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 June 26, 2009 in Fairbanks, Alaska.

**Call to Order/Roll Call**

The meeting was called to order by Dr. David Mulholland, President at 9:05 a.m. Those present, constituting a quorum of the Board were:
- David Mulholland, DC, President
- Rosemary Zimmerman, DC, Vice-President
- James Heston, DC, Secretary
- Daniel Holt, DC
- Jeff Garness, Public member

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. Heston 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 February 27, 2009 meeting.

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

RESOLVED to approve the minutes of the February 27, 2009 meeting, as presented.
Agenda Item 3 – Board Business

Ratification of New Licensees

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

RESOLVED to ratify the licenses issued to Jesse J. Foster #490, Brett A. Barringer #491, Timothy Flynn #492, Kelly B. Ryan #493, William David Winter Browne #494, Jon Dirk Lawyer #495, and Daryle J. Starnes #496.

Ethics Reporting

There were no ethics conflicts to report. A handout entitled “Ethics Information for Public Employees” an Ethics Act guide published by the State of Alaska, was distributed to board members for their review.

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 reconfirmed Objective 6 “return to administration of the Jurisprudence exam concurrent with board meetings and to reestablish candidate interviews as part of the application process.” Ms. Stovern will verify that there are no Division conflicts with this objective.

Goal 2. The Board will continue to provide information regarding Board activities to the profession and the public, as outlined in Objectives 1 through 8. They directed Ms. Stovern to monitor “hits” on the Board website, and to update the website to include reporting requirements for domestic violence and sexual assault.

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 10. It was noted that Objective 2 and 5 regarding Independent Medical Exams (IMEs) are duplicates.

They noted that Objective 6 may be obsolete, as the Board currently has authority to set administrative fees. They also noted that Object 7 (regarding position statements) and Objective 10 (regarding criminal background checks) would be accomplished once the Omnibus Bill is passed. The Board directed Ms. Stovern to contact the Federation of Chiropractic Licensing Boards (FCLB) to determine if criminal background information is included in their CIN-BAD reports, and to check with the Division to determine if they could begin simple background checks under their current authority.

The Board also reconfirmed their commitment to Objective 9 regarding authority to license chiropractic assistants, technicians, and interns/preceptors. Dr. Heston provided some information regarding preceptorships, and noted that the colleges set very high standards for sponsoring chiropractors, so the Board would not need complex regulations. Dr. Zimmerman volunteered to research the potential for satellite preceptor programs through the University of Alaska.
Goal 4. The Board will continue to assess and evaluate regulations, as outlined in Objectives 1 through 8. The Board determined that they do not want to require specific categories of continuing education, and noted that licensees are able to use documentation and recordkeeping courses to meet the current continuing education requirements. Therefore, Objective 7 (regarding regulations for documentation and recordkeeping requirements) is no longer appropriate. They will encourage the Alaska Chiropractic Society (ACS) to consider including these types of courses during their annual convention.

Goal 5. The Board will continue to work to establish a utilization review process through the Peer Review Committee, as outlined in Objective 1. They noted that they may wish to establish criteria (guidelines) for utilization review under 12 AAC 16.430. Ms. Stovern will ask the Peer Review Committee to make a recommendation for the next meeting.

The Board also noted that it may be appropriate to change the name from the Peer Review Committee to the Utilization Review Committee. However, that would require a statute change.

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.

Annual Report
Ms. Stovern noted that Boards are required to submit an annual performance report of accomplishments and activities for the past fiscal year, as well as future anticipated needs for the program. The Licensing Examiner typically gathers statistical, budget, and disciplinary information for the report, but the Board Chair is responsible for providing the cover letter and narrative statement. Ms. Stovern will coordinate with Dr. Mulholland to submit the report by the deadline.

Agenda Item 4 – View Ethics Video
In the interest of time, the Board directed Ms. Stovern to provide the internet location to Board members to review the State’s ethics video and other information.

