

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

6 MINUTES OF THE MEETING
7 October 29th, 2021
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10 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled
11 meeting of the Board of Chiropractic Examiners was held via Videoconference on October 29th, 2021.
12

13 **Item 1 Call to Order/Roll**

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15 The meeting was called to order by Board Chairman Dr. Brian Larson, at 09:15 a.m. Members present
16 were:
17

18 **Roll Call**

19
20 **Board Members present, constituting a quorum:**

21 Brian Larson, Doctor of Chiropractic
22 Tim Kanady, Doctor of Chiropractic
23 James Morris, Doctor of Chiropractic
24 John Lloyd, Doctor of Chiropractic
25 Public Member, Vacant
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28 **Division Staff present were:**

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30 Reid Bowman, Records and Licensing Supervisor
31 Jasmin Bautista, Investigator
32 Karina Medina, Investigator
33 Sara Chambers, Division Director
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35
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37 **Present from the Public:**

38
39 Sheri Ryan, Chief Operating Officer, Alaska Chiropractic Society
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41 **Item 2 Review/Approve Agenda**

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43 Dr. Larson directed the board to review the agenda and make any additions, revisions and suggestions.
44 There were none.
45

46 **On a motion duly made by John Lloyd, seconded by James Morris, and approved**
47 **unanimously by a roll call, it was RESOLVED to REVIEW AND APPROVE the agenda as**
48 **written.**
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53 **Item 3 Ethics Report**
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55 Dr. Larson conducted a roll call of board members asking for anything to report. There were no violations
56 or potential violations to report.

57

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

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60 The board reviewed the meeting minutes from the July 30, 2021 board meeting. There were no objections
61 or additions.

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63 **On a motion duly made by John Lloyd, seconded by James Morris, and approved by**
64 **majority through roll call, it was RESOLVED to APPROVE the July 30th, 2021 meeting**
65 **minutes as written.**

66

67 **Item 5 Board Business**

68

69 A. Review Goals and Objectives:

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71 Dr. Larson conducted a brief review of the goals and objectives as outlined in the FY 2021 Annual Report.
72 No action was taken.

73

74

75 B. Utilization Committee Appointments:

76

77 The board discussed the application of Dr. Caleb Craig to serve on the Utilization Review Committee (URC).
78 Extended discussion was held regarding the applicability of an applicant for the committee who runs a
79 large multi-disciplinary practice, and how billing reviews by a committee member needed to focus on
80 services provided through the established chiropractic legal and professional boundaries.

81

82 **On a motion duly made by James Morris, seconded by Tim Kanady, and approved by**
83 **majority through roll call, it was RESOLVED to ACCEPT the application from Dr. Craig to**
84 **become a member of the Utilization Review Committee.**

85

86 Mr. Bowman was tasked with sending a letter to the committee members describing the roles, guidelines
87 and responsibilities of the committee.

88

89

90 **Item 6 Correspondence**

91

92 There was no correspondence submitted for this meeting.

93

94 **Item 7 Alaska Chiropractic Society Update**

95

96 Ms. Ryan, Chief Operating Officer, Alaska Chiropractic Society (ACS), reported the ACS is working on
97 several insurance related issues including re-bundling claims denials for re-exams and adjustments on the
98 same day. ACS is negotiating with AETNA to remove that claim edit, which persistently returns. The ACS is
99 also working with Tri-West on a myriad of claims processing errors related to their takeover of the
100 Community Care Network in Alaska. She asked for anyone experiencing these errors to reach out to the
101 ACS, to help show these are not individual, but systemic errors.

102

103 Ms. Ryan reported the Future of Chiropractic Strategic Plan has moved into the implementation phase
104 and she would forward information to Mr. Bowman for board distribution. Ms. Ryan encouraged all
105 members to become familiar with the plan and encouraged engagement from the board in helping that
106 process.

107 Ms. Ryan stated the ACA Day on the Hill was coming in February or March and would be virtual rather than
108 in-person. Important topics will include HR2654 (Medicare Inclusion Bill) which has far-reaching

109 implications for all insurance plans and reimbursements. Chiro Congress is holding a three-day conference
110 in November in Phoenix which the ACS will be attending.

