

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  
April 20-21, 2012**

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 April 20-21, 2012 in Juneau, Alaska.

**Friday, April 20, 2012**

**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  
Renee Robinson, Public Member – Anchorage

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

KC Odell, Licensing Examiner- Juneau  
Sara Chambers, Program Coordinator- Juneau  
Misty Frawley, Administrative Assistant- Juneau

**Agenda Item 1 – Review Agenda**

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

- Add a discussion of Pre-Participation Sports Physical Exams to agenda item #15

**Upon a motion duly made by Dr. Zimmerman, seconded by Dr. Holt, 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 January 27-28, 2012, and made no changes.

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

**RESOLVED to approve the minutes of the January 27-28, 2012 meeting, as written.**

### Agenda Item 3 – Board Business

The board wanted to take this opportunity to thank not only Verdie Bowen but also Jeff Garness, their last two public members for their service. Dr. Campbell and Dr. Zimmerman, respectively, will be drafting thank you letters to be sent on board letterhead to them.

#### Ethics Reporting

There were no ethics conflicts to report

#### Ratification of New Licensees

The Board reviewed the list of new licenses for ratification, including:

- Lauren Bah #547
- Richard Oesteritter #548
- Dalila Nasserri #549
- Gregory Madden #550
- Genevieve John #551
- Robert VanZweeden #552
- Joshua Prange #553
- Richard Morris #554
- Wesley Moore #555
- Dennis Young #556
- Dwight Shaneyfelt #557

#### 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.

**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.

**\*Remove\***

**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.**

The board decided that goal five objective four should be removed from the fiscal year 2012 goals and objectives.

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

**RESOLVED to approve the 2012 Fiscal Year Goals and Objectives, as amended.**

The board reviewed the Narrative Statement and Recommendations of Proposed Regulation answers that Dr. Heston drafted to include in the upcoming FY12 Annual Report. Dr. Heston was able to obtain an opinion from Judy Bockmon an Ethics Attorney with the Department of Law, that would allow Chiropractic Board members to receive not only the continuing education hours provided by the National Board of Chiropractic Examiners (NBCE) when they attend district meetings and examinations, but also the honorarium provided to the department would be able to remain in the Chiropractors allocated fund. This issue is very important to the board members as they are tired of not being able to use the money and education they are obtaining through their National Organization.

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

**RESOLVED to approve the 2012 Fiscal Year Annual Report Narrative Statement and Recommendations for proposed regulation, as written.**

#### **Agenda Item 4 – Investigative Report**

Margo Mandel joined the meeting via telephone to review the following investigative report. She informed the board that since she sent the report to the licensing examiner for this meeting she has received another complaint, and asked if a board member would be willing to review it and judge whether it would merit further investigation. Dr. Heston had done that before and volunteered to assist her.

##### Open Complaints:

2012-000286 Forwarded to the Peer Review Committee

##### Open Investigations:

2012-000367 Active- Opened 3/30/12

##### Activity Since Last Board Meeting:

None

The board recessed for a short break at 10:30am

The board resumed the meeting at 10:45am

#### **Agenda Item 5 – Peer Review Committee**

The board reviewed their Peer Review Committee roster and found a regulatory discrepancy regarding the amount of time a committee member is allowed to serve and the amount of time the current members have already served. Regulation 12 AAC 16.410 states: "(a) Members of the peer review committee are appointed for staggered terms of two years." and "(d) A member of the peer review committee may not serve on the committee for more than four consecutive years." After the meeting had adjourned the licensing examiner researched what had happened historically with the committee

