

State of Alaska

Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing

BOARD OF CHIROPRACTIC EXAMINERS

MINUTES OF THE MEETING

Thursday, March 26th, 2020

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 Board of Chiropractic Examiners was held via teleconference on March 26th, 2020.

Thursday, March 26th, 2020

Agenda Item 1

Call to Order/Roll Call

Time: 10:04 a.m.

The meeting was called to order by Chairman, Brian Larson, at 10:04 a.m.

Board members present, constituting a quorum:

Brian Larson, Doctor of Chiropractic
Jonathan Vito, Doctor of Chiropractic
James Morris, Doctor of Chiropractic
John Lloyd, Doctor of Chiropractic

Division staff present were:

Thomas Bay, Occupational Licensing Examiner
Andy Khmelev, Acting Records and Licensing Supervisor
Sara Chambers, Division Director (*present at 10:30 a.m.*)
Sher Zinn, Regulations Specialist (*present at 11:54 a.m.*)

Other State of Alaska staff present were:

Gina Ritacco, Director of Boards and Commissions, Office of Governor Mike Dunleavy

Present from the public were:

Sheri Ryan, Chief Operating Officer, Alaska Chiropractic Society
Birger Baastруп, Doctor of Chiropractic (*present at 12:57 p.m.*)

The Alaska Board of Chiropractic Examiners (ABOCE) welcomed those who were in attendance. Chairman Brian Larson explained that this was an emergency teleconference regarding COVID-19 and that all matters discussed would be COVID-19 related.

Agenda Item 2**Review/Approve Agenda****Time: 10:09 a.m.**

After the roll call, Dr. Larson asked the board to review the agenda. The board's examiner, Thomas Bay, reminded the board that a lot of the topics early in the agenda would need to be discussed with Director Sara Chambers, who would not be available until about 10:30 a.m., so they might want to move ahead in the agenda.

On a motion duly made by Jonathan Vito, requesting unanimous consent, and approved unanimously without any objections, it was

RESOLVED to amend the agenda by moving agenda item #4B, Alaska Chiropractic Society Questions/Requests, ahead of agenda item #4A, COVID-19, and approve the agenda as amended.

Agenda Item 4**New Business****Time: 10:11 a.m.****ACS Questions/Requests**

The board gave the floor to Sheri Ryan from the Alaska Chiropractic Society (ACS). Ms. Ryan explained that the deadline in regulation, for current chiropractic clinical assistants (CCA's) with 2,000 hours or more of experience to complete the requirements of the Certified Chiropractic Clinical Assistant Program (CCCA), was set for August 23rd, 2020. She informed the board that with office closures and layoffs because of COVID-19 it was unrealistic to expect CCA's to complete the requirements by that date. She explained that once the COVID-19 health mandates were lifted chiropractic offices would need to recover and the deadline would be a burden to both the office and the CCA. Ms. Ryan asked the board to consider changing the date to the same deadline as CCA's with less than 2,000 hours of experience, which was set for February 23rd, 2021. The board agreed that changing the deadline to February 23rd, 2021, was appropriate. Mr. Bay informed the board that because the deadline is set in regulation they would need to do an emergency regulations project, and that the process would be explained later in the meeting during agenda item #5, Emergency Regulations Project, by a division regulations specialist.

Mr. Bay informed the board that they did not address ethics reporting.

Agenda Item 3**Board Business****Time: 10:18 a.m.****Ethics Report**

Dr. Larson addressed ethics reporting. Dr. Larson mentioned that he had written a letter to Sheri Ryan about a health mandate that was released and wanted to make sure that it was not an ethical issue. He was assured it was not. There were no ethical violations to report. The board went back to discussing ACS questions/requests with Sheri Ryan.

