

# Alaska State Board of Chiropractic Examiners

## Newsletter

### August 2006

*This newsletter is made primary of excerpts from the draft minutes of Alaska State Chiropractic Board of Examiners April 2006 meeting. The board gives a big "Thank you!" to Cindy Roccodero for creating the draft minutes, countless other tasks, and all of her hard work.*

Most recent State Board of Chiropractic Examiners meeting was on April 13, 2006 in Juneau. Present Board Members are: Dr. Greg Culbert, President (Eagle River), Dr. David Mulholland Vice President (Anchorage), Dr. Clark Davis, Secretary (Ketchikan), Dr. Rossemary Zimmerman, (Girdwood), and Jeff Garness, public member (Anchorage).

Present from the Division of Corporations, Business and Professional Licensing was Cori Hondolero, Records and Licensing Supervisor, Jenny Strickler, Chief, Cathy Mason, Administrative Manager, and Cindy Roccodero, Licensing Examiner.

Present from the Division of Corporations, Business and Professional Licensing telephonically was Margaret McQuaid, Investigator. Present from the Department of Law was Gayle Horetski, Assistant Attorney General.

Visitors present were: Dr. Nicholas Morris, DC and Dr. John Shannon, DC. Interested persons are always welcome to attend.

## INVESTIGATIVE UPDATE

Ms. McQuaid informed the Board that there is one open case concerning a violation of professional ethics, 2 closed cases and one chiropractic physician that is on probation.

There are approximately 241 active licenses.

**All complaints must first go through the Division's Investigators (907-269-8189 or 8185) and not through the Board.** Anyone may make a complaint against a chiropractor and the Division's Investigative Staff investigates all complaints.

**Licensing information is public record.** Information regarding current licensees, including mailing addresses, license actions, memorandums of agreement, is **available on** the division's **web site at** <http://www.dced.state.ak.us/occ/under> "occupational license search."

## AMBULANCE CHASING

The Board had a discussion regarding chiropractors soliciting accident victims following an accident ..."ambulance chasing." The Board is concerned how this may be affecting the public, patients, and license holders.

## AMBULANCE CHASING CONTINUED

*The Board is requesting Alaska Chiropractors or any of the public reading this newsletter to inform the Board about their experiences concerning this topic. Please send comments through Cindy Roccodero, Licensing Examiner, at her email address found on this website. Chiropractors may also directly contact a Board member regarding this subject.*

## PRESCRIPTION NUTRITIONAL SUPPLEMENTS

The Board discussed prescription injectable nutritional supplements. The conclusion of a lengthy discussion was that the Board reviewed a request regarding use of injectable nutrients and reviewed the Alaska State statutes and regulations regarding chiropractic practice. The Board determined that there are no Alaska statutes or regulations which would prohibit utilizing injectable nutrient in chiropractic practice. Diplomate of American Chiropractic Board of Neurology (DABCN) is not a requirement to perform injectable nutrients in chiropractic practice in the State of Alaska. The Alaska Chiropractic Board is in the process of writing regulations regarding this issue.

## REGULATIONS

### ***Readopt October 2005 Regulations***

Gayle Horetski, Assistant Attorney General from the Department of Law joined the meeting. Ms. Horetski had questions concerning proposed regulations 12 AAC 16.030 and .420 that were adopted by the Board in October 2005. Ms. Horetski stated that the changes made to the adopted regulations were not clear as to the Board's intent. Ms. Horetski provided the Board with proposed wording to 12 AAC 16.030 and .420, which makes clear the Board's intent. Ms. Horetski informed the Board that its request to define when a doctor-patient relationship exists has been denied. Ms. Horetski stated that there are laws in place that define a doctor-patient relationship. In response, On a motion duly made by Dr. Zimmerman, seconded by Dr. Davis, and approved unanimously, it was **RESOLVED** to readopt 12 AAC 16.030, .031(c)(8), .033, .0436(a)(3) and (4), .150(1), .170(a), .200(a) and (a)(1), .340(a), .420(d) and (f), .920(a), and .930 as worded.

