

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
4 BOARD OF CHIROPRACTIC EXAMINERS
5

6 MINUTES OF THE MEETING
7 APRIL 12TH, 2021

8 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled
9 meeting of the Board of Chiropractic Examiners was held via Videoconference on April 29th, 2021.

10
11 Item 1 Call to Order/Roll
12

13 The meeting was called to order by Board Chairman Dr. Brian Larson, at 10:10 a.m. Members present
14 were:

15
16 Roll Call
17

18 Board Members present, constituting a quorum:
19

20 Brian Larson, Doctor of Chiropractic
21 Tim Kanady, Doctor of Chiropractic
22 James Morris, Doctor of Chiropractic
23 John Lloyd, Doctor of Chiropractic
24 Public Member, Vacant
25

26 Division Staff present were:
27

28 Reid Bowman, Occupational Licensing Examiner
29 Cynthia Spencer, Licensing Supervisor
30 Sara Chambers, Division Director (*via videoconference at 10:18 a.m.*)
31

32 Present from the Public:
33

34 Sheri Ryan, Chief Operating Officer, Alaska Chiropractic Society
35

36 Item 2 Review/Approve Agenda
37

38 Dr. Larson directed the board to review the agenda and make any additions, revisions and suggestions.
39 Licensing Supervisor Spencer suggested the addition of section C in Agenda Item 13- Administrative
40 Business for discussion online jurisprudence examinations.
41

42 **On a motion duly made by Tim Kanady, seconded by James Morris, and approved**
43 **unanimously by a roll call, it was RESOLVED to ADD item C. to item 13 for discussion of**
44 **the jurisprudence exam.**
45

46 **On a motion duly made by James Morris, seconded by Tim Kanady, and approved**
47 **unanimously by a roll call, it was RESOLVED to APPROVE the agenda as written.**

48 **Item 3 Ethics Report**

49
50 Dr. Larson stated he is the Designated Ethics Supervisor (DES) for the board and reviewed the
51 circumstances when a report is required to be submitted. Dr. Larson inquired about the value of gifts that
52 required a report.

53
54 Director Chambers stated \$150.00 was the gift reporting limit.

55
56 Dr. Larson conducted a roll call of board members asking for anything to report. There were no violations
57 or potential violations to report.

58
59 **Item 4 Review/Approve Meeting Minutes**

60
61 The board reviewed the meeting minutes from the February 12, 2021 board meeting. There were no
62 objections or additions.

63
64 **On a motion duly made by James Morris, seconded by Tim Kanady, and approved by**
65 **majority through roll call, it was RESOLVED to APPROVE the February 12th, 2021 meeting**
66 **minutes as written.**

67
68 **Item 5 Board Business**

69
70 A. **Review Goals and Objectives:**

71
72 Ms. Spencer asked if the Board would like this to be an ongoing agenda item. The board briefly discussed
73 the question and determined it was valuable to have this as an ongoing agenda item.

74
75 This topic will also be discussed during the annual report-agenda item.

76
77 B. **Chiropractic Response to Telemedicine:**

78
79 The board discussed the ability of Chiropractors to participate in telemedicine services.

80
81 Mr. Bowman stated there were no barriers to such practice and outlined the registration process.

82
83 Dr. Larson asked about:

- 84
- 85 • The scope of practice allowed?
 - 86 • Do the patients need to have access to the service provider?
 - 87 • Does there need to be a network of providers available if contact is needed?
 - 88 • Does the patient need to be in the state or can they be anywhere, and
 - 89 • Does the provider need to be a chiropractic physician if they are coming from elsewhere?

90 Director Chambers stated anyone providing chiropractic services within the state of Alaska are required to
91 be appropriately licensed and the physical location of the patient determines the jurisdiction for licensure.
92 Director Chambers also stated the business would need to be on the telemedicine registry; the individual
93 physician does not need to be on the registry.

