

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

BOARD OF CHIROPRACTIC EXAMINERS

**MINUTES OF MEETING
October 24, 2008**

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 on October 24, 2008 in Anchorage, Alaska.

Call to Order/Roll Call

The meeting was called to order by Dr. Gregory Culbert, President at 8:30 a.m. Those present, constituting a quorum of the Board were:

Gregory M. Culbert, DC, President
David J. Mulholland, DC, Vice-President
James Heston, DC
Rosemary Zimmerman, DC
Jeff Garness, Public Member

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

Veida Forrest, Licensing Examiner – Juneau
Susan Winton, Investigator - Anchorage

In attendance via teleconference:
Chris Wyatt, Administrative Officer – Juneau

Agenda Item 1 – Review/Amend Agenda

Ms. Forrest informed the Board that she had inadvertently left review of the Chiropractic Jurisprudence Exam off of the agenda. Dr. Culbert stated that the Board would review the exam after Agenda Item 5 – Investigative Report and the exam would be agenda item 15.

Upon a motion by Zimmerman, seconded by Mulholland and approved unanimously, it was:

RESOLVED to approve the October 24, 2008 meeting agenda as amended.

Agenda Item 2 – Approve June 27, 2008 Meeting Minutes

The Board reviewed the meeting minutes of June 27, 2008. The Board made no changes to the minutes.

Upon a motion by Mulholland, seconded by Zimmerman and approved unanimously, it was:

RESOLVED to approve the June 27, 2008 meeting minutes as presented.

Agenda Item 3 – Board Business

Ethics Reporting

There were no ethics violations reported. Ms. Forrest stated that she was unable to get ethics training for the Board as the person who offered the training was out of the office on October 24, 2008. Ms. Forrest noted that the ethics trainer had provided her information on Board ethics, which was included in the Board packet.

Signatures

Wall certificates were signed for Angela Michaud, Charles Grey, and Patrick Collins.

The minutes of the June 27, 2008 meeting were signed by Dr. Culbert and Ms. Forrest.

Board meeting dates

The next Board meeting is scheduled for February 27, 2009 in Anchorage, Alaska.

Ratification of New Licensees

Upon a motion by Mulholland, seconded by Zimmerman and approved unanimously, it was:

RESOLVED to ratify the licenses of Angela Michaud #481, Charles Grey #482, and Patrick Collins #483.

Expenditure report

Chris Wyatt, Administrative Officer for the Division of Corporations, Business, and Professional Licensing joined the meeting telephonically at 9 a.m. to discuss the Board's expenditure report.

Ms. Wyatt stated that the date on the expenditure report was incorrect, she noted that the correct date is October 14, 2008.

Dr. Culbert asked if the problem of travel reimbursements being allocated to the general fund had been corrected. Ms. Wyatt stated that there needs to be a statute and regulations change prior to the reimbursement issue is corrected. Ms. Wyatt stated that the Division of Administrative Services within the Department of Commerce, Community, and Economic Development currently interprets the statutes and regulations differently than the Division.

Ms. Wyatt noted that she had looked into Board's request to have a renewal late fee. Ms. Wyatt noted that there are currently two State Boards that have late fees and that one Board charged \$10 and the other \$50. Ms. Wyatt stated that she was unsure of which Boards require the renewal late fee.

Dr. Mulholland stated that between the last expenditure report and the current report, there appeared to be a loss of \$60,000. Ms. Wyatt stated that this difference is most likely due to the late receipt of charges from Departments of Law, Public Safety, Labor and other State agencies. Ms. Wyatt noted that the Division generally receives two invoices a year from these agencies and that these invoices are generally posted in March and September. Ms. Wyatt stated that these charges are posted under contractual services in the expenditure report.

Ms. Wyatt stated that the Division is preparing a legislative packet, which includes the Ominibus Bill that Susan Winton had worked on, to be presented through the Governor's Office, or a friendly legislator, to the Legislature.

Ms. Wyatt offered to explain the accounting and billing process and issues to the Board at the next meeting. The Board stated that it would appreciate Ms. Wyatt's attendance at the next meeting in Juneau. Ms. Wyatt left the meeting at 9:35 am.

