

**KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS
MEETING MINUTES
September 15, 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 September 15, 2023.

MEMBERS PRESENT

Dr. James England
Dr. Rachael Kuperus
Dr. Shannon Johnson
Dr. Kelly Cooper-Henson
Dr. Chad Henderson

DEPARTMENT OF PROFESSIONAL LICENSING

Kristen Lawson, DPL Commissioner
Courtney Cook, Administrative Section Supervisor
Ashley Cotton, Board Specialist

OTHERS

Clayton Patrick, 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 12:06 p.m.

MINUTES

A motion was made by Dr. Kuperus to approve the minutes from the July 21, 2023, board meeting. Motion seconded by Dr. Cooper-Henson, carried.

FINANCIAL STATEMENT

The board reviewed the July and August 2023 financial statements. No action taken.

DPL UPDATE

No report.

LEGAL COUNSEL

ARRS Committee will have a meeting on September 27, 2023, to consider pending regulations.

OLD BUSINESS

No action taken.

NEW BUSINESS

Track CE Hours/Documentation in eServices- The Board requests that correspondence be sent out via email to licensee's regarding newly implemented CE Hours/Documentation Tracking in eServices.

Decompression Therapy Inquiry- The Board instructed Board Specialist to contact licensee requesting specifics regarding Decompression Therapy.

Animal Chiropractic Inquiry- The specific KBVE regulation in question is being drafted. The Board suggests that the inquirer contact the Kentucky Board of Veterinary Examiners for more information. Legal counsel will draft response.

Licensee Inquiry- The licensee inquiry was reviewed, and the Board determined that there is no conflict. Legal counsel will draft response.

Dr. England made a motion to allow Dr. Johnson to present a Board Report at the KAC Annual Convention. Motion seconded by Dr. Henderson, carried.

Dr. England appointed Dr. Kuperus to replace himself in the Complaints Committee and appointed Dr. Johnson to replace himself in the Regulations Committee effective October 6th, 2023.

APPLICATIONS COMMITTEE

No report.

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

STATUTES AND REGULATIONS COMMITTEE

The Regulations Committee presented the following:

Animal Manipulation/KBVE Update- KBVE will provide their updated regulation changes within a couple of weeks. KBCE Regulations Committee will review and discuss updated KBVE regulation changes at their next Regulations Committee Meeting scheduled for November 16th, 2023.

Preceptorship Program – The Board discussed a potential Postceptorship Program option to be added to Regulations. Dr. England made a motion to refer the Postceptorship Program back to Regulations Committee for development. Motion seconded by Dr. Johnson, carried.

COMPLAINTS COMMITTEE

Dr. England moved to enter closed session to include Board Members, Board Counsel Mr. Clay Patrick, 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. Henderson, carried. Dr. England amended motion to include the ABC Complaint. Motion seconded by Dr. Johnson, carried. The board entered closed session at 12:40 p.m.

Dr. England moved to leave closed session. Motion seconded by Dr. Johnson, carried. Regular session resumed at 12:56 p.m.

The Complaints Committee presented the following recommendations:

- **2020KBCE00001 & T.S. NPDB Report** – Recommend an agreed order with the following terms: a two-year probation with restriction of having another female present during a visit with a female patient. Respondent must complete a board approved ethics and boundaries class and pay fine of \$2500 within 60 days.
- **2023KBCE00005** – Recommend dismissal. Legal counsel will draft letter.

- **B.T. NPDB Report / Self Report** – Recommend legal counsel draft letter requesting all patient records pertaining to lawsuit.
- **M.Y. DUI Report & Audited Renewal** – Recommend a final attempt to resend agreed order to address listed on DUI Report. If undeliverable, legal counsel will coordinate with law enforcement to serve the respondent with the agreed order.
- **J.M. NPDB Report** – Recommend legal counsel draft letter to licensee requesting patient records pertaining to lawsuit.
- **N.L. Email Inquiry** – Recommend no action. Legal counsel will draft letter.
- **R.L. Email Inquiry** – Recommend legal counsel draft letter to licensee regarding advertising inquiry.
- **K.M. Solutions Case Review**
 - **2023KBCE00003** – Recommend sending complaint to be reviewed by the Peer Review Committee and request that K.M. Solutions ask additional questions to the licensee and patient.
- **S.M. Agreed Order, Administrative Action 16-005** – Ongoing.
- **2021KBCE00013** – Recommend dismissal. Legal counsel will draft letter.
- **ABC Complaint** – Recommend legal counsel reach out to FCLB to see if they have any information. Assign to investigator.

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

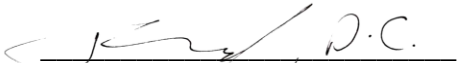
A motion was made by Dr. Kuperus to approve the following travel and per diem:

- Dr. England – August 9, 2023 (3 hours, meeting prep/meeting), September 7, 2023 (3 hours meeting prep/complaints committee meeting), September 12, 2023 (3 hours meeting prep), September 14, 2023 (3 hours meeting prep/regulations committee meeting), September 15, 2023 (3 hours meeting prep/ board meeting).
- Dr. Henderson – August 8, 2023 (3 hours, applications review), September 7, 2023 (3 hours, applications review), September 12, 2023 (3 hours, applications review), September 15, 2023 (board meeting).
- Dr. Kuperus – August 8, 2023 (4 hours, regulation changes/meeting), September 14, 2023 (regulations committee meeting), September 15, 2023 (board meeting).
- Dr. Johnson – September 7, 2023 (3 hours, meeting prep/complaints committee meeting), September 15, 2023 (3 hours, meeting prep/board meeting).
- Dr. Cooper-Henson – September 15, 2023 (board meeting).

Motion seconded by Dr. Johnson, carried.

ADJOURN

A motion was made by Dr. Henderson to adjourn the meeting at 1:10 p.m. Motion seconded by Dr. Johnson, carried.


Dr. James England, President