

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND
ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING**

**ALASKA STATE BOARD
OF CHIROPRACTIC EXAMINERS**

**MINUTES OF MEETING
August 17, 2012**

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 August 17, 2012 in Anchorage, Alaska.

Friday, August 17, 2012

Call to Order/Roll Call

The meeting was called to order by Dr. Heston, President at 10:00 a.m. Those present, constituting a quorum of the Board were:

James Heston, DC, President – Homer
Daniel Holt, DC, Vice-President – Juneau
Walter Campbell, DC, Secretary – Palmer
Edward Barrington, DC- Anchorage
Renee Robinson, Public Member – Anchorage

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

KC Odell, Licensing Examiner- Juneau
Margo Mandel, Investigator- Anchorage
Don Habeger, Division Director- Juneau (telephonically)
Sara Chambers, Operations Manager- Juneau (telephonically)

Agenda Item 1 – Review Agenda

The Board reviewed the tentative meeting agenda and made no changes.

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

RESOLVED to approve the agenda, as written.

Agenda Item 2 – Review Meeting Minutes

The Board reviewed the minutes of the April 20-21, 2012, and made the following changes:

- Dr. Heston would like to see something under agenda item seven proposed regulation change about the removal of a fee for filing a peer review complaint. The licensing examiner later added an additional section on agenda item seven on day two of the April meeting reviewing all the changes being made in the proposal.
- The minutes stated that Ms. Robinson made a motion to adjourn the meeting on Saturday April 21st, but she was not present that day so it couldn't have been her. It was found that Dr. Zimmerman had made the motion.

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

RESOLVED to approve the minutes of the April 20-21, 2012 meeting, once amended.

Agenda Item 3 - Board Business

Dr. Heston asked if the thank you letters to Verdie Bowen, Jeff Garness, and Rosemary Zimmerman had been sent. Dr. Campbell had written a letter from the board to Mr. Bowen and Dr. Holt remembered someone else sending a thank you to Mr. Garness, but nothing had been sent to Dr. Zimmerman yet. It was decided that the licensing examiner would draft a thank you letter each member could sign and a small plaque would be purchased out of pocket by the board members for her many years of service to the Chiropractic profession in our state.

Ethics Reporting

There were no ethics conflicts to report

Ratification of New Licensees

The Board reviewed the list of new licenses for ratification, including:

- Jessica Gundelfinger #558

Review Goals and Objectives

The Board reviewed their goals and objectives for Fiscal Year 2013:

Goal 1. Carry out assigned duties of the board:

- Objective 1:* Conduct a minimum of three board meetings a year and to rotate the location of the meetings between different regions of the state.
- Objective 2:* Continue licensing chiropractic physicians and processing applications in a timely manner.
- Objective 3:* Review investigative reports, monitor disciplinary actions, and provide professional direction to Division investigative staff regarding disciplinary actions, probation matters, criminal history record information, and chiropractic practice.

- Objective 4:* Utilize the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic (SPEC) and Ethics & Boundaries Examination (E&B) in memorandum of agreements.
- Objective 4:* Monitor and appoint members to the Peer Review Committee.
- Objective 5:* Continue to review and process requests for continuing education credit approval in a timely manner.
- Objective 6:* Continue to administer the Jurisprudence exam concurrent with board meetings, and to include candidate interviews as part of the examination.
- Objective 7:* Make Board determinations and Position Statements, as appropriate, regarding issues affecting the safety of the public.

Goal 2. Provide information regarding board activities to the profession and the public.