Agenda Item 4 – Annual Report / Goals & Objectives

The Board reviewed the Fiscal Year 2008 Annual Report and the Fiscal Year 2009 Goals and Objectives. Dr. Culbert informed the Board that Ms. Forrest had made some suggested changes and asked the Board to provide input. The Board requested Ms. Forrest to include a fourth objective under proposed Goal 2 to state "work with Division to require a criminal background check for license applicants."

The Board stated that the Alaska Chiropractic Society needs to bring forward any possible legislation as it is not the Board's responsibility to suggest changes that may appear to benefit the profession.

Upon a motion by Zimmerman, seconded by Mulholland, and approved by Culbert, Heston, Mulholland, and Zimmerman, it was:

RESOLVED to approved the Fiscal Year 2008 Annual Report and Fiscal Year 2009 Goals and Objectives as amended.

Mr. Garness abstained from voting.

Break, off record 9:50 am. Back on record at 10:03 am

Agenda Item 5 – Investigative Report

Ms. Winton, Investigator joined the meeting at 10:03 am to discuss the investigative report. Ms. Winton provided the following report to the Board:

<u>Complaints</u>	<u>Alleged Violation</u>	<u>Status</u>
C700-07-009	Other (CE advertisement)	Awaiting end of 2008 renewal period
C700-08-001	Sexual Misconduct	Pending information, incomplete complaint
C700-08-002	Sexual Misconduct	Pending disposition of criminal case
C700-08-003	Violating Prof. Ethics	Recently Opened; requires inquiry
C700-08-004	Violating Prof. Ethics	Recently Opened; requires inquiry
C700-08-005	Violations of Board Order	Recently Opened; Inquiry On-Going
C701-08-002	Unlicensed Practice	Inquiry on-going

Cases

701-08-001	Advertising – Unlicensed	<u>Closed</u> ; Compliance
------------	--------------------------	----------------------------

Probation

700-02-002	Mental Health / Sub. Abuse	5 yr MOA on 12/01/02; not practicing in AK; Licensee now practicing in PA; license expired
700-06-003	Criminal Action – Conviction	3 yr MOA – 1/26/07; to be discussed.

Upon a motion by Culbert, seconded by Mulholland, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with Alaska Statute 44.62.310(c)(2) to discuss privileged disciplinary information.

Off record 10:10 am. Back on record 10:58 am.

Ms. Winton informed the Board that the Omnibus Bill had been passed from Director Mark Davis to Commissioner Emil Notti.

Agenda Item 6 – FCLB Regional Meeting Update

Dr. Zimmerman provided the Board with an update from FCLB Regional Meeting. Dr. Zimmerman thanked the Board for sending her to this meeting. Dr. Zimmerman stated that primary topics at the meeting were standardized forms, informed consent, disciplinary guidelines, NBCE's SPEC and E&B exams, CIN-BAD, competency based requirements for licensure internationally, PACE, internationalization of chiropractic, regional regulatory issues, and the development of a model framework for a uniform evaluative process for treatments and devices to determine the legality of a procedure or device. Dr. Zimmerman also noted that the regulation of preceptors and chiropractic assistants were also addressed at the meeting. Dr. Zimmerman provided copies of handouts she had received at the meeting to the Board regarding disciplinary guidelines, informed consent, and a questionnaire for evaluating treatments and devices.

Dr. Zimmerman stated that it is very important for the Board to be in attendance at the Annual meeting in Hollywood, California in May 2009, particularly since the Board is considering the permitting or registration of preceptors. Dr. Zimmerman stated that it is important to have colleagues in other states in order to help the Board accomplish its goals. Dr. Zimmerman stated that many Boards send all Board members and staff to the Annual and Regional meetings. Dr. Culbert agreed that Board representation at these meetings is important. Dr.

Zimmerman noted that the dates are not firm for the Annual or Regional meetings, but that the Annual meeting is in May of 2009 and the Regional meeting is in September or October 2009.

Upon a motion by Mulholland, seconded by Garness, and approved unanimously, it was:

RESOLVED to send Dr. Rosemary Zimmerman, Dr. James Heston, and Ms. Veida Forrest to the FCLB Annual Meeting in May 2009 and the FCLB 2009 Regional Meeting.

