

**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 27, 2009**

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 on February 27, 2009 in Anchorage, Alaska.

Call to Order/Roll Call

The meeting was called to order by Dr. Gregory Culbert, President at 9:00 a.m. Those present, constituting a quorum of the Board were:

Gregory M. Culbert, DC, President
David J. Mulholland, DC, Vice-President
James Heston, DC
Rosemary Zimmerman, DC

Public member Jeff Garness was unable to attend.

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

Debora Stovern, Licensing Examiner – Juneau

Agenda Item 1 – Review Agenda

Upon a motion duly made by Dr. Zimmerman, seconded by Dr. Mulholland and approved unanimously, it was:

RESOLVED to approve the agenda as presented.

Agenda Item 2 – Review Meeting Minutes

The Board reviewed the minutes of the October 24, 2008 meeting. They noted typographical corrections and expanded the description of their discussion of preceptorships under agenda item 13 New Business.

Upon a motion duly made by Dr. Mulholland, seconded by Dr. Zimmerman and approved unanimously, it was:

RESOLVED to approve the minutes of the October 24, 2008 meeting, as amended.

Agenda Item 3 – Board Business

Ratification of New Licensees

Upon a motion duly made by Dr. Zimmerman, seconded by Dr. Mulholland and approved unanimously, it was:

RESOLVED to ratify the licenses issued to Ryan Dachowski #484, Mark Saccoman #485, Jaime Dothage #486, Garrett Haponski #487, Chelsea Haponski #488, and Douglas James Daly Jr. #489.

Ethics Reporting

There were no ethics conflicts to report. The Board determined that they would like to watch the ethics video if time permits; if not, they would like it scheduled for the next meeting.

Review Goals and Objectives

The Board reviewed their goals and objectives for Fiscal Year 2009:

Goal 1. The Board will continue to carry out their assigned duties, as outlined in Objectives 1 through 5. They amended Objective 1 to read “Conduct a minimum of three Board meetings a year, to rotate the location of the meetings between Anchorage, Juneau, and Fairbanks.

Goal 2. The Board will continue to provide information regarding Board activities to the profession and the public, as outlined in Objectives 1 through 6. The Board determined to add Objective 7 to educate the public regarding the benefit of chiropractic care as a complimentary natural health care form. They also determined to add Objective 8 to establish regular contact with the Alaska Chiropractic Society to work cooperatively to provide information to the profession and the public.

Goal 3. The Board will continue to pursue statutory authority consistent with the practice of chiropractic to ensure the health and safety of the public, as outlined in Objectives 1 through 9. The Board noted that they had previously added Objective 10 to work with the Division to require criminal background checks of license applications.

Goal 4. The Board will continue to assess and evaluate regulations, as outlined in Objectives 1 through 8.

Goal 5. The Board will continue to work to establish a utilization review process through the Peer Review Committee, as outlined in Objective 1.

Goal 6. The Board will 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 outlined in Objectives 1 through 4.

Goal 7. 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.

Goal 8. The Board will continue to review and assess Board efficiency and transparency, as outlined in Objectives 1 and 2.

Agenda Item 4 – Investigative Report

Investigator Susan Winton joined the meeting at 10:00 a.m. to review the investigative report she had provided to the Board. She noted there are four closed investigation and six open investigations listed on the report. She also reported opening two new cases after the date the report was written. The report also lists two probation cases that she is monitoring.

Ms. Winton presented the Board with a request by the licensee under case #700-06-003, asking the Board to approve early release from probation.

Upon a motion duly made by Dr. Mulholland, seconded by Dr. Zimmerman, 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 discussing confidential investigative matters.

The Board entered executive session at 10:20 a.m.
The Board went back on the record at 10:45 a.m.

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

RESOLVED to table a decision on the request for early release from the Memorandum of Agreement, pending review of additional information to be provided by the investigator, and an appearance by the license before the Board, either telephonically or in person.

Ms. Winton provided a draft letter to the licensee regarding the Board's determination; the Board approved the letter.

Ms. Winton reported on the Omnibus Bill, noting some of the highlights that are relevant to the chiropractic profession:

- Uniformity among health care professions in standards of professional care, scope of practice, disciplinary powers, background checks/character references, drug practices, recordkeeping and investigative enforcement powers
- Authority to establish delinquency fees, preceptor programs
- Limitation of liability

She mentioned that it is a draft bill which has not yet been introduced in the legislature and is currently with Tyson Fick, the Legislative Liaison for the Department of Commerce, Community and Economic Development. She encouraged supporters of the bill to contact Mr. Fick with questions or comments.

