

North Carolina Board of Chiropractic Examiners
Regular Board Meeting
July 28, 2017
Minutes



Time and Place of Meeting: A regular meeting of the North Carolina Board of Chiropractic Examiners was held in Morrisville, North Carolina at the Cambria Suites & Hotels - RDU on Friday, July 28, 2017.

Members Present: Dr. Kevin Sharp
Dr. Thomas Ayres
Dr. Bruce Hilton
Dr. Jessica Benningfield
Dr. John Hammer
Ms. Jacqueline Hobbs
Mr. Adam Bridgers (by phone)

Members Absent: Dr. Richard Davis, Jr.

Quorum Present: Yes

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

Invited Guests: Ms. Heather Wrenn, Executive Director - NCCA
Dr. Andrew Jeter, President - Carolina Chiropractors – Non-Profit

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 their responsibilities under the Ethics and Conflict of Interest statutes and the Board’s mission and statutory responsibilities to protect the public in all of its actions.

Dr. Sharp then presented Dr. Hilton with a Commemorative Plaque thanking him for his recent service as President of the Board.

Dr. Sharp then presented Dr. Sides with an BOCE Investigator Badge in support of his complaint investigation responsibilities.

Dr. Sharp announced and congratulated Dr. Davis on being reappointed by the House for another 2-year term.

Approval of Minutes: Dr. Sharp asked if there were any comments or corrections to the Minutes from the Regular Board Meeting held on April 28, 2017.

With no comments or corrections, a Motion was made to approve the Minutes of the Regular Board Meeting held on April 28, 2017 as submitted. The Motion was seconded and Approved.

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Board Training/Education: Dr. Sharp focused this meetings discussion on:

- a) Responsibilities of the Board - What does a Board do?*
- b) Individual Board Member Responsibilities*

Dr. Sharp encouraged all Board members to get involved in a Board activity.

Attorney's Report:

Mr. Kinlaw began the Attorney's Report with a review of Rule 10 .0306 Non-Diplomate Credentialing and that the Board staff is recommending that the Board approve this final version of the Rule and it be submitted to the RRC for final approval and adoption.

A Motion was made to approve Rule 10 .0306 as submitted. The Motion was seconded and Approved.

Full Board Hearing – October 19th in Raleigh – Board Attendance Commitments

A Full Board Hearing has been scheduled for 9 AM on October 19th in Raleigh at the CPA Licensing Board Hearing Room. **All (6) Board Members present responded YES to the 10/19 date and most would rather do 11/10 and not 11/17.**

Enforcement of Runner Statute and Legislative Proposal

Vance gave a presentation to the Board on "Runners". Recommend garnering partners and putting forth a statute that makes Being a Runner or associated with one. CLASS 1 Misdemeanor. He stressed the need to identify stakeholders have similar issues we do form alliances (i.e. Insurance Commission) and potentially seek direct legislation.

Dr. Sharp lead a discussion with Board members on the "Runner" topic and all agreed that Mr. Kinlaw should continue to take steps to seek alliances and develop the legislative proposal.

2017-18 Budget:

Mr. Bridgers began the Budget Presentation with a review of the fiscal year ended June 30, 2017. Among the highlights was the Net Gain of approximately \$27K compared to an expected loss of \$8K.

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2016 - 2017 12-Month Actuals, Unaudited vs. Budget

	<u>FORECAST</u>	<u>BUDGET</u>	<u>\$ VARIANCE</u>	<u>% VARIANCE</u>
Total Income	\$ 680,097	\$ 703,190	\$ (23,093)	-3%
Non- Employ Expense	\$ 199,454	\$ 240,701	\$ 41,247	17%
Employment Expense	\$ 455,278	\$ 470,206	\$ 14,928	3%
Total Expense	\$ 654,732	\$ 710,906	\$ 56,174	8%
Net Gain/Loss	\$ 25,365	\$ (7,716)	\$ 33,081	329%

Dr. Sharp commented on the positive outcome for the year and the strong financial condition of the Board. He went on to discuss the review process the Budget had gone through prior to the meeting. As a result, Dr. Sharp stated that the Executive Committee recommends approval of the Budget as submitted.

