

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 21-22, 2011

*These are DRAFT minutes prepared by the staff of the Division of Corporations, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.*

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 October 21-22, 2011 in Anchorage, Alaska.

**Friday, October 21, 2011**

**Call to Order/Roll Call**

The meeting was called to order by Dr. Heston, President at 9:00 a.m. Those present, constituting a quorum of the Board were:

James Heston, DC, President – Homer  
Daniel Holt, DC, Vice-President – Juneau  
Walter Campbell, DC, Secretary – Palmer  
Rosemary Zimmerman, DC – Anchorage

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

Cori Hondolero, Licensing Supervisor – Juneau  
KC Odell, Licensing Examiner- Juneau  
JoAnna Williamson, Investigator- Anchorage  
Susan Winton, Sr. Investigator- Anchorage  
Sara Chambers, Program Coordinator – Juneau, via conference call  
Misty Frawley, Administrative Officer- Juneau, via conference call

**Agenda Item 1 – Review Agenda**

The Board reviewed the tentative meeting agenda and made the following changes:

- Add application review of Benjamin Whitten at 9:30am
- Add discussion with Susan Winton to investigative report at 1:00pm

- Dr. Zimmerman requested approval for additional topics to her presentation on NBCE and FCLB

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

**RESOLVED to approve the agenda, as amended.**

### **Agenda Item 2 – Review Meeting Minutes**

The Board reviewed the minutes of the June 24-25, 2011 meeting and July 15, 2011 and made no changes:

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

**RESOLVED to approve the minutes of the June 24-25, 2011 and July 15, 2011 meetings, as written.**

### **Agenda Item 3 – 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:

- Joel Ingersoll #531
- Thomas Shearman #532
- Anthony Rumsey #533
- David Vukelich #534
- Caleb Craig #535

#### **Review Goals and Objectives**

The Board reviewed their goals and objectives for Fiscal Year 2012:

#### **Goal 1. Carry out assigned duties of the board:**

- Objective 1:* Conduct a minimum of three board meetings a year and to rotate the location of the meetings between different regions of the state.
- Objective 2:* Continue licensing chiropractic physicians and processing applications in a timely manner.
- Objective 3:* Review investigative reports, monitor disciplinary actions, and provide professional direction to Division investigative staff regarding disciplinary actions, probation matters, criminal history record information, and chiropractic practice.
- Objective 4:* Utilize the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic (SPEC) and Ethics & Boundaries Examination (E&B) in memorandum of agreements.

- Objective 4:* Monitor and appoint members to the Peer Review Committee.
- Objective 5:* Continue to review and process requests for continuing education credit approval in a timely manner.
- Objective 6:* Continue to administer the Jurisprudence exam concurrent with board meetings, and to include candidate interviews as part of the examination.
- Objective 7:* Make Board determinations and Position Statements, as appropriate, regarding issues affecting the safety of the public.

**Goal 2. Provide information regarding board activities to the profession and the public.**

- Objective 1:* Inform all licensees of any pending regulation changes in the customary manner.
- Objective 2:* Provide a public comment period at each meeting.
- Objective 3:* Address concerns presented by licensees and the public at each meeting.
- Objective 4:* Provide copies of agendas and/or minutes of the meetings to all who request them.
- Objective 5:* Continue to work with other licensing boards, at both the district and national level.
- Objective 6:* Continue to address the reporting requirements for domestic violence and sexual assault.
- Objective 7:* Support efforts to educate the public regarding the benefit of chiropractic care as a health care form.
- Objective 8:* Raise awareness regarding public health, emergency training, hazardous materials, and OSHA requirements.
- Objective 9:* Ensure current information is available on the Board website through regular updates by staff and regular monitoring by Board members.

**Goal 3. Continue affiliation with the Alaska Chiropractic Society (ACS) to work cooperatively in the best interest of the profession and the public.**

- Objective 1:* Encourage regular Alaska Chiropractic Society (ACS) participation at Board meetings.
- Objective 2:* Support Alaska Chiropractic Society (ACS) efforts to provide information to the profession and the public.
- Objective 3:* Support Alaska Chiropractic Society (ACS) efforts in pursuing statutory changes relevant to the profession and public safety.