111
112 Ms. Ryan reported on the ACS involvement with the Alaska Department of Health and Social Services
113 (DHSS) Medicaid pilot project. DHSS released that project on October 1, 2021 which was a surprise to
114 ACS. The goal of the project is to promote chiropractic care to reduce opioid use among Alaskans. ACS has
115 some concerns with the plan rolled out on October 15, 2021 which they engaged in meetings with DHSS
116 officials to discuss. DHSS was open to feedback from the profession on the bevy of details which were of
117 concern. These concerns were largely related to billing, documentation and treatment plan development.
118 DHSS will be collating these recommendations and sharing the new pilot program with ACS for review
119 prior to the public review process commencing. Ms. Ryan stated this is the start of a graduated process to
120 get chiropractic as a part of Medicaid coverage for adults in Alaska. This initial phase is limited to chronic
121 pain and opioid use in adults but will likely open to more patients once data on efficacy is received.

122
123 The board discussed starting a sub-committee to draft a more comprehensive letter to DHSS addressing
124 the profession's advice for proceeding with the pilot process.

125
126 **On a motion duly made by John Lloyd, seconded by Tim Kanady, and approved**
127 **unanimously by a roll call, it was RESOLVED to FORM A SUBCOMMITTEE to go over**
128 **Medicaid protocols.**

129
130 Dr. Kanady and Dr. Lloyd volunteered to work on this subcommittee with Ms. Ryan in conjunction with the
131 Alaska Chiropractic Society.

132
133 *Recess The board recessed for a short break at 11:05 a.m. and reconvened at 11:17 a.m. Dr. Larson*
134 *conducted a roll call; all members were present except John Lloyd. A quorum remained in effect.*

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138 **Item 8 Public Comment**

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140 Public comment was solicited. There were no members of the public in attendance in person or via
141 teleconference that desired to provide comment.

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145 **Item 9 DHSS – Medicaid Discussion**

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147 This topic was covered in depth during Item 7 and was not taken up.

148 **Item 10 Ethics Training / Budget Report / Division Updates**

149 Division Director Sara Chambers provided a brief training on Ethics disclosures which are solicited at the
150 beginning of each meeting. Director Chambers directed the board to available online training resources
151 and recommended the board look at the Guide to Excellence in Regulation for Professional Licensing
152 Boards & Commissions publication available on the board resources website. Director Chambers explained
153 the two main areas of ethics conflicts are financial and ethical disclosures. Director Chambers expounded
154 that financial conflicts could be related to approval or denial of licenses for friends, employees or relatives
155 or family members to gain a financial advantage. How to ask for recusal in the case of these issues was
156 discussed and that the ultimate decision on recusal would be made by the chair, or if the chair is involved,
157 the board can decide to recuse the chair from voting and discussion. Director Chambers explained that
158 the board cannot recuse itself out of a quorum for decision making purposes. If a definite decision is made
159 that a conflict exists, the recommendation is that the vote be rescheduled for a time in which a quorum
160 could be available.

161

162 Director Chambers presented the 4th quarter 2021 financial report and discussed fiscal year end revenues
163 and direct and indirect expenditures. Director Chambers stated a fee analysis would be complete by
164 spring of 2022.

165 Item 11 SB21 Discussion

166
167 Director Chambers spoke about Senate Bill 21 (SB21), and the need for the board to develop regulations to
168 comply with new Alaska statutory requirements to streamline licensing practices for military personnel
169 and their spouses. Director Chambers explained that military licensing is a national issue. Military
170 transfers create pressure and stress that is put on service members and families and difficulty of licensing
171 is a factor that has national defense implications. The legislature took up that issue and created a
172 statutory mandate that requires easing licensing processes for qualified military applicants and their
173 spouses. These mandates require temporary licenses be issued and for the board to define equivalency in
174 licensing standards for personnel licensed in other jurisdictions.

175
176 Director Chambers proposed logical next steps to meet the requirements of the bill. Director Chambers
177 delineated the need to create a temporary license program if none exists. Implementation also requires
178 defining what substantially equivalent means within the context of the law. This is generally contingent
179 upon having a license in another jurisdiction that is not subject to discipline and for which there are no
180 unresolved complaints. Director Chambers stated passing a jurisprudence exam prior to receiving the
181 temporary license does not meet the spirit or letter of the law. She also asked that the board be willing to
182 look at individual cases if there is no clear-cut equivalency. Dr. Larson suggested that existing courtesy
183 license regulations could be amended to allow for the military licensure, and it would be taken up later in
184 the meeting.

185 Item 12 Lunch

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188 *Recess The board recessed for lunch at 12:20 p.m.; and reconvened at 1:02 p.m. Dr. Larson conducted a*
189 *roll call; all members were present except Dr. Lloyd. A quorum remained in effect.*

190 191 192 193 Item 13 Investigative Report

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195 Investigator Bautista presented the investigative report for the period of July 21, 2021 to October 19,
196 2021. The reported included cases, complaints and intakes. There were nine cases open over the period
197 and one closed. The board then went into executive session to discuss a probation case.

