

Alaska State Board of Chiropractic Examiners

Newsletter

May 2004

ALASKA BOARD OF CHIROPRACTIC EXAMINERS

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Division of Occupational Licensing Staff

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Most recent State Board of Chiropractic Examiners meeting was on January 16, 2004 in Anchorage. Present Board Members are Dr. Carol Davis, President (Fairbanks); Dr. Greg Culbert, Vice President (Eagle River); Dr. Clark Davis, Secretary (Ketchikan); Dr. David Mulholland (Anchorage); and Sean Siegel, Public Member (Anchorage). State Chiropractic Licensing Examiner, Cindy Roccodero, was present. Also attending was Investigator Maggie McQuaid from the investigative staff of the Division of Occupational Licensing. Present telephonically was Director of the Division of Occupational Licensing, Rick Urion. No visitors were present. Interested persons are always welcome.

National Board of Chiropractic Examiners (NBCE) Update

Dr. David Mulholland, as the elected board member, attended Part IV Practical exam testing of the National Board of Chiropractic Examiners in Dallas, Texas. He stated that he was impressed with the knowledge obtained and thoroughly enjoyed the experience.

National Board of Chiropractic Examiners (NBCE) Part IV Examination & College Curriculum Conflict: In follow up to an August 22, 2003 meeting discussion and public input, the NBCE Part IV examination scheduling continues to conflict with Western States Chiropractic College and other school/college curriculum. The board agreed that this is not a board issue; it is a subject for the schools/colleges and/or NBCE to address.

Continuing Education (CE) Program

A continuing "Thank you!" to Dr. Fred Risch for his ongoing review of requests for Board approval of continuing education courses. Requests for approval

are received by the licensing examiner, who indexes the courses and forwards them on to Dr. Risch. Dr. Risch reviews the "Continuing Education Program Request for Approval" forms, course schedules, descriptions, credentials of the instructors, the number and type of credit hours, and then makes a recommendation to the Board. The Board, in a mail ballot, or at a meeting, reviews Dr. Risch's recommendations and votes on course approval. Approved courses are listed on the Division's website: <http://www.dced.state.ak.us/occ/pchi.htm>

This process may be assisted by the upcoming PACE program. See past newsletter for further PACE information.

It is the INDIVIDUAL CHIROPRACTOR'S RESPONSIBILITY to check with the website or Division of Occupational Licensing chiropractic examiner, Cindy Roccodero, cindy_roccodero@dced.state.ak.us, PRIOR to taking a CE course REGARDING its APPROVAL. Retroactive requests may not be accepted. Individual study requests must be made in advance. All requests need to be made in legible hand or typed.

CE Individual or Correspondence (e.g., on-line) Hours Maximum Increased: The Board resolved to amend 12 AAC 16.130(a) to increase the maximum to 1/3 of the total credit hours (from 1/4) of continuing education required for license renewal. This is still going through regulation change process and is not yet in place. So the **present requirement is 24 hours of approved CE**, of which a **maximum may be advance approved 8 hours of individual, correspondence (or on-line) study.**

Courtesy License (Travel to Treat)

The Board has approved changes to 12 AAC 16.205, the Courtesy License regulation. This license will allow out-of-state and foreign chiropractors to practice on athletes, performers, and staff who are in Alaska to compete at a variety of venues (Olympics, Arctic Winter Games, etc.). The chiropractic physician would only work on the athletes and staff, not spectators. The Board determined that the travel-to-treat issue can be covered under the changes to the Courtesy License Statute (AS 08.01.062). The language of the Courtesy License has been approved and is awaiting a public notice period before final implementation in the near future. The board also reviewed and approved the draft Courtesy License application form presented by Ms. Roccodero. See Courtesy License language on page 4.

Peer Review

The Peer Review Committee is advisory to the State Board of Chiropractic Examiners. Current members of the Peer Review Committee are Dr. Mark Kufel, Dr. Nick Williams, Dr. James Heston, and Mr. Alfred Tamagni Sr. (public member). Mr. Tamagni's term is expiring and after two terms cannot be reappointed. We are soliciting nominations for a replacement public member. Please contact a Board member or Cindy Roccodero.