Agenda Item 4**New Business****Time: 10:23 a.m.****ACS Questions/Requests**

Ms. Ryan asked the board if they could discuss Health Mandate 7.1, which included chiropractic offices, in Fairbanks and Ketchikan, on the list of offices that must stop all operations if those offices had individuals within six feet of each other. Mr. Bay informed Ms. Ryan that Health Mandate 9.1, which affects businesses statewide, supersedes Health Mandate 7.1, and that chiropractic offices were no longer on the list. With nothing left to discuss with ACS the board began discussion on COVID-19 agenda items.

COVID-19

Dr. Larson provided an overview of COVID-19 in Alaska and how it related to chiropractic.

Sara Chambers, Division Director, joined the meeting at 10:30 a.m.

The board welcomed Director Sara Chambers to the meeting.

- Exams/Deadlines: Mr. Bay informed the board that he had been contacted by several chiropractic applicants who were planning on sitting for the next jurisprudence examination on May 15th, 2020, regarding the 45-day deadline in advance of the exam for documents to be on file, to see if the deadline would be pushed back because of COVID-19. He informed the board that he had been telling applicants that the 45-day deadline was still in effect and that it would only be moved if the exam itself was postponed or cancelled. He explained that the requirement is in regulation and that the board would have to do a regulations project to change it, which is something that would not happen prior to the next exam. The board agreed with Mr. Bay's responses to applicants. The board gave the floor to Director Chambers.

Director Chambers provided the board with an overview of how COVID-19 was affecting the division and certain procedures/processes that were in place to help the board during the pandemic. She explained that the board could adopt emergency regulations to help with anything in regulation that was currently an issue because of COVID-19. She informed the board that if they had issues with their statutes, that were directly related to the virus, they could formulate what they needed, in the form of a motion, and she could get that to the correct person to address the issues. She also informed the board that a piece of legislation was expected to be signed soon that would allow for adopting emergency courtesy licenses and additional changes such as continuing education. She encouraged the board to think about their training and education and how, as healthcare providers, they could help during this pandemic, specifically thinking outside the box. She asked them to think of their training and education in terms of things they were trained to do, but might be just outside their scope of practice. She explained that the legislation being passed might allow for such things. Dr. Larson explained that chiropractors are very well trained in diagnosis and would be very helpful in emergency settings related to COVID-19, specifically triage. Director Chambers encouraged the board to keep thinking along those lines.

- Board Definitions for Urgent and Emergency Care Regarding Mandates 5.1 and 9.1: Director Chambers informed the board that Commissioner Adam Crum, Department of Health and Social Services, was asking healthcare boards to come up with a list of procedures or situations that would fall under emergent and urgent care. She asked the board to come up with a comprehensive list specific for chiropractors so she could get it to Commissioner Crum for approval. Once approved, she explained, the list would serve as direction for all licensed chiropractors in the state. Dr. Larson informed Director Chambers that ACS already had a spreadsheet written up regarding emergent and urgent care. He asked Ms. Ryan if the board could use the spreadsheet as the document to send to Commissioner Crum, to which she agreed. Director Chambers informed the board that she had to leave to another meeting.

Sara Chambers, Division Director, left the meeting at 11:01 a.m.

The board went over the spreadsheet. The board modified the spreadsheet to include the maximum treatment duration of patients, a list of protection protocols that would be used in

specific scenarios, and massage therapy as a contraindicated treatment. Dr. Larson was dropped from the meeting momentarily. There were still three board members in attendance, constituting a quorum. Dr. Vito, as Vice Chair, continued the meeting.

Brian Larson, Doctor of Chiropractic, left the meeting at 11:46 a.m.

Mr. Bay informed the board that Sher Zinn, regulations specialist for the division, was readily available to assist them with an emergency regulations project to address their CCA deadline issue and their other agenda item regarding complications with previously approved in-person continuing education courses during the COVID-19 pandemic. Dr. Larson reconnected to the meeting.

Brian Larson, Doctor of Chiropractic, joined the meeting at 11:49 a.m.

The board continued working on their spreadsheet for emergent and urgent care. Sher Zinn joined the meeting. The board began discussion on possibly creating an emergency regulations project to address issues related to COVID-19.

Sher Zinn, Regulations Specialist, joined the meeting at 11:54 a.m.