94
95 Dr. Larson asked if House Bill (HB) 76 had any bearing on the discussion; Director Chambers stated the
96 version which passed the Senate applied to Medical and Nursing boards but not to chiropractic practice.

97
98 Dr. Larson inquired about mechanisms to ensure outside telemedicine providers were licensed in Alaska.
99 Director Chambers stated proper licensing was encouraged for providers by the inability to receive
100 payment from insurers without documentation of licensure, and the complaint process would be

101 secondary verification. Director Chambers informed the board they have the ability amend regulations to
102 set guidelines for telemedicine if needed. Director Chambers cautioned any guidelines would need to be
103 careful not to unduly restrict the practice of someone who is licensed.

104
105 Dr. Larson asked Sheri Ryan, Alaska Chiropractic Society if they had received complaints or questions about
106 telemedicine. Ms. Ryan stated there had been questions about telemedicine but no complaints
107 concerning outside chiropractors. Ms. Ryan went on to state, the main inquiries had been about whether
108 Alaska licensed chiropractors could see patients outside the state. The board discussed situations in which
109 an Alaska based patient out of state could be seen by an Alaskan practitioner. Director Chambers stated
110 the standard remained that a practitioner should be licensed in the jurisdiction where the patient is
111 currently physically located.

112
113 C. Leading Legislative Bill Support:

114
115 This item was delayed in favor of discussing section D.

116
117 D. Temporary Permits for Out of State Chiropractors to assist in Crises/Natural Disasters:

118
119 The board discussed previous regulatory efforts to allow out of state chiropractors to practice in Alaska
120 during declared municipal, borough or state emergencies without the 45-day process currently in place for
121 licensure.

122
123 Director Chambers stated several other boards had adopted emergency courtesy licenses last fall; she
124 stated a template was available that had been approved by the Department of Law that provided flexibility
125 to the profession and the board to issues limited scope licenses and offered to provide that to the board.

126
127 The board discussed past courtesy license applications and reasons behind their denials, including having
128 adequate existing chiropractic coverage. Director Chambers stated those applications clearly did not meet
129 the standards described in 12 AAC 16.205 however; Director Chambers cautioned the board that while
130 crafting new regulations to consider if someone is qualified to hold a license, the board could not restrict
131 their practice based upon other available providers. Director Chambers stated precedent in federal court
132 decisions reflected this. The board chose to table the discussion until the next meeting and requested to
133 include language similar to other state boards emergency regulations and request the attendance of a
134 regulation specialist.

135
136 Dr. Kanady stated he would follow up with Mr. Bowman to prepare this task for the next meeting.

137
138 E. Review of Statutory Recognition of Chiropractic Physicians as Physicians by Other Professions in
139 Alaska:

140
141 Dr. Larson informed the board the Nursing Board currently recognizes Chiropractic Physicians as Physicians
142 in their regulations, however the Medical Board does not. Dr. Larson asked the board if they would
143 consider drafting legislation to affect the Medical Board to recognize chiropractors as physicians.

144
145 Director Chambers stated current statutes define Chiropractic Physicians in AS 08.20 and Medical
146 Physicians under AS 08.64. Director Chambers stated if the board would like to be considered Physicians
147 under AS 08.64 then chiropractors would be subject to following the regulations and scope of practice
148 required under that statute and would probably be absorbed into the Medical board.

149 Dr. Larson asked the board if they felt it was necessary to pursue this topic further. Director Chambers
150 stated the direction being pursued to expand statutes regarding scope of practice is the correct one to
151 achieve the Board's goals, and the alternative would be to disband the Board and fall under the purview of
152 the Medical Board. The board discussed and agreed it was preferable to be regulated under their own
153 statutes.