Mr. Sullivan made some additional comments about FY 2016-17 results. He then went through the 2017-18 Budget Overview and projected as 2018-19 forecast of breakeven.

JULY - JUNE 2017 ACTUAL v. 2018 BUDGET

	<u>2017</u>	<u>2018</u>	<u>\$ VARIANCE</u>	<u>% VARIANCE</u>
Total Revenue	\$ 680,097	\$ 669,780	\$ (10,317)	-2%
Non- Employ Expense	\$ 199,454	\$ 262,674	\$ (63,220)	-32%
Employment Expense	\$ 455,278	\$ 436,467	\$ 18,811	4%
Total Expense	\$ 654,732	\$ 699,141	\$ (44,409)	-7%
Net Gain/Loss	\$ 25,365	\$ (29,361)	\$ 54,726	216%

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Mr Sullivan then requested the Board move to Closed Session to review personnel matters.

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

Closed Session: **(Redacted before any public posting)**

A Motion was made to go back to Open Session. The Motion was seconded and Approved.

Back to Open Session:

2017-18 Budget (cont.)

The meeting reopened to the public and Dr. Sharp announced the Board was back in Open Session and asked if there were any more questions on the Budget Package.

Mr. Sullivan referred to his statement during the Budget review about an increase in two fees - the increase in the CCCA Recertification Fee from \$10 - \$25 and the X/T Renewal fee from \$20 - \$25 and felt it was appropriate to approve these two items prior to having a final vote on the Budget.

A Motion was made to approve the increase in fees: CCCA Recertification/Renewal Fee increases from \$10 - \$25 every three years, and X/T Renewal Fee increase from \$20 - \$25. The Motion was seconded and Approved.

Mr. Sullivan then summarized the key items driving the budget for 2017-18, especially the move to Raleigh.

A Motion was then made to approve the FY 2017-18 budget. The Motion was seconded and Approved.

Public Session:

Four members of the Public requested and were recognized to speak to the Board.

Dr. Gallagher inquired about the mishandling of a piece of mail sent to the Board office by Dr. DiMaggio and subsequent confusion on behalf of the Board staff. The situation was resolved shortly after the letter was received and this was explained to Dr. Gallagher.

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Dr. Andrew Jeter spoke about the 2-remaining exams scheduled for the remainder of calendar year 2017 and was told that the Board will remain committed to hold the exams even if the number of applicants did not meet the recently established 25 applicant minimum for the Board to administer an exam within its jurisdiction.

Stephen Davis, an IT staff person from Carolina Chiropractors spoke about potential website improvements and was asked if he could submit them in writing to the Board office.

Heather Wrenn, ED of the NCCA spoke about ongoing efforts around opioid education and how chiropractic can play a role.

Rev Comm/Std's & Enforce: Dr. Sides reported on Complaint activity YTD 2017:

- 13 New Complaints have been filed;
- 16 PC Hearings have been held;
- 11 Probable Cause found (includes prior years).
- 12 Complaints Resolved (includes prior years).

Dr. Sharp proposed the idea and led a discussion on increasing the oversight of the CRC with the recommendation to create a rotating position on the CRC to review the activities of the CRC.

After some discussion, the subject was tabled, and Dr. Sharp indicated that move development work will be done on this prior to the October Board meeting where it will be discussed again.

Legislative Report: Mr. Sullivan reviewed the recently pass statute (90-142.1) supporting Preceptorships in NC.

Dr. Sides stated House Bills 150 (Peer Review) passed the House but has stalled in the Senate.

Education Committee: Dr. Benningfield discussed her experience since taking over as Chair of the Committee. She noted the Committee members now include: Dr. Sharp, Dr. Davis, Dr. Hammer, Dr. Armstrong, and Dr. Delp (last two are non-Board members) and reviewed some recent Committee activities including:

- ICKA Diplomate Review
- Cervical Exam/Treatment Review
- Over 800 CE course approved to date this year.

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Old Business: Travel Policy – Included in New Business - Internal Controls Review

New Business: *Internal Controls*

Mr. Sullivan gave an overview of the Internal Controls contained in the Pre-Mailing. He then stated that the following updates/changes have been requested:

Expense Reimbursement – addition of “Exceptions will be reviewed by the President of the Board”.