Agenda Item 5

Emergency Regulations Project

Time: 11:54 a.m.

Mr. Bay informed Ms. Zinn of the board's CCA deadline issue and that the board wanted to approve previously approved continuing education in-person courses to be done via live webinars and to allow those credits to be counted as in-person credits. Ms. Zinn explained the emergency regulations process. She explained that if the board's needs met the requirements for an emergency regulation project they could go that route, and that it was a much quicker route than a regular regulations project. She informed the board that the emergency regulations were only good for 120 days and that they would need to create, and finish, a regular regulations project before the 120 days was up if they wanted to extend the requirement past the 120 days. She also informed the board that a bill, SB 241, was in the process of getting passed that would allow the board to waive or modify continuing education requirements during the current calendar/renewal year. She explained that if SB 241 went into effect as it was expected to then the board would likely not need an emergency regulations project and could instead just make a motion on the record for waiving or modifying continuing education requirements. Mr. Bay informed the board that Director Sara Chambers suggested the board draft emergency regulations just in case SB 241 did not pass as expected. The board asked Ms. Zinn if their CCA issue would require an emergency regulations project. She informed them that they would need to add it to their current regular regulations project because it would be outside the 120-day maximum of an emergency regulations project. The board discussed and decided to create an emergency regulations project to approve previously approved continuing education in-person courses to be done via live webinars and allow those credits to be counted as in-person credits, but that it did not include any specific hands on training, such as dry needling.

On a motion duly made by Jonathan Vito, seconded by James Morris, and approved unanimously by a roll call, it was

RESOLVED to create an emergency regulations project to approve previously approved continuing education in-person courses to be done via live webinars and allow those credits to be counted as in-person credits. This does not to include any specific hands on trainings, such as dry needling.

The board discussed possibly allowing all 32 credits, for their upcoming renewal, to be allowed over the internet or by distance learning. Ms. Zinn informed the board that they would need to create a regular regulations project to make the change, as it also fell outside the 120-day maximum of an emergency regulations project. The board decided to wait until SB 241 passed and that they would bring the topic up at a future meeting.

The board decided to address their CCA issue by adding it to their current regulations project in an effort to extend the deadline to February 23rd, 2021.

On a motion duly made by Jonathan Vito, seconded by James Morris, and approved unanimously by a roll call, it was

RESOLVED to add, to their current regulations project, an amendment to 12 AAC 16.052(d) to change the deadline of 8/23/2020 to 2/23/2021.

The board thanked Ms. Zinn for her time.

Sher Zinn, Regulations Specialist, left the meeting at 12:21 p.m.

Dr. Larson called for a break

Off the record at 12:21 p.m.

On the record at 12:32 p.m.

Dr. Vito had not returned from break. There were still three board members in attendance, constituting a quorum.

Agenda Item 4

New Business

Time: 12:32 p.m.

- Board Definitions for Urgent and Emergency Care Regarding Mandates 5.1 and 9.1: The board continued working, with help from Sheri Ryan, on their spreadsheet for emergent and urgent care.

Jonathan Vito, Doctor of Chiropractic, joined the meeting at 12:34 p.m.

Sheri Ryan informed the board that she had to leave the meeting. The board thanked her for being in attendance and helping them on the spreadsheet.

Sheri Ryan, Chief Operating Officer, Alaska Chiropractic Society, left the meeting at 12:46 p.m.

Dr. Larson informed the board that he would like to go over the spreadsheet after the meeting to make sure that all of the information was correct and to make any edits as needed. The board decided to allow Dr. Larson and Mr. Bay to edit the spreadsheet as needed, and to vote on it through OnBoard once it was complete.

On a motion duly made by Jonathan Vito, seconded by James Morris, and approved unanimously by a roll call, it was

RESOLVED to allow Dr. Larson and Mr. Bay to edit the spreadsheet, as needed, that the board had worked on at this meeting, regarding emergent and urgent care criteria recommendations, and to vote on the finalized spreadsheet via OnBoard before sending it to Commissioner Adam Crum, Department of Health and Social Services.