154 Dr. Larson suggested a preferable option would be to attempt to clean up Chiropractic statutes and
155 regulations to reflect the nomenclature Chiropractic Physician instead of Chiropractor.
156

157 Discussion was tabled on this topic to advance the agenda to accept public comments as publicly
158 scheduled.
159

160 Item 8 Public Comment

161
162 No members of the public were in attendance.
163

164 Item 6 Investigative Report

165
166 Investigator Jasmin Bautista presented the investigative report for the period of January 29, 2021 to April
167 21, 2021. Investigator Bautista reported six open cases and none closed over that period; Investigator
168 Bautista stated she would be presenting cases.
169

170 **On a motion duly made by Tim Kanady, seconded by John Lloyd, and approved by**
171 **majority through roll call, it was RESOLVED to ENTER Executive Session under the**
172 **authority of AS 44.62.310(C) for the purpose of discussing (2) subjects that tend to**
173 **prejudice the reputation and character or any person, provided the person may request**
174 **a public discussion. Staff to remain in session.**
175

176 The Board entered executive session at 11:33 a.m. and returned from executive session at 11:57 a.m. Ms.
177 Spencer conducted a roll call vote; all board members present.
178

179 **On a motion duly made by James Morris, seconded by Tim Kanady, and approved**
180 **unanimously by a roll call, it was RESOLVED to ACCEPT the civil fine for case number**
181 **2021-000025.**
182

183 **On a motion duly made by James Morris, seconded by John Lloyd, and approved by a**
184 **majority through roll call, it was RESOLVED to ACCEPT the summary suspension as**
185 **written for case number 2020-000499. Dr. Larson recused himself from this vote.**
186

187 *Recess The board recessed for lunch at 12:03 p.m.; and reconvened at 12:59 p.m. Dr. Larson conducted a*
188 *roll call vote; all board members present.*
189

190 Item 9 Alaska Chiropractic Society (ACS) Report

191
192 Ms. Ryan reported she had emailed the ACS report to Mr. Bowman. Mr. Bowman stated he would forward
193 the report to the board. Ms. Ryan gave an update upon The Future of Chiropractic Care Strategic Plan
194 stating phase two has concluded, phase one's report had been issued and is linked in the ACS report. Ms.
195 Ryan informed the board that workgroups had been assembled nationwide to complete the strategic plan;
196 phase three will be starting soon and there will be opportunities for any chiropractor throughout the
197 nation to provide input.
198

199 Ms. Ryan also reported the Federation of Chiropractic Licensing Boards (FCLB) is having their annual
200 meeting on Saturday, May 1st; a candidate for the presidency asked for the Alaska representative to call
201 her. Dr. Larson stated he would call her, and contact information would be forwarded by Mr. Bowman.
202

203 Ms. Ryan reported that Community Care Network rollout had been delayed until July 1st to give providers a
204 chance to complete the credentialing process; details are available on the ACS website. Ms. Ryan
205 informed the board that the Cures Act is a hot topic which relates to patient record sharing, similar in
206 some ways to HIPAA. Ms. Ryan stated all practitioners should review the ACS website for more
207 information

208 Ms. Ryan informed the board that H.R. 2654, the Medicare Inclusion Bill had been reintroduced in the US
209 House of Representatives; ACS met with Representative Don Young, April 5th, 2021 in preparation. Ms.
210 Ryan stated Representative Young is in full support of co-sponsorship of the bill.

211
212 Ms. Ryan stated ACS advocated to have chiropractic physicians included in the language of Senate Bill 65;
213 "Chiropractor" was added in the Senate bill. Ms. Ryan informed the board ACS is currently working with
214 Senator Kiehl to change the terminology from "chiropractor" to "chiropractic physician".
215

216 Ms. Ryan asked if there was any way ACS could assist the board. Dr. Larson stated there was no need at
217 this time. Ms. Ryan stated there is a seat open on the medical services review committee, which is a
218 subcommittee of the Alaska Workers' Compensation Board. Ms. Ryan requested anyone from the board
219 interested in serving on that committee to contact ACS.
220

221 222 **Item 11 Budget Report/Division Updates**

223 224 A. FY21 3rd Quarter Fiscal Review:

225
226 Director Sara Chambers delivered the third quarter fiscal update reflecting an overall ending surplus of
227 \$48,093.
228

