

**KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS
SPECIAL MEETING MINUTES
May 8, 2020**

A special called meeting of the Kentucky Board Chiropractic Examiners was held at the Department of Public Licensing located at 500 Mero Street, Frankfort, KY 40601 and via Zoom on May 8, 2020.

MEMBERS PRESENT

Dr. Jeffery Smith
Dr. Eric Davis
Dr. James England
Dr. Kelly Cooper-Henson
Dr. Chad Henderson

DEPARTMENT OF PROFESSIONAL LICENSING

Tasha Stewart, Board Administrator
Dr. Michael Newman, Commissioner
Chessica Nation, Administrative Supervisor
Robin Vick, Operations Supervisor
Kevin Winstead, General Counsel

GUESTS

Kirsten Ferguson
Nick Payne
Dwain Porter
Jason Luking
Sonya Wolter
Patrick Lowe
Brian Anderson
James Taylor
Charles Copeland
Rachel Kuperus
Steve Hannegan

OTHERS

David Trimble, Legal Counsel

CALL TO ORDER

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

MINUTES

A motion was made by Dr. Davis to approve the minutes from the March 13, 2020 board meeting. Motion seconded by Dr. England, carried.

FINANCIAL STATEMENT

The Board reviewed fiscal year 2020 March and April financial statements.

DPL UPDATE

Ms. Vick advised the board it had used the entirety of the original \$20,000 used for scanning records. Dr. Davis made a motion to allow an additional \$10,000 to be used toward scanning. Motion seconded by Dr. England, carried.

The board reviewed a new MOA with DPL to continue services from July 1, 2020 to June 30, 2022. Dr. England made the motion to accept the MOA as presented. Motion seconded by Dr. Davis, carried.

LEGAL COUNSEL

The board reviewed a new MOA with OLS to continue services from July 1, 2020 to June 30, 2021. Dr. Henderson made the motion to accept the MOA as presented. Motion seconded by Dr. Cooper-Henson, carried.

OLD BUSINESS

The board reviewed a PACE update stating that the approved form is now in use. No action taken.

The board reviewed an audit update stating COVID-19 has extended the anticipated completion date. The auditors hope to have results by the next board meeting.

The board reviewed teacher CE credit regulations from surrounding states and other boards. Dr. Henderson made a motion to allow teachers to receive CE credit for the approved courses they teach. If the same course is taught multiple times in a licensure period, the teacher can only claim credit for the course one time. The board will create a teachers CE credit form which must be submitted for pre-approval of CEs. Motion seconded by Dr. England, carried.

The board reviewed an issued specialty certificate and asked for additional information. Ms. Stewart will follow up.

The Peer Review Committee appointment was tabled until an interview with the candidates can be scheduled.

NEW BUSINESS

The regulations committee presented and made a motion to accept the emergency CE motion as presented. Motion seconded by Dr. Henderson, carried.

The regulations committee presented and made a motion to accept the regular CE regulations amendments as presented. Motion seconded by Dr. Henderson, carried.

The regulations committee presented the revised PACE and board CE forms based on the emergency CE motion. The motion was made by Dr. England to adopt the forms as presented. Motion seconded by Dr. Cooper-Henson, carried.

Dr. England made a motion to suspend any fees and obligations through the State of Emergency and ninety (90) days thereafter. Motion seconded by Dr. Cooper-Henson, carried.

The board reviewed legal action correspondence sent to its attention. Ms. Stewart and Mr. Trimble will draft correspondence.

The board reviewed a request for licensed chiropractors to sell gift certificates. The board decided as long as the gift certificate can be used toward any service offered, it is acceptable. Gift certificates for free or discounted services must include the 72-hour right of rescission.

The board reviewed a massage therapy question for potential fraud. Ms. Stewart and Mr. Trimble will draft correspondence.

The board reviewed an ownership question. The regulations committee will do research and report at the next meeting.

Dr. Davis made a motion to pay the lead peer reviewers for PR-468, PR-469, and PR-470. Motion seconded by Dr. Cooper-Henson, carried.

The board reviewed its processes for claiming per diem.

The regulations committee will do more research on a postceptorship question and report at the next meeting.

A agreed order removal request was reviewed and sent to the complaints committee for further action.

APPLICATIONS COMMITTEE

The Applications Committee reported a reduction in overall applications due to COVID-19.

Ms. Stewart reported a total of 1,078 inactive and active licensees. As of the report run time, 39 chiropractic and 41 peer review registry licensees have not completed their annual renewal. One preceptorship application was reviewed and approved.

COMPLAINTS COMMITTEE

14-027 – closed

15-037 – previously closed, reviewed again

19-003 - ongoing

2019KBCE00005 – ongoing

2019KBCE00012 – ongoing

2020KBCE00001 – ongoing

2020KBCE00002 – ongoing

2020KBCE00003 – ongoing

2020KBCE00004 – ongoing

2020KBCE00005 – ongoing

Agreed Order Request – ongoing

Civil Lawsuit – no action taken

Malpractice Settlement - ongoing

A motion was made by Dr. Davis to accept the recommendations of the complaints committee. Motion seconded by Dr. Henderson, carried.

TRAVEL AND PER DIEM

A motion was made by Dr. England to approve the May 8, 2020 board meeting per diem. Motion seconded by Dr. Smith, carried.

A motion was made by Dr. England to approve 9 hours of per diem for Dr. Davis' work on the applications and regulations committee on May 7, May 1, and April 24, 2020. Motion seconded by Dr. Henderson, carried.

A motion was made by Dr. Davis to approve 3 hours of per diem for Dr. Henderson's work on the applications committee on April 29, 2020. Motion seconded by Dr. Cooper-Henson, carried.

A motion was made by Dr. Henderson to approve 9 hours of per diem for Dr. England's work on the complaints and regulations committees on April 22, May 4, and May 7, 2020. Motion seconded by Dr. Cooper-Henson, carried.

A motion was made by Dr. Henderson to approve 3 hours of per diem for Dr. Cooper-Henson's work on the complaints committee on February 27, 2020. Motion seconded by Dr. England, carried.

ADJOURN

A Motion was made by Dr. England to adjourn the meeting at 2:20 p.m. Motion seconded by Dr. Davis, carried.



Dr. Jeffery Smith, Chair