198
199 **On a motion duly made by Tim Kanady, seconded by James Morris, and approved**
200 **unanimously by a roll call, it was RESOLVED to enter into executive session in**
201 **accordance with AS 44.62.310 (c), and Alaska Constitutional Right to Privacy Provisions,**
202 **for the purpose of discussing subjects that tend to prejudice the reputation and**
203 **character of any person, provided the person may request a public discussion.**

204
205 The Board entered executive session at 1:12 p.m. and returned from executive session at 1:44 p.m.

206
207 **On a motion duly made by John Lloyd, seconded by Tim Kanady, and approved by a**
208 **majority roll call with Dr. Morris being recused, it was RESOLVED that the board denied**
209 **the request to eliminate the requirement for urinalysis results for case 2020-000889.**

210 211 212 213 214 215 Item 14 Regulation Projects

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A. SB21

Dr. Larson began discussion about the need to draft regulations to address SB21 requirements. Dr. Larson suggested the best regulations to change to accomplish that task were 12 AAC 16.200 and 12 AAC 16.205. Dr. Larson also suggested the regulation could be amended to allow courtesy licenses for emergencies at the same time. Discussion was held about the appropriateness of several changes, and Dr. Larson committed to providing language to the board for future discussion with proposed changes. Dr. Morris agreed to help with that process.

B. Courtesy Licenses for Emergencies

This topic was combined into discussion with Item 14 A.

C. License by Exam CE requirements

The board discussed an issue with current licensure by exam requiring chiropractic physicians in their first few years of practice to complete 32 hours of continuing education to apply in Alaska if they were previously licensed. The board did not feel there was a need for change in current regulation to accommodate that issue.

Item 15 Joint Board COVID – 19 Recommendations Discussion

Discussion was initiated about COVID - 19 recommendations from the board, and the joint statement provided by the Boards of Nursing and Pharmacy. The board decided there was no need to take action on a new statement on COVID – 19.

Item 16 SOAP – 21st Century Cares Act

Dr. Larson initiated discussion of the lack of formal documentation standards for treatment notes in current chiropractic regulation. Discussion was held about the appropriateness of formal government regulation in this area as opposed to market forces determining documentary needs. Concern was raised that there is potential conflict between current regulations requiring continuing education in documentation without any minimum documentation requirement. Ms. Ryan stated she would research and present to the board what other jurisdictions regulations are in this area, and the board agreed to revisit it at the next meeting.

Item 17 Administrative Business

A. Set Next Board Meeting Dates/ Board Travel

The spring 2022 meeting was tentatively set for Friday May 13, 2022 in Anchorage.

B. Task List

Mr. Bowman:

- Send letters to URC appointees welcoming them to committee, with included guidelines for committee roles and responsibilities
- Send an informative email to all current licensees with a reminder of the CE requirements for re-licensure during the next renewal starting 01/01/2023.
- Forward July minutes to Dr. Larson to sign.
- Clarify need for subcommittee to discuss SB-21 and Courtesy licenses for emergency and public notice if necessary.

Dr. Larson and Dr. Morris:

268 • Draft military personnel and spouse and chiropractic emergency courtesy license regulation
269 language for submission to Mr. Bowman for board consideration.

270
271 Dr. Lloyd and Dr. Kanady:

272 • Work on Medicaid protocols subcommittee organization

273
274 Ms. Ryan:

275 • Look up other state regulations on treatment documentation and forward to the board.

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277
278 The meeting was adjourned at 3:38 p.m.

279
280 Respectfully submitted:

DocuSigned by:

Reid Bowman

6E08F856CCFE447
Reid Bowman, Records and Licensing Supervisor

Approved:

DocuSigned by:



Dr. Brian Larsen, Chairperson
Board of Chiropractic Examiners

Date: 3/22/2022

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Certificate Of Completion

Envelope Id: 830B00305DA94A8EB8B81FCC591E8E32	Status: Completed
Subject: Please DocuSign: 10.29.2021 CHI Meeting Minutes final.pdf	
Source Envelope:	
Document Pages: 6	Signatures: 2
Certificate Pages: 4	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Disabled	Reid Bowman
Time Zone: (UTC-09:00) Alaska	PO Box 110206
	Juneau, AK 99811
	reid.bowman@alaska.gov
	IP Address: 158.145.15.24

Record Tracking

Status: Original	Holder: Reid Bowman	Location: DocuSign
3/22/2022 11:26:46 AM	reid.bowman@alaska.gov	
Security Appliance Status: Connected	Pool: StateLocal	
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Signer Events

Reid Bowman
 reid.bowman@alaska.gov
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

Reid Bowman
6E03E356CCCE447...