The proposed Conflict of Interest item will be replaced by the Anti-Nepotism Policy - Board Members, Board Staff and Independent Contractors written by the Board Attorney.

After some discussion, a motion was made to Approve the Internal Controls as amended. The Motion was seconded and Approved.

Chiropractic Review Committee (CRC) Policies and Procedures Manual

In the absence of Dr. Davis, Mr. Sullivan reviewed the origin and rationale for creating the Manual and that all CRC members have reviewed and agreed to work within the requirements of this manual. The Manual will be reviewed annually at the July Board meeting, if not sooner, as requested by the Board.

A motion was made to pass the CRC Policies and Procedures Manual and require an annual review at the July Board meeting, if not sooner, as requested by the Board. The Motion was seconded and Approved.

Rules Update Overview

10 .0202 APPLICATION FOR LICENSURE

This Rule has not been updated since 2004 and needs to reflect:

- Get application forms from the website, delete Secretary reference, and
- the application fee is non-refundable and payable by credit card through the website and,
- Make gender neutral.

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10 .0203 NORTH CAROLINA EXAMINATION

This Rule was last updated in 2009 and needs to reflect:

- Add the requirement to pay the non-refundable application fee and,
- Remove the predetermined dates for the JP Exam providing and insert the new language around scheduling.

10 .0205 RENEWAL OF LICENSE

This Rule was last update in 2015 and needs to reflect:

- Reflect the new Renewal process which has been automated,
- Added that if license was issued with less than 3 months left in the calendar year, CE requirement will not begin until the next calendar year, and Chiro school graduates that have been licensed with less than 6 months left in the calendar year, CE requirements will not begin until the next calendar year, and Hardships due in writing by December 15.

10 .0206 CERTIFICATION OF RADIOLOGIC TECHNOLOGISTS

This Rule was last updated in 2010 and needs to reflect:

- Re-formatting as this should be similar to the CCCA Rule and the CCCA Rule is better written and left out critical information:
- Add the passing grade requirement of 70%,
- The new renewal process through the website and payment methods allowed
- Increase in the renewal fee to \$20 to \$25 (initial certification remains at \$20)
- Reduce the Grace period from 12 months to 60 days.

10 .0213 CERTIFICATION OF CLINICAL ASSISTANTS

This is the original Rule that hasn't been updated since its effective date in 2014. We just completed recertification of the first class of CCCA's (2014) and need to update the Rule for:

- Getting the application forms from the website,

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- Reduce the grace period from 12 months to 60 days. This grace period matches the XT grace period.
- Remove the required testing days. (Similar change requested with DC's and similar section added for XT's).
- Adding the passing grade requirement of 75%
- Increase recertification/renewal fee from \$10 to \$25. Recertification/renewal period is 3 years.
- Bring the Rule into Compliance with the Statute change of last year that increased the number of days for a CA to become certified from 120 to 180.

Mr. Sullivan restated his earlier comment that the only items that are requested to be voted on today are the two fees increases assumption embedded in the Budget that was just approved. Once the Rules are formatted correctly, they will be distributed to the Board for your review prior to any vote being taken.

After some discussion, a motion was made to submit the changes as proposed and begin the review process with the RRC. The Executive Director and Board Counsel will work together to make the filing. The Motion was seconded and Approved.

Dr. Sharp – History of The Joint in NC

Dr. Sharp presented a brief overview of what his understanding was of the history between the Board and The Joint. He then asked for additional comments

Mr. Kinlaw who was part of those original interactions between the two entities went through a history of the relationship.

Dr. Sharp requested that Mr. Kinlaw, with the support of the Board staff, collect and consolidate all records of the interactions the Board has had with The Joint for his review to better understand the history between the two entities.

Dr. Sharp asked if there was any other New Business to be brought before the Board. Hearing none, Dr. Sharp moved into Announcements.

Announcements:

Dr. Sharp stated that he and Dr. Hilton will be attending the FCLB Regional Meeting in September.

Dr. Sharp announced that the next Regular Board Meeting will be held on Friday, October 27, 2017 location to be announced.

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Adjournment: With no further business to be brought before the Board, Dr. Sharp adjourned the Meeting at 12:57 PM.

Respectfully submitted this 27th day of October 2017.

Richard K Davis, DC, DABCO

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