**Goal 4. Pursue statutory authority consistent with the practice of chiropractic to ensure the health and safety of the public.**

- Objective 1:* Support the Alaska Chiropractic Society (ACS) in pursuing statutory authority for regulation of Independent Medical Examinations (IMEs).
- Objective 2:* Support the Alaska Chiropractic Society (ACS) in pursuing an increased fine for unlicensed practice under AS 08.20.200.
- Objective 3:* Support the Alaska Chiropractic Society (ACS) regarding the subject of physical exams for school, sports activities, pre-employment, workplace fitness, impairment rating evaluations, FAA and DOT specialties, etc.
- Objective 4:* Support the Alaska Chiropractic Society (ACS) in amending Alaska Statute 08.20.160 by removing "apparently" from verbiage.
- Objective 5:* Support the Alaska Chiropractic Society (ACS) in pursuing statutory authority for licensing chiropractic assistants, technicians, and interns/preceptors.
- Objective 6:* Support the Alaska Chiropractic Society (ACS) efforts in pursuing a statutory change to allow animal chiropractic. Work in conjunction with the veterinary Board.
- Objective 7:* Change biennial licensing hour requirement during renewal from 24hrs to 32hrs

**Goal 5. Assess and evaluate regulations:**

- Objective 1:* Continue to assess and evaluate continuing education requirements.
- Objective 2:* Continue to assess and evaluate radiological safety, professional boundaries, public health, emergency training.
- Objective 3:* Proactively make recommendations through regulations to anticipate changes in the health industry.
- Objective 4:* Develop regulations to establish a penalty for late renewal.

**Goal 6. Assess and evaluate the review process available through the Peer Review Committee:**

- Objective 1:* Refine procedures for committee review of cases and the reporting process; consider establishing criteria (guidelines) for utilization review under 12 AAC 16.430.
- Objective 2:* Direct review inquiries to the committee.

**Goal 7. 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):**

- Objective 1:* Promote attendance of continuing Board members at district and annual meetings of the FCLB to provide input and obtain information at both national and state levels regarding matters impacting Alaska Chiropractors
- Objective 2:* Work with the FCLB on maintaining a listing of Alaskan Chiropractors on the National Database (CIN-BAD).
- Objective 3:* Promote attendance of Board members at the semi-annual NBCE Part IV Examinations and Part IV Examination Review Committee meetings of the NBCE to provide input and obtain information on the Exams required for chiropractic licensure in Alaska.
- Objective 4:* Promote attendance of the Licensing Examiner at the annual meetings of the ACBA and FCLB to provide input and obtain information at both national and state levels regarding matters impacting the regulation and licensure of Alaskan Chiropractors.
- Objective 5:* Promote attendance by Board members and staff at the annual CLEAR and/or FARB conferences.

**Goal 8. Keep informed of the sunset review process for the board and to review and respond to the sunset audit report recommendations. The next sunset review is scheduled for June 30, 2014.**

Upon returning from this meeting no motion was found on record to approve these Goals and Objectives as amended. A mail ballot was sent to the board members on 10/26/11, and upon unanimous approval on 11/3/11 it was:

**RESOLVED to adopt the FY12 Goals and Objectives as amended.**

Annual Report

The Board reviewed the draft narrative statement written by Dr. Heston and supported the narrative as written for inclusion in the annual report.

Application Review of Benjamin Whitten

The Board reviewed Mr. Whitten's complete application for licensure by examination and:

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

**RESOLVED to allow Mr. Benjamin Whitten to sit for the examination on Oct. 22, 2011, and issuance of full licensure upon successful passage of the exam & payment of licensing fees.**

(Dr. Heston abstained from voting)

Agenda Item 4 – Division Updates

The Board called Program Coordinator Sara Chambers and Administrative Officer Misty Frawley to discuss travel issues, as well as the budget for which a detailed report was included in the board packets.

Dr. Heston asked why the licensing fees collected would not support the board members traveling efforts in trying and stay proactive with its regulations. Sara Chambers explained that our governmental accounting system doesn't support boards themselves setting a budget and then allocating funds to board or staff activities as they wish. Instead, the Legislature is responsible for setting a cap or limit division wide on the direct expenditures based on the statutorily required amount of in-state meetings and the recommendations made in the board's annual reports. Once a cap is set by the legislature, with involvement from the governor's office, the division is not able to spend above that amount. She reminded the board that during the last quarter of the 2011 fiscal year there was a freeze on all out of state travel because the division was about to go over the allocated amount and various boards still needed funds to hold their required in-state meetings. What the division is asking of all their professional licensing boards is that they set aside the amount needed to fulfill their statutorily required meetings and then carefully prioritize what they would like to be able to accomplish with the remaining funds at their own discretion, such as out of state travel. She went on to say, that a board may alter the cap by communicating with their legislators about the boards concerns regarding the spending authority for travel and rational for increasing that amount. The Commissioners office, as well as the Deputy Commissioner is well aware of this issue since multiple licensing boards have brought it to their attention and are being affected by the limit in place.

