

**KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS**  
**MEETING MINUTES**  
**January 20, 2023**

A regular meeting of the Kentucky Board Chiropractic Examiners was held at the Department of Professional Licensing located at 500 Mero Street, Frankfort, KY 40601 and via Zoom on January 20, 2023.

**MEMBERS PRESENT**

Dr. James England  
Dr. Rachael Kuperus  
Dr. Shannon Johnson  
Dr. Chad Henderson

**DEPARTMENT OF PROFESSIONAL LICENSING**

Kristen Lawson, DPL Commissioner  
Tasha Stewart, Administrative Section Supervisor  
Ashley Cotton, Board Administrator  
Courtney Cook, Administrative Section Supervisor

**OTHERS**

Daniel Leffel, Public Protection Cabinet  
Office of Legal Services, Board Counsel

**GUESTS**

Dr. Rachel Wendt, KAC

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**CALL TO ORDER**

Dr. England called the meeting to order at 12:03 p.m.

**MINUTES**

A motion was made by Dr. Henderson to approve the minutes from the November 18, 2022, board meeting. Motion seconded by Dr. Johnson, carried.

**FINANCIAL STATEMENT**

The board reviewed the November and December 2022 financial statements. No action taken.

**DPL UPDATE**

No report.

**LEGAL COUNSEL**

No report.

**OLD BUSINESS**

CE Broker questions were reviewed and discussed as requested.

Dr. England made a motion for legal counsel to draft a letter to be sent via email to licensees that are non-compliant with completing the Jurisprudence Course allowing until the end of January 2023 to complete the online class. Disciplinary action will be taken if compliance is not met. Motion seconded by Dr. Kuperus, carried.

The Financial Audit Acceptance Letter was reviewed, and a motion was made by Dr. Kuperus to move forward with this audit by the Auditor of Public Accounts. Motion seconded by Dr. Henderson, carried.

**NEW BUSINESS**

Dr. Johnson made a motion to approve J.O. and N.L. Peer Review Reinstatement Application. Motion seconded by Dr. Henderson, carried.

Dr. Kuperus made a motion to nominate Dr. Johnson to attend FCLB's Annual Meeting in West Palm Beach, FL on April 26-30, 2023. Motion seconded by Dr. Henderson, carried.

The drafted 2023 update letter was reviewed, and a motion was made by Dr. England to accept drafted letter to be sent to all licensees. Motion seconded by Dr. Johnson, carried.

Dr. England made a motion for legal counsel to draft letter in response to CCEP inquiry. Motion seconded by Dr. Kuperus, carried.

Dr. England made a motion to accept KM Solutions for investigation services and to move forward with contract process. Motion seconded by Dr. Johnson, carried.

2023 NBCE Meeting Dates were reviewed and will be discussed again at next KBCE Board Meeting on March 10, 2023.

### **APPLICATIONS COMMITTEE**

Dr. England made a motion to deny S.M. Initial Licensure Application received. The Initial Licensure Application fee is non-refundable but can be transferred and used for the Reinstatement Application fee. Motion seconded by Dr. Henderson, carried.

Report from Committee- No action taken.

The board reviewed the Licensure Record Report. No action taken.

### **STATUTES AND REGULATIONS COMMITTEE**

The Regulations Committee presented the following-

- **Manipulation of Animals** – Ongoing.
- **Regulation Changes** – Dr. Henderson made a motion to nominate Dr. England to discuss regulation changes with legal counsel. Motion seconded by Dr. Kuperus, carried.
- **Continuing Education Forms** – Ongoing.

The Regulations Committee will meet on February 16, 2023, at 12p.m. EST.

### **COMPLAINTS COMMITTEE**

Dr. England moved to enter closed session to include Board Members, Board Counsel Mr. Daniel Leffel, Administrative Section Supervisor Ms. Tasha Stewart, and Board Administrator Ms. Ashley Cotton pursuant to KRS 61.815(1) and KRS 61.810(1)(j) and (k) to deliberate on individual adjudications for ongoing complaint cases. Motion seconded by Dr. Johnson, carried. The board entered closed session at 1:00 p.m.

Dr. England moved to leave closed session. Motion seconded by Dr. Johnson, carried. Regular session resumed at 1:18 p.m.

The Complaints Committee presented the following recommendations for board vote:

- **D.B. SOS Filing** – Ongoing. Allowing 6 months from November 18, 2022 to comply with KRS 312.245.
- **2020KBCE00007, 2021KBCE00008** – Recommendation to proceed with 13B Hearing.
- **2022KBCE00006** – Recommend legal counsel draft letter to obtain billing records from licensee and complainant. Contact Blue Cross Blue Shield to inquire what is the timely filing limit.
- **2022KBCE00007** –Recommend agreed order with the following terms: respondent must complete Jurisprudence Course and pay fine of \$500 within 3 months.
- **S.M. Agreed Order, Administrative Action 16-005** – Recommend placing reinstatement on hold and providing Dr. Mattingly the previous case file. Updated report to be presented at the next Complaints Committee Meeting scheduled for March 2, 2023.
- **J.G. TN Agreed Order** –Recommend legal counsel draft letter to send to respondent inquiring why the TN Agreed Order wasn't self-reported.
- **C.G. Audited Renewal** – Recommend closing referral. Counsel will draft letter.

A motion was made by Dr. England to accept the above-listed complaint committee recommendations as presented. Motion seconded by Dr. Johnson, carried.

#### **TRAVEL AND PER DIEM**

A motion was made by Dr. England to approve the following travel and per diem:

- Dr. England – January 12, 2023 (3 hours, meeting prep/complaints committee meeting), January 17, 2023 (3 hours, meeting prep), January 19, 2023 (3 hours, meeting prep/regulations committee meeting), January 20, 2023 (3 hours, meeting prep/board meeting).
- Dr. Henderson – January 10, 2023 (3 hours, applications review), January 17, 2023 (3 hours, applications review), January 20, 2023 (board meeting).
- Dr. Kuperus – January 19, 2023 (regulations committee meeting), January 20, 2023 (board meeting).
- Dr. Johnson – January 10, 2023 (3 hours, complaints review), January 12, 2023 (complaints committee meeting), January 20, 2023 (board meeting).

Motion seconded by Dr. Kuperus, carried.

#### **ADJOURN**

A motion was made by Dr. Kuperus to adjourn the meeting at 1:24 p.m. Motion seconded by Dr. Henderson, carried.

  
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Dr. James England, President