members term dates. Unfortunately there had been a few errors with keeping the committee up to date on its member's terms of service which caused there to be only two active members serving on the committee in June of 2008. This is when former licensing examiner Debora Stovern informed the board of the error and the board immediately took action by extending the terms of Ms. Martha Summerfield and Mr. Mark Barbee to Jan. 18, 2011, they originally had been appointed on Jan. 18, 2008 so this granted a three year first term under special circumstances. They also appointed Mr. Gregory Culbert and Mr. Steven Messerschmidt to a staggered term that would've started on Jan. 18, 2008, but actually started in June of 2009, the end date for their terms was set as Jan. 18, 2010 but really should've been June 26, 2011. This action kept the committee in line with regulation, but also made things a little more confusing. Dr. Culbert and Messerschmidt were then reappointed in February of 2010 to a term ending on Jan. 18, 2012, and Dr. Barbee and Ms. Summerfield were reappointed in February of 2011 to a term ending on Jan. 18, 2013. Dr. Barbee and Ms. Summerfield's reappointments at the February 2011 meeting should've been to terms ending on Jan. 18, 2012 though since regulation states a committee member may not serve for more than four years consecutively, which this action violated. It is the current licensing examiner's opinion that Dr. Barbee and Ms. Summerfield are no longer able to serve on the peer review committee until Jan. 19, 2014 at the earliest; and Dr. Culbert and Messerschmidt, should they wish to remain on the committee, should have term end dates set on June 26, 2013. Dr. Heston has been working with the other board members to search for two candidates to fill out the peer review committee roster. As soon as the committee is set the lead member will be forwarded the packet of information on the pending complaint sent from investigator Margo Mandel.

Renee Robinson brought up a good point to the board by pointing out that there was no language in any of the regulations governing the peer review committee that stated committee members should have to submit a background check, or stating that they could not serve on the committee if they have prior complaints or peer review investigations on their professional license. The board thought that this was a good idea, but it would only be necessary for the public member since licensed chiropractors in our state are already subject to a background check. The stipulation that they couldn't serve if they had past investigations on their license is unnecessary as the board members themselves should be looking into that during the selection process. The board decided that no regulation change regarding this was necessary at this time and will be working diligently in the weeks following this meeting to find members to serve on the peer review committee.

### Agenda Item 6 – Alaska Chiropractic Society

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

- Debbie Ryan – Executive Director
- Sheri Ryan – Executive Assistant
- Ed Barrington, DC – Chair of the ACS Medical/Legal Committee

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

- The society has been extremely busy trying to introduce itself as much as possible, since the number one complaint they hear from Chiropractors in our state is that they are not represented in the healthcare industry. They have begun mentioning Chiropractors and ACS in every conversation with the Health insurance exchanges, the Alaska Health Workforce Coalition, and the Alaska Governors commission to study healthcare. One of these conversations lead to Debbie Ryan being invited to an Anchorage School District meeting which introduced her to a new program that they are developing and hope to spread to other parts of Alaska. The program introduces students to approximately nineteen different classes that introduce them to healthcare terminology, science classes related to healthcare, and incorporates guest lecturers/teachers who work in a particular field who come and spend a day with the students educating them on their particular profession. They are also working with the Department of Labor to then offer these students summer internships or part time positions so they can learn what goes on in different healthcare fields. Currently this program will exclusively be in Anchorage since they are just getting it off the ground, but the Department of Labor would like to see it implemented in all areas of Alaska, and there is certainly enough interest to spread it throughout the state. When the students are eligible for employment through the Department of Labor they receive background checks, complete resumes, they have experience typing and using computers so that anyone willing to have one of these students intern with them would have a wealth of knowledge about each applicant. The board thought this was a great idea and is excited to see it get off the ground. Debbie Ryan mentioned she will be pursuing having one of these students join ACS for the summer and could share more about the process of the program with the board at their next meeting.
- Dr. Slavek from the American Chiropractic Association (ACA) had a conversation with Debbie Ryan about the addition of a form to the ACS website that would assist chiropractors in the state with any difficulties they may be having regarding insurance companies. The form that will be available soon could be attached to the patient's paperwork and would provide a synopsis of what is being done so that a chiropractor can send it to ACA for review and possible assistance with an insurance company. The ACA would also keep record of this information so that National trends can be observed with different insurance issues.
- Congress of Chiropractic State Associations will be holding their convention on November 8-10, 2012 in Buckhead, Georgia. Dr. Zimmerman expressed an interest in possibly attending as she had already made plans to be in the area around that time for personal reasons.
- The ACS convention will be held on October 5-7<sup>th</sup>, 2012 at the Captain Cook hotel in Anchorage. The 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. Debbie asked if the application for approval had been received and it had, but not yet reviewed by the board members.

