

KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS
MEETING MINUTES
January 17, 2025

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 Microsoft Teams on January 17, 2025.

MEMBERS PRESENT

Dr. Shannon Johnson
Dr. Kelly Cooper-Henson
Dr. Michael Pugh
Dr. Chad Henderson joined at 12:02 p.m.
Dr. Rachael Kuperus joined at 12:02 p.m.

DEPARTMENT OF PROFESSIONAL LICENSING

Kristen Lawson, DPL Commissioner
April Alsbrook, Administrative Section Supervisor
Ashley Cotton, Administrative Specialist Senior
Jenna Wells, Administrative Specialist Senior

OTHERS

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

GUESTS

Dr. Rachel Wendt, KAC

CALL TO ORDER

Dr. Johnson called the meeting to order at 12:01 p.m.

MINUTES

A motion was made by Dr. Cooper-Henson to approve the minutes from the December 9, 2024, board meeting. Motion seconded by Dr. Pugh, carried.

FINANCIAL STATEMENT

The board reviewed the November and December 2024 financial statements. No action taken.

DPL UPDATE

DPL Commissioner Kristen Lawson reported that the Public Protection Cabinet will be offering Board Member Training in February/March.

LEGAL COUNSEL

No report.

OLD BUSINESS

NEW BUSINESS

The High School Sports Participation Physicals Inquiry was reviewed. Legal counsel will draft response email stating that the Kentucky High School Athletic Association does accept a Participation Physical signed by a Chiropractor.

The Sports Chiropractic Inquiry was reviewed. Legal counsel will draft response email referring inquirer to review KBCE's Laws and Regulations regarding Scope of Practice. KBCE does not offer temporary licenses and suggests contacting Malpractice Insurer for further information on out of state coverage.

The NBCE Meeting Dates were reviewed.

Dr. Henderson made a motion to nominate Dr. Pugh to attend NBCE 2025 Annual Meeting on April 30-May 4, 2025 in St. Louis, Missouri. Motion seconded by Dr. Kuperus, carried.

Dr. Johnson made a motion to nominate Dr. Kuperus to attend Part IV Examination – Spring on May 17-18, 2025. Motion seconded by Dr. Cooper-Henson, carried.

Dr. Kuperus made a motion to nominate Dr. Johnson to attend Part IV Test Development Committee and Part IV Standard Setting Workshop in Greeley, Colorado on June 6-7, 2025. Motion seconded by Dr. Pugh, carried.

Dr. Johnson made a motion to nominate Dr. Henderson and Dr. Pugh to attend Part IV Examination – Fall on November 8-9, 2025. Motion seconded by Dr. Cooper-Henson, carried.

The drafted 2025 Annual Update Letter was reviewed.

Dr. Kuperus made a motion to add “Per 201 KAR 21:015, a licensee shall report to the Board within 30 days for any of the following reasons:

- Any reasonably suspected violation of KRS Chapter 312 or 201 KAR Chapter 21 by another licensee or applicant
- Any guilty plea, criminal conviction other than minor traffic violations, civil judgment, settlement, or civil claim made against the licensee
- Any discipline from another state licensing board
- Any malpractice settlement over \$10,000“

Motion seconded by Dr. Johnson, carried.

201 KAR 21:075 - Peer Review Annual Summary

Dr. Johnson made a motion to have the Peer Review Committee submit the Peer Review Summary to the Board by January 31st annually. Motion seconded by Dr. Cooper-Henson, carried.

Dr. Johnson made a motion to add advertisement on website inquiring Peer Review Committee Members. Motion seconded by Dr. Cooper-Henson, carried.

APPLICATIONS COMMITTEE

Dr. Johnson moved to enter closed session pursuant to KRS 61.815(1) and KRS 61.810(1)(j) and (k) to deliberate on individual adjudications. Motion seconded by Dr. Cooper-Henson, carried. The Board entered closed session at 12:41 p.m.

Dr. Johnson moved to leave closed session. Motion seconded by Dr. Kuperus, carried. Regular session resumed at 12:57 p.m.

Dr. Pugh moved to approve the recommendations for all below matters as discussed in closed session. Motion seconded by Dr. Kuperus, carried.

A.N. 2025 Renewal – No Action

S.M. Licensure Application – Denied per 201 KAR 21:041

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

STATUTES AND REGULATIONS COMMITTEE

KRS 312.175 (2) was reviewed. Dr. Kuperus made a motion to refer KRS 312.175 back to the Regulations Committee for discussion and potential regulation development. Motion seconded by Dr. Johnson, carried.

Regulation Changes – Ongoing

Manipulation of Animals – Ongoing

Dr. Johnson made a motion to have Regulations Committee review and revise 201 KAR 21:095 Section 1 (2)(a). Motion seconded by Dr. Cooper-Henson, carried.

COMPLAINTS COMMITTEE

The Complaints Committee presented the following recommendations:

- **M.B. DOI-DIFI Report** – Post Hearing proceedings are ongoing.
- **2022KBCE00003** – Recommend legal counsel draft letter to licensee requesting a response to the Agreed Order within 20 days of receipt or proceed with 13B Hearing.
- **2022KBCE00004** – Recommend legal counsel draft letter to Franklin District Court requesting a copy of the Not Guilty Verdict.
- **2022KBCE00005** – Recommend dismissing complaint without prejudice. Propose Agreed Order with the following terms: obtain 12 hours of board-approved Ethics and Boundaries continuing education within 6 months.
- **2023KBCE00009** – Recommend legal counsel draft letter to licensee requesting a response to the complaint filed against him within 20 days of receipt. Failure to comply could result in emergency suspension.
- **2024KBCE00001** – Assign to investigator.
- **2024KBCE00002** – Assign to investigator.
- **C.M. Civil Case Dismissal Notice** – Recommend dismissal without prejudice. Propose Agreed Order with the following terms: obtain 12 hours of board-approved Record Keeping continuing education within 6 months.
- **J.S. Lawsuit** – Ongoing.
- **B.D. Practice Name** – Recommend legal counsel draft letter to licensee requesting a photo of signage that clearly notates the word “Chiropractor or Chiropractic” as pursuant to KRS 312.145 (3).
- **J.P. Self-Report Claim** – Recommend legal counsel draft letter to licensee requesting update. Failure to update could result in emergency suspension.
- **D.B. SOS Filing** – Recommend legal counsel correspond with attorney regarding ownership.
- **J.H. 2023 Renewal** – Recommend legal counsel draft letter to licensee requesting patient records and update. Failure to cooperate could result in emergency suspension.
- **R.G. 2023 Renewal** - Recommend legal counsel draft letter to licensee requesting patient records and update. Failure to cooperate could result in emergency suspension.
- **D.M. Self-Report** - Recommend legal counsel draft letter to licensee requesting patient records and update. Failure to cooperate could result in emergency suspension.

- **K.R. Self-Report** – Recommend legal counsel draft letter to licensee requesting patient records and quarterly updates.
- **E.A. Complaint Referral from Massage Therapy** – No action.
- **M.M. Inquiry-Complaint** – Recommend legal counsel draft letter requesting KBCE’s complaint form be completed by complainant so an official complaint can be initiated.

K.M. Solutions Update:

- **ABC Complaint** – Recommend legal counsel draft letter to Kentucky Attorney General’s Office, North Carolina Chiropractic Board, and Arkansas Chiropractic Board.
- **J.M. NPDB Report** – Recommend suspending investigation at this time. Investigative report will be added to file.

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

TRAVEL AND PER DIEM

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

- Dr. Johnson – December 8, 2024 (1 Hour – Meeting Prep), December 9, 2024 (Special Board Meeting), December 12, 2024 (8 Hours – Hearing), January 8, 2025 (3 Hours – Meeting Prep), January 9, 2025 (Complaints Committee Meeting), and January 17, 2025 (Board Meeting).
- Dr. Henderson – December 9, 2024 (Special Board Meeting), January 16, 2025 (Regulations Committee Meeting), and January 17, 2025 (Board Meeting).
- Dr. Kuperus – December 9, 2024 (Special Board Meeting), January 8, 2025 (2.5 Hours – Meeting Prep), January 9, 2025 (Complaints Committee Meeting), January 16, 2025 (Regulations Committee Meeting), and January 17, 2025 (Board Meeting).
- Dr. Cooper-Henson – November 15, 2024 (2 Hours – Applications Review), November 16, 2024 (1.5 Hours – Applications Review), November 18, 2024 (1 Hour – Applications Review), November 23, 2024 (.75 Hour – Applications Review), November 29, 2024 (1 Hour – Applications Review), December 6, 2024 (.50 Hour – Applications Review), December 7, 2024 (1.5 Hours – Applications Review), December 9, 2024 (Special Board Meeting), December 15, 2024 (.75 Hour – Applications Review), December 21, 2024 (.25 Hour – Applications Review), and January 17, 2025 (Board Meeting).
- Dr. Pugh – January 17, 2025 (Board Meeting).

Motion seconded by Dr. Cooper-Henson, carried.

The next Board Meeting is March 14, 2025, at 12pm EST.

ADJOURN

A motion was made by Dr. Johnson to adjourn the meeting at 1:27 p.m. Motion seconded by Dr. Cooper-Henson, carried.

A handwritten signature in black ink, reading "Shannon M. Johnson, DC". The signature is written in a cursive style with a large, stylized initial 'S'.

Dr. Shannon Johnson, Board President