

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, December 15th, 2017

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 1535 and 1560 in the Robert Atwood Building, 550 West 7th Avenue, Anchorage, Alaska.

Friday, December 15th, 2017

Agenda Item 2 Oral Interview with Board Time: 9:13 a.m.

Jason Nardi, Daniel Buckley, Nancy Miggins, Zachary Ellingham, Collin Kuoppala and Joshua Christensen entered the room for their oral interviews with the Board. The Board, as led by the Chair, Dr. Walter Campbell, informed all the examination candidates of the Alaska Chiropractic Society, which is a great resource to keep them informed of current issues, topics and up-to-date laws related to the chiropractic profession.

Dr. Walter Campbell called for a break at 09:47 a.m.

Off the record at 9:47 a.m.

Back on record at 10:10 a.m.

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

The meeting was called to order by Chair, Walter Campbell at 10:10 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:

Thomas Bay, Licensing Examiner
Renee Hoffard, Records and Licensing Supervisor
Sarah Chambers, Deputy Director (*via teleconference*)
Jasmin Bautista, Investigator

Present from the Public:

Via teleconference:

Sheri Ryan, Chief Operating Officer, Alaska Chiropractic Society
Edward Barrington, Doctor of Chiropractic

Agenda Item 4

Review Agenda

Time: 10:11 a.m.

After the Roll Call, Chair, Dr. Campbell asked the Board to review their agenda.

On a motion duly made by Brian Larson, seconded by Jonathan Vito, and approved unanimously it was

RESOLVED to amend the agenda by adding a discussion regarding practitioners that are performing services for patients that are not under Alaska Statute as time permits.

Ms. Hoffard respectfully asked Dr. Campbell if they can strike Agenda Item 10 from the agenda because it would later be discussed during the division update with Deputy Director Sara Chambers.

On a motion duly made by John Wayne Aderhold, requesting unanimous consent, and approved unanimously without any objections, it was

RESOLVED to strike Agenda Item 10, SB 69 under Old Business.

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

RESOLVED to accept the agenda as amended.

Agenda Item 6

Board Business

Time: 10:17 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. John Wayne Aderhold decided not to recommend a goal or objective regarding silos after stating he would at the last board meeting.

On a motion duly made by Brian Larson, requesting unanimous consent, and approved unanimously without any objections, it was

RESOLVED to approve the Goals and Objectives as written.

Ratify Licenses

Hearing nothing further on Goals and Objectives, Dr. Campbell moved to address the ratification of licensees for applicants who sat for the September 15th, 2017 examination.

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

RESOLVED to ratify the licenses for Blue Ross, Jeffery Rebarcak, Mason McCloskey, Maya Radonich, Calvin Gabel, Tammy Hill, Chance Charlton and Chad Hedges.

Continuing Education Course Approval Application Review

After the ratification of their new licensees, the Board discussed continuing education course approval guidelines and application review. Jonathan Vito discussed issues with continuing education credits regarding the Alaska Chiropractic Society and Orthopedic Physicians Alaska dinner. It was decided that the continuing education credits would

most likely be accepted, per statute and syllabus given at the time of the event. The following courses were approved by voting ballot via the Board:

- #16371 – “FCA SW Regional Convention & Exposition,” submitted by the Florida Chiropractic Association, Inc.
- #16372 – “Achieving Maximum Performance Every Day,” submitted by Northwestern Health Sciences University
- #16373 – “2018 Homecoming & Winter Gathering,” submitted by Northwestern Health Sciences University
- #16374 – “OPA Chiropractic Dinner 2017,” submitted by Alaska Chiropractic Society/Orthopedic Physicians Alaska

Position Statements

With no other applications to review, the Board was prompted by Chairman Campbell to discuss their position statements. Dr. Larson discussed dry needling with the Board and will have a position statement ready to submit by the next board meeting. Dr. Larson suggested a position statement regarding using natural substances. It was presented by Dr. Campbell that this issue had come up in the past and the best way to deal with it is to follow the statutes that are already in place, specifically pertaining to issues with using prescription drugs when referring to natural substances, which is a violation and can be dealt with via filing a complaint.

TASK:

Dr. Larson will draft the language for the Board’s position statement on Dry Needling.

