

ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS

GREGORY A. KUHLMANN, D.C., PRES.
BRIAN WELLS, D.C., VICE-PRES.
JOHN D. NEILL, D.C., SEC/TRES.
PETER E. KEEN, D.C.
RODNEY K. PALMER, D.C.
ALLAN LOWMAN, D.C.
BRAD RUSSELL, D.C.
KIMBERLY OGLETREE, D.C.
JOHN SEGREST, CONSUMER MEMBER



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EXECUTIVE DIRECTOR
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Prior to the regular meeting the Board convened for an application hearing at 11:00 am. See transcript.

Regular meeting of the Alabama State Board of Chiropractic Examiners, Friday, April 5, 2019, at the Alabama State Board of Chiropractic Examiners office, Clanton, Alabama.

Prior notice of the meeting has been given, in accordance with the Alabama Open Meetings Act.

Roll was called. Those attending were: Dr. Kuhlmann – President, Dr. Wells – Vice-President, Dr. Neill – Secretary / Treasurer. Members – Drs. Russell, Keen, Palmer, Ogletree and Mr. Segrest. Sheila Bolton, Executive Director, Amy Deavers, Administrative Assistant and Legal Counsel James Ward. Absent: Dr. Lowman. Guests: James Sasser

Dr. Kuhlmann announced quorum existed and called the meeting to order at 12:00pm.

Motion # 1 was made by Dr. Wells and seconded by Dr. Keen, “I move the Board **ratify** the **minutes** of **January 18, 2019** as presented.” Roll call vote: Ayes – Ogletree, Keen, Russell, Neill, Palmer, Wells, Segrest, Kuhlmann Nays – None **PASSED**

Dr. Kuhlmann reviewed the Mission, Vision and Values of the Board.

Sheila Bolton gave the Financial Report.

Motion # 2 was made by Dr. Keen and seconded by Dr. Wells, “I move the Board **adopt the Financial Report** as given.” **PASSED** / unanimous

The Board reviewed the Wellness Committee Report.

Dr. Kuhlmann gave the Preceptor Report.

The Board discussed the two systems being reviewed for our digital scanning.

The Board discussed the attorney interviews from the last meeting.

Motion # 3 was made by Dr. Wells and seconded by Dr. Keen, “I move the Board enter a **contract** with **Steve Brom** at the rate of \$125.00 per hour for 1 year with maximum of \$20,000 to work as needed when Jim is unable to attend meetings with any other situations to be

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approved by the Board.” Roll call vote: Ayes – Ogletree, Keen, Russell, Neill, Palmer, Wells, Segrest, Kuhlmann Nays – None PASSED

The Board discussed the request from Jody Gray re hospital sponsored lunch seminars.

Motion # 4 was made by Dr. Wells and seconded by Dr. Keen, “I move the Board respond to **Jody Gray** as discussed.” PASSED / unanimous

The Board discussed the complaint process. No action was taken.

The Board discussed the Statements of Work quotes from OIT and BIS for setup scanning of documents.

Motion # 5 was made by Dr. Wells and seconded by Dr. Palmer, “I move the Board **execute the Statements of Work** and proceed with the scanning implementation as discussed.” Roll call vote: Ayes – Ogletree, Keen, Neill, Palmer, Wells, Segrest, Kuhlmann Abstain – Russell Nays – None PASSED

Motion # 6 was made by Mr. Segrest and seconded by Dr. Neill, “I move the Board **table the discussion on the Board Member Code of Ethics.**” PASSED / unanimous

Motion # 7 was made by Dr. Palmer and seconded by Dr. Russell, “I move the Board **adopt the amendment to Rule 190-X-3-.03 Requirements for Certification to Perform Dry Needling.**” PASSED / unanimous (Exhibit A)

Dr. Wells gave a report on his attendance at the ASCA Dry Needling Seminar.

The Board discussed the proposed Rule 190-X-7-.02 Extern. No action was taken.

Dr. Wells gave a report on his and Dr. Lowman’s attendance at the Ethics and Boundaries Workshop February 15, 2019 in Greeley, CO.

Motion # 8 was made by Dr. Wells and seconded by Dr. Keen, “I move the Board approve **Dr Ogletree and Dr. Russell’s travel to the FCLB Annual Educational Congress May 1-5, 2019 FCLB convention and NBCE luncheon May 3, 2019.** It will be held in San Diego, CA.” Roll call vote: Roll call vote: Ayes – Ogletree, Keen, Russell, Neill, Palmer, Wells, Segrest, Kuhlmann Nays – None PASSED

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Motion # 9 was made by Dr. Wells and seconded by Dr. Neill, "I move the Board **discontinue** emailing the **adopted meeting minutes** to all licensees and now add them to the website as discussed." PASSED / unanimous

The Board discussed which date to hold the next Roundtable discussion.

Dr. Russell gave a report on his attendance at the hearing re the Physical Therapy proposed bill.

Motion # 10 was made by Dr. Palmer and seconded by Dr. Keen, "I move the Board **issue the opinion** previously given regarding **CBD immediately** if **SB 225** passes." PASSED / unanimous

The Board discussed the possibility of pursuing legal action to collect outstanding fines and costs in the Stephen LaScala case. Dr LaScala doesn't reside in Alabama, the Board decided against pursuing as the public was protected but a note will be placed in his file.

Motion # 11 was made by Dr. Wells and seconded by Dr. Keen, "I move the Board **close** the complaint on **Kenneth Edwards** with **no probable cause.**" Recused Kuhlmann Abstain – Russell Ayes – others PASSED

Motion # 12 was made by Dr. Wells and seconded by Dr. Neill, "I move the Board **close** the complaint on **Glenn Coleman 19-02-007-003** due to lack of cooperation from the complainant." Recused Keen/Palmer Abstain –Russell Ayes – others PASSED

Motion # 13 was made by Dr. Neill and seconded by Dr. Keen, "I move the Board **close** the complaints on **Leroy C. Russell 19-01-025-003 & 19-02-022-005** with **no probable cause.**" Recused Wells/Ogletree Ayes – others PASSED

Dr. Kuhlmann announced the results of the runoff election. Dr. Allan Lowman was elected to the District 5 seat.

Motion # 14 was made by Dr. Wells and seconded by Dr. Keen, "I move the Board **adopt** the **schedule of fees** adding the **cost recovery of background check fee.**" PASSED / unanimous (Exhibit B)

Motion # 15 was made by Dr. Palmer and seconded by Dr. Russell, "I move the Board propose an **amendment** to **190-X-4-05 Disciplinary Hearings** to correct the number of days required for a Board Order to be rendered." PASSED / unanimous (Exhibit C)

The Board discussed if they want to join Citizen Advocacy Center. No action was taken.

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Motion # 16 was made by Dr. Russell and seconded by Dr. Palmer, “I move the Board **post the RFP** as discussed and **authorize the President and Vice President to select the vendor** if more than one (1) response is received, with a **cap of five dollars (\$5) per ballot** plus the reimbursement for actual postage and enter a contract for election services for 2 years with option to renew for 2 additional years based on the RFP.” Roll call vote: Ayes – Ogletree, Keen, Russell, Neill, Palmer, Wells, Segrest, Kuhlmann Nays – None **PASSED**

Motion # 17 was made by Dr. Wells and seconded by Dr. Keen, “I move that **if no responses** are received **to the RFP the Board post a new RFP** and enter a new contract same as current process at the rate of **\$250 per district** to receive and count ballots for 1 year to allow time to develop another RFP.” Roll call vote: Ayes – Ogletree, Keen, Russell, Neill, Palmer, Wells, Segrest, Kuhlmann Nays – None **PASSED**

Motion # 18 was made by Dr. Wells and seconded by Dr. Ogletree, “I move the **approve** waiver of **16 hours** for **Arthur W. Holmes** due to personal medical illness for sixteen (16) hours.” **PASSED / unanimous** Note: Dr. Holmes must take the 2 AL Law online.

Motion # 19 was made by Dr. Keen and seconded by Dr. Wells, “I move the Board **approve Gerald Collins travel** to present the Alabama Law hours at the **Florida Chiropractic Association**. If he is unable to attend Peter DeFranco will be the alternate. The seminar will be April 11-14, 2019 in Panama City Beach, FL.” **PASSED / unanimous** Note: The FCA pays expenses.

Motion # 20 was made by Dr. Wells and seconded by Dr. Keen, “I move the Board **approve travel for Dr. Ogletree to NBCE Part IV Examination** – May 17-19, 2019 in Marietta, GA.” **PASSED / unanimous** Note: The NBCE will pay the travel and hotel accommodations (room and tax) and NBCE will also provide a small honorarium to cover incidental expenses and taxi or shuttle fares. The NBCE will make travel and hotel accommodations on behalf of Dr. Ogletree.

The Board discussed WSFA’s proposal regarding promoting the Board via their television station. No action was taken.

Motion # 21 was made by Dr. Keen and seconded by Dr. Wells, “I move the Board **approve the revised Replacement / Duplicate license application form**. The form was revised to add the requirement to mail the original license to the Board if requesting a replacement due to a name change.” **PASSED / unanimous**

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Motion # 22 was made by Dr. Keen and seconded by Dr. Wells, “I move the Board **amend the contract with Wellness Director** to extend for one year at current rate of \$850 per month.” Roll call vote: Ayes – Ogletree, Keen, Russell, Neill, Palmer, Wells, Segrest, Kuhlmann Nays – None PASSED

Motion # 23 was made by Dr. Russell and seconded by Dr. Keen. “I move the Board **disapprove** the seminar application from **Standard Enzyme Company** titled **SEC Spring Product Seminar 2019.**” PASSED / unanimous

Motion # 24 was made by Dr. Russell and seconded by Dr. Ogletree, “I move the Board **approve** the seminar application from Fetterman Events titled **Dry Needling & Myofascial Technique** as Renewal CCE hours, **however, this seminar may not be applied to or used for dry needling certification.**” PASSED / unanimous

The Board reviewed upcoming meeting and hearing dates.

Motion # 25 was made by Dr. Ogletree and seconded by Dr. Russell, “I move the meeting be **adjourned.**” PASSED / unanimous

The meeting adjourned at 1:30 PM.

The next scheduled meeting date is Saturday, June 1, 2019 at Renaissance Birmingham Ross Bridge Golf Resort & Spa at 8:00 AM.