

North Carolina Board of Chiropractic Examiners
Regular Board Meeting
July 22, 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 July 22, 2016.

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

Members Present: Dr. Bruce Hilton, President
Dr. Ray Armstrong, Vice President
Dr. Richard Davis, Jr., Secretary
Dr. Randy Schilsky, Treasurer
Dr. Jessica Benningfield
Ms. Jacqueline Hobbs
Mr. Adam Bridgers

Members Absent: Dr. Kevin Sharp

Quorum Present: Yes

Staff Present: Mr. Thomas Sullivan, Executive Director (Moderator)
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 10:00 AM and stated that a Quorum was present. He then turned the meeting over to Moderator Mr. Sullivan

Procedural Matters: Mr. Sullivan reminded all Members of their responsibilities under the Ethics and Conflict of Interest statutes and the Board's responsibilities to protect the public in its actions and decisions.

Mr. Sullivan then presented the Minutes from the Regular Meeting of the Board on July 22, 2015. He asked if there were any comments or corrections.

With no corrections, a motion was made to approve the Minutes as submitted. The motion was seconded and Approved.

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

Status of Amendment to Rule 10.0503. After some discussion it was agreed that an additional change will be requested to eliminate "certified mail" as the sole delivery mechanism and to include all delivery methods in accordance with NCGS 150B-38(b).

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Focus on legal activity has been in supporting Complaint Investigation and Resolution activities.

Mr. Kinlaw then presented a Review of the Complaint Investigation & Resolution process.

Standards & Enforcement: Dr. Sides reported on Complaint Activities:

- Backlog and Complaints filed YTD = 55
- Pace of new Complaint filing has slowed since April.
- Backlog (2015 or earlier) has mostly been resolved.
- 11 new complaints filed since April BOE Meeting.
- 13 complaints currently open/active.
- Updated Complaint filing document and website per anticipated legislative requirements.

Legislative Report: Dr. Sides and Mr. Sullivan reported on the recently concluded Legislative “Short Session”:

- HR Bill 728 (CCA’s 180 days to get certified, Renewal Fee increase to \$300) Effective 10/1/16.
- Ability to impose civil monetary penalties was removed from the Bill.
- Further review of OLB’s expected to continue into next Regular Session. Need to prepare for requirements of more increased reporting, use of technology and oversight from APO.

Executive Director’s Report: Mr. Sullivan reported on the following:

Opened CDARS account with First Tennessee to manage FDIC \$250,000 insured limit per bank account.

Awarded 2015-16 Financial Audit to Gerald O. Dry. Reduced quote by \$1,000 based upon improvements made to accounting system and records from prior year.

Presented per-audit 2015-16 Actual to Budget comparison with Revenue lower than plan, expenses higher than plan and fiscal year

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loss higher than plan by approximately \$40,000 as was forecasted previously.

Insure Policy review of Directors & Officers Liability, Errors & Omissions and Cyber Security and requested approval to bind coverage with a total premium cost of \$13,000.

A motion was made and seconded, with no further discussion and the motion was passed.

I/T Update:

- Website upgrades with gateways now open for use to track CE credits and make credit cards payments.
- Completed audit of all licensees for 2015 CE credits and began contacting those that were short credits.
- Updated all applications and certificates.
- Finalized newsletter format for Fall edition.

Staffing:

- Dr. Lewis's contract for Newsletter services not extended.
- Have two temporary employees assisting with filing and records management following the move.

Move to new space was completed July 18th. Mr. Sullivan highlighted the Staff for their hard work in preparing for and executing the move successful with minimal office down time.

Old Business:

Random Office Inspection Implementation

Mr. Sullivan presented an implementation plan for the Random Office inspection program.

After some discussion, it was proposed that each Board member complete an Office Inspection by the October Board Meeting prior to it being rolled out to the licentiate. The process would be reviewed by the Board and any adjustments can be made prior to implementing the Program in 2017. Also, a communication plan will be presented at the October Meeting to announce the Program to the licentiate.

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Finalization of CCA Recertification - 6-Hour Training Courses

As a follow-up to the April meeting, the following course topics were presented for CCA Recertification:

Required - All CCA's must take these 4, 1-hour Courses:

- Acute Low Back*
- Acute Cervical Spine*
- Coding & Documentation*
- Indication/Contraindication*

Electives: Select 2, 1-Hour courses

- Digestive System
- Cardiovascular System
- Patient Education
- Addressing Soft Tissue Injuries
- Extremities Exam

After some discussion, a motion was made to approve the Required and Elective Course Topics with each course lasting 1 hour. The Motion was seconded and Approved.

With no other Old Business, Mr. Sullivan asked if there was any New Business to be brought before the Board.

New Business:

Proposed New Rule covering Prepaid Treatment Plans

Dr. Davis and Mr. Kinlaw presented a proposed new Rule to govern the use of Prepaid Treatment Plans. Initial Board discussions on this topic began over a year ago. With no current published guidance and an increase in complaints about these programs, the Review Committee felt it was appropriate to address this through the creation of a new Rule 10.0305.

After some discussion, a motion was made to move forward and file the new Rule with the Rules Review Commission. The motion was seconded and Approved.

Mr. Sullivan then presented an analysis around the current DC and XT annual renewal process. Nearly 2,800 individuals will be renewing at the same time this coming December. The Renewal

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process involves both payments and the annual CE credit deadline. The Board office is not staffed for this type of peak in activity and will require bringing in temporary staff during December and January.

Mr. Sullivan asked for feedback from the Board on changing the renewal date from year end to a Licensee's birthday. This will have the impact of leveling out cash-flow and administration of CE activity across the year rather than into a 60-day period. There were several comments that will be incorporated into the continuing analysis of this topic.

Mr. Sullivan then inquired to the Board about Board Members receiving CE credits for attending Regular Board Meetings. While not a policy of the Board, Board members that had served historically on the Board remember some discussion about this but weren't sure if it was ever implemented. No current Board members have received CE credits for attending Board meetings. Dr. Hilton made it clear that this should never happen.

Mr. Sullivan then presented a preliminary Budget for Fiscal Year 2016-2017. After much discussion, Mr. Sullivan was directed to prepare a new version of the Budget incorporating the feedback provided by the Board. It was also agreed that the Board would hold a Special Meeting (Conference Call) in September to review the new version of the Budget.

Public Comments

Dr. Rudolph Coronado addressed the Board and presented a list of questions he was interested in getting a written response from the Board. The Board agreed to provide a written response.

Move to Closed Session:

Mr. Kinlaw then requested the Board move to Closed Session to review disciplinary matters.

A Motion was made to enter Closed Session per N.C.G.S 143-318.11. The Motion was seconded and Approved.

Return to Public Session

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Adjournment

Dr. Hilton announced that the next Regular Board Meeting will be held on Friday, October 21, 2016.

With no further business to be discussed, Dr. Hilton adjourned the Meeting at 5:45 PM.

Respectfully submitted this 21st day of October 2016.

Richard K Davis, DC, DABCO

Richard K. Davis, Jr., DC, DABCO
Secretary, Board of Chiropractic Examiners