- Objective 1:* Inform all licensees of any pending regulation changes in the customary manner.
- Objective 2:* Provide a public comment period at each meeting.
- Objective 3:* Address concerns presented by licensees and the public at each meeting.
- Objective 4:* Provide copies of agendas and/or minutes of the meetings to all who request them.
- Objective 5:* Continue to work with other licensing boards, at both the district and national level.
- Objective 6:* Continue to address the reporting requirements for domestic violence and sexual assault.
- Objective 7:* Support efforts to educate the public regarding the benefit of chiropractic care as a health care form.
- Objective 8:* Raise awareness regarding public health, emergency training, hazardous materials, and OSHA requirements.
- Objective 9:* Ensure current information is available on the Board website through regular updates by staff and regular monitoring by Board members.

Goal 3. Continue affiliation with the Alaska Chiropractic Society (ACS) to work cooperatively in the best interest of the profession and the public.

- Objective 1:* Encourage regular Alaska Chiropractic Society (ACS) participation at Board meetings.
- Objective 2:* Support Alaska Chiropractic Society (ACS) efforts to provide information to the profession and the public.
- Objective 3:* Support Alaska Chiropractic Society (ACS) efforts in pursuing statutory changes relevant to the profession and public safety.

Goal 4. Pursue statutory authority consistent with the practice of chiropractic to ensure the health and safety of the public.

- Objective 1:* Support the Alaska Chiropractic Society (ACS) in pursuing statutory authority for regulation of Independent Medical Examinations (IMEs).
- Objective 2:* Support the Alaska Chiropractic Society (ACS) in pursuing an increased fine for unlicensed practice under AS 08.20.200.
- Objective 3:* Support the Alaska Chiropractic Society (ACS) regarding the subject of physical exams for school, sports activities, pre-employment, workplace fitness, impairment rating evaluations, FAA and DOT specialties, etc.
- Objective 4:* Support the Alaska Chiropractic Society (ACS) in amending Alaska Statute 08.20.160 by removing “apparently” from verbiage.
- Objective 5:* Support the Alaska Chiropractic Society (ACS) in pursuing statutory authority for licensing chiropractic assistants, technicians, and interns/preceptors.

Objective 6: Support the Alaska Chiropractic Society (ACS) efforts in pursuing a statutory change to allow animal chiropractic. Work in conjunction with the veterinary Board.

Addition

Objective 7: Support the Alaska Chiropractic Society (ACS) in pursuing statutory authority for the removal of the peer review committee fee as written in AS 08.20.185.

Goal 5. Assess and evaluate regulations:

Objective 1: Continue to assess and evaluate continuing education requirements.

Objective 2: Continue to assess and evaluate radiological safety, professional boundaries, public health, emergency training.

Objective 3: Proactively make recommendations through regulations to anticipate changes in the health industry.

Goal 6. Assess and evaluate the review process available through the Peer Review Committee:

Objective 1: Refine procedures for committee review of cases and the reporting process; consider establishing criteria (guidelines) for utilization review under 12 AAC 16.430.

Objective 2: Direct review inquiries to the committee.

Addition

Objective 3: Keep the committee roster fully staffed with three chiropractors and one public member at all times

Goal 7. Continue affiliation with the Federation of Chiropractic Licensing Boards (FCLB), the National Board of Chiropractic Examiners (NBCE), the Association of Chiropractic Board Administrators (ACBA), and the Council on Chiropractic Education (CCE), as well as the Council on Licensure, Enforcement and Regulation (CLEAR) and the Federation of Associations of Regulatory Boards (FARB):

Objective 1: Promote attendance of continuing Board members at district and annual meetings of the FCLB to provide input and obtain information at both national and state levels regarding matters impacting Alaska Chiropractors

Objective 2: Work with the FCLB on maintaining a listing of Alaskan Chiropractors on the National Database (CIN-BAD).

Objective 3: Promote attendance of Board members at the semi-annual NBCE Part IV Examinations and Part IV Examination Review Committee meetings of the NBCE to provide input and obtain information on the Exams required for chiropractic licensure in Alaska.

Objective 4: Promote attendance of the Licensing Examiner at the annual meetings of the ACBA and FCLB to provide input and obtain information at both national and state levels regarding matters impacting the regulation and licensure of Alaskan Chiropractors.

