

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  
February 18-19, 2011**

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 February 18-19, 2011 in Juneau, Alaska.

**Friday, February 18, 2011**

**Agenda Item 1 – Call to Order/Roll Call**

The meeting was called to order by Dr. Rosemary Zimmerman, President at 9:08 a.m. Those present, constituting a quorum of the Board were:

Rosemary Zimmerman, DC, President – Anchorage  
James Heston, DC, Vice-President – Homer  
Daniel Holt, DC, Secretary – Juneau  
Walter Campbell, DC – Palmer – via conference call for various agenda items

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

Candice Windom, Licensing Examiner – Juneau  
Karen Wilke, Paralegal – Juneau  
JoAnna Williamson, Investigator – via conference call

**Agenda Item 2 – Review Agenda**

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

- Move agenda item #8 to 9:30 a.m.
- Move agenda item #4 to 11:15 a.m.
- Add discussion about statute/regulation e-mail from Dan Branch
- Add discussion about letter to Mr. Spikes from AG
- Board discussed forwarding e-mails to all Board members
- Board discussed the need to provide orientation for Board members to better understand the legislative process

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

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

**Agenda Item 3 – Review Meeting Minutes**

The Board reviewed the minutes of the October 15-16, 2010 meeting.

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

**RESOLVED to approve the minutes of the October 15-16, 2010 meeting, as presented.**

**Agenda Item 8 – Statute/Regulations Projects**

Review recently adopted regulations

The Board reviewed adopted regulation changes regarding defining “prescription drug” and “surgery” as used in the Chiropractic scope of practice.

The regulations become effective on March 16, 2011. The filed versions of the regulations were included in the Board packet for further review.

The Board members also noted that they had reviewed the e-mail sent by Assistant Attorney General Dan Branch regarding this regulation project, but the issue was moot because the regulation project was already filed and had an effective date.

The Board decided that the issue would be better addressed in the goals and objectives.

**Agenda Item 4 – Board Business**

Ethics Reporting

There were no ethics conflicts to report.

Ratification of New Licensees

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

- Jean R. Hulbert #523
- Omid Rahmanian #521
- Elliott S. Woodmansee #522

Review Goals and Objectives

The Board reviewed their goals and objectives for Fiscal Year 2011:

Goal 1: The Board will continue to carry out their assigned duties, as outlined in Objectives 1 through 7.

Goal 2: The Board will continue to provide information regarding Board activities to the profession and the public, as outlined in Objectives 1 through 9.

Goal 3: The Board will continue to its affiliation with ACS, as outlined in Objectives 1 through 3.

Goal 4: The Board removed objective 6 and renumbered objective 7. The Board will continue to pursue statutory authority consistent with the practice as chiropractic to ensure the health and safety of the public, as outlined in Objectives 1 through 6.

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

**RESOLVED to remove objective 6 from goal 4 and renumber objective 7 to become objective 6.**

Goal 5. The Board changed the language in objective 4 from “develop” to “modify.” The Board will continue to access and evaluate regulations, as outlined in objectives 1 through 5.

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

**RESOLVED to change objective 4 of goal 5 to say: “Modify regulations defining “surgery” and “prescription drugs” as used in the Chiropractic scope of practice.”**

Goal 6. The Board will continue to assess and evaluate the review process available through the Peer Review Committee, as outlined in Objectives 1 and 2.

Goal 7. The Board will continue its affiliation with FCLB, NBCE, ACBA, CCE, CLEAR and FARB, as outlined in Objectives 1 through 5.

Goal 8. The Board will continue to consider the sunset review process and to review and respond to sunset audit report recommendations. The next sunset review is scheduled for June 30, 2014.

### **Agenda Item 5 – Investigative Report**

Investigator JoAnna Williamson joined the meeting via conference call to review the investigative report she had provided to the Board.

