

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

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

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

**Members Absent:** None

**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 10:25 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 requirements and the Board’s responsibilities to protect the public in its action and decisions.

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

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

**Education Committee:** Committee Chair Dr. Estramonte reviewed the role and responsibilities of the BOE regarding the establishment of education standards.

**North Carolina Board of Chiropractic Examiners**  
**Regular Board Meeting**  
**April 22, 2016**  
**Minutes**



Dr. Estramonte reviewed the following topics considered by the Committee since the February meeting:

- CCA and X-Ray Tech Certification
- CCA 3-Year Recertification – 6 Hour Education Requirements
- X-Ray Tech exam
- Jurisprudence Exam

After discussion on each of the topics, it was decided that the Committee would take the Board's comments and return at the July meeting with revised proposals.

Attorney's Report:

Mr. Kinlaw then reported the following:

The filing has been made with the RCC to withdraw the proposed amendment to Acupuncture Rule 10.0208.

The filing has been made with the RCC to amend the Review Committee, Rule 10.0503. The required public hearing will be held May 4 in Concord.

Majority of the focus since the February meeting has been on Complaint activity which will be detailed in the Standards & Enforcement Report.

Update on Brocker Law firm's review.

Approval was granted for Mr. Kinlaw to attend the upcoming NACA Meeting.

Standards & Enforcement:

Dr. Sides reported the following:

Complaint Activity Summary

- 14 new complaints filed since February BOE Meeting.
- 7 complaints resolved since February BOE Meeting.
- 6 Probable Cause hearings held since February BOE Meeting.
- 9 Future Probable Cause Hearings scheduled.
- 7 New Plea offers extended since February BOE Meeting.
- Full Board hearing held March 31<sup>st</sup> in Raleigh - Pending

**North Carolina Board of Chiropractic Examiners**  
**Regular Board Meeting**  
**April 22, 2016**  
**Minutes**



- Significant progress made on backlog since February Board Meeting.

**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 requested that the Executive Director look into using the NCPHP to review these types of situations.

Implementation of Random Office Inspection Program to be outlined at the 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 Director – Standards & Enforcement research college curriculums to determine if this procedure is within the scope of practice under N.C.G.S. 90-151 and 90-154.3.

Legislative Report:

Mr. Kinlaw and Mr. Sullivan reported on following:

Joint APO Committee Update

- OLB elimination/consolidation Bill withdrawn.
- Not expected to be brought up again until after Short Session
- Information request sent out April 12<sup>th</sup> and due April 26<sup>th</sup>.

**North Carolina Board of Chiropractic Examiners**  
**Regular Board Meeting**  
**April 22, 2016**  
**Minutes**



Mr. Sullivan attended 2<sup>nd</sup> Annual OLB “Best Practices” Seminar on April 12<sup>th</sup> in Raleigh.

Short Session begins April 25<sup>th</sup>; HR Bills 728 & 729 will move to the Senate.

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

He stated that the accounting system is cleaned up, current and reconciled through March 31, 2016. He presented nine-month Financial Statements and stated that the liquidity position of the BOE, including all bank accounts and reserve investment accounts, was \$760K as of March 31, 2016. He disclosed that he closed out an account at Wells Fargo and moved the funds to the 5/3 checking account and was reviewing diversification options to get all funds covered by the \$250,000 FDIC limit.

The FY 2017 Budget will be presented at the July Board meeting.

Mr. Sullivan then stated that he is going to have the Board’s insurance policies reviewed by Sentinel Risk Management (Raleigh) following recommendations from several other Licensing Boards that will include expanding coverage for Antitrust and Cyber risk.

Mr. Sullivan gave an update on the website improvement project stating that we can now process credit card payments through our website as well as CCA and XT certificates can now be printed online.

Mr. Sullivan then described this process he went through to find a qualified web designer to complete the upgrade of the home page. He estimated that it will take +/- 50 hours and that a budget of \$4,000 should be adequate.

**A motion was made to approve the request for \$4,000 to complete the website home page upgrade. The motion was seconded and Approved.**

Mr. Sullivan then reviewed the recently completed DC payment renewal process. For 2016, 2014 License renewal payments were

**North Carolina Board of Chiropractic Examiners**  
**Regular Board Meeting**  
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received, 35 licenses have been moved to lapsed status for non-payment.

Reviewed Insurance policies in place and under review.

Mr. Sullivan then discussed current staffing that included the addition of two part- time employees for a total of four now in the Concord Office.

Mr. Sullivan then described the plan for Office Space and the Raleigh Transition. With the systems work, staffing, find office space in Raleigh and process improvements that needs to be completed prior to a move, he laid out a plan for moving the office to Raleigh by March 2017. The plan included extending the Concord office lease through March 31, 2017, securing short-term lease space in Raleigh for two people and beginning the search for office space in Raleigh.

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

**Old Business:**

Board Nominee election held during NCCA Spring Conference – Dr. Kevin Sharp elected - could be appointed as early as 7/1.

To provide adequate notice for planning purposes Mr. Sullivan put forth the question of commitment to 2017 NCCA Spring/ Fall Conferences by sponsoring the Friday Speaker(s) and Saturday DC Lunch. Mr. Sullivan went on to state that this sponsorship cost the BOE between \$30,000 - \$35,000 annually that directly impacts DC's that attend the meeting by sponsoring CE credit program and the Saturday luncheon.

During discussion on this request, the point was made that the BOE should maintain control of selecting of the Friday speaker. It was also mentioned that the Speaker/topic must meet the requirements to provide the intended Continuing Education credits.

**A motion was made to continue the sponsorship of the 2017 Spring and Fall Conference Speaker, selected by the BOE and meeting CE requirements, and the Saturday DC lunch. The motion was seconded and approved.**

North Carolina Board of Chiropractic Examiners  
Regular Board Meeting  
April 22, 2016  
Minutes



Mr. Sullivan was asked in February to consider options for the BOE to honor the memory of long-time Executive Secretary Carol Hall. Mr. Sullivan presented a proposal to fund a \$25,000 scholarship in the name of Carol Hall.

**After some discussion a motion was made to have Mr. Sullivan work with Hall Family to establish an endowment scholarship fund in the amount of \$25,000 at either a specific chiropractic college or for N. C. residents. The motion was seconded and Approved.**

New Business:

Mr. Sullivan reviewed the current Board Committees (Review Committee and Education Committee) and their membership.

Mr. Sullivan then proposed the creation of a new Board Committee the Executive/Finance Committee (EFC) composed of the President/Treasurer/ (1) Non-Officer Board Member.

**A motion was made to create the Executive/Finance Committee as proposed. The motion was seconded and Approved.**

Officer Elections were held with the following results:

President – Dr. Bruce Hilton  
Vice President – Dr. Ray Armstrong  
Secretary – Dr. Rick Davis  
Treasurer – Dr. Randy Schilsky

Public Comments

None

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 July 2016.

*Richard K Davis, DC, DABCO*

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