

North Carolina Board of Chiropractic Examiners
Regular Board Meeting
April 26, 2019
Minutes



- Time and Place of Meeting: A regular meeting of the North Carolina Board of Chiropractic Examiners was held in Greensboro, North Carolina at Sheraton Four Seasons Hotel on Friday, April 26, 2019.
- Members Present: Dr. Kevin Sharp
Dr. Thomas Ayres
Dr. Thomas Mitchell
Dr. Christopher Outten
Dr. John Hammer
Ms. Kimberly Swintosky (Public Member)
Ms. Lulu Caballeros (Public Member)
- Absent: Dr. Richard Davis, Jr. (family obligation)
- Quorum Present: Yes
- Staff Present: Mr. Thomas Sullivan, Executive Director
Mr. Jack Nichols, Board Counsel
Dr. Ricky Sides, Director – Standards & Enforcement
- Invited Guest: Ms. Heather Wrenn, Executive Director – NCCA
- Meeting Called to Order: Dr. Sharp called the meeting to order at 10:00 AM, took roll and stated that a Quorum was present. He reminded all Board Members of Ethics and Conflict of Interest Requirements and our Legislative mandate to properly regulate doctors of chiropractic for the benefit and protection of the people of North Carolina.
- Dr. Sharp then introduced and welcomed new appointees Dr. Thomas Mitchell, Dr. Christopher Outten, and public member, Ms. Lulu Caballeros.
- Approval of Minutes: Dr. Sharp asked if there were any comments or corrections to the Minutes from the Regular Board Meeting held on January 25, 2019.
- With no comments or corrections, a Motion was made to approve the Minutes of the Regular Board Meeting held on January 25, 2019 as submitted. The Motion was seconded and Approved.**
- Dr. Sharp then asked if there were any comments or corrections to the Minutes of the Special Meeting – Nominee Elections held on March 22, 2019.
- With no comments or corrections, a Motion was made to approve the Minutes of the Regular Board Meeting held on January 25, 2019 as submitted. The Motion was seconded and Approved.**

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President's Remarks:

Dr. Sharp announced that the July 26, 2019 Board Meeting will be extended through Friday afternoon. The meeting will reconvene on Saturday morning at 8:30 and adjourn at Noon.

Dr. Sharp then stated that the Board needed to fill the vacant Treasurer position.

Dr. Ayres made a motion to nominate Ms. Kimberly Swintosky as Treasurer. Dr. Ayres went on to state the along with legal background as an attorney with the Smith, Anderson law firm in Raleigh, she also holds an active CPA license making her qualified for the position.

With no other nominees, the Motion was seconded and Approved.

Dr. Sharp then announced that the FCLB National Meeting will be held May 2-4. The group representing the Board at the meeting will be Dr. Sharp, Dr. Ayres, Mr. Nichols and Mr. Sullivan. Mr. Nichols has been asked to speak to the Legal Committee on the N.C. Dental Board case and Mr. Sullivan will be attending the Administrative Committee meeting. He emphasized the importance of attending these meetings to monitor what is going on in other states as well as nationally.

Dr. Sharp then called for the Attorney's Report

Attorney's Report:

Mr. Nichols commented on the following areas:

- NC General Assembly – Focus remains on Budget and likely Governor veto but no “Super Majority” as in recent years.
- Executive Branch – Expect House/Senate appointments prior to August recess.
- Rulemaking – 10-Year Rules review effective 4/25/19.
- Disciplinary Hearing Schedule - covering next 60 days
- Unlicensed Practice – Injunction granted.

Rev Comm/Std's & Enforce:

Mr. Sullivan reported on Complaint activity YTD 2019:

- Complaints filed – 14 (+9 from Jan)
- PC Hearings held – 19 (+16 from Jan)
- Complaints Resolved – 3 (+4 from Jan) (includes prior years).
- PC found – 17 (+15 from Jan) (includes prior years).

Education Committee:

Mr. Sullivan stated that the Board needed to replace the Education Committee head as Dr. Benningfield was not reappointed to a second

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term. Dr. Sharp asked if Dr. Outten would like to assume this position. Dr. Outten agreed to be the head of the Education Committee.

Dr. Sharp introduced Dr. Gene Lewis who had asked to speak to the Board about the current XT Education Program. Dr. Lewis was one of the original developers of the Program and Exam which is modelled after the American Chiropractic Registry of Radiologic Technologies (ACRRT) Program. ACRRT is an affiliate organization to the American Chiropractic College of Radiology (ACCR). Dr. Lewis expressed concerns about if the current program was meeting the needs of the various stakeholders. After further discussion, Dr. Sharp assigned Dr. Outten to review the current program, interview the various stakeholders and report back to the Board on his findings and a recommendation at the July Board meeting.

Executive Director's Report

Mr. Sullivan began his presentation with a review of the last 5-years of financial results highlighting the steady progress made in increasing the financial strength of the Board.

He then reviewed financial results for the first 9-months of the year. Revenue was ahead of plan and expenses were below budget. A forecast for the full year showed that results would be better than plan (small gains versus a loss) with the positive variances for revenues and expenses expected to hold through the last quarter of the fiscal year.

Mr. Sullivan then presented the 2019-20 Budget and answered questions. Dr. Sharp asked since there were no more questions if there was a motion to approve the 2019-20 Budget.

A Motion was made to approve the 2019-20 Budget as submitted. The Motion was seconded and Approved.

Public Comment Session:

Dr. Sharp then announced that the Public Session of the meeting will begin and requested if anyone would like to speak and reminded them of the 5-minute time limit.

Dr. Sharp thanked the public in attendance for coming and stated that this concluded the Public Comment section of the meeting.

Dr. Sharp then stated that there was business to be discussed in Closed Session.

A Motion was made to move to Closed Session. With no discussion, the Motion was seconded and Approved.

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A Motion was made to return to Open Closed Session. With no discussion, the Motion was seconded and Approved.

- Return to Open Session Dr. Sharp announced that we are back in Open Session and there will be a 15-minute break at 12:00 P.M.
- Dr. Sharp reconvened the Meeting at 12:15 P.M. and asked if there was any Old Business to be brought before the Board.
- Old Business: Mr. Sullivan gave an update on the FDA and CBD. The FDA is scheduled to hold their first open Hearing on CBD May 31, 2019. This Hearing to allow the FDA to hear from all stakeholders around this issue as they begin the task of determining regulation of CBD and CBD-related products.
- Dr. Sharp then stated that Dr. Ayres will lead a review of current Rules and proposed use of Position Statements that will include a recommendation on Dry Needling and the FAA Basic Med Exam at the July meeting.
- With no more Old Business to be discussed, Dr. Sharp then called for any New Business to be brought before the Board.
- New Business: Mr. Sullivan presented topics including Telemedicine and several modalities that were discussed by the Board. It was determined that the revised Rules and New Position Statements to be presented in July will address questions around these topics.
- Announcements: Dr. Sharp announced that the next Regular Board Meeting will be held at 10 AM on Friday, July 26, 2019 at the Sheraton Imperial in Durham, NC. He reminded members that the Meeting will be extended through Friday afternoon and reconvene on Saturday from 8:30 – 12:00.
- Adjournment: With no more business to be brought before the Board, Dr. Sharp adjourned the Meeting at 12:54 P.M.

Respectfully submitted this 26th day of July 2019.

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