Dr. Holt asked how the board could go about initiating that process. Sara welcomed the board as a whole or an individual member to contact their legislators or the Governor's office. However, the complication with this is that the Department of Commerce and Division of Professional Licensing have their own ways of making those requests and cannot be associated with any board efforts to do so. Therefore, any direct request or lobbying done by the board is done solely on their behalf and cannot be joined by the Department of Commerce or Division of Professional Licensing. Sara then reiterated that

the Board of Chiropractors is not alone in this issue and that many boards would like to see the travel budget increased with very good reasons which have been addressed more than adequately in the annual reports from this past fiscal year. As the governors appointee's, board members have a unique influence to express these types of concerns regarding their profession. And the division just asks that as partners in licensing the public both board members and division employees keep each other up to date in their lobbying efforts. This would keep the message as a whole unified and thus stronger, as opposed to multiple efforts being made in different ways, by different boards, in different language thus confusing the legislators and diminishing the overall argument.

Dr. Heston asked about the travel formula and where the \$700 starting point per board member per number of meetings came from; stating that that formula wouldn't even cover the cost of their in-state required meetings. Sara informed the board that the average cost of board member travel was taken across all professional licensing boards to come up with a starting point by Director Habeger. Actual cost and amount available from the legislature was then taken into consideration to compare with what each board had requested. Taking all of this into account Director Habeger then recommended the fiscal year 2012 travel budget which for the Chiropractic board is: \$13,500. This amount is almost a six thousand dollar increase from the previous year's actual cost which was \$7,684. This amount takes into account the board members travel only and not the state employees cost in support of the board. This amount was intended as a working number to address the growing concern many boards had about what the 2012 fiscal year would look like. This way the division could manage the travel expectations while concurrently working to increase that budget and find ways to make that number grow in future years. The division has already calculated that it will not be able to support every boards out of state travel requests simply because that would put the overall travel budget for the division half a million dollars over what has already been approved. Therefore, it is the task of each individual board to prioritize early on in the fiscal year what meetings they wish to attend out of state and schedule their statutorily required meetings accordingly. The earlier and the more specific this internal meeting prioritization can be communicated to the division the better understanding and more effective our lobbying to the Commissioner's office can become to raise the amount budgeted.

The Chiropractic boards concern however is that a majority of the out of state travel taken is reimbursed via third party, and that reimbursement doesn't return to the Chiropractic travel budget. They also wouldn't be able to pay individually and be reimbursed because that constitutes an ethics violation of being a board member, and would still need to be approved through the division because of travel and liability issues that arise while traveling as a state licensing board member. This is a concern that both the Director and Administrative officer will be looking in to and will try to determine the rational for our governmental accounting system working that way, and determine alternatives for such reimbursement in the future. The Chiropractic board shared their frustration with Sara and Misty about the fact that they feel as though they are paying for the privilege to do the job in which they are tasked. That job being to enhance the Chiropractic profession and educate its licensee's by attending these yearly educational meetings and seminars for which the organizations holding them pay for the board members to attend. A payment that isn't returned to the board's account which was specifically set up for this purpose.

Dr. Zimmerman brought to Sara and Misty's attention the fact that if the board members were serving on the same board for all but one other state in the union (Alaska and Pennsylvania) they would have received an honorarium from the National Board of Chiropractic Examiners (NBCE) totaling around \$5,000 directly. This honorarium would more than pay for the trips which are now being threatened, however this money has been dissolved into the "general fund" instead. This amount is in addition to the third party reimbursement funds being given to the state for traveling to these meetings.

Dr. Heston moved on by addressing the detailed budget report prepared by Misty, specifically entity number 73812 Intra-agency legal which totaled \$14,931.58. The board was informed that when investigations or concerns from the public are pursued and turn into consent agreements and/or licensing discipline that is considered legal expenses. The board had not seen such detail before pertaining to its budget and asked if even more of a breakdown could be requested about certain expenses. Misty had discussed just that, earlier in the day with Administrative services and informed the board that to go into such detail for each line item for a complete fiscal year would take immense staff time and labor. Sara informed the board that the divisions management team was looking in to entering the law bills into an internal spreadsheet to track the detailed time spent on legal fees. Director Habeger has spoken with the Director of the Department of Law and asked that more specific and consistent legal billing formatting be provided by them. This would help the Division provide a better account of that information to the multiple boards, hopefully to the point of a case by case basis.