Dr. Ed Barrington updated the board on the activities of the Legislative committee. He started by informing the board that they have tabled their revision to the practice act which they first informed the board about at their January 27-28, 2012 meeting. Instead they have been working on the language of: 12 AAC 16.990 Definitions, in relation to prescription drug and vitamins. Naturopaths have similar concerns with regard to their natural supplements being converted to prescriptive authority and have submitted a bill which was eventually stopped somewhere along the legislative process. Dr. Barrington shares the same concern as the board in that the national trend seems to be a movement toward prescriptive authority being implemented for all vitamins and nutrients, and the board must begin to protect our profession so that chiropractors can continue to practice in the way that the patient will benefit the most. Dr. Barrington continued by informing the board he has asked the ACS executive committee to allow him to meet with the Naturopaths so he may discuss common interests.

Dr. Barrington moved on by informing the board that there is in fact a medical legal committee of the ACS which handles legal issues regarding chiropractors. The committee began to handle these issues when the medical community decided they were uncomfortable providing medical legal rulings on licensed chiropractors, especially since they were so sparse. The ACS medical legal committee consists of six licensed chiropractors practicing in the state on a volunteer basis. There have been two instances in the past year that have been forwarded to this committee. Members of the committee are allowed to interview witnesses and are given court documents for their professional review and then asked questions about what they've read. The court makes the final ruling in other words. This committee could possibly join forces with the peer review committee to fill out their roster. The board requested Dr. Barrington forward a list of those committee members' names so they may be contacted about peer review committee involvement. Having no other topics to discuss the board thanked the ACS for their time and hard work and moved on to the next agenda item.

### **Agenda Item 7 – Proposed Regulatory Changes**

The board began discussing their most recent regulation change to 12 AAC 16.290, 12 AAC 16.350, 12 AAC 16.420, and 12 AAC 16.430. The focus of the conversation being on 12 AAC 16.290, Hours of continuing education required, since that is the biggest part of the change they're making. They did not understand why coding and documentation was sub-sectioned along with ethics and boundaries and Cardiopulmonary resuscitation underneath their new requirement for X-ray and Radiographic technique. The board asked if they were to make a slight change to the way that regulation 12 AAC 16.290 is formatted would they need to resend the entire regulation change for public comment? The licensing examiner had asked Jun Maiquis the very same question earlier in the week and the answer is no. They were informed that if they were to add any language to the regulation then it would need to be resent for public comment, but a formatting issue would not need to be resent. The board then began working on how they could reformat what was written into what they had intended. After a few ideas had been discussed Ms. Robinson suggested the language relating to the licensing period we are currently in be grouped together in section (a) of

12 AAC 16.290 and the new language relating to the increased hours be grouped together in (b). This seemed to make the reading of the change much more understandable, and grouping it together would also aid in removing the old language in 2013 once the current licensing period is over. The board decided to pick this up later in the meeting as they had found a good idea, but were becoming hungry and an organ had started playing outside the meeting area making it quite hard to concentrate.

The Board recessed for lunch at 12:05 p.m.

The Board resumed the meeting at 1:30 p.m.

### **Agenda Item 10 – National Board of Chiropractic Examiners**

Due to time concerns the board decided to skip ahead on the agenda to keep their appointment with Ms. Judy Bockmon, an ethics attorney with the Department of Law, who then joined the board to discuss the member's attendance at National Board of Chiropractic Examiners events. Board members from around the country attend district meetings and testing dates; the NBCE then repays them with continuing education hours, and honorariums that are supposed to reimburse the travel cost to attend said events. In the State of Alaska however this does not happen and the board members have requested Ms. Bockmon's opinion on whether or not there is an ethical issue that is preventing them from receiving them. She submitted an eleven page written statement to the board, that was later included in the board packet, stating that she did not believe there was any sort of ethical violation to receiving honorariums or continuing education hours for attending these events. The board thanked her for her work and thought that she had finally brought some common sense to the issue with her statement. The board asked her if this opinion would relate to any other professional licensing boards, but through a discussion she had with Director Habeger, she did not believe it would since Director Habeger did not know of any similarly situated board. Dr. Campbell asked if this opinion would apply at all to retroactive honorariums that should've been accepted in the past. Ms. Bockmon had not considered this, and is not an authority on the controlling of state funds, but she thought that moving forward the board should absolutely be allowed to accept the honorarium. Dr. Heston thought that to accept the honorariums offered by NBCE our board would still need to make a regulation change to 12 AAC 16.340, and after they had gotten off the phone with Ms. Bockmon started to look in the regulations to see where this language could be added.