**Open Complaints:**

C 700-08-002 (Sexual Misconduct)

**Open Investigations:**

2010-001074 (Standard of Care)

2011-000095 (Sexual Misconduct)

**Status:**

Awaiting Action from Outside Agency

**Status:**

Ongoing Investigation

Ongoing Investigation

Activity Since Last Board Meeting:

C 700-10-001 (Standard of Care) – Closed, case opened  
C 700-10-002 (Sexual Misconduct) – Closed, case opened  
2010-000895 (Standard of Care) – Closed, incomplete complaint

Dr. Zimmerman asked Ms. Williamson how the Board could help her. Ms. Williamson stated that overall the communication was working and that she saw no obvious areas requiring improvement.

Dr. Heston asked for clarification to make sure that there is peer review on standards of care cases. Dr. Zimmerman stated that the flow chart indicates that a designated Board member is involved with the investigative process.

The Board thanked Ms. Williamson for her commitment to confidentiality and her professionalism.

**Agenda Item 6 – Animal Chiropractic**

Dr. Stefanie Jones & Dr. Eschbach were in attendance to discuss this topic with the Board.

Dr. Eschbach stated that animal chiropractic is becoming more common, with about 2,000 animal chiropractors being formally trained. Dr. Eschbach noted that there needs to be some overlap between the Veterinary Board and the Chiropractic Board in the form of regulations or working rules. The public has been misinformed in the past and it would be useful to distribute accurate information for the protection of the animal patients. Regulations can protect both animals and chiropractic practice. Dr. Eschbach stated that many states regulations already address chiropractic care as being included in the practice of veterinary medicine.

Dr. Eschbach offered his assistance with creating/amending regulations as necessary.

Dr. Zimmerman stated that Dr. Campbell is friends with Martin Buser who sits on the Veterinary Board and that they were working together to facilitate support from the Veterinary Board on this topic.

Dr. Jones stated that she feels that chiropractors need to address this topic before they are edged out in order to allow those that are properly trained to practice. Dr. Zimmerman asked Dr. Jones what her role could be in this process. Dr. Jones indicated that she is one of only two chiropractors educated in animal chiropractic in the State and she would like to provide as much help as she can.

Dr. Eschbach stated that there was one main animal chiropractic organization that has now split. There is no legislation and no animal chiropractic Board, so the Association has set some standards of education. There is no certification or licensure, but you take and pass the course and then there are written and practical exams. There is also

another level of testing called the independent clinical competency exam; could be seen as similar to the part IV exam.

Oklahoma has established a registry program to recognize those that have been properly trained. There is also a continuing education requirement and investigative/enforcement component.

Some State veterinary Boards add an exception that will allow for animal chiropractic with proper training. Currently the Alaska veterinary statutes say that a veterinarian can consult with anyone in the best interest of the animal.

The Board called Dr. Campbell to discuss this topic. Dr. Campbell stated that he had e-mailed Martin Buser regarding the direction that the Board may be going and Mr. Buser was going to possibly discuss with the Board at the January meeting. Dr. Campbell stated that he had not corresponded with Mr. Buser since that meeting for an update. Ms. Windom stated that she would try to get a copy of the January veterinary Board minutes.

Dr. Jones asked the Board for permission to continue to practice veterinary chiropractic. Dr. Zimmerman stated that there should be no conflict if Dr. Jones is working with a licensed veterinarian to provide this care and not representing herself as a chiropractor.

#### **Agenda Item 7 – Alaska Chiropractic Society Update**

The following Alaska Chiropractic Society (ACS) representative joined the meeting via teleconference to report on ACS activities:

- Debbie Ryan – Executive Director
- Sheri Ryan – Executive Assistant

The following individuals were also attending this section via conference call:

Paul Beane, DC  
Shane Bengoechea  
Mike Miscoe

The Board gave Ms. Ryan a brief synopsis of the animal chiropractic discussion.

Ms. Ryan reported on the following ACS activities:

- January team training with 78 people attending.
- CA round table set up for March.
- March journal clubs set up to review scientific journal articles.
- Possible webinar presented by Dr. Beane in April.
- May journal clubs.
- Golf tournament in June.
- July/August – Homer seminar/fishing trip.

- Sent letter to Linda Hall with Division of Insurance regarding the 90 day recoupment issue. Ms. Hall stated that she would write an updated bulletin, but Ms. Ryan has not yet seen anything and followed up again.
- Had a lot of requests at the October convention and after asking for the ability to send in their renewal applications earlier than they have been able to in the past. Would like the Board to discuss and get back to her. The Board asked Ms. Windom to look in to online renewal.

