

State of Alaska  
Board of Chiropractic  
Examiners

August 21, 2020

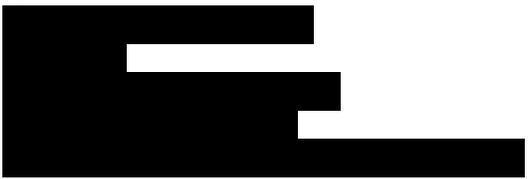
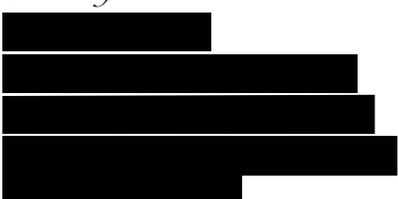
Board Packet

Online via ZOOM

Alaska

# Roll Call

## Alaska Board of Chiropractic Examiners Board Roster (As of 03/01/2020)

Board Member	Appointed	Reappointed	Term Expires
Brian Larson, <i>Chiropractor</i> <i>Chair</i> 	03/01/2017		03/01/2021
Jonathan Vito, <i>Chiropractor</i> <i>Vice Chair</i> 	03/01/2016	03/01/2020	03/01/2024
James Morris, <i>Chiropractor</i> <i>Secretary</i> 	03/01/2017		03/01/2021
John Lloyd, <i>Chiropractor</i> 	03/01/2020		03/01/2024
Vacant			

State of Alaska

Department of Commerce, Community and Economic Development  
Division of Corporations, Business and Professional Licensing

**BOARD OF CHIROPRACTIC EXAMINERS**

Board meeting is online via Zoom  
Zoom Phone Line: 1 (408) 638-0968

Please contact [boardofchiropracticexaminers@alaska.gov](mailto:boardofchiropracticexaminers@alaska.gov) for Zoom link and/or meeting ID

**Friday, August 21, 2020**

Agenda:

1. 10:00 a.m. - Call to Order/Roll Call
2. 10:05 a.m. - Review/Approve Agenda
3. 10:10 a.m. - Review/Approve Meeting Minutes
  - A. Board Meeting (teleconference): June 16, 2020
  - B. Board Meeting (teleconference): July 2, 2020
4. 10:15 a.m. - Board Business
  - A. Ethics Reporting
  - B. Review Goals & Objectives
    - i. Task List from May 15, 2020, Board Meeting
  - C. Ratify New Licenses
    - i. Nicholas Jason
    - ii. Samantha Krieg
    - iii. Donald Murdoch
    - iv. Sarah Testa
    - v. Jared Young
5. 10:30 a.m. - FCLB/NBCE/CCE Updates
  - A. Fall District Meeting
  - B. Ethics and Boundaries Assessment Services (EBAS) Exam
  - C. State Jurisprudence Examination
6. 11:15 a.m. - Statutes and Regulations
  - A. Regulations Project

B. Legislative Sponsors

7. 12:15 p.m. - Lunch
8. 1:15 p.m. - Complimentary Medicine Workgroup
9. 1:30 p.m. - Investigative Report
10. 2:00 p.m. - ACS Update
11. 2:15 p.m. - Public Comment/Correspondence

A. McGuff Medical Products

12. 2:30 p.m. - Administrative Business
  - A. Set Next Meeting Date/Board Travel
  - B. Task List
13. 2:45 p.m. - Adjourn

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**

**Tuesday, June 16<sup>th</sup>, 2020**

*These are DRAFT minutes prepared by the staff of the Division of Corporations, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.*

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 via teleconference on June 16<sup>th</sup>, 2020.

**Tuesday, June 16th, 2020**

**Agenda Item 1**

**Call to Order/Roll Call**

**Time: 10:01 a.m.**

The meeting was called to order by Chairman, Brian Larson, at 10:01 a.m.

Board members present, constituting a quorum:

Brian Larson, Doctor of Chiropractic  
Jonathan Vito, Doctor of Chiropractic  
James Morris, Doctor of Chiropractic  
John Lloyd, Doctor of Chiropractic

Division staff present were:

Thomas Bay, Occupational Licensing Examiner  
Sher Zinn, Regulations Specialist

Present from the public were:

Sheri Ryan, Chief Operating Officer, Alaska Chiropractic Society  
Debbie Ryan, Chief Executive Office, Alaska Chiropractic Society  
Todd Curzie, Doctor of Chiropractic, President, Alaska Chiropractic Society (*arrived at 10:09 a.m.*)  
Jason Nardi, Doctor of Chiropractic

The Alaska Board of Chiropractic Examiners (ABOCE) welcomed those who were in attendance. Chairman Brian Larson explained that this was a teleconference to address public comment for their regulations project.

**Agenda Item 2**

**Review/Approve Agenda**

**Time: 10:04 a.m.**

After the roll call, Dr. Larson asked the board to review the agenda.

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

**RESOLVED to approve the agenda as written.**

**Agenda Item 3                      Review/Approve Meeting Minutes                      Time: 10:05 a.m.**

The board reviewed the meeting minutes from May 15<sup>th</sup>, 2020.

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

**RESOLVED to approve the meeting minutes from May 15<sup>th</sup>, 2020, as written.**

**Agenda Item 4                      Board Business                      Time: 10:07 a.m.**

Ethics Report

Dr. Larson addressed ethics reporting. The board had no ethical violations to report.

**Agenda Item 5                      Old Business                      Time: 10:08 a.m.**

Regulations Project

The board began discussion on written public comment that was received after their regulations project came back from the public comment period. Dr. Larson asked if the board had read the public comment prior to the meeting, which all members had. Dr. Morris informed the board that he was pleased that the Alaska Chiropractic Society (ACS) had provided written public comment because ACS's members, many of whom make up most of the chiropractors in the state, could provide input into what the board was trying to accomplish, specifically because the regulations project included many things that have been outside the realm of what the board had done in the past. He suggested the board take their letter very seriously.

*Todd Curzie, Doctor of Chiropractic, President, Alaska Chiropractic Society, joined the meeting at 10:09 a.m.*

The board welcomed Todd Curzie, doctor of chiropractic and president of the ACS, to the meeting. The board continued with written public comment.

Dr. Larson explained that there were a few submissions in opposition of specific parts of the regulations project, but that most of it was in favor. He quickly noted that Edward Barrington, doctor of chiropractic, sent in a very brief piece of public comment that was in favor of the regulations. He then referred to a submission by a chiropractor named Charisse Basquin who was concerned with hallucinogenic herbs being included as a "nutrition or nutritional substance." Dr. Larson informed the board that they did not have to worry about hallucinogenic herbs because they were listed as illegal drugs and would not count as a "nutrition or nutritional substance."

The board addressed another submission by a chiropractor named Chris Dirth who was in opposition of allowing for intravenous nutrition administration as well as the revision of the surgery definition to include sutures, the removal of dead tissue, venipuncture, injections, dry needling, and punctures. Dr. Dirth expressed concern with inserting needles, not utilizing collaborative care when utilizing needles, removing dead tissue, and the lack of oversight, including provisions and conditions, for those

performing such procedures. Dr. Larson explained that Dr. Dirth's assertion that very few chiropractors are trained in inserting needles was incorrect, at least in his experience while he was in school. He explained that he had gone through the process of inserting needles during two terms while in school and that chiropractors should have a good foundation for inserting needles. He also explained that there are training programs that are specific to the hands on learning of inserting needles, and that the programs require you to demonstrate your proficiency in it. Dr. Larson reminded the board that one of the reasons they were considering adding needle use was to help reduce the expense for patients who had to be referred to other practitioners for such procedures. He explained that most of the time other practitioners that patients were referred to frequently did their own mark ups and often, instead of co-managing the patient, decided to do what they wanted to do, and that it led to higher expenses for the patient. Regarding Dr. Dirth's concern for lack of oversight, Dr. Larson explained that it is the board's obligation to create regulation for acceptable provisions and conditions for performing the procedures laid out in the regulations project, and that the board fully intended to do so. He also explained that it is up to the chiropractor to get the correct training that is needed to do the procedures they want to do. Regarding the removal of dead tissue, Dr. Larson explained that the board has only ever referenced removing superficial dead tissue and that it was simply to clean up a wound. He also explained that the current regulations did not allow for incising or removing living tissue, but that there was nothing that kept them from removing dead tissue. Dr. Dirth also expressed concern with the expansion of their scope of practice because it seemed that it was only being considered for a select few chiropractors and not for the benefit of the profession as a whole. Dr. Larson addressed his concern by stating that the expansion was for those chiropractors that have the training and education or those who want to go through that process, and that it was not meant for all chiropractors. Dr. Lloyd asked if there was an idea in mind for the training and education that would be required for intravenous nutrition administration. Dr. Larson explained that that was something that they, as the board, would need to come up with, and that there were multiple courses that were offered to address the training and education required to perform the procedures.

