

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

Friday, September 15th, 2017

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 Board of Chiropractic Examiners was held at Suite 1620 and 1656 in the Robert Atwood Building, 550 West 7th Avenue, Anchorage, Alaska.

Friday, September 15th, 2017

Agenda Item 2 Oral Interview with Board Time: 9:05 a.m.

Jeffrey Rebarcak, Chad Hedges, Blue Ross, Maya Radonich, Tammy Hill, Mason McCloskey, Chance Charlton, and Calvin Gabel entered the room one by one for their oral interviews with the Board. The Board, as led by the Chair, Dr. Walter Campbell, proceeded with their interviews, and had informed all the examination candidates of the Alaska Chiropractic Society, which is a great resource to keep them up-to-date of current issues, topics, and up-to-date laws related to the chiropractic profession.

Chairman Walter Campbell called for a break at 10:15 a.m.

*Off the record at 10:15 a.m.
Back on record at 10:33 a.m.*

Agenda Item 3 Call to Order/Roll Call Time: 10:33 a.m.

The meeting was called to order by Chair, Walter Campbell at 10:33 a.m.

Board Members present, constituting a quorum:

Walter Campbell, Doctor of Chiropractic, Chair
Brian Larson, Doctor of Chiropractic
Jeffrey Reinhardt, Doctor of Chiropractic
Jonathan Vito, Doctor of Chiropractic
John Wayne Aderhold, Public Member

Division Staff present were:

Aiko Zaguirre, Licensing Examiner
Jasmin Bautista, Investigator
Al Kennedy, Senior Investigator
Gail Bernth, Executive Administrator, Alaska Board of Nursing

Via teleconference:

Janey Hovenden, Division Director

Present from the Public:

Edward Barrington, Doctor of Chiropractic, and subcommittee member
Sheri Ryan, Chief Operating Officer, Alaska Chiropractic Society
Shalome Cederberg, Boards and Commissions Assistant, Office of the
Governor

Via teleconference:

Debbie Ryan, Chief Executive Officer, Alaska Chiropractic Society
Todd Curzie, Doctor of Chiropractic, President of the Alaska Chiropractic
Society

Agenda Item 4

Review/approve Agenda

Time: 10:34 a.m.

Chairman Campbell prompted the Board to review their meeting Agenda.

**On a motion duly made by John Wayne Aderhold, seconded by Jonathan Vito,
and approved unanimously, it was**

RESOLVED to accept the agenda as written.

Agenda Item 5**Review/Approve Minutes****Time: 10:35 a.m.**

The Board proceeded to review the minutes from their May 12th, 2017 meeting.

Public Member, John Wayne Aderhold, noted a few errors on page three, last paragraph, fourth line from “it *was* not do so” to “it *did* not do so.” Mr. Aderhold also added that in pages eleven and twelve of the May 12th meeting minutes, the acronym for the Alaska Chiropractic Society, “ACS” were misspelled as “ASC” a couple of times.

On a motion duly made by Jonathan Vito, seconded by Jeffrey Reinhardt, and approved unanimously it was:

RESOLVED to approve the minutes of the May 12th, 2017 meeting as amended.

Agenda Item 7**Board Business****Time: 10:39 a.m.****Ethics Report**

Chair, Dr. Campbell addressed ethics reporting. There were no ethical violations to report.

Review Goals and Objectives

With no ethical issues to report, Chair, Dr. Campbell proceeded to the review of the Board's Goals and Objectives.

Mr. Aderhold suggested to add a language addressing the area of professional silos or inter-professional and intra-professional relations with different other groups or organizations. Mr. Aderhold stated that it would be a great idea to address issues such as on the topic of injectable nutrients and dry needling, while keeping such professionalism with other groups that can help the Board, such as the Alaska Chiropractic Society, and other professional Boards within State. Mr. Aderhold added that he read an article in regards to professional silos, and will forward it to Ms. Zaguirre to disseminate to the rest of the Board. Dr. Campbell commented that it would be a good idea to add language regarding inter- and intra-professional relationships with other groups to their Goals and Objectives.

TASK:

Mr. Aderhold will send the copy of the article regarding professional silos to the licensing examiner to be forwarded to the Board.

In line with the Board's goal number 7, which is on being granted the authority to utilize fingerprint-based background reports under AS 12.62.400, Ms. Zaguirre informed the Board that the Board of Psychology will no longer be pursuing the same.

Ratify Licenses

The Board recalled the exam candidates from the previous meeting in May 2017.

