

**KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS
MEETING MINUTES
November 18, 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 November 18, 2022.

MEMBERS PRESENT

Dr. Kelly Cooper-Henson
Dr. Rachael Kuperus
Dr. James England
Dr. Chad Henderson joined at 12:39 p.m.
Dr. Shannon Johnson

DEPARTMENT OF PROFESSIONAL LICENSING

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

OTHERS

Clayton Patrick, Public Protection Cabinet
Office of Legal Services, Board Counsel

GUESTS

Dr. Rachel Wendt, KAC
Don Oliva
FCLB Dr. Jon Schwartzbauer

CALL TO ORDER

Dr. England called the meeting to order at 12:04 p.m.

MINUTES

A motion was made by Dr. Johnson to approve the minutes from the September 16, 2022 board meeting. Motion seconded by Dr. Cooper-Henson, carried.

FINANCIAL STATEMENT

The board reviewed the September and October 2022 financial statements. No action taken.

DPL UPDATE

Commissioner Lawson stated that the utilization of KY.GOV email addresses went in effect on November 15, 2022.

Commissioner Lawson stated that effective 2023, DPL will be switching from Google Drive to Microsoft Teams to share documentation to Board Members for Board Meetings.

LEGAL COUNSEL

No report.

OLD BUSINESS

Dr. Johnson made a motion to approve/sign the CE Broker Contract as presented. Motion seconded by Dr. England, carried.

NEW BUSINESS

Dr. Jon Schwartzbauer presented a brief overview of FCLB. No action taken.

The Peer Review Continuing Education Inquiry was discussed. Any licensees seeking renewal or reinstatement of their peer review credential who did not have a board-approved continuing education class available may file a hardship waiver request. Each hardship waiver request and application will be reviewed by the board on a case-by-case basis.

Ownership Notice- No action.

The Board reviewed a Peer Review Waiver Inquiry. Dr. England made a motion for legal counsel to draft a letter stating that the Peer Review Waiver is denied. Motion seconded by Dr. Kuperus, carried.

Dr. England made a motion for legal counsel to research and draft a response to the Integrated Musculoskeletal Care inquiry. Motion seconded by Dr. Johnson, carried.

Clinic Advertisement- No action.

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 an additional 30 days to complete the online class. Possible disciplinary action will be taken if compliance is not met. Motion seconded by Dr. Cooper-Henson, carried.

Dr. Johnson made a motion to accept the 2023 Meeting Schedule with all meetings beginning at noon EST. as follows:

Board Meetings

January 20, 2023

March 10, 2023

May 12, 2023

July 21, 2023

September 15, 2023

November 17, 2023

Complaint Committee Meetings

January 12, 2023

March 2, 2023

May 4, 2023

July 13, 2023

September 7, 2023

November 9, 2023

Regulations Committee Meetings

January 19, 2023

March 9, 2023

May 11, 2023

July 20, 2023

September 14, 2023

November 16, 2023

Motion seconded by Dr. Henderson, carried.

Dr. Johnson made a motion to nominate Dr. England to serve as Board President. Motion seconded by Dr. Henderson, carried. Dr. England recused from the vote.

Dr. Johnson made a motion to nominate Dr. Henderson to serve as Board Vice President. Motion seconded by Dr. Cooper-Henson, carried. Dr. Henderson recused from the vote.

Dr. England made a motion to nominate Dr. Johnson to serve as Board Secretary. Motion seconded by Dr. Cooper-Henson, carried. Dr. Johnson recused from the vote.

The Committee Assignments will remain the same. No objections.

APPLICATIONS COMMITTEE

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 recommendations-

- **Manipulation of Animals** – Animal Manipulation discussion is ongoing. Dr. Johnson made a motion to give authority to the Regulations Committee to continue animal manipulation discussion with the Kentucky Board of Veterinary Examiners. Motion seconded by Dr. Henderson, carried.
- **201 KAR 21:042** – Ongoing.
- **Continuing Education Forms** – Dr. Johnson made a motion to approve the newly proposed Kentucky Board of Chiropractic Examiners Continuing Education Application form and to discontinue the use of all existing continuing education applications. Motion seconded by Dr. Henderson, carried.
- **Regulation Changes** – Dr. England made a motion to accept proposed Regulation changes as presented for 201 KAR 21:041, 201 KAR 21:095, 201 KAR 21:025, and 201 KAR 21:075. Motion seconded by Dr. Kuperus, carried.

Dr. England made a motion to complete a financial audit in 2023. Motion seconded by Dr. Kuperus, carried.

COMPLAINTS COMMITTEE

The Complaints Committee presented the following recommendations for board vote:

- **D.B. SOS Filing** – Recommend legal counsel to draft letter to send to individual providing information on KRS 312.245 and offering an additional 6 months to comply.
- **Crude Email** – Recommend flagging record to be reevaluated by complaints committee if licensee requests reinstatement.
- **2020KBCE00014** – Recommendation to revoke license upon receiving guilty conviction.
- **2021KBCE00016, 2021KBCE00025, 2021KBCE00029** – Recommend denying licensee's Inactive Status until licensee complies with Agreed Order.
- **M.Y. DUI Report & Audited Renewal** – Recommendation for legal counsel to obtain and review final disposition on criminal case. If the licensee received no other charges, the licensee will be placed on probation until 2024 renewal period. In the event that there are more charges, licensee will be referred back to the complaints committee for further review.

- **P.C. 2022 Renewal** – Recommend legal counsel to draft letter to licensee requesting an update on civil case and to draft letter to legal complainant requesting further details regarding negligent activity.
- **R.L. Self-Report** – No action. Recommend legal counsel to draft letter to send to OH Board stating the licensee complied with terms of Agreed Order.

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

TRAVEL AND PER DIEM

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

- Dr. Cooper-Henson – October 16, 2022 (3 hours, applications review), October 30, 2022 (1.5 hours, applications review), November 14, 2022 (applications committee meeting), November 18, 2022 (board meeting)
- Dr. England – October 14, 2022 (3 hours, regulation changes/meeting), November 10, 2022 (3 hours, complaints committee meeting and prep), November 14, 2022 (3 hours, meeting prep), November 17, 2022 (3 hours, regulations committee meeting and prep), November 18, 2022 (3 hours, board meeting and prep)
- Dr. Henderson – October 16, 2022 (3 hours, applications review), October 30, 2022 (3 hours, applications review), November 14, 2022 (applications committee meeting), November 18, 2022 (board meeting)
- Dr. Kuperus – October 14, 2022 (3 hours, regulation changes/meeting), November 17, 2022 (regulations committee meeting), November 18, 2022 (board meeting)
- Dr. Johnson – November 10, 2022 (2 hours, complaints committee meeting and prep), November 18, 2022 (3 hours, board meeting and prep)

Motion seconded by Dr. Johnson, carried.

ADJOURN

A motion was made by Dr. Johnson to adjourn the meeting at 1:28 p.m. Motion seconded by Dr. Kuperus, carried.



 Dr. James England, President