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, January 22nd, 2016

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 Friday, January 22nd, 2016, beginning at 10:03 a.m. The meeting was held at State Office Building, 9th Floor, Conference Room A in Juneau, Alaska.

Agenda Item 3 Call to Order/Roll Call

The meeting was called to order by Chair James Heston at 10:03 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 *(via telephone)*

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

Laura Carrillo, Licensing Examiner
Janey Hovenden, Director
Martha Hewlett, Administrative Officer
Brian Howes, Investigator *(via telephone)*
Harriet Milks, Attorney (Department of Law)

Attending from the public was:

Amy Welch, Attorney for Drs. McAfee and Shannon (*via telephone*)

Present from the Public:

No one from the public was present.

Agenda Item 2 **Oral Interviews** **Time: 9:14 a.m.**

Chair, James Heston prompted the Board to prepare for oral interviews with the exam candidates.

Crystal Glaser entered the room for her interview with the Board. Dr. Glaser is from Tooele, Utah, and moved to Alaska after finding a job in Sitka. Dr. Glaser stated that she attended the University of Western States and had been working under a temporary permit with Dr. Karen Zamzou. When asked what started her interest in chiropractic, Dr. Glaser responded that after seeing a chiropractor for headache and back pain issues, she realized that she preferred the chiropractic rather than the medical model, and wanted to be a part of the former's profession. Dr. Glaser stated that she had initially intended on focusing on pediatrics and obstetrics, but that the current demand in chiropractic functional medicine would likely guiding her ultimate focus. The Board informed her that she passed the examination and encouraged her to become involved with the ACS, and that registration for the first year is free.

Laura Huling was called next to interview with the Board. Dr. Huling stated to the Board that she is originally from Iowa, where she attended Palmer Chiropractic College. Dr. Huling commented that she was attracted to Alaska for its vast outdoor opportunities, such as hunting and fishing. The Board then inquired whether she had a specialty or a prospective clinic in which to work. Dr. Huling responded that she was currently training at Better Health Chiropractic, and would eventually be opening up a clinic in Kenai as one of their new locations. The Board informed Dr. Huling that she passed the examination and encouraged her to become involved with the ACS.

James Petersen entered the room for his interview with the Board. Dr. Petersen is from Cedar City, Utah and attended Parker University. Dr. Petersen added that he was practicing under a temporary permit for Arctic Chiropractic in Eagle River. When asked what started his interest in Chiropractic, Dr. Petersen responded that his older brother, also a chiropractor practicing in Alaska, influenced him to join the profession. Dr. Petersen commented to the Board that his specific interests are in soft tissue rehabilitation.
The Board informed him that he passed the examination, and encouraged him to become involved with the ACS.

Laura Homacki was called next to interview with the Board. Dr. Homacki stated that she is originally from Philadelphia, and attended Desales University for undergraduate and New York Chiropractic for chiropractic education, respectively. Dr. Homacki added that she was previously a medic in the Pennsylvania Army National Guard for 12 years. When asked whether she had a place to practice, Dr. Homacki stated she would be practicing at Arctic Chiropractic in Dutch Harbor, and added that she had spent a day with Dr. Reinhardt in Sitka, who showed her some instrument adjusting techniques. Dr. Homacki appreciated the observations, as Dr. Reinhardt used different techniques than what was taught at school. The Board informed Dr. Homacki that she passed the examination and encouraged her to become involved with the ACS.

On a motion duly made by Dr. Barrington, and in accordance with AS 44.62.310, the Board unanimously moved to enter executive session for the purpose of discussing AS 44.62.310(4).

Off Record at 9:35 a.m.
On Record at 9:42 a.m.

Tyler Best came into the room for his interview with the Board. Dr. Best is from Grants Pass, Oregon and is currently completing his preceptorship through the University of Western States with Dr. Joel Atkins. Dr. Best commented to the Board that he moved to Alaska in 2009 after accepting a job in Anchorage. When asked what started his interest in Chiropractic, Dr. Best responded that he had served a mission for his church in 2005 and also has a long-running history working with his hands as a mechanic—he stated that it is in the chiropractic profession where he can continue his abilities and passion. The Board informed him that he passed the examination, and encouraged him to become involved with the ACS.