### ***New Proposed Regulations***

Continuing education credit for participation in the National Board of Chiropractic Examiners (NBCE) Part IV practical examination. Ms. Roccodero informed the Board that the board is not eligible to receive continuing education credit for participation in the NBCE Part IV examination. To do so would be a direct violation of the Public Officers and Employees Alaska Executive Branch Ethics Act. In particular, AS 39.52.120, Misuse of Official Position. A public officer may not accept, receive, or attempt to benefit a personal or financial interest in performance of their official duties. Ms. Horestki confirmed Ms. Roccodero's statement.

## REGULATIONS CONTINUED

Dr. Culbert asked Ms. Horetski if Board members could take a continuing education course that was offered to them at a discount from a sponsor as the sponsor's way of saying thank you to licensing Boards for the work they do. Ms. Horetski stated that she believes the Board would have to complete an ethics disclosure report. Ms. Horetski was not positive and stated that she would provide Ms. Roccodero with the Assistant Attorney General's telephone number that works strictly on ethics to answer Dr. Culbert's question.

Ms. Roccodero informed the Board that a currently licensed chiropractic physician in this state could obtain continuing education credit for their participation in the NBCE Part IV examination, if there were a regulation in place permitting continuing education credit for their participation.

### **Background Check of Initial License Applicants**

To help ensure public safety and reduce operating costs the Board has determined that it will require all initial applicants to provide a criminal conviction background check from the state the applicant resides. The background check would be sent directly to the Department of Corporations, Business and Professional Licensing from the state law enforcement agency performing the background search.

### **Request for Continuing Education Credit Approval**

After some discussion and research the Board has found that a significant portion of its operating costs is due to the processing of requests for continuing education credit approval. The cost of processing these requests is seen in an increase of license fees. In an effort to offset the operating cost, the Board will be requiring applicants who are requesting continuing education credit approval to pay a fee. Dr. Zimmerman was assigned the task of finding out what other State Boards charge for requests of continuing education credit approval.

### **Application Deadline**

Ms. Roccodero informed the Board that the current 45 day deadline for submission of applications and supporting documents does not provide enough time to process everything and inform the candidate that the Board has approved them to sit for the state chiropractic examination. Ms. Roccodero stated that since she has been the examiner for the Board, she has noted that by the time she receives a quorum for an applicant to sit for the state chiropractic examination it is approximately 2 to 2 1/2 weeks before the scheduled examination date. By the time the applicant is informed they are scheduled to sit for the examination the applicant has little time to purchase their airline ticket, which results in paying more for their airfare. If the applicant were given more notice that they are scheduled to sit for the examination, they would be able to purchase cheaper airfare. The Board stated it felt 60 days would be enough time to process the applications and inform the applicant that they can sit for the state chiropractic examination.

### **12 AAC 16.430 Professional Standards**

After some discussion the Board determined that further clarification is required concerning the code of conduct for licensed chiropractic physicians. Dr. Zimmerman was assigned the task in developing regulatory wording concerning code of conduct for licensed Alaska Chiropractic Physicians.

## REGULATIONS CONTINUED

### **12 AAC 16.920(a)(12)**

At the next board meeting the Board will discuss further if it needs to clarify this section of regulations. Since the Board intends to submit regulation projects to the Division at its next meeting, Ms. Roccodero recommended to the Board that it group all of its regulations together in one project, which will help keep the Board's cost down. Note: Present Alaska Chiropractic Statutes and Regulations are viewable on the Board website.

### **PACE Update** (See past newsletters for further information on PACE):

The Board readopted a regulation that would give a license holder credit for any continuing education program that was approved through PACE. This regulation became effective June 2006.