On a motion duly made by Walter Campbell, seconded by Jonathan Vito, and approved unanimously, it was:

RESOLVED to ratify the new licenses for Zachary Byrne, Robyn Cassutt, Eric Hurd, Nicholas McCarty, Elizabeth Reichert, Joshua Weight, and Scott Washburn.

Continuing Education Course Approval Applications Review

After the ratification of their new licensees, the Board proceeded to the review of course approval applications received.

On a motion duly made by Jonathan Vito, seconded by Walter Campbell, and approved unanimously by a roll call, it was:

RESOLVED to approve the following courses:

- **#16168 – “Full-spine Segmental Evaluation & Adjusting,” submitted by the International Chiropractic Pediatric Association (ICPA)**
- **#16170 – “Active Release Technique Lower Extremity Level II,” submitted by the New York Chiropractic College**
- **#16171 – “ProSport Chiropractic 26th Annual Hands on Training/Workshop,” submitted by Logan University**
- **#16127 – “D.C. Tracts Volume 29,” submitted by Data Trace**
- **#16173 – “Pediatrics Advanced Clinical Training: From Chronic Illness to Wellness,” submitted by Northwestern Health Sciences University**

Roll call vote:

| Board Member | Approve | Deny | Recuse |
|-------------------------|---------|------|--------|
| Dr. Walter Campbell | X | | |
| Dr. Jeffrey Reinhardt | X | | |
| Dr. Brian Larson | X | | |
| Dr. Jonathan Vito | X | | |
| Mr. John Wayne Aderhold | X | | |

Position Statements

With no other applications to review, the Board was prompted by Chairman Campbell to discuss their position statements.

For the record, Ms. Zaguirre sent an email to the Board for a correspondence from a licensed chiropractor on his comments in regards to their position statement on injectable nutrients. In their January 2017 meeting the Board tabled their position statement on injectable nutrients, however it was posted on the website, to which Ms. Zaguirre has apologized for.

After a thorough discussion regarding dry needling and injectable nutrients the Board decided that Dr. Reinhardt and Dr. Larson continue to gather information, and to table both topics until the next board meeting.

TASK:

Dr. Reinhardt and Dr. Larson will continue to gather information on dry needling and injectable nutrients.

Agenda Item 7 Utilization Review Committee Update Time: 11:25 a.m.

Having finished with the Board's position statements, Ms. Zaguirre updated the Board on the Utilization Review Committee. Ms. Zaguirre informed the Board that there were only two people on the committee, and reminded them that the board is supposed to have four members, three of which are Chiropractic physicians and one that is a member of the public. Ms. Zaguirre asked the Board for recommendations to fill the vacant positions, as well as informed them that ACS has encouraged their members to apply. Dr. Campbell decided that it would a good idea to speak with the ACS, during the ACS Update, to find out if they have any suggestions or applicants for the vacant positions.

On a motion duly made by Walter Campbell, seconded by Jonathan Vito, and approved unanimously, it was:

RESOLVED to approve Dr. Michael Hanifen for the Utilization Review Committee.

Agenda Item 8 FCLB/NBCE/CCE Updates Time: 11:30 a.m.

After the Utilization Review Committee Update, Dr. Campbell began discussion on upcoming conferences. Ms. Zaguirre informed the Board that Dr. Larson was approved for travel to the FCLB district conference. However, Dr. Larson notified the Board that he will not be able to attend. Dr. Reinhardt volunteered to go in his place. Ms. Zaguirre stated that she will re-submit paperwork to get Dr. Reinhardt to take Dr. Larson's position at the FCLB conference.

Ms. Zaguirre reminded the Board that Dr. Vito will be attending the Fall NBCE part IV conference in Los Angeles. Ms. Zaguirre provided the Board with an email from the CCE, updating them on actions taken by the CCE.

TASK:

Ms. Zaguirre will submit paperwork to get Dr. Reinhardt to the FCLB Conference.

Agenda Item 14 Public Comment Time: 11:33 a.m.

*Gail Bernth, Executive Administrator, Alaska Board of Nursing, joined the meeting at 11:35 a.m.
Gail Bernth, Executive Administrator, Alaska Board of Nursing, left the meeting at 11:45 a.m.*

Having finished with conference updates, and being ahead of schedule, Dr. Campbell opened discussion to the public. Gail Bernth, the Executive Administrator for the Alaska Board of Nursing, spoke to the Board regarding nurse practitioners, in Alaska, and their involvement with chiropractors.

