

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
Friday, February 28th, 2020

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 in Suite 1550 in the Robert Atwood Building, 550 West 7th Avenue, Anchorage, Alaska.

Friday, February 28th, 2020

Agenda Item 1

Call to Order/Roll Call

Time: 10:20 a.m.

The meeting was called to order by Chairman, Brian Larson, at 10:20 a.m.

Board Members present, constituting a quorum:

Brian Larson, Doctor of Chiropractic
Jeffrey Reinhardt, Doctor of Chiropractic
Jonathan Vito, Doctor of Chiropractic (*via videoconference until 11:00 a.m.*)
James Morris, Doctor of Chiropractic
John Wayne Aderhold, Public Member

Division Staff present were:

Thomas Bay, Licensing Examiner
Melissa Dumas, Administrative Officer (*via videoconference at 2:30 p.m.*)
Sher Zinn, Regulations Specialist (*via videoconference at 11:35 a.m.*)
Harriet Milks, Senior Assistant Attorney General, Department of Law (*via videoconference at 1:32 p.m.*)
Megyn Weigand, Assistant Attorney General, Department of Law (*present at 1:55 p.m.*)
Sonia Lipker, Senior Investigator (*present at 1:59 p.m.*)
Jasmin Bautista, Investigator (*present at 1:18 p.m.*)

Present from the Public:

Sheri Ryan, Chief Operating Officer, Alaska Chiropractic Society (*present at 10:20 a.m.*)
Signe Pignalberi, Practice Manager, Natural Health Center (*via videoconference at 10:20 a.m.*)

Agenda Item 2

Review/Approve Agenda

Time: 10:22 a.m.

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

On a motion duly made by John Wayne Aderhold, 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: 10:23 a.m.

The board reviewed the meeting minutes from February 11th, 2020. Dr. Larson informed the board that he had their licensing examiner, Thomas Bay, amend the minutes by changing “lobotomist” to “phlebotomist” in the second paragraph of page four.

On a motion duly made by John Wayne Aderhold, requesting unanimous consent, and approved unanimously without any objections, it was

RESOLVED to approve the meeting minutes for February 11th, 2020, as amended.

Agenda Item 4

Board Business

Time: 10:25 a.m.

Ethics Report

Dr. Larson addressed ethics reporting. The board had no ethical violations to report. Mr. Bay informed the board that they could not amend the meeting minutes from the December 23rd, 2019, teleconference meeting as they motioned to do at their February 11th, 2020, teleconference. He informed them that he had spoken with Director Sara Chambers and that she said amending those minutes would be an ethical issue because you cannot change something that actually happened in a meeting. Mr. Bay explained that, instead of amending the meeting minutes from that meeting, they would need to state on the record that they made a mistake with their stance on dry needling and needle EMG at the December 23rd, 2019, meeting and then clearly state their current stance.

On a motion duly made by John Wayne Aderhold, seconded by James Morris, and approved unanimously by a roll call, it was

RESOLVED to clarify the Board of Chiropractic Examiners’ position on dry needling and needle EMG, that the meeting minutes from the December 23rd, 2019, meeting were accurate to what happened but do not reflect the board’s position as it was discussed in the February 11th, 2020, meeting, and would like the record to reflect that the board’s position on dry needling and needle EMG is as stated in the board’s position statement dated February 27th, 2018, and that both procedures are within a chiropractor’s scope of practice.

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Brian Larson	X		
Dr. Jeffrey Reinhardt	X		

Dr. Jonathan Vito	X		
Dr. James Morris	X		
Mr. John Wayne Aderhold	X		

Election of Officers

The board began discussion on their biennial duty to elect officers for the next two years. Dr. Morris asked Dr. Larson if he was willing to continue to be the board’s chairman, to which Dr. Larson said yes. The board discussed and also agreed to have Dr. Vito as the board’s vice chairman and Dr. Morris as the board’s secretary.