Agenda Item 5 – Regulations Projects
Approve new regulations project
At their February 27, 2009 meeting, the Board determined to enact regulations regarding 12AAC 16.290 Continuing Education (to allow credit for CPR, AED, and basic life support training) and 12 AAC 16.430 Professional Standards (to recognize the Croft Guidelines). They reviewed draft regulations provided by the regulations specialist and suggested a slight change to 12 AAC 16.290(f): “…a licensee may receive up to four hours of the credit required…”
Upon a motion duly made by Dr. Zimmerman, seconded by Dr. Holt, and approved unanimously, it was:

**RESOLVED** to approve the changes to Professional Regulations 12AAC 16.290 Continuing Education and 12 AAC 16.430 Professional Standards, as amended.

The Board directed Ms. Stovern to request that the regulations change go out for public comment as soon as possible, so that they may adopt the changes at their next meeting.

**Discuss new projects**

The Board had previously discussed preceptorships and Dr. Heston had volunteered to research other state’s requirements. The Board does not currently have statutory authority to allow for such programs, but is interested in supporting a legislative project by the Alaska Chiropractic Society that would allow for preceptor programs, as well as licensing of chiropractic assistants and chiropractic technicians. Dr. Heston provided information regarding other state’s requirements.

Dr. Heston noted that his research also revealed that the State of Alaska does not currently have a statute of limitation on retroactive audits by insurance companies. He provided information regarding other state’s requirements, noting that there is a range from no limit to a 90-day limit. The Board noted that such a limit would likely fall under the statutes of the Division of Insurance. Dr. Zimmerman volunteered to contact the Medical Board to determine if they have any plans for addressing the issue.

The Board had previously discussed the continuing education option of reading the statute and regulation book for two credits, and whether to make it mandatory. They determined to leave it optional for now. Ms. Stovern proposed requiring a “jurisprudence practice exam” to be completed by applicants in order to claim the two credits. The Board determined to make that change for the next license renewal.

**Agenda Item 6 – Scope of Practice**

**Injectable Nutrients**

The Board reviewed a flyer for a training program on injectable nutrients scheduled for August 6-9, 2009 in Anchorage. It was also noted that there has been television advertising by chiropractor(s) offering injectable nutrients. The Board had previously reviewed this issue extensively and reaffirmed their previous determination, including safety concerns and scope of practice issues. In accordance with Alaska Statutes (AS) 08.20.900(3) and 08.20.900(5), the scope of practice for chiropractic physicians in the State of Alaska specifically prohibits the use of prescription drugs. If the injectable nutrients require a prescription, then they may not be administered, prescribed, or dispensed under a chiropractic license. If the injectable nutrients do not require a prescription, then they may be administered as physiological therapeutics under the AS 08.20.900(1), “ancillary methodology,” which also requires proper training and education. Providing orally administered nutrients falls under the same requirements. Although it was noted that oral nutrients do not generally require a prescription, therefore they may be administered, with proper training and education, and in accordance with their intended use. The Board directed Ms. Stovern to refer the flyer to the Investigative Unit to determine compliance with the Chiropractic scope of practice.
Insurance Reclassification
The Board noted that the Federal Blue Cross health insurance program had recently reclassified chiropractic physicians so that they are no longer considered primary physicians. This is in conflict with the scope of practice in Alaska, which characterize chiropractors as primary care physicians. The Alaska Chiropractic Society (ACS) and the American Chiropractic Association (ACA) are working to resolve this issue.

Agenda Item 7 – Alaska Chiropractic Society Update
ACS executive director, Debbie Ryan, joined the meeting by teleconference to report on the following activities:
- Committee on Workers Compensation changes
- ACS Convention
- Promoting chirovoice.com

Agenda Item 8 – Public Comment
There were no members of the public present. Public comment was closed at 11:59 a.m.

Recess for lunch
The Board recessed for lunch at 11:59 a.m.
The Board resumed the meeting at 1:13 p.m. All members were present.