Objective 5: Promote attendance by Board members and staff at the annual CLEAR and/or FARB conferences.

Goal 8. Keep informed of the sunset review process for the board and to review and respond to the sunset audit report recommendations. The next sunset review is scheduled for June 30, 2014.

The board wanted to make two additions to the fiscal year 2013 goals and objectives. The first will be added to goal four and become objective seven in support of removing the peer review committee fee from statute. The other will be added to goal six and become objective three to always maintain a full peer review committee roster which hasn't always been done in the past.

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

RESOLVED to approve the 2013 Fiscal Year Goals and Objectives, once amended.

Review Submitted Annual Report

The board reviewed the completed version of the Annual report that was submitted for fiscal year 2012. Having no further comments the board moved on to the next agenda item.

Agenda Item 4 – Investigative Report

Margo Mandel joined the meeting to review the following investigative report. She also alerted the board to an issue that they had heard of before and is a form of ambulance chasing. After a recent vehicular accident a mother of two children, one of which is a minor, received postcards advertising a local chiropractic practice for treatment. The board does not condone this practice and would like to develop a way to alert their licensees of their opinion, as well as review the code of ethics from the American Chiropractic Association (ACA) to see if there is any sort of regulatory language our board can implement to try and stop that sort of practice especially with regard to minors.

Open Complaints:

2012-000367- Active

Open Investigations:

None

Activity Since Last Board Meeting:

2012-000286- Peer Review Committee findings forwarded to Board did not recommend further investigations

2012-000449- Intake closed following Board Member review

Dr. Campbell thought that it may be a good idea for the board to draft an official opinion that could be sent to all licensees on board letterhead stating their position on reasonable advertising practices. This was addressed again later during this meeting and the idea would be expanded upon.

Agenda Item 5 – Peer Review Committee

Dr. Heston began discussing Dr. Culbert's written findings on a complaint that was filed against Dr. Douglas Luther. The peer review committee held a teleconference on

May 18th to discuss the same written statement and was in unanimous agreement with Dr. Culbert. They feel that Dr. Luther is not accountable for the injury that took place but rather for sweeping the situation “under the rug” so to speak by not putting anything about it in his documentation. That is a clear violation of maintaining the minimal professional standards and is grounds for a disciplinary sanction. It is Dr. Heston’s opinion that Dr. Luther’s license should be placed on probation for one year; require him to attend a documentation and record keeping course, and complete the National Board Chiropractic Examiners SPEC exam which the licensing examiner will choose the topics of. Dr. Campbell then raised a motion to enter into executive session to further discuss the proposed course of action against Dr. Luther’s license. There was no one present other than the board for this executive session.

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

RESOLVED in accordance with AS 44.62.310(c)(2), to enter into executive session for the purpose of discussing the proposed disciplinary action against Dr. Douglas Luther’s license.

The board was in executive session from 10:45am to 10: 56am.

After exiting executive session and coming back on record the board wished to make a decision on the disciplinary action to be taken.

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

RESOLVED to issue a disciplinary sanction against Dr. Douglas Luther’s chiropractic license. The board is placing Dr. Luther’s license on probation for one year, requiring him to attend at least six hours of a documentation and record keeping class, and take the NBCE’s SPEC exam to fulfill this sanction.

Dr. Luther then arrived at the meeting to take part in his interview and the board having decided how they would like to proceed invited him in.