On a motion duly made by John Wayne Aderhold, seconded by Jeffrey Reinhardt, and approved unanimously by a roll call, it was

RESOLVED to have the officers for the next two years be as follows:

- **Chairman – Brian Larson**
- **Vice Chairman – Jonathan Vito**
- **Secretary – James Morris**

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Brian Larson	X		
Dr. Jeffrey Reinhardt	X		
Dr. Jonathan Vito	X		
Dr. James Morris	X		
Mr. John Wayne Aderhold	X		

Review Goals and Objectives

- Task List from November 22, 2019, Board Meeting (Agenda items AS 08.01.050(d) & Advanced Practitioner Status are on task list)

The board began conversation on their goals and objectives. Mr. Bay informed the board that he had provided them with the task list from their November 11th, 2019, meeting. He addressed the tasks with the board. He informed the board that their goal for inclusion into AS 08.01.050(d), for the purpose of providing licensed chiropractors the resources needed to address abuse of alcohol, drugs, or other substances, was likely going to be passed during the legislative session. He also informed the board that the other legislative goals they had would not be addressed during this year’s session because the division could not find them a sponsor, and that they needed to reach out on their own to find one for next session. The board discussed possible sponsors. During the conversation, Dr. Larson updated the board on Senate Bill 47, Senator Cathy Giessel’s bill, which was mainly a cleanup bill but included an attempt for the Physical Therapy and Occupational Therapy Board to own the title, “Physiotherapist.” He informed the board that there were a number of people who testified in opposition of adding that term to the PT/OT statutes, including himself and Sheri Ryan from the Alaska Chiropractic Society (ACS). Sheri Ryan, in attendance at the board meeting, informed the board that there was no intention from the bill’s sponsor of having that title removed from the bill. Instead, she explained, there was a

plan to add language that would prevent any healthcare provider, that has physiotherapy within their scope of practice, from being guilty of the class B misdemeanor that would come with using the title, “Physiotherapist,” if that person was not a licensed physical therapist. The board expressed their concerns with having the title of “physiotherapist” owned exclusively by any one profession, specifically because physiotherapy services are universal and any profession owning the title is highly inappropriate and could lead to term protection, which would keep chiropractors from advertising physiotherapy services, an approved ancillary methodology of chiropractic in statue. Mr. Bay informed the board that he would contact them when he found out the date for SB 47’s next hearing, but that only Dr. Larson was allowed to speak on the board’s behalf without a motion to have other board members represent the board. The board agreed to have Dr. Morris and Dr. Vito as representatives of the board at future hearings on SB 47.

Dr. Vito was temporarily unavailable for voting. A quorum was still available for voting.

On a motion duly made by Jeffrey Reinhardt, seconded by John Wayne Aderhold, and approved by a roll call, it was

RESOLVED to have Dr. Morris and Dr. Vito as representatives of the board regarding state legislation of SB 47.

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Brian Larson	X		
Dr. Jeffrey Reinhardt	X		
Dr. James Morris	X		
Mr. John Wayne Aderhold	X		

Jonathan Vito, Doctor of Chiropractic, joined the meeting, in-person, at 11:00 a.m.

Dr. Vito arrived in-person to the meeting. Mr. Bay continued with the task list from their November 11th, 2019, meeting. He reminded Dr. Larson and Dr. Reinhardt that he still had not received the poll they were supposed write, regarding an advanced practitioner status, so he could send it to the Federation of Chiropractic Licensing Boards (FCLB) and chiropractic specialty boards. He informed Dr. Reinhardt that he could not participate in creating the poll because he was no longer going to be on the board, but that the board could have him on a subcommittee to complete the task.

On a motion duly made by James Morris, seconded by John Wayne Aderhold, and approved unanimously by a roll call, it was

RESOLVED to have Dr. Larson and Dr. Reinhardt on a subcommittee to establish guidelines for an advanced practitioner status.

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Brian Larson	X		

Dr. Jeffrey Reinhardt	X		
Dr. Jonathan Vito	X		
Dr. James Morris	X		
Mr. John Wayne Aderhold	X		

Mr. Bay reminded the board that he was tasked with submitting a detailed description of the Ethics and Boundaries Assessment Services (EBAS) exam to the division’s Investigations Unit for their evaluation as a possible disciplinary tool when considering whether a chiropractic candidate can safely return to treating patients. He informed the board that he had spoken with the Investigations Unit and was told that implementation of the EBAS exam would require assistance from the Department of Law (LAW), the Investigations Unit, and approval from the Division. He said it was currently with LAW, would likely be a slow-moving process, and that he would get back to them with an update when had one.