Agenda Item 9 – Investigative Report
Investigator Susan Winton joined the meeting by teleconference to review the investigative report she had provided to the Board. She reported that there is one open investigation, six open complaints, and two licensees on probation. It was also noted that, in the past three years, she has opened 271 complaints and investigations, closed 270 matters, and reviewed an additional 182 applications not amounting to complaints or investigations.

Ms. Winton informed the Board that she is being reassigned as the full-time investigator for the Medical Board, and will be replaced by Investigator JoAnna Williamson. The Board thanked her for her exemplary service as their Investigator and noted that she will be missed. She noted that she would continue her work on the Omnibus Bill.

Upon a motion duly made by Dr. Zimmerman, 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 privacy issues.
The Board entered executive session at 1:24 p.m.
The Board went back on the record at 1:46 p.m.

**Agenda Item 10 – Interview with Dr. Kunz**

At the February 27, 2009 meeting, Ms. Winton presented the Board with a request by a licensee under a Memorandum of Agreement (MOA), asking the Board to approve early release from his probation. At that time, the Board resolved to table a decision on the request, pending review of additional information to be provided by the investigator, and an appearance by the license before the Board.

Dr. Kunz joined the meeting and the Board reviewed his request along with the Memorandum of Agreement. The MOA included license probation for a period of three years, which will apparently be completed by January 2010. Dr. Kunz appeared before the Board under a provision in the MOA allowing for periodic interviews with the Board to review compliance with probation. Dr. Kunz requested that the interview be conducted in Executive Session due to privacy and confidentiality issues.

**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 conducting a confidential interview with Dr. Kunz.

The Board entered executive session at 1:51 p.m.
The Board went back on the record at 2:09 p.m.

The Board did not take action on Dr. Kunz’s request.

**Agenda Item 7 – Division Updates**

**Budget Report**
The Board reviewed the Budget Report prepared by the Division Administrative Officer. Expenditures and revenues appear to be as expected when the last analysis was done, and appear to support the reduction in licensing fees.

**Review/Update Application forms**
The Board had previously determined to update the application forms. In the interest of time, they determined to review the forms before the next meeting and make any changes then. They directed Ms. Stovern to contact past-President Dr. Culbert to learn of any changes he had thought necessary.

**Peer Review Committee**
Ms. Stovern informed the Board that sometime in the past few years two of the committee terms were mistakenly changed from two-year terms to one-year terms, leaving the current committee with two vacant seats and two expired seats. In accordance with Professional Regulation 12 AAC 16.410, committee members are appointed for two-year terms.
Upon a motion duly made by Dr. Holt, seconded by Dr. Heston, and approved unanimously, it was

RESOLVED to correct the previous Peer Review Committee appointments of Dr. Mark Barbee and Ms. Martha Summerfield to reflect a term expiration date of January 18, 2011.

Ms. Stovern also notified the Board that several past Board members had expressed a willingness to fill out the remainder of the vacant terms.

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

RESOLVED to appoint Dr. Steven Messerschmidt and Dr. Gregory Culbert to the Peer Review Committee with a term expiration date of January 18, 2010.

Dr. Heston volunteered as the Board liaison to the Peer Review Committee.

Review/Update Jurisprudence Exam
At their last meeting, the Board had determined to review and update the Jurisprudence Examination; each member was to bring a dozen sample questions for consideration

Upon a motion duly made by Dr. Zimmerman, 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 discussing, reviewing and updating the jurisprudence exam.

The Board entered executive session at 3:50 p.m.
The Board went back on the record at 4:11 p.m.

The Board had also determined to reestablish the administration of the exam to coincide with Board meetings and to reestablish candidate interviews as part of the application process. Ms. Stovern will check with the Division to confirm Board authority to conduct candidate interviews and the meeting and exam schedule for 2010 will be set at the next meeting.