Dr. Beane wanted to discuss coding and documentation with the Board. Dr. Beane stated that some current graduates exit their programs without any idea of the guidelines. The Board should become involved to assure a certain standard within the profession. Dr. Beane has experience with the State of Louisiana, which does require continuing education hours on this subject at renewal.

Mike Miscoe is an attorney, as well as certified coder in many specialties. He addressed the Board to discuss coding. In all professions there is little training regarding what is required for documentation and coding. Various Boards have vague provisions that address this topic. Compliance is an important component of public protection.

Dr. Zimmerman asked if there seems to be specific coding issues in Alaska. Are there repetitive codes that are a problem? It was stated that there appears to be lots of down coding. Many different coding errors, which may come down to delegation issues among staff.

Shane Bengoechea stated that most providers believe that they have done a good job with their records. Attorneys can help with the audit process because they know the industry. Audits can cause many problems for a practice. Setting up coding correctly on the front end is important.

Dr. Beane recommended that the Board Contact Patricia Oliver in Louisiana to get more information. The Board asked Ms. Windom to find out if there has been a decrease in the number of audits due to the coding/documentation CE hours that are now required.

Dr. Zimmerman stated that under regulation 12 AAC 16.320, coding and documentation meets the criteria for approved continuing education.

### **Agenda Item 9 – Public Comment**

Visitors present included:

- John Shannon, DC
- Bill McAfee, DC

The Drs asked about the prescription drug and surgery regulations and were told that this agenda item was already addressed earlier in the meeting and the regulations were mailed out to all licensees and will become effective soon. The Drs stated that

they were not notified. Dr. Zimmerman stated that the regulations were public noticed by the Division, not the Board and sent to all licensees and suggested that the Drs take the issue of not receiving notification and/or approval of the regulations that address the definitions up with the Attorney General's office and/or the Lieutenant Governor's office.

Dr. Zimmerman stated that Dr. Shannon should apply to serve on the Board. Dr. Shannon stated that he already has and feels that the Board engages in illegal proceedings and attempts to restrict practice.

Dr. Shannon stated that an October 2005 letter sent out to insurance companies regarding injectable nutrients and a follow up letter was sent to rescind that letter. Later on that year a letter was sent out to the profession and then Board president Dr. Culbert went on the record to say that the Board would try to block this practice, which is a restriction of trade. Dr. Zimmerman asked Dr. Shannon to discuss directly with Dr. Culbert, as he is no longer on the Board.

Dr. Zimmerman stated that she was terminating the discussion and directed the Drs to take their concerns/comments up with Assistant Attorney General Gayle Horetski. Dr. Shannon was encouraged to contact the Department of Law directly. Dr. Zimmerman stated that the Board referred the issue to the Attorney General's office and it is the Dept. of Law that is responsible for the decision, not the Board.

The Drs stated that they would be meeting with the State Ombudsman's office the following week and would be filing serious charges against the Boards members. The Drs also complained that Board minutes are not published online timely. Dr. Zimmerman stated that current staff is very new, but that the past examiner Debora Stovern was always timely with posting of the minutes.

Regarding the issue of meeting notification, Dr. Zimmerman encouraged the Drs to remain in contact with the Boards examiner to assure that they receive meeting agendas.

The Board recessed for lunch at 12:15 p.m.  
The Board resumed the meeting at 1:30 p.m.

Karen Wilke joined the meeting to introduce herself and give a brief presentation about her role in the continuing education process. Ms. Wilke stated that she is the Division paralegal and she becomes involved in the process when licensees fail to respond to requests to submit documents or are found to be deficient in meeting the requirements. The end action may be a consent agreement, which she crafts based on prior Board action/established guidelines.

### **Agenda Item 10 – Division Updates**

#### **Budget Report**

The Board reviewed the Budget Report prepared by the Division Administrative Officer.

The Board requested more detailed information, so that they are able to better track incoming/outgoing funds. There was a question about the payments that come in from NBCE for Board member participation in the exams. It was noted that these funds used to be credited to the general fund, but that the Board thought these funds were now being credited directly to the Board as they should be.