229 The board noted licensing fee revenues appeared to be slightly lower than in the previous two cycles. The
230 board discussed reviewing renewal numbers to determine if a significant portion of licensees opted not to
231 continue Alaska licensure. Ms. Ryan with ACS stated association membership was holding steady;
232 however, she had noticed many chiropractors retiring.
233

234 235 **Item 5 Board Business**

236 C. Leading Legislative Bill Support:

237
238 Director Chambers reviewed the division's annual Board Member Legislative Guidance, including
239 strategies for the board to register support, opposition, or comment on legislation. Director Chambers
240 reiterated that boards must vote on positions and board members should take care to clarify that they do
241 not speak for the board when testifying as individuals. Dr Larson provided an update on the status of the
242 board's legislative priorities. Dr. Larson reported he had met with several legislators to garner support and
243 was awaiting confirmation of a sponsor. Director Chambers suggested board members forward the
244 document they had previously adopted to their own senators and representatives; Director Chambes also
245 suggested that ACS finalize their position to lend support, if they are so inclined. Director Chambers stated
246 securing a sponsor now will provide ample time for amendments and edits during the interim.
247

248 *Recess The board recessed at 2:18 p.m. and reconvened at 2:30 p.m. Dr. Larson conducted a roll call vote;*
249 *all board members present.*
250

251 252 **Item 12 Regulation Projects**

253 A. Regulation of Chiropractic Assistants:

254
255 Dr. Larson reported the legislative auditor raised a question about the board's lack of licensure or
256 registration for chiropractic assistants, interns, and preceptors. Dr. Larson stated the auditor's assumption
257 was that that board should be doing more to ensure qualifications were being met. Director Chambers
258 reviewed the history of the legislation from 2016 authorizing the use of these personnel. Director
259 Chambers stated the Alaska State Legislature specifically and intentionally did not give the board power to
260 license these areas as the sponsor did not want to incur the fiscal note or added bureaucracy.
261

262 Dr. Larson asked the board if they would like to seek expansion to regulate assistants, interns and
263 preceptors so they could enhance their regulation of these practices. The board discussed and generally
264 agreed that the system was working as intended and no changes were needed. The board agreed that
265 professionals were successful in ensuring their assistive personnel met certification requirements, and the
266 division has not been receiving complaints. Director Chambers suggested the system was similar to
267 licensee delegation to medical assistants or dental assistants. Dr. Lloyd added that licensees incurred the
268 burden of discipline if something went awry, and licensees are keen to avoid such infractions.

269

270 B. Application Deadlines for Incoming Chiropractors:

271

272 The board discussed briefly and agreed there was no need to change the current application deadline of
273 45 days.

274

275 C. In-person CE Requirement for Both Incoming Initial Applications and Renewals:

276

277 At this time due to convergence between correspondence items and this agenda item, both were
278 discussed simultaneously. Several pieces of board correspondence requested updates on COVID-19
279 practice expectations. The board clarified that their current guidance, posted on the division's COVID-19
280 web page, pointed to CDC and state guidelines and did not specify any additional requirements.

281

282 Director Chambers confirmed that HB 76, had been transmitted to the governor for signature today,
283 included immunity for businesses and licensees who are in substantial compliance with federal, state, and
284 municipal guidelines. Director Chambers also stated that the bill did not include any additional restrictions
285 that would affect licensees or chiropractic practice.

286

287 The board confirmed that they were content with their current published guidance going forward.

288

289 The board also received requests to renew their COVID-era flexibility on continuing education (CE)
290 requirements of 12 AAC 16.030 (initial applications by examination) and 12 AAC 16.033 (applications for
291 renewal). The board discussed the logistical challenges to in-person coursework and the merits of virtual
292 training; since COVID-19 positive cases were declining and vaccinations were increasing, the board
293 anticipated more in-person offerings would be available.

