

North Carolina Board of Chiropractic Examiners
Regular Board Meeting
April 27, 2018
Minutes



- Time and Place of Meeting: A regular meeting of the North Carolina Board of Chiropractic Examiners was held in Raleigh, North Carolina at the Hampton Inn & Suites - RTP on Friday, April 27, 2018.
- Members Present: Dr. Kevin Sharp
Dr. Thomas Ayres
Dr. Richard Davis, Jr.
Dr. Bruce Hilton
Dr. Jessica Benningfield
Dr. John Hammer
- Absent: Mr. Adam Bridgers
Mrs. Jacqueline Hobbs
- Quorum Present: Yes
- Staff Present: Mr. Thomas Sullivan, Executive Director
Mr. Vance Kinlaw, Counsel to the Board
Dr. Ricky Sides, Director – Standards & Enforcement
Mrs. Lisa Jones – Office Manager
Mr. John Riggelman – Licensing Specialist
- Invited Guests: Ms. Heather Wrenn, Executive Director - NCCA
Dr. Vin Isaiah - Carolina Chiropractors Representative
- 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.
- Approval of Minutes: Dr. Sharp asked if there were any comments or corrections to the Minutes from the Regular Board Meeting held on January 26, 2018.
- With no comments or corrections, a Motion was made to approve the Minutes of the Regular Board Meeting held on January 26, 2018 as submitted. The Motion was seconded and Approved.**
- President’s Remarks: Dr. Sharp updated the Board on his trip to the NCLC and focused on the “Choosing Wisely” article published by the ACA
- Dr. Sharp continued with a reminder that he, along with Dr. Ayres, Dr. Sides and Dr. Hilton (independently) would be attending the upcoming FCLB National Meeting in Dallas May 3- 5.

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Dr. Sharp then stated per 21 NCAC Rule 10.0103(d), it was time for the annual officer elections and asked if there was a motion to proceed.

Dr. Hilton stated the importance of continuity in the officer positions to the Board and referenced the accomplishments of the current group.

Dr. Hilton then made a motion to have the current group of officers remain in their positions for another year. The motion was seconded. With no further discussion, the motion was unanimously approved.

Attorney's Report:

Mr. Kinlaw began the Attorney's Report with a review of the recently approved Rules by the Rules Review Committee - 10 .0202, 0203, 0205, 0206, 0213. All Rules were effective April 1, 2018.

Mr. Kinlaw reviewed the Disciplinary Guidelines used by the Review Committee in handing out sanctions against DC's that have been found to violate NC Statutes and/or Rules.

Mr. Kinlaw stated that there was no significant update on the Direct Mail Litigation case involving Attorney's solicitation of clients.

Mr. Kinlaw described the 10-Year Rules Review process the Board must complete by Feb. 2019. It will be the first time through this process for our Board and he presented a calendar of events to complete the review by the due date. The Board will be asked to review and vote on Rules classifications at the July meeting.

Rev Comm/Std's & Enforce:

Dr. Sides reported on Complaint activity YTD 2018:

- Complaints filed – 10.
- PC Hearings held – 4 (4 scheduled).
- Complaints Resolved – 6 (includes prior years).
- PC found - 4 (includes prior years).

Dr. Sharp commented on the Patient Record Standards that have been finalized with the assistance of Dr. Tony Hamm. Dr. Davis requested the Patient Record Standards be added to the Review Committee Policy and Procedure Manual as well as publish the Standards on the Board's website.

Legislative Report:

Dr. Sides stated that the UNC Board of Governors recently completed a study and has approved the creation of a Chiropractic school in NC. The next step will be a review by the Legislature seeking funding.

Mr. Sullivan reviewed the March 6th APO meeting where the focus was on requiring all OLB's to report financial information using a similar

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format. While this may increase costs for the Board in this area, other Board's that have developed proprietary accounting systems may have to scrape them and start over. There was no April meeting and the next APO meeting is on May 1st.