Agenda Item 7 – CLEAR Conference Update

Dr. Heston and Ms. Forrest provided the Board with an update from the September 24-27, 2008 CLEAR Conference in Anchorage, Alaska. Dr. Heston stated that he did not feel that the CLEAR Conference was beneficial to him. Dr. Heston stated that he was the only member from a Chiropractic Board from any state or Canadian Province. Dr. Heston stated that many of the examples and speakers were Canadian and that many of the discussions did not pertain to chiropractic or his position on the Board.

Ms. Forrest agreed that the conference was not as productive or informative as she thought it would be for her role as a Licensing Examiner to the Board. Ms. Forrest also agreed that she had a difficult time relating to the session topics as many of the speakers and examples were Canadian. Ms. Forrest stated that there was a discussion on scope of practice that involved medical and nursing Boards in Canada. She stated that the primary focus of the discussion was that the health care professions came together to work on scope of practice and try to define where the professions overlapped and where they were distinct. Ms. Forrest noted that this approach may be appropriate in the future if there continues to be resistance from the Department of Law to help define chiropractic scope of practice in Alaska.

Ms. Forrest stated that future CLEAR Conferences may be more beneficial to the Board if the sessions are more inline with the Board's needs.

Lunch, off record 11:37 am. Back on record 12:45 pm.

Agenda Item 8 – Correspondence

1. FCLB Minimal Record Keeping Questionnaire

The Board discussed and email from the FCLB regarding possible minimal record keeping statutes. Dr. Culbert stated that he felt the intent of the potential statute or regulation was good, however, the statute as written created large holes and did not address many issues that chiropractors face. Dr. Culbert noted that a substitute chiropractor should be able to fill in for another chiropractor and simply have the written records for patient information in order to provide treatment. Dr. Culbert noted that the FCLB suggestions would require chiropractors to be overly detailed every time a patient is treated even if the patient is being treated for the same condition on multiple visits. Dr. Culbert noted that the FCLB noted that 'each record shall' so it appeared that each patient visit would need to be evaluated independently from previous visits.

Dr. Mulholland noted that the FCLB suggestions do not address relapse in condition, chronic conditions, and ongoing care. Dr. Zimmerman noted that one of the issues in chiropractic record keeping is connecting one visit to the next to verify that a patient is meeting specific goals. Dr. Heston agreed that the goal setting is one of the most difficult parts in patient care to document.

Dr. Zimmerman stated that one of the arguments against chiropractic care is that chiropractors treat a patient for a longer period of time than a medical doctor for the same condition. Dr. Mulholland stated that is not necessarily the case as a medical doctor can send a patient home with a prescription which can be taken on an hourly, daily, weekly, or as needed basis. Dr. Mulholland also noted that medical doctors often refer to physical therapy for follow up treatment. Dr. Mulholland stated that this continued care may last for as long as a chiropractor's treatment period, but that it is not done in the medical doctor's office, so it appears that the medical doctor is not treating for the same length of time.

Dr. Culbert volunteered to write down ideas for the minimal record keeping for the FCLB.

2. Croft Guidelines

Dr. Culbert stated that the Croft Guidelines correspondence had been included on the agenda in order to clarify the current Board's position. Dr. Culbert stated that as all of the members who had previously endorsed Croft Guidelines were no longer on the Board, that endorsement was no longer valid. Dr. Culbert also stated that as the previous endorsement was no longer valid, he would like the Board to endorse the Croft Guidelines if the Board so chooses. Dr. Culbert also noted that if the Board endorsed these guidelines the Board may want to consider including these guidelines in regulation so that the guidelines use by a chiropractor is legally defensible.

The Board discussed the Croft Guidelines and whether or not to endorse them.

Upon a motion by Mulholland, seconded by Zimmerman, and approved unanimously, it was:

RESOLVED to recognize the Croft Guidelines, as published by the Spine Research Institute of San Diego, as a profession standard or guideline accepted by the Board.