Dr. Heston then referenced entity number 72420 Non-Employee travel on the detailed budget report, asking if that was considered the boards travel expense or the expense for state employees in support of the board. Misty read it as the board members themselves traveling since the state employees in support of the board are listed under entity number 72110. This is a conflict relating back to the honorarium which Dr. Zimmerman mentioned earlier. The NBCE considers the Alaska Board of Chiropractic Examiners members, to in fact be, state employees thus causing the ethics violation that disqualifies them for such an honorarium. Therefore, if this could be clarified by the division then perhaps that money would be accessible to the board in the future. After reviewing the detailed budget report and considering the "starting point" given by Director Habeger the board would like the Division to consider raising the amount from \$700 per member to \$1000 to provide a more viable travel budget. This amount would also provide funds for additional training via the Federation of Associations of Regulatory Boards (FARB) conference for newly hired licensing examiner KC Odell.

#### Renewal Issues:

Dr. Barry Matthisen, DC joined the meeting to address the Board regarding his request to have his license effective date listed as 1/1/11 instead of the date determined by the Division.

Dr. Matthisen stated that he was not aware after sending his application in December 2010 to the division that any other documentation was required regarding his continuing education. When he received a lapsed license letter from Mr. Odell in August of 2011 he

immediately contacted his office manager to see that his application had been submitted. He then promptly sent all documents required to complete his renewal application. However, once he received the license in the mail it was listed as effective 8/23/11 since all proper documentation had not been received until that date. He was then instructed to draft a formal request addressed to the board asking that his license be back dated to the beginning of the year which he also promptly submitted to the division.

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

**RESOLVED to backdate the renewal of Dr. Barry Matthisen to January 1<sup>st</sup>, 2011.**

### **Agenda Item 5 – Alaska Chiropractic Society**

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

- Debbie Ryan – Executive Director
- Chelsea Haponski, DC – Vice-President
- Ed Barrington, DC – Chair of the ACS Medical/Legal Committee

Dr. Barrington came before the board to update them on the activities of the ACS legislative committee. The committee has been reviewing the model practice act which was last reviewed statutorily in 1988 or so, and has found some issues which could be changed in line with the ACA's understanding of the model practice act, but not in its entirety. These meetings are being held confidentially within the committee because they do not wish to cause a debate publicly, which they feel would not be beneficial to anything. They do have some draft proposals almost ready to go, but their main focus has been on the Governor's commission. Chiropractors were left out of this commission however the committee has become actively involved in finding out how they envision Chiropractors as a participant. The fear is that they will see Chiropractors as a single service profession, which of course they are not. Direct proposals are on hold until response is given from the health commission committee.

Secondly, Dr. Barrington wanted to update the board on the growing prescription drug issue. The World Health Organization is coming up with programs to start regulating things that people eat including Vitamins. They are trying to take "Mega-Doses" of vitamins off the shelves which may be appropriate because such supplements should be taken under the supervision of someone that understands them. And it is important to the Chiropractic profession that Chiropractors don't lose their authority in this arena. In the next year or two "Codex Alimentarius" will be implemented in this country and is already effective in Europe. "Codex" makes it very difficult for the public to get a hold of vitamins or other types of nutraceuticals over the counter. Because of this awareness the ACS committee began to look at the regulation regarding "Prescription Drugs" which was basically a single statement which could easily be modified to include something along the lines of: "prescription drug means this..., but does not



include these things..." Dr. Barrington would like to submit language to the board (not currently but in the near future) similar to that of what is being used currently in the Naturopath regulations. This would allow Chiropractors to maintain their authority with nutrients until more concrete statutory changes can be looked at. The Board agreed that chiropractors should be protected in this regard, and encouraged Dr. Barrington to submit a regulation change that could be added to 12 AAC 16.990 (b)(1) as letter (C). However, this may also constitute a statutory change since it refers to AS 08.20.900.