The board began discussion on the Alaska Chiropractic Society Executive Board's (ACSEB) written public comment. Dr. Larson asked Dr. Curzie to explain the reasoning behind the ACSEB's public comment. Sher Zinn, the board's regulations specialist, interjected. She informed the board that the public comment period was over and that nobody was allowed to explain their written comment, but that they could ask clarifying questions. She further informed the board that this meeting was only for the purpose of discussing written public comment, which is how the board wanted to address it during the public comment period. If in the future, she explained, the board wanted to address public comment orally, they would need to go about it the correct way and hold a meeting for oral public comment. The board went over the ACSEB's written public comment. The ACSEB's written comment explained that they did not agree with the proposed changes, but that it was their duty to represent the membership of ACS as a whole, which included proper training and education, as well as how their members chose to practice their profession. The ACSEB expressed concern with the new definition of surgery, clarifying that if suturing and dry needling was to be allowed the board would need to establish the educational criteria. Dr. Larson explained that it was the board's objective, and next step in the process, to create educational criteria for both suturing and dry needling. The ACSEB also expressed concern with 12 AAC 16.910(b), specifically the administering of nutritional substances via injections and intravenous drip, with their primary concern being patient safety. Dr. Larson reiterated that the board would be coming up with appropriate training and education to perform the procedures. The ACSEB's final concern was with the same section, but was in regard to "board approved post-graduate training" for the administering of nutritional substances via injections and intravenous drip and what it would consist of. They suggested having a minimum of a master's degree in nutrition and that any approved post-graduate training should also include live clinical practicum. Dr. Lloyd explained that, while the training and education is important, chiropractors are very well

trained in nutrition and that he did not think that a master's degree in nutrition was appropriate. The rest of the board agreed with Dr. Lloyd. Dr. Larson asked the board for their ideas on what appropriate training would be to administer nutritional substances via injections or intravenous drip. Dr. Lloyd suggested the board look at established training courses, that are already used in other states, to find the appropriate one. Dr. Morris suggested opening up the conversation a little and making it available to the public before the board made any concrete decisions. Dr. Larson replied by saying that the public comment period was adequate time to get the information out to the public, and to receive any type of feedback. He explained that the ACS does a great job to get the information to its members, and that their members make up a large amount of the chiropractors in the state. He also explained that there was a large amount of non-ACS members that were aware of the regulations project, and that any additional regulations that they came up with would be adequately available to the public. He asked the board their thoughts on creating a subcommittee to find appropriate training courses. Dr. Morris and Dr. Vito agreed that it would be a good idea. Dr. Lloyd did not think that a subcommittee was necessary. He suggested that he alone come up with recommendations for already established courses and that the board set up another meeting to address them. The board agreed that this was the most quick and efficient method to move forward. They decided to address additional public comment before setting up another meeting to address board approved post-graduate training for administering nutritional substances via injections or intravenous drip.

The board addressed a letter from John Shannon, doctor of chiropractic. Dr. Larson explained that Dr. Shannon was in opposition of the ACS's opinions and that his opinion was that chiropractors in Alaska are already allowed to do the things that the regulations project covers and that the board is simply clarifying vague language in the statutes, and that the board is well within its statutory authority to do so. The board did not go into further discussion on Dr. Shannon's letter.

The board addressed a letter from Jason Nardi, doctor of chiropractic. In his letter, Dr. Nardi explained that although chiropractors are highly trained in nutrition there is little focus on injectable nutrients. To ensure patient safety, he suggested requiring a recognized certification specifically in injectable nutrition. He opined that chiropractors, with the proper training in clinical nutrition and being certified in injectables, can help provide natural therapeutics to Alaskans safely and effectively. The board agreed with many of his points, many of which had been discussed earlier in the meeting, and did not go into further discussion.

After addressing all of the public comment, Dr. Larson asked if there were any motions on the table. Dr. Vito motioned to appoint Dr. Lloyd to research the education standards for injectable nutrients.

**On a motion duly made by Jonathan Vito, seconded by James Morris, and approved unanimously by a roll call, it was**

**RESOLVED to have Dr. Lloyd research the education standards for injectable nutrients.**

The board also decided to adopt the regulations project as publicly noticed.

**On a motion duly made by Jonathan Vito, seconded by John Lloyd, and approved unanimously by a roll call, it was**

**RESOLVED to, after reviewing public comment and considering the costs to the public, adopt the regulations project as publicly noticed.**



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**

Tuesday, July 2<sup>nd</sup>, 2020

*These are DRAFT minutes prepared by the staff of the Division of Corporations, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.*

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 via teleconference on July 2<sup>nd</sup>, 2020.

Tuesday, July 2<sup>nd</sup>, 2020

**Agenda Item 1**

**Call to Order/Roll Call**

**Time: 10:03 a.m.**

The meeting was called to order by Chairman, Brian Larson, at 10:03 a.m.

Board members present, constituting a quorum:

Brian Larson, Doctor of Chiropractic  
Jonathan Vito, Doctor of Chiropractic  
James Morris, Doctor of Chiropractic  
John Lloyd, Doctor of Chiropractic

Division staff present were:

Thomas Bay, Occupational Licensing Examiner

Present from the public were:

Sheri Ryan, Chief Operating Officer, Alaska Chiropractic Society

The Alaska Board of Chiropractic Examiners (ABOCE) welcomed Sheri Ryan, Chief Operating Officer for the Alaska Chiropractic Society (ACS), to the meeting. Chairman Brian Larson explained that this was a teleconference to create a regulations project for board approved post-graduate training for the administering of nutritional substances via injections and intravenous drip.

**Agenda Item 2**

**Review/Approve Agenda**

**Time: 10:06 a.m.**

After the roll call, Dr. Larson asked the board to review the agenda.

**On a motion duly made by Jonathan Vito, seconded by James Morris, and approved unanimously by a roll call, it was**

**RESOLVED to approve the agenda as written.**

**Agenda Item 3**

**Board Business**

**Time: 10:08 a.m.**

Ethics Report

Dr. Larson addressed ethics reporting. The board had no ethical violations to report.

**Agenda Item 4**

**New Business**

**Time: 10:08 a.m.**

Regulations Project

At their last meeting, the board approved a regulations project, that had just come back from public comment, to move forward in the regulations process and go to the Department of Law for review. Part of that regulations project included a section that required “board approved post-graduate training” for the administering of nutritional substances via injections or intravenous drip. It was the board’s goal to come up with the required training, through a new regulations project, at this meeting. Mr. Bay reminded the board that they needed to create the regulations project before addressing it.

**On a motion duly made by Jonathan Vito, seconded by James Morris, and approved unanimously by a roll call, it was**

**RESOLVED to begin a regulations project to create regulation for board approved training for the administration of nutritional substances via injections or IV.**

At their last meeting, Dr. Lloyd was tasked with researching the educational standards for injectable nutrients, specifically to find recommendations for already established courses that other states use. The board asked him to present the information he found. Dr. Lloyd informed the board that the American Academy of Chiropractic Physicians provides a course that is taught by Dr. Michael Taylor, the only instructor for chiropractic injectable nutrients in the United States, and that the course is either 24 or 36 hours, depending on the state. At the end of the course, he explained, a test is provided that allows for certification in injecting nutritional substances. He mentioned that most states that allow for injectable nutrients require the 36-hour course. He informed the board that, while this course would be his recommendation, there were some other courses that were available. He explained that there is a continuing education course taught by Dr. Laurence Hicks, in association with the University of Western States, and that it is a two-day 24-hour course that does include testing. He also explained that there is a two-year program, comprised of 36 credits, offered through Northwestern Health Sciences University. He further explained that this course certifies chiropractors in advanced practice and results in a master’s degree. He informed the board that this course offers only three hours in the administration of nutritional substances via injections or intravenous drip and that the majority of the course is learning about nutrition and other aspects of being an advanced practice doctor. He said that, while the program is probably very informative, it is likely not one that the board would use. Another program Dr. Lloyd presented was one that is done through the State of New Mexico. He informed the board that the course is 90 hours in length and that it includes prescription drugs, something that Alaska does not allow chiropractors to deal in, and that the board would likely not use this course either. The last program Dr. Lloyd presented was from Idaho. He informed the board that it consists of 77 classroom hours and 24 clinical hours, and that after completing the program you become a nutritionist with a certification in injections. Aside from the courses mentioned, Dr. Lloyd explained that an Alaskan chiropractor could potentially do injections if he/she graduated from a specific

program that is offered through Mid America University, and became a nurse practitioner, but that the program would need to be approved by the nursing program in Alaska.

