

State of Alaska
Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing

BOARD OF CHIROPRACTIC EXAMINERS

MINUTES OF THE MEETING

Thursday, October 2, 2014

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Chiropractic Examiners was held at the Hilton Hotel, Thursday, October 2, 2014, beginning at 10:10 a.m. The meeting was held at the Prince William Sound Board Room, 1st Floor, Anchorage, Alaska.

Agenda Item 3 Call to Order/Roll Call

The meeting was called to order by Chair, James Heston at 10:10 a.m.

Board Members Present, constituting a quorum:

James Heston, Doctor of Chiropractic
Daniel Holt, Doctor of Chiropractic
Walter Campbell, Doctor of Chiropractic
Edward Barrington, Doctor of Chiropractic
Christine Hill, Public Member

Attending from the Division of Corporations, Business and Professional Licensing were:

Laura Carrillo, Licensing Examiner
Sher Zinn, Licensing Supervisor
Brian Howes, Investigator
Angela Birt, Chief Investigator
Sara Chambers, Director (*via telephone*)

Agenda Item 4 Review Agenda Time: 10:11 am

The Board reviewed the agenda and Edward Barrington addressed to James Heston his intent to discuss business regarding the ACS and Legislative committee; Dr. Heston decided to discuss this under Agenda Item 11 as this would fit into the statutory and regulation projects.

On a motion duly made by Christine Hill, seconded by Dr. Barrington, and approved unanimously, it was

RESOLVED to accept the agenda as written.

Agenda Item 5 Review Minutes Time: 10:12 am

The Board reviewed the minutes from the June 6, 2014 meeting. Daniel Holt addressed page 7 regarding position statements and asked if such statements, in addition to a physical therapy statement, was sent electronically to all Board members as discussed at the previous meeting. James Heston replied that this was not completed due to the turn-over in the Chiropractic Examiner position. James Heston asserted that position statements would be discussed again later in the meeting.

On a motion duly made by Edward Barrington, seconded by Daniel Holt, and approved unanimously, it was

RESOLVED to approve the minutes of the June 6, 2014 meeting.

Agenda Item 6 Board Business Time: 10:13

Ethics Report

James Heston mentioned the ACA code of Ethics and Edward Barrington addressed receipt of honorariums with James Heston and Daniel Holt. It was discussed that the Board receives honorariums for proctoring exams. There were no ethics violations to report.

Ratify Licenses

The Board did not ratify licenses at this time.

Review Annual Report

There was no comment made on the Annual Report.

Review Jurisprudence Exam

Information regarding the specific examination questions is not public and therefore will not be distributed as part of these meeting minutes. The questions discussed at this meeting included #3, #5, #19, #20, #24, #40, #42, #45 and #50.

Regarding the online Jurisprudence test on MyiCourse, Walter Campbell mentioned that the amount of continuing education credits had increased and inquired whether the online test was updated to reflect such changes. It was discussed that changes were not made because of the turn-over in examiners. James Heston mentioned that he had contacted a Regulation Specialist to advise the Board on changing the statutes and regulations. Sher Zinn asserted that changes in regulations would require specific regulation changes discussed at the Board meeting to be presented to the Regulation Specialist as a regulation project. The Regulation Specialist would then extract the information and convert the Board's proposed statute/regulation changes into a draft.

Public Member, Christine Hill left the room at 10:41 a.m.

James Heston, Sher Zinn and Edward Barrington discussed MyiCourse.

Public Member, Christine Hill returned to the room at 10:46 a.m.

Task:

Sher Zinn or Laura Carrillo will access and update MyiCourse as needed.

Agenda Item 7 Investigative Report Time: 10:56 a.m.

The Board's investigators, Brian Howes and Chief Investigator, Angela Birt joined the room at 10:56 a.m. to present their investigative reports. Angela Birt described the new investigative restructuring plan, which will eventually separate the investigations unit into health-care and non-health care teams. Angela Birt asked the Board if they were aware of the Board Training Manual then proceeded to discuss the administrative Non-Disciplinary Letter of Advisement. Angela Birt then described the investigative process, which allows consultation between investigations and one Board member.

Investigator, Brian Howes distributed a memorandum, which included investigative activity from June 6, 2014 to October 2, 2014. There was no specific report available for disclosure.

Chief Investigator, Angela Birt and Investigator, Brian Howes left the room at 11:24 a.m.

James Heston Called for Break at 11:25 a.m.

Off Record at 11:25 a.m.

On Record at 11:30 a.m.

Agenda Item 8 Budget Report/Division Updates Time: 11:30

Director, Sara Chambers joined the meeting telephonically at 11:32 a.m.

Sara Chambers informed the Board that the 4th quarterly report would be available by the end of October. James Heston addressed the Contractual figure, which Sara Chambers explained that direct expenditures—including services provided to the Board outside of the agency—are allocated to this category. This was more clearly articulated on page 2, which was not included in the packet. Sarah Chambers then informed the Board that she is continuing to meet with the Legislative Budget and Audit Committee regarding the ways in which the Division analyses and establishes Fees. Travel changes were also discussed.