Ms. Bernth informed the Board that there has been debate, with the Alaska Board of Nursing, on nurse practitioners, concerning how they are not allowed to suture. Ms. Bernth's viewpoint is that nurse practitioners should be able to suture and, since nurse practitioners are working more with chiropractors, asked the Board on their thoughts. Dr. Larson expressed his concern with on field injuries, during sports, which are required to be sutured. He explained that when a player gets injured he/she must be sutured before he/she can return to play, and that he has to look for someone in the stands who is qualified to suture because it is not within his scope of practice.

Ms. Bernth also commented on a concern regarding pain management that she has with nurse practitioners being pressured to give services, from a chiropractor. She noted that a nurse practitioner does not have to prescribe medicine while working in a physician's practice because that physician can also prescribe medicine. However, while working in a chiropractic practice the nurse practitioner cannot say that because a chiropractor cannot prescribe medicine. Dr. Campbell indicated that the Board work to create a position statement on integrative practice/medical ethics, specifically noting that the standard should be that physicians you employ should feel no pressure to prescribe any care that they don't deem as medically appropriate.

TASK:

The Board will construct a position statement under New Business regarding integrative practice/medical ethics.

Chair, Dr. Campbell called for a lunch break at 11:48 a.m.

Off the record at 11:48 a.m.

Back on the record at 1:23 p.m.

On a motion duly made by Walter Campbell, seconded by John Wayne Aderhold, and approved unanimously it was:

RESOLVED to amend the Agenda earlier approved, by moving the ACS update before Old Business.

Agenda Item 11

ACS Update

Time: 1:26 p.m.

Debbie Ryan, Chief Executive Officer, Alaska Chiropractic Society, joined at 1:25 p.m.

Debbie Ryan, Chief Executive Officer, Alaska Chiropractic Society, left at 1:48 p.m.

Sheri Ryan, COO, Alaska Chiropractic Society, joined the meeting at 1:24 p.m.

Sheri Ryan, COO, Alaska Chiropractic Society, left the meeting at 3:20 p.m.

Todd Curzie, Doctor of Chiropractic, President of the Alaska Chiropractic Society, joined the meeting at 1:24 p.m.

Todd Curzie, Doctor of Chiropractic, President of the Alaska Chiropractic Society, left the meeting at 1:48 p.m.

Having amended the agenda, Dr. Campbell asked Debbie Ryan to update the Board on the Alaska Chiropractic Society. Debbie Ryan informed the Board that there has been recent action to meet with stakeholders concerning insurance and legislators, in regards to conservative care and inclusion.

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Debbie Ryan said that she spoke with Representative Ivy Spohnholz about Medicaid and how it does not pay for children under six or adults older than twenty-one, regarding chiropractor, without a referral. Representative Spohnholz stated that she was working on a Medicaid redesign bill and that she wanted to include chiropractors getting reimbursement for people outside the age range of the current standards for Medicaid.

The final subject Debbie Ryan spoke on was concerning a meeting she had with insurance agency, Parker, Smith & Feek, and conservative care. Their company handles the coalition who is currently engaged with Aetna to do their processing. Debbie Ryan spoke with a representative who at first was hesitant to speak with her. After a good conversation their representative was interested in having another conversation with ACS about the coalition and conservative care.

Having nothing further, Debbie Ryan handed the conversation over to Sheri Ryan. Sheri Ryan discussed, with the Board, dates on next year's ACS Biennial Convention. She reminded them that it will be held in Anchorage, on October 4th-7th, and that they are soliciting speakers. She informed the Board that if they had any requests for speakers to let her know so she can get them on the docket.

Sheri Ryan updated the Board on the Certified Chiropractic Assistant Program. She informed the Board of a comprehensive package ACS has put together in regards to SB69. Ms. Ryan stated that it consists of information to help educate doctors and chiropractic clinical assistants in what the requirements will be and what their part will be in getting them done. She noted that the package includes an array of resources including manuals, workbooks, and DVDs to help those with no training and to refresh those who already have training.

Dr. Campbell asked Sheri Ryan about workman's compensation and ACS's conversation with the Workers' Compensation Board. Mr. Ryan informed the Board that she attended all six Medical Services Review Committee (MSRC) meetings in the summer. She said that chiropractic was very well represented at the meetings and that the MSRC decided not to do anything with utilization or frequency. Ms. Ryan also informed the Board that the Workers' Compensation Board tasked the MSRC with coming up with a new fee schedule and that the MSRC has taken it upon themselves, as an unwritten goal to reduce costs. Ms. Ryan stated that she did not know how they could move into reducing costs because that is not what they were tasked to do. Dr. Campbell asked who they could speak with to remedy the situation. Ms. Ryan said that she had spoken to a Workers' Compensation Board member and that he was hugely against reducing costs, specifically because that is not what the MSRC was tasked to do.