Truman Davidson was the last candidate called into the room for his oral interview with the Board. Chair, Dr. Heston asked Dr. Davidson whether he would like to remain on public record or have his oral interview conducted under executive session. Dr. Truman Davidson opted to stay on public record. Dr. Davidson attended Palmer College of Chiropractic in 1990, and commented to the Board that he had previously applied for an Alaska license in the past, but was not licensed due to an unfortunate situation involving fraud. The Board inquired when Dr. Davidson last practiced, to which he responded that he allowed his Texas license to go inactive and ultimately surrendered that license in 2009. Since not being able to practice, Dr. Truman stated he had been working various jobs in the commercial trucking and oil industry. He also added that he has been keeping up-to-date with the profession and its events via media and through having recently taken—and passed—Part IV of the NBCE exam. The Board asked Dr. Truman to clarify his license status in Texas, to which he

explained that he was designated in that state to conduct disability evaluations (impairment ratings). He also clarified that he did disclose with the TX licensing agency that he was a convicted felon, and later received a letter from one of the chiropractic board members stating that he should cease evaluation of workers compensation patients, to which Dr. Davidson obliged. Subsequent to that year, he added that he allowed his TX license to go inactive. Meanwhile, he was hoping his license status/fraud case in Louisiana would be settled as he hired lawyers and filed an appeal in Washington, DC. His appeal was ultimately declined due to the amount of time having lapsed. A hearing was called, however, due to limited resources; Dr. Davidson was unable to follow through with the hearing, resulting in the surrender of his TX license.

Dr. Davidson commented that the charges were for five re-examinations at $18.00 each, and five massages at around $8.00 each, and asserted that he had always kept detailed records of such charges but that the state of Louisiana had confiscated them during the investigation. When Dr. Davidson was later asked to supply his records in his defense, he was told by the state that the records had been lost, and thus couldn't show provide an arguable defense in this Medicaid fraud case. The Board then prompted Dr. Davidson to clarify whether the fraud case involved any violation in public safety, to which he asserted that it absolutely did not, and that it occurred more than 20 years ago. Dr. Davidson also commented that he has been compliant with fines and reprimands levied upon him, and that he has maintained his optimism in one day returning to the chiropractic profession. The Board informed him that he had passed the state jurisprudence examination, but that the Board would continue to deliberate on whether or not to approve his license.

On a motion duly made by Dr. Barrington, and in accordance with AS 44.62.310, the Board unanimously moved to enter executive session for the purpose of discussing AS 44.62.310(4).

Off Record at 9:56 a.m.
On Record at 10:01 a.m.

On a motion duly made by Dr. Edward Barrington, seconded by Dr. Walter Campbell, and approved unanimously, it was:

RESOLVED to approve the licensure of Truman Davidson.

TASK:
Ms. Carrillo will contact Truman Davidson via phone and inform him of the Board's decision to approve his license.

Amy Welch joined the room telephonically at 10:03 a.m.
Amy Welch left the room telephonically at 12:00 p.m.

Agenda Item 4 **Review Agenda** **Time: 10:03 a.m.**

The Board reviewed the agenda. Dr. Heston informed the Board that attorney, Harriet Milks would be attending the meeting during the Board's discussion on Iovera°. Ms. Carrillo commented the Board that 12 AAC 16.037 regarding NBCE examinations was in need of clarification as there are discrepancies between two sections. Mr. Heston suggested adding this to Agenda Item #11 during the FCLB/NBCE discussion.

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

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

Agenda Item 5 **Review Minutes** **Time: 10:13 a.m.**

The Board reviewed the minutes from the September 18th and October 8th, 2015 meeting.

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

> **RESOLVED to approve the September 18th and October 8th, 2015 draft minutes as written.**

TASK:
Ms. Carrillo will mail the final minutes to Dr. Heston for his signatures.

TASK:
Dr. Heston will send the signed final minutes to Ms. Carrillo

Agenda Item 6 **Board Business** **Time: 10:16 a.m.**

Ethics Report
There were no ethics violations to report.

Ratify New Licenses
Hearing nothing further on ethics reports, Dr. Heston moved to ratification of new licenses

which were issued following the Board's September 18th examination. The licenses for Erin Cavanaugh, Kyle Hanford, April Hudson, Tara Koeckritz, John Lloyd, Dana Manelick, and Linda Nam were ratified and confirmed by the Board.