Sarah Chambers addressed the current re-classification study. James Heston inquired about the role of the Department of Administration and legislation in this study, to which Sarah Chambers replied that the process does not require legislative involvement until the appropriation of funds for additional expenses is on the table.

James Heston inquired about New Board Member Training. Sara Chambers informed the Board that while a training program has not yet been implemented, she is continuing to work on this project with the Department of Law and other stakeholders regarding training content, which may occur in the Spring of 2015.

Task:

Laura Carrillo is to obtain page 2 of the Budget Report and distribute to all Board members.

Director, Sara Chambers left the room telephonically at 11:50 a.m.

Laura Carrillo informed the Board of two applications intended to be reviewed under Agenda Item 6; a specialty designation request for James Martin and an application for Catherine Pilibos to sit for the next exam scheduled January 23rd, 2015 in Juneau. Laura Carrillo also inquired whether the Board would like to review these applications after ratifying licenses. Edward Barrington also brought to the Board's attention that the Board had yet to vote on the Jurisprudence Exam. Sher Zinn reiterated the need to file a motion. The Board continued to review the Jurisprudence questions.

On a motion duly made by Daniel Holt seconded by Walter Campbell, and approved unanimously, it was

RESOLVED to amend the Jurisprudence Exam.

Task:

All Board members are to individually send two draft questions to Laura Carrillo to amend the Jurisprudence Exam. Laura Carrillo will send all questions back to the Board, who will vote on the questions via an e-mail ballot.

Agenda Item 9 Lunch Break - recess not adjourn

Off record at 12:06 p.m.

On record at 1:14 p.m.

Agenda Item 10 ACS Update Time: 1:14 p.m.

Debbie Ryan joined the meeting at 1:14 p.m.

Debbie Ryan expressed optimism in the turn-out for the upcoming convention. She inquired about CPR opportunities being offered in Juneau. James Heston confirmed that CPR is offered in Juneau and also online. Debbie Ryan explained future changes in ACS Convention events and also discussed a meeting with Jeff Bower regarding the integration of chiropractic practice into other professions.

Agenda Item 11 New Business Time: 1:20 p.m.

Position Statements

James Heston addressed position statements, which Edward Barrington has been helping with. Walter Campbell provided a hand-out of an alternative position statement regarding the Advertisement of Free Services. James Heston offered positive feedback on Walter Campbell's alternative position statement and provided input into the State of Oklahoma's restricted stance on Advertising of Free Services, quoting that the Oklahoma Board views such advertising as, "Unprofessional and not in the public interest for chiropractic physicians to over utilize x-ray services...", commenting on Oklahoma's good model. Walter Campbell discussed that at present, chiropractors in this State cannot prohibit such advertising and that the benefit of free services is especially highlighted in the instance of financially disadvantaged individuals—which ultimately is positive for the Chiropractic profession. James Heston and Walter Campbell continued to discuss free advertising and the issue of insurance fraud. Edward Barrington addressed the formatting of the position statements.

Task:

Edward Barrington will modify the Injectable Nutrients position statement and send to Laura Carrillo, who will send the edited position statement to the Board for review.

Task:

James Heston requested for the position statements to be posted to the website.

Sher Zinn discussed the formality and restrictions of conducting Board business and advised the Board to caution against breaching the Open Meetings Act. The Board continued to review the position statements and Edward Barrington expressed that Ancillary Therapies needs editing before being published. Edward Barrington ultimately decided that this position statement did not need editing.

On a motion duly made by Walter Campbell, seconded by Christine Hill and approved unanimously, it was

RESOLVED to publish to the Chiropractic website the position statements for Ambulance Chasing, Ancillary Therapies and Diagnostic Imaging.

RESOLVED to table the publishing of Injectable Nutrients and Advertising of Free Services until the next meeting scheduled January 23rd, 2014 in Juneau.

Regulation Projects

12 AAC 16. 920: The Board addressed regulation 12 AAC 16.920, Hours of Continuing Education. James Heston suggested modification of this regulation to reflect the current continuing education requirements.

Proposed changes are as follows:

- 12 AAC 16.290(a) – Take out, “the following” at the end
- 12 AAC 16.290(a)(1) – Repeal
- 12 AAC 16.290(a)(2) – Take out everything up to, “32 credit hours of approved...”
- 12 AAC 16.290 (b) – Take out, “the following” at the end
- 12 AAC 16.290(b)(1) – Take out, “for a license period that concludes on or before December 31, 2012...”
- 12 AAC 16.290(b)(2) – Take out, “for a license period that concludes after January 1, 2013...”

Sher Zinn discussed the process of presenting changes to the Publications Specialist, who,

based on a standard for writing regulations, will create a draft of the amended regulations for review at the next Board meeting. After Board review, the Publications Specialist will present the proposed changes via a form given to Director, Sara Chambers. The director will then present the form to the Commissioner, who will relay the form to the Governor's office, where the Governor's attorneys will review the proposed changes.