Dr. Lloyd suggested the board use Dr. Taylor's course, offered through the American Academy of Chiropractic Physicians, citing that it is already used in other states, there is a test for certification, and it is taught by the only instructor for chiropractic injectable nutrients in the country.

In addition to the injectable nutrients course that the board was discussing, Dr. Morris suggested the board maybe consider also requiring a person attempting to do injectable nutrients to have a diplomate in nutrition, specifically one that is already board approved. Dr. Larson and Dr. Lloyd thought that a 300-hour diplomate was in excess of what the board should consider. Dr. Lloyd suggested that the board approve a course or courses that are already approved and used in other states. Dr. Morris suggested that they did not necessarily need to require a diplomate in nutrition, but that whatever course they chose should address clinical nutrition. The board discussed the different programs provided by Dr. Lloyd and ultimately decided to use Dr. Taylor's 36-hour course titled, "Chiropractic Injectable Nutrients," or its equivalent, as board approved post-graduate training for administering nutritional substances via injections or intravenous drip. The board also decided to require, for a chiropractor who has been approved to administer nutritional substances via injections or intravenous drip, eight hours of continuing education in nutrition or injectable nutrients as part of their required 32 hours of continuing education during a licensing period, and that the continuing education requirement would not come into effect until the beginning of the next renewal cycle following approval to administer nutritional substances via injections or intravenous drip.

**On a motion duly made by Jonathan Vito, seconded by James Morris, and approved unanimously by a roll call, it was**

**RESOLVED to have staff provide a transcript of the discussion to the regulations specialist for drafting proposed regulation.**

**Agenda Item 5**

**Adjourn**

**Time: 11:37 a.m.**

**Having nothing left to address, the Alaska Board of Chiropractic Examiners' Chair, Brian Larson, adjourned the meeting at 11:37 a.m.**

Respectfully Submitted by:

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Thomas Bay  
Licensing Examiner

Date

Approved by:

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Dr. Brian Larson  
Alaska State Board of Chiropractic Examiners

State of Alaska  
DEPARTMENT OF LAW

# ETHICS ACT PROCEDURES FOR BOARDS & COMMISSIONS

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

## Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act<sup>1</sup> has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.<sup>2</sup>

## What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.

- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *“Ethics Information for Members of Boards and Commissions.”* The executive director and staff should refer to the guide, *Ethics Information for Public Employees.* Both guides and disclosure forms may be found on the [Department of Law’s ethics website](#).

## How Do I Avoid Violations of the Ethics Act?

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- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!<sup>3</sup>
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

## What Are The Disclosure Procedures for Board and Commission Members?

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The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

### Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair**.

*Disclosure on the public record.* Members must identify actual and potential conflicts orally at the board or commission’s public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.<sup>4</sup>
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

*Disclosure in writing at a public meeting.* In addition to an oral disclosure at a board or commission meeting, members’ disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

*Confidential disclosure in advance of public meeting.* Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter.<sup>5</sup>
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.<sup>6</sup>

*Determinations at the public meeting.* When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.<sup>7</sup>

*If the chair identifies a potential conflict,* the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first

made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

## Procedures for Other Member Disclosures

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A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the [Department of Law's ethics website](#).

## What Are The Disclosure Procedures for Executive Directors and Staff?

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Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

*Notices of Potential Violations.* Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

*Other Disclosures.* The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

## How Are Third Party Reports of Potential Violations or Complaints Handled?

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Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted **in writing** and **under oath**.
- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.<sup>8</sup>
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

## What Are The Procedures for Quarterly Reports?

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Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at [ethicsreporting@alaska.gov](mailto:ethicsreporting@alaska.gov) and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

## How Does A DES or Board or Commission Get Ethics Advice?

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A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

<sup>1</sup> The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

<sup>2</sup> The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

<sup>3</sup> You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

<sup>4</sup> In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

<sup>5</sup> The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

<sup>6</sup> In this manner, a member's detailed personal and financial information may be protected from public disclosure.

<sup>7</sup> When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

<sup>8</sup> The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible,

the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

6/14

---

The Attorney General and Department of Law staff may not provide legal advice to private citizens or organizations. Please contact an attorney if you need legal advice. The [Alaska Lawyer Referral Service](#) or your local bar association may be able to assist you in locating a lawyer.

Alaska Department of Law

1031 West 4th Avenue, Suite 200

Anchorage, AK 99501

[attorney.general@alaska.gov](mailto:attorney.general@alaska.gov)

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TTY: 907-258-9161

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## Ethics Disclosure Form

<p style="text-align: center;"><b>CONFIDENTIAL</b> <b>REQUEST FOR ETHICS DETERMINATION</b></p>
--

TO: \_\_\_\_\_, Designated Ethics Supervisor

\_\_\_\_\_  
*(Identify Your Department, Agency, Public Corporation, Board, Commission)*

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

**I understand that I should refrain from taking any official action relating to this matter until I receive your advice.** If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Printed Name)*

\_\_\_\_\_  
*(Division, Board, Commission)*

\_\_\_\_\_  
*(Position Title)*

\_\_\_\_\_  
*(Location)*

*Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

## Ethics Disclosure Form

### Receipt of Gift

TO: \_\_\_\_\_, Designated Ethics Supervisor, \_\_\_\_\_  
(Agency, Public Corporation, Board,  
Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?

Yes  No

2. Can I take or withhold official action that may affect the person or entity that gave me the gift?

Yes  No

*(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)*

The gift is \_\_\_\_\_

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ \_\_\_\_\_ The date of receipt was \_\_\_\_\_

The gift was received by a member of my family. Who? \_\_\_\_\_

*If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):*

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Division)

\_\_\_\_\_  
(Position Title)

\_\_\_\_\_  
(Location)

Ethics Supervisor Determination:  Approve  Disapproved

\_\_\_\_\_  
Designated Ethics Supervisor\*

\_\_\_\_\_  
(Date)

*\*Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

# BOARD OF CHIROPRACTIC EXAMINERS

## Fiscal Year 2020 Annual Report

### Goals and Objectives

#### Part I

#### *FY 2020 's goals and objectives, and how they were met:*

##### **Goal 1:**

Carry out assigned duties of the board: The board met four times in FY 2020. The board met three times by videoconference and once in-person in Anchorage. The board administered jurisprudence exams. The staff and board were able to review and approve applications in a generally timely manner, but distance between Alaska and chiropractic schools where most applicants are applying from always poses a logistical challenge. The board reviewed all investigative memorandums.

##### **Goal 2:**

Provide information regarding board activities to the profession and the public: The board made time available in every meeting for public input and encourages its licensees and the public to attend scheduled meetings and provide comment. All meeting agendas and minutes were posted on the board's website to make available to the public the topics discussed, and actions taken by the board.

##### **Goal 3:**

Continue affiliation with the Alaska Chiropractic Society (ACS) to work cooperatively in the best interest of the profession and the public: The board worked closely with the ACS in completing many projects, including, but not limited to, their SB69 regulations project and COVID-19 related guidance to licensees.

##### **Goal 4:**

Assess and evaluate regulations: The board completed regulation work on SB69. It was written into the chiropractic regulations and became official on February 23rd, 2020. The board has set forth a regulations project to address current definitions of surgery, prescription drugs, and nutritional substances, as well as update current regulations.

##### **Goal 5:**

Assess and evaluate the review process available through the Utilization Review Committee: There were no complaints submitted to the Utilization Review Committee to review.

##### **Goal 6:**

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 well as the Council on Licensure, Enforcement and Regulation (CLEAR) and the Federation of Association of Regulatory Boards (FARB): This board had no presence at the FCLB/NBCE Annual meeting or the NBCE Part IV board examinations. The FCLB/NBCE annual meeting was canceled due to COVID-19 and board members could not afford to go to the NBCE Part IV board examinations because Alaska does not allow for board members to receive the honorarium. Dr. Larson and Thomas Bay did attend the 2019 FCLB District IV meeting in Coeur d'Alene, ID, in October. The focus during the district meeting was on sharing how other state boards in the region are dealing with issues such as interdisciplinary practice, opioid addiction, regulation projects and scope of practice, etc. This board has a strong budget. For the sake of training, continuity and efficiency, we need to have a board member and our examiner attending these meetings.