Agenda Item 6 – Board Interview

The board began by informing Dr. Luther that both the peer review committee and they, the board of chiropractic examiners, have now reviewed his records and come to a conclusion on how to proceed with the complaint process. His license will be placed in probationary status for one full year from the date of this meeting, he will be required to attend a documentation and record keeping class totaling six hours in length, and he will be required to complete the NBCE SPEC exam within one year of this meeting. Dr. Heston then asked Dr. Luther if he had any questions for the board or regarding any of the terms of his disciplinary sanction. He only wished to clarify that neither the board nor the peer review committee found any wrong doing in his treatment of the patient

that would warrant a lawsuit. The board confirmed that they do not feel he was guilty of any wrong doing in his treatment, and they only wish to up hold him to the same record keeping standards that all other licensees are subject to. Dr. Luther complied and understood what he is required to complete and thanked the board for having him into discuss the subsequent sanctions placed on him. The board then returned to agenda item five to further discuss another peer review complaint with Dr. Steven Messerschmidt who has been heading up the review.

Agenda Item 5 – Peer Review Committee

The licensing examiner was able to get a hold of Dr. Messerschmidt telephonically who began addressing his findings on the complaint. Dr. Messerschmidt had contacted the American Chiropractic Association (ACA) to get their opinion on billing practices and a possible dual fee schedule. Their response to this inquiry is in the board packet for reference. It was Dr. Messerschmidt's opinion that the doctor in question hadn't broken any specific rules due to many chiropractic practices accepting blue cross insurance but not being "in network." The doctor in question did not state that his practice was "in network" but rather "accepted blue cross" and thus it is Dr. Messerschmidt's opinion that they were not misrepresenting themselves. He felt it is ultimately the responsibility of the patient to verify the clinics status and ask if they are "in network." He also felt that the cash charge at the time of service that was observed by the complaining individual is alright since it was not advertised and doctors may quote: "choose their own charities". However, it may be best practices to do that away from other patients in the future. Lastly, the example brought up by the complaining individual about a chiropractor in South Carolina is an example of inappropriate billing, and regardless has no bearing on what the doctors here in Alaska are doing. Ultimately it was Dr. Messerschmidt's opinion to the board that the doctor in question may have not communicated properly with the patient causing them to be ignorant to the difference between just accepting Blue Cross insurance and actually being in the Blue Cross network. Dr. Heston asked that he draft his findings in a formal letter and address it to the board of chiropractic examiners. The board members were all in agreement with his findings and thanked him for his efforts in reviewing this case.

The board then continued discussing the removal of the Peer Review Committee fee which had been addressed earlier in this meeting. Dr. Holt thought that the fee being implemented deters the frivolous complaints and issues, but that may not always be the case sense there is no cost to the complainer to start an investigation, only the board is charged for an investigators time. After a discussion on alternative ways to implement or remove the fee the board was still in agreement that the fee should be removed from statute completely and supports the ACS in requesting that change.

Agenda Item 7 – Division Updates

The board being slightly ahead of schedule decided to review the letter written by Director Habeger regarding the Department's Administrative Services Division (ASD) major board and commission revenue/expenditure reconciliation project. Both Director

Don Habeger and operations manager Sara Chambers joined the board telephonically to clarify the letter and answer the member's questions. Director Habeger explained what he has been working on the first two years he's been with the division as far as the budget as a whole is concerned and why it was necessary to search through ten years of financial information to determine an appropriate reconciliation amount. The legislative audit people recommended that the division give immediate attention to the way it shares general cost pools between its numerous programs including business and corporate licensing. In addition to improving those practices the ASD will be reviewing and issuing quarterly budget reports to each professional licensing board. This will more efficiently utilize their time as well as prevent some of the errors which caused the unfair distribution of general costs in the past. Dr. Heston asked if the board member travel appropriation that they had discussed before would be affected by the over three million dollar legislative appropriation at all. Director Habeger informed him that it would not and explained what that money is being used for. Dr. Holt then asked for some clarification on what "personal services" included in the direct expenditures and Director Habeger explained by giving a description of each of the different types of direct expenditures. The board thanked Director Habeger for all his work and thorough explanation of the changes in budget processes.

The Board recessed for lunch at 12:00 p.m.

The Board resumed the meeting at 1:10 p.m.

