calendar year, the board is to vote to pay stipends for the current year. Mr. McCoy motioned to pay the stipends of \$100 per meeting. Motion seconded by Dr. Ungerank. Motion passed.

### **FCLB & NBCE Annual Conference**

The next annual FCLB/NBCE conference will be May 4, 2022 – May 7, 2022. The conference will be held at the Grand Hyatt Denver, Colorado. Travel will be reimbursed according to GSA and state travel guidelines. Dr. Courtney and Dr. Holt expressed their interest in attending; however, they will have to check their schedules. Dr. Long motioned that Dr. Courtney be the voting delegate and Dr. Holt be the alternate. Motion seconded by Dr. Ungerank. Motion passed.

Dr. Courtney motioned that the executive director may attend the FCLB/NBCE conference in Denver. Dr. Hays seconded the motion. Motion passed.

### **Investigative Committee Report**

The complaint committee presented the complaint report with their recommendations. The committee gave a brief explanation of three complaints and their recommendations.

**758-07-30-21** regarding billing, claiming fraudulent charges, billing incorrectly to Medicare/Medicaid: recommendation, dismiss for lack of evidence to prove a violation of ASBCE law or rule. Mr. McCoy motioned to accept the committee's recommendation. Motion seconded by Dr. Long. Motion passed.

**760-10-25-21** regarding advertising physiotherapy and rehabilitation programs, and business name being misleading: recommendation, that this case be dismissed for lack of violation of ASBCE law or rule. Dr. Courtney motioned to accept the committee's recommendation. Motion seconded by Mr. McCoy. Motion passed.

## **ADJOURN**

Mr. Gunter moved to adjourn. Seconded by Dr. Long. The Board adjourned at 12:08 p.m.

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*Board minutes approved: April 14, 2022*