Dr. Chelsea Haponski updated the board on the activities of the Alaska healthcare commission who held a meeting a week prior. Dr. Haponski made a presentation at that meeting informing the commission how Chiropractors could help with the shortage of healthcare providers within the state. Another presentation being made was by the Alaska Health Workforce Coalition regarding areas where they found shortages and vacancies for healthcare providers around our state. Part of this presentation was a list of health care occupations, but it did not include Chiropractors on it. The society plans on approaching them in the near future about being included in their work and future reports to the healthcare commission. A problem that the workforce coalition has found is that there are many locum workers coming into the state temporarily. Dr. Haponski reminded them that Chiropractors could help with this issue because in most cases when a chiropractic physician comes to a community they stay there long term.

Ms. Ryan provided some general comments to the Board and reported on the following ACS activities:

- Best practices training is still being worked on
- The 365 day recoupment rule was signed on October 16<sup>th</sup>, 2011 by the head of the Department of Insurance. Mrs. Ryan is planning on meeting with her again after she returns from a vacation regarding recoupment's still being received where the amount of a patient's bill is being reduced due to improper payment.
- The new association software should be live by the end of the year.
- The society is still on track with the journal clubs.
- The Alaska board of workmen's compensation met with Mrs. Ryan in attendance. The main concern of that meeting being budget issues.
- A new fee schedule is out with changes to the codes. Ingenix.com is the company that the state has contracted with this task and where a copy of the schedule can be requested.
- The society has been holding monthly webinars with the Workmen's compensation board, and was told that chiropractors are one of two professions that are correctly using work comp reports.
- The possibility of Health insurance exchange is being worked on by the Governor and the Division of Insurance; the society will do its best to have a voice in this as well.
- The ACS convention will be held on October 5-7<sup>th</sup>, 2012 at the Captain Cook hotel in Anchorage. A new format will be introduced where physicians can pick

and choose between multiple sessions going on at different times. Giving them a more customizable convention experience.

- Obama-care has somewhere around 26 items that need to be accomplished before the end of 2012. The society, as well as the board needs to prepare themselves for the changes being made within the healthcare industry.
- Dr. Kurt Hediger was not able to attend the meeting to talk about CA training. Mrs. Ryan informed the board that the society is still working on this.

### **Agenda Item 6 – Statutes/Regulations**

The Board discussed the process to change and adopt statute and regulation changes. The areas they wished to address were: increasing the continuing education hours required for renewal to 32 hours, nutraceuticals which Dr. Barrington will be submitting language for, cleaning up statute language on physicals per Dr. Hediger's request, and whether or not animal chiropractic would require a change in both Veterinary statute and/or Chiropractic statute. They determined that both would require adjustment.

Dr. Campbell, who was representing the Chiropractic board at the most recent Veterinary board meeting, suggested that Chiropractors be called in as Veterinary assistants thus practicing under a particular Veterinarians license. Dr. Zimmerman reminded the board that Dr. Todd Palmatier of Pet Stop in Anchorage once tried to get these changes made. The issue being, how the Chiropractic board would regulate and discipline licensees while practicing under another type of license. Were this to happen the liability would then fall on the Veterinary board to settle any legal fees. The language used in Montana statute regarding animal chiropractic, which was also approved by Oregon, Oklahoma, Nebraska, and Colorado could be used as a better example. It is "camera ready" as Dr. Zimmerman put, and would help to streamline the process of having this adopted in our state. Dr. Campbell requested a copy of this language so he may forward it on to the Veterinary board for their review.

The Board recessed for lunch at 11:58 p.m.  
The Board resumed the meeting at 1:17 p.m.

### **Agenda Item 7 – Investigative Report**

JoAnna Williamson and Susan Winton joined the meeting to review the following investigative report. Mrs. Williamson informed the board that since creating the memo included in the board packets the one open compliant had been closed with no violation being found.

#### **Open Complaints:**

2011-000661	Misrepresentation	Closed - No Violation
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#### **Open Investigations:**

N/A

Activity Since Last Board Meeting:

2011-000660 (Unethical Conduct) - No action/ Lack of Jurisdiction

2011-000535 (Other) – No Action/ Lack of Jurisdiction

Mrs. Winton presented the board with information regarding an “Imposition of Civil Fine without censure or reprimand” which has been adopted by multiple licensing boards including medical. It is a way to provide the board with an intermediary level of discipline between a fine and a reprimand. It is not reported to the National practitioner databank, therefore there are no dramatic impacts on a licensee’s career such as: a limited patient population, in some cases inability for licensure in certain states, and most hospitals either not allowing them privileges or limiting their privileges within the hospital. This fine is only applicable to cases not involving delivery of patient care, such as: paperwork errors or technical violations putting it more in line with other states in terms of the punishment fitting the crime. The Medical board has set up “Disciplinary Sanctions guidelines” which provide their board with historical precedence on which to base their punishment or fine for similar or identical cases. It was recommended to the board that they create their own schedule of fines which they could adjust on a case by case basis as long as any new penalty was designated differently to remain consistent as a board.