Division of Occupational Licensing Investigative Report

The Board reviewed the investigative report provided by the investigator. Maggie McQuaid reported that there are ten open cases, two closed cases. One licensee remains on probation. Ms. McQuaid presented to the Board a Memorandum of Agreement (MOA) for their review and the president's signature. Upon review of the MOA, the board requested that Ms. McQuaid revise the MOA to require the licensee to publicly post a placard that all female patients will have a female attendee present during treatment.

There are approximately 200 active licenses. **All complaints must first go through the Division's Investigators (907-269-8184) and not through the Board.** Anyone may make a complaint against a chiropractor; the Division's investigative staff investigates all complaints. **Licensing information is public record, except for that which is required to be kept confidential by state or federal law.** Information regarding current licensees, including mailing addresses, license actions, memorandums of agreement, is **available on** the division's website: <http://www.dced.state.ak.us/occ/> under "Occupational License Search."

School Sports Physicals Requirements

David Brower, Assistant Attorney General, was asked at a past meeting by the Board if there was a reason why licensed chiropractors could not perform student sports physicals. He stated it is clear in the chiropractic statutes that a chiropractor can perform these functions. However, the state does not have authority to override any school board's rules regarding any type of physicals.

At the August 22, 2003 meeting, Dr. Mulholland was assigned the task of informing Alaska's School Activities Association (ASAA) that chiropractic physicians are permitted under Alaska Statute 08.20.100 to perform sport physicals. Dr. Mulholland informed the Board that Mr. Gary Matthews of ASAA stated that ASAA was not responsible for school districts not accepting chiropractic physicians to perform sport physicals. It is the school districts that choose not to accept sport physical reports performed by chiropractic physicians. ASAA does recognize the chiropractic physician as a professional who is trained and qualified to perform sport physicals.

The Board states that the school sport physical issue is not a Board issue (and that any change in the status quo regarding ASAA and school sports physicals is an issue for individual D.C.s or the ACS to address).

Independent Medical Examinations

In a past meeting, the Board asked State Assistant Attorney General David Brower if they had authority to regulate IMEs. The Licensing Examiner referred the Board to its May 2002 meeting where Assistant Attorney General Gayle Horetski had informed the Board that they did not have authority to regulate IMEs.

IME Update 1/2004: The Board asked Ms. Roccodero if she received from the Department of Law a written reason for denial of regulating IMEs. She stated that she did not receive a written reason for their denial. Dr. Mulholland was assigned the task to write Assistant Attorney General Gayle Horetski requesting a written explanation regarding the reason for denial to regulate IMEs. Dr. Mulholland was also assigned the task to contact Kurt West, Regulations Specialist, to obtain photocopies of documents that Mr. West may have received from the Department of Law denying the Board's request to regulate IMEs.

Legislative Update

No new activity to report.

Other Business

The Board requested Ms. Roccodero to ask the division if the Board can insert: "Are you or have you been under investigation in any state or jurisdiction?" on all applications and the renewal: "Have you ever had your license denied, revoked, suspended, surrendered, placed on probation, or been subject to any restriction, censure, reprimand or other disciplinary action in any jurisdiction?"

If the answer to the above question is "Yes," provide the following information:

Name of Jurisdiction(s) in which action was taken:

Date of Action: _____

Chiropractic "Physician" Language in Regulations and on License

Ms. Roccodero noted Alaska Statute 08.20.020 references that four members of the board shall be licensed "chiropractic physicians." Further review of regulations reflects the term "chiropractic physician" in the following regulations: 12 AAC 16.400(c), .410(b)(1), and .420(a). The board agrees that the license should read: "licensed as a chiropractic physician" and to insert

“physician” wherever needed throughout regulations. **After discussion, the Board resolved to add the word “physician” to the chiropractic license, pending approval from the Division of Occupational Licensing.**

Correspondence

The Board reviewed the 24 letters presented and determined two needed response. The two needing responses are:

- Hopkins Clinic for Physical Medicine is requesting recognition of specialty program from The American Board of Forensic Professionals (ABFP). The Board requested to insert The American Board of Forensic Professionals into 12 AAC 16.048(a)(5), new subsection (A), because they are under the Board of Orthopedics. The Board noted that an applicant applying for this recognized specialty would have the initials DABFP on their license. **The Board resolved to approve The American Board of Forensic Professionals (DABFP) as a recognized chiropractic specialty program.**
- World Congress of Chiropractic Students (WCCS) requested the Board to not require applicants to have taken and passed the National Board of Chiropractic Examiners (NBCE) physiotherapy examination. **The Board stands firm in requiring all applicants to have taken and passed the NBCE physiotherapy examination.**

Executive Session (1-16-04)

Executive session began at 10:15 a.m. and ended at 10:38 a.m.

