

North Carolina Board of Chiropractic Examiners
Regular Board Meeting
February 19, 2016
Minutes



Time and Place of Meeting: A regular meeting of the North Carolina Board of Chiropractic Examiners was held in Greensboro, North Carolina on February 19, 2016 which was rescheduled from January 22, 2015 due to inclement weather.

Presiding: Dr. Bruce Hilton, President; Moderator: Mr. Thomas Sullivan

Members Present: Dr. Bruce Hilton, President
Dr. Miguel Cruz, Vice President
Dr. Michael Estramonte, Secretary
Dr. Ray Armstrong, Treasurer
Dr. Randy Schilsky (via conference call)
Dr. Richard Davis Jr.
Mr. Adam Bridgers

Members Absent: Ms. Jacqueline Hobbs

Quorum Present: Yes

Staff Present: Mr. Thomas Sullivan, Executive Director
Mr. Vance Kinlaw, Counsel to the Board
Dr. Ricky Sides, Director of Standards and Enforcement

Meeting Called to Order: President Dr. Hilton called meeting to order at 10:10 AM and stated that a Quorum was present. He then turned the meeting over to Moderator Mr. Sullivan

Procedural Matters: Mr. Sullivan then reminded all Members of their responsibilities under the Ethics and Conflict of Interest requirements and the Board's Responsibilities to protect the public's interest in all of its actions as an Occupational Licensing Board.

Mr. Sullivan then presented the Minutes from the Special Meeting of the Board on December 17, 2015. He asked if there were any comments or corrections.

Two spelling issues were corrected and with no other comments, a motion was made to approve the Minutes. The motion was seconded and Approved.

Attorney's Report: Mr. Kinlaw then reported the following:

Rule 10. 0208 Acupuncture training amendment to increase 200 to 300 hours effective 7/2019. Determined not to be a public safety issue and after further discussion the following motion was made;

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A motion was made to inform the RRC that the BOE would like to withdraw the request to increase acupuncture training from 200 – 300 hours. The motion was seconded and Approved.

Proposed Amendment to Rule 10. 0503 to expand the current Board Review Committee (Secretary, Counsel and Alt Member) to include the following:

“Alternative Members” for the BRC can include former Board Members and the Director – Standards & Enforcement;

Any sitting Member of the Board, that is a Doctor, can act in the place of the Secretary on the BRC;

A motion was made to expand the definition of the members of the Board Review Committee as follows: “Alternative Members” to include former Board Members and the Director – Standards & Enforcement and allow any sitting Member of the Board that is a Doctor to substitute for the Secretary on the BRC. **The motion was seconded and Approved.**

Rules Review Commission passed Rule 10. 0214 Random Office Inspections. Board now can implement. The implementation will be discussed later in the meeting.

Standards & Enforcement:

Dr. Sides reported the following:

Began 2015 with twenty-two (22) complaints outstanding. Nine (9) have been resolved and thirteen (13) going to Probable Cause hearings over the next 3 months.

Seven (7) Plea Offers remain outstanding going back to early 2015.

“Hub” locations have been established across the State to host hearings.

A Full Board Hearing is schedules on March 31st at 9:30 AM at the Sheraton Raleigh.

Nine (9) Hardship cases requested to extend completion date of CE credits were presented and reviewed with a proposed completion date of February 29, 2016.

A motion was made to approve the Hardship extensions. The Motion was seconded and Approved.

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A separate request was made to allow the Cagle's to complete their CE credits online.

A motion was made to approve "online" compliance for the Cagle's and hardship extensions, seconded and the motion was Approved.

A separate motion as made to not categorize a licentiate as lapsed until June 1, 2016 when the CE audit will be concluded.

A motion was made to not categorize a licentiate as lapsed until June 1, 2016, seconded and the motion was Approved.

A reinstatement request was presented and reviewed for Dr. Eric Shapiro. After some discussion a Motion was made:

Motion to require Mr. Shapiro to pass a definitive, quantitative urine toxicology test prior to beginning a 1-year probation period of practice and re-evaluation to determine if a license will be extended. The Motion was seconded and Approved.

An additional motion was made that requires Dr. Shapiro, at the end of the 1-year Probationary period and prior to renewing his License at that time, to pass a definitive, qualitative urine toxicology test. The Motion was seconded and Approved.

It was suggested that the Executive Director look into using the NCPHP to review these types of situations.

Implementation of Random Office Inspection Program to be presented for approval at April Board meeting.

Board was asked to review if adjustments through the Vagina are allowable in NC. After some discussion, it was agreed that the Executive Director research college curriculums on where this technique is offered.