Agenda Item 12 – Application Review

Reinstatement Application
The Board reviewed a request from Dr. Jefferson Callahan for an exemption from the continuing education requirements. Although his application for license reinstatement was not complete, the Board considered the exemption request and will consider the application when it is complete. In accordance with Professional Regulation 12 AAC 16.390(d), a licensee unable to obtain the required continuing education hours for renewal of a license due to reasonable cause or excusable neglect, must request exemption status in writing, to the board, accompanied by a statement explaining the reasonable cause or excusable neglect. If an exemption is granted, the board may prescribe an alternative method of
compliance to the continuing education requirements as determined appropriate by the board for the individual situation.

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

RESOLVED to approve the continuing education exemption for Dr. Callahan with an alternative compliance requirement of passing the NBCE Spec examination for clinical competency.

The Board noted that if Dr. Callahan prefers not to undertake the alternative compliance requirement, he may choose to meet the current requirements for reinstatement, including compliance with all continuing education requirements.

Continuing Education Review
The Board reviewed continuing education course applications as recommended for approval by Dr. Risch:

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<th>Batch</th>
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<td>Life Chiropractic College West</td>
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<td>#8908 The Masters Circle – Master Control System</td>
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<tr>
<td>#8929 2009 Chiropractic Sports Sciences Symposium</td>
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The Board questioned Course #8908 The Masters Circle – Master Control System, sponsored by Life Chiropractic College West, and whether it meets the continuing education requirements. They determined to table that application pending a separate review of the application and supporting documents by mail vote.

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

RESOLVED to table the application for continuing education approval of the Life Chiropractic College West course “The Masters Circle,” and to approve the remaining continuing education applications, as recommended by Dr. Risch.
**Agenda Item 13 – Federation of Chiropractic Licensing Boards**

Dr. Carol Davis, FCLB District I Director, joined the meeting to give an update of current activities. She presented the Board with a letter from Dr. Saint-Germain, FCLB President, thanking the Board for their continued participation in FCLB and ACBA meetings and activities. She also provided materials regarding a model practice act, world wide mobility, and the annual report. She reported that interest in the PACE program is growing; there are currently three chiropractic colleges approved as continuing education providers, with several new applications anticipated.

**Annual Conference**

Dr. Zimmerman attended the May 6-10, 2009 annual conference in Hollywood, CA. She noted the importance of the Board’s participation with FCLB, as they work on collective issues impacting the chiropractic profession. Topics of the meeting included national registry, board services, professional discipline, recordkeeping, post-licensure examinations, uniform sanction guidelines, regulating new procedures/equipment, collaborative practice, NBCE examinations, effective implementation of sanctions, and regulation trends, as well as the FCLB business meetings and elections.

She noted that the FCLB is a good resource as the Board considers licensing chiropractic assistants, technicians, and interns/preceptors in Alaska. She reported the Board’s concern over the limited success of the PACE program in approving continuing education programs and hopes the growing interest will continue.

**ACBA Meeting**

Ms. Stovern attended the annual meeting of the Association of Chiropractic Board Administrators (ACBA) held in conjunction with the FCLB annual conference in Hollywood, CA. Topics of the meeting included state board reports, NBCE examiner duties, post-licensure examinations, disciplinary resources, and ensuring ethical competencies, as well as the ACBA business meeting and elections.

Ms. Stovern reported on the availability of a web-based exam or educational course and noted that the Minnesota Board has begun using it to administer their jurisprudence exam. She suggested the Board consider using it to administer a “practice exam” to renewal applicants wishing to earn continuing education credit for reading the statutes and regulations. The Board determined to implement such an exam for the next renewal and will continue work on it at the next meeting.

**Agenda Item 14 – National Board of Chiropractic Examiners**

**Annual Business meeting**

Dr. Zimmerman participated as the Board’s voting delegate at the National Board of Chiropractic Examiners (NBCE) annual business meeting on May 8, 2009, held in conjunction with the Federation of Chiropractic Licensing Board (FCLB) annual conference in Hollywood, CA.

**Part IV Examination**

Dr. Heston participated as an examiner for the NBCE Part IV examination, administered May 15-17, 2009. It was noted that examiners commit to a Friday evening training session and all-day examinations on Saturday and Sunday.
Annual participation in both Part IV exams and the Part IV exam test committee meeting, 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 defensibility of the exams they require for licensure.

