

Alaska State Board of Chiropractic Examiners Newsletter

December 2004

ALASKA BOARD OF CHIROPRACTIC EXAMINERS

Carol J. Davis, DC
Gregory M. Culbert, DC
R. Clark Davis, DC
David J. Mulholland, DC
Sean C. Siegel, Public Member

Division of Occupational Licensing Staff:

Cindy Roccodero, Licensing Examiner 907-465-2543
Maggie McQuaid, Investigator 907-269-8184

The State Board of Chiropractic Examiners met telephonically on September 9, 2004 to discuss the proposed fee increases and to present its recommendation regarding the proposed fee increases to the Division.

Present were Board members: Dr. Carol Davis, President (Fairbanks), Dr. Greg Culbert, Vice President (Eagle River), Dr. Clark Davis, Secretary (Ketchikan), and Dr. David Mulholland (Anchorage).

Present from the Division of Occupational Licensing were Rick Urion, Director, Barbara Gabier, Chief, Jun Maiquis, Regulation Specialist, and Cindy Roccodero, Licensing Examiner.

There were no visitors present.

The State Board of Chiropractic Examiners met on September 17, 2004 for its regularly scheduled meeting in Juneau.

Present were Board Members: Dr. Carol Davis, President (Fairbanks), Dr. Greg Culbert, Vice President (Eagle River), Dr. Clark Davis, Secretary (Ketchikan), Dr. David Mulholland (Anchorage), and Sean Siegel, Public Member (Anchorage).

Present from the Division of Occupational Licensing was Rick Urion, Director, Jun Maiquis, Regulations Specialist, Cindy Roccodero, Licensing Examiner, and present telephonically was Maggie McQuaid, Investigator.

Present from the Department of Law was Gayle Horetski, Assistant Attorney General.

There were no visitors present. Visitors are welcome.

ELECTION OF OFFICERS

At the September 17, 2004 board meeting, Carol Davis, D.C. stepped down as president.

By a vote of the board Dr. Gregory Culbert, D.C., was elected president, Dr. David Mulholland, D.C. was elected vice president, and Dr. Clark Davis, D.C. remains as the secretary.

FEE INCREASE

On September 9, 2004 the board met telephonically to discuss the Division's proposed fee increase.

The board read public comments regarding the proposed fee increases and took the comments into consideration when presenting its recommendation to the Division.

The board unanimously agreed and recommended to the Division not to increase the fees.

Division staff informed the board that although the licensing fee has substantially increased it still leaves the board with a deficit of \$16,921.00.

The licensing program is a self-supporting program that should not cost the state money. The fees paid are to pay for the administrative cost of regulating chiropractic physicians in Alaska.

The following fee increases became effective on October 15, 2004:

Licensing Fee: \$730
Temporary Permit: \$100
Courtesy License Fee: \$100

LICENSE DESIGNATION CHANGE

At its July 2004 meeting the board had asked the Division if the word "physician" could be added to the chiropractic license.

At the September 2004 meeting the board was informed by the Department of Law that there was no legal reason why the board could not add "physician" to its license.

Upon conclusion of the meeting the board requested Ms. Roccodero to add "physician" to all chiropractic licenses.

MEETINGS/EXAMINATIONS SCHEDULE 2005

MEETING DATES/LOCATION-2005

January 14, 2005: Atwood Building, 550 West 7th Avenue, Suite 1270, Anchorage

June 24, 2005: State Office Building, Conference Room 'A', 333 Willoughby Ave., 9th Floor, Juneau

EXAMINATION DATES- 2005

January 14, April 15, July 15, and October 15,

Examinations are held in Anchorage, Fairbanks, and Juneau.

BOARD BUDGET

The board reviewed the budget report from FY01 through FY04 and discussed ways to help reduce its deficit of \$16,921.00.

The board assigned the task to Ms. Roccodero to provide it with a detailed breakdown by fiscal year reflecting exactly how much time was spent working on the program by Division staff.

PEER REVIEW UPDATE

The Peer Review Committee is advisory to the State Board of Chiropractic Examiners.

