

ALASKA STATE BOARD OF CHIROPRACTIC EXAMINERS

MINUTES OF MEETING
January 24, 2014

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Alaska State Board of Chiropractic Examiners was held July 12, 2013 in Fairbanks, Alaska.

Call to Order

The meeting was called to order by Dr. Heston, Chair, at 9:35 a.m.

Roll Call

Board members present, constituting a quorum of the Board:

James Heston, DC, Chair – Homer
Daniel Holt, DC, Vice-Chair – Juneau
Walter Campbell, DC, Secretary – Palmer
Edward Barrington, DC – Anchorage
Christine Hill, Public Member – Anchorage

In attendance from the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing:

Michelle Johnston, Records and Licensing Supervisor
Susan Johnson, Licensing Examiner
Todd Araujo, State of Alaska Attorney – via teleconference
Debbie Ryan, Executive Director Alaska Chiropractic Society – via teleconference
Sara Chambers, CBPL Operations Manager, Juneau
Brian Howes, Investigations, Anchorage via teleconference
Don Habeger, CBPL Division Director – Juneau

Agenda Item 4 – Review Agenda

Staff requested more time for Todd Araujo to talk with the Board. Senator Mike Dunlevy will be visiting the meeting around 1:45 p.m.

Upon a motion duly made by Dr. Holt, seconded by Dr. Barrington and approved unanimously, it was:

RESOLVED to approve the agenda, as amended.

Agenda Item 5 – Review Meeting Minutes

The Board reviewed the minutes of the October 4, 2013 minutes. The following changes were made:

- Miranda Montejo is not affiliated with the Board of Physical Therapy as reflected in the minutes. Staff will correct minutes.
- A spelling error was noted regarding Sam Kito. Staff will correct.

Upon a motion duly made by Dr. Campbell, seconded by Dr. Barrington and approved unanimously, it was:

RESOLVED to approve the minutes of the October 4, 2013 meeting, as amended.

Agenda Item 6 – Board Business

Ethics Reporting

Dr. Heston participated in National Board Part 4 testing in November, 2013, received the honorarium, received CE credits. He completed the ethics disclosure form and submitted it. There was no issue with the state regarding the honorarium.

Review Goals and Objectives

The goals and objectives were not included in this agenda. They will be added in the June meeting agenda.

Reciprocity with Arizona

The Arizona Board has agreed to have reciprocity with Alaska. All requirements for Alaska licensure will still be required. Alaska chiropractors will have to take the SPEC exam and Arizona's Law and Ethics exam.

Response letter to and from the Physical Therapy Board

The Board received the written response to the written inquiry submitted by the Physical Therapy Board. The Physical Therapy Board expressed appreciation that the Chiropractic Board agreed that the term "Physical Therapy" should only be used by Physical Therapists. Dr. Campbell stated that he thought the public's perception of the term "physical therapy" needed to be clarified. The Board discussed creating an opinion to clarify.

National Background Checks

Todd Araujo joined the Board via teleconference. Todd stated that the question was raised in the prior Board meeting as well as in correspondence between Mr. Araujo and Dr. Heston to see if the background checks performed by the Board of Chiropractic were as thorough as they needed to be or could be. Currently, there are certain felonies and misdemeanors that would disqualify an applicant from obtaining a license in Alaska. Regulations require that applicants provide criminal history information.

Currently, the criminal history information in regards to Alaska, from any other state in which the applicant is or has been licensed and criminal history information from the state that is the applicant's primary state of residence. One of the issues identified was the lack of requirement from the state that the applicant attended school. Mr. Araujo stated that there are many Boards and Commissions that complete the background information similar to or the same as the Chiropractic Board. In contrast, the Nursing Board requires that an applicant provide fingerprint and go through the National Criminal History Check process. The background checks are based on the fingerprints rather than information that an applicant may or may not have provided as the default measure.