Review Goals & Objectives

Dr. Heston again addressed amending the goals and objectives to incorporate utilization of the national background check, and to assert the Board's intent to pursue inclusion into AS 08.01.050(d), which reads:

> "At the request of one of the following boards, the department may contract with public agencies and private professional organizations to provide assistance and treatment to persons licensed by the board who abuse alcohol, other drugs, or other substances…"

Changes to the Board's goals and objectives would create a new goal, #7 with two objectives. Dr. Barrington agreed to draft language for the goals to clarify the Board's intent and to effectuate the need for such changes.

Goal 1: Carry out assigned duties of the board:

Objective 1:	Conduct a minimum of three board meetings a year and 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 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.

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 the Alaska Chiropractic Society (ACS) in its efforts to provide information to the profession and the public.

Objective 3: Support the Alaska Chiropractic Society (ACS) in its efforts in pursuing statutory changes relevant to the profession and public safety.

Objective 4: Support the Alaska Chiropractic Society (ACS) in pursuing statutory authority for licensing chiropractic assistants, technicians and interns/preceptors.

Objective 5: Support the Alaska Chiropractic Society (ACS) in its efforts in pursuing a statutory change to allow for animal chiropractic in cooperation with the Veterinary Board.

Goal 4: Access and evaluate regulations.

Objective 1: Continue to assess and evaluate continuing education requirements.

Objective 2: Continue to assess and evaluate radiological safety, professional ethics and boundaries, public health and emergency training.

Objective 3: Proactively make recommendations through regulations to anticipate changes in the health industry.

Goal 5: 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.

Objective 3: Keep the committee roster fully staffed with three chiropractors and one public member at all times.

Goal 6: 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 Board members and staff at district and annual meetings of the FCLB and NBCE in order 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.

TASK:

Dr. Barrington will draft language for a new goal 7 with objectives 1 and 2 to be incorporated in the Board's Goals and Objectives.

SB 69

Hearing nothing further on goals and objectives, Dr. Barrington addressed Senate Bill 69 regarding the certification of chiropractic clinical assistants. Dr. Barrington informed the Board that there was a very large fiscal note attached to the bill, which he discussed with Operations Manager, Sara Chambers via e-mail. Ms. Carrillo distributed a hand out of this correspondence in which Ms. Chambers highlighted the pertinent language on the bill indicating the Board's collective agreement to support the impact to the Board's budget should certification of clinical assistants be carried through legislation. In avoiding such a fiscal impact, Dr. Barrington suggested the Board amend the language to use the term *employ* rather than *certify*, and reiterated Ms. Chamber's suggestion that the Board recognize a national certification program to reduce the fiscal load. Ms. Carrillo pointed out the CCCA program, which is a national certification program for assistants. Dr. Barrington stated that he would be speaking with Senator Stoltze on this issue later in the day.

Dr. Barrington also spoke with a senator about the national background check and impaired physician's language, but because they are centralized statute changes, Dr. Barrington's expectation is that it may be advised to pursue these changes at a later and separate time.
On a motion duly made by Dr. Edward Barrington, seconded by Dr. Walter Campbell, and approved unanimously, it was:

RESOLVED to support Senator Stoltze and the Alaska Chiropractic Society's efforts in moving Senate Bill 69 forward.

IBCN

Hearing nothing further on SB 69, Dr. Heston moved to discussion on approving the International Board of Chiropractic Neurology as a specialty designation program, which the Board has previously denied. The IBCN had since submitted documentation outlined under 12 AAC 16.047.

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

RESOLVED approved the International Board of Chiropractic Neurology as a specialty designation program per compliance with 12 AAC 16.047.

Dr. Barrington abstained from voting as he is involved with the American Board of Chiropractic Neurology.

TASK:

Ms. Carrillo will contact Dr. Vanessa Wilczak and the IBCN regarding the Board's decision.

Courtesy License for instructors

Dr. Heston then addressed a possible amendment to 12 AAC 16.205, which pertains to courtesy licenses. Currently, the courtesy license issued for the specific purpose of practicing for a special event, which is defined as an "*athletic, cultural, or performing arts event…*" To allow continuing education instructors the ability to practice during a course, seminar, or conference, the Board discussed initiating a regulation project to amend this language.

