

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
October 15-16, 2010

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 on October 15-16, 2010 in Anchorage, Alaska.

Friday, October 15, 2010

Agenda Item 1 – Call to Order/Roll Call

The meeting was called to order by Dr. Rosemary Zimmerman, President at 9:07 a.m. Those present, constituting a quorum of the Board were:

Rosemary Zimmerman, DC, President – Anchorage
James Heston, DC, Vice-President – Homer
Daniel Holt, DC, Secretary – Juneau
Verdie A. Bowen, Public member – Wasilla

Board member Walter L. Campbell, DC (Palmer) joined the meeting at 9:20 a.m.

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

Debora Stovern, Licensing Examiner – Juneau

Agenda Item 2 – Review Agenda

The Board reviewed the tentative meeting agenda

Upon a motion duly made by Dr. Heston, seconded by Mr. Bowen, and approved unanimously, it was:

RESOLVED to approve the agenda, as presented.

Agenda Item 3 – Review Meeting Minutes

The Board reviewed the minutes of the June 18-19, 2010 meeting.

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

RESOLVED to approve the minutes of the June 18-19, 2010 meeting, as presented.

Agenda Item 4 – 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: Stephanie L. Clay #516, Stefanie M. Jones #517, Jeffrey R. Reinhardt #518, Elizabeth Anne Keeter #519, and Michaela Krohn #520.

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

RESOLVED to ratify the listed chiropractic licenses.

Review Goals and Objectives

The Board reviewed their goals and objectives for Fiscal Year 2010:

Goal 1: The Board will continue to carry out their assigned duties, as outlined in Objectives 1 through 7.

Goal 2: The Board will continue to provide information regarding Board activities to the profession and the public, as outlined in Objectives 1 through 9.

Goal 3: The Board will continue their affiliation with the Alaska Chiropractic Society (ACS) to work cooperatively in the best interest of the profession and the public, as outlined in Objectives 1 through 3. It was noted that Dr. Holt had previously been appointed to serve as the Board liaison to the ACS to facilitate effective cooperation. They determined to add a fourth objective: Support the massage therapy profession in establishing an independent licensing board.

Goal 4: The Board will continue to pursue statutory authority consistent with the practice of chiropractic to ensure the health and safety of the public, as outlined in Objectives 1 through 7. They determined to delete objective 6 regarding massage

therapy license, in favor of supporting the establishment of an independent licensing board for that profession.

The Board reconfirmed their commitment to this goal and noted that all of the objectives would be accomplished if the ACS is successful in securing the passage of the draft legislative project during the upcoming session.

Goal 5. The Board will continue to assess and evaluate regulations, as outlined in Objectives 1 through 5. It was noted that Objective 4 and 5, regarding developing regulations defining surgery and prescription drugs and establishing a late renewal penalty, would be accomplished upon adoption of the regulations project during Agenda Item 8.

Goal 6. The Board will continue to assess and evaluate the review process available through the Peer Review Committee, as outlined in Objectives 1 and 2.

Goal 7. The Board will 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), as outlined in Objectives 1 through 5.

Goal 8. The Board will continue to consider the sunset review process and to review and respond to sunset audit report recommendations. The next sunset review is scheduled for June 30, 2014.

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

RESOLVED to approve the Goals and Objectives, as amended.

Review Annual Report

The Board reviewed the Annual Report for Fiscal Year 2010, and commended Dr. Zimmerman and Ms. Stovern for their work on the report.

The Board was concerned about the Division travel denial for Ms. Stovern's attendance at the Federation of Chiropractic Licensing Boards (FCLB) district meeting. They noted that her participation at the meeting was important, due to current Board issues and their consideration at the national level.

Agenda Item 5 – Investigative Report

Investigator JoAnna Williamson joined the meeting to review the investigative report she had provided to the Board. She reported that there are three open complaints, one pending

complaint, no open investigations, and one case closed with no action since the last Board meeting.

The Board informed Ms. Williamson that Dr. Heston had been designated as the Investigative Liaison to work with her as needed. They also asked that the Investigative Unit contact applicant references when reviewing "yes" answers on applications. Ms. Stovern will provide that information to Investigator Peggy Weaver, who has been assigned to review applicant "yes" answers.

Ms. Williamson also expressed support for the Board in implementing disciplinary guidelines. After a draft has been created, it will be provided to Ms. Williamson for her input.