Currently the public member position is vacant. Dr. Kuefel's 2nd term will expire on January 23, 2005, leaving two vacancies. The board is soliciting nominations for replacements. Please contact a Board Member or Cindy Roccodero.

Current members of the Peer Review Committee are Dr. Mark Kufel, Dr. James Heston, and Dr. Nick Williams.

NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE) UPDATE

Report from June Part IV Compilation

Dr. Carol Davis, as the elected board member, attended Part IV compilation. Dr. Carol Davis stated that the compilation was great.

Delegate Assigned for November 12-14, 2004 Part IV Examinations

Dr. Clark Davis is the elected board member to attend the NBCE Part IV examinations in Portland, Oregon and Dr. Culbert is the alternate delegate.

FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB) UPDATE

Delegate Assigned for 2005 Annual Meeting

Dr. Clark Davis was elected as the board member to attend the Annual FCLB Meeting in Canada.

PACE Update

The board determined that by accepting PACE approved programs it would considerably reduce Dr. Rich's and the licensing examiners work load and reduce its operating budget.

The board has requested regulatory wording be added to 12 AAC 16.320 reflecting that PACE approved programs will be accepted, provided that they meet the criteria set out in this section.

The board will, upon request continue to review continuing education requests for approval from those programs who choose not to go through PACE.

COURTESY LICENSE UPDATE

Regulation 12 AAC 16.205 Courtesy License, became effective November 21, 2004.

This license will allow out-of-state and foreign chiropractors to practice on athletes, performers, and staff who are in Alaska to compete at a variety of venues (Olympics, Arctic Winter Games, etc.).

The chiropractic physician would only work on the athletes and staff, not spectators.

SCHOOL SPORTS PHYSICALS UPDATE

The board was informed by the Department of Law that it does not have statutory authority to perform school sports physicals.

The board was advised to approach the Alaska Chiropractic Society or its friendly legislator for statutory changes that would permit chiropractic physicians to perform school sports physicals.

INDEPENDENT MEDICAL EXAMINERS (IME) UPDATE

The board was informed by the Department of Law that it does not have statutory authority to regulate IMEs.

The board was advised to approach the Alaska Chiropractic Society or its friendly legislator for statutory changes that would permit chiropractic physicians to regulate IMEs.

REGULATIONS

The board reviewed several of its regulations and made amendments to help remove gray areas. Those regulations that have been presented to the Divisions Regulations Specialist are:

12 AAC 16.031, Application for Temporary Permit for Locum tenens Practice. Proposing to eliminate (c)(8) and make new subsection (d), requesting the applicant to submit a notarized, sworn statement by the chiropractor licensed in this state for whom the applicant will substitute, including the dates of the substitute practice and the date that the chiropractor licensed in this state will resume practice.

12 AAC 16.033, Application for Licensure by Credentials. Proposing to insert "...45 days before the next scheduled examination..." after "...and submit the following..."

12 AAC 16.046, Chiropractic Specialty Designation. Proposing to insert under (a), "It is not a requirement of a person licensed under AS 08.20 to obtain a specialty state license to utilize the knowledge and designation of the specialty before, "A chiropractor licensed under this chapter..."

12 AAC 16.150(1), Reexamination. Proposing to delete "...on a form provided by the department..."

12 AAC 16.200, Temporary Permits. Proposing to insert, "...or credentials" after "...by examination..."

12 AAC 16.420, Conduct of Peer Review. Proposing to insert (e) "... within 45 days" after the word "...determination..." and insert into (f) "...within 45 days" after "...the departments' investigative section..."