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

RESOLVED to amend 12 AAC 16.205(j) to read: *In this section, "special event" means an athletic, educational, cultural, or performing arts event held in this state.*

Since the above regulation limits the number of courtesy licenses obtained to two per year, Dr. Barrington addressed the potential issue of chiropractic instructors needing to come to Alaska more than twice to instruct a course. Dr. Campbell commented that if an instructor is returning to Alaska frequently, it may be feasible to just pursue a permanent license.

Administrative hearing outcome

Dr. Heston informed the Board that in a case in which the Investigation's section called upon an individual to serve as the Board's expert witness resulted in being dropped because the witness decided not to testify. Dr. Heston expressed his contention with this, as it accrued legal costs to the Board with essentially no outcome. Dr. Barrington suggested that Investigations should first consult with the Board before choosing an expert witness on their behalf, to which Dr. Heston agreed.

Harriet Milks joined the room at 10:30 a.m.
Harriet Milks left the room at 11:47 a.m.

Request for Reconsideration of Iovera°

Hearing nothing further on the administrative hearing outcome, Dr. Heston inquired to the Board whether they would entertain the request for reconsideration. Dr. Campbell wanted to clarify on record that he had erroneously and precipitously recused himself from voting during the Board's October teleconference, as he was trying to air on the side of caution considering the business aspect with Drs. McAfee and Shannon. Dr. Campbell's logic at the time was to avoid any perception of there being a bias during the voting of Iovera°. Dr. Campbell added that he had previously spoken with the Division about this issue, and stated that he should have not recused himself because there was and is no binding financial relationship between himself and Drs. McAfee and Shannon, and thus no conflict of interest.

Dr. Campbell then addressed two separate issues regarding the way Iovera° was presented to the Board on both the September 18th and October occasions; the first was whether Drs. McAfee and Shannon could administer Iovera° according to and consistent with the company's protocol—the establishment of a quorum was questionable in this instance; the second issue was whether Iovera° and its protocol to administer lidocaine was in the scope of chiropractic practice. The Board deliberated these issues, as well as on the varying surgery definitions. Dr. Heston then posed the questions, is the procedure considered surgery and does the administration of Iovera° require an anesthetic? Dr. Heston asserted that use of an anesthetic is part of the procedure as described by the company, Myoscience, however, Dr. Campbell contended that tools don't necessarily have to be used specifically in accordance the manufacturer's specifications. Dr. Campbell further added that the statutes and regulations don't explicitly state that chiropractors must follow all methods as prescribed by manufacturers of devices used in the profession.

On a motion duly made by Dr. Walter Campbell seconded by Dr. Edward Barrington and approved by the majority of the Board, it was:

RESOLVED to approved reconsideration of Iovera°

Christine Hill and Dr. James Heston voted not to reconsider.

The Board continued to deliberate the issue of whether Iovera° is within the scope of chiropractic, and whether administering the device without the use of anesthetic would be acceptable. Dr. Heston interjected, stating that administering Iovera° without anesthetic would be painful for the patient, and thus a public health issue. Dr. Campbell disagreed that this would be a public health issue since patients would be given the option as to whether or not to receive anesthetics. Dr. Heston reiterated that this device has never been sold to a chiropractor as the intended users are physicians, and that Myoscience has labeled it as a minimally invasive procedure. He added that the Board's prerogative is not start allowing chiropractors to use tools and devices with methods not endorsed by the manufacturer. Dr. Heston also maintained that the procedure does require an anesthetic per Myoscience's earlier statements, but that language in the statutes and regulations should be clarified to more objectively define surgery.

Dr. Barrington and Dr. Campbell addressed the issue of Myoscience's position unaligned with Drs. McAfee and Shannon's understanding of Iovera°. Dr. Holt reminded the Board of the need to respect that Drs. McAfee and Shannon's intent was not to mislead the Board. The Board acknowledged this and stated that the issue should have been cleared up between Myoscience and the chiropractors.