The Board discussed a request for recordkeeping requirements that was received from the widow of a deceased chiropractor. They asked the Investigator for any information she had regarding recordkeeping requirements. It was noted that the requirements are unclear, and are inconsistent between Medicare,

HIPAA and licensing. The Board has been interested in pursuing regulations for specific recordkeeping requirements, which they will develop once the Omnibus bill is enacted.

In the meantime, they will recommend that the executor of the estate take the following steps:

- Make storage arrangements for the original patient files, preferably with another doctor's office;
- Run a newspaper ad, or similar public notice, with instructions on how to obtain copies of patient files in the immediate future and the long-term future; and
- Contact the Alaska Chiropractic Society for further assistance.

Agenda Item 5 – Regulations Projects

Review adopted regulations

The Board reviewed recently adopted regulations dealing with application, licensure requirements, licenses and certificates, continuing education, course approval, peer review, minimum professional standards, and fees for approval of continuing education courses. The regulations became effective on January 29, 2009.

Discuss new regulations projects

- The Board had previously determined to recognize the Croft Guidelines published by the Spine Research Institute of San Diego.

Upon a motion duly made by Dr. Mulholland, seconded by Dr. Zimmerman, and approved unanimously, it was:

RESOLVED to adopt the Croft Guidelines published by the Spine Research Institute of San Diego as guidelines, standards, or recommendations accepted by the Board under 12 AAC 16.430.

- The Board had previously discussed preceptorships and Dr. Heston had volunteered to research other state's requirements. The Board also wanted to review the internship programs of the Alaska State Medical Board and the Alaska State Board of Pharmacy. The Board does not currently have statutory authority to allow for such programs, but such authority is included in the omnibus bill. They may be interested in pursuing a separate statute change project that would allow for preceptor programs, as well as licensing of chiropractic assistants and chiropractic technicians. Ms. Stovern will provide an old draft of such a project for Board review.

The Board amended their Goals and Objectives by changing Objective 9 under Goal 3 to read "Support the Alaska Chiropractic Society (ACS) in pursuing statutory authority for licensing chiropractic interns, assistants, and technicians.

- The Board had previously determined to allow continuing education credit for CPR, AED and basic life support training. They amended their Goals and Objectives to include Objective 9 under Goal 4: Develop a regulation to allow continuing education credit for CPR, AED, and basic life support training.

Upon a motion duly made by Dr. Mulholland, seconded by Dr. Zimmerman, and approved unanimously, it was:

RESOLVED to amend 12 AAC 16.290 to allow up to four hours of the required continuing education credit for CPR (cardiopulmonary resuscitation) training, AED (automated external defibrillator) training, or basic life support training.

- The Board had previously discussed the continuing education option of reading the statute and regulation book for 2 credits, and whether to make it mandatory. They determined to leave it optional for now.

Agenda Item 6 – Public Comment

There were no members of the public present. Public comment was closed at 11:35am.

Agenda Item 7 – Division Updates

Budget Report

Due to a vacant Administrative Manager position with the Division, there was no Budget Report for review. Ms. Stovern reported that the position had been filled with a candidate who had previously worked for the Division, who would begin work on March 2, 2009. The Board directed Ms. Stovern to request a Budget Report for review at the next meeting, to include specific information about crediting the Board's account for third-party reimbursed travel.

Continuing Education Review

Due to the Licensing Examiner position being vacant until recently, there were no applications for continuing education course approvals to review. The Board directed Ms. Stovern to prioritize the review of applications for courses taken by licensees with pending renewal applications.

The Board determined to continue the existing approval process to include review by Dr. Risch and forwarding his recommendations to the Board via a monthly mail vote. They noted their disappointment that the Federation of Chiropractic Licensing Board (FCLB) continuing education approval program (PACE) has not yet granted many approvals and has not reduced the Board's workload in reviewing applications for continuing education program approval.

The Board also directed Ms. Stovern to send a renewal reminder notice to licensees six months before the next renewal date, to include continuing education requirements, course approval requirements, etc.

Recess for lunch

The Board recessed for lunch at 11:45a.m.

The Board resumed the meeting at 1:00 p.m. All attending members were present.

Agenda Item 8 – Continuing Education Audit Review

Ms. Stovern reported that all audited licensees had responded to the request for continuing education documentation, and the complete submittals were available for review.

The Board reviewed continuing education (CE) documentation submitted by audited licensees and made the following recommendations:

- SIMON WILLIAM CARRAWAY, License #114 – Approve 26 CE credit hours.