12 AAC 16.030 under AS 12.62: James Heston advised that the current background check requirement is cumbersome for applicants relative to the National FBI background check. James Heston asserted the latter would eliminate the need to request information from external agencies and would instead allow the Board to review applicant criminal history from all jurisdictions an applicant has ever lived through a one-time fingerprint check. In addition, James Heston asserted that the National check is less expensive. James Heston recapped a previous statutory project with the ACS, who is planning on submitting a bill for this shift.

Christine Hill inquired about whether all States shared information with the FBI database. James Heston and Walter Campbell discussed that other Boards do this. James Heston asserted that the statute would need to be changed before the FBI check is implemented.

Statutory Projects

AS 08.20.100: James Heston, Edward Barrington and Walter Campbell discussed this statute.

Proposed changes are as follows:

- AS 08.20.100(a)(1) – Take out, “chiropractic condition”
- AS 08.20.100 (a)(3) – Take out, “chiropractic matters”
- AS 08.20.100 (b) – Incorporate sports physicals

On a motion duly made by Daniel Holt seconded by Christine Hill and approved unanimously, it was

RESOLVED to enter Executive Session in accordance with AS 44.62.310(B)(C)(7) to discuss amendment to AS 08.20.100.

Entered executive session and off record at 1:57 p.m.

Ended executive session and on record at 2:07 p.m.

The Board had additional time to discuss Peer Review matters as Agenda Item 12 was scheduled at 2:30 p.m.

Agenda Item 13 Peer Review Committee Time: 2:08 p.m.

Daniel Holt advised that Doctor Koob's term had expired. Daniel Holt, James Heston and Walter Campbell discussed new committee members. Christine Hill inquired about the authority of a Peer Review Committee, at which the Board discussed.

Walter Campbell left the room at 2:11 p.m.

Walter Campbell returned to the room at 2:15 p.m.

Edward Barrington left the room at 2:15 p.m.

Edward Barrington returned to the room at 2:17p.m.

Task:

Daniel Holt will contact new Peer Review Committee member.

Agenda Item 14 Correspondence Time: 2:10 p.m.

Letter to James Heston from ACS

Laura Carrillo advised the Board that she had included the ACS correspondence in the Board packet, which was discussed during Agenda Item 10. James Heston discussed the letter addressed to him on July 11th, 2014, mentioning prioritization of items.

Letter to Daniel Holt

Daniel Holt addressed letters sent to him from an insurance agency requesting for the reduction of fees. According to Daniel Holt, an insurance company had informed a patient that his chiropractic establishment had agreed to accept reduced fees, which is illegal and potentially falls under a Class A lawsuit. The Board discussed that this be brought to the attention of Debbie Ryan and the Division of Insurance.

Task:

James Heston will look into claims made by insurance agencies regarding reduced fees.

Agenda Item 12 Public Comment Time: 2:17 p.m.

No one from the public was present for public comment.

Agenda Item 15 Administrative Business Time: 2:17 p.m.

Sign Wall Certificates

James Heston addressed wall certificates, which were distributed to the Board for signatures.

Laura Carrillo advised the Board that applications for Catherine Pilibos and James Martin needed to be reviewed.

Sign Meeting Minutes

Laura Carrillo signed the June 6, 2014 meeting minutes for Tawna Curry and James Heston provided his signature.

TA's and Receipts

Task:

Daniel Holt and James Heston will fax travel receipts to Laura Carrillo for reimbursement.

Board Travel/Conferences

James Heston will be traveling to Albuquerque, NM to attend the FCLB's district meeting. Edward Barrington will be traveling to proctor of part IV of the NBCE.

Sher Zinn addressed the ratification of licenses; candidates who have been approved to sit for the exam and have been issued a license must be voted on again during the next Board meeting. This is to verify for the record that the Board has approved the candidates licensure since the last Board meeting.

On a motion duly made by Christine Hill , seconded by Edward Campbell and approved unanimously, it was

RESOLVED to ratify licenses for Elaine Clinton, John Fitzpatrick, Keiko Gill, Lisa Grasman, Kimberly Lazarus, Michael McClaskey and Jayme Post.

Task List

Task:

Board members will send two questions for the amended Jurisprudence exam to Laura Carrillo, who will send a mail vote to the Board

Task:

Sher will access MyiCourse and review questions.

Task:

Daniel Holt will contact a new Peer Review Committee member.

The Board reviewed applications for Catherine Pilibos to sit for the next exam and James Martin's request for specialty designation. The Board provided signatures for Catherine Pilibos and approved her to sit for the exam on January 23, 2015 in Juneau.

Agenda Item 16 Adjourn

Time: 2:40 p.m.

On a motion duly made by Christine Hill, seconded by Edward Barrington and approved unanimously, it was

RESOLVED to adjourn the meeting at 2:40 p.m.

Respectfully Submitted by:



Laura Carrillo
Licensing Examiner

Approved by:



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