Mr. Bay informed the board that he and Sheri Ryan addressed a few miscommunication issues that came up in the November 22nd, 2019, board meeting. He explained that one of the issues did not need to be addressed, but that the ACS was asking the board for a position statement regarding discount services. Ms. Ryan addressed ACS’s concern with discount services such as Groupon, Facebook, and “deal of the day” discounts that are being offered by licensed chiropractors in Alaska. She explained that such discounts devalue the services chiropractic offers and are detrimental to practices in the state by creating disruptions in the quality of care. Mr. Aderhold believed it was an issue of restraint of trade. Ms. Ryan disagreed and stated that ACS’s goal was to find out if discount services violated any current statutes. The board agreed with Ms. Ryan’s concerns and asked Mr. Bay if he knew how other professions/boards have dealt with this issue. Mr. Bay said that he did not but that he could reach out to the other health-related professions, specifically their examiners, to find out if they have dealt with discount services, and, if so, how they have dealt with them.

On a motion duly made by Jonathan Vito, seconded by Jeffrey Reinhardt, and approved unanimously by a roll call, it was

RESOLVED to have Thomas Bay reach out to other licensing examiners who oversee health-related professions and the FCLB to find out how they deal with discount services and the concept of inducement.

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Brian Larson	X		
Dr. Jeffrey Reinhardt	X		
Dr. Jonathan Vito	X		
Dr. James Morris	X		
Mr. John Wayne Aderhold	X		

TASK:

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

TASK:

Mr. Bay will reach out to other licensing examiners who oversee health-related professions and the FCLB to find out how they deal with discount services and the concept of inducement.

Having finished with the task list the board began discussion on the annual report for 2020.

- Annual Report

Mr. Bay provided a brief overview of the process for completing the annual report. He informed the board that they would need someone to write the report and have it voted on at their next board meeting for approval. The board agreed to have Dr. Morris write the report and have it ready for voting at their next scheduled board meeting.

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

RESOLVED to have Dr. Morris write the annual report and have it ready to vote on at the board's next scheduled meeting.

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Brian Larson	X		
Dr. Jeffrey Reinhardt	X		
Dr. Jonathan Vito	X		
Dr. James Morris	X		
Mr. John Wayne Aderhold	X		

TASK:

Dr. Morris will write the annual report and have it ready to vote on at the board's next scheduled meeting.

Ratify New Licenses

Having finished with the annual report the board began discussion on ratifying the new licenses for licensees who sat for the November 22, 2019, jurisprudence examination. Mr. Aderhold asked if the board could make separate motions for each licensee.

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

RESOLVED to ratify the license for Adam Groch.

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Brian Larson	X		

Dr. Jeffrey Reinhardt	X		
Dr. Jonathan Vito	X		
Dr. James Morris	X		
Mr. John Wayne Aderhold	X		

Mr. Aderhold mentioned that he had written a note to himself that Dr. Dillon Ingham may have been missing paperwork and asked Mr. Bay if all of it was on file, to which Mr. Bay assured him it was.

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

RESOLVED to ratify the license for Dillon Ingham.

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Brian Larson	X		
Dr. Jeffrey Reinhardt	X		
Dr. Jonathan Vito	X		
Dr. James Morris	X		
Mr. John Wayne Aderhold	X		

Agenda Item 5

Statutes and Regulations

Time: 11:35 a.m.

Sher Zinn, Regulations Specialist, joined the meeting at 11:35 a.m.

The board welcomed Sher Zinn to the meeting. Mr. Bay informed the board that they would need to begin discussion on their regulations project first because Ms. Zinn was only available for a short amount of time.

Regulation Projects

Mr. Bay provided the board with a copy of the initial drafted regulations that Ms. Zinn had created for their regulations project that was initiated at their last board meeting. The regulations project was created to amend the definitions of “prescription drug” and “surgery”, as defined in 12 AAC 16.990(b)(1) and (2), and add a definition of “nutrition” under the same regulation. Ms. Zinn informed the board that she had spoken with the Department of Law (LAW) regarding the board’s requests, and that what she had provided them was a copy of her suggestions following their discussion, which read as follows:

12 AAC 16.990(b) is repealed and readopted to read:

(b) In AS 08.20.900,

(1) “prescription drug” means a substance that is defined by the Drug Enforcement

Administration as a schedule II, III, IV, or V controlled substance;

(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) acupuncture; or (AS 08.20.900(6) prohibits acupuncture, this will not get through DOL)

(E) removal of dead tissue.