Ms. Forrest suggested that if the Board wants to put these guidelines in regulation the most appropriate place appeared to be in 12 AAC 16.430 Professional Standards and Guidelines. Ms. Forrest noted that it may be best to put the name of the organization that creates these guidelines in the regulation instead of the guideline itself in order to prevent the need to reference a specific version of the guidelines. Dr. Culbert stated that the organization is called Spine Research Institute of San Diego and agreed with Ms. Forrest's suggestion. Ms. Forrest asked the Board if it wanted to put a clause such as, "or other organization as approved by the Board" in the potential regulation project. The Board agreed that this may good idea in order to allow endorsements.

Upon a motion by Mulholland, seconded by Zimmerman, and approved unanimously, it was:

RESOLVED to add the Spine Research Institute of San Diego to 12 AAC 16.430(a).

Ms. Forrest stated that she would ask Mr. Jun Maiquis, Regulations Specialist, to have a draft of these proposed regulations ready for the next meeting.

3. Dr. Sundby – CE Request

The Board reviewed Dr. Sundby's request to use only online courses for the 2009-2010 biennial renewal. The Board had previously reviewed this information in a mail ballot between meetings and approved the request. Dr. Culbert had stated that he asked to have this issue brought before the Board as the Board had previously requested licensees in this position to complete the continuing education in the following biennium. The Board did not revote on Dr. Sundby's request and stayed with its approval to allow Dr. Sundby to use all online courses to complete her required continuing education.

4. Researching Essential Oils, Nutritional Supplements and Herbs in Chiropractic Practice

The Board reviewed the email from Dr. Lisa Moore in California regarding the use of essential oils, nutritional supplements, and herbs in chiropractic practice in Alaska. The Board determined that there is no prohibition on using or recommending the use of nutritional supplements or essential oils or herbs in chiropractic practice in Alaska. The Board asked Ms. Forrest respond to this email.

5. Medical Biofeedback Association and Credentialing Board

The Board reviewed the email from Diane James of the Medical Biofeedback Association and Credentialing Board regarding the use of medical biofeedback in a chiropractic office in Alaska. The Board determined there is no prohibition on using or recommending the use of medical biofeedback in chiropractic practice. The Board suggested that Ms. James review the statutes and regulations of other professions prior to determine if there are other requirements to provide medical biofeedback to patients.

Jurisprudence Exam

Upon a motion by Culbert, seconded by Mulholland, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with Alaska Statute 44.62.310(c)(3) to discuss the State Chiropractic Jurisprudence Exam.

Executive Session 1:42 pm, off record. Back on record 2:18 pm.

Agenda Item 9 – Continuing Education Application Review

The Board reviewed the following batches of continuing education:

Batch 10/1/08

Courses expire December 31, 2008

1. Alaska Spine Institute

Alaska Spine Institute Pain and Radiological Symposium January 2007; Alaska Spine Institute Pain and Radiological Symposium January 2008; Alaska Spine Institute Pain and Radiological Symposium June 2007; Alaska Spine Institute Pain

and Radiological Symposium June 2008; Alaska Spine Institute Pain and Radiological Symposium March 2007; Alaska Spine Institute Pain and Radiological Symposium March 2008; Alaska Spine Institute Pain and Radiological Symposium September 2008

2. **Florida Chiropractic Association, Inc**
FCA Winter Convention and Exposition
3. **Life Chiropractic College West**
Festival 2008 SPA Days
4. **Logan College of Chiropractic**
2008 Pro Sport Chiropractic Las Vegas Hands on Workshop; ACA Pediatric Symposium; Basic Laserology
5. **New York Chiropractic College**
International Board of Electrodiagnosis: Advanced Symposium
6. **Northwestern Health Sciences University**
Annual License Renewal 2008: Common Sense Topics in Chiropractic Practice
7. **Palmer College of Chiropractic**
FCS Vertebral Subluxation Complex; ICA Super Conference on Pediatrics & Philosophy
8. **Texas Chiropractic College**
2008 Nutrition Response Testing Symposium

