

ALASKA STATE BOARD OF CHIROPRACTIC EXAMINERS

MINUTES OF MEETING March 22, 2013

These are DRAFT minutes prepared by the staff of the Division of Corporations, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.

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 March 22, 2013 in Juneau, Alaska.

Friday, March, 2013

Call to Order

The meeting was called to order by Dr. Heston, Chair, at 9:50 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
Renee Robinson, 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

Agenda Item 1 – Review Agenda

The Board reviewed the tentative meeting agenda. Dr. Heston reported that Dr. Stephanie Jones will be joining the Board to discuss animal chiropractic under section 11, at 2:45 pm.

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

RESOLVED to approve the agenda, as revised.

Agenda Item 2 – Review Meeting Minutes

The Board reviewed the minutes of the December 7, 2012. The following changes:

- Dr. Heston stated that under item 5, Dr. Michael Koob may or may not take over the lead member role.
- Dr. Heston request to strike under item 5, “and the Board discussed that in relation to a complaint that was over then dollars” as this did not make sense or reflect the conversation.

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

RESOLVED to approve the minutes of the December 7, 2012 meeting, as amended.

Agenda Item 3 – Board Business

Ethics Reporting

There were no ethics conflicts to report

Ratification of New Licensees

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

- Alexandra Swenson #568
- Christopher Throgesen #569
- Elizabeth Decker #570

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 discussed the requirement of reporting abuse and placement of Goal 2, Objective 6. The Board decided to move the objective to Goal 5 to become Objective 4.

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

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

Agenda Item 4 – Investigative Report

Investigator Brian Hawes joined the meeting via teleconference. Mr. Howes reported two open cases. Dr. Heston volunteered to be available to investigations for review of these cases.

Agenda Item 5 – Peer Review Committee

Dr. Hesston stated that the peer review committee presently has only one member. The Board suggested names of possible members for Dr. Holt to follow up with. Staff advised the Board there is a peer review case waiting to be reviewed.

Agenda Item 9 – Position Statements

The Board reviewed and discussed the position statements written by Dr. Barrington. The Board further discussed placing the position statements on the Board's web pages, historical information of the Board, and formatting of the policy statements.

Dr. Barrington stated that he will work on a rewrite of the ambulance chasing and diagnostic imaging position statements in addition to collaborating on a manipulation under anesthesia position statement and the formation of a statement on use of lasers.

Agenda Item 6 – ACS Update

Debbie Ryan, Executive Director, from the ACS joined the meeting via telephone. Ms. Ryan reported the following:

- Current members number 134 with 17 being new members.
- 117 members are renewals (out of the 150 members from last year)
- ACS financial health is currently excellent.
- Currently holding CA & DP Thursday round tables scheduled through June
 - Past subjects include Facebook, Twitter, Stress & Burn Out, Insurance Problems, and Don't Sublet Your Business.
 - Future subjects include DCs Help Thyself, Statutory Liens, Collections Workshop, Worker's Compensation Workshop, Nutraceutical Fire Gas & Sugar, and Asset Protection.
- Upcoming seminar topics include From PI to Wellness Care, Myovision, Meeting the Documentation Needs Required by the Evidence Based Paradigm & the Object Physiologic Data on April 27th, and Mobility Training & Joint Health on May 11th.
- ACS Board and Legislative Committee have been meeting approximately once a month.
- ACS has been hosting institutional CPR training in Anchorage, Fairbanks, and the Peninsula. Classes have been completely full and there are plans to hold additional workshops in Juneau.
- Kinesio taping workshops continue. There are 17 PTs signed up to participate in the upcoming workshop.
- There are 4 radiology symposiums scheduled for this year and next year.
- FCLB is May 1-5th at the Grand Hyatt in San Francisco. A point of interest on their agenda is Chiropractic Assistants.
- ACS has been encouraging ACS doctors to put their employees through appropriate training for knowledge and safety. ACS recommends Glacier Valley Medical Education for their radiology study guide course. They also recommend The Chiropractic Therapy Assistant Clinical Resource Guide Book & Workbook for Mobility and Office Procedures.
- The next conference of Chiropractic State Association Meeting is November 7-10th in Seattle, WA.
- Next convention is October 3-5, 2014. ACS is seeking recommendations from the board for topics and speakers.

Agenda Item 7 – Division Updates

Director, Don Habeger, and Operations Manager, Sara Chambers, joined the meeting on behalf of the Division. Mr. Habeger discussed Board input to budget, travel budgets, third party reimbursement, and mechanisms to re-coop investigations costs. Mr. Habeger explained that the Senate sub-committee has proposed an additional \$200,000 for the Division's FY 2014 travel Budget. The proposal is expected to pass the Senate and House votes, however not guaranteed. Third party reimbursement remains in the evaluation process.