She informed the board that they would likely need a statute change regarding their request to be able to do surgery as they requested it. The issue, she explained, was that it included acupuncture, which is specifically not allowed in statute. She also explained a concern with other procedures on the list, such as dry needling and suturing. She explained that there would likely be a lot of blowback from the medical community if the regulations project was sent out for public comment the way it was. The board discussed her concerns. The board agreed that dry needling is within their scope of practice and should stay on the list. Dr. Morris explained, to the rest of the board, that if they were going to be inclusive on dry needling and eventually acupuncture, within their scope of practice, it would be very difficult to try to move into certain things, in the future, such as suturing. He explained that suturing was included in a medical dictionary as a possible type of surgery, but that the definition of dry needling separated itself in the same dictionary, specifically defining itself to include already approved scope of practice procedures for chiropractors in Alaska. He suggested they should tread lightly on how they separate things out from surgery. Dr. Larson reminded the board that the chiropractic profession was the only profession that had a definition for surgery in Alaska. He also reminded the board that, in statute, chiropractors are allowed to analyze, diagnose, or treat the chiropractic condition of a patient by chiropractic core methodology or ancillary methodology. He read the following statute:

Sec. 08.20.900. Definitions. In this chapter,

(1) "ancillary methodology" means employing within the scope of chiropractic practice, with appropriate training and education, those methods, procedures, modalities, devices, and measures commonly used by trained and licensed health care providers and includes

(A) physiological therapeutics; and

(B) counseling on dietary regimen, sanitary measures, physical and mental attitudes affecting health, personal hygiene, occupational safety, lifestyle habits, posture, rest, and work habits that enhance the effects of chiropractic adjustment;

Dr. Larson explained that chiropractors, with appropriate training and education, should be able to do suturing because it is a commonly used method/procedure used by trained and licensed health care providers. Dr. Morris explained that chiropractic core methodologies and ancillary therapies are taught in chiropractic school, but that certain methodologies such as suturing are not taught as part of the chiropractic curriculum. For that reason, he suggested it would not be in the board's interest to promote additional training in areas that are not taught as part of their core, especially when they were making an effort to include dry needling into their scope of practice for musculoskeletal conditions. Dr. Larson acknowledged that he might have had unique training, which included suturing, at the University of Western States that other chiropractic schools did not offer. Ms. Zinn provided an alternate proposal of "surgery" for the board in case their proposed regulations were rejected by LAW. Her alternate proposal included adding "injections" in the paragraph describing what surgery does not include, and would read as follows:

12 AAC 16.990(b)(2)(B) is amended to read:

(B) does not include venipuncture, or the removal of foreign objects from external tissue,

or injections.

The board agreed to have Ms. Zinn's alternate proposal as an alternative if their initial proposal was rejected by LAW. The board decided to take acupuncture out of their proposal to amend the definition of "surgery" and to proceed with everything else on the list.

The board moved on to their proposal to amend the definition of "prescription drug." Ms. Zinn informed the board that she could not find a definition for prescription drug on the Drug Enforcement Administration website, as the board had inferred at their last board meeting, and that although their definition might get through the public process of the regulations project they might have an issue with it getting through LAW because of validity concerns. Dr. Larson explained that the board's goal was to amend the current definition of "prescription drug" because it does not allow a chiropractor to carry supplements that have a label that says, "is restricted to use by practitioners only." He explained that a lot of substances that chiropractors carry are nutrition based, and include vitamins and minerals, but still require that label even though they are not prescription drugs.

Ms. Zinn informed the board that she did not think they needed a specific definition of "prescription drug" because other programs already have it in their statutes/regulations. She provided the board with the following alternative for their definition of "prescription drug":

12 AAC 16.990(b) is repealed and readopted to read:

(b) In AS 08.20.900,

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

The board agreed to move forward with this definition of “prescription drug.”

The board reviewed Ms. Zinn’s drafted language regarding their proposal to add a definition for “nutrition,” which read as follows:

12 AAC 16 is amended by adding a new section to Article 5 to read:

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.

12 AAC 16.990(a) is amended by adding a new paragraph to read:

(7) “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 Drug Enforcement Administration registration.