Upon a motion duly made by Dr. Heston, seconded by Mr. Bowen, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2) and (3), and Alaska Constitutional Rights to Privacy Provisions for the purpose of discussing investigative matters.

The Board entered executive session at 10:25 a.m.
The Board went back on the record at 10:50 a.m.

Agenda Item 6 – Guidelines for Investigations

The Board had previously determined to establish guidelines for investigators to use when negotiating agreements with licensees facing disciplinary issues. They would also like to start including the National Board of Chiropractic Examiners (NBCE) post licensure examinations: Special Purposes Examination for Chiropractic (SPEC), which assesses clinical competency, and the Ethics and Boundaries Examination (E&B), which tests knowledge of professional ethics and standards.

The Board reviewed the disciplinary guidelines used by the Alaska State Medical Board, the disciplinary matrices established by the Washington and Kansas Board, as well as a license action flow chart and the NBCE brochure on the SPEC and E&B exams.

Drs. Holt and Campbell volunteered to work with Ms. Stovern to create draft guidelines – based on the Medical Board guidelines – that are appropriate and useful for chiropractic disciplinary issues.

Agenda Item 7 – Alaska Chiropractic Society Update

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

- Debbie Ryan – Executive Director

- Sheri Ryan – Executive Assistant
- Edward Barrington, DC – Chair of the ACS Medical/Legal Committee
- Jeff Logan – ACS Lobbyist

ACS President Kurt Hediger, DC was unable to attend.

Dr. Barrington reported on the creation of a panel of ACS members to work on the legislative projects.

Mr. Logan reported on his interaction with the Director of the Insurance Division regarding the proposed insurance statute change that will limit retroactive recovery to a 90-day period. He expressed hope that continuing discussion with her will result in support for the project.

Ms. Ryan reported on the following ACS activities:

- ACS Annual Convention, October 1-3, 2010. It was well-attended and successful. They featured seminars on professional boundaries, diversity, and ethics, as requested by the Board; also, nutrition, diabetes, and a chiropractic assistant program. She reported some attendance issues and asked for Board input – it was suggested that the ACS develop guidelines for participation at their educational programs, which the Board could then approve.
- Update on the two statute projects supported by the Board (including the retroactive insurance review issue and additional chiropractic licensing. A number of questions had been received by the ACS review panel. The Board directed Ms. Stovern to work with Ms. Ryan to address those questions.
- Spinal Manipulation/Adjustment under other licenses or by unlicensed health care providers. The Board determined to discuss this issue under new business.
- Posting of disciplinary sanctions on the Board website. The Board agreed that information should be available and directed Ms. Stovern to follow-up on this matter.
- State-based health insurance exchanges. They will be establishing a committee to address this issue.

Mr. Logan stated that the steps in pursuing the legislative projects include refining the draft language, then finding a sponsor to introduce the bills and carry them through the legislative process.

Agenda Item 8 – Statute/Regulations Projects

Discuss upcoming statute projects – retroactive claim reviews

Retroactive insurance reviews: The Board had previously discussed the lack of a statutory limit to retroactive insurance reviews and reviewed information regarding other state's requirements. They determined to support the Alaska Chiropractic Society (ACS) in their efforts to implement a statutory limit on such reviews.

Licensing: The Board had previously determined to expand the Board to include regulating massage therapists, as well as licensing of chiropractic assistants, technicians, interns and preceptors, licensing chiropractic facilities, regulating IMEs, regulating physical exams, increasing fines, and establishing an executive administrator to assist with these additional responsibilities. Due to negative feedback regarding the massage therapy element, they determined to remove that from the draft and support the chiropractic projects.

The Alaska Chiropractic Society (ACS) will pursue this legislative project during the upcoming session.

Discuss regulations for adoption

The Board had previously determined to implement a penalty for late renewals and, by recommendation of the Department of Law, to define "prescription drug" and "surgery" as used in the Chiropractic scope of practice. They reviewed the proposed regulations changes, which were public noticed on September 10, 2010.

The Board noted that, although no public comments were received, they paid special attention to the cost to private persons of the regulatory action being taken.

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

RESOLVED to adopt the regulation changes, as presented.

The adoption order was signed by the Chair.