Dr. Holt then inquired to Amy Welch what her expectation was of the Board's approval for reconsideration. Ms. Welch stated that Drs. McAfee and Shannon position remains the same as in previously stated in the legal documents and asked the Board whether they would be making a final decision on the use of Iovera°. Attorney for the Board, Harriet Milks, advised the Board that if the Board takes an action, it is appealable to the Office of Administrative Hearings. Ms. Milks added that Board decisions on scope of practice issues are not typically considered final actions since such actions don't affect licensure status, and that taking a position is considered a policy rather than an action. She reiterated that if the Board took a position or restated a position on this issue, it may not be appealable as it's not considered to be a final action. Ms. Milks also spoke to the definition of surgery, and suggested to the Board to clarify whether incision is considered surgery. Dr. Barrington asserted that inserting a needle, such as in the case of administering corticosteroids, would be non-surgical.

The Board leaned towards asking for a clarifying statement from Myoscience regarding whether lidocaine should be administered, or if a cold-spray anesthetic would suffice.

TASK:

Dr. Barrington will draft a letter to send to Myoscience requesting clarification on their prescribed method and type of anesthetic in administering Iovera°. The draft will be sent to Ms. Carrillo, who will send it the Board via an e-mail ballot before sending it to Myoscience.

On a motion duly made by Dr. Walter Campbell seconded by Dr. Edward Barrington and approved unanimously, it was:

RESOLVED to table discussion of Iovera° until the next meeting.

Christine Hill voted no.

Harriet Milks asked for clarification from the Board whether they were intending on including the definition of surgery in their next regulatory project, to which the Board confirmed. Dr. Heston asked Ms. Milks whether the Board could create a subcommittee, to which Ms. Milks responded that with proper public notice, they begin work on drafting regulation changes. Harriet advised that the Board should appoint a single member to create the regulation draft, and that if it was 2-3 paragraphs long, it may be beneficial to have the Department of Law review the document to make sure the proposed change is consistent with existing statutes and regulations. If the Board and the Department of Law approves the draft, it would go through a 30-day public notice. Ms. Carrillo reiterated that the process involves getting a draft to the Division's regulation's specialist, Jun Maiquis, who then sends the draft to the Department of Law for review and possible amendments.

New Board Members

Hearing nothing further on Iovera°, the Board acknowledged the upcoming professional member and public member, Jeffrey Reinhardt from Sitka and John Wayne Aderhold from Homer, respectively. Dr. Heston addressed Dr. Campbell's relationship with Dr. Reinhardt, to which Dr. Campbell stated that any potential conflict had been described and sorted out. Ms. Carrillo informed the Board that there will be a more formal statement regarding this at the Board's upcoming meeting. The new Board members would be appointed in March.

Dr. Heston motioned for break at 11:01 a.m.

Off Record at 11:01 a.m.

On Record at 11:10 a.m.

Agenda Item 7 Division Report/Budget Time: 11:10 a.m.

Director, Janey Hovenden and Administrative Officer, Martha Hewlett joined the room at 11:00 a.m.
Director, Janey Hovenden and Administrative Officer, Martha Hewlett joined the room at 11:25 a.m.

Director Hovenden and Ms. Hewlett joined the room to present the Board's FY15 year-end report ending June 30th, 2015. Ms. Hewlett informed the Board that their budget report reflected a non-renewal year, with which the Board ended at a total licensing revenue of $146,932 with $54,744 in personal services included in the total direct expenditures of $83,502. She added that the Board's ending cumulative surplus was at $32,907 and that the allowable third party reimbursement totaled $557.00—this includes training expenses for conferences. Ms. Hewlett also touched on travel and contractual services included in direct expenditures. Ms. Hewlett then directed the Board's attention to the 7100 series of the collocation code breakdown for pay determinations based on account name (function).

Ms. Hewlett then addressed the FY 1st quarter report including expenses from July 1st, 2015 through September 30th, 2015, and informed the Board that their total licensing revenue was at $6,100 with an ending cumulative surplus deficit of $23,113. Ms. Hewlett informed the Board that the Division was utilizing a new accounting system, IRIS, which has now dropped the 7 in the 7100 series in the collocation code system; 0120's = personal services, 2000's = travel, 3000's = contractual. The Board's fee analysis would begin in April, 2016.