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

**RESOLVED to adopt the Imposition of Civil fine without censure or reprimand, not retroactive, and only in cases not related to the delivery of patient care, as of October 21, 2011.**

**Agenda Item 8 – State Exam**

Dr. Mulholland was not available to discuss the oral interview process and the historical background on the reimplementation of it. Dr. Heston would like to see the Chiropractic board come more in line with the age of technology we live in. He proposed that the exam currently being used could be submitted to “mycourse.com” (an online testing agency) so that the candidates could study and test in their own homes saving on their own travel costs. The oral exam requirement could be changed by allowing the candidates to meet with the board within their first year of practice during a scheduled meeting, and the meetings themselves could be held permanently in Anchorage as it is centrally located within the state. As a part of this change the board would also like to see the amount of time taken to meet changed from two days to one to help with travel cost savings and abandonment of board members practices. Oral interviews could also eventually be done via Skype as an alternative, but that could interfere with scheduling of meetings simply because not every conference room in the Anchorage office is wired for video communication. The board wanted to consult with Mr. Jun Maiquis about how they could go about making these changes possible, but they were not sure where to begin. They determined to review their rule book regarding the examination to see what changes if any need to be made. There could be a contract through procurement that needs to be written so that a third party could test

applicants on behalf of the division. This change would also eliminate the need for a temporary permit because once the board approves an applicant for licensure they would immediately be able to take the exam. The division could control who is able to take the exam perhaps by controlling the log in information or some other means of identification for the "mycourse" site, or this could be addressed by some other means in the contract previously mentioned.

### **Agenda Item 9 – National Board of Chiropractic Examiners**

The Board reviewed the schedule of upcoming testing dates for 2012. Dr. Heston and Dr. Holt will be attending the Part IV testing in Minnesota and Oregon respectively on November 11<sup>th</sup>-13<sup>th</sup>, 2011. Part IV testing dates next year are: May 18<sup>th</sup>-20<sup>th</sup>, 2012 and November 9<sup>th</sup>-11<sup>th</sup>, 2012. The Part IV test writing committee will meet in Greeley Colorado on June 8<sup>th</sup>-9<sup>th</sup>, 2012.

Dr. Zimmerman was in Montana for the District I and IV meeting of the Federation of Chiropractic Licensing boards. The notes and overview for which is online at the federations website. The big news was that the customized ethics and boundaries exam now includes an essay portion which shows if an applicant understands the full content of what is being asked. Another issue was online continuing education courses and whether there was sufficient supervision that can confirm applicant's attendance for the total hours attended. It cannot be assumed that because an online course is college certified it is being supervised. Certain schools have been "rubber stamping" course approvals for payment to do so. There will be a Chiropractic assistant pilot exam held on March 2012. This will be the first of its kind in our state, and is very exciting for the chiropractic community. Diplomate boards now are having NBCE prepare their examinations which is good because they will be unbiased exams not created by the board who is certifying them. The first of these boards is the Clinical board of Clinical Nutrition their test committee met May 2011 intending to create a more credible examination. In addition, the Pediatric board and Neurology board have also inquired about this.

### **Agenda Item 10 – Federation of Chiropractic Licensing Boards**

Dr. Zimmerman announced that there is a new District I director: Donn Fahrendorf, D.C. she went to provide a direct phone line for the Executive director of FCLB Donna Liewer which is: 888-800-9571. Also, she encouraged board members to donate items for the Denim & Diamonds fundraiser which she has donated a signed print of a water color painting by Teresa Ascone to be taken by Dr. Heston to the annual meeting.

Dr. Zimmerman then provided the Board with her report outlining the topics discussed at the annual meeting along with an agenda from that meeting:

- Continuing District meetings in "Hub" cities less often
- Model Practice Act will designate Chiropractors as Physicians
- PACE program has been dropped from \$10,000 to \$2,000 for profits and decreased to zero for schools and states making it much more functional.

- Trends in lower 48 and how it may affect the rest of the country. Nevada has reported a decrease in renewals of licensure most likely due to the economy.