##### **Goal 7:**

The board will endeavor, through the legislative process, to add the Board of Chiropractic Examiners to relevant centralized and non-centralized statutes that enhance the profession and administrative efficiency. The board will continue the process to clarify the scope of practice chiropractic in the areas of core methodology, ancillary therapies, and address the possible inclusion of additional therapies to the chiropractic profession in Alaska. The board will promote the inclusion of access to resources for its members in the areas of alcohol, drugs and other substances.

**BOARD OF CHIROPRACTIC EXAMINERS**  
**Fiscal Year 2020 Annual Report**

**Goals and Objectives**

**Part II**

**FY 2021's goals and objectives, and proposed methods to achieve them.**

***Describe any strengths, weaknesses, opportunities, threats and required resources:***

**Goal 1:**

***Carry out assigned duties of the board:***

**Objective 1:** Conduct a minimum of three board meetings this year with different regional locations in the state to allow for public attendance and meeting transparency. We will hold four regularly scheduled board meetings, three of which will be telephonic and one in person. Ideally, this "live" meeting will be in Juneau while the legislature is in session so this board may be available to elected leadership, but may be limited to Anchorage to minimize total travel.

**Objective 2:** Continue timely processing of applications and licensing of chiropractic physicians.

**Objective 3:** Continue to monitor investigative reports, monitor disciplinary actions, and provide professional direction to division investigative staff regarding disciplinary actions, probation matters, criminal history record information, and chiropractic practice.

**Objective 4:** Utilize the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic (SPEC) and Ethics & Boundaries examination (E&B) in memorandum of agreements.

**Objective 5:** Continue to review and process continuing education credit approval in a timely manner.

**Objective 6:** Continue to administer the jurisprudence examination as part of licensure. Consider utilizing NBCE services to administer the jurisprudence examination at certified testing centers in Alaska and nationwide, saving time and expense for applicants, and relieving the Department of Commerce of the responsibility of hosting those tests at a state office four times per year.

**Goal 2:**

***Provide information regarding board activities to the profession and the public:***

**Objective 1:** Inform licensees of any pending regulation changes in the customary manner.

**Objective 2:** Provide a public comment period during each meeting. This is scheduled per public meeting law for each board meeting.

**Objective 3:** Address concerns presented by licensees and the public at each meeting.

**Objective 4:** Provide copies of agendas and/or minutes of the meetings to all who request them.

**Objective 5:** Continue to work with other licensing boards, at both the district and national level. Without the ability to travel for national and district meetings, this becomes a non-reality. This board, which operates well within its budget must have the opportunity for the volunteers who serve on the board to interact with district and national level boards to best serve the needs of the board in keeping current, obtaining training, and being alert and attentive to the commission to protect the public.

**Objective 6:** Continue to address the reporting requirements for domestic violence and sexual assault.

**Objective 7:** Seek and support efforts to educate the governor, state legislators, and the public regarding the benefit of chiropractic care as a health care option, and the particular opportunities to efficiently recover from work injuries (Workers Comp), and deal with pain without opiate prescriptions.

**Objective 8:** Raise awareness regarding public health, emergency training, hazardous material, and OSHA requirements.

**Objective 9:** Ensure current information is available on the board website through regular updates by staff and regular monitoring by board members.

**CONTINUED ON FOLLOWING PAGE**

**BOARD OF CHIROPRACTIC EXAMINERS**  
**Fiscal Year 2020 Annual Report**

**Goals and Objectives (continued)**

**Part II (continued)**

**FY 2021's goals and objectives, and proposed methods to achieve them.**

***Describe any strengths, weaknesses, opportunities, threats and required resources:***

**Goal 3:**

***Continue affiliation with the Alaska Chiropractic Society (ACS) to work cooperatively in the best interest of the public and the profession:***

**Objective 1:** Encourage regular Alaska Chiropractic Society participation at board meetings.

**Objective 2:** Support the Alaska Chiropractic Society in its efforts to provide information to the profession and the public.

**Objective 3:** Support the Alaska Chiropractic Society in pursuit of statutory changes or additions that expand the scope of chiropractic practice to provide better portal-of-entry service for the public and for those who wish to utilize their chiropractic physician efficiently as their primary care physician.

**Goal 4:**

***Assess and evaluate regulations:***

**Objective 1:** Continue to assess and evaluate continuing education requirements for quality, relevance, and application of scientific chiropractic research and practice.

**Objective 2:** Continue to assess and evaluate radiological safety, professional ethics and boundaries, public health, and emergency training.

**Objective 3:** Proactively make recommendations through regulation and recommend changes to statute to anticipate changes in the health industry.

**Goal 5:**

***Assess and evaluate the review process available through the Utilization Review Committee:***

**Objective 1:** Direct appropriate inquiries to the committee for review and recommendations.

**Objective 2:** Keep the committee roster fully staffed with three chiropractic physicians and one public member at all times. This committee is fully staffed and ready to serve as may be required.

**Objective 3:** Maintain a list of alternate committee members to fill vacancies or recusals as needed.

**CONTINUED ON FOLLOWING PAGE**

**BOARD OF CHIROPRACTIC EXAMINERS  
Fiscal Year 2020 Annual Report**

**Goals and Objectives (continued)**

**Part II (continued)**

**FY 2021's goals and objectives, and proposed methods to achieve them.**

***Describe any strengths, weaknesses, opportunities, threats and required resources:***

Page 3

**Goal 6:**

***Continue affiliation and improve interaction with the Federation of Chiropractic Licensing board (FCLB), The National Board of Chiropractic Examiners (NBCE), the Association of Chiropractic Board Administrators (ACBA), and the Council on Chiropractic Education (CCE) as well as the Council on Licensure, Enforcement, and Regulation (CLEAR) and the Federation of Association of Regulatory Boards (FARB:)***

**Objective 1:** Provide attendance of a board member and the examiner to the district and annual meetings of the FCLB and NBCE, to provide input and obtain information at both national and state levels regarding the practice of chiropractic in Alaska. This was not fully accomplished due to COVID-19 this year.

**Objective 2:** Continue working with the FCLB on maintaining a listing of Alaskan chiropractic physicians on the National Database (CIN-BAD).

**Objective 3:** Promote attendance of board members to the semi-annual NBCE Part IV Examinations and Part IV Examination Review Committee meetings of the NBCE to provide input and obtain information on the Exams required for chiropractic licensure in Alaska and other states. The prior governor banned the receipt of the professional honorarium offered by the NBCE to cover the personal travel and time these doctors invest without compensation from the State to participate in this testing process. We formally request the ban on personal gifts or gratuities, specifically in relation to professional honorariums for travel and time spent by volunteer professional members of boards be lifted. This represents no cost for the State of Alaska, increases the interaction of Alaska professional board members with the NBCE board and license testing process. All other states allow their professionals to receive this financial remuneration for time and expenses directly related to the board and national testing process.

**Objective 4:** Promote the attendance of the licensing examiner at the annual meetings of the ACBA and the FCLB to provide input and obtain information at both national and state levels, regarding matters impacting regulation and licensure of Alaskan chiropractic physicians.

**Goal 7:**

***The board will endeavor, through the legislative process, to add the Board of Chiropractic Examiners to relevant centralized and non-centralized statutes that enhance the profession and its administrative efficiency:***

**Objective 1:** The board will pursue inclusion in AS 08.01.050(d) for the purpose of providing licensed chiropractic physicians the resources needed to address abuse of alcohol, drugs or other substances.

**Objective 2:** The board will pursue authority under AS 08.20 to create an additional scope of practice status for chiropractic physicians who pursue additional training and certifications to utilize non-narcotic drugs, ancillary therapies and procedures beyond chiropractic core methodology and commonly used by other Alaskan health care professionals and specialists. The pursuit will be with direct consultation with the Department of Law.

