

**STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND  
ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
BOARD OF CHIROPRACTIC EXAMINERS**

**MINUTES OF MEETING  
OCTOBER 5, 2007**

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 on October 5, 2007 in Anchorage, Alaska.

October 5, 2007

**Call to Order/Roll Call**

The meeting was called to order by Dr. Gregory Culbert, President at 8:27 a.m. Those present, constituting a quorum of the Board were:

Gregory M. Culbert, DC, President  
David J. Mulholland, DC, Vice-President  
R. Clark Davis, DC, Secretary  
Rosemary Zimmerman, DC  
Jeff Garness, Public Member

In attendance from the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing:

Veida Forrest, Licensing Examiner – Juneau  
Susan Winton, Investigator – Anchorage  
Chris Wyatt, Administrative Manager – Juneau

In attendance via teleconference:

Cori Hondolero, Licensing Supervisor – Juneau

In attendance from the Department of Law, via teleconference:

Gayle Horetski, AAG – Juneau  
Jenna Conley, AAG – Juneau

**Agenda Item 1 – Review/Amend Agenda**

The Board made the following change to the agenda:

- Under agenda item 8 add discussion of the Peer Review Board

**Upon a motion by Zimmerman, seconded by Davis and approved unanimously, it was:**

**RESOLVED to approve the October 5, 2007 meeting agenda as amended.**

### **Agenda Item 2 – Review/Amend June 8, 2007 Meeting Minutes**

The following changes were made to the June 8, 2007 minutes:

- Agenda Item 4 – Peer Review Committee, page 3: Clarification of the two elements of peer review. Dr. Mulholland noted that his recollection of his statement was that, “there are two elements of the peer review mechanism. One is a disciplinary element and one is a utilization review element, and it would be clearer if (the Board) separated those two functions either by regulation or statute.” Dr. Mulholland asked Ms. Forrest to review the recording of the June 8, 2007 Board meeting and update the minutes.
- Agenda Item 9 – Regulations, page 8: Dr. Zimmerman felt her statement regarding the intent of the Board in regulations was unclear and vague. She clarified that she was speaking about the intent of the locum tenens permit and that regulations concerning the locum tenens permit are vague.

**Upon a motion by Zimmerman, seconded by Davis and approved unanimously, it was:**

**RESOLVED to approve the June 8, 2007 meeting agenda as amended.**

Break 8:40 a.m. Back on record 8:46 a.m.

### **Agenda Item 3 – Investigative Report**

Susan Winton, Investigator from the Division of Corporations, Business and Professional Licensing joined the meeting. She noted that there have been a lot of activity, but no any major problems in the past few months.

<b>Case Number</b>	<b>Alleged Violation</b>	<b>Status</b>
<u>Complaints</u>		
C700-07-009	Other – Cont. Education Ad	Letter citing continuing education requirements
<u>Probation</u>		
700-02-002	Mental Health / Sub. Abuse	5 yr MOA on 12/01/02; not practicing in AK; Licensee now practicing in PA; license expired
700-06-003	Criminal Action – Conviction	3 yr MOA – 1/26/07; licensee in compliance.
<u>Closed</u>		
700-06-002	Negligence	Closed with Division/Bd Member approval; licensee left jurisdiction; may be reopened
700-06-003	Criminal Action – Conviction	License Action; MOA
700-07-001	Action in Another State	No action – