

**KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS  
MEETING MINUTES  
May 6, 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 May 6, 2022.

**MEMBERS PRESENT**

Dr. Kelly Cooper-Henson  
Dr. Rachael Kuperus  
Dr. James England  
Dr. Shannon Johnson  
Dr. Chad Henderson (joined at 3:29 pm, left at 3:36 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  
Don Oliva, CE Broker

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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. Johnson to approve the minutes from the March 11, 2022 board meeting. Motion seconded by Dr. Cooper-Henson, carried.

**FINANCIAL STATEMENT**

The board reviewed the March and April 2022 financial statements. No action taken.

**DPL UPDATE**

A new board administrator is scheduled to start on June 1, 2022.

The COVID SOE ended on March 21, 2022. DPL has adjusted the license renewal and expiration dates accordingly.

**LEGAL COUNSEL**

Counsel advised the department continues to track telehealth and other applicable bills.

Counsel provided an update on Specialty research and 13B hearings, all of which are ongoing.

**OLD BUSINESS**

The online continuing education discussion was tabled until a special called meeting on June 3, 2022 at 12:30 pm EST.

Dr. Johnson made a motion to refer the online continuing education issue to the regulations committee. Motion seconded by Dr. Cooper-Henson, carried.

**NEW BUSINESS**

Dr. England made a motion to issue a plaque to Dr. Jeffery Smith. Motion seconded by Dr. Johnson, carried.

The board reviewed a request from Affiliated Monitors. Dr. England made a motion to postpone discussion indefinitely. Motion seconded by Dr. Johnson, carried.

Dr. Johnson made a motion to postpone consideration of the discussion of the ethics officer to the next meeting. Motion rescinded.

Dr. Johnson made a motion to appoint Dr. Johnson as the board's ethics officer. Motion seconded by Dr. Cooper-Henson, carried.

The board reviewed an MOU from CE Broker. Dr. England made a motion to form an ad hoc committee consisting of Dr. Henderson and Dr. Johnson for the examination of continuing education platforms. Motion seconded by Dr. Cooper-Henson, carried.

Dr. England made a motion for Counsel to review the proposed MOU. Motion seconded by Dr. Johnson, carried.

The board reviewed the investigator's MOA, a memorandum to discontinue investigative services with DPJ Consulting, LLC, and a performance evaluation.

Dr. Johnson made a motion to decline to renew the investigators MOA. Motion seconded by Dr. Johnson, carried.

Dr. England made a motion to approve the investigator's performance evaluation and memorandum as drafted by the complaints committee. Motion seconded by Dr. Cooper-Henson, carried.

Dr. Johnson made a motion to authorize the president to review and sign investigator RFP with similar terms as prior RFP except with the additions, to be drafted by counsel: 1) that a prior evaluation be taken into account as part of the scoring for the bid; 2) that the investigator must use a template provided by the board for investigation reports. Motion seconded by Dr. England, carried.

Dr. Johnson made a motion to authorize the board administrator to issue the jurisprudence reminder letter as drafted. Motion seconded by Dr. Kuperus, carried.

Dr. Johnson made a motion to approve the drafted peer review language as presented and for IT to tie the peer review and chiropractic license status together in the board's licensing system. Motion seconded by Dr. Kuperus, carried.

Dr. England made a motion to refer the clinical electrodiagnosis specialty to the regulations committee. Motion seconded by Dr. Johnson, carried.

The board reviewed a revised and proposed PACE continuing education form. Dr. England made a motion for the board administrator to reach out to PACE and advise the board cannot use the revised form based on its current regulations. Motion seconded by Dr. Johnson, carried.

Dr. England made a motion to request that PACE utilize the board's official continuing education form. Motion seconded by Dr. Cooper-Henson, carried.

Dr. England made a motion to send the board's continuing education forms and PACEs revised form to the regulations committee for review. Motion seconded by Dr. Johnson, carried.

Dr. Johnson made a motion to appoint Dr. England as the board's President. Motion seconded by Dr. Cooper-Henson, carried.

Dr. England called a vote for the nomination of Vice-President nominee Dr. Shannon Johnson. Roll Call:

- Dr. Kelly Cooper-Henson - No
- Dr. Rachael Kuperus – No
- Dr. James England – Yes
- Dr. Shannon Johnson – Yes

Dr. England called a vote for the nomination of Vice-President nominee Dr. Chad Henderson. Roll Call:

- Dr. Kelly Cooper-Henson - Yes
- Dr. Rachael Kuperus – Yes
- Dr. James England – No
- Dr. Shannon Johnson – No

Dr. England made a motion to appoint Dr. Johnson as the board's Vice-President. Roll Call:

- Dr. Kelly Cooper-Henson - No
- Dr. Rachael Kuperus – No
- Dr. James England – Yes
- Dr. Shannon Johnson – Yes
- Dr. Chad Henderson - No

