



## Alaska Board of Chiropractic Examiners: May 3, 2024, Board Meeting Minutes

Alaska Division of Corporations, Business and Professional Licensing May 3, 2024, at 9:00 AM AKDT

Board Meeting is inviting you to a scheduled Zoom meeting.

**BOARD OF CHIROPRACTIC EXAMINERS**

May 3, 2024, meeting

9:00 AM- 4:00 PM

Shane Bannarbie- 907-465-4813

**Location:** Zoom only

**Zoom Link:** <https://us02web.zoom.us/j/86851442645?pwd=UWlJUXBFMmJHN3lZeDU5dUZzT2tadz09>

**Meeting ID:** 868 5144 2645

**Passcode:** 254393

1. Call to Order/Roll Call

The meeting was called to order by Board President Dr. Brian Larson at 9:06 a.m.

All members were present.

Members:

Dr. Brian Larson – Board President - Present

Dr. John Lloyd – Board Vice-President - Present

Dr. Tim Kanady – Member - Present

Dr. Walter Campbell –Member - Present

Public Member – Ronald Gherman – Present

Guests:

Reid Bowman – Program Coordinator

Shane Bannarbie – Program Coordinator

Debbie Ryan- Alaska Chiropractic Society (ACS)

Josh Hardy- Investigator

Dr. Rachel Bergartt Alaska Board of Veterinary Examiners Chair

2. Review/Approve Agenda

 [May 3, 2024, CHI Meeting Agenda Draft.doc](#)

Motion:

RESOLVED to approve agenda as is.

Motion moved by John Lloyd, seconded by Timothy Kanady; motion passed unanimously.

3. Review/Approve January 12<sup>th</sup>, Meeting Minutes

 [Alaska Board of Chiropractic Examiners January 12 meeting Minutes draft.docx](#)

Motion:

RESOLVED to accept January 12, 2024, meeting minutes.

Motion moved by Timothy Kanady, seconded by John Lloyd; motion passed unanimously.

4. Ethics Reporting

Members were polled by roll call, to declare any conflict or ethics issues. No conflicts announced.

5. Animal Chiropractic in Alaska

Guest: Alaska Board of Veterinary Examiners Chair, Dr. Rachel Bergartt

A. A Letter of Advisement from the Alaska Board of Chiropractic Examiners

 [Animal Chiropractic in Alaska.pdf](#)

B. Letter from Board of Veterinary Examiners

 [Letter to AK Reg Boards re Veterinary Practice 3-20-24.pdf](#)

The Board welcomed Dr. Bergartt to speak on the position of the Alaska Veterinary Examiners board position on animal Chiropractic. Dr. Bergartt, explained her role in the meeting was not to interpret statute but provide the position of the Vet board. Dr. Bergartt clarified her role is just to have dialogue and walk through some things that the CHI board might want to consider when advising licensees. The Vet Board only regulates veterinarians. Dr. Bergartt explained that if somebody is diagnosing, treating changing, relieving, preventing disease, deformity, defect, injury, or other physical or mental conditions, including the prescription or administration of a drug, biologic, anesthetic or other therapeutic or diagnostic substance, if they're doing that sort of thing for compensation and they're representing, directly or even indirectly, publicly or privately, that they have a willingness and ability to do all of those things, the diagnosing, treating, correcting, changing, under AS 08.98.250 that is the practice of veterinary medicine and that person must be a licensed Veterinarian. Dr. Larson responded, if there is no compensation does this statute still apply? Dr. Bergartt explained that if the individual is representing to the public/private they have ability or willingness to provide any of the diagnosing, prescribing, or treating for compensation That's a problem potentially under this statute. But, if you're using a title or abbreviation, or letters to induce someone to believe that person is qualified or licensed to do any of the diagnosing, prescribing, treating, then it doesn't matter whether or not you're doing it for compensation, it would be an issue under statute. Dr. Lloyd responded, if you're not representing yourself as a veterinarian when treating animals, and you're doing it without compensation, the advice to the Chiropractor would be, that is okay then? Dr. Bergartt explained, so long as they're not using a description title that would induce the public/private person to believe they are qualified to do any of the treating, diagnosing, relieving, or preventing disease. To clarify answers to additional questions by Dr. Lloyd along the same line as to when is it allowed for someone to work on an animal, Dr.