## Task list from board meeting held May 15<sup>th</sup>, 2020

**TASK:**

**Dr. Larson and Dr. Reinhardt will work on a subcommittee to establish guidelines for an advanced practitioner status. - Emailed**

**TASK: Mr. Bay will get a completed version of the annual report to the board for voting.**

**TASK: Mr. Bay will update the board's website to notify licensees of the board order (SB241 -Reducing CE credits for renewal)**

**TASK: Dr. Larson will write an email to LAW regarding the EBAS exam and send it through the board's licensing examiner, Mr. Bay.**

**TASK: Mr. Bay will send the board's request, for LAW to vet the state jurisprudence examination being administered nationwide through the NBCE, to LAW through the appropriate channels.**

**STATE OF ALASKA  
BOARD OF CHIROPRACTIC EXAMINERS**

**State Chiropractic Examination  
Candidate List**

**August 21<sup>st</sup>, 2020  
Anchorage, Alaska**

- Chair may entertain a motion to ratify the newly licensed chiropractors in Alaska

“Upon a motion duly made by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved unanimously, it was:

RESOLVED to ratify new licenses.”

Licensee Name (from February 28 <sup>th</sup> , 2020, examination)
Nicholas Jason
Samantha Krieg
Donald Murdoch
Sarah Testa
Jared Young



## FCLB District Virtual Meetings

Agenda subject to change  
Updated 8/17/2020

### Wednesday, October 7, 2020 - 11:00 AM (Mountain Time) Meeting Begins

11:00 AM

Welcome and Speaker Introduction - Dr. Jon Schwartzbauer, FCLB Executive Director

#### ADMINISTRATIVE LAW AND REGULATORY PROCESSES

- Cary Coglianese, Ph.D, J.D., M.P.P, A.B., Edward B. Shils Professor of Law and Professor Political Science; Director, Penn Program on Regulation

#### REPORTS FROM THE FCLB & NBCE

FCLB President's Report: Dr. Karlos Boghosian, (CT)

FCLB Treasurer's Report: Dr. Keita Vanterpool, (DC)

FCLB District Director's Report: Dr. George Khoury, (PA), District III Director & Dr. Ned Martello, (LA), District V Director

FCLB 2021 Election Update: Dr. Carol Winkler, (ND), FCLB Vice President

NBCE Update- Dr. Daniel Côté, (OR), NBCE President

#### ROUNDTABLE DISCUSSIONS - Regulatory, Board Operations and Disciplinary Topics will be Discussed

### Thursday, October 8, 2020 - 11:00 AM (Mountain Time) Meeting Begins

11:00 AM

Welcome and Speaker Introduction - Dr. Jon Schwartzbauer, FCLB Executive Director

#### SEXUAL MISCONDUCT PRESENTATION

- Melanie de Leon, JD, Executive Director of the Washington Medical Quality Assurance Commission

#### REPORTS FROM THE FCLB & NBCE

FCLB President's Report: Dr. Karlos Boghosian, (CT)

FCLB Treasurer's Report: Dr. Keita Vanterpool, (DC)

FCLB District Director's Report: Dr. Robert Daschner, (MN), District II Director, Dr. James Buchanan, (WY) and District I Director & Dr. Karen Campion, (TX), District IV Director

FCLB 2021 Election Update: Dr. Carol Winkler, (ND), FCLB Vice President

NBCE Update- Dr. Daniel Côté, (OR), NBCE President

## ROUNDTABLE DISCUSSIONS - Regulatory, Board Operations and Disciplinary Topics will be Discussed

### Resources

#### FUTURE FCLB EDUCATIONAL MEETINGS

- Electronic Resource
- ANNUAL CONFERENCE:  
Spring 2021 - April 28 - May 2, 2021 - West Palm Beach, Florida

#### UPCOMING MEETINGS / AFFILIATED ASSOCIATIONS & ORGANIZATIONS

- Electronic Resource
- Alphabet Soup - our popular reference of other organizations and their scheduled meetings

#### UPCOMING MEETINGS / AFFILIATED ASSOCIATIONS & ORGANIZATIONS

- Electronic Resource
- Interesting articles to read at your leisure

1:30 PM

Adjourn Meeting



Federation of Chiropractic Licensing Boards  
5401 W. 10<sup>th</sup> Street, Suite 101  
Greeley, CO 80634

[info@fclb.org](mailto:info@fclb.org)

[www.fclb.org](http://www.fclb.org)

Like and Follow for updates and useful information!





901 54th Avenue / Greeley, CO 80634 / [ebas.org](http://ebas.org)



***Ethics and Boundaries Assessment Services LLC***  
*offers an essay exam that assesses an individual's understanding of ethics and boundaries in a professional setting.*

*Examinees are presented with realistic, hypothetical scenarios and asked to submit an appropriate response.*

*A patient decided to seek treatment in a nearby community from a different practitioner. The patient went to the initial practitioner's office multiple times requesting a copy of her records. She was refused at every attempt, despite having an appropriate signed request.*

*A patient decided to seek treatment in a nearby community from a different practitioner. The patient went to the initial practitioner's office multiple times requesting a copy of her records. She was refused at every attempt, despite appropriate signed request.*

*Focus essay response on issues concerning “Professional Standards”*

**I. INTRODUCTORY OPINION STATEMENTS:** Referring to the given scenario and its assigned focus, present several statements about the ethical issues and concerns involved. Additionally, identify when/how the licensee disregarded professional conduct standards.

**WRITE A RESPONSE**

**II. CONSEQUENCES:** Discuss several consequences that could arise from the above scenario to all involved parties.

**WRITE A RESPONSE**

**III. SOLUTIONS:** Identify the actions needed to resolve the ethical violation(s) described in the above scenario, and include what could prevent such violation(s) from occurring in the future.

**WRITE A RESPONSE**

**IV. PUBLIC PROTECTION:** Explain how the actions of the licensee compromise the community's safety and welfare, and provide several reasons why these actions are considered to be an ethical violation.

**WRITE A RESPONSE**

# Grading the Exams

- Regulatory experience
  - Board Executive Directors
  - Assistant Attorney Generals
  - State Board Members
- Seven graders for each exam
- A grader will never grade an exam for their own state



*All examinee identifiable information is removed; name, profession, case background, and state.*

# Rubrics

*Scoring of the Ethics and Boundaries Essay examination is based on the relevance and thoroughness of responses. Content and expression of ideas are more heavily weighted in the grading than grammar, punctuation, or spelling.*

	Introductory Opinion Statements	Consequences	Solutions	Public Protection
<b>Outstanding: Comprehensive and relevant opinion statements</b>  <b>Score: 4</b>	Test taker clearly identifies and summarizes main issues and successfully explains why and how they are problematic or questionable. Additionally, s/he identifies embedded or implicit issues, addressing their relationships to each other.	Test taker clearly and accurately labels not only all factual, conceptual, and value consequences, but also those implicit in the assumptions and the implications of positions and arguments.	In addition to explaining how, why, and which main methods are to be used to resolve and/or prevent the ethical violation, the test taker also describes possible alternative methods of working on the problem.	No only correctly identifies all the main stakeholders, but also finds minor stakeholders who are compromised by the ethical violation. Provides several reasons why these actions are considered to be an ethical violation.
<b>Sufficient to Pass: Basic, yet relevant, opinion statement</b>  <b>Score: 3</b>	Successfully identifies and summarizes the main ethical issues, but does not explain why and how they are problematic or questionable.	Successfully separates and labels all the factual, conceptual and value problems of the ethical violation.	Successfully explains how, why, and which methods are most relevant for resolving the problem.	Correctly identifies most of the stakeholders who are compromised by the ethical violation. Provides reasons why actions are considered unethical.
<b>Insufficient to Pass: Nonspecific or unclear opinion statements</b>  <b>Score : 2</b>	Test taker identifies main ethical issues but does not summarize or explain them clearly or sufficiently.	Successfully identifies some, but not all of the factual, conceptual, and value aspects, and problems resulting from ethical violation	Shows some general understanding of the ethical violation, but completely fails to provide solutions.	Recognizes how the actions compromise the community's safety and welfare, but fails to provide several reasons why these actions are considered to be an ethical violation.
<b>Extremely Insufficient: Inappropriate, irrelevant or unprofessional statements</b>  <b>Score: 1</b>	Test taker fails to identify, summarize, or explain the main ethical or behavioral problem or question. Represents the issues inaccurately or inappropriately.	Fails to label correctly any of the factual, conceptual and value dimensions of the consequences, and problems resulting from ethical violation.	Fails accurately to identify and explain the context of the ethical issue. Fails to present appropriate solutions to resolve the ethical issue.	Fails to identify and explain how the actions of the licensee compromise the community's safety and welfare, and provide several reasons why these actions are considered to be an ethical violation.