Batch 10/2/08

Courses expire December 31, 2010

1. **Logan College of Chiropractic**
Brimhall – 6 Steps to Wellness Protocols
2. **Palmer College of Chiropractic**
Case Studies in Chiropractic – Cervical Spine; Chiropractic Care of Peripheral Neuropathies; Concepts of a Team Chiropractor; Eliminating Self-Defeating Behavior; Emergent Care of the Injured Individual; Ethical Issues in Chiropractic Practice; Ethical Issues in Chiropractic Practice 1; Immunizations: Making Informed Choices; Latest Technologies Communicating Chiropractic & Clinical Application; Nutritional Interventions – Course 1; Nutritional Issues in Chiropractic; Outcome Measures in Chiropractic; Patient Care in Radiology; Preparticipation Examination; Professional Boundaries & Chiropractic Practice; Risk Management & Record Keeping; Role of the Chiropractor in the Legal Process; Soft Tissue Care in Chiropractic; Special Imaging for the Chiropractic Patient; Special Populations – The Female Patient; The Spine in Sports
3. **Turning Point Logistic Systems**
CBP Advanced; CBP Basics; CBP Cervical Rehab; CBP Drop Table Adjusting; CBP Hands on Workshop; CBP Instrument Adjusting; CBP Lumbar Rehab; CBP Neurology; Total Solution – 2009

Batch 10/15/08

Courses expire 12/31/08 and 12/31/10

1. **Alaska Spine Institute**
Alaska Spine Institute Pain and Radiological Symposium September 2008
2. **Life Chiropractic College West**
New Era in Whiplash and Spinal Trauma, Part 1; Validating Chiropractic 2009
3. **Life University College of Chiropractic**

- Koren Specific Technique
4. **Palmer College of Chiropractic**
Activator Methods; Gonstead Technique
 5. **Parker College of Chiropractic**
Parker Seminar Las Vegas 2009
 6. **Texas Chiropractic college**
Adjunctive Physiotherapy Procedures; Ancillary Diagnostic Testing Procedures;
Chiropractic Guide to Symptoms & Disease; Chiropractic Sports Medicine Physician;
Chiropractic Treatment of Auto Accident Injuries; Chiropractic Treatment of Golf
Injuries; Ethics and Chiropractic Practice; Exercise Strength & Conditioning;
Fundamentals of Clinical Nutrition; Karl Parker Seminar 2009; Orthopedic and
Neurological Evaluation; Pain Management; Professional Boundaries & Chiropractic
Practice; Risk Management (5 Hrs) / AIDS (3 Hrs) / HIPPA (2 Hrs); Risk
Management Documentation Essentials; Sports Injuries; Weight Loss Management
Fitness & Nutrition
 7. **Turning Point Logistic Systems**
CBP Case Management; CBP Pediatrics; CBP Scoliotic Deformity Analysis; CBP
Semi-Annual Conference

Dr. Culbert questioned the courses “Eliminating Self-Defeating Behavior” provided by Palmer Chiropractic and “Festival 2008 SPA Days” provided by Life Chiropractic College West. The Board discussed the course instructors and course contents.

Upon a motion by Mulholland, seconded by Zimmerman, and approved unanimously, it was:

RESOLVED to deny the course “Eliminating Self-Defeating Behavior” provided by Palmer College of Chiropractic as it does not meet the requirements 12 AAC 16.320.

Upon a motion by Mulholland, seconded by Zimmerman, and approved unanimously, it was:

RESOLVED to approve the courses in Batch 10/1/08, 10/2/08, and 10/15/08 with the exception of any course that was denied by the Board.

Agenda Item 10 – Ethics Information

The Board reviewed the ethics information provided by the Department of Law.

Agenda Item 11 – Regulations Update

Ms. Forrest informed the Board that the regulations that the Board had passed at the June 27, 2008 meeting were currently under review at the Department of Law. Once the regulations move through Law, they will be sent to the Lieutenant Governor’s Office to be signed and filed. Ms. Forrest noted that once that occurs, the Board will be given a new statutes and regulations booklet reflecting the changes. Dr. Culbert asked when the continuing education fee would be implemented. Ms. Forrest stated that the fee has not yet been implemented, but will be implemented when the regulations are filed by the Lieutenant Governor’s office.