Agenda Item 10 – Public Comment

The board wanted to move ahead in the agenda to the public comment period because Michelle Wall-Rood was present to discuss a form of ambulance chasing in the form of advertisements being sent to accident victims. In this particular case, a minor was involved in an automobile accident and received chiropractic practice advertisements sent directly to him; as opposed to his parents. The board had heard of cases such as this before and does not condone this practice. However, since it is in fact public information taken from police reports the board cannot restrict the ability to do such a thing. The board informed Ms. Wall-Rood that they will be creating a position statement that can be public noticed to inform their licensees that the board does not agree with such an advertisement practice. She thanked the board for their time and Dr. Heston moved on to the next agenda item.

Agenda Item 8 – Federation of Chiropractic Licensing Boards

Dr. Heston stated his support for the FCLB organization and would like to remain as active as possible with them to keep our board aware of national trends and changes. He continued by giving his overview of the national conference both he and the licensing examiner attended in May earlier this year. One of the things that was addressed at that conference was how regulatory boards are perceived in different states. Australia had two representatives at the conference who outlined how they were able to standardize licensing regulations across their entire country. This helped combine the nine different regions which previously all had different requirements become one unified country for chiropractors who could transition much easier to a

different area than before. Another important topic that our board wanted to learn about was license mobility, but the seminar that Dr. Heston and the examiner attended turned out to be an international brainstorming session. Not all countries accept the National Board of Chiropractic Examiners testing and transcripts because they have their own national organizations. In addition, not all countries have the same training of the chiropractic profession which presents a large hurdle in trying to license anyone moving from one country to another. Ms. Robinson brought up the fact that if a chiropractor is coming from a country that has requirements lower than our own that our board would need to ask them to complete training or education that would put them on par with our states requirements. Dr. Heston went over the valuable services that the FCLB offers regulatory boards like ours such as: CIN-BAD which stores disciplinary information from all fifty states so that applicants cannot simply move to avoid having their license revoked or suspended. The PACE program offers regulatory boards a centralized accreditation agency for continuing education courses that most state regulatory boards are accepting without having to review applications themselves. FCLB also sends and archives power polls for all states to receive information relating to issues that affect our profession or certain boards are interested in researching.

Dr. Heston was most interested in the model practice act that FCLB has been working on. The certified chiropractic clinical assistant program that is included in that document will help our board establish such a program in our state without having to start from scratch. It is still in draft form and not officially available in its entirety but the FCLB has started to consider releasing sections of it to all states as they are completed. Dr. Heston proposed that it could become a subsection in our regulations booklet after making some minor language revisions to keep the information relevant to Alaska. It would become its own regulation and not adopted under any already existing. Also, the National Board of Chiropractic Examiners will be getting on board with this and offer testing for those clinical assistants. That way the regulatory boards can still request examination scores from a familiar and trusted organization. It will be a secured online examination that you would need to register with NBCE to take.

Agenda Item 9 – National Board of Chiropractic Examiners

Dr. Heston continued by informing the board that he had attended the part four examination writing committee in Greeley Colorado. He had not had a chance to attend that before but found it rewarding and an important duty within the profession. He also found during the meeting that NBCE is trying to stay away from the word subluxation, and instead is referring to it as biomechanical joint complex defect. As a part of those efforts they have struck the term subluxation entirely from their examinations. The board then moved on to hear the ACS update from Debbie Ryan.

