

**KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS
MEETING MINUTES
July 15, 2022**

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 July 15, 2022.

MEMBERS PRESENT

Dr. Kelly Cooper-Henson
Dr. Rachael Kuperus
Dr. James England
Dr. Shannon Johnson
Dr. Chad Henderson (joined at 12:04 pm)

DEPARTMENT OF PROFESSIONAL LICENSING

Kevin Winstead, Commissioner
Tasha Stewart, Administrative Section Supervisor

OTHERS

August Pozgay, Public Protection Cabinet
Office of Legal Services, Board Counsel

GUESTS

Dr. Rachel Wendt, KAC

CALL TO ORDER

Dr. England called the meeting to order at 12:02 p.m.

MINUTES

A motion was made by Dr. Johnson to approve the minutes from the June 3, 2022 board meeting. Motion seconded by Dr. Cooper-Henson, carried.

FINANCIAL STATEMENT

The board reviewed the May and June 2022 financial statements. No action taken.

DPL UPDATE

State email addresses for board members are ongoing.

Commissioner Winstead will retire effective August 1, 2022. The Cabinet is in the process of finding a replacement commissioner.

LEGAL COUNSEL

Counsel presented to the board an agreed order for case 2019KBCE00005 signed by the licensee. Dr. Henderson made a motion to approve the agreed order and for the Chair to sign. Motion seconded by Dr. Johnson, carried.

Counsel presented changes to the Open Meetings Act due to House Bill 453 (2022)

OLD BUSINESS

Dr. Henderson presented his research on CE Broker. Dr. England made a motion for Counsel to review the proposed CE Broker MOU. Motion seconded by Dr. Kuperus, carried.

NEW BUSINESS

Dr. England made a motion to enter closed session to include Board Counsel and the Board Staff pursuant to KRS 61.810(1)(j) and (k) to deliberate on individual adjudications in the matter of the M.G. Renewal

Payment and C.S. Application. Motion seconded by Dr. Johnson, carried. The board entered closed session at 12:32 p.m.

Dr. Henderson made a motion to exit closed session. Motion seconded by Dr. Johnson, carried. The board entered regular session at 12:47 p.m.

Dr. England made a motion regrading M.G. Renewal Payment to issue a letter via certified mail stating the licensee must submit the renewal payment, including the late fee, by August 4, 2022, or their license will expire due to failure to renew. Motion seconded by Dr. Johnson, carried.

Dr. Henderson made a motion to request copies of the board actions listed in the CIN-BAD report directly from the boards who took those actions. Motion seconded by Dr. Kuperus, carried.

APPLICATIONS COMMITTEE

Dr. Henderson reported on applications committee procedures for monthly meetings. Dr. Henderson made a motion that the applications committee cannot deny an application, with the exception of continuing education applications. Motion seconded by Dr. Cooper-Henson, carried.

Dr. England appointed Dr. Kuperus to the regulations committee to replace Dr. Johnson.

Ms. Stewart reported 1161 inactive and active licensees. As of the report run time, 33 chiropractic and 11 peer review licensees have not completed their 2020 renewal. 105 chiropractic and 10 peer review licensees have not completed their 2021 renewal. 100 chiropractic and 14 peer review licensees have not completed their 2022 renewal.

STATUTES AND REGULATIONS COMMITTEE

The Regulations Committee presented the following recommendations for board vote:

- **IANM Specialty** – recommend the Board approve the IANM specialty.
- **Telehealth – HB 188** – recommend that a telehealth regulation be drafted by board counsel for review by the board at the next board meeting, to start the regulation promulgation process to indicate that chiropractic is medically necessary in person except consultations limited to one per month per patient.
- **Online Continuing Education** – recommend the board direct board counsel to draft a regulation for review by the board at the next board meeting, to delete 201 KAR 21:041, Section 3(3)(a)1.

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

COMPLAINTS COMMITTEE

The Complaints Committee presented the following recommendations for board vote:

- **2021KBCE00010** – Recommend approve the final order as drafted by counsel.
- **2021KBCE00014** – Recommend approve the final order as drafted by counsel.
- **2021KBCE00021 & 2021KBCE00034** - Recommend board offer agreed order with standard agreed order terms and the following terms: a two-year practice restriction in which respondent must not be alone with a female patient; Respondent must create, utilize, and submit to the committee a sign-in form in which a second individual shall sign in with the female patient in 14 days; Sign in forms shall be submitted to board on monthly basis; and Respondent must complete board-approved 6 hours ethics and boundaries class(es) within 6 months.

- **2021KBCE00016, 2021KBCE00025 & 2021KBCE00029** – Recommend board offer agreed order with standard agreed order terms and the following terms: respondent must produce patient records within 10 days and provide proof to the board that those were issued; pay \$1000 fine for failure to complete SOS filing; and Respondent must issue a letter, with copy to the board, to past patients advising how they can obtain records upon request.
- **2022KBCE00001** - Recommend board offer agreed order with the following terms: Respondent must complete board-approved 6 hours ethics and boundaries class(es) in 6 months and a fine of \$500 payable within 30 days.
- **2022KBCE00003** – Recommend board open separate complaint against B.J. and assign to investigator.
- **Mass. Complaint Reports** – Recommend closing referral to committee and board, due to dismissals by Massachusetts chiropractic board.
- **L.W. Malpractice Judgement** - Recommend closing referral to committee and board.
- **Kentuckiana Accident Claim Service** – Assign to investigator.
- **A.N.** – Assign to investigator.
- **Mass. Complaint Reports-Second** – Board to defer action pending results of Massachusetts board action; continue monitoring and request licensees provide regular updates to the board. Counsel will draft letter to close out Mass. Complaints Report and notify licenses of Mass. Complaint Reports Second.

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

TRAVEL AND PER DIEM

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

- Drs. Cooper-Henson, England, Henderson, Johnson, and Kuperus – July 15, 2022 meeting.
- Dr. Cooper-Henson – May 24, 2022 (3 hours – applications review), June 3, 2022 (3 hours – applications review), June 4, 2022 (3 hours – applications review), and June 11, 2022 (applications committee meeting).
- Dr. England – June 3, 2022 (3 hours – meeting preparation, meeting), July 7, 2022 (3 hours – meeting preparation, complaints review), July 8, 2022 (complaints committee meeting), July 13, 2022 (3 hours – meeting preparation), and July 14, 2022 (regulations committee meeting).
- Dr. Henderson – July 11, 2022 (applications committee meeting).
- Dr. Johnson – June 30, 2022 (2 hours – complaints review, regulations review), July 6, 2022 (complaints committee meeting), July 8, 2022 (complaints committee meeting), and July 14, 2022 (regulations committee meeting).
- Dr. Kuperus – June 3, 2022 (meeting and trainings).

Motion seconded by Dr. Henderson, carried.

ADJOURN

A motion was made by Dr. Johnson to adjourn the meeting at 1:40 p.m. Motion seconded by Dr. Kuperus, carried.



 Dr. James England, President