Bergnartt explained that if someone is working under the explicit direction of a veterinarian where the veterinarian has diagnosed something. The veterinarian is prescribing treatment to alleviate disease. That's something that seemingly under this statute is permissible so long as that veterinarian has examined the patient, made the diagnosis, and prescribed the treatment. Dr. Campbell added that what we could do is just set up a streamlined process, or just so have a clear explanation of the process between veterinarian and chiropractors. Essentially a Doctor of Chiropractic reaches out to a local veterinarian and set up a relationship. Then anytime the chiropractor receives an animal, send them to Dr. X, a veterinarian down the road for diagnosis, once he sees the animal, you can bring it back for chiropractic. Dr. Bergnartt responded, the Veterinary Board has discussed this in prior meetings, and that's already permissible. If a veterinarian decides an animal would benefit from chiropractic treatment because of X, and that's documented, then that veterinarian can refer to a chiropractor who is not a licensed veterinarian. Dr. Campbell proposed it might make sense for the CHI Board to put out a statement to let our body know this is the process for treating animals. If you want to do these sorts of therapies, what you need to do is make sure these patients go get an exam and recommendation from a veterinarian who then sends them back to you. The CHI Board can run the language by the Vet Board and make sure that it's good. Dr. Lloyd posed an additional scenario to Dr. Bergnartt. What about a course that's designed for veterinarians who do not understand how to do chiropractic and chiropractors who do not understand the anatomy of the animals. After doing a course Then both the veterinarian gets a certificate in Chiropractic and the chiropractor gets a certificate in chiropractic Veterinary medicine, and so is that something that could be brought back to your board as a potential option if somebody is willing to go through and do the training, which are very popular in other states that have direct access to chiropractic for animals. Dr. Bergnartt responded that this scenario would require a statute change. Dr. Larson, reminded the board that in prior meeting the board specified that chiropractic in Alaska, under Alaska law, is for human treatment. In Alaska, the law specifically states that animals are the realm of veterinary medicine. Dr. Larson stated he did not see any type of specific statutory or regulatory provision that allows chiropractic treatment of animals. Dr. Larson suggested the CHI board would write a letter to the VET Board and attended the next VET Board meeting to propose a regulatory addition to both CHI and VET regulations that outlined the following: As far as chiropractic treatment and animals go, chiropractic in Alaska specifically outlines that it's for the human animal. However, in conjunction with a veterinarian through the process of examination diagnosis and treatment, if an animal patient is referred to a chiropractic physician by a veterinary physician, the chiropractic physician may adjust those within the bounds that are appropriate. Dr. Bergnartt welcomed the proposal but clarified that she cannot speak on the will of the VET Board but welcomed additional dialogue at a VET Board meeting.

Motion:

RESOLVED to have Dr. Lloyd and Dr. Larson put together a proposed regulation project to

share with the Veterinary Board and attend their meeting to present this and request cooperative work on the project.

Motion moved by Dr. Campbell, seconded by Ron Gherman; motion passed unanimously.

6. Investigative Report

 [CHI Board Report MAY 2024.pdf](#)

Investigator Josh Hardy presented the investigative report. No action taken.

7. ACS Report

 [Complaint+for+Equitable+Relief.pdf](#)

 [BOCE 5-3-24 ACS Update-Projects.docx](#)