Agenda Item 11 – Alaska Chiropractic Society (ACS) Update

The following Alaska Chiropractic Society (ACS) representatives attended the meeting to report on ACS activities:

- Debbie Ryan – Executive Director

Debbie informed the board of how many members the society now has, and how many chiropractors have presently signed up to attend the convention. The numbers are a big increase from last year and a testament to the new format that ACS is trying for the first time. She handed out a copy of a letter that the ACS had received from ASEA/AFSCME Local 52 Health Benefits Trust in relation to claim requirements for physical therapy services. Debbie had also forwarded it to Dr. Patricia Conners-Allen who is the American Chiropractic Association insurance liaison for the society. Dr. Conners-Allen had contacted the ASEA who informed her that they wanted a prescription or a referral with the credentials of the persons actually providing it written on it and the treatment plan submitted with the first notes. They would like to see this documentation from the first appointment for massage therapy. Dr. Heston asked if they are asking for this information from chiropractors as well as physical therapists; and though they are sending the letter to chiropractors it does not directly mention the chiropractic profession in the letter causing some confusion. Debbie mentioned that one of the things the ACS has been working on creating for their website is a page dedicated to insurance problems. This page will also include a blog written and maintained by Dr. Conners-Allen so that members can read about the latest insurance issues people are having.

Debbie then asked the board if they would be able to write a formal opinion on acupuncture. Dr. Heston wanted to clarify by asking if she meant chiropractors practicing acupuncture themselves or having a licensed acupuncturist in their practice. The ACS just wanted to have an opinion on whether or not a chiropractor could do acupuncture of any kind. Dr. Campbell mentioned that the board had discussed this previously and since it is not written into their scope of practice they have always had the opinion that they were not allowed to do it at all. There is nothing preventing a chiropractor from being licensed as both a chiropractor and an acupuncturist provided they complete the necessary credentialing. But there is a separate licensing program for acupuncturists and therefore it is not within a chiropractor's right to perform. Debbie was satisfied with the out right answer of the board and would take that back to the ACS with her; they could then include it in the website to limit the amount of inquiries about chiropractors practicing acupuncture.

Debbie moved on by requesting another opinion from the board about chiropractors being able to send patients to a hospital, or other diagnostic testing center for an MRI or CT scan. There was an incident with one of their members not being allowed to refer a patient of theirs to get testing done at a local hospital. After much resistance and a reminder that since the chiropractor was responsible for diagnosis they may also request diagnostic testing per scope of practice. Dr. Heston asked if the physician in question had insurance approval to use that particular facility to perform diagnostic studies. Debbie clarified that the physician wasn't even being allowed to schedule an appointment over the phone. Debbie felt a formal statement from the board could prevent further resistance or prevention of such a referral in the future. Dr. Heston mentioned that the board was already planning on creating such a document relating to advertising practices in our state due to a complaint made earlier in the meeting,

and this could be part of that letter for public notice. The board then wanted to go into executive session again to discuss particular issues with practices around the state they had received calls about or heard about from their colleagues while protecting the identities of those individuals from being on public record. Debbie Ryan stated her name on record as being in attendance before entering into executive session.

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

RESOLVED in accordance with AS 44.62.310(c)(2), to enter into executive session for the purpose of discussing unprofessional advertising practices and complaints recently received from the public.

The record was turned off from 2:15pm to 2:30pm

After coming out of executive session and going back on record the board continued discussing the ACS report with Debbie Ryan. They will be attending the Congress of Chiropractic State Associations Annual Convention in Buckhead, GA this November 5-7, 2012. Dr. Heston said that former board member Dr. Zimmerman may be attending that as well. Debbie then reminded the board members of the ACS convention coming up in October at the Captain Cook hotel. Dr. Heston shared a copy of the model practice act language the FCLB created and our board plans on using as a way to implement a certified chiropractic assistants program in our state with Debbie to take and share with the ACS.

Dr. Heston also asked Debbie if she had heard anything regarding Medicare auditing from the ACS members. She thought that they would most likely continue to become more common. Recently an ACS member had asked for a prepayment review with what the auditors called four educational attempts consisting of two phone calls Debbie made with a specific question, one written request, and a conference call where the ACS stayed on the phone for some time gathering as much information as possible. Using the insight that was gained from those calls and responses the ACS member made the recommended changes, but actually increased their error rate. The person that ACS had spoken with before referred them on to the next level of superiority who informed them that they would be under review. Debbie then called Attorney Michael Misco, who represents many healthcare providers in Medicare issues and actually made himself available for a conference call with ACS and its members at no cost. To summarize what was taken out of that was that a person who sustains an injury gets nine chiropractic visits and everything after that is suspect. It doesn't mean that what the chiropractor is doing is not medically necessary it means that it's not medically compensable under Medicare guidelines. When talking to a patient chiropractors need to be able to make them understand that Medicare has very specific rules on what they will compensate a physician for doing.