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Ms. Ryan also said that it would be a difficult situation to handle because Marie Marx is the director of both the Workers' Compensation Board and MSRC. Dr. Campbell brought up issues they were having in the past, with the MSRC, regarding exclusion of the certain procedures. Ms. Ryan informed the Board that those issues have been handled and are no longer an issue.

Dr. Campbell brought forth discussion, with Sheri Ryan, on HB89, and how the Board feels it encroaches on the scope of chiropractors. Dr. Campbell expressed concern of another board being able to tell the Board of Chiropractic Examiners how to delegate people under their jurisdiction. Ms. Ryan informed the board that she thinks there has been an oversight because of a delay between SB69 being passed and HB89 going through the legal system before SB69 was actually recorded into law. Ms. Ryan informed the Board that ACS recommended passages to be included in HB 89 that would exempt chiropractic assistants. She also informed the Board that ACS hopes to meet with Representative Chris Tuck regarding the oversight, in hopes that a friendly amendment version can be done. The Board was notified that HB89 has not been heard yet so there is ample time before next Session to amend it.

Agenda Item 10

Old Business

Time: 1:49 p.m.

*Edward Barrington, Doctor of Chiropractic, Subcommittee Member, joined the meeting at 1:49 p.m.
Edward Barrington, Doctor of Chiropractic, Subcommittee Member, left the meeting at 2:05 p.m.*

SB69 Regulations Project

Ms. Zaguirre informed the Board that Regulations Specialist, Jun Maiquis, was not available for discussion. Ms. Zaguirre stated that Mr. Maiquis will have information laid out for the Board by the next board meeting. Ms. Zaguirre introduced a proposed fee schedule to the Board and asked for recommendations on changes.

On a motion duly made by Walter Campbell, seconded by Jonathan Vito, and approved unanimously by a roll call, it was:

RESOLVED to recommend to the Division that the following be amended to 12 AAC 02.150:

- (1)The following be added under this section**
 - (D) Chiropractic Preceptor, \$50;**
 - (E) Chiropractic Clinical Assistant, \$75;**
 - (F) Chiropractic Intern, \$100.**

(3) Be changed to from section 4 to 3 and worded as - Registration fee for a

- (A) Chiropractic Preceptor, \$50;
- (B) Chiropractic Clinical Assistant, \$75;
- (C) Chiropractic Intern, \$100.

(4) Be changed from section 3 to 4 and worded as - Biennial renewal fee for a

- (A) Chiropractor, \$600;
- (B) Chiropractic Clinical Assistant, \$75.
- (C) Chiropractic Preceptor, \$50;

Roll call vote:

| Board Member | Approve | Deny | Recuse |
|-------------------------|---------|------|--------|
| Dr. Walter Campbell | X | | |
| Dr. Jeffrey Reinhardt | X | | |
| Dr. Brian Larson | X | | |
| Dr. Jonathan Vito | X | | |
| Mr. John Wayne Aderhold | X | | |

Agenda Item 12

Investigations Report

Time: 2:08 p.m.

Jasmin Bautista, Investigator, joined the meeting at 2:08 p.m.

Jasmin Bautista, Investigator, left the meeting at 2:13 p.m.

Al Kennedy, Senior Investigator, joined the meeting at 2:08 p.m.

Al Kennedy, Senior Investigator, left the meeting at 2:13 p.m.

The Board's investigator, Jasmin Bautista, introduced Al Kennedy, the Senior Investigator for health care related programs, to the Board. Mr. Kennedy offered his assistance in any future cases or questions on policies and procedures. Ms. Bautista presented to the Board that since the last board meeting there has been one open case and four closed cases. Ms. Bautista asked the board for questions. Having none, Ms. Bautista and Mr. Kennedy left the meeting.

Agenda Item 10**Old Business****Time: 2:13 p.m.****SB69 Regulations Project**

Ms. Zaguirre informed the Board that when they meet with Regulations Specialist, Jun Maiquis, at the next board meeting, that he will most likely recommend the Board request for criminal background checks from other states. This subject brought up conversation between Sheri Ryan and the Board on ACS possibly sponsoring a Bill that would include, in statute, access to the FBI database for requesting fingerprints for a criminal background check.