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

**RESOLVED to add to regulation 12 AAC 16.340 a subsection (a)(1)(D) to read "National Board of Chiropractic Examiners (NBCE)."**

Dr. Zimmerman, through browsing the statute booklet, found that there were some minor discrepancies with regulations she had thought were already removed yet were

still in the regulations. The first of which being in Regulation 12 AAC 16.048 (b)(1), she had thought that she had changed: "American Chiropractic Association Sports Council" which does not exist apparently, to: "American Chiropractic Board of Sports Physicians" the same organization that is listed in (a)(7) of the same regulation. The board agreed that this change should be made and;

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

**RESOLVED to replace "American Chiropractic Association Sports Council" in regulation 12 AAC 16.048 (b)(1) with: "American Chiropractic Board of Sports Physicians."**

The other discrepancy was with 12 AAC 16.430 Professional Standards and Guidelines. Dr. Zimmerman thought that the board had removed (a)(7) Fee Facts, Data Management Ventures, Inc. from this regulation, and indeed they had, but it was attached with the current regulation project which had not yet been adopted so it does not need to go out for public comment again.

The board directed the licensing examiner to request that the two regulation changes listed above go out for public comment as soon as possible, so that they may adopt the changes at their next meeting and begin to accept the continuing education hours and honorariums offered by NBCE.

#### **Agenda Item 9 – Externship Temporary Permit**

The board briefly discussed the creation of an externship program so that seniors in a chiropractic college would be able to come to Alaska and work under a licensed practicing chiropractor before graduating. There have been students interested in this in the past but there was nothing in statute or regulation supporting it in our state. These students could then take our state jurisprudence exam before leaving and after returning to their college to graduate would be issued a license immediately. It is something that many other states do with the chiropractic schools around the nation and would achieve our board's goal of being on par with more states in our union in regards to chiropractic regulation. Dr. Heston decided to table this issue until our next meeting when he would be able to present similar language from other states that allow these types of permits. He thought the best place in our current regulations to add this would be to add a subsection to 12 AAC 16.200 as: (a)(5). The board will review this information at their September 2012 meeting, and decide whether or not to send anything out for public comment at that time.

#### **Agenda Item 14 – Division Updates**

The board was joined by Sara Chambers, Program Coordinator for professional licensing and Administrative Assistant Misty Frawley, to discuss the budget report as well as the issue with receiving criminal background checks from the State of California.

Dr. Heston began the conversation by discussing the letter the board had received from the commissioner regarding house bill 307. He informed both Mrs. Chambers and Ms. Frawley that the board would like to use these funds to send their licensing examiner to the FCLB national convention on May 2-6, 2012. Dr. Heston asked if the funds for such travel would come from the Chiropractic budget or another fund. Ms. Frawley explained that the money is allocated to the division as a whole for board use, and that the money for this travel would go through their board budget, but serves as a temporary increase to the total amount for this fiscal year. Mrs. Chambers interjected by informing the board members that there could possibly be an increase in the travel budget for all professional licensing boards in the next fiscal year, but it has not yet been finalized. She reiterated what Ms. Frawley had said by explaining that if their licensing examiner is approved to go to the national convention then that will just increase this board's authority to spend that money before the end of the fiscal year they are currently in. In other words, it increases the division's ability to tap into the additional funding that was given in house bill 307 on behalf of the board.

Dr. Heston continued by asking if the funding formula for determining their travel budget was still based on a figure of seven hundred dollars per board member per year, because the board still feels an amount of one thousand dollars per year would be more in line with what they are trying to accomplish as a board. Mrs. Chambers remembered that they had discussed this at their January meeting via teleconference, and reminded them that the seven hundred dollar figure was a "ball park" number provided by the division's administration to get the conversation started with legislators in hopes that they could move toward making a case to increase the spending authority. The legislature is aware of the boards need to be able to be in contact at the national level with their profession, and the current administration is making a case for the additional funds, but there is not a strong enough appetite currently within the governance of the State of Alaska to increase the budget beyond what they've already appropriated at this point. The board members then all agreed that it would be in their best interests to spend what they can now, and encouraged the licensing examiner to go through with the approval process to attend the FCLB national conference.

Dr. Heston then asked about the Department of Laws system for recording their time allocated to a particular board and its investigations. Ms. Frawley informed him that she receives a monthly bill from the Department of Law which is broken down by the amount of hours spent on a "project" for a particular board. Ms. Frawley and her accounting staff then goes through this bill with a fine tooth comb to make sure that they are appropriately coding each amount to a particular board. She continued by informing the board members that this monthly bill does not go into expansive detail, but does include a general narrative on what is being billed by stating: how many hours were spent on "X" named case for the chiropractic licensing board and the cost for those hours. Dr. Heston asked if the board would be able to see that information in their budget reports moving forward. Ms. Frawley responded by stating she does have a generic spread sheet that she has used in the past for this board attached with her expenditures report which gives a complete breakdown of all line items ranging from

personal services to legal costs. Other than this spread sheet though she does not currently have a way to report this information to the board. Dr. Campbell asked if there was any way to delineate between hours spent and cost allocated on a particular case since all the board is currently able to review is the quarterly cost for investigations. What they would like to see in addition to this information is how many hours were spent to accrue the total cost so they can then determine how much they are spending per hour on legal costs in any given quarter. Ms. Frawley responded by stating that just recently, in fiscal year two thousand twelve, the investigative unit has begun tracking their hours both cumulative and by board so she may start to look at incorporating this information into a report format. The board agreed this would be helpful and was sure that other professional licensing boards could utilize the information as well. There being no further questions from the board regarding budget concerns, they thanked Ms. Frawley for her time and moved on to discuss the background check issue they've been having with the State of California.

Mrs. Chambers informed the board that she has contacted the State of California Department of Justice who confirmed that the division does need to become an "approved agency" with them to receive any criminal history checks from their state directly. She has witnessed the catalyst event unravel before her with the particular issue our board had attempting to license Dr. Dwight Shaneyfelt. Therefore, Mrs. Chambers is trying to think ahead since there are more people who will attempt the same procedure and run into the same problem unless there is someone in place in our division to receive the official reports. She thought perhaps the investigative unit would be able to receive them on behalf of all our professional programs, or the department of public safety could be of assistance. Her concern with having any one person within the division, such as a licensing examiner, being the "approved agency" would be that the procedure would need to be done again should that person decide to leave the division, or it could be a detriment to job recruitment, in that, they would need to find someone specifically who could pass a background check. While the latter is preferable it is not the current policy. After the meeting had adjourned the following week Mrs. Chambers informed the board and its licensing examiner that the division's chief investigator, Quinten Warren, will be filling out the "approved agency" application for the State of California at the beginning of June and hopefully will be situated to receive criminal history reports from their state within the following next few months. Dr. Zimmerman, with concern for the interim period until that process can be completed, asked if the board would be able to pursue a similar report from an outside agency such as: "US Search" or "People smart" for background information to review. Mrs. Chambers was not sure about the legality of pursuing an alternative background check from a private company such as those listed above. She would have to refer that question to the division's chief investigator, however she did inform the board that the way their regulations are written they can only receive reports directly from the licensing authority in another state and it would be up to the board as to whether or not they'd like to change that in the interim. Dr. Heston didn't feel like a change in regulation would be the best option since this interim period would only last a few months time. The board agreed that the best option is to take each one of these possible instances case by case and determine how best to receive the appropriate background information at that time. Mrs. Chambers wanted to inform the board that

it may be best to get an official opinion from the Department of Law stating why the board would be able to request an applicant apply for a fingerprint record and send it to the board for review themselves so that the board doesn't enter into a vulnerable position. Mrs. Chambers told the board she would be able to send a message to one of the division's attorneys with the Department of Law and get a quick and easy response on why they would or wouldn't be able to do this. The board thanked her for doing that and for her time with them, then moving on decided to take a short break.