### **Agenda Item 11 – Exam Review/Update**

#### **Review question/comment forms from the last exam**

Ms. Windom stated that there were no question/comment forms from the last meeting for the Board to review.

### **Agenda Item 12 – Application Review**

#### **License Applications**

The Board reviewed applications for licensure by examination for Monique Mayo and Tony Kim.

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

**RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2) and (3), and Alaska Constitutional Rights to Privacy Provisions for the purpose executive session application review.**

The Board entered executive session at 1:55 p.m.

The Board went back on the record at 2:35 p.m.

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

**RESOLVED to approve the application for licensure by examination for Monique Mayo, pending successful passage of the exam and payment of license fees.**

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

**RESOLVED to approve the application for licensure by examination for Tony Kim, pending successful passage of the exam and payment of license fees.**

Continuing education applications

Ms. Windom presented the following continuing education course applications to the Board:

Missouri State Chiropractic Association – District I

- The Smorgasbord of Seminars Bonanza LIV

Fairbanks Community Imaging

- Extra Spinal Findings in Depth X-Ray (chest/spine)
- Extra Spinal Findings in Depth X-Ray
- Extra Spinal Findings on T-Spine X-Ray (chest)
- Introduction to MRI of the Spine

Northwest Health Sciences University

- Charrette Extremity Adjusting
- 30 Hour Rehab Certificate

New York Chiropractic College

- Neuromechanical Innovations – Inspire Spine Research Symposium
- The Masters Circle – Healing & Wellness

University of Bridgeport

- Dynamic Analysis, Treatment & Rehab of Movement Related Dysfunctions
- Chirocredit.com X-Ray

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

**RESOLVED to approve all of the continuing education course applications reviewed.**

Dr. Zimmerman asked that a letter of thanks be sent to Dr. Risch with an invitation for he and his wife to have dinner at Southside Bistro with Dr. Zimmerman.

**Agenda Item 13 – Peer Review Committee**

Committee update

Dr. Heston reported that Dr. Barbee had agreed to serve another term as a member of the peer review committee. Dr. Heston stated that he would contact Ms. Summerfield to see if she was also willing to continue to serve.

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

**RESOLVED to approve the extended appointment of Dr. Mark Barbee and Martha Summerfield on the Peer Review Committee.**

**Agenda Item 14 – Federation of Chiropractic Licensing Boards**

Dr. Zimmerman requested that the Board discuss agenda items 14 & 15 (FCLB & NBCE) at the same time since a delegate and alternate delegate needed to be identified.

Upcoming meetings

FCLB Annual Meeting, May 4-8, 2011 in Marco Island, Florida.

FCLB District I Meeting, Sept 22-25, 2011 in Whitefish, Montana.

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

The Board discussed what would be most effective placement for the delegates and why. Dr. Zimmerman that she be allowed to remain the delegate, so that she can finish what she had started. Dr. Heston noted that it may be more useful to put a new delegate in place, so that person can get up to speed. Dr. Zimmerman stated that she could remain the delegate and still bring information back to the Board president. Dr. Heston noted that actually attending the meetings and making contacts is important and different than reading a report about a meeting. The more Board members that can attend the meetings and gain the experience the better it will be.

The Board discussed seeking approval to send two members. Dr. Zimmerman noted that requests to send multiple members to meetings have been denied in the past. The Board wanted to note on the record that they had budgeted/planned on sending two people to the CLEAR conference, but will not be sending anyone. So those funds can be used for FCLB meetings.

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

**RESOLVED to name Dr. Zimmerman as delegate and to name Dr. Heston as the alternate delegate for FCLB & NBCE. Approval to send both Drs to the National meeting in May 2011 and the District meeting in September 2011.**

**Agenda Item 15 – National Board of Chiropractic Examiners**

Annual participation in both Part IV exams and the Part IV test committee meetings, as well as periodic participation in other exams, is contractual obligation of the Board. Such participation also keeps the Board involved and aware of the effectiveness and defensibility of the exams required for licensure in the State of Alaska.