Dr. Heston inquired to Ms. Hewlett about the effects of the current travel freeze on Board and staff travel. Ms. Hewlett informed the Board that the Division doesn't utilize the general fund as programs are supported by licensing revenues, and that communication was in process to sort out future travel details. Director Hovenden also informed the Board that travel approvals are conditional and dependent on necessity and justification. When travel is found to be unnecessary, alternative meeting solutions such as teleconference or videoconferencing may be approved, but would require a report detailing what monetary and non-monetary resources were saved by non-travel. Similarly, when travel *is* granted, reporting will need to be conducted for each meeting detailing the progress made during the in-person meeting. Director Hovenden informed the Board that a template for such reporting would be made available soon.

Agenda Item 8 **<u>Correspondence</u>** **Time: 11:50 a.m.**

The Board moved to discussion on the correspondence piece from Dr. Andrea Iverson, who was requesting 2 hours of continuing education in coding and documentation credit for all chiropractors due to the need to adapt to the ICD-9 to ICD-10 conversion. Dr. Iverson asserted in her request to the Board that all chiropractors have likely spent at least 2 hours in studying the changes. The Board considered this a "self-study" request, with which there is a formal process in applying for under 12 AAC 16.350. The application, however, requires that the applicant provide proof of registration.

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

> **RESOLVED to deny the request for granting all Alaska licensed chiropractors 2 hours of continuing education credit in coding and documentation for transitioning to the ICD-9 to ICD-10, as the circumstance does not comply with the registration required under 12 AAC 16.350.**

Agenda Item 9 <u>Peer Review Committee</u> Time: 11:57 a.m.

Hearing nothing further on correspondence, Dr. Heston prompted Dr. Holt to give any updates on the Peer Review Committee. Dr. Holt informed the Board that Ben Pontius had expressed an interest in continuing to serve on the committee. There were otherwise no peer review issues to discuss.

TASK:
Dr. Holt will contact Dr. Todd Lovell and John Murphy regarding whether they intend to continue serving as Peer Review Committee members.

Agenda Item 10 <u>Lunch Break- -</u> recess not adjourn

Off record at 12:00 p.m.
On record at 1:06 p.m.

Agenda Item 11 <u>FCLB/NBCE Update</u> Time: 1:07 p.m.

Dr. Heston addressed the FCLB/NBCE discussion and did not have any specific updates to provide for the FCLB. He did state, however, that new delegates would need to be established since he would no longer be on the Board after March 1st, 2016. The Board ultimately decided that Dr. Holt would serve as the primary delegate and that Dr. Campbell would serve as the alternate delegate both the FCLB and NBCE. The Board discussed possible upcoming delegate travel to Greeley, CO for the NBCE's Part IV test committee. The Board also expressed that they may not send a delegate to the May or November testing, but that the primary and alternate delegate, and the licensing examiner should travel to the annual FCLB/NBCE conference from April 27th-May 1st, 2016 in Phoenix, Arizona.

Amy Welch joined the room telephonically at 1:16 p.m.
Amy Welch left the room telephonically at 1:58 p.m.

<u>Regulation Changes</u>

The Board then moved to discussion on a possible regulation change to correct the NBCE examination requirements. Ms. Carrillo addressed the discrepancies between 12 AAC 16.033(7) and 12 AAC 16.037(b); the former refers to the requirements needed to apply via credentials, while the latter refers to required NBCE examinations for exam and licensure qualifications. The former states that an individual applying by credentials must take either the Special Purposes Examination of Chiropractic (SPEC) exam, or Parts I and II, while the latter states that the credential applicant must take either the SPEC exam or Part III. Dr. Heston phoned the NBCE for clarification on this issue.

Dr. Campbell added that the SPEC exam is acceptable only until August 31st, 1998, according to 12 AAC 16.037(d), after which time Part IV is required. Dr. Heston suggested delegating the task of clarifying the language to a subcommittee

TASK:
The Board will establish a subcommittee to determine whether the recommendation of amending 12 AAC 16.033(b) by adding NBCE exams Parts III and IV and amending 12 AAC 16.037(b) by adding Part IV is the most accurate correction.

TASK:
The Board will establish a subcommittee to work out the timeline details regarding NBCE examination requirements.

Daniel Holt left the room at 1:27 p.m.
Daniel Holt entered the room at 1:28 p.m.

