

North Carolina Board of Chiropractic Examiners
Regular Board Meeting
July 27, 2018
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 on Friday, July 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, Board Counsel
Dr. Ricky Sides, Director – Standards & Enforcement
- Invited Guests: Ms. Heather Wrenn, Executive Director – NCCA
Dr. Maggio – Carolina Chiropractors
- Meeting Called to Order: Dr. Sharp called the meeting to order at 10:07 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 July 27, 2018.
- With no comments or corrections, a Motion was made to approve the Minutes of the Regular Board Meeting held on April 27, 2018 as submitted. The Motion was seconded and Approved.**
- Dr. Sharp asked if there were any comments or corrections to the Minutes from the Special Board Meeting held via conference call on Monday, June 25, 2018.
- With no comments or corrections, a Motion was made to approve the Minutes of the Special Board Meeting held on June 25, 2018 as submitted. The Motion was seconded and Approved.**
- President’s Remarks: Dr. Sharp began his remarks with a review of the responsibilities of the Board and Board Members.

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



Responsibilities of the Board

- ***Ensure the Board follows its Mission*** – Legislative mandate.
- ***Set Policy*** – Statutes, Rules, and Operating Policies.
- ***Ensure the Financial Health of the Board*** – Controls, Audits, and Reporting.
- ***Strategic Planning and Visioning*** – What’s next?
- ***Oversee*** Executive Director.
- ***Establish*** a defined Committee Structure.

Individual Board Member Responsibilities

- ***Attend and Participate*** in Board Meetings
- ***Work in good faith with other Board Members*** as partners towards achievement of goals.
- ***Comply with all Ethics requirements*** and excuse yourself from discussions and votes where you have a conflict of interest.
- ***Stay informed*** about what’s going on with the Board, ask questions and request information.
- ***Participate and take responsibility for making decisions*** on issues, policies, and other Board matters.
- ***Regularly review the financial position of the Board*** and remain engaged when it is time to annually approve the budget.

Dr. Sharp stated that in retrospect, he believes the Board and its Members have done well in meeting these responsibilities over the last year.

Dr. Sharp announced the upcoming FCLB District Meeting September 13-16 in Florida. After some discussion, it was determined that Dr. Hammer and Dr. Sides would join Dr. Sharp in attending the meeting.

Dr. Sharp then discussed his concern regarding the actions of the Carolina Chiropractor’s (CC) organization following the April Board meeting and the Board’s public statement on HB 150. He stated that this isn’t about a difference of opinion on a topic but rather regraded to a personal assault on individuals and well as the Board’s integrity. Dr. Sharp made himself personally available to the CC organization and allotted time at the April Board meeting for questions (where CC members were in attendance and didn’t ask any questions). They even resorted to the use of fraudulent email account to disseminate incorrect information.

Because of the accumulation of issues, Dr. Sharp stated that the Board has rescinded its “Invited Guest” status to CC and they no longer can sit at the Board table during Board Meetings. The CC representative moved to the public seating area as requested.

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



Dr. Sharp stated he will send a letter to CC President Andrew Jeter, DC outlining the Board's position on CC status.

Dr. Sharp then called for the Attorney's Report

Attorney's Report:

Mr. Kinlaw began the Attorney's Report with a request for approval of the final version of amended Rule 10 .0203 that lowers the minimum passing score for Part IV of the National Boards from 475 to 375. The required Public Hearing was held, and the comment period concluded.

Dr. Sharp asked if there was a motion to approve the proposed amendment.

A Motion was made to approve the amendment to Rule 10 .0203 reducing the NC minimum passing score for Part IV of the Nations Boards from 475 to 375 as soon as legally permissible – 8/2/18). The Motion was seconded and Approved.

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.

Mr. Kinlaw reviewed the requirements and process associated with the 10-Year Rules Review then recommended the proposed Rules classifications required to begin the 10-Year Rules Review process.

Dr. Sharp asked if there was a motion to accept the Rules classification as presented.

