

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 16th, 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 16th, 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 15th, 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 15th, 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.