The board agreed to move forward with the language as drafted. The board moved to approve topics discussed regarding their regulations project.

On a motion duly made by John Wayne Aderhold, seconded by Jeffrey Reinhardt, and approved unanimously by a roll call, it was

RESOLVED to approve the regulations project as discussed and proceed in the regulations process to be distributed for public consideration.

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Brian Larson	X		
Dr. Jeffrey Reinhardt	X		
Dr. Jonathan Vito	X		

On a motion duly made by James Morris, seconded by John Wayne Aderhold, and approved unanimously by a roll call, it was

RESOLVED to have Dr. Larson and Dr. Vito on a subcommittee to work on the board’s FAQ worksheets for their regulations project.

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Brian Larson	X		
Dr. Jeffrey Reinhardt	X		
Dr. Jonathan Vito	X		
Dr. James Morris	X		
Mr. John Wayne Aderhold	X		

Harriet Milks, Senior Assistant Attorney General, Department of Law, joined the meeting at 1:32 p.m.

Harriet Milks, the board’s attorney, informed the board that she had joined the meeting. She explained that she was in attendance for discussions during public comment that were scheduled on the agenda, starting at 2:15 p.m., specifically to field any questions regarding a matter that was going to be addressed in executive session. Ms. Milks informed the board that she did not know what the executive session notation on the agenda was for, and that they could only go into executive session for specific reasons. Mr. Bay asked Ms. Milks if the board should take a break so he could explain to her what the executive session notation on the agenda was regarding. She said it was okay with her if it was okay with Chairman Brian Larson.

Dr. Larson called for a break

TASK:

Dr. Larson and Dr. Vito will work on a subcommittee to work on the board’s FAQ worksheets for their regulations project.

Off the record at 1:37 p.m.

On the record at 1:52 p.m.

Agenda Item 10

FCLB/NBCE/CCE Updates

Time: 1:52 p.m.

Dr. Larson asked Mr. Bay to provide the board with any updates from the FCLB, NBCE, or CCE. Mr. Bay brought up the EBAS exam momentarily because it was owned and operated by the NBCE and the board happened to have Ms. Milks on the line. Mr. Bay informed Ms. Milks that he had last heard the EBAS exam was with LAW. Ms. Milks was not aware of the EBAS exam but indicated that it was probably with LAW. She told Mr. Bay she would find out where it was and report back to him.

Mr. Bay informed the board that he had just met with Director Sara Chambers to discuss what implementing the state jurisprudence examination nationwide at NBCE testing centers would entail, another goal that the board was interested in implementing. He explained that a regulations project would be required to amend, repeal, or add certain language that currently would not allow for the

exam. He provided an example of the 45-day deadline for all paperwork to be on file that is required for incoming chiropractors who need to take the jurisprudence examination. He explained that the 45-day deadline keeps chiropractors from getting fully licensed in a timely manner and requires them to get a temporary permit, which also requires on-site supervision from another licensed chiropractor in Alaska. The board asked Mr. Bay what an acceptable deadline would be. Mr. Bay suggested something around two weeks would be sufficient.

Megyn Weigand, Assistant Attorney General, Department of Law, joined the meeting at 1:55 p.m.

Megyn Weigand joined the meeting. She explained that she was also in attendance as legal counsel for discussions during public comment. The board, on advice from board counsel, amended the agenda to remove the executive session agenda item during public comment.

On a motion duly made by Jonathan Vito, seconded by Jeffrey Reinhardt, and approved unanimously by a roll call, it was

RESOLVED to, after speaking with board counsel, amend the agenda by removing the executive session agenda item during public comment.

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Brian Larson	X		
Dr. Jeffrey Reinhardt	X		
Dr. Jonathan Vito	X		
Dr. James Morris	X		
Mr. John Wayne Aderhold	X		

The board continued discussion on the state jurisprudence examination. Mr. Bay informed the board that he had spoken with a representative from the NBCE and received a checklist of what needs to be done before the NBCE can administer the exam. He provided the board with the checklist.

Sonia Lipker, Senior Investigator, joined the meeting at 1:59 p.m.

Jasmin Bautista, Investigator, joined the meeting at 1:59 p.m.

Sonia Lipker and Jasmin Bautista informed the board that they were in attendance for discussions during public comment.