# Scoring the Essay

*A patient decided to seek treatment in a nearby community from a different practitioner. ....*

- Focus essay response on issues concerning “Professional Standards”

*I. **INTRODUCTORY OPINION STATEMENTS:** Referring to the given scenario and its assigned focus, present several statements about the ethical issues and concerns involved. Additionally, identify when/how the licensee disregarded professional conduct standards.*

**RESPONSE SCORE            2**

*II. **CONSEQUENCES:** Discuss several consequences that could arise from the above scenario to all involved parties.*

**RESPONSE SCORE            3**

*III. **SOLUTIONS:** Identify the actions needed to resolve the ethical violation(s) described in the above scenario, and include what could prevent such violation(s) from occurring in the future.*

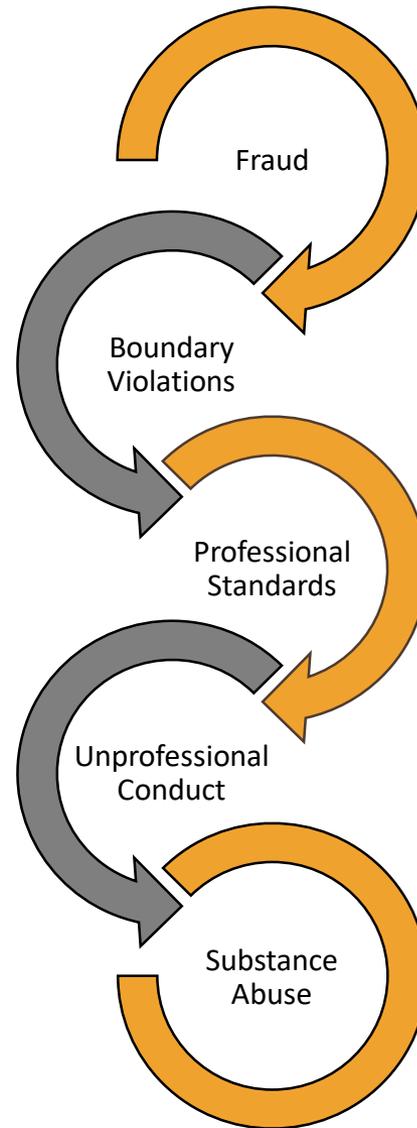
**RESPONSE SCORE            3**

*IV. **PUBLIC PROTECTION:** Explain how the actions of the licensee compromise the community’s safety and welfare, and provide several reasons why these actions are considered to be an ethical violation.*

**RESPONSE SCORE            3**

**Total Score : 11**

*A different  
scenario for each*



# Score Report

	Boundary Violations	Fraud	Professional Standards	Substance Abuse	Unprofessional Conduct
Score	12	12	11*	12	12
Introductory Opinion Statements	3	3	3	3.14	3.3
Consequences	3	3	2.71	3.14	3
Solutions	3	3	2.43	3.14	3
Public Protection	3	3	2.71	3	3

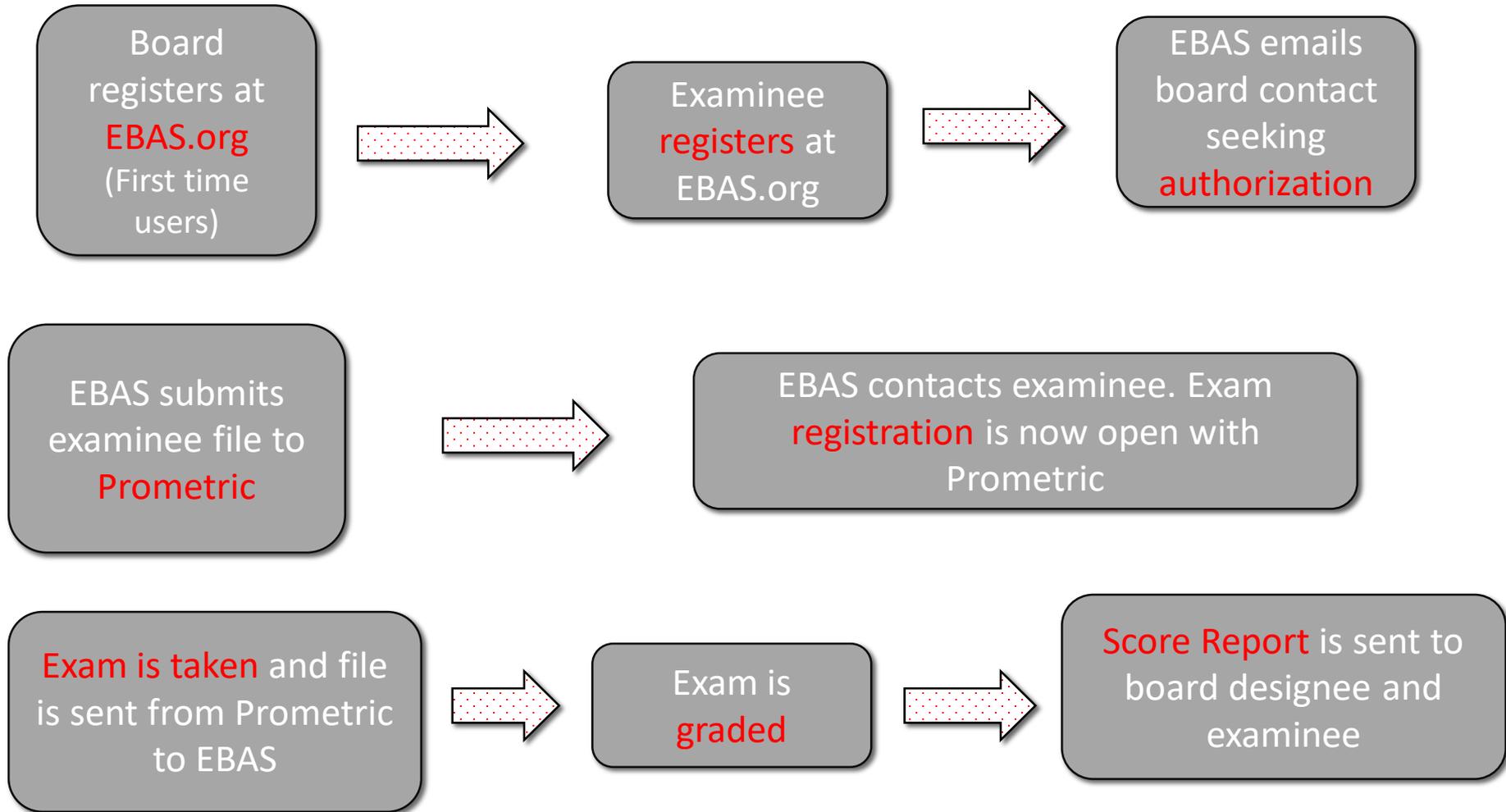
\* Indicates a failing score

Passing score  
12 or higher

Score Report  
sent to  
examinee and  
designated  
board contact

Option to  
retake failed  
essays

# Administrative Process



**Stacey Kjeldgaard**

*Executive Director*



**Ethics and Boundaries Assessment Services LLC**



## State Board Checklist for Exam Development

Exam: \_\_\_\_\_

	Required Task	Completion Date
<input type="checkbox"/>	Review statutes to determine if anything prevents the NBCE from administering and receiving payment for the exam.	_____
<input type="checkbox"/>	Provide NBCE with references or Statutes/Rules that the exam is based on.	_____
<input type="checkbox"/>	Determine if the exam will be given in a proctored or open book format.	_____
<input type="checkbox"/>	Establish mutually agreeable dates with the NBCE for the transition process.	_____
<input type="checkbox"/>	Sign agreement allowing NBCE to provide examination services.	_____
<input type="checkbox"/>	Authorize appropriate fee for the exam.	_____
<input type="checkbox"/>	Determine the number of questions on the exam.	_____
<input type="checkbox"/>	Approve the test plan and weighting of each category.	_____
<input type="checkbox"/>	Provide NBCE with existing exam forms, test plan, test pool questions, and any available statistical information on past performance.	_____
<input type="checkbox"/>	Authorize 3-5 individuals to serve as a committee to review test forms and questions.	_____
<input type="checkbox"/>	Provide/confirm contact information to NBCE for Board's Score Recipient.	_____
<input type="checkbox"/>	Give final approval of the newly developed exam, with permission to publish and administer the exam.	_____
<input type="checkbox"/>	Update State Board website regarding the exam application process, fees, required passing score, test plan, reference list, and score reporting timeline; include link to NBCE website.	_____

This is a sample test plan. Please add or remove any category or subcategory you choose. Please add any category or subcategory you feel is important. We need the Board to provide a percentage for each major category. The percentages should be based on the amount of material in your statutes as well as the Board's preferences. Typically the smallest percentage is in license requirements but that is completely up to the Board.