### Upcoming meetings

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

FCLB Annual Meeting, May 1-5, 2013 in San Francisco, California.

### Agenda Item 11 – Public Comment

Dr. Robert VanZweeden was present to address the board about a few concerns. He was curious if there was a profile of what an acceptable fee schedule for the State of Alaska would be. The board informed him that their concern with something like that would be price fixing, and informed him that there haven't been any complaints they could recall about fees in the state.

He also asked if there was licensing for Manipulation under Anesthesia (M.U.A.) in the state, which there is not. Dr. Zimmerman referred him to Dr. Trevor Ireland who was a member of this board in the past and would be able to explain further why that was not approved in our state.

Lastly, Dr. VanZweeden asked about Chiropractic Assistant licensing which the board told him they have been working on for some time and even discussed it earlier in this meeting. It should be a part of the program within the next few years.

### Agenda Item 12 – Massage Therapy Board Formation

Ms. Angelique Conrad joined the meeting to update the board on the activities of the American Massage Therapy Association (AMTA). Since the last time the board had spoken with AMTA they have met with the nursing board to request their support in forming a professional licensing board, they plan on scheduling to meet with the Medical board next. They have also spoken with Senator McGuire who has given them his support and offered to help in writing the bill as soon as they are ready to submit it. In December they will be sending a legislative packet to their members to inform them that they will be having a meeting in the middle of January 2012, and to inquire about who is willing to get involved with all the massage therapists at that meeting so that a large group can come together and determine if everyone is on board with what they will propose to the state. The board shared their concern that the language of the statutes they have written so far are "watered down" and exclude many people who do bodywork but don't wish to be called Massage Therapists. Ms. Conrad reminded the board that that is exactly why they are going to meet in January: to revise as a group what is written and form a more unanimously approved draft for proposal. Their license fee has not yet been decided, as well as, the date of their meeting in January. The AMTA is planning on using the Florida Massage Therapy board statutes as a model which is more comprehensive.

The Board agreed to take a short break at 2:59pm

The Board resumed the meeting at: 3:30pm

### **Agenda Item 13 – Peer Review Committee**

The Board had nothing new to report involving the Peer Review Committee.

They did express concern about the public being directed towards the Investigative unit on the divisions website as opposed to the Peer Review Committee which they feel is not being utilized the way they had intended. They would like a link placed on the main page of the Chiropractic section under Professional licensing. As it is published currently the Investigations/Complaints link is listed under the Licensing examiners contact information. They would like that link to be replaced with a heading that states: Complaints/Peer Review: To file a complaint or to bring a matter pertaining to the actions of a licensed or unlicensed chiropractor to the attention of the board, please use the following form to request for Peer Review: (a link for form number #08-4371) You may also use the investigations link above for involvement by the Investigations staff. (The link already published in blue will be sufficient and nothing further needs to be listed before the “Be Advised” warning below on this page)

The board agreed that the fee for Peer Review will be removed from regulation 12 AAC 02.150 (b) as well as, 12 AAC 16.420 (a) (2) in their next public notice to be approved at their January 2012 board meeting. However, because of budgetary concerns they have tabled the motion to do so until then, so they can agree upon other issues to include in a comprehensive public notice.

### **Agenda Item 14 – Continuing Education**

The Board discussed changes they wish to make regarding the amount of hours required for renewal in the next licensing period. They have agreed that the total amount of hours required should be raised to 32 hours from 24, and that no more than half of those hours can be earned through online or correspondence courses. Where their opinion differed was how to designate the amount of hours required for Coding and Documentation. Other specific designations are: at least 8 hours and no more than half of the total hours dedicated to X-Ray or radiation services, and 2 hours dedicated to Ethics and Boundaries review. When they continue with this process and are ready to send the public notice they will also be removing the last sentence of regulation 12 AAC 16.350 to allow for the expanded online or correspondence course hours.

### **Agenda Item 15 – Concussion Legislation**

Dr. Dan Larson joined the board to discuss the House bill 15 legislation relating to prevention, evaluation of, and liability for concussions in student athletes. He updated the board on the activities and meetings of the Alaska School Activities Association (ASAA) and the Sports Medical Advisory committee. He also shared the Sport Concussion Assessment Tool (SCAT) 2 form with the board which is a tool to assist in

evaluation of symptoms, and explained how local high school programs can and are utilizing it.