Dr. Cooper-Henson made a motion to appoint Dr. Henderson as the board's Vice-President. Roll Call:

- Dr. Kelly Cooper-Henson - Yes
- Dr. Rachael Kuperus – Yes
- Dr. James England – No
- Dr. Shannon Johnson – Yes
- Dr. Chad Henderson – Yes

### **APPLICATIONS COMMITTEE**

Ms. Stewart reported 1155 inactive and active licensees. As of the report run time, 33 chiropractic and 12 peer review licensees have not completed their 2020 renewal. 115 chiropractic and 10 peer review licensees have not completed their 2021 renewal. 228 chiropractic and 32 peer review licensees have not completed their 2022 renewal.

Dr. England made a motion at 1:56 pm EST to recess for 15 minutes, to return at 2:10 pm EST. Motion seconded by Dr. Cooper-Henson, carried.

Dr. England called the meeting back to order at 2:10 PM EST.

### **STATUTES AND REGULATIONS COMMITTEE**

The board reviewed drafted amendments as presented by Counsel to 201 KAR 21:041, 042, and 070.

Dr. Johnson made a motion to approve the amended language of 201 KAR 21:041 pending the reading of the final draft. Motion seconded by Dr. England, carried. Dr. Kuperus abstained.

Dr. Johnson made a motion to approve the amended language of 201 KAR 21:070 pending the reading of the final draft. Motion seconded by Dr. England, carried. Dr. Kuperus abstained.

Dr. England made a motion to return the amendments of 201 KAR 21:042 to the applications committee for further workshopping with Counsel. Motion seconded by Dr. Johnson, carried.

Dr. England made a motion to consider final drafts of all proposed regulations at once. Motion seconded by Dr. Johnson, carried.

### **COMPLAINTS COMMITTEE**

The Complaints Committee presented the following May 5, 2022 recommendations for board vote:

- **M.Y. DUI Report & Audited Renewal:** Recommendation for the board to approve the audited renewal and keep the investigation before the complaints committee; committee to send a letter to the licensee to request patient records for further review by the committee
- **P.C. 2022 Renewal:** Recommendation for the board to approve the audited renewal and keep the investigation before the complaints committee; committee to send a letter to the licensee to request patient records for further review by the committee.
- **C.G. Audited Renewal:** Recommendation for the board to approve the audited renewal and send a letter to the licensee to request patient records for further review and keep the investigation open.
- **2019KBCE00005:** Recommendation to offer an agreed order to pay one half of the investigative fees.
- **2020KBCE00007:** Recommendation to resend agreed order with letter offering an additional 30 days to respond. If no response, proceed to 13B hearing.
- **Investigations pending before board investigators:** Recommendation for the board to close out all investigations pending before board investigators and transfer case files back to board.

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

Dr. England made a motion to enter closed session to include Board Counsel and the Board Administrator pursuant to KRS 61.810(1)(j)(k) to deliberate on individual adjudications in the matter of the J.M. Licensure Application and B.D. Audited Renewal. Motion seconded by Dr. Johnson, carried. The board entered closed session at 2:50 p.m.

Dr. Johnson made a motion to exit closed session. Motion seconded by Dr. Cooper-Henson, carried. The board entered regular session at 3:12 p.m.

Dr. England made a motion to approve the J.M. licensure application with Counsel to draft a letter, for the chair to review and approve, with citation to ownership statute. Motion seconded by Johnson, carried.

Dr. England made a motion to approve B.D. Audited Renewal and refer the case to the complaints committee for further investigation and for Counsel to draft, with chair review and approval, a board complaint letter. 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 – May 6, 2022 meeting.
- Dr. Cooper-Henson – March 13, 2022 (2.5 hours – applications review), March 27, 2022 (1.5 hours – applications review), April 11, 2022 (1 hour – applications review), and April 24, 2022 (1 hour – applications review).
- Dr. England – April 28, 2022 (3 hours – meeting preparation, regulations meeting, regulations review), May 3, 2022 (3 hours – meeting preparation and meeting), and May 5, 2022 (3 hours – meeting preparation and meeting).
- Dr. Henderson – March 13, 2022 (3 hours – applications review) and April 11, 2022 (3 hours – applications review).
- Dr. Johnson – April 28, 2022 (2 hours – meeting preparation, meeting, and regulations review), and May 5, 2022 (3 hours – meeting preparation and meeting).
- Dr. Kuperus travel for the May 6, 2022 board meeting.

Motion seconded by Dr. England, carried.

## **ADJOURN**

A motion was made by Dr. Johnson to adjourn the meeting at 3:37 p.m. Motion seconded by Dr. Cooper-Henson, carried.

  
Dr. James England, Vice Chair