Debbie Ryan provided the ACS report to the board. Ms. Ryan reiterated support for the proposed continuing education regulation proposal to add ACS as approved provider under 12 AAC 16.340. Ms. Ryan noted that ACS is currently already PACE approved, which should give the board another layer of confidence. Also, ACS has a longstanding history, of providing quality education in the State. Ms. Ryan also mentioned that the current process is not substantiable, with CE approval being vetted by Dr. Risch, who will not be able to provide his services indefinitely. Ms. Ryan posed a question to the board: if a provider, or if an employer finds out that one of their employees is committing insurance fraud; what is the responsibility of the employer? After discussion, Dr. Larson responded that there is not legal obligation in statute or regulation to report suspicion of fraud or liability for failing to report. Reid Bowman provided additional information to remind the board that Doctors must adhere to ACA code of ethics which requires reporting unethical acts under 12 AAC 16.920. Reid Bowman added that he believes there is a process in place that deals with this. If someone is concerned about another Dr.'s behavior that a complaint could be filed, and an investigation opened to determine if there has been a violation of statute or regulation. It would ultimately be a reviewing board member to decide if action should be taken and presented to the board as a result of an investigation. Ms. Ryan went on to comment that she believed the courtesy license application process could be improved. Ms. Ryan mentioned she would as what other states are doing for temporary licensing requirements. Dr. Larson inquired if there is a fee for temporary licenses, it was explained by staff that there is a fee. Dr. Larson inquired if the fee is really an issue and could it be eliminated. Ms. Larson included that the fee is not necessarily an issue, but the application process could be streamlined for example, there is no option for educational event. Ms. Allen volunteered to review and update the current application and present it to staff if necessary. Reid Bowman explained that the application matches regulation and agreed a box for educational event is not present on the application but could be added. Reid Bowman mentioned if there's some requirement difference that you would like to see implemented, then that would be a board regulation issue. Dr. Larson reiterated for clarification that in order to change any of the significant facts of the application or regarding the process itself as outlined in regulation the board needs to do

that as a regulation project. Dr. Larson inquired is there was a member of the board who would volunteer to review the temporary license application with Ms. Ryan and make recommendation to streamline the application. Dr. Tim Kanady volunteered to work with Ms. Ryan on the application.

8. Public Comment

No one called in for public comment.

9. Break

The board took a ten-minute break and resumed the meeting at 10:47a.m.

Attendance

Meeting called to order at 10:48a.m., roll call taken, all members present.

10. Board Business

- A. Ready for Board Action: CHI Regs Project 12 AAC 16.030 - .170\_ State Examination for Chiropractors and Clarifying Continuing Education Requirements for Recent Graduates

 [CHI Regs Project 12 AAC 16.030 - .170 \(DOL File#2023200580\).pdf](#)

Motion:

RESOLVED to adopt CHI Regs Project 12 AAC 16.030 - .170 State Examination for Chiropractors and Clarifying Continuing Education Requirements for Recent Graduates

Dr. Lloyd moved to adopt the proposed regulations for file number 12AAC16.30-170 as proposed and publicly noticed. Seconded by Dr. Tim Kanady; motion passed unanimously.

- B. Lunch Break

The board took a one-hour break at 12:07p.m

Attendance

Meeting called to order at 1:07p.m., roll call taken, all members present.

- C. Regulation Project Opening Questionnaires

Adding ACS as Preferred Provider  
Dry Needling in Alaska

 [Regulations Project Opening Questionnaire Adding ACS as Preferred Provider.docx.pdf](#)

 [Regulations Project Opening Questionnaire Dry Needling.docx.pdf](#)

The board completed both regulation project questionnaires for dry needling and adding ACS as preferred provider.

D. FY2024 Annual Report (June 20, 2024, Deadline)

 [Chiropractic Annual Report - Template 2024 \(4\).docx](#)

Motion:

RESOLVED to accept the FY2024 annual report as is.

Motion moved by Dr. Tim Kanady, seconded by Ron Gherman; motion passed unanimously.

E. Correspondence

Clarification on soft tissue mobilization techniques  
Dry Needling scope in AK

 [RFQ.pdf](#)

Dr. Larson volunteered to draft a response to the email.

 [Dry Needling documents Samuel Woolfenden.pdf](#)

Dr. Walter Campbell volunteered to draft an initial response to the email and have Dr. Larson finalize it.

F. Division Update

 [CHI FY24 QTR 2.pdf](#)

Melissa Dumas was not available to provide an update, the board reviewed the FY2024 2<sup>nd</sup> Quarter report. No action was taken.

11. Administrative Business

A. Set Next Board Meeting Dates/Board Travel

Next board meeting set for October 3, 2024, at ACS convention in Captain Cook Hotel

B. Task List

- Dr. Lloyd will attend VET Board meeting to gather information and insight to pursue a regulation project for animal Chiropractic.
- Dr. Larson and Dr. Campbell will draft responses to correspondence questions. Staff will provide them emails.
- Dr. Kanady and Debbie Ryan will work together to update the temporary license application.

12. Adjourn

Motion:

RESOLVED to adjourn meeting at 02:00 p.m.

Moved by Ronald Gherman, seconded by Dr. Kannady; motion passed unanimously.