

Wednesday, November 27, 2024, at 10:00 a.m.
Virtual Meeting via Zoom Only
Board Meeting Audio Supplement

- Members Present:** Wayne Bennett, D.C., Chair
Angela Powell, D.C., Vice Chair
Kevin Lees, D.C., Professional Member
Mitchell Turbenson, Public Member
- Members Absent:** George Camacho, D.C., Professional Member
- Staff Present:** Casey Hutchison, A.A.G
Alissa M. Vander Veen, Executive Director
Conny Gillum, Board Investigator

**Due to technical audio difficulties, the Board lost sections of the audio record.
The following actions occurred during the meeting:**

1. Call to Order – 10:00 a.m.

The State of Arizona Board of Chiropractic Examiners called a meeting to order on Wednesday, November 27, 2024, at 10:00 a.m. Ms. Angella Powell presided.

Meeting Location- Virtual Via Zoom

The meeting was conducted virtually through Zoom.

2. Roll Call of Board Members Present

3. Auditor General – Special performance audit

Review, discussion, and possible action regarding the following:

Pursuant to A.R.S. §38-431.03(A)(2), the Board may meet in Executive Session to receive information about the Board's special performance audit, and to approve the Executive Director's draft response to the draft audit report.

Dr. Bennett moved, seconded by Dr. Lees, to go into executive session pursuant to A.R.S. §38-431.03(A)(2) to receive information about the Board's special performance audit, and to review the Executive Director's draft response to the draft performance audit report. The motion passed unanimously, and the Board went into executive session at 10:05 a.m., reconvening its public meeting at 11:13 a.m.

Mr. Turbenson left the meeting at 11:13 a.m.

After review and discussion, upon MOTION by Dr. Lees, SECOND by Dr. Bennett, the Board voted to accept the draft report from the Arizona Auditor General as DRAFT discussed in the executive session and authorized the Executive Director to submit the Board's draft response to the Auditor General.

The Board conducted a roll call vote Dr. Bennett requested the opportunity to explain his vote he stated the following, "As a result of this audit our board will be a better board. As we have struggled through a time of unprecedented challenges finding better ways to respond to these challenges has always improved. Has already improved our board also learning new ways to further those efforts that were already underway, such as monitoring and prioritizing board complaints reducing complaints, and backlogs, implementing board training protocols, implementing disciplinary guidelines, and reviewing and working closely with the Attorney General's office to identify and embrace needed rule and statute changes will only make our board better. Moving forward through the audit process we have through this process we are able to process and deal with impediments in our Board's ability to perform effectively and efficiently while under extreme conditions. And we are able to remedy these. As a result of this board process, if one were to review the timeline of our Board's performance, they would see that a dramatic erosion of the performance in key areas that have been identified by this audit began coincident with increased complexities associated with a single and still ongoing investigation. The necessary allocation of Staff Board, Member, and AGresources to address the repercussions of this investigation have included the following multiple meetings by board and board staff, with legislators, and lobbyists regarding legislative efforts to significantly modify the regulatory processes of our Board. Necessary appearances by board members and staff, before legislative committees multiple meetings by board,

staff, and board members with legislators who requested information regarding legislative efforts to significantly modify the Board's regulatory process and organize public criticism of the Board by unofficial action groups and lobbyist written responses by the executive director to inquiries from legislators regarding board procedures. Meetings with the Ombudsman's office in response to organized efforts to discredit our board responding to hundreds of phone calls by board, staff, and board members from licensees, and the public regarding public criticism of the Board arriving, arising from an unofficial Political Action Group Responding to an unprecedented wave of Freedom of Information Act request addressing and adjudicating related complaints that were determined to have been wholly without merit but which both required extensive board resources to resolve, and which dramatically delayed the completion of other key investigations, including the ongoing investigation to which I've already referred. Finding it necessary to engage board, members, staff, and AG resources in a careful effort to educate our licensees regarding proposed not existing legislation that would significantly modify the regulatory process of our board consuming significant Board Member, Staff, and AG resources to respond to a 10 million dollars notice of claim against the Board, and this is not a complete list. The cumulative impact of all this has stressed our Board's resources and capacity to its limits and has thus revealed weaknesses that, when addressed and reinforced, will empower our Board to more effectively respond to unanticipated and extraordinary comp extraordinarily complex challenges in the future.

Dr. Bennett voted Aye.

	Dr. Wayne Bennett	Ms. Angela Powell	Mr. Mitchell Turbenson	Dr. Kevin Lees	Dr. George Comacho
AYE	X	X		X	
NAY					
ABSENT			X		X

Motion passed 3-0-0-2-0-0-3

3-Aye 0-Nay 0-Abstained 2-Absent 0-Recused 0-Vacant

4. **Adjournment**

The meeting adjourned at 11:19 a.m.