Agenda Item 12 <u>Position Statements</u> Time: 1:47 p.m.

Dr. Barrington informed the Board that the Advertising of Free Services position statement had not yet been updated and is still tabled. He added that he is continuing to work on developing a position statement for sexual harassment. Dr. Barrington then distributed a draft position statement on Massage Therapy to the Board, but added that he would be imminently making corrections before sending to Ms. Carrillo. The Board would be informing the ACS of their position statements, and to encourage them to post the statements to their own website. Ms. Carrillo directed the Board on where to find the statements on the Board's "Board Business" site.

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

RESOLVED to approve the position statement on Massage Therapy.

TASK:
Dr. Barrington will e-mail Ms. Carrillo the Massage Therapy position statement for her to send to the Board before posting on the Board's site.

TASK:
Dr. Barrington will continue working on a position statement draft on sexual harassment.

Agenda Item 14 Public Comment **Time: 2:00 p.m.**

No one was available for public comment.

Agenda Item 13 ACS Updates **Time: 2:30 p.m.**

Debbie Ryan entered the room telephonically at 2:30 p.m.
Debbie Ryan left the room telephonically at 2:40 p.m.

Debbie Ryan informed the Board that the ACS membership was up to 68%, that this year's convention would have a focus on ethics and law. Ms. Ryan noted that the emphasis is justified by concerns of chiropractors erroneously charging for services; she had recently received a call from a lawyer stating that non-cash paying patients had been double-charged or CMT's compared to cash-paying patients. Ms. Ryan anticipated that this would be the biggest convention to date, having been extended to four rather than two days. Ms. Ryan prompted the Board to inform the ASC of complaints so they can determine if the topic(s) necessitates additional or focused training. Ms. Ryan added that the society was offering credit through journal and radiology clubs, as well as CPR/First Aid. On a national level, the ACS was honing in on the efforts to expand Medicare payments for services other than CMT as well as expanding VA coverage and TRICARE for children of veterans. Ms. Ryan also noted that the ACS is continuing to push for SB 69 and referenced the Naturopath Board who experienced a major increase in licensing fees as a result of the fiscal note.

Agenda Item 15 Investigations Report **Time: 2:39 p.m.**

Investigator, Brian Howes entered the room telephonically at 2:39 p.m.
Investigator, Brian Howes left the room telephonically at 2:45 p.m.

The Board's investigator, Brian Howes joined the room to present his investigative report, which included activity from 09/03/2015 to 01/20/2016. There were 2 open actions, one criminal action with no conviction and one sexual misconduct. A case on negligence and a

case on misrepresentation were closed since the last meeting. Mr. Howes informed the Board that an updated investigative report would be made available to Ms. Carrillo soon.

TASK:
Ms. Carrillo will forward the updated investigative report to the Board.

Agenda Item 16 **Administrative Business** **Time: 2:46 p.m.**

The Board kept their next meeting date of May 20th, 2016 in Fairbanks.

Sign Wall Certificates
The Board signed wall certificates for John Lloyd, Dana Manelick, and Michael McClaskey.

Sign Meetings Minutes
Ms. Carrillo informed Dr. Heston that she would be mailing the final minutes from the September 18th, 2015 meeting and the October 8th, 2016 teleconference meeting.

TA's & Receipts
Dr. Barrington handed his receipts to Ms. Carrillo and Dr. Campbell e-mailed his.

TASK:
Dr. Heston will send Ms. Carrillo his travel receipts.

Task List
The Board briefly reviewed their task list.

Agenda Item 17 **Adjourn** **Time: 2:56 p.m.**

On a motion duly made by Dr. James Heston, seconded by Dr. Walter Campbell and approved unanimously, it was

RESOLVED to adjourn the meeting at 2:56 p.m.

Respectfully Submitted by:

Laura Carrillo 06/09/16
Laura Carrillo
Licensing Examiner

Approved by:

Dr. Daniel Holt, Chair
Alaska State Board of Chiropractic Examiners

Alaska Board of Chiropractic Examiners
January 22nd, 2016
Juneau, Alaska

- Sign In -

Name	Agency
Dawn Hannesch	CBPL
Harriet Milks	LAW AAG.
Martha Hewlett	CBPL
JANEY HOVENDEN	CBPL