The Board has participated regularly in the administration of the Part IV exam. Travel expenses to participate as examiners and attend test committee meetings are covered by NBCE.

The Board reviewed the schedule and appointed members to attend the events in 2011:

- Dr. Zimmerman volunteered to participate as an examiner for the Part IV examination May 13-15, 2011 at an available college.
- Dr. Heston volunteered to participate as an examiner for the Part IV examination November 11-13, 2011 at an available college.

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

**RESOLVED to approve Dr. Zimmerman to participate in the NBCE Part IV examination in May 2011.**

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

**RESOLVED to approve Dr. Heston to participate in the NBCE Part IV examination in November 2011.**

The meeting was adjourned at 4:35 p.m., until Saturday, February 19, 2011.

**Saturday, February 19, 2011**

**Call to Order/Roll Call**

The meeting was called to order by Dr. Rosemary Zimmerman, President at 12:30 p.m. Those present, constituting a quorum of the Board were:

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

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

Candice Windom, Licensing Examiner – Juneau

The Board reviewed the tentative meeting agenda.

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

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

**Agenda Item 16 – New Business**

The Board discussed nominations for Board president, vice president and secretary. The Board called Dr. Campbell, so he could participate in the discussion.

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

**RESOLVED to approve Dr. Heston as President, Dr. Holt as Vice President and Dr. Campbell as Secretary.**

The Board discussed the following miscellaneous items.

Skype - Dr. Holt asked that Ms. Windom research Skype to see if could be used to conduct Board business.

Gotomeeting.com - It was noted that this resource is used by many other organizations.

Board packets – can they be sent as an attachment? Could the Board create a gmail account that all Board members have access to? That way the examiner only has to send correspondence and Board packets to one location.

icourse – Board members said that they would review this again before the next meeting.

Older minutes – How can the Board review old minutes? Ms. Windom said that she could bring copies of old minutes to the next meeting. Dr. Heston said maybe back to 2000.

Continuing Education – approval of more online education. The ability to earn diplomates online. Earning credit for participating in the NBCE examinations as a Board member; all other states allow their Board members to claim hours for this.

Fines/Penalties – Dr. Holt & Dr. Campbell were supposed to review fines/penalties with Debora Stovern, but then there was a staffing change. Ms. Windom said that she would contact Ms. Stovern to see if there was any information that she could pass on.

Debbie Ryan – Request to send Sheri Ryan addresses for all new licensees, so the society can send them welcome packets.

Fingerprinting – look into this more. The nursing Board does this and there are capabilities to do this electronically now.

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

The Board reviewed the following items of correspondence:

Professional Boundaries, Inc. – Ethics and professional boundaries education.

Med Advantage – Request for information. There was Board discussion about how this company compares to CIN-BAD. How new is this company? Can they do a better job?

Med Advantage – Request for licensure/education information.

California Chiropractic Association (forwarded e-mail from Dr. Gregory Culbert) – Government affairs department update newsletter. Dr. Zimmerman noted that California just had a new fingerprinting regulation go into effect.

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

**RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2) and (3), and Alaska Constitutional Rights to Privacy Provisions for the purpose of continued discussion of yesterday's meeting.**

The Board entered executive session at 1:17 p.m.

The Board went back on the record at 1:35 p.m.

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

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

The Board established the 2011 meeting and exam schedule:

- June 24-25 in Fairbanks
- October 21-22 in Anchorage

#### **Sign wall certificates**

The three Board members present signed signed wall certificates for Stephanie L. Clay, Stefanie M. Jones, Jeffrey R. Reinhardt, and Michaela Krohn.

#### **Sign minutes**

The chair signed the approved minutes from the October 15-16, 2010 meeting.

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

Board members signed Travel Authorization forms and will submit receipts.

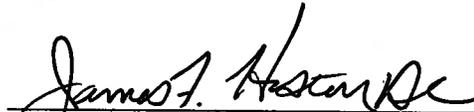
**There being no further business,  
The meeting adjourned at 1:50 p.m.**

**Respectfully Submitted:**



\_\_\_\_\_  
**Cori Hondolero  
Records & Licensing Supervisor**

**Approved:**



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

**Date:** 8-16-11