The board continued discussion on the state jurisprudence examination. The board discussed costs of implementing the exam nationwide. Mr. Bay informed them that the cost to the board would likely just be their current exam fee of \$200. He explained that the NBCE would charge \$120 for a proctored exam and that it would be paid by the examinee. Dr. Vito asked if the board would get the difference of \$80 to pay for costs of the exam on the state side. Mr. Bay said he did not think they would be able to get any of the fee because they would not be proctoring the exam. The board asked Harriet Milks if she knew if they could get the remainder of the fee. She said that she was fairly certain that the answer would be yes, but that she would need to get more information before she could provide them with a definitive answer. Ms. Milks informed the board that Mr. Bay could speak to the fiscal staff in the

department to find out if the board is charging and collecting sufficient funds to cover the costs of administering the exam.

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

RESOLVED to have Mr. Bay speak with fiscal staff in the department to find out what the cost of administering the exam is to the board.

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Brian Larson	X		
Dr. Jeffrey Reinhardt	X		
Dr. Jonathan Vito	X		
Dr. James Morris	X		
Mr. John Wayne Aderhold	X		

TASK:

Mr. Bay will speak with fiscal staff in the department to find out what the cost of administering the exam is to the board.

Agenda Item 11

Public Comment/Correspondence

Time: 2:15 p.m.

Dr. Larson opened public comment and asked if there was anybody on the videoconference line, to which there was not. Sheri Ryan informed the board that there was a chiropractor who had planned to be in attendance during public comment. Dr. Larson decided to leave public comment open for the remainder the public comment time slot on the agenda.

Mr. Bay reminded the board that a letter was sent as public comment on behalf of Dr. John Shannon and Dr. Bill McAfee regarding injections and prescription products. The board read the letter amongst themselves. Dr. Larson asked Ms. Milks if he could ask her questions regarding certain aspects of the letter. She informed him that usually state boards will just take the public comment and if they have questions for LAW then they are addressed at a later time. However, she explained, this was his meeting and she was available to answer any questions he had, but that she was not going to be providing any formal legal opinions. Dr. Larson asked if the semantics of the argument in the letter, that a medication technically is not a prescribed medication until it is dispensed to a patient for the patient to self-administer, would free a chiropractor from the obligation of not using prescription medication. Ms. Milks replied by saying that the definition of "prescription drug" that chiropractors must operate with is the definition that appears in 12 AAC 16.990(b), which states:

12 AAC 16.990. DEFINITIONS. (b) In AS 08.20.900,

(1) "prescription drug" means a drug that

(A) under federal law, before being dispensed or delivered, is required to be labeled with either of the following statements:

(i) "Caution: Federal law prohibits dispensing without prescription";

(ii) "Caution: Federal law restricts this drug to use by, or on the order of, a licensed veterinarian"; or

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

RESOLVED to enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing, “matters which by law, municipal charter, or ordinance are required to be confidential.” Board staff member Thomas Bay remained during the session.

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Brian Larson	X		
Dr. Jeffrey Reinhardt	X		
Dr. Jonathan Vito	X		
Dr. James Morris	X		
Mr. John Wayne Aderhold	X		

*The board entered Executive Session at 2:57 p.m.
The board left Executive Session at 3:31 p.m.*

Chairman Brian Larson entertained a motion regarding matters discussed in executive session.

On a motion duly made by Jonathan Vito, seconded by Jeffrey Reinhardt, and approved unanimously by a roll call, it was

RESOLVED to add, to their current regulations project, an amendment to 12 AAC 16.130(a) to update their state chiropractic examination to current standards.

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Brian Larson	X		
Dr. Jeffrey Reinhardt	X		
Dr. Jonathan Vito	X		
Dr. James Morris	X		
Mr. John Wayne Aderhold	X		

The board realized that they had already motioned to send the regulations project out for public comment and decided to make the following subsidiary motion:

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

RESOLVED to amend their previous motion by adding that their amendment to 12 AAC 16.130(a) be added to the regulations project before it goes out for public comment.

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Brian Larson	X		
Dr. Jeffrey Reinhardt	X		
Dr. Jonathan Vito	X		
Dr. James Morris	X		
Mr. John Wayne Aderhold	X		

TASK:

Mr. Bay will add, to the board’s current regulations project before it goes out for public comment, an amendment to 12 AAC 16.130(a) to update their state chiropractic examination to current standards.