The Board reviewed and revised the State Chiropractic Examination.

New Business

Doctor/Patient Relationships: The Board discussed the proper time frames as to when a doctor can discharge a patient and then begin an emotional and/or sexual relationship with said patient. Dr. Carol Davis and Dr. Clark Davis were assigned the task of writing a draft regulation for doctor/patient relationships. Dr. Clark Davis presented to the board a letter written in 1991 by Dr. Clark Davis regarding his position on breast examinations. The Board reviewed the letter reflects the board's position on breast examinations.

On September 17, 2004, the board received an informal Attorney General opinion that the board's position statement is inaccurate.

Chiropractors to Direct Physiotherapy Care: Dr. Daniel Larson submitted a letter regarding two issues:

1. Nonpayment for services rendered by insurance companies in the Lower 48.

2. Asking the Board for confirmation that a licensed chiropractor in the state has authority to direct care for treatment in his office to be administered by people of his choosing, utilizing massage therapist, chiropractic assistants, athletic trainers, etc.

First Issue: The Board determined this issue was not regarding chiropractic statutes and regulations rather it is something Dr. Larson will need to address with the Division of Insurance.

On September 17, 2004, the board received an informal Attorney General opinion that the board's position statement is inaccurate.

Two Meetings Per Year – 12 AAC 16.020 Rick Urion, Director, Division of Occupational Licensing, joined the meeting telephonically to ask the Board if there is a real need to have three board meetings a year and cited 12 AAC 16.020: “The board will, in its discretion, meet at least twice each year”

Dr. Carol Davis, President, stated at this time the Board could not see having two meetings during 2004 and going eight months until the next scheduled meeting. The president stated, that the Board would like to have three meetings this year and the final meeting of 2004, determine if two meetings would be feasible for 2005. Mr. Urion agreed with the president’s proposal.

***Note:** Following the meeting, via e-mail, it was determined to hold only two Board meetings in 2004 and cancel the board meeting of April 16, 2004 (see below).

Sunset Review 2006: Mr. Rick Urion, Director of Occupational Licensing, explained to the Board that it is his intent in 2006 to sunset the Board. Mr. Urion stated that he believed that the State could perform the duties the Board has been performing more efficiently and any questions regarding chiropractic could be directed to the Alaska Chiropractic Society for response. He elaborated that this was general intent regarding most Boards, not just the Chiropractic Board. The Board responded with their reasons for the need of a Board.

State Chiropractic Oral Examination

Mr. Urion stated that he would like to see the Board do a way with the oral portion of the state chiropractic examination. **The Board reviewed and approved an amendment to 12 AAC 16.130(a) to eliminate the oral Board interview.**

State Chiropractic Examination Test Availability: Ms. Roccodero, Licensing Examiner, proposed to the board the administration of **four state chiropractic examinations** a year to be **given simultaneously** in Fairbanks, Anchorage, and Juneau.

After discussion, the Board approved the proposed test dates and application deadlines:

<u>Test Dates</u>	<u>Application Deadline</u>
April 16, 2004	March 2, 2004
July 16, 2004	June 1, 2004
October 16, 2004	September 1, 2004

Doctors Pass Examination

The following took the Alaska State Board on January 16, 2004, passed the exam, and were eligible for licensure pending fulfillment of all other requirements:

Laura Creighton, Stacey R. Goodson, Jeffrey S. Hawkins, Dean A. Hunt, Duane E. Hunt, Jason G. Peppered

Meeting / Exam Schedule

Meetings: Next Alaska State Chiropractic Board meeting is Friday, September 17, 2004, in Juneau.

Examinations: There will be examinations of new doctors of chiropractic four times per year, simultaneously at three locations as shown above.