Recess for Lunch

The Board recessed for lunch at 12:00 p.m.
The Board resumed the meeting at 1:22 p.m.

Agenda Item 8 – Public Comment

KC Odell, former licensing examiner, joined the Board meeting via teleconference. Mr. Odell expressed his gratitude to the Board for his time and growth while working with them. The Board expressed their appreciation to Mr. Odell for quality of work during his tenure.

Agenda Item 9 – Position Statements

Dr. Heston suggested that the Board keep track of position statements over the years and refer to ACA for the format of their position statements.

Agenda Item 10 – License Audit Review

The Board reviewed continuing education credits for the renewal applicants who were randomly chosen for audit. The board approved all with the exception of one who the Board instructed staff to request additional documentation from. Additionally, there are three licensees who have not responded to the audit letter. These licensees will receive a second notice before being referred to the Division's paralegal for licensing action.

Agenda Item 12 – Massage Therapy Board Formation

Dr. Heston reported that he had a discussion with Denali Daniels in which he had the opportunity to read over the proposed legislation. Dr. Heston complimented the wording of the proposed language.

Agenda Item 13 – Injectable Nutrients

The Board discussed a licensee who is performing injectable nutrients and the complaints that licensee has filed with the Ombudsmen and Director Habeger. The Board furthered discussed the process and practice of injectable nutrients and the possibility of a fore coming Federal law which would supersede any Alaska statute or regulation passed by the Board. The FCLB, licensing board group, is developing model practice act that will be able to be referred to.

The Board discussed a copy of the Attorney General's informal opinion written by Gail Horetski.

Agenda Item 11 – Animal Chiropractic

Stephanie Jones presented information to the Board regarding the practice of animal chiropractic including requirements in other states, education, and suggestions for implementation into Alaska's Chiropractic practices. Mrs. Jones answered question from the Board and explained her experiences in performing animal chiropractics.

Dr. Heston expressed on the Board's behalf that they would like to see the practice be passed in statute and that the Board would like to see proposed language. Mrs. Jones agreed to draft language to be reviewed at a possible teleconference prior to the next board meeting. The Board thanked Mrs. Jones for her continuing work.

The board further discussed animal chiropractics as a specialty and the continuing education requirements for specialty designations.

Agenda Item 12 – Massage Therapy Board Formation

Denali Daniel and Heather Aloysius, Board President of the AMTA Alaska Chapter, joined the meeting via telephone. Ms. Daniels has been working with the Alaska AMTA Board since January in a volunteer capacity. She reported the Alaska AMAT Board currently has a draft bill in circulation, a coalition has been meeting for the past year to fine tune the wording of the draft, and the Alaska AMTA would be seeking assistance from the Chiropractic Board during an upcoming census project to determine the number of massage therapists in the State of Alaska.

Ms. Aloysius reported that the group would be meeting again on March 23rd. Lesil McGuire's office has been the primary contact and her office has been reviewing the proposed language for content. After the draft language came back from McGuire's office it was sent the AMTA national legislative office and American Body Work Association from whom the local chapter is awaiting a response.

Dr. Heston asked if they have received opposition from any groups to which Ms. Aloysius answered the only strong position thus far was from reflexology though they expect some opposition from other groups. Ms. Aloysius further stated that the Alaska AMTA is working with the national reflexology organization on the matter.

The Alaska AMTA requested feedback from the Chiropractic Board regarding the draft and stated they would continue to provide further drafts to the Board as the project progressed.

Agenda Item 13 – Injectable Nutrients

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

RESOLVED to receive an informal opinion from Dan Branch regarding injectable nutrients previously prepared by Gail Horetski.

Agenda Item 14 – FCLB Update

Dr. Heston will be attending as the state's delegate at the Federation of Chiropractic Licensing Board annual conference May 1-5th in San Francisco.

The Board supports Dr. Holt also attending the conference and requested staff to submit travel authorization to attend upon confirmation from Dr. Holt that he is available for those dates.

Agenda Item 15 – NBCE Update

Dr. Heston stated there is no new information to update on the NBCE.

Agenda Item 16 – Correspondence

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

Agenda Item 17 – Administrative Business

Meeting and Exam Schedule

The Board reviewed their 2013 meeting and exam schedule. The board made a decision to tentatively move the board meeting to October 11th. Dr. Heston stated a final determination would be made at the next meeting.

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. Holt, seconded by Dr. Barrington, and approved unanimously, it was:

RESOLVED to adjourn the meeting.

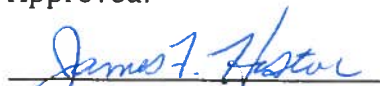
The meeting adjourned at 3:55pm

Respectfully Submitted:



Michelle Johnston
Records and Licensing Supervisor

Approved:



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

Date: 7-12-13