294

295 Ms. Ryan stated that ACS hoped to hold an in-person meeting this fall, which would include CE offerings.

296

297 After discussion, Dr. Larson took a straw poll of the board, which was unanimous in determining that
298 certain types of chiropractic CE were far more valuable and educational when done in an in person setting;
299 therefore, the board opted to continue requiring no more than 16 hours of education be completed
300 remotely. The board stated the planned to discuss this issue at a future meeting to ensure they were
301 maintaining awareness of recent developments.

302

303 Director Chambers offered to inform the board within a week of any options available through HB 76 and
304 pursuant disaster or emergency declarations. Dr. Larson directed staff to communicate with persons
305 concerned about this requirement to let them know the topic would be reconsidered at their next
306 meeting.

307

308

Item 5 Board Business

309

310 F. Elections:

311

312 The board discussed the need to elect officers for Vice Chair and Secretary of the board. Dr. Larson asked
313 for nominations.

314 i. Vice Chair

315
316 Dr. Larson nominated Dr. Kanady for Vice Chair.

317
318 **On a motion duly made by Tim Kanady, seconded by James Morris, and approved by a**
319 **majority through roll call, it was RESOLVED to APPOINT Dr. John Lloyd as board vice**
320 **chair.**

321
322 ii. Secretary

323
324 Dr. Lloyd nominated Dr. Morris for secretary.

325
326 **On a motion duly made by John Lloyd, seconded by Tim Kanady, and approved by a**
327 **majority through roll call, it was RESOLVED to APPOINT Dr. James Morris as board**
328 **secretary for two years.**

329
330 G. Utilization Review Committee (URC) Appointments:

331
332 Dr. Larson requested suggestions on a process to fill the recently defunct four-person utilization review
333 committee. Licensing Examiner Reid Bowman reviewed the regulatory requirements of committee
334 members. Director Chambers suggested that board members seek nominees who would be willing and
335 then vote on a slate of candidates at their next meeting. Dr. Larson asked Mr. Bowman to email licensees
336 about the opportunity and he suggested that interested persons should send a letter of interest with their
337 qualifications to the office within ten days of receipt of the email.

338
339 H. Annual Report:

340
341 Dr. Larson reviewed the annual report process and thanked Dr. Morris for drafting the 2020 version. Dr.
342 Morris offered to draft the 2021 report, Dr. Kanady offered to collaborate. Dr. Morris and Dr. Kanady
343 agreed to submit a draft to the board via staff by May 20 for consideration at a special one-hour
344 teleconference.

345
346 **Item 13 Administrative Business**

347
348 A. Set Next Meeting Date/Board Travel:

- 349
350
 - Tuesday, May 25 at 9:00 a.m.: One-hour teleconference to review and adopt the annual
 - 351 report
 - 352
 - Friday, July 30 at 9:00 a.m.: Regular teleconference
 - 353
 - Friday, October 29 at 9:00 a.m.: Regular teleconference
 - 354

355
356
357 B. Task List:

358
359 This item was not addressed

360
361 C. NBCE Exam Online:

362
363 Ms. Spencer stated the online exam was ready to go, and more information could be forthcoming next
364 week.

Item 14 Adjourn

365
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367
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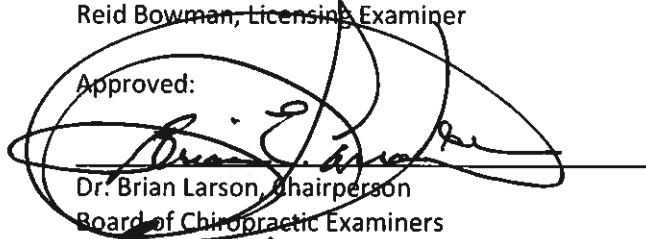
The meeting was adjourned at 4:35 p.m.

Respectfully submitted:



Reid Bowman, Licensing Examiner

Approved:



Dr. Brian Larson, Chairperson
Board of Chiropractic Examiners

Date: 7/30/21