Review proposed regulations setting fees

Under AS 08.01.065, the Department sets fee levels for regulatory programs. Proposed regulations to establish late renewal penalty fees and reduced licensing and renewal fees were public noticed on September 15, 2010. Copies of the notices were included in the Board packet for further review.

Review recently adopted regulations

At their last meeting, the Board adopted regulation changes regarding criminal background reports, oral exams, and continuing education jurisprudence reviews.

The regulations became effective on August 14, 2010. The filed versions of the regulations were included in the Board packet for further review.

Agenda Item 9 – Public Comment

Visitors present included:

- Daniel W. Larson, DC
- Laura Moscatello, representing Alaska Massage Therapy Association (AMTA)
- Kathy Ungerecht, representing Alaska Reflexology Association (AKRA)

- Various supporters and members of AMTA

Dr. Larson addressed the topic of sports medicine under the chiropractic scope of practice. The Board had received an inquiry from the Sports Medicine Advisory Committee regarding this topic. Dr. Larson noted that all the procedures listed in the letter are included in the chiropractic scope of practice, including Pre-participation physical exams, sidelines evaluation and management of injuries during competition, and return-to-play decisions. He also suggested that many chiropractors who have additional training and certification in sports medicine are uniquely qualified to provide athletic care.

Dr. Zimmerman reported to visitors of the massage therapy profession that the Board is no longer interested in pursuing licensing of that profession, but are supportive of their pursuit in establishing an independent regulatory Board. Ms. Moscatello thanked the Board for their support. Ms. Ungerechth distributed information about acupressure and reflexology for Board review.

Public comment was closed at 12:20 p.m.

Recess for lunch

The Board recessed for lunch at 12:25 p.m.

The Board resumed the meeting at 1:35 p.m. All members were present.

Agenda Item 10 – Division Updates

Budget Report

The Board reviewed the Budget Report prepared by the Division Administrative Officer. Expenditures and revenues appear to be as expected, and appear to support the proposed reduction in licensing fees.

Travel Issues

The Board expressed concern for the reported Division reduction of travel budgets and asked Ms. Stovern to provide contact information for the Division Director so they may communicate those concerns directly.

Board Website

The Board had previously directed Ms. Stovern to have the Board website updated. They noted that the website has been kept current. She encouraged Board members to continue to monitor the site and provide feedback.

Renewal

A copy of the draft renewal application was included in the Board packet for review. They directed Ms. Stovern to provide information to the ACS regarding continuing education options for the online jurisprudence review and for CPR classes.

Agenda Item 11 – Exam Review/Update

This agenda item includes the following items:

- Review question/comment forms from the last exam
- Update the State Chiropractic Examination (both written and oral questions)
- Finalize the online jurisprudence review for continuing education credit

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

RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2) and (3), and Alaska Constitutional Rights to Privacy Provisions for the purpose of discussing exams.

The Board entered executive session at 2:05 p.m.

The Board went back on the record at 2:40 p.m.

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

RESOLVED to approve the updated State Chiropractic Examination.

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

RESOLVED to approve the online Jurisprudence review.

Agenda Item 12 – Application Review

License Applications

The Board reviewed applications for licensure by examination from Gwendolyn L. Willmon and Jonathan D. Vito. They noted the Dr. Willmon had previously been approved to sit for the exam.

Upon a motion duly made by Dr. Holt, seconded by Mr. Bowen, and approved by roll call vote, it was:

RESOLVED to approve the application for licensure by credentials for Gwendolyn Willmon, pending successful passage of the exam and payment of license fees.

Roll Call Vote

Mr. Bowen – Yes

Dr. Campbell – Recused

Dr. Heston – Yes
Dr. Holt – Yes
Dr. Zimmerman – No

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

RESOLVED to approve Jonathan D. Vito to sit for the Alaska State Chiropractic Examination, pending passage of the NBCE PT examination; and to approve his application for licensure by examination, pending successful passage of the Alaska State Chiropractic Examination, verification of his DC degree, official passing score on NBCE Part IV exam, and payment of license fees.

Continuing education applications

Ms. Stovern reported that she recently sent another batch of continuing education applications to Dr. Risch for review and approval recommendations. However, an application was received after the batch was sent. The Board reviewed the application by National University of Health Sciences for their Pharmacology, Pharmacognosy (Herbal Medicine), Clinical Natural medicine and Toxicology program. They directed Ms. Stovern to send the application through the normal review process with the next batch.