The board recessed for a short break at 3:03pm

The board resumed the meeting at 3:25pm

### **Agenda Item 7 – Proposed Regulatory Changes**

Dr. Heston wanted to discuss regulation 12 AAC 16.990 upon returning from break. Dr. Barrington had sent the board a letter addressing the ACS Legislative committee's practice act change proposal which they have decided not to share with the board at this time. This letter is included in the board packet under "correspondence" agenda item sixteen. Dr. Heston believes that it will be necessary to change the statute language surrounding "prescription drug" in their definitions, which he hopes is part of the draft proposal the legislative committee is currently working on. Dr. Campbell asked the board's public member Renee Robinson, who is a pharmacist, if their profession would be at all opposed to chiropractors maintaining control of vitamins and nutrients without prescriptive authority. It was her opinion that they would not, and the only problem she saw with Dr. Barrington's language he provided in his letter was that there are prescription vitamins and mineral preparations in specific quantities or large concentrations that could potentially be construed as a "controlled substance." For example, there is a tablet "A.D.E.K." which combines in high doses vitamins A, D, E, and K and is used in post transplant patients or those who have an absorption issue. This is a vitamin but is under prescriptive authority, and is a unique scenario within prescriptive authority the board should consider moving forward with such an important statute change. Ms. Robinson thought perhaps Dr. Barrington's proposed added subsection (C) to 12 AAC 16.990 could be clearer if it continued by stating: "...is not a controlled substance; and does not have any restriction that federal law prohibits dispensing without a prescription." The other board members thought that was already covered in the language by labeling it "controlled substance," but Ms. Robinson informed them that this term is not specific enough and rather vague. She informed the board that she would bring material with her to the next board meeting that would inform the chiropractic members on what the Pharmacy board has been working on in the same vein. Dr. Heston and the rest of the board agreed that some more time and the additional Pharmacy information would be the best option moving forward. Ms. Robinson and Dr. Barrington could then discuss this in person in Anchorage and perhaps work something out to adopt into regulation.

### **Agenda Item 11 – Federation of Chiropractic Licensing Boards**

The board did not have anything new to discuss relating to the upcoming FCLB national conference other than that Dr. Heston and Licensing Examiner KC Odell will both be attending.

#### **Next Year's Meeting:**

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

### **Agenda Item 12 – Animal Chiropractic**

The board continued on to discuss Animal Chiropractic. The last our board had heard from the Veterinarian board they were going to further look at their statutes to determine what could be added to allow certain licensed chiropractors to adjust animals. Dr. Heston thought it would be best to contact them again either through Dr. Campbell or Dr. Stephanie Jones who has been assisting the board throughout this process.

### **Agenda Item 13 – Public Comment**

There had been no one present for public comment earlier during the time listed on both the agenda and meeting signs posted around the building; so the board continued with their discussions with Mrs. Chambers and Ms. Frawley. When the board later back tracked over items they had not yet discussed there still was no one present for public comment and the board again continued on to discuss the next agenda item.

### **Agenda Item 8 – Oral Interview Questions**

The board reviewed the revised questions that their licensing examiner prepared for them. They liked the rephrasing of the original questions but thought the best way to operate the oral interview was to keep it as informal as possible since most times an applicant will answer three questions after being asked one. The only benefit to having a set list of questions is that it keeps the members on schedule and they know when to move on to the next applicant. Dr. Zimmerman recommended that question four be rephrased to encourage applicants to pursue a specialty Diplomate. She recommended it read: What will be the focus of your practice? Would you consider a specialty designation or Diplomate? Dr. Heston added to this by recommending a change to question six, he would like "chiropractic profession" removed and the question to read: "What unique contribution do you feel you can make in our state?" Both of these changes will be added and utilized during the oral interviewing process moving forward.

### **Agenda Item 15 – New Business**

The board moved on to new business and began by discussing the sports physical issue that Dr. Wesley Moore has brought to their attention. Dr. Campbell feels that it is the

Alaska Athletic Association's decision ultimately to add chiropractors to their approved list of physicians, but he would support the board drafting a letter to them informing them of the board's professional opinion and citing the statute language that allows chiropractors to do these examinations. They did not comment on the suggested statute change proposed by Dr. Moore in his message. Dr. Dan Larson was a chiropractor who was brought up in conversation that could be able to assist with the drafting of a letter to recommend the addition of Chiropractors on the Alaska Athletic Associations list or approved physical exam physicians.