Agenda Item 7 Utilization Review Committee Update Time: 11:27 a.m.

Having finished their Position Statements, the board addressed possible candidates to fill vacant seats for the Utilization Review Committee. The Board reviewed and approved the new review process flowchart.

Agenda Item 8 FCLB/NBCE/CCE Update Time: 11:35 a.m.

The Board discussed travel options to the annual FCLB conference in Dallas, Texas. It was recommended that Dr. Larson and Dr. Vito attend the conference which runs from May 2nd-6th. If travel is not approved it is recommended that Dr. Larson and Dr. Vito attend the NBCE conference in Orlando, Florida, from May 1st-5th. However, it is highly recommended that the Board attend the FLCB conference. The CCE conference will be held in January and will not be attended by the Board.

Agenda Item 14

Correspondence

Time: 11:44 a.m.

After the update on Board travel, Dr. Campbell, to prepare for the Division Update, addressed the Board regarding the letter he wrote and sent to Representative Chris Tuck. The letter entails potential areas of conflict, specifically between House Bill 89 and Senate Bill 69.

Dr. Campbell called recess for lunch at 11:53 a.m.

Off Record at 11:53 a.m.

On Record at 1:21 p.m.

Agenda Item 11

ACS Update

Time: 1:21 p.m.

Sheri Ryan, COO, Alaska Chiropractic Society, joined the meeting at 1:21 p.m.

Sheri Ryan, COO, Alaska Chiropractic Society, left the meeting at 1:44 p.m.

After lunch, Chair, Dr. Campbell asked Ms. Ryan to provide her ACS Update to the Board. Ms. Ryan began her update by providing information on Bills that have been filed through the legislation committee. SB 49, which is a physical therapy board's bill, attempts to give their board exclusive rights to the term, "physiotherapist," in statute, which is a concern to many chiropractors. Senator Cathy Giessel pulled her sponsorship to the bill, forcing the physical therapy board to find another sponsor. If no sponsor is found SB49 is not likely to pass.

Ms. Ryan also discussed HB 89, which is sponsor Representative Tuck's, *Licensing Radiologic Technicians*, bill with the Board, relaying information that Representative Tuck was fairly certain he was not going to go forth with the bill because it was getting done administratively.

Ms. Ryan also provided information on HB79, which is the, *Omnibus Workers' Compensation*, bill that restricts who can assist injured workers. This bill coupled with SB112 creates problems for access to care, professional legal advice and creates a less chance that injured workers will have their accident/injury be declared a workers' compensation injury due to the change in evidence requirements.

The final Bill Ms. Ryan spoke on was HB90, which combines all investigative costs of all boards and assesses them across all licensees. This is an issue because the Board has always had a surplus on investigative costs and feels they should not have to cover other boards' costs.

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Agenda Item 12

Investigations Report

Time: 1:58 p.m.

Jasmin Bautista, Investigator, joined the meeting at 1: 58 a.m.

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

The Board's investigator, Jasmin Bautista, presented to the Board with eight complaints under intake stage, seven of which are open and have not yet become official complaints to be investigated, as well as one that has been closed. She also presented open case #2017-000642, which is still under investigation. Ms. Bautista will have a conclusion for the open case at the next board meeting.

Ms. Bautista stated that all complaints received—phone calls, emails, or letters—against any licensee, would initially be identified as intakes. Ms. Bautista provided the Board with a short summary of the investigative process.

Agenda Item 13

New Business

Time: 2:12 p.m.

Military Licenses

Having no further reports to go over, Dr. Campbell acknowledged to the board that they have already determined that military licensees have no special process to go through and that they only needed to apply for a temporary license.

House Bill 89

As stated previously, this bill is most likely not going to be moving forward because it is getting done administratively. Dr. Campbell mentioned that Sheri Ryan will look into the administrative process and will follow up with the Board in February.

Applications with Lapse in Chiropractic Practice/Work History

Dr. Campbell moved to discuss applications with lapse in chiropractic practice and work history. It was decided to amend 12 AAC 16.390(c) to include continuing education credits during the next board meeting.