Injectable nutrient information

Dr. Heston received a faxed letter regarding the Board's February 2010 letter, written after consultation with the Department of Law. It was noted that, although the letter was addressed to Dr. Zimmerman with courtesy copies to all Board members and the Licensing Examiner, only Dr. Heston received the letter.

Upon a motion duly made Mr. Bowen, seconded by Dr. Heston, and approved unanimously, it was

RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2) and (3), and Alaska Constitutional Rights to Privacy Provisions for the purpose of discussing confidential matters.

The Board entered executive session at 3:09 p.m.
The Board went back on the record at 3:25 p.m.

The Board directed Ms. Stovern to refer the letter to the Department of Law.

Agenda Item 13 – Peer Review Committee

Committee update

Dr. Heston had previously volunteered to serve as the Board liaison to the committee. He reported that there has been little or no activity by the committee for a number of years.

The Board would like to encourage membership on the committee, as well as to promote use of the Peer Review process by chiropractors, patients, and insurers. They had previously suggested contacting the Bar Association to let them know that the reviews may be a useful tool in settling cases. Dr. Heston provided a draft letter for review.

An updated version of the Peer Review Committee Information booklet was provided in the Board packet for review. The booklet includes the Peer Review process, resources, and sample documents.

Discuss committee background/history

Dr. Ireland, past President of the Board, joined the meeting to discuss the background and intent of the Board when establishing the committee.

Agenda Item 14 – Federation of Chiropractic Licensing Boards

Report on recent meetings

Dr. Zimmerman attended the FCLB District I meeting, October 8 – 10, 2010, in Sedona, AZ. The focus of the meeting was Board challenges and sharing innovations, including

- disciplinary topics, such as background checks, probation monitoring, ethics and boundaries, etc.;
- regulatory issues, such as certifying chiropractic assistants, continuing education and PACE, facility ownership, specialty certifications, records and documentation, travel-to-treat, etc.;
- board operations, such as budget cuts, web sites, committee, board meetings and hearings, and office staff; and
- reports from other organizations, such as National Board of Chiropractic Examiners (NBCE), Council on Chiropractic Education (CCE), Association of Chiropractic Board Administrators (ACBA), Federation of Associations of Regulatory Boards (FARB), and Council on Chiropractic Guidelines and Practice Parameters (CCGPP).

Due to Division budget cuts, Ms. Stovern was not approved to attend the meeting. However, FCLB staff graciously provided a full meeting packet for her use.

The Board noted that FCLB is a good resource as they consider licensing chiropractic assistants, technician, interns/preceptors, and facilities in Alaska, and as they implement criminal background checks and research animal chiropractic. All of these topics continue to be considered by the FCLB.

Additional information from the conference was included in the Board packet for further review.

Upcoming meetings

FCLB Annual Meeting, May 4-8, 2011 in Marco Island, Florida.

FCLB District I Meeting, Sept 22-25, 2011 in Jackson Hole, Wyoming.

FCLB Annual Meeting, May 2-6, 2012 in San Antonio, Texas.

FCLB District I Meeting, Sept 20-23, 2012 in Park City, Utah.

District Director update

Dr. Carol Davis, the FCLB District I Director, was unable to participate in the meeting. Dr. Zimmerman reported that Dr. Davis' term will be expiring this spring and that she had been invited to run for either the District I Director or Alternate seat.

Agenda Item 15 – National Board of Chiropractic Examiners

Annual participation in both Part IV exams and the Part IV test committee meetings, as well as periodic participation in other exams, is contractual obligation of the Board. Such participation also keeps the Board involved and aware of the effectiveness and defensibility of the exams required for licensure in the State of Alaska.

Ms. Stovern distributed a three-year schedule of exam and test committee dates obtained from NBCE for Board consideration. The Board has participated regularly in the administration of the Part IV exam, but has been unable to commit to other exams or meetings. Travel expenses to participate as examiners and attend test committee meetings are covered by NBCE.

The Board reviewed the schedule and appointed members to attend the events in 2011:

- Drs. Zimmerman and Heston will be participating as examiners for the Part IV examination November 12-14, 2010.
- Dr. Campbell tentatively agreed to attend the Part III test committee meeting February 25-26, 2011 in Greeley, CO.
- Dr. Campbell volunteered to participate as an examiner for the Part IV examination May 13-15, 2011 at an available college.
- Dr. Holt volunteered to attend the Part IV test committee meeting June 10-11, 2011 in Greeley, CO, and to participate as an examiner for the Part IV examination November 11-13, 2011 at an available college.

The meeting was adjourned at 5:10 p.m., until Saturday, October 16, 2010.

Saturday, October 16, 2010

Call to Order/Roll Call

The meeting was called to order by Dr. Rosemary Zimmerman, President at 11:20 a.m. Those present, constituting a quorum of the Board were:

Rosemary Zimmerman, DC, President – Anchorage
James Heston, DC, Vice-President – Homer
Daniel Holt, DC, Secretary – Juneau
Walter L. Campbell, DC – Palmer
Verdie A. Bowen, Public member – Wasilla

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

Debora Stovern, Licensing Examiner – Juneau

The Board reviewed the tentative meeting agenda

Upon a motion duly made by Dr. Heston, seconded by Mr. Bowen, and approved unanimously, it was:

RESOLVED to approve the agenda, as presented.

Agenda Item 16 – Discuss Animal Chiropractic

The Board had previously determined that they would like to research and pursue the issue of animal chiropractic in the State of Alaska. Information regarding the American Veterinary Chiropractic Association certification program was included in the Board packet for review, as well as a copy of the Oklahoma statutes and regulations regarding animal chiropractic.

The Board determined to work with the Alaska Board of Veterinary Examiners to establish practice parameters modeled after the Oklahoma law, to include supervision and/or referral by a licensed Veterinarian.

Dr. Campbell volunteered to contact members of the Alaska Board of Veterinary Examiners.

Agenda Item 17 – New Business

The Board discussed the issue of manipulations performed by health care workers (licensed or unlicensed) that are not chiropractors, and the extent of other licensee's scope of practice. Dr. Heston volunteered to contact the Chief Investigator with specific questions and invite him to attend the next Board meeting to discuss the issue.

Agenda Item 18 – Correspondence

The Board reviewed the following items of correspondence:

Sports Medicine Advisory Committee – inquiry regarding Chiropractic scope of practice for Sports Medicine. The Board determined that the noted procedures are within the Chiropractic scope of practice and encouraged the inclusion of Chiropractors on the Committee. Ms. Stovern will draft a response.

Alabama Board of Chiropractic Examiners– inquiry regarding licensure by credentials. Dr. Zimmerman noted that the Arizona Board had a similar inquiry and asked Ms. Stovern to send the information to them along with a copy of the statute.

NBCE – press release regarding Part IV Chief Examiners.

NBCE – press release regarding test site administrators.

ACA – press release regarding legislation to include DCs in US Health Services Commissioned Corps.

ACA – press release regarding House Resolution to recognize National Chiropractic Health Month.

CCE Accreditation Standards Committee – request for Board comment on proposed standards.

ACS – correspondence with members regarding massage therapist licensing.

Agenda Item 19 – Administrative Business

Meeting and Exam Schedule

The board established the 2011 meeting and exam schedule:

- February 18-19 in Juneau
- June 24-25 in Fairbanks
- October 21-22 in Anchorage

Sign wall certificates

Board members signed wall certificates for Stephanie L. Clay, Stefanie M. Jones, Jeffrey R. Reinhardt, and Michaela Krohn.

Sign minutes

The chair signed the approved minutes from the June 18-19, 2010 meeting.

Sign TAs and collect receipts

Board members signed Travel Authorization forms and will submit receipts.

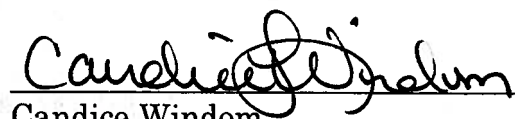
There being no further business,

Upon a motion duly made by Mr. Bowen, seconded by Dr. Heston, and approved unanimously, it was:


RESOLVED to adjourn the meeting of the Alaska State Board of Chiropractic Examiners.

The meeting adjourned at 12:35 p.m.

Respectfully Submitted:


Candice Windom
Licensing Examiner

Approved:


Dr. Rosemary Zimmerman, Chair
Alaska State Board of Chiropractic Examiners

Date: 2/19/2011