A Motion was made to accept the Rules classifications as presented. The Motion was seconded and Approved.

Rev Comm/Std's & Enforce:

Dr. Sides reported on Complaint activity YTD 2018:

- Complaints filed – 17 (+7 from April)
- PC Hearings held – 10 (+6 from April) (4 scheduled).
- Complaints Resolved – 9 (+3 from April) (includes prior years).
- PC found – 8 (+4 from April) (includes prior years).

Dr. Davis commented that the recent increase in complaints is driven by multiple complaints against a single DC and that these cases can be complex.

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



Legislative Report: Mr. Sullivan and Dr. Sides updated the Board that no chiropractic related legislation was acted on during the Legislative Short Session which was focused on the State budget.

Mr. Sullivan stated the Joint Legislative Administrative Oversight Committee held an uneventful meeting on May 6 and is not expected to meet again until after the November elections

Education Committee: Dr. Benningfield updated the Board that we have approved over 850 courses for CE credit so far in 2018. Mr. Sullivan thanked Dr. Benningfield for her dedication in reviewing courses.

Executive Director's Report Mr. Sullivan reviewed the 12-Month financial performance comparing unaudited actual results to Budget. Revenues were on Budget while expenses were better than plan by \$78,574. The positive Expense variance was primarily due to lower cost of the move and establishing and staff the Raleigh office. As a result, the Board ended the year with a Net Gain of \$47,488 compared to a Budget of (\$29,362).

Mr. Sullivan then reviewed financial performance over the last three years highlighting the positive trends in financial strength.

Mr. Sullivan then reviewed the proposed 2018-19 Budget. The Budget projects a loss of (\$39,700) with revenue flat and expense reflecting first full year of operations in Raleigh and staffing changes. The 2019-20 Forecast calls for a slight Net Gain following the loss in 2018-19.

Mr. Sullivan then made a presentation of how revenues are budgeted. He then moved into discussion non-employment related expenses. As the discussion moved into employee salary and related details, Mr. Sullivan suggested that is would be appropriate to move into Closed Session to discuss these items further.

Move to Closed Session: Dr. Sharp asked if there was a motion to move into Closed Session where Mr. Kinlaw's disciplinary matters can also be addressed at that time.

A Motion was made to enter Closed Session per N.C.G.S 143-318.11 with specific reference to subsections (3) and (5) to review disciplinary matters.

Return to Open Session: Dr. Sharp stated the meeting was back in Open Session and asked if there were any more questions or discussion on the proposed Budget. Hearing none, Dr. Sharp asked if there was a motion from the floor to approve the Budget as submitted.

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



**A Motion was made to approve the 2018-19 Budget as submitted.
The motion was seconded and Approved.**

Mr. Sullivan then stated that the Board's website was successfully upgraded in early May.

Public 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.

Old Business: Mr. Sullivan reported he was asked at the April Meeting to come to the July meeting with a recommendation on publishing the Board's position on the FAA BasicMed Program. Mr. Sullivan recommended that the document be published as a Board Position Statement. Mr. Sullivan went on the state that the Board Staff has several other topics that should be published as Position Statements and that the entire group of Position Statements will be presented at the October Board meeting

New Business: Mr. Kinlaw proposed a new Advertising Rule to address DC's use of advertising non-chiropractic professions. Dr. Sharp stated that the Executive Committee will take the proposed Rule under consideration.

Announcements: Dr. Sharp acknowledged the retirement of long-time Board Counsel, Vance Kinlaw (standing ovation from the Board members) and announced a reception will be held on Friday evening, October 19, 2018 during the 2018 NCCA Fall Convention. Details to follow.

Dr. Sharp announced that the next Regular Board Meeting will be held at 10 AM on Friday, October 26, 2018 at the Sheraton Imperial in Durham, NC.

Adjournment: With no further business to be brought before the Board, Dr. Sharp adjourned the Meeting at 12:10 PM.

Respectfully submitted this 26th day of October 2018.

Richard K Davis, DC, DABCO

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