Dr. Larson asked Mr. Bay where the board was on the agenda. Mr. Bay said that it depended on whether or not Dr. Morris wanted to discuss agenda item 4Aii, Chiropractic as Essential Healthcare. Dr. Birger Baastrup informed the board that he had joined the meeting.

Birger Baastrup, Doctor of Chiropractic, joined the meeting at 12:57 p.m.

The board welcomed Dr. Baastrup to the meeting. Dr. Larson asked him if he was in attendance for any particular reason. Dr. Baastrup asked the board about continuing education, specifically the requirement for 16 in-person credits, and if there were any plans to allow those credits to be done online because of the pandemic and not being able to attend in-person courses. The board informed him of SB 241 and let him know that they were discussing the possibility, but that they would discuss it at a later time following the signing of SB 241. The board began discussion on chiropractic as essential healthcare.

- Chiropractic as Essential Healthcare: Dr. Morris said that, after much discussion during the meeting on the topic, he did not feel the need to discuss it, but wanted to point out that chiropractic has shown to boost the body's immune system and is an essential type of healthcare during the pandemic. He mentioned a situation with a chiropractor that had recently advertised for boosting the body's immune system and that, although the information was not incorrect, some chiropractors in the state saw it as capitalizing on the COVID-19 emergency situation. He pointed out that, while chiropractors should not be advertising for COVID-19 treatments, chiropractic does help the immune system and should be addressed. The board discussed it briefly, citing that chiropractors can only work in emergent or urgent scenarios and that they could talk to their patients using telemedicine practices to discuss the immune system. The board began discussion on a position statement regarding telemedicine and advertising, as related to COVID-19.
- Position Statement Regarding Telemedicine and Advertising: Dr. Larson informed the board that he had drafted a position statement on telemedicine and advertising guidance, as related to COVID -19. The board looked over Dr. Larson's drafted position statement and decided that it did not need any changes. The board decided to post the position statement online.

On a motion duly made by Jonathan Vito, seconded by James Morris, and approved unanimously by a roll call, it was

RESOLVED to post the board's position statement regarding telemedicine and advertising, as related to COVID-19, online.

Dr. Larson asked the board if they wanted him to write a letter that he could send to Director Sara Chambers regarding her request for the board to think about services that were just outside their scope of practice but that they had the education and training to perform. The board agreed to have Dr. Larson write a letter and to vote on it through OnBoard in the case that it needed to be sent to Director Chambers.

On a motion duly made by Jonathan Vito, seconded by James Morris, and approved unanimously by a roll call, it was

RESOLVED to have Dr. Larson write a letter outlining emergent services that chiropractors could perform to aid the public and vote on it through OnBoard in the case that it needed to be sent to Director Sara Chambers.

Dr. Larson asked if there was anything else that the board needed to address, to which there was not. Dr. Larson thanked everybody for being in attendance and adjourned the meeting.

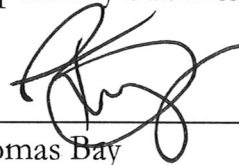
Agenda Item 6

Adjourn

Time: 1:26 p.m.

Having nothing left to address, the Alaska Board of Chiropractic Examiners' Chair, Brian Larson, adjourned the meeting at 1:26 p.m.

Respectfully Submitted by:

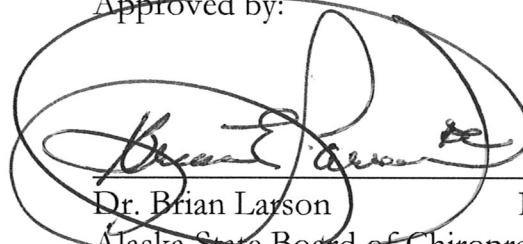


Thomas Bay
Licensing Examiner

07/06/2020

Date

Approved by:



Dr. Brian Larson

Alaska State Board of Chiropractic Examiners

6/29/2020

Date