Mr. Sullivan then updated the Board that final arguments in the Acupuncture v. Physical Therapy litigation were made on April 18 with a decision expected sometime this Summer.

Education Committee:

Dr. Benningfield updated the Board that we have approved over 570 courses for CE credit so far in 2018.

Executive Director's Report

Mr. Sullivan reviewed the 9-Month financial performance comparing actual results to budget. Revenues were on target with the budget while expenses were better than plan by \$54,872. The positive Expense variance was due to a combination of deferred expense (timing) and permanent savings compared to budget.

Mr. Sullivan updated the Board on the final DC renewal numbers for 2018. Lapsed licenses totaled 66 (28 in NC and 38 outside NC). There were 3 License Reinstatements, all in NC. The number of lapsed licensees were higher than budget which is projected to generate a revenue shortfall of approximately \$10,000.

Mr. Sullivan presented a 2017-18 Full Year Forecast based on 9-months of actual results and projections for the last 3-months of the fiscal year. Even with the shortfall in projected revenues, the forecasted positive expense variance of \$42,042 is expected to generate a gain for the year of \$2,680 versus a budgeted loss of (\$29,362).

Mr. Sullivan presented a 6-year trend analysis of the financials of the Board. Following the transition year of 2015-16, prior to the DC renewal fee increase, the Board has generated a small gain and added back to the reserve which is projected to be approximately \$610,000 at the end of 2017-18.

Mr. Sullivan stated that following the move to Raleigh, the Board needed to engage a new financial auditor to meet statutory reporting requirements. He received recommendations from the CPA Board ED on firms that perform financial audits for OLB's and sent out three RFP's to: Bernard Robinson, Blackman & Sloop and Stancil & Company. The Board received responses from Bernard Robinson and Stancil & Company. Blackman & Sloop passed as they didn't have the capacity to take on another OLB client. After reviewing the results, Mr. Sullivan made the recommendation the Board engage Bernard Robinson and that the Board would need to approve this recommendation.

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Dr. Sharp asked if there was a motion from the floor.

A Motion was made to engage Bernard Robinson to perform the financial audit of the Board. The motion was seconded. With no further discussion, the motion was unanimously approved.

Mr. Sullivan gave an update as requested following the January Board meeting, on the FAA BasicMed Exam. Mr. Kinlaw confirmed that chiropractors were considered “state-licensed physicians” which is a prerequisite of the FAA to be eligible to perform the BasicMed exam.

Mr. Sullivan then circulated a proposed Board statement for review and publication to provide guidance to practitioners that may be interested in participating in this program. With no comments on the document, Mr. Sullivan presented potential communications options - featuring it in the next Newsletter, a specific Email Blast on the topic or publishing of a position statement. Mr. Sullivan was instructed to prepare to publish this as a Position Statement and report back at the July Board meeting.

Public Session:

Several members of the public made comments on a variety of topics including West Virginia Opioid Legislation, NC Radiation Protection Committee, that lasting approximately 10 minutes.

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 with specific reference to subsections (3) and (5). The Motion was seconded and Approved.

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

Back to Open Session:

Old Business:

Mr. Sullivan then presented additional analysis around the NC passing score requirement for Part IV of the National Board he was asked to do at the January meeting.

Following the presentation and recommendation, Dr. Sharp asked if there was a motion to accept the recommendation to lower the NC passing score requirement from 475 to 375.

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A Motion was made to reduce the NC passing score requirement for Part IV from 475 to 375. The Motion was seconded and with no further discussion was unanimously Approved.

New Business: None.

Announcements: Dr. Sharp announced that the next Regular Board Meeting will be held at 10 AM on Friday, July 27, 2018 in Greensboro, NC at the Sheraton Four Seasons.

Adjournment: With no further business to be brought before the Board, Dr. Sharp adjourned the Meeting at 1:45 PM.

Respectfully submitted this 27th day of July 2018.

Richard K Davis, DC, DABCO

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