Signature Adoption: Pre-selected Style
 Using IP Address: 10.7.201.81

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 Viewed: 3/22/2022 11:31:11 AM
 Signed: 3/22/2022 11:31:24 AM

Electronic Record and Signature Disclosure:

Accepted: 3/22/2022 11:31:11 AM
 ID: 0bfe4f36-0419-4116-a6f6-850045566362
 Company Name: State of Alaska

Dr. Larson
 larson.brian.e@gmail.com
 Security Level: Email, Account Authentication (None)

DocuSigned by:

EED41105AAE744E...

Signature Adoption: Drawn on Device
 Using IP Address: 24.237.248.33

Sent: 3/22/2022 11:31:26 AM
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 Signed: 3/22/2022 12:14:48 PM

Electronic Record and Signature Disclosure:

Accepted: 3/22/2022 12:13:40 PM
 ID: 71aa78a3-fe46-4026-ace9-f849febc5808
 Company Name: State of Alaska

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	3/22/2022 11:30:49 AM
Certified Delivered	Security Checked	3/22/2022 12:13:40 PM
Signing Complete	Security Checked	3/22/2022 12:14:48 PM
Completed	Security Checked	3/22/2022 12:14:48 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

Please read this Electronic Records and Signature Disclosure (ERSD). It concerns your rights regarding electronically undertaking, and the conditions under which you and the State of Alaska agree to electronically undertake, the transaction to which it relates (the “TRANSACTION”).

Consent to Electronically Undertake the TRANSACTION

You can electronically undertake the TRANSACTION only if you confirm that you meet the following requirements by selecting the box next to “I agree to use electronic records and signature” (the “AGREE BOX”):

1. you can fully access and have read this ERSD;
2. you can fully access all of the information in the other TRANSACTION records;
3. you can retain all of the TRANSACTION records in a form that you will be able to fully access for later reference;
4. you consent to undertake the TRANSACTION electronically; and
5. you are authorized to undertake the TRANSACTION. (Please note that falsely undertaking the TRANSACTION may subject you to civil liabilities and penalties and/or to criminal penalties.)

If you cannot or are not willing to confirm each of these five things, do not select the AGREE BOX.

Withdrawing Consent

If you select the AGREE BOX, you can withdraw your consent to electronically undertake the TRANSACTION at any time before you complete the TRANSACTION: simply do not finalize it. The only consequence of withdrawing your consent is that you will not finalize the TRANSACTION.

If you select the AGREE BOX, your consent will apply only to this TRANSACTION. You must separately consent to electronically undertake any other transaction with the State of Alaska.

Paper Option for Undertaking the TRANSACTION

You may undertake the TRANSACTION with the State of Alaska using paper records. (State of Alaska employees who want to undertake the TRANSACTION in paper should contact the agency responsible for the TRANSACTION.) Print the paper records on the website of the State of Alaska agency responsible for the TRANSACTION, or request them from the agency. The State of Alaska homepage is at <http://alaska.gov/>.

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After completing the TRANSACTION but before closing your web browser, you should download the TRANSACTION records. Or you can download the records within 30 days after

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Required Hardware and Software

For the minimum system requirements to electronically undertake the TRANSACTION, including accessing and thereby retaining the TRANSACTION records, visit <https://support.docusign.com/guides/signer-guide-signing-system-requirements>. These requirements may change. In addition, you need access to an email account.

How to Contact the State of Alaska

To ask a question on this ERSD or the DocuSign document generated after you complete the TRANSACTION or on using DocuSign to electronically undertake the TRANSACTION, contact the Alaska Department of Administration at either of the following addresses:

State of Alaska
Department of Administration
550 West 7th Avenue
Suite 1970
Anchorage, AK 99501
Reference: DocuSign

doa.commissioner@alaska.gov
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To ask any other question on the TRANSACTION records or to update the information for contacting you electronically, contact the State of Alaska agency responsible for the TRANSACTION using the contact information in the TRANSACTION records or, if those records contain no contact information, using the contact information on the agency's website. Again, the State of Alaska homepage is at <http://alaska.gov/>.