Courtesy License Regulations

NOTE: The regulations below are "Draft" and have not been signed by the Lieutenant Governor. This is FYI only.

Register _____, _____ 2003 PROFESSIONAL REGULATIONS

- (7) certification that the applicant has not
- (A) had a chiropractor license suspended or revoked in any jurisdiction;
 - (B) been convicted, by a court of this state, another state, territory, or other jurisdiction of a felony or misdemeanor involving alcohol or a controlled substance listed in AS 11.71.140 – 11.71.190 within the three years immediately before that date of application for a courtesy license; and
 - (C) had two or more convictions, by a court of this state, another state, territory, or other jurisdiction of a felony or misdemeanor involving alcohol or a controlled substance listed in AS 11.71.140 – 11.71.190 within the five years immediately before the date of application

for a courtesy license, unless the applicant has also successfully completed a treatment program related to abuse of alcohol or a controlled substance since the date of the most recent conviction.

(c) Applicants shall submit all required documents in (b) of this section accompanied by certified English translations if the original documents are not in English.

(d) A courtesy license is valid for seven days before and seven days after the event for which the license was issued. A person may not be issued more than two courtesy licenses in a calendar year.

(e) The holder of a courtesy license is obligated to uphold the minimum professional standards identified in 12 AAC 16.920 and is subject to the disciplinary provisions of AS 08.01.075 and AS 08.20.170.

(f) The board will, in its discretion, waive the 45-day application deadline in (b) of this section if the applicant requests a courtesy license to practice chiropractic and the board determines that the applicant's failure to meet the application deadline is for good cause. Notwithstanding contrary provisions of this section, an applicant may submit under this subsection a notarized copy of a license that meets the requirements of (b)(4) of this section in lieu of license verification from the other jurisdiction.

(g) The holder of a courtesy license is limited to the practice of chiropractic identified under AS 08.20.100, 08.20.230, and 08.20.900.

(h) In addition to the requirements of this section, a courtesy license will not be issued until the background check from the Federation of Chiropractic Licensing Boards is received and reflects no disciplinary action.

(i) Services offered by the applicant are limited those individuals involved with the event such as athletes, coaches and staff.

(j) In this section "special event" means an athletic, cultural, or performing arts event.

(Eff. /___/___, Register _____)
Authority: AS 08.01.062 AS 08.20.055

Position Statement Laboratory Procedures / Venipuncture

Approved August 22, 2003

Laboratory procedures (blood, urine, etc. testing) are, in the opinion of this board, within the confines of the practice of Chiropractic in Alaska.

Chiropractors graduating from C.C.E. or equivalent Chiropractic College are adequately trained to obtain or extract blood and urine samples and to interpret their findings. Of course, all other requirements such as OSHA regulations, etc., must be complied with.

Blood analysis and urinalysis are sometimes necessary testing procedures to establish a diagnosis whether for treatment or referral process.

Sec. 08.20.230(1), “Addresses ramifications of health and disease” Chiropractors may monitor the physiological or nonresponse to therapy. Example: Monitor a diabetic patient glucose levels or formulate a diagnosis in the case of disease. Justification for laboratory procedures are inherently required to meet the objectives of Sec. 08.20.230(1).

Sec. 08.20.230(2), “Involves the diagnosis . . .chiropractic diagnostic impression” Blood and urine testing may be required by a chiropractor to establish a chiropractic diagnostic impression.

Sec. 08.20.900(1), “...Methods, procedures... measures commonly used by trained and licensed health care providers.” Blood and urine testing as well as imaging, orthopedic, and neurological testing are commonly utilized by other health care providers.

Sec. 08.20.900(5), “...Includes the determination of contra-indications to chiropractic adjustment.” Contra-indications could include cancer or infection of the spine and other joints ... which blood testing would assist in determining the diagnosis or presence.

Sec. 08.20.900(7), Chiropractic examination, diagnostic procedures as used in the healing arts customarily include blood and urine testing procedures as well as surface and needle electromyography and nerve conduction velocity (EMG/NCV). Chiropractors are permitted to pierce the skin for diagnostic purposes such as venipuncture and EMG/NCV testing within that chiropractor’s training.

***Historical Note:** This position is essentially the same as that taken by the Board in the past during Dr. Trevor Ireland’s tenure as Board President.