### **Agenda Item 16 – Animal Chiropractic**

Dr. Campbell gave the board an overview of the Veterinary board meeting that took place via teleconference on Oct. 7<sup>th</sup>, 2011. The Department of Law has been asked by the Veterinary board to look at their scope of practice and let them know what will be allowable for referral to non-veterinary healthcare professionals. Both boards want to include chiropractors in the care of animals, and both boards agree that it should take place under the Veterinarians license. Dr. Campbell feels that Chiropractors shouldn't encroach on the Veterinarians scope of practice in the treatment of animals; they should be allowed to work with them and provide another avenue for treatment. The only conflict that arose was compensation for care and how the payment would be settled amongst both physicians. Overall it was a successful meeting and once the scope of practice is more clearly defined by the Department of Law both boards will be able to make this a possibility.

The meeting was adjourned at 4:56 p.m., until Saturday, October 22, 2011.

### **Saturday, October 22, 2011**

#### **Call to Order/Roll Call**

The meeting was called to order by Dr. James Heston, President at 11:34 a.m. Those present, constituting a quorum of the Board were:

James Heston, DC, President – Homer  
Daniel Holt, DC, Vice-President – Juneau  
Walter Campbell, DC, Secretary – Palmer  
Rosemary Zimmerman, DC – Anchorage

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

Cori Hondolero, Records & Licensing Supervisor – Juneau  
KC Odell, Licensing Examiner - Juneau

### **Agenda Item 17 – Audit Review**

The board has decided to postpone the audit review and take the provided packet and voting slips home with them for review. They will then fax or mail their votes to the division within ten business days of adjournment of this meeting.

### **Agenda Item 18 – New Business**

The board further discussed the Regulatory changes they intend on making regarding the Continuing Education hours required for renewal. It was decided to table all regulatory changes until the next meeting when they will review other states trends and decide what they would like the increase in hours to involve. This was decided so one comprehensive public notice could be sent out to the licensees.

The board members then moved on to discuss having their board packets in digital format. This would allow the members to utilize their Ipad technology, as well as, decrease labor time in creating multiple physical copies of board packets. A physical copy will still be made for the Licensing examiner to keep on file at the Division office and one for the public at each meeting, but all board members will receive packets along with any last minute inserts in "pdf" form. Board members requesting to receive their packet in paper form will not be denied, but unless specifically requested they will be sent digitally.

**Upon a motion made by Dr. Zimmerman, seconded by Dr. Campbell, and unanimously approved, it was:**

**RESOLVED that all formal documentation required for a meeting including all follow-up additional files will be sent to board members as a "pdf" file, and if someone requires a hard copy they will request it.**

The board then continued their discussion on travel and the scheduling of board meetings. Dr. Campbell had an estimated amount of savings at around \$2500 if the board were to switch from three one and a half day meetings to four one day meetings per year. Further savings could be attained by having one of those four meetings held via "go-to meeting" or by teleconference. Statutorily the board is required to have two meetings a year, and it is purely at the discretion of the board if they choose to hold more than that or change the length of those meetings.

### **Agenda Item 19 – Correspondence**

The Board reviewed various correspondence items and articles included in their Board packets. There were no items requiring a Board response.

### **Agenda Item 20 – Administrative Business**

#### **Meeting and Exam Schedule**

The Board established the following 2012 meeting and exam schedule:

- January 20-21, 2012 in Anchorage  
*(This meeting was changed to January, 27-28, 2012 per board approval on Oct. 28<sup>th</sup>, 2011)*
- April 20-21, 2012 in Juneau
- September 7-8, 2012 in Anchorage

#### **Sign wall certificates**



- Omid Rahmanian #521
- Elliot Woodmansee #522
- Jean Hulbert #523
- Joel Ingersoll #531
- Thomas Shearman #532
- Anthony Rumsey #533
- Caleb Craig #535
- Ben O'Dell #536

Sign TAs and collect receipts

Board members signed Travel Authorization forms and will submit receipts.

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

**RESOLVED to adjourn the meeting.**

There being no further business,  
The meeting adjourned at 12:33 p.m.

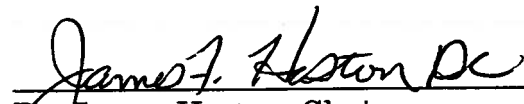
Respectfully Submitted:



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KC Odell  
Licensing Examiner

Approved:



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Dr. James Heston, Chair  
Alaska State Board of Chiropractic Examiners

Date: 1-28-12