### **Test Plan for Jurisprudence Exam**

- |                                 |          |
|---------------------------------|----------|
| <b>1. License Requirements</b>  | <b>%</b> |
| License (renewal, types)        |          |
| Malpractice Insurance           |          |
| Continuing Education            |          |
| <b>2. Patient Care</b>          | <b>%</b> |
| Scope of Practice               |          |
| Physiotherapy                   |          |
| Referrals                       |          |
| Reporting                       |          |
| <b>3. Office Management</b>     | <b>%</b> |
| Patient Records                 |          |
| Chiropractic employees          |          |
| Advertising                     |          |
| Billing                         |          |
| Contracts                       |          |
| <b>4. Professional Conduct</b>  | <b>%</b> |
| Complaints/Disciplinary actions |          |
| Board powers                    |          |
| Sexual misconduct               |          |
| Financial responsibilities      |          |

**Chapter 16. Board of Chiropractic Examiners.**

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 16.052(d) is amended to read: **Approved**

(d) In order to meet the initial certification requirements of AS 08.20.168 and practice as a chiropractic clinical assistant in this state, a currently employed chiropractic clinical assistant with 2,000 hours or more of experience must complete the requirements as set out by the Certified Chiropractic Clinical Assistant Program (CCCA) administered by the Federation of Chiropractic Licensing Boards (FLCB), the Chiropractic Therapy Assistant (CTA) Program administered by the Tennessee Chiropractic Association, or an equivalent nationally recognized program as determined by the board in accordance with AS 08.20.055(4), not later than **2/23/2021** [8/23/2020].

(Eff. 2/23/2020, Register 233; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.20.055 AS 08.20.168 AS 08.20.195  
AS 08.20.100 AS 08.20.170 AS 08.20.900

12 AAC 16.130(a) is amended to read: **Approved**

(a) The state chiropractic examination consists of a written examination, administered by the board or the board's agent, covering AS 08.01 - AS 08.03, AS 08.20, 12 AAC 02, 12 AAC 16, and **7 AAC 18** [18 AAC 85], and any other subjects that the board determines are necessary to demonstrate knowledge of chiropractic as defined in AS 08.20.

(Eff. 3/8/71, Register 37; am 9/30/81, Register 79; am 10/21/82, Register 84; am 4/22/83, Register 86; am 6/3/89, Register 110; am 5/10/90, Register 114; am 5/10/98, Register 146; am

Register \_\_\_\_\_, \_\_\_\_\_ 2020 PROFESSIONAL REGULATIONS

1/6/2002, Register 161; am 8/20/2004, Register 171; am 8/14/2010, Register 195; am 2/23/2020, Register 233; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.20.055 AS 08.20.120 AS 08.20.130

12 AAC 16 is amended by adding a new section to read: **Not Approved/Withdrawn**

**12 AAC 16.910. Administering nutritional substances.** (a) A chiropractic physician may administer a nutritional substance intended for oral, topical, or transdermal use.

(b) A chiropractic physician who has completed board approved post-graduate training in nutrition may administer a nutritional substance by oral, topical, transdermal, injection, or intravenous drip. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_; Register \_\_\_\_)

**Authority:** AS 08.20.100 AS 08.20.900

12 AAC 16.990(a) is amended by adding a new paragraph to read: **Not Approved/Withdrawn**

(9) “nutrition or nutritional substance” means a vitamin, mineral, plant or extract, herb or extract, homeopathic, glandular or whole tissue extract, sugar, amino acid product, enzyme supplement, or saline, intended for use in the diagnosis, treatment, or prevention of disease in humans; nutritional substances include food grade and pharmaceutical grade substances that can be purchased by professionals without a federal Drug Enforcement Administration registration.

12 AAC 16.990(b) is repealed and readopted to read: **Not Approved/Withdrawn**

(b) In AS 08.20.900,

(1) a “prescription drug” does not include a nutritional substance as defined in this

section;

(2) “surgery” means the structural alteration of the human body by the incision of or cutting into the tissue for the purpose of diagnostic or therapeutic treatment causing localized alteration of human tissue, but does not include

(A) procedures for removal of superficial foreign bodies from the human body;

(B) punctures;

(C) suturing;

(D) injections;

(E) venipuncture;

(F) dry needling;

(G) removal of dead tissue. (Eff. 6/29/84, Register 90; am 8/31/86,

Register 99; am 6/3/89, Register 110; am 1/6/2002, Register 161; am 8/14/2010 Register 195; am 3/16/2011, Register 197; am \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.20.055 AS 08.20.900



**MEMORANDUM**

DATE: August 05, 2020  
 TO: Alaska Board of Chiropractic Examiners  
 THRU: Greg Francois, Chief Investigator *SL*  
 FROM: Jasmin Bautista, Investigator *MB*  
 RE: Investigative Report for the August 21, 2020 Meeting

The following information was compiled as an investigative report to the Board for the period of August 24, 2020 thru August 05, 2020; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegal in Juneau, regarding continuing education audits and license action resulting from those matters are not covered in this report.

**OPEN - 6**

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
<b>CHIROPRACTOR</b>			
2020-000499	Sexual misconduct	Intake	05/28/20
2020-000638	Violation of licensing regulation	Intake	07/06/20
2020-000442	Prohibited activities	Complaint	06/02/20
2017-001044	Sexual misconduct	Monitor	
2019-000742	Practice beyond scope	Monitor	
2020-000587	Criminal action - conviction	Monitor	

**Closed - 0**

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
---------------	-----------------------	--------------------	---------------	----------------

**END OF REPORT**

# Alaska Chiropractic Society Staff

Executive Director

Debbie Ryan

(907) 222-2123  
office  
(907) 317-4486  
cell  
(907) 770-3790  
fax

email Debbie



Executive Administrator

Sheri Ryan

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(907) 770-3790  
fax

email Sheri



# Alaska Chiropractic Society Officers/Board Members 2016 - 2018

<p>Dr. Todd Curzie, President</p> <p>Phone: (907) 569-9355</p> <p>email President</p>	<p>Some of you know me and of course, some may not. I have practicing in Anchorage, Alaska for over 17 years. I have been a member of the ACS since that year. I am a huge advocate of chiropractors being a member of a unified group. I totally support the ACS and its mission to support Chiropractic and its progress.</p> <p>I have been treasurer of the ACS from 2006-2010. I have raised funds by directing a golf tournament for 5 years. I currently sit on the legislative committee for the ACS. I am a strong supporter of my alma mater. I hosted a radio show for a few years to benefit all chiropractors in the community.</p> <p>There is no doubt that I truly support the chiropractic community.</p> <p>There are many reasons that I wish to be president of the ACS, but my primary motivation is to keep Chiropractic moving forward without compromising our founding principles. I believe we need a president with a good foundation and understanding of our core principles in order to move forward. Yes, I am strong in the philosophy of chiropractic, but I'm not naive.</p> <p>We have a bright future ahead of us as chiropractors. We don't need to be afraid of the government or other health care providers. We need to be strong and unite as a group and move forward.</p> <p>Join me in my mission to provide CHIROPRACTIC services to our great state and let us be the example other states follow.</p>	
	<p>Kelly Ryan is a 2008 Palmer College of Chiropractic graduate who currently practices in Anchorage, Alaska. Some of his hobbies include public speaking, skiing, snowboarding, reading, playing music, cooking, and engaging the arts. He holds membership and actively participates in various organizations including the Alaska Chiropractic Society, Toastmasters International, the Loyal Order of the Moose, and he serves as a current board member for the International Gallery of Contemporary Art. He also served two terms as a board member for the Chugach Power Talkers Toastmasters group. As a chiropractor he focuses on evidence based procedures and strives to deliver the best care to his patients. His future goals within the profession include improving chiropractic efficacy through the promotion of best practices, promoting chiropractic to the public through various local and national organizations, and working intimately with local, state, and federal entities to preserve and expand chiropractic influence in modern healthcare.</p>	<p>Dr. Kelly Ryan, Vice President</p> <p>Phone: (907) 222-2100</p> <p>email Vice-President</p>
<p>Dr. John Paimore, Treasurer</p> <p>Phone: (907) 677-6953</p> <p>email Treasurer</p>	<p>Dr. John Paimore has lived in Alaska since 1982 and practices in Anchorage. He is a 2002 graduate of Palmer College of Chiropractic and received his CCSP in 2006. Dr. Paimore is a Gonstead practitioner and is certified in the Gaston technique. He is married to his beautiful wife Sengthiene and they have three awesome kids.</p>	
		<p>Dr. Joel Adkins, Secretary</p> <p>Phone: (907) 333-3535</p> <p>email Secretary</p>

## Public Comment:

The board chair shall open public comment. The time allotted for comment will be divided between all individuals signed in to give comment. The group will be told how much time each person will have to speak; the licensing examiner will keep track of the time and notify the individual when they have 1 minute left.