Having finished with the state jurisprudence examination the board began discussion on possibly updating their position statement on dry needling.

Agenda Item 4

Board Business

Time: 3:35 p.m.

Position Statement – Dry Needling

The board began discussion on dry needling. Mr. Bay informed the board that the reason this was on the agenda was because they had discussed, at their last meeting, the possibility of updating their dry needling position statement to address proper education and training for the procedure. He also informed the board that he was in the understanding that Brian Yelverton, president of the Alaska Acupuncture Association (AKAA), who was not present, was going to be in attendance to recommend appropriate education and training for dry needling, from the AKAA’s perspective. Mr. Bay provided the board with documents that Mr. Yelverton provided for recommended hours of education and training. Dr. Reinhardt said that he did not have any problems with the board’s current position statement recommending a minimum of 24 hours of clinical training, with significantly more practical training time recommended, but that chiropractors must be proficient in knowing emergency procedures in case of an emergency. Dr. Morris informed the board that he looked at how a number of other states deal with dry needling, and that many states that allow for dry needling recommend or require around 50 hours of education and training. Mr. Bay informed the board that Dr. Richard Woolley, who was in attendance at their last meeting regarding dry needling, had provided him with a list of popular dry needling courses. Mr. Bay provided the board with the list of dry needling courses. Three of the four courses were exactly 54 hours in length, which correlated with the number of hours that other states recommend or require. The board began discussing the possibility of creating a regulations project that would require a certain amount of education and training for approved dry needling. Mr. Bay informed the board that they did not have clear statutory authority to do dry needling, therefore could not create a regulations project to require specific education and training for the procedure. Dr. Larson reminded the board that if their current regulations project, that was soon going out for public comment, was approved by LAW then they would have authority to regulate dry needling. He suggested that the board have language ready to provide LAW if they came back with questions on how they would regulate it. The board addressed the documents that Brian Yelverton provided. They discussed the differences between acupuncture and dry needling, and that they did not agree with the AKAA’s position that dry needling is acupuncture. The board agreed that dry needling is a physiotherapeutic, specifically a trigger point therapy, and is within their scope of practice. They

also discussed appropriate training for acupuncture, as laid out by the ACAA, and agreed that a 200 or 300-hour course in acupuncture would be appropriate for chiropractors who were interested in doing acupuncture. Mr. Bay asked the board if they would be interested in inviting Mr. Yelverton to a future board meeting, to get recommended education and training for acupuncture from the ACAA, with the goal of having appropriate language drafted that the board could use during the next legislative session in an attempt to get acupuncture approved in chiropractic. The board agreed that it would be a good idea to work with the ACAA because acupuncture would likely get approved in legislation if they had the backing of the state association of acupuncture. The board also agreed that inviting Mr. Yelverton to their fall meeting would be best so that their new board members would be up to speed on the topic. The board discussed possible legislative sponsors that they felt would be helpful in introducing the bill for consideration at the next legislative session. Mr. Bay asked the board if they planned on changing their position statement on dry needling before it was posted back on the website. The board agreed that the minimum requirements that they suggested were adequate at this time and that they could change them in the future if need be.

Agenda Item 14

Administrative Business

Time: 4:30 p.m.

Set Meeting Dates

The board proceeded to set their next meeting date. The board decided to set a hard date of May 15th, 2020, for their next board meeting. They also set a tentative date for August 14th, 2020, for the following meeting.

Agenda Item 15

Adjourn

Time: 4:34 p.m.

Having nothing left to address, the Alaska Board of Chiropractic Examiners' Chair, Brian Larson, adjourned the meeting at 4:34 p.m.

Respectfully Submitted by:

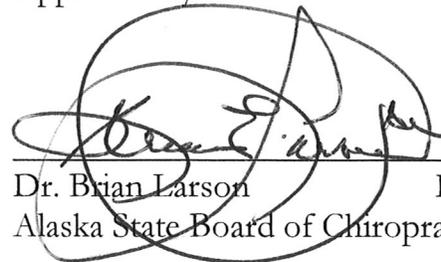


Thomas Bay
Licensing Examiner

07/06/2020

Date

Approved by:



Dr. Brian Larson
Alaska State Board of Chiropractic Examiners

6/29/2020

Date