Any changes to the background check process would require a change in statutes. Dr. Heston clarified that most of the Boards use the current process; Mr. Araujo stated that was correct and further clarified that the Boards who use the National Background check have the process written into their statutes and regulations. Dr. Heston expressed concern that applicants are not required to submit background checks for the state where they attended school; He is also concerned that people that have never been in Alaska previously are required to submit an Alaska background check. Dr. Heston stated that the National Background check seems like a better option.

Dr. Holt inquired if Mr. Araujo knew the cost of an FBI Background Check. Mr. Araujo stated that he has been told the fee is \$59.00. Dr. Holt then

inquired with the examiner what applicants pay for the background checks now. Staff stated that each state's fees are different and can run anywhere from \$15 to \$50 each. Dr. Heston asked Dr. Barrington if amending this could be included in the statutory proposal that the Alaska Chiropractic Society (ACS) is working on.

The topic then changed to Injectable Nutrients. Dr. Heston asked if the Department of Law would be able to provide the Board with an informal opinion regarding Injectable Nutrients. Mr. Araujo stated that informal and formal opinions have been done away with by the Department of Law. The Department of Law still provides confidential legal advice in the form of memos and emails to agencies regarding routine matters. The current policy of the Department of Law is that if the opinion requested does not cover routine matters, it is required to go through the Attorney General's opinion process.

Upon a motion duly made by Dr. Campbell, seconded by Dr. Holt and approved unanimously, it was:

MOVED that the Board enter executive session at 10:17 a.m. in order to discuss the Injectable Nutrient timeline.

The Board returned to record at 10:50 a.m.

Agenda Item 7 – Investigative Report

Brian Howes joined the Board telephonically. Mr. Howes reported that the open cases are still the same open cases that were discussed during the last meeting. There have been three new intakes and all three were closed. Most were application reviews; one was an incomplete complaint.

Agenda Item 8 – Alaska Chiropractic Society Update

Debbie Ryan joined the Board telephonically. Ms. Ryan stated that the Convention will be in New Orleans in November this year and the theme will be *Unmask Your Professional Excellence: Building Blocks for Successful Associations*.

ACS is also looking at ways to district the state in order to complete onsite visits with members and provide assistance to them. ACS is attempting to provide more member value.

ICD-10's transitions are this year. ACS has all webinars and educational opportunities on the website. The dates of the webinars will be March 4 & 5, 2014. ACS is encouraging the profession to get their training early as this will not be a simple transition.

ACS is surveying members of the profession now to see if there is interest in becoming Department of Transportation examiners. There is currently only one doctor of Chiropractic in the state that is DOT Certified. If the survey reveals interest in the topic, ACS will more than likely bring the DOT Certification training to Alaska. Dr. Heston stated that he would really like to see the DOT training come to Alaska as this would be beneficial to most chiropractors. Dr. Campbell agreed and stated that a lot of his rural offices would take advantage of that type of training.

There have been some complaints sent to the ACS office regarding Groupon advertising. This is a concern since there has been more than one complaint. Dr. Heston stated that some states consider this type of advertising fee-splitting and it is not allowed.

The ACS convention will be October 2, 3 & 4, 2014 at the Hilton Hotel in Anchorage, Alaska. This convention will be exciting and ACS is working to have enough educational opportunities at the convention for everyone to meet the updated requirements.

Agenda Item 9 – Peer Review Committee

The Peer Review Committee has two cases under review at this time. They have met once telephonically and should have the reviews completed by the next Board meeting.

The difference between the Peer Review Committee and filing a complaint is that the Peer Review Committee consists of chiropractors that are policing their own profession; they typically do not deal with complaints that have a criminal element. If a complaint has a criminal element, that complaint is filed with the state. The decisions of the Peer Review Committee are non-binding however they are advisory to the Board.

Agenda Item 10 – FCLB Update

The executive director of the FCLB has submitted her resignation.

The FCLB Annual Meeting will be in Myrtle Beach, South Carolina April 30 – May 4, 2014. Dr. Heston would like to send Susan Johnson - the Board Examiner to this meeting. The Board nominated Jim Heston to serve as the FCLB Delegate and Daniel Holt to serve as the alternate. Dr. Heston and the License Examiner will attend the annual meeting in South Carolina and Dr. Holt will attend the FCLB District meeting in Albuquerque, New Mexico in September, 2014. Dr. Campbell will attend the Part 4 testing in May and Dr. Barrington will attend the Part 4 testing in November. The FCLB will provide reimbursement for these trips.