This is not the time for the board to respond to the comments. The board can choose to respond to any comments at the end of the comment period; they can choose to send a letter with their responses to the individual; or they can choose to not respond.

**From:** [Board of Chiropractic Examiners \(CED sponsored\)](#)  
**To:** [REDACTED]; [Board of Chiropractic Examiners \(CED sponsored\)](#)  
**Cc:** [Khmelev, Andy A \(CED\)](#)  
**Subject:** RE: Alaska Chiropractor Scope of Practice  
**Date:** Wednesday, July 15, 2020 4:31:00 PM  
**Attachments:** [image002.png](#)

---

Hello Myra,

I have spoken with the board Chair for the Alaska Board of Chiropractic Examiners. Your inquiry will need to be discussed with the entire board at their next meeting, which is on August 21<sup>st</sup>, 2020. They will discuss your inquiry during the public comment/correspondence portion of their meeting. If you would like to ask any other questions of the board please send them directly to me and I will be sure to get them to the board.

Best regards,

Thomas Bay  
Occupational Licensing Examiner  
Division of Corporations, Business and Professional Licensing  
(907)465-2588

Any guidance provided by this electronic communication is not a binding legal opinion, ruling, or interpretation that may be relied upon, but merely guidance concerning existing statutes and regulations. There may be other unique or undisclosed facts, circumstances, and information that may have changed any guidance provided in this communication.

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**From:** Myra Correa [REDACTED]  
**Sent:** Wednesday, July 15, 2020 10:37 AM  
**To:** Board of Chiropractic Examiners (CED sponsored) <boardofchiropracticexaminers@alaska.gov>  
**Cc:** Chuck Fuentes [REDACTED]  
**Subject:** FW: Alaska Chiropractor Scope of Practice  
**Importance:** High

Hello Mr. Bay,

I left you a voice message today 7/15/2020 regarding the scope of practice for Alaska Chiropractor. We need from the Board authorization that a Alaska Chiropractor can purchase injectable solutions and devices.

Please review the previous emails below between you and our lead Chuck Fuentes.

Very Best Wishes,

**Myra Correa**  
Customer Service Representative





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---

**From:** Chuck Fuentes  
**Sent:** Wednesday, July 15, 2020 11:27 AM  
**To:** Myra Correa  
**Subject:** FW: Alaska Chiropractor Scope of Practice

---

**From:** Board of Chiropractic Examiners (CED sponsored) [<mailto:boardofchiropracticexaminers@alaska.gov>]  
**Sent:** Monday, July 06, 2020 12:30 PM  
**To:** Chuck Fuentes  
**Subject:** RE: Alaska Chiropractor Scope of Practice

**This message was sent from outside McGuff. DO NOT click links or open attachments unless you recognize the source of this email and know the content is safe.**

Hello Mr. Fuentes,

Your question has been provided to the board. I will get back to you when I find the information you have requested.

Best regards,

Thomas Bay  
Occupational Licensing Examiner  
Division of Corporations, Business and Professional Licensing  
(907)465-2588

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**From:** Chuck Fuentes [REDACTED]  
**Sent:** Monday, July 6, 2020 8:26 AM  
**To:** Board of Chiropractic Examiners (CED sponsored) <[boardofchiropracticexaminers@alaska.gov](mailto:boardofchiropracticexaminers@alaska.gov)>  
**Cc:** Myra Correa [REDACTED]

**Subject:** RE: Alaska Chiropractor Scope of Practice

Hi,

We are McGuff Medical Products a medical drug distributor in Santa Ana, CA. We have an Alaska Chiropractor looking to purchase Dextrose 50% 50ml SDV indicated for IV use on the vial. Just need to know if Chiropractors in Alaska have the independent prescriptive authority to order injectable drugs such as Dextrose 50% Single Dose Vial. And...if so which types of drugs and routes of administration can they administer. Below is a provided 2006 board mission statement from the customer but does not mention route of administration. Also, I included the "Chiropractic Core Methodology" definition from the website. Just need clarification. Thank you!

"chiropractic core methodology" means the treatment and prevention of subluxation complex by chiropractic adjustment as indicated by a chiropractic diagnosis and includes the determination of contra-indications to chiropractic adjustment, the normal regimen and rehabilitation of the patient, and patient education procedures; chiropractic core methodology does not incorporate the use of prescription drugs, surgery, needle acupuncture, obstetrics, or x-rays used for therapeutic purposes



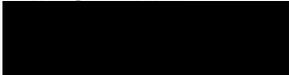
DEPARTMENT OF  
**COMMERCE**  
COMMUNITY AND  
ECONOMIC DEVELOPMENT

Frank H. Murkowski, Governor  
William C. Noh, Commissioner  
Rick Uribe, Director

Board of Chiropractic Examiners  
Division of Corporations, Business and Professional Licensing

May 18, 2006

Mr. Wayne Weaver



Re: Controversion Notice 200519581

Dear Mr. Weaver:

At the board's April 14, 2006 meeting Dr. Shannon presented to the board a copy of Controversion Notice 200519581. A review of the Controversion Notice reflects incorrect information under section 16. This letter is sent to make the record clear. To follow is our response to denial reason number 1 and 4 under section 16:

1. The information obtained by Arctic Adjusters, Inc. was not obtained directly from the board, but from the board's licensing examiner. Therefore, this information is not factual. The licensing examiner is not the board or a member of the board, the licensing examiner is staff to the board.
4. Alaska Statute 08.20.020 states that four members of the board are to be "licensed chiropractic physicians." Additionally, the board has received an opinion for the State's Assistant Attorney General that chiropractors are "physicians." Therefore, this information is not factual.

Concerning denial reason 2 and 3: It was at the time of question from a representative of Arctic Adjusters believed that only licensed chiropractic physicians who held a specialty in neurology (DACBN) could pierce the skin.

After reviewing the Alaska State Statutes and Regulations regarding chiropractic practice during the April 14, 2006 meeting, the board found that there are no statutes or regulations, which would prohibit utilizing injectable nutraceuticals in chiropractic practice.

During the next meeting of the board in October, 2006, the board will be working on writing regulations regarding this issue.

Sincerely,

*Cindy Kocodero*  
*Licensing Examiner*

*for*

R. Clark Davis, DC  
Secretary  
Alaska State Board of Chiropractic Examiners

cc: John Shannon, DC  
M.R. Spikes  
Mr. Ted Wenzlick, The Key Company  
Mr. James Bustos, HEEL Inc.

PO Box 110806, Juneau, AK 99811-C806  
Telephone: (907) 465-2534 Fax: (907) 465-2974 Website: [www.commerce.state.ak.us/occ](http://www.commerce.state.ak.us/occ)

Very Best Wishes,

**Chuck Fuentes**  
Senior Customer Service Representative





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# STATE OF ALASKA 2020

# BIWEEKLY CALENDAR

## State Holidays

Date	Holiday
01/01	New Year's Day
01/20	MLK Jr.'s Birthday
02/17	Presidents' Day
03/30	Seward's Day
05/25	Memorial Day
07/04	Independence Day (observed 7/3)
09/07	Labor Day
10/18	Alaska Day (observed 10/19)
11/11	Veterans' Day
11/26	Thanksgiving Day
12/25	Christmas Day

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday  
 Payday



State calendar maintained by the  
Division of Finance,  
Department of Administration  
<http://doa.alaska.gov/calendars.html>  
Revised 10/31/2019

## JANUARY

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

## FEBRUARY

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## MARCH

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## APRIL

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31						

## JUNE

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## AUGUST

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30	31					

## SEPTEMBER

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26	27	28	29	30		

## OCTOBER

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18	19	20	21	22	23	24
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## NOVEMBER

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29	30					

## DECEMBER

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			1	2	3	4
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12	13	14	15	16	17	18
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26	27	28	29	30	31	