If you are interested in receiving notification of proposed regulatory changes, you will need to submit a written request to be placed on the Board of Chiropractic Examiners', Interested Parties List and mail the request to:

Regulation Specialist  
Division of Professional Licensing  
P.O. Box 110806  
Juneau, AK 99811-0806

All public notices of proposed regulatory changes are posted on the Divisions web page at: [www.commerce.state.ak.us/occ](http://www.commerce.state.ak.us/occ)

## PEER REVIEW COMMITTEE (PRC)

The PRC is advisory to the State Board of Chiropractic Examiners. Current members of the Peer Review Committee are, Dr. James Heston, Dr. Dan Holt, Dr. Nick Williams, and Ms. Bonnie Paddock (public member).

**Board Liaison:** Dr. Mulholland is the Board liaison to the PRC and Dr. Zimmerman is the alternate liaison.

**New PRC Member Informational Packet:** The Board informed Ms. Roccodero that they were impressed with the New Peer Review Committee Member Informational Packet. No changes needed.

**Discuss Committee Name Change:** Dr. Culbert asked Dr. Mulholland if he has received a response from his letter to the Alaska Chiropractic Society (ACS) requesting legislative assistance in changing the name of the Peer Review Committee to Utilization Review Committee. Dr. Mulholland stated that he has not received a written or verbal response from ACS.

## APPROPRIATE MANAGED CARE

The Board reviewed a letter from FCLB concerning appropriate managed care organizations, which requests Member Boards to take regulatory action that will identify inappropriate managed care criteria and processes which interfere with the doctor-patient relationship or restrict necessary patient care. The Board noted that the content of the letter is touching on Independent Medical Examiners, which has been a subject the Department of Law does not feel the Chiropractic Board has jurisdiction over. Dr. Davis stated that at the annual FCLB/NBCE meetings there are breakout sessions where brain storming occurs. In order to assist the Board in determining what FCLB wants and if the Board can do anything Dr. Davis stated that he would put this topic out for discussion.

## NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE) FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB)

The 2006 annual FCLB and NBCE meetings were held in Portland, Oregon, May 2006. Dr. Clark Davis attended as Alaska's voting delegate. Past Alaska State Chiropractic Board President Dr. Carol Davis, who is presently FCLB District IV Director, also attended the annual meeting. Former Alaska Board member Dr. Patricia Connors-Allen, DC, who is recent past FCLB District IV Director, also attended the FCLB and NBCE meetings. Dr. Connors-Allen and Dr. Carol Davis are excellent resources for questions regarding FCLB and NBCE.

## BOARD BUSINESS

### *Discussion:*

### *2 vs 3 Board Meetings per year*

From the Division of Corporations, Business and Professional Licensing, Cori Hondolero, Records and Licensing Supervisor, Cathy Mason, Administrative Manager, and Jenny Strickler, Chief attended the meeting and discussed several topics with the Board.

Board Concerns: Limiting the Board to a minimum of two meetings a year is not permitting the Board to discuss issues in depth, so that the Board could address the issues appropriately. 5% of the Boards' budget is Board meetings, a relatively small percent of the total budget. The Board wants to keep things streamlined and manageable. How can the Board do this? 5% of the Board's budget pays for three meetings.

The Board used to have three meetings a year, which allowed the Board to more thoroughly address issues. Recently the Board has been limited to two meetings a year resulting in being rushed through a meeting and not addressing issues in detail allowing the Board to do the best job it can. Dr. Culbert repeatedly asked Ms. Strickler how long it would take her to make a decision if a meeting is approved after receiving the agenda. Ms. Strickler did not provide an answer.

**BOARD BUSINESS CONTINUED**

Ms. Strickler's Response to Board Concerns: She indicated that it is unfortunate that Boards have been forced into the financial role. It was never intended to be that way, but because of the self-sufficiency statute Boards are required to pay costs. Boards have very little control over the costs. She said that she had a legislative audit at her desk stating that this Board is wasting too much time on issues that it has been informed it has no control over. That the Board should be held to the statutory required two meetings a year. Ms. Strickler stated that she receives an agenda when the examiner questions whether there should be a meeting. An agenda that does not consist of a full workday (7.5 hours) will not be approved. "I can't justify paying airfare, hotel, ground transportation, and meals for two people if the meeting is 4 hours long." When an agenda is received, she reviews the agenda to see who the guest speakers are. Ms. Strickler calls the guest speakers and asks if it is vital that they meet with the Board or if it can wait until a later date.

If the topic(s) can wait, and the meeting is short, the meeting will be canceled. Ms. Strickler stated that she should be advised by the Board as to the meeting topics and the importance of the topics in order to make an informed decision concerning whether the Board should meet or not.

**Ms. Hondolero stated** that she would "review the Board's agenda and respond to the examiner within 5 business days as to whether or not the Board could meet."

**Comment:** Dr. Culbert, Board president, adds that it did not appear that Ms. Strickler had closely reviewed the auditor's report and Dr. Culbert's Board response to it. Since the Board has been restricted to two meetings a year, the meetings generally go from 8:00 a.m. to near 6:00 p.m. without a lunch. Our last meeting in Anchorage was not as long was because the meeting room was checked out to another group after 2:30p.m. Also, the total time spent discussing IME and sport's physicals was quite minimal and did not make up nearly the amount of time the Department of Law told the state auditors. This was all discussed in Dr. Culbert's response to the auditor's report.

### *Review Budget Report*

Cathy Mason, Administrative Manager joined the meeting and reviewed the Board's budget. Ms. Mason informed the Board that within the next couple of months she would be reviewing the Board's budget and fees to determine the licensing fees for the 2007/2008 licensing cycle.

**Comment:** We Alaska chiropractors need to be aware that all State Board expenses are by statute tallied on a biannual basis and divided by the number of licensed chiropractors. This determines our biannual state licensing fees. Therefore it is in our best interest to police ourselves in responsible professional behavior beyond reproach. All complaints, even unwarranted complaints, result in investigative costs and are reflected in our licensing fees.

## EXAMINATION INFORMATION

### July 14, 2006 Examinations

Candidates who passed the July 14, 2006 State Chiropractic examination are: Jessica Allen, Nick Allen, Heather Gappert, and Gregory Harris.

### 2006 State Chiropractic Examination Schedule



October 13

Applications and all supporting documents must be postmarked no later than 45 days before the scheduled examination date.

## MEETING DATE(S)

### 2006 Tentative Meeting Schedule



September 22

The public is always welcome to attend.

## CONTINUING EDUCATION (CE)

**Please read regarding 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. He reviews the “Continuing Education Program Request for Approval” forms, course schedules and descriptions, credentials of the instructors and 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, then reviews Dr. Risch’s recommendations and votes on course approval.

Approved courses are listed on the Division’s web site:

<http://www.dced.state.ak.us/occ/pchi.htm>

## CONTINUING EDUCATION (CE)

This process may be assisted by the upcoming PACE program. See past newsletters for further PACE information. It is the INDIVIDUAL CHIROPRACTOR'S RESPONSIBILITY to check with the website or with Board staff, Cindy Roccodero:

cindy\_roccodero@dced.state.ak.us , PRIOR taking a CE course REGARDING it's 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.

**NOTE:** The chiropractic license renewal form for is available on the board's web page and is interactive, as is all the other forms. This allows the applicant/licensee to complete the form on-line and then print.

## BOARD PURPOSE STATEMENT

It is the objective of the Board of Chiropractic Examiners to foster professional standards consistent with the best interests of the public and to do so in accordance with the laws of the state.

The board does not represent chiropractors; that is a function of professional societies or associations. However, the board does try to work with these organizations towards common goals.

## BOARD MISSION STATEMENT

The mission of the Alaska Board of Chiropractic Examiners is to foster higher professional standards relative to the practice of Chiropractic in the state of Alaska consistent with the best interest of the health, welfare, and safety of the public.

The values we embrace are equity, honesty, responsibility and collaboration.

### **Alaska Board of Chiropractic Examiners**

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