- CAROL J. DAVIS, License #133 – Approve 26 CE credit hours.
- MARY L. PFIEFER, License #157 – Approve 74.5 CE credit hours.
- EDWARD J. BARRINGTON, License #160 – Approve 43 CE credit hours.
- MARGARET STRICKLAND, License #172 – Approve 26 CE credit hours.
- RICHARD E. ABBOTT, License #181 – Approve 57 CE credit hours.
- MICHAEL K. LAMAGDELEINE, License #217 – Approve 43 CE credit hours.
- ROBERT B. HORWITZ, License #224 – Approve 24 CE credit hours.
- DALE E. SPRINGHILL, License #240 – Approve 26 CE credit hours.
- MARK A. MITCHELL, License #269 – Approve 37 CE credit hours.
- MARK C. KUFEL, License #284 – Approve 26 CE credit hours.
- STEVEN L. SKJEGSTAD, License #294 – Approve 26 CE credit hours.
- TYAN E. PAYNE, License #295 – Approve 30 CE credit hours.
- BRIAN STANLEY, License #297 – Approve 30 CE credit hours.
- ROISIN KENNEDY, License #304 – Approve 30 CE credit hours.
- STACY CHARLENE YOUNG, License #315 – Approve 26 CE credit hours.
- GLORIA C. ADKINS-LINHARTSEN, License #367 – Approve 30 CE credit hours.
- LIDIA T. PETERSEN, License #384 – Approve 56 CE credit hours.
- LAURA CREIGHTON, License #405 – Approve 26 CE credit hours.
- LEWIS J. PAGEL, License #455 – Approve 37.5 CE credit hours.
- JESSICA R. SUNDBY, License #464 – Approve 13 CE credit hours.

Upon a motion duly made by Dr. Zimmerman, seconded by Dr. Mulholland, and approved unanimously, it was

RESOLVED to approve the continuing education audit review documentation, as presented.

Agenda Item 9 – Application Review

The Board reviewed an application to sit for the jurisprudence exam, application for temporary permit, and application for licensure by credentials upon passage of the jurisprudence exam submitted by William David Winter Browne.

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

RESOLVED to grant approval to William David Winter Browne for his application to sit for the jurisprudence exam, application for temporary permit, and application for licensure by credentials upon passage of the jurisprudence exam and verification of his Washington license (if issued) and receipt of the original verification of active licensed clinical practice.

The Board reviewed applications for licensure by examination submitted by Brett Barringer and Jesse Foster.

Upon a motion duly made by Dr. Mulholland, seconded by Dr. Zimmerman, and approved unanimously, it was

RESOLVED to approve the application for licensure by examination for Brett Barringer, and the application for licensure by examination for Jesse Foster pending receipt of official college transcripts showing his DC degree.

The Board reviewed application to sit for the jurisprudence exam, and application for licensure by credentials upon passage of the jurisprudence exam submitted by Jean R. Hulbert, Jon Dirk Lawyer, and Daryle J. Starnes.

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

RESOLVED to grant approval to Jean R. Hulbert, Jon Dirk Lawyer, and Daryle J. Starnes for their applications to sit for the jurisprudence exam, and their applications for licensure by credentials pending successful passage of the jurisprudence exam and payment of license fees.

The Board discussed the review process for completed applications received between Board meetings and determined to continue receiving electronic mail vote packages. They directed Ms. Stovern to create a separate document containing only the ballot forms.

Agenda Item 10 – National Board of Chiropractic Examiners

Annual Business meeting

The National Board of Chiropractic Examiners (NBCE) will hold its annual business meeting on May 8, 2009 in conjunction with the Federation of Chiropractic Licensing Board (FCLB) annual conference in Hollywood, CA.

Upon a motion duly made by Dr. Mulholland, seconded by Dr. Zimmerman, and approved unanimously, it was

RESOLVED to reappoint Dr. Zimmerman as the voting delegate and Dr. Heston as the alternate delegate to the National Board of Chiropractic Examiners and the Federation of Chiropractic Licensing Boards.

Ms. Stovern will notify both organizations.

Part IV Examination

The Board had previously determined to send Dr. Heston to participate as an examiner for the Part IV Examination scheduled for May 15-17, 2009. Dr. Heston would prefer to participate at the exam sit in Minneapolis, and will contact NBCE to make that request. Ms. Stovern will prepare his travel authorization.

Agenda Item 11 – Federation of Chiropractic Licensing Boards

Board of Directors Meeting

Dr. Zimmerman attended the FCLB Board of Directors meeting January 28-31, 2009 in Greeley, CO. She reported that the organization is in strong financial health with recent support from NBCE, they

have a new by-law revision, and are making progress on some significant goals that may standardize licensing from state to state. Topics of the meeting included life support/AED/CPR training, laserology, nutritional supplements and injections, preceptorships, and the PACE program.

Annual Meeting

The Board had previously determined to send Dr. Zimmerman, Dr. Heston, and Veida Forrest, the previous Licensing Examiner, to the May 6-10, 2009 annual conference in Hollywood, CA and the October 2009 Regional Meeting.