Agenda Item 7**Utilization Review Committee Update****Time: 2:25 p.m.**

Having finished with Old Business, the Board discussed, with Sheri Ryan, the vacant seats on the Utilization Review Committee. Ms. Ryan informed the Board that she, and ACS, has been reaching out and trying to get applicants for some time, but that she has had no success as of yet.

Agenda Item 13**New Business****Time: 2:27 p.m.****Military Licenses**

Upon finishing the Utilization Review Committee Update, Dr. Campbell addressed military licenses with the Board. The Board acknowledged that, in statute, a military licensee has to apply for a courtesy license, but that their application gets expedited to the front of the queue line. Having a brief conversation on the topic the Board came to the conclusion that there was no action needed and that military licensees only have to apply for a courtesy license.

House Bill 89 (Radiologic Technologists)

The Board was prompted by Chairman Campbell to discuss House Bill 89 with Sheri Ryan. Ms. Zaguirre asked Ms. Ryan if ACS had sent a letter to Representative Chris Tuck. Ms. Ryan said ACS had not sent a letter to Representative Tuck but that they intend to. Ms. Ryan discussed her concerns with HB89 and how there is no exemption for chiropractic clinical assistants.

Dr. Campbell asked the Board and Ms. Ryan if they had any questions regarding the letter he drafted to Representative Tuck. Sheri Ryan informed the Board that the letter was acceptable to ACS.

On a motion duly made by Jonathan Vito, seconded by Jeffrey Reinhardt, and approved unanimously by a roll call, it was:

RESOLVED to approve the letter and send it to Representative Chris Tuck.

Roll call vote:

| Board Member | Approve | Deny | Recuse |
|-------------------------|---------|------|--------|
| Dr. Walter Campbell | X | | |
| Dr. Jeffrey Reinhardt | X | | |
| Dr. Brian Larson | X | | |
| Dr. Jonathan Vito | X | | |
| Mr. John Wayne Aderhold | X | | |

Applications with Lapse in Chiropractic Practice/Work History

After conversation on HB89 had finished, Dr. Campbell addressed applications with lapse in chiropractic practice/work history. The Board spoke on applications that have been lapsed for longer than ten years concerning continuing education requirements. The Board decided it needed to look at the statutes more clearly and to table this matter until the next board meeting, adding it under New Business in the next agenda.

Agenda Item 14 **Public Comment** **Time: 2:53 p.m.**

There was no one present from the public.

Dr. Walter Campbell called for a break at 02:54 p.m.

Off Record at 2:54 p.m.

On Record at 3:04 p.m.

Agenda Item 14 **Correspondence** **Time: 3:04 p.m.**

Dr. Campbell began a discussion in reference to an email, from Dr. John Shannon Jr. and Dr. Billy McAfee, the Board received regarding a position statement the Board made on injectable nutrients. Ms. Zaguirre reminded the Board that Dr. Shannon addressed injectables as a whole, not just injectable nutrients. She said he is proposing that the board shouldn't be approving chiropractic physicians doing injectables as a whole without going through trainings.

Agenda Item 15 Budget Report/Division Update Time: 3:12 p.m.

*Janey Hovenden, Division Director, joined the meeting at 3:12 p.m.
Janey Hovenden, Division Director, left the meeting at 3:14 p.m.*

Janey Hovenden reminded the Board that they are not scheduled to go over the final budget report for FY17 until the next board meeting. She addressed that the 4th quarter board reports will be with the FY17 report. Having nothing left to address Janey Hovenden left the meeting.

Agenda Item 14 Correspondence Time: 3:14 p.m.

The Board went back to its previous conversation regarding an email from Dr. Shannon and Dr. McAfee. Dr. Campbell decided that the Board solicit the ACS for recommendations and give good thought and consideration to establishing a regulatory standard for injectable nutrients.

Agenda Item 17 Administrative Business Time: 3:18 p.m.

Set Meeting Dates

Dr. Campbell reminded the Board that they have board meetings on December 15th, 2017, in Anchorage, and on February 16th, 2018, in Juneau.

Agenda Item 18 Adjourn Time: 3:20 p.m.

On a motion duly made by Jonathan Vito, seeking for unanimous consent, and approved unanimously without any objections, it was

RESOLVED to adjourn the meeting at 3:20 p.m.

Respectfully Submitted by:

Aiko Zaguirre Date
Licensing Examiner

Approved by: