

ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS

ALLAN LOWMAN, D.C., PRES.
TOYA T. BURTON, D.C., VICE-PRES.
PETER E. KEEN, D.C., SEC/TRES.
JOHN D. NEILL, D.C.
RODNEY K. PALMER, D.C.
GREGORY A. KUHLMANN, D.C.
PETER J. DEFranCO, D.C.
BRIAN WELLS, D.C.
ALLEN SANDERSON, CONSUMER MEMBER



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EXECUTIVE DIRECTOR
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(FAX) 1-205-755-0081

Regular meeting of the Alabama State Board of Chiropractic Examiners, Thursday, October 4, 2018, at the Turquoise Place, Orange Beach.

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

Roll was called. Those attending were: Dr. Lowman – President, Secretary Treasurer – Dr. Keen. Members – Drs. Kuhlmann, DeFranco, Palmer, Neill, and Wells. Sheila Bolton, Executive Director, and Amy Deavers, Administrative Assistant. Absent: Dr. Burton. Guests: Attorney James Sasser.

Dr. Lowman announced quorum existed and called the meeting to order at 8:08 PM.

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

Motion # 1 was made by Dr. Wells and seconded by Dr. Kuhlmann, “I move the Board **ratify** the **minutes** of **August 18, 2018** as presented.” Roll call vote: Ayes –Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman Nays – None PASSED

Sheila Bolton gave the Financial Report.

The Board discussed possible changes to Preceptor/Extern Rules. The discussion was tabled.

Motion # 2 was made by Dr. Wells and seconded by Dr. Keen, “I move the Board **adopt the Financial Report** as given.” Roll call vote: Ayes –Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman Nays – None PASSED

The Board reviewed the Wellness Committee Report.

The Preceptor report was tabled until Dr. Burton is present on Friday.

Motion # 3 was made by Dr. Wells and seconded by Dr. Kuhlmann, “I move the Board adopt the **amendment to Rule 190-X-1-.16 Declaratory Rulings without changes.**” Roll call vote: Ayes –Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman Nays – None PASSED (Exhibit A)

10/04-07/2018

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Motion # 4 was made by Dr. Kuhlmann and seconded by Dr. DeFranco, “I move the Board adopt the **amendment to Rule 190-X-1-.17 Advisory Opinion as discussed without changes.**” Roll call vote: Ayes –Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman Nays – None PASSED (Exhibit B)

Motion # 5 was made by Dr. Kuhlmann and seconded by Dr. Keen, “I move the Board adopt the **amendment to Rule 190-X-1-.19 Criteria for Approval of Continuing Education without changes.**” Roll call vote: Ayes –Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman Nays – None PASSED (Exhibit C)

Motion # 6 was made by Dr. Wells and seconded by Dr. DeFranco, “I move the Board adopt the **amendment to Rule 190-X-2-.09 Recordation of License without changes.**” Roll call vote: Ayes –Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman Nays – None PASSED (Exhibit D)

Motion # 7 was made by Dr. Palmer and seconded by Dr. Wells, “I move the Board adopt the **amendment to Rule 190-X-2-.17 Non Licensed Chiropractic Practice Ownership without changes.**” Roll call vote: Ayes –Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman Nays – None PASSED (Exhibit E)

Motion # 8 was made by Dr. Wells and seconded by Dr. Neill, “I move the Board adopt the **amendment to Rule 190-X-4-.07 Costs without changes.**” Roll call vote: Ayes –Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman Nays – None PASSED (Exhibit F)

Motion # 9 was made by Dr. Kuhlmann and seconded by Dr. Wells, “I move the Board adopt the **amendment to Rule 190-X-5-.06 Solicitation without changes.**” Roll call vote: Ayes – Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman Nays – None PASSED (Exhibit G)

The Board discussed sending all members to the FCLB convention or the FCLB District 2 meeting for 2020. Note: Presidential Directive to include the October meeting, CLEAR and convention/district meetings in the 2020 budget request.

The Board discussed Alabama Law continuing to be offered online. No action was taken.

The Board reviewed resumes for potential interviews for professional services contracts.

No report from the Opioid Crisis Committee.

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Report from the SOAP Notes Committee tabled to allow for review of committee member comments.

A Presidential Directive was given appointing Legislative Committee for the 2019 Legislative session to be Drs. Palmer, Wells, Burton and Kuhlmann.

The Board discussed the two joint meetings with the ASCA scheduled for Friday and Saturday.

Motion # 10 was made by Dr. Wells and seconded by Dr. Kuhlmann, "I move the meeting be **adjourned.**" Roll call vote: Ayes –Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman
Nays – None PASSED

The meeting adjourned at 9:48 PM.

The next scheduled meeting is Friday, October 5, 2018 at 8:00 AM.

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

Roll was called. Those attending were: Dr. Lowman – President, Dr. Burton - Vice-President Dr. Keen - Secretary Treasurer. Members – Drs. Kuhlmann, DeFranco, Palmer, Neill, and Wells. Sheila Bolton, Executive Director, and Amy Deavers, Administrative Assistant. Guests: Attorney James Sasser and David Below, DC.

Dr. Lowman announced quorum existed and called the meeting to order at 8:06 AM.

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

The President took a point of order to read and acknowledge the Governor's letter regarding termination of the Consumer Member.

Drs. Palmer and DeFranco requested the discussion of the letter be transcribed. (Exhibit H)

A Presidential Directive was given to pass in the documents distributed by Dr. Below.

Dr. Burton gave the Preceptor Report.

The Chair recognized Dr. Below.

Jim Ward legal counsel recommended the committee review the documents submitted by Dr. Below.

Motion # 11 was made by Dr. Keen and seconded by Dr. Neill, "I move the Board allow the **Application Review Committee (ARC) to reconsider** and review the new documents submitted by **Dr. Below.**" Roll call vote: Ayes –Burton, Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman Nays – None PASSED

The ARC committee withdrew to another room to review the new documents.

The ARC committee returned and Dr. Below agreed to waive his rights due process.

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ARC recommendation # 12 “Committee recommends the Board **approve** the **reinstatement** of **David Below 1488** without restrictions if all documents have been received.” Roll call vote:
Ayes – Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman Abstained - Burton Nays –
None PASSED

The Board Meeting recessed to hold hearings at the Thomas B. Norton Public Library.

See hearing transcripts.

Hearings concluded at 11:45 am.

The next scheduled meeting is Saturday, October 6, 2018 at 8:00 AM.

10/04-07/2018

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

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

Dr. Lowman announced quorum existed and called the meeting to order at 8:06 AM.

Roll was called. Those attending were: Dr. Lowman – President, Dr. Keen - Secretary Treasurer. Members – Drs. Kuhlmann, DeFranco, Palmer, Neill, and Wells. Sheila Bolton, Executive Director, and Amy Deavers, Administrative Assistant. Arrived late: Dr. Burton at 8:09. Guests: Attorney James Sasser.

President made a point of order to take up business table from prior day.

The Board reviewed and discussed all comments received regarding proposed rule 190-X-3-.03 Requirements for Certification to Perform Dry Needling.

Motion # 13 was made by Dr. Palmer and seconded by Dr. Keen, “I move Board adopt rule **190-X-3-.03 Requirements for Certification to Perform Dry Needling** without changes.” Roll call vote: Ayes –Burton, Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman Nays – None PASSED (Exhibit I)

The Board discussed the comments from the Public Rule Hearing regarding **Rule 190-X-1-.08 Voting**.

Motion # 14 was made by Dr. Kuhlmann and seconded by Dr. Wells, “I move Board adopt **Rule 190-X-1-.08 Voting** with changes as discussed.” Roll Call Vote Ayes Burton, Wells, Keen, Kuhlmann, Lowman Nays: Neill, Palmer, DeFranco – PASSED (Exhibit J)

The Board discussed requirements for applicant to participate in the Extern Program.

Dr. Kuhlmann left the meeting.

The Board recessed for a Team Building Exercise.

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Motion # 15 was made by Dr. DeFranco and seconded by Dr. Burton, "I move the meeting be **adjourned.**" Roll call vote: Ayes –Wells, Neill, Palmer, DeFranco. Keen, Lowman Nays – None PASSED

The meeting adjourned at 10:20 AM. The Board continued the Legislative Roundtable Meeting with the ASCA at the Perdido Beach Resort.

The next scheduled meeting is Sunday, October 7, 2018 at 8:00 AM.

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Regular meeting of the Alabama State Board of Chiropractic Examiners, Sunday, October 7, 2018, at the Turquoise Place, Orange Beach.

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

Roll was called. Those attending were: Dr. Lowman – President, Dr. Burton - Vice-President Dr. Keen - Secretary Treasurer. Members – Drs. Kuhlmann, DeFranco, Palmer, Neill, and Wells. Sheila Bolton, Executive Director, and Amy Deavers, Administrative Assistant. Guests: Attorney James Sasser.