Upon a motion duly made by Dr. Mulholland, seconded by Dr. Zimmerman, and approved unanimously, it was:

RESOLVED to send the current Licensing Examiner, Debora Stovern, to attend Federation of Chiropractic Licensing Boards (FCLB) meetings in place of Veida Forrest.

Dr. Heston will be unable to attend the May meeting due to a scheduling conflict with his participation in the NBCE Part IV examination. However, Dr. Zimmerman and Ms. Stovern agreed to attend, and Ms. Stovern will prepare travel authorizations.

Dr. Zimmerman noted the importance of the Board's participation with FCLB, and that they will be a good resource as the Board considers preceptorships in Alaska. She will also report the Board's concern over the limited success of the PACE program in approving continuing education programs.

The Board reviewed an FCLB survey regarding chiropractic education. Dr. Zimmerman will respond.

ACBA Meeting

The Association of Chiropractic Board Administrators will hold its annual meeting on May 6, 2009 in conjunction with the Federation of Chiropractic Licensing Board (FCLB) annual conference in Hollywood, CA. The Board determined that the licensing examiner should continue to represent the State Board at these types of meetings, to share common concerns, problems and solutions with other State licensing Boards.

Agenda Item 12 – Jurisprudence Exam

The Board had previously determined that the Jurisprudence Examination needed to be edited and updated.

Upon a motion duly made by Dr. Mulholland, seconded by Dr. Heston, 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 discussing the jurisprudence exam.

The Board entered executive session at 2:54 p.m.
The Board went back on the record at 3:27 p.m.

The Board determined to further update the exam at the next meeting. Each Board member will bring a dozen sample questions for consideration at the next meeting

The Board also determined to reestablish the administration of the exam to coincide with Board meetings and to reestablish the oral portion of the examination. They added Objective 6 under Goal 1 of their Goals and Objectives to reflect this determination.

Agenda Item 13 – Correspondence

Federation of Chiropractic Licensing Boards (FCLB) – Questionnaire concerning record keeping requirements. – The Board confirmed that continuing education in documentation and record keeping is not required, but is under consideration. Ms. Stovern will respond.

Federation of Chiropractic Licensing Boards (FCLB) – Request for nominations for Arvidson Award and Outstanding Licensing Board Award. – No response necessary.

Federation of Chiropractic Licensing Boards (FCLB) – Notice of deadline for Bylaws Amendments and Intent to Run for FCLB Office. – No response necessary.

RiverStone Claims Management – Request for information regarding medical malpractice reporting. – The Board confirmed that medical malpractice reporting is required at the time of renewal. Ms. Stovern will respond.

Indiana Board of Chiropractic Examiners – Notification that the State of Indiana is implementing electronic license verifications. The Board was concerned with this method of verification. Dr. Zimmerman will discuss this at the FCLB meeting and report back to the Board.

Federation of Chiropractic Licensing Boards (FCLB) – Power Poll regarding decompression and traction. – The Board confirmed that there is no reference to them being separate modalities, noting Alaska Statute (AS) 08.20.900(9)(c). Ms. Stovern will respond.

Federation of Chiropractic Licensing Boards (FCLB) – Notice of deadline for Bylaws Amendments and Intent to Run for FCLB Office. – No response necessary chiropractic practice. The Board suggested that Ms. James review the statutes and regulations of other professions prior to determine if there are other requirements to provide medical biofeedback to patients.

Agenda Item 14 – Election of Officers

Dr. Zimmerman nominated the following slate of officers:

- Dr. Mulholland for the Office of President
- Dr. Zimmerman for the Office of Vice-President
- Dr. Heston for the Office of Secretary

Upon a motion duly made by Dr. Mulholland, seconded by Dr. Zimmerman, and approved unanimously, it was

RESOLVED to appoint the slate of officers as nominated.

Agenda Item 15 – Administrative Business

Confirm 2009 Meeting Schedule

The board confirmed the 2009 meetings schedule: June 26, 2009 in Fairbanks, and September 11, 2009 in Juneau.

Sign wall certificates

Board members signed wall certificates for Chelsea M. Haponski, Garrett P. Haponski, Mark M. Saccoman, and Jamie A. Dothage.

Sign minutes

The chair signed the approved minutes from the October 24, 2008 meeting.

Sign TAs and collect receipts

Board members signed Travel Authorization forms and will submit receipts.

There being no further business,

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

RESOLVED to adjourn the meeting of the Alaska State Board of Chiropractic Examiners.

The meeting adjourned at 4:14 p.m.

Respectfully Submitted:

Debora Stovern
Licensing Examiner

Approved:

Dr. Gregory Culbert, Chair
Alaska State Board of Chiropractic Examiners

Date: _____