AK Court System (Medical necessity/excuses)

The Board feels the Court system has likely committed an oversight, as its language in its bulletin does not comport with existing law regarding classifications of physicians, and appears to ignore the scope of practice of Chiropractors in Alaska. The Board feels that this contradiction, from the court system, can lead to unnecessary confusion on

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Chiropractic scope, potential conflicts between legally qualified physician recommendations and jury duty policy, as well as the potential harm or exacerbation of injuries to patients who are called to jury duty. In light of those facts, the board decided to seek clarification and consistency from the court system.

On a motion duly made by Walter Campbell, seconded by Jeffrey Reinhardt, and approved unanimously it was

RESOLVED that Walter Campbell write a letter to Alaska Supreme Court Chief Justice Craig Stowers regarding AS.23.30.395. and how the bulletin the Alaska Court system provides does not support actual statutes already in place.

Agenda Item 14 **Public Comment/Correspondence** **Time: 2:45 p.m.**

There was no one present from the public.

Dr. Walter Campbell called for a break at 02:50 p.m.

Off the record at 2:50 p.m.

Back on the record at 2:59 p.m.

Agenda Item 15 **Budget Report/Division Updates** **Time: 2:59 p.m.**

Sara Chambers, Deputy Director, joined the meeting at 2:59 p.m.

Sara Chambers, Deputy Director, left the meeting at 4:10 p.m.

Sheri Ryan, COO, Alaska Chiropractic Society, joined the meeting at 3:01 p.m.

Sheri Ryan, COO, Alaska Chiropractic Society, left the meeting at 3:56 p.m.

Edward Barrington, Doctor of Chiropractic, joined the meeting at 2:59 p.m.

Edward Barrington, Doctor of Chiropractic, left the meeting at 3:56 p.m.

Having proposed new regulations under SB69, Deputy Director, Sara Chambers, informed the board that adding licensing requirements was beyond the scope of the statutes of SB 69 and would most likely not pass review. After a thorough review, with input from Sara Chambers, as well as members of the board appointed regulatory committee, and the ACS, the board elected to make only minor changes to the language in the proposed regulations. Upon finishing conversation regarding SB69 regulation Ms. Ryan and Mr. Barrington left the meeting.

Chairman Campbell asked Deputy Director, Sara Chambers, to proceed with the Division Update and Budget Report. Ms. Chambers began with providing the Board with their financial status with her budget report. Ms. Chambers informed the Board that their total direct expenditures were amazingly low due to certain reasons, the main being due to the vacant examiner position, which is now filled, and the low number of cases being worked on by their investigator or by the Department of Law. Ms. Chambers then addressed indirect expenditures and informed the Board that their current financial status is in a surplus.

Agenda Item 13

New Business

Time: 4:11 p.m.

SB69 Regulations Project

Having finished with the Division Update and Budget Report, the Board worked on drafting definitions of general and personal supervision when supervising interns and assistants. It was defined that general supervision is done within a facility, whereas personal supervision was under the physical presence of a licensed individual. It was also delineated that a preceptor be subject to discipline of intern violations.

Agenda Item 14

Correspondence

Time: 4:54 p.m.

Correspondence

In response to an inquiry, the Board determined that chiropractors in Alaska could independently assess patients for concussion and make a return-to-play determination.

Agenda Item 16

Administrative Business

Time: 5:01 p.m.

Set Meeting Dates

The Board proceeded to set their next meeting dates. Dr. Campbell suggested that the Board should meet again February 16th, 2018.

Task List

Dr. Campbell added a position statement for the next board meeting regarding chiropractors who are working against sports physicians, in the matter of concussive analysis and return to play guidelines.

Ms. Hoffard reminded the Board to keep their receipts for their travel and email that either to her, Mr. Bay or directly to the Travel Desk.

Agenda Item 18

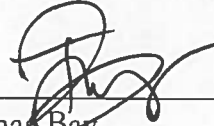
Adjourn

Time: 5:02 p.m.

On a motion duly made by John Wayne Aderhold, requesting unanimous consent, and approved unanimously without any objections, it was

RESOLVED to adjourn the meeting at 5:02 p.m.

Respectfully Submitted by:

 for

Thomas Bay
Licensing Examiner

Approved by:



Dr. Walter Campbell, Chair
Alaska State Board of Chiropractic Examiners