Dr. Heston continued by discussing Dr. Mitch Mally's request to forgo obtaining a temporary permit to teach a certain manipulative technique during the ACS convention. They discussed the best vehicle to license him while here for such a short time and realized that the courtesy license has already been created for just this purpose. It was determined to ask Dr. Mally for a courtesy license application and supporting documentation which the board can then review and approve.

The licensing examiner asked the board about the inclusion of a picture along with the initial license application which has not been a part of the application process since he started. The board had not been aware that this was not being asked for any longer and requested it be added to the form as soon as possible. Dr. Zimmerman recalled that there was no room for it on the form at a certain point and it was left off. The board agreed that this is an important part of the application process and requested that the licensing examiner work with the publications specialist to add language requesting a "passport" size photo be included in the initial application. A space does not need to be included for them to staple it to the form, but just that they include it in the envelope.

Dr. Heston had requested more information surrounding approval of continuing education hours in mass when the total amount of hours approved are not actually attainable by one physician. The licensing examiner included multiple examples of the board approving large amounts of hours for these conventions and included it in the board packet. He informed the board that it is possible to delineate how many total hours are approved and how many of those hours are attainable to each attendee by just putting in parenthesis "Attainable" and the number of hours which are. The board liked this solution and agreed it would be the best way moving forward to clarify what they are approving for continuing education.

Dr. Heston continued the discussion on New Business by asking the other members if they had received the letter sent out from the commissioner's office addressing house bill 307. The bill allocates additional funds for the current fiscal year for board activities and travel, and Dr. Heston's idea was to send the Chiropractic Licensing Examiner to the Federation of Chiropractic Licensing Boards national convention being held in San Antonio, Texas on May 2-6, 2012. Dr. Heston had already made arrangements to attend himself per the January meeting minutes when the board first discussed the FCLB national convention. When he received the commissioner's letter in the mail he thought including the boards licensing examiner would greatly help their board and their licensee's. The board agreed that this was an appropriate and worthwhile use of the funds toward their profession and;

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

**RESOLVED to request approval for travel to the FCLB National Convention in San Antonio, TX on May 2-6, 2012 for licensing examiner KC Odell.**

#### **Agenda Item 17 – Correspondence**

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

- Dr. Zimmerman took this time to inform the board that she has turned in her letter of resignation from the board and it has been accepted. She will be transitioning with whomever replaces her so that there will not be an empty seat on the board at any time. She thanked everyone for their help and support, and the board thanked her for all her contributions to the state during her time on the board. She was a great addition to the Chiropractic board and leaves a large role to fill moving forward.

#### **Agenda Item 18 – Administrative Business**

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

The Board reviewed their 2012 meeting and exam schedule and made no changes:

- September 7, 2012 in Anchorage
- December 7, 2012 in Anchorage

##### **Sign wall certificates**

- Judd Wattenbarger #542
- Robert VanZweeden #552
- Joshua Prange #553
- Richard Morris #554
- Dennis Young #556
- Dwight Shaneyfelt #557

##### **Sign TAs and collect receipts**

Board members signed Travel Authorization forms and will submit receipts.

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

**RESOLVED to adjourn the meeting at 4:45pm, until Saturday April 21, 2012.**

**Saturday, April 21, 2012**

### Call to Order/Roll Call

The meeting was called to order by Dr. James Heston, President at 10:08 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

Ms. Renee Robinson, the board's public member, could not attend the second day of the meeting due to personal reasons. In attendance from the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing:

KC Odell, Licensing Examiner – Juneau

The board reviewed the agenda and made no changes.

### Agenda Item 7 – Proposed Regulatory Changes

The Licensing examiner had arrived early in the morning to draft the changes the board had agreed on the day before into a word document so they could read what they would be adopting clearly. This word document served as a revision to 12 AAC 16.290 only, and did not affect any of the other regulatory changes the board tied into this public notice. The new format of regulation 12 AAC 16.290 should read:

**12 AAC 16.290. Hours of continuing education required.** (a) Except as provided in (c) of this section, an applicant for renewal of a chiropractic license shall obtain and document successful completion of the following:

(1) for an applicant who files a complete renewal application with the department for a license period that concludes on or before December 31, 2012, 24 credit hours of approved continuing education during the concluding licensing period;

(A) at [AT] least one-third and no more than one-half of the total hours required in (a)(1) [(a)] of this section must be devoted to radiographic safety, radiographic techniques and interpretation, or diagnostic imaging;

(b) Except as provided in (c) of this section, an applicant for renewal of a chiropractic license shall submit the following hours:

(1) for an applicant who files a complete renewal application with the department for a license period that concludes after January 1, 2013, 32 credit hours of approved continuing education during the concluding licensing period.