Legislative Report:

Dr. Sides reported the following:

Dr. Sides is registered as the Board's Legislative Liaison.
Joint APO Committee Update – attended first meeting in Raleigh. Need to monitor evaluation of Occupancy Board Review
Short Session begins April 25th; HR Bills 728 & 729 in Senate

Request "Preceptorship" be considered to be added to 728 as it was caught up in separate Education legislation in 2015 and is not currently allowed in NC. Decision to attempt to modify HB 728 only if it doesn't derail getting the basic Bill approved. Mr. Kinlaw and Mr. Sullivan to monitor short session.

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Executive Director's Report: Mr. Sullivan reported the following:

Liquidity position of the BOE, including all bank accounts and reserve investment accounts, of \$848K as of February 1, 2016. QuickBooks needs to modify work regarding the Chart of Accounts to be able to produce financial statements which will be reported on at the April meeting

Reviewed Insurance policies in place and under review.

Reviewed the status of the Data Base project and website upgrade.

A dispute with the Website vendor was reviewed by Mr. Sullivan regarding a \$5,200 remaining balance. Mr. Sullivan recommended to pay and move forward without the current vendor.

A Motion made to make the final payment of \$5,200 to the website vendor. The motion was seconded and Approved.

Reviewed personnel and need to bring in part-time help over the next 2-3 months.

Reviewed status of Concord office lease and organization of files and clean-up.

Old Business:

Reviewed Board Nominees from November meeting. Dr. Estramonte announced an email was received just prior to the Board Meeting that Dr. Jessica Benningfield was appointed to take the vacancy created with Dr. Estramonte's departure (reached 2 term limit) and Dr. Bruce Hilton was reappointed to a new term. There was discussion around the recent notification process to the Governor's office and the general appointment process.

It was determined that officer elections will have to wait until at least March 15, 2016 when the new appointments take effect. It was agreed that Officer elections will be conducted at the April Board meeting.

Dr. Lewis reviewed his findings on the Scantron machine and recommended two other options that are more economic and better fit our needs. After some discussion the following motion was made:

A Motion to set a maximum of \$7,500 to purchase appropriate machine and enter into annual support contract. The motion was seconded and Approved.

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Need to ensure that all disciplinary activity reported via CIN-BAD. We are creating a process for timely updating by the Director – Standards & Enforcement.

Dr. Lewis led discussion of test curriculum compared to actual tests. Discussed and agreed to modify “chiropractic historical” information and emphasize “practical” and “useable” on the job information. Next step will be to update test taking procedures and notice individuals of procedures prior to the exam date.

NCCA Spring and Fall Conference. Executive Director to confirm speaker. Also, Executive Director to speak at Saturday Lunch of the NCCA Conference.

Newsletter to be reviewed between Mr. Sullivan and Dr. Lewis. Establish a consistent calendar of publication.

New Business:

All Board members were handed the SEI Short Form, due April 15 of each year, and were asked to complete and return the form at the end of the meeting.

It was pointed out that Members had difficulties in participating on recent Board Calls. Mr. Sullivan stated that this will be remedied with new phone system.

X-Ray Exam discussion. Review total program.

Establishment of Education Committee by President Hilton to review overall testing and update the Board at the April Meeting - Members are Dr. Estramonte, Dr. Siragusa, Dr. Lewis, Dr. Paul Davis and Dr. Rick Davis.

Dr. Schilsky wanted the Board to acknowledge and give special thanks to Dr. Estramonte for the last six years on the Board and especially his efforts during the recent transition.

Request to compensate Deanna (help in Concord office) and Tracey (ED search) for services rendered. Executive Director to research and recommend to President Dr. Hilton.

Carol Hall Memorial. Mr. Sullivan to research and present options to the Board at the April Meeting.

Reiterated the need to make sure we review Preceptorship in the future.

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NCCA request for commitment to Conferences in 2017. To be addressed at the April Board Meeting.

Consider Sheraton Four Season for 2017 Board Meetings.

CCA recertification in 2017. Education Committee to review and make recommendations for criteria.

College Sponsored Homecoming or Convention Training Seminars - Leadership and Practice Management not allowable.

Public Comments

Dr. Paul Davis spoke regarding the Board transition and the staff transition now completed with the hiring of Mr. Sullivan as Executive Director and his expectations of the Board in the future.

Closed Session Called (Board Members Only)

Topics eligible under N.C.G.S 143-318.11

End of Closed Session

MOTION: Return to Open Session, seconded and **APPROVED.**

Adjournment

Dr. Hilton announced the next Regular Board Meeting is scheduled for July 22, 2016 to be held at the Grandover Hotel in Greensboro at 10 AM.

With no further business, Dr. Hilton adjourned the meeting.

Respectfully submitted this 22nd day of April 2016.

Richard K Davis, DC, DABCO

Dr. Richard Davis, Jr.
Interim Secretary, Board of Chiropractic Examiners