

North Carolina Board of Chiropractic Examiners
Regular Board Meeting
January 25, 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 Hotel on Friday, January 25, 2019.
- Members Present: Dr. Kevin Sharp
Dr. Thomas Ayres
Dr. Richard Davis, Jr.
Dr. Bruce Hilton
Dr. Jessica Benningfield
Dr. John Hammer
Ms. Kimberly Swintosky
- Absent: Mr. Adam Bridgers (resigned effective 12/31/18)
- Quorum Present: Yes
- Staff Present: Mr. Thomas Sullivan, Executive Director
Ms. Anna Choi (substituting for 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 the new Public Member appointee Ms. Kimberly Swintosky. Ms. Swintosky is partner with the Raleigh-based law firm Smith, Anderson specializing in Tax, and is a NC licensed CPA.
- Approval of Minutes: Dr. Sharp asked if there were any comments or corrections to the Minutes from the Regular Board Meeting held on October 26, 2018.
- With no comments or corrections, a Motion was made to approve the Minutes of the Regular Board Meeting held on October 26, 2018 as submitted. The Motion was seconded and Approved.**
- President's Remarks: Dr. Sharp reviewed the FCLB District Meeting September 13-16 in Florida and the NCLC Meeting in Washington, DC. He emphasized the importance of attending these meetings to monitor what is going on in other states as well as nationally.
- Dr. Sharp then commented on the opportunity for DC Board Members to participate in Part IV meetings and the exam through the NBCE.

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He concluded his remarks with a reminder of the upcoming Nominee Elections on March 22, 2019 in Pinehurst.

Dr. Sharp then called for the Attorney's Report

Attorney's Report:

Ms. Choi commented on the following areas:

- NC General Assembly – Long Session convenes on 1/30/19.
- Executive Branch – Governor appointments have started again.
- Rulemaking – 10-Year Rules review expected 2/21/19.
- Disciplinary Hearing Schedule Reviewed over next 60 days
- Unlicensed Practice – Injunction Hearing 1/17/19

Rev Comm/Std's & Enforce:

Dr. Sides reported on Complaint activity YTD 2018:

- Complaints filed – 27 (+2 from Oct)
- PC Hearings held – 19 (+5 from Oct).
- Complaints Resolved – 19 (+11 from Oct) (includes prior years).
- PC found – 21 (+5 from Oct) (includes prior years).

Dr. Davis commented that the Legal transition was going smoothly. Committee's productivity has increased (# of cases resolved and reduced turnaround time to decision) and below budget through December.

Education Committee:

Dr. Benningfield updated the Board that we are starting to see an increase in course submittals as the new year gets started.

Executive Director's Report

Mr. Sullivan reviewed actual/budget results for the July – Dec 2018 period with revenues ahead of budget (DC renewing sooner than budgeted) and expenses under budget due primarily to timing differences between when an expense was budgeted and when the expense is actually incurred.

Mr. Sullivan presented a revised forecast for the year (6-months actuals and 6-month forecast) that projected over budget revenue and under budget expenses resulting in a lower than expected Net Loss for the full year.

Mr. Sullivan then reviewed the License Renewal results with roughly 9% of DC's having not renewed as of 1/24/19. Grace periods ends 2/8/19. He then reviewed the reinstatement process for lapsed licenses and discussed observations about this year's process including increase in credit card payments to near 90%, it takes more staff time to get a licensee renewed after January 1st due to lack of awareness of process, and potential changes to increase efficiency next year which included creating fillable

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PDF form and requiring that the Renewal Form be completed before a renewal payment can be processed. Mr. Sullivan stated that these and other topics around renewals will compose a significant part of the next Newsletter. He concluded his report with a summary of XT and upcoming CCCA renewals

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. No one from the public chose to speak.

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 is no business before the Board that required moving to Closed Session. He then called for any Old Business.

Old Business:

Mr. Sullivan began with an update on the recently passed Farm Bill and its impact on CBD products. He reviewed N.C.G.S. 90-151.1 *Selling Nutritional Supplements to Patients* and supporting Rule 10 .0209 that defines *Nutritional Supplements*. The Farm Bill removed hemp and any hemp derivative from the Controlled Substances Act and placed it under the supervision of the Department of Agriculture thereby legalizing industrial hemp. However, the day following the passage of the Farm Bill, the Food & Drug Administration (FDA) published that they will continue to enforce the Federal Food, Drug and Cosmetic Act in an effort to protect patients, the public, and to promote the agency's overall public health role and that products containing CBD will be subject to the same authorities and standards as other non-cannabis FDA related products.

After some discussion, the Board decided to wait for further direction from the FDA prior to making any pronouncements on CBD products.

Mr. Sullivan then provided an update on the recently resolved dispute between the Acupuncture Board and the Physical Therapy Board regarding Dry Needling. The Physical Therapy Board prevailed, and this now clears the way for our Board to develop training requirements and begin rule-making to establish a Dry Needling certification for DC's. A meeting with the Physical Therapy Board has been set for the first week in February to learn more about the litigation.

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Dr. Sharp then called for any New Business to be brought before the Board.

New Business: Mr. Sullivan presented a new requested topic to be reviewed – Use of Audio/Video recordings in patient interactions. After some discussion and a review of proposed language for a Position Statement, the Board agreed to create a Position Statement to be reviewed at the July Board meeting when other Position Statements will be reviewed.

Announcements: Dr. Sharp reminded the Board of the Nominee Elections on March 22, 2019.
Dr. Sharp announced that the next Regular Board Meeting will be held at 10 AM on Friday, April 26, 2019 at the Sheraton Four Seasons in Greensboro, NC.

Adjournment: Dr. Sharp adjourned the Meeting at 1:25 PM.

Respectfully submitted this 26th day of April 2019.

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