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

Dr. Lowman announced quorum existed and called the meeting to order at 8:06 AM.

The Board reviewed the Wellness Committee Report.

Sheila Bolton gave the Legal Report.

Motion # 16 was made by Dr. Kuhlmann and seconded by Dr. Wells, “I move the Board send a **warning** letter to **Channing King 18-07-025-014** place a copy in the file and **close the complaint.**” Recused Keen/Burton Roll call vote: Ayes – Wells, Neill, Palmer, DeFranco, Kuhlmann, Lowman Nays – None PASSED

Motion #17 was made by Dr. Kuhlmann and seconded by Dr. Wells, “I move the Board **close** the complaint on **Ricardo Herring 18-08-014-016** with no probable cause.” Recused DeFranco/Neill Roll call vote: Ayes – Burton, Wells, Neill, Palmer, Kuhlmann, Lowman Nays – None PASSED

The Board reviewed the Schedule of Fees.

Motion # 18 was made by Dr. Kuhlmann and seconded by Dr. Wells, “I move the Board **raise** the **Reinstatement Fee** from **\$150 to \$250.**” Roll Call Vote Ayes– Burton, Wells, Keen, Kuhlmann, Lowman Nays: Neill, Palmer, DeFranco – PASSED

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Motion # 19 was made by Dr. Palmer and seconded by Dr. Neill, “I move Board adopt **the revision to the Change of Address Form.**” Roll Call Vote Ayes – Burton, Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman - Nays – None – PASSED (Exhibit K)

Motion # 20 was made by Dr. Palmer and seconded by Dr. DeFranco, “I move the Board **approve Buford W. Bagwell’s SNAW (Statement of Non Attendance Waiver) and Waiver of fee request** for personal medical reasons for the **2018-19 renewal.**” Roll Call Vote Ayes – Burton, Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman - Nays – None – PASSED
Note: His hours and renewal fee are waived.

Motion # 21 was made by Dr. DeFranco and seconded by Dr. Keen, “I move the Board **approve Ed Petry’s reinstatement.**” Roll call vote: Ayes Burton, Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman Nays – None–PASSED

Motion # 22 was made by Dr. Wells and seconded by Dr. DeFranco, “I move the Board **withdraw the previous opinion regarding CBD oil until the matter is fully settled in court.**” Ayes– Burton, Wells, Neill, DeFranco, Keen, Kuhlmann, Lowman Nays – Palmer – PASSED

The Board reviewed Rule 190-X-1-.02(2) Composition and Selection of Board.

The Board reviewed the election timeline.

The Vice President took the chair.

Motion # 23 was made by Dr. Wells and seconded by Dr. DeFranco, “I move the Board **qualify** the following candidates for **District 5 Allan Lowman and Scott J. Pitts.**” Roll call vote: Ayes Burton, Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Nays – None Abstain – Lowman – PASSED

Motion # 24 was made by Dr. Wells and seconded by Dr. DeFranco, “I move the Board **qualify** the following candidates for **District 6 Brad Russell and Gerald Collins.**” Roll call vote: Ayes Burton, Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman Nays – None–PASSED

The President took the chair.

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Motion # 25 was made by Dr. Wells and seconded by Dr. DeFranco, “I move the Board **qualify** the following candidates for the **African American seat Toya Burton and Kimberly Ogletree.**” Roll call vote: Ayes – Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman
Nays – None Abstain – Burton PASSED

A Presidential Directive was given to make changes to the ballots as discussed.

Motion # 26 was made by Dr. Lowman and seconded by Dr. Neill, “I move the Board **add instructions to the letter to the CPA regarding ballot count to hold all ballots until the deadline** and only open when the count is made.” Roll call vote: Ayes – Burton, Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann, Lowman
Nays – None–PASSED

The Board reviewed upcoming meeting and hearing dates.

The Board reviewed resumes for the legal counsel contracts.

Motion # 27 was made by Dr. Neill and seconded by Dr. DeFranco, “I move the meeting be **adjourned.**” Roll call vote: Ayes Burton, Wells, Neill, Palmer, DeFranco, Keen, Kuhlmann,
Nays – None Abstain – Lowman –PASSED

The meeting adjourned at 9:21 AM.

The next scheduled meeting is Friday, November 16, 2018 at the Clanton Board Office at 8:00 AM.

10/04-07/2018