(A) eight hours of the total hours required in (b)(1) of this section must be devoted to radiographic safety, radiographic techniques and interpretation, or diagnostic imaging

**(B) two hours of the total hours required in (b)(1) of this section must be devoted to coding and documentation;**

**(C) two hours of the total hours required in (b)(1) of this section must be devoted to ethics and boundaries; and**

**(D) two hours of the total hours required in (b)(1) of this section must be devoted to cardiopulmonary resuscitation (CPR) training.**

(c) An applicant for renewal of a chiropractic license for the first time shall obtain and document successful completion of **the following:**

**(1) for a license period that concludes on or before December 31, 2012, 12**

credit hours of approved continuing education for each complete calendar year the applicant was licensed during the concluding licensing period;

**(2) for a license period that concludes after January 1, 2013, 16 credit hours**

**of approved continuing education for each complete calendar year the applicant was licensed during the concluding licensing period.**

(d) Two of the hours required in (a) of this section will be credited to each applicant for renewal for completing the jurisprudence review prepared by the board, covering the provisions of AS 08.20 and this chapter. An applicant for renewal must verify, in an affidavit, that the applicant has complied with this subsection before the applicant's license renewal will be processed.

(e) An applicant for renewal of a license to practice chiropractic shall submit, on a form provided by the department, a sworn statement of the continuing education that the applicant completed during the concluding licensing period. The statement must include the following information:

- (1) sponsoring organization;
- (2) title and description of the course;
- (3) dates of attendance or period of correspondence;
- (4) the number of continuing education hours claimed;
- (5) the course approval number issued by the department.

(f) An applicant for renewal of a chiropractic license may receive up to four hours of the credit required in (a) of this section from one or more of the following subject areas:

- (1) cardiopulmonary resuscitation training (CPR);
- (2) automated external defibrillator training (AED);
- (3) basic life support training (BLS).

**(g) No more than 16 credit hours of the credit hours required in (b)(1) of this section for a renewal of a chiropractic license may be obtained online or by distance learning.**

(Eff. 6/29/84, Register 90; am 5/10/90, Register 114; am 12/7/97, Register 144; am 5/8/99, Register 150; am 1/29/2009, Register 189; am 11/28/2009, Register 192; am 8/14/2010, Register 195; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 08.20.055 AS 08.20.170

The board having found an agreeable formatting and wording of 12 AAC 16.290 then reviewed in its entirety what they would be proposing to the Department of Law for amendment in the Chiropractic regulations.

- **12 AAC 16.290, Hours of continuing education required,** will increase the total amount of hours required to renew a license and will designate half of the total amount of hours to specific areas.
- **12 AAC 16.350, Individual study,** will remove the language limiting the amount of individual study credit hours allowed; since the new transitional language includes a limit of sixteen hours for individual study.

- **12 AAC 16.420, Conduct of peer review**, will remove the fifty dollar fee for a peer review complaint.
- **12 AAC 16.430, Professional standards and guidelines**, will remove a company from a list of board approved organizations to rely on when making a determination on a peer review complaint.

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

**RESOLVED to adopt the changes to regulation 12 AAC 16.290, 12 AAC 16.350, 12 AAC 16.420, and 12 AAC 16.430, as amended.**

There being no further business,

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

**RESOLVED to adjourn the meeting.**

The meeting adjourned at 10:20 a.m.

Respectfully Submitted:

---

KC Odell  
Licensing Examiner

Approved:

---

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

Date: \_\_\_\_\_



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

**RESOLVED** to adjourn the meeting.

The meeting adjourned at 10:20 a.m.

RECEIVED  
JUNEAU

AUG 23 2012

Division of Corporations Business  
and Professional Licensing

Respectfully Submitted:

---

KC Odell  
Licensing Examiner

Approved:



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

Date: 8-20-12