Dr. Holt volunteered to participate as an examiner for the November 2009 administration of the Part IV exam. In the event Dr. Holt is unable to participate, Dr. Zimmerman volunteered as the alternate.

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

RESOLVED to send Dr. Heston and Ms. Stovern to attend the October 1 - 4, 2009 FCLB District I meeting in Keystone, SD; to send Dr. Holt as an examiner, or Dr. Zimmerman as an alternate examiner, for the November 13 - 15, 2009 NBCE Part IV examination; to send Dr. Zimmerman and Ms. Stovern to the May 2010 FCLB annual conference in Baltimore, MD.

**Agenda Item 15 – New Business**

**Electronic License Verification**

The Board had previously reviewed a Notification from the Indiana Board of Chiropractic Examiners regarding their new policy of electronic license verifications. The Board was concerned with this method of verification.

**Electronic Board Packet**

Board members discussed potential advantages of electronic agenda packets distributed prior to Board meetings, although most would like to have the paper packets during meetings.

**Board Website**

The Board directed Ms. Stovern to have the Board website updated following meetings. They suggested adding a counter to monitor “hits” at the site. They would also like to include reporting requirements for domestic violence and sexual assault, and to encourage the Division to make disciplinary information available through the online licensing database.

**Licensing**

The Board discussed the potential licensing of acupuncturists and/or massage therapists. They noted that there is currently a Division administered program for licensing acupuncturists and that there had been a failed legislative project for a new massage therapy board. In years past the Board had considered the option of adding a massage therapy licensing program to the Chiropractic Board, since professional relationships between chiropractors and massage therapists were becoming so prevalent. It was noted that such relationships are still common.

Ms. Stovern provided an old draft of such a project for Board review. The draft included proposed language for adding a massage therapist to the Board and licensing of massage therapists, as well as licensing of chiropractic associates, technicians, interns/preceptors, licensing chiropractic facilities, regulating IMEs, increasing fines, and establishing an executive administrator to assist with these additional responsibilities.
The Board determined that they are interested in pursuing the project. They will review the draft and discuss it further at the next meeting, with the intention of creating a draft proposal for the Alaska Chiropractic Society to pursue.

**Agenda Item 16 – Correspondence**

Dr. Jeff Callahan – Requesting a special exam. – It was unclear if there is a provision for such an exam administration. However, since Dr. Callahan has not submitted a complete application, the Board determined to table his request. Ms. Stovern will respond.

Quest Diagnostics – Survey regarding scope of practice. – The Board provided the appropriate responses and directed Ms. Stovern to submit the completed survey.

Federation of Chiropractic Licensing Boards (FCLB) – Copy of their letter to the Governor thanking the Board for their participation. – No response necessary.

Federation of Chiropractic Licensing Boards (FCLB) – Power Poll regarding acupuncture, inactive licenses, temporary permits, and hypnosis. – The Board provided the appropriate responses and directed Ms. Stovern to submit the completed survey.

Dr. Culbert – Requesting a determination on laser usage and fee packaging. – The Board determined that the use of a Class IV “K-Laser” does fall under the chiropractic scope of practice, and that fees are not regulated by the Board. Ms. Stovern will respond.

**Agenda Item 17 – Administrative Business**

Confirm 2009 Meeting Schedule
The board confirmed the 2009 meetings schedule: September 11, 2009 in Anchorage.

Sign wall certificates
Board members signed wall certificates for Jon Dirk Lawyer, Daryle J. Starnes, Timothy Flynn, Brett A. Barringer, and Jesse J. Foster.

Sign minutes
The chair signed the approved minutes from the February 27, 2009 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. Zimmerman, 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 5:50 p.m.
Respectfully Submitted:

________________________________

Debora Stovern
Licensing Examiner

Approved:

________________________________

Dr. David Mulholland, Chair
Alaska State Board of Chiropractic Examiners

Date:____________________________