Agenda Item 13 – New Business

Dr. Culbert asked if any Board members had new business they would like to present to the Board. Dr. Heston stated that he had researched preceptorships and had brought that information to the Board meeting. Dr. Heston noted that many of the States have a preceptorship permit or registration, and that most of the colleges have preceptor programs. Dr. Heston noted that regulating preceptors may be a difficult program to implement. Mr. Garness asked who is allowed to be a preceptor. Dr. Heston replied that chiropractic students in the third trimester of the senior year.

Dr. Culbert asked how long a preceptorship lasts, Dr. Heston replied that it only lasts one trimester or three to four months. Dr. Mulholland stated that a preceptorship has two sets of requirements and limitations; the State Boards requirements and limitations and the chiropractic school's requirements and limitations. Dr. Heston noted that in order to be a chiropractor that can have a preceptor, that chiropractor is required to become a faculty member of the school the preceptor is attending.

Dr. Mulholland stated that in order to regulate preceptors, the Board would need to find the appropriate place in the regulations to create a regulation. Ms. Forrest stated that currently, the Board uses the temporary permit for substitute chiropractors and chiropractors who are in the process of applying for licensure. Dr. Mulholland stated that he believe the Board may be able to use AS 08.01.062 as the authority to create a preceptorship regulation.

Dr. Mulholland noted that the medical profession has an internship program that is similar to a preceptorship.

The Board agreed to look further into preceptorships. The Board asked Ms. Forrest to look into other State Boards that offer preceptors and what authority those Boards use to permit or register preceptors. The Board would also like to review the intern program administered by the Alaska State Board of Pharmacy.

Agenda Item 12 – Public Comment

The Board opened the meeting for public comment at 3:30 pm. There was no public comment. Dr. Zimmerman noted her surprise that Debbie Ryan of the Alaska Chiropractic Society did not attend public comment.

Agenda Item 13 – New Business

Dr. Mulholland stated his surprise on how ill-prepared some chiropractic offices are for emergencies such as heart attacks. Dr. Mulholland stated that some chiropractic offices are not equipped or able to provide basic life support due to lack of equipment and training. The Board discussed the ability of a chiropractor to apply CPR, First Aid, and basic life support training to apply to the continuing education requirements. The Board determined that under the current regulations CPR and First Aid training cannot count toward the continuing

education requirements. The Board agreed that if a patient stopped breathing or had a stroke while being treated, it is a chiropractors responsibility to know how to care for that patient. The Board determined that it would like to try and include CPR, First Aid and basic life support training as an approved subject for continuing education.

Upon a motion by Mulholland, seconded by Zimmerman, and approved unanimously, it was:

RESOLVED to include CPR, First Aid, and basic life support training as an approved subject for continuing education in 12 AAC 16.320

Agenda Item 15 – Review Assigned Tasks

Veida Forrest

- Schedule February 27, 2009 meeting in Anchorage
- Submit Annual Report to Director
- Submit travel requests for Zimmerman, Heston and Forrest to attend FCLB Annual Meeting in May 2009
- Submit travel request for Heston to proctor NBCE Part IV in May 2009
- Respond to correspondence
- Invite the Director of Corporations, Business & Professional Licensing to the next meeting to discuss the need for statutory changes.
- Submit proposed regulation projects to Jun Maiquis
- Look into possibility of having a preceptor regulation
- Update the Chiropractic Jurisprudence Exam
- Provide NBCE Information to Dr. Mulholland

Dr. Culbert

- Write suggestions to FCLB regarding recording keeping and send copy to Veida.

Dr. Heston

- Continuing to look into preceptorship requirements in other states.

Dr. Mulholland

- Attend NBCE Part IV in Davenport, IA in November

Chris Wyatt

- Attend next meeting to explain the accounting process to Board.

There being no further business,

Upon a motion by Culbert, seconded by Zimmerman and approved unanimously, it was:

RESOLVED to adjourn the Board of Chiropractic Examiners meeting.

The meeting adjourned at 4:10 p.m.

Respectfully Submitted:

Veida Forrest
Licensing Examiner

Approved:

Dr. Gregory Culbert
Board of Chiropractic Examiners

Date: _____