12 AAC 16.920, Minimum Professional Standards. Proposing new subsection (14):

- (A) Utilizing unsanitary or unsafe equipment;
- (B) Engaging in sexual misconduct with a patient within the chiropractic/patient relationship as defined by (b) of this section;
- (C) Sexual misconduct as used in subsection (a)(3) of this section means:
 - (1) sexual impropriety which include;
 - (i) any behavior, gestures, or expressions which may reasonably be interpreted as inappropriately seductive or sexually demeaning.
 - (ii) nonclinical sexual comments about and to a patient or former patient including sexual comments about an individual's body;
 - (iii) making a request to date;
 - (iv) initiating conversation regarding the sexual preferences, or fantasies of the licensee or patient;
 - (v) kissing or fondling of a sexual nature;
 - (vi) any other deliberate or repeated comments, gestures, or physical acts not constituting sexual intimacies but of a sexual nature; or

- (vii) any other interaction which may not be consistent with the appropriate exam or treatment of the patients presenting complaint
- (2) Sexual intimacy which includes engaging in any conduct that is sexual or reasonably interpreted as sexual, such as:
 - (i) sexual intercourse;
 - (ii) genital contact;
 - (iii) oral to genital contact;
 - (iv) genital to anal contact;
 - (v) oral to anal contact;
 - (vi) oral to oral contact;
 - (vii) touching breasts or genitals for a nonclinical purpose;
 - (viii) encouraging another to masturbate in the presence of the licensee;
 - (ix) masturbation by the licensee when another is present; or
 - (x) any bodily exposure of normally covered body parts for a nonclinical purpose;

(D) It is a defense to a disciplinary action under (a)(3) of this section if the patient was not emotionally dependent or professionally related to the licensee when that sexual intimacy began or that when the licensee terminated his/her professional relationship with the person more than six months before the date of sexual intimacy occurred.

(E) It is not a defense under (a)(3) of this section if the sexual impropriety or intimacy with the patient occurred:

- (1) with the consent of the patient;
- (2) outside professional treatment sessions; or
- (3) off the premises regularly used by the licensee for the professional treatment of patients.

The board would like to remind readers that these are proposed changes and not yet in effect. Public comment received regarding the proposed changes prior to and after the public comment period will not be heard.

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

Regulations Specialist
Division of Occupational Licensing
P.O. Box 110806
Juneau, AK 99811-0806

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

CONTINUING EDUCATION PROGRAM (CE)

CE Requests for Approval

A continuing thank you to Dr. Fred Risch for his ongoing review of request for board approval of continuing education courses.

Requests for CE approval are received by the licensing examiner who indexes the courses and forwards them to Dr. Risch.

Dr. Risch reviews the "Continuing Education Program Request for Approval" forms, course schedules and descriptions, credentials of the instructors, number and type of credit hours, and makes a recommendation to the board.

The board, in a mail ballot or at a meeting, reviews Dr. Risch's recommendations and votes on course approval.

Approved courses are listed on the Division's web site: <http://www.commerce.state.ak.us/occ/pchi.htm>.

This process may be assisted in the future by the upcoming PACE program.

It is the INDIVIDUAL CHIROPRACTOR'S RESPONSIBILITY to check the web site or with Licensing Examiner, Cindy Roccodero (cindy_roccodero@commerce.state.ak.us)

Requests are to be submitted in advance in a legible handwriting or type.

EXAMINATIONS

The following applicants took the Alaska State Chiropractic Examination and were eligible for licensure pending meeting all other requirements:

Anna Altair, Jefferson Callahan, Hugh Mark Craddock, Micahel Roy Fleming, Tory Gordon Freeman, Douglas Byron Luther, Albert Morgan, Justin James Petersen, David Yates Prentice, Becky Schaffer, Phillip Daniel Schobert, Shannon Wyman

DIVISION OF OCCUPATIONAL LICENSING UPDATE

Investigative Report

Maggie McQuaid, Investigator presented to the board the investigative report, which reflected that there are seven open cases and six closed cases and one licensee remaining on probation since the last report.

All complaints must first go through the Division's Investigator (907) 269-8184 and not through the board.

Anyone may make a complaint against a chiropractor. The Division investigates all complaints.

The cost of investigations is directly reflected in the licensing fees for chiropractors.

Licensing information is public record (except that which is required to be kept confidential by state and federal law).

Information regarding current licensees, including mailing addresses and license actions are available on the Board of Chiropractic Examiner's website: www.commerce.state.ak.us/occ/pchi.htm
Click on "Occupational License Search" and fill in the boxes necessary for the individual licensee.

There are approximately 235 active licenses.

PURPOSE STATEMENT

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

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

MISSION STATEMENT

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

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



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