The board members then had a short discussion on physicals and the differences just within our own state on who is allowed to give them for school sports. Dr. Holt had

recently been asked to provide his services in Juneau to give sports physicals to local high school students.

Having nothing further to discuss the board thanked Debbie Ryan for her time and moved on to discuss prescription oxygen since none of the Massage therapists that were contacted to join us responded to those messages or were present at the meeting.

Agenda Item 12 – Massage Therapy Board formation update

No one was present to discuss this so the board moved on to discuss prescription oxygen.

Agenda Item 13 – Oxygen Therapy

Renee Robinson presented the board with the information she had researched since the last meeting on prescription oxygen. She looked at different methods or uses for prescription oxygen within the chiropractic profession such as: hyperbaric oxygen, using oxygen while exercising, and more; but she also looked into the potential risk factors of having such a dangerous pressurized gas present in an office or home. The most common use is that of hyperbaric oxygen for muscle recovery and response, and the most common risk would be that of a fire hazard, especially when stored in large amounts. The Alaska state Chiropractic statutes and regulations do not currently specify which form of prescription oxygen they are allowed to utilize. Were as other states such as New Mexico has a very clear list of what is or isn't allowed to be prescribed under their scope of practice. Dr. Heston thought that chiropractors in our state could in fact prescribe it though due to the definition of Physiological therapeutics in statute section 08.20.900 Definitions (9)(B). It states: "physiological therapeutics encompasses the diagnosis and treatment of disorders of the body, utilizing the natural healing forces associated with air, cold, heat ..." Dr. Barrington however brought up the fact that the difficulty comes in finding a provider, and Ms. Robinson agreed. Most likely what is happening is that oxygen tanks that are being used in chiropractic offices are not filled with medical grade oxygen since prescriptive authority is necessary for that. However, since chiropractors would usually only be using it for hyperbaric chamber usage would they require medical grade oxygen for that? The board did not know the answer as they have had only limited experience with medical grade oxygen. However, they did feel that for the time being when asked whether or not chiropractors can use oxygen in their practices the response should be something to the effect of: "there is nothing currently prohibiting that action in statute or regulation." The board does want to keep this issue in their purview and will discuss it further at their next meeting, perhaps with someone who is more familiar with medical grade oxygen. The board then moved on to the next agenda item.

Agenda Item 14 – New Business

The board had already discussed the removal of the Peer review committee fee earlier in the meeting in relation to it being a part of the goals and objectives as well as what it would take to get it removed entirely from statute. The board will continue working with the ACS to get that fee removed.

Agenda Item 15 – Correspondence

The Board reviewed various correspondence items and articles included in their Board packets. There were no items requiring a Board response.

Agenda Item 16 – Administrative Business

Meeting and Exam Schedule

The Board reviewed their 2012 meeting and exam schedule and made no changes:

- December 7, 2012 in Anchorage

Sign wall certificates

- Jessica Gundelfinger #558

Sign TAs and collect receipts

Board members signed Travel Authorization forms and turned in their receipts.

There being no further business,

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

RESOLVED to adjourn the meeting.

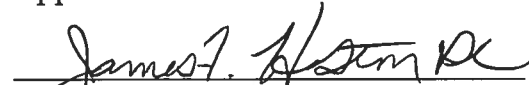
The meeting adjourned at 3:15pm

Respectfully Submitted:



KC Odell
Licensing Examiner

Approved:



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

Date: 12-7-12