Agenda Item 11 – NCBE Update

There was no update at this time regarding the NCBE.

Agenda Item 12 – Position Statements on Chiropractic Website

Staff was tasked to find out if position statements can be added to the Chiropractic state website. ACS has created a place on their website for Board news.

Upon a motion duly made by Dr. Holt, seconded by Ms. Hill and approved unanimously, it was:

**RESOLVED to approve to break for lunch at 11:57 a.m.
On the record at 1:12 p.m.**

Agenda Item 13 – Division Updates

Sara Chambers and Don Habeger joined the meeting. Ms. Chambers opened by discussing the 2nd Quarter Board Report as well as any other topics that the Board would like to discuss.

Ms. Chambers thanked the Board for their support of HB 187. Dr. Campbell asked what HB 187 covered. Ms. Chambers explained that in addition to mitigating some of the fees that would be covered by licensee fees, it is also a vehicle to ask the general public to share in the cost of investigative services and to provide flexibility in setting fees. The Legislature is not inclined to add new programs to the General Fund, however this bill is in the best interest of the licensees who are the constituents. Director Habeger interjected that it is basically a fund source problem and HB 187 is addressing that by shifting the source to the portion of the general fund that is supported by oil revenues.

Presently, Legislature has allocated \$20,000 for all Boards to use for reimbursable travel. The division is asking Legislature to increase that from \$20,000.00 to \$60,000.00.

Senators Mike Dunleavy and Kevin Meyer dropped into the meeting to thank the Board for what they do and to thank chiropractors in general for the work they do to make Alaskans feel better without the use of drugs. Both senators invited the Board to contact them if there were ever any needs or questions in which they could assist.

Agenda Item 14 – Public Comment

There were no members of the public present.

Agenda Item 15 – New Business

A Continuing Education course was submitted for approval regarding animal chiropractic. The Board was in agreement that Chiropractors should be required to complete their regular continuing education hours as the statutes and regulations make no allowances for chiropractic on any entity other than humans. The Board agreed that application does not apply to human chiropractic and cannot be accepted as Chiropractic Continuing Education.

The Board discussed the aspects of House Bill 187;

Upon a motion duly made by Ms. Hill, seconded by Dr. Holt, and approved unanimously, it was:

RESOLVED to support House Bill 187.

Agenda Item 16 – Correspondence

Dr. Heston will write a letter to The Better Health & Wellness Clinic regarding advertising Physical Therapy. He will also write a letter to Kinetic Physical Therapy in response to their letter to the Board regarding clinics advertising physical therapy services.

Senator Anna Fairclough sent a letter asking if chiropractors would benefit from training on suicide prevention. Dr. Heston will write a letter to respond.

Staff will check into the cost of joining the Citizen Advocacy Center.

The council on Chiropractic Education is an international group that is working toward providing licensure for applicants that are foreign trained and international mobility for licensure.

Agenda Item 17 – Administrative Business

The exam and Board meeting schedule will be:

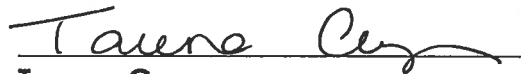
- June 6 – Anchorage
- October 2 - Anchorage

Upon a motion duly made by Ms. Hill seconded by Dr. Barrington, and approved unanimously, it was:

RESOLVED to adjourn the meeting.

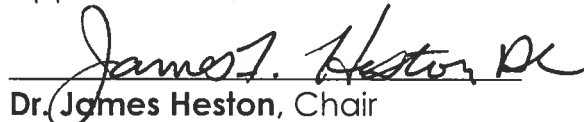
The meeting adjourned at 2: 15 PM

Respectfully Submitted:



Tawna Curry
License Examiner

Approved:



Dr. James Heston, Chair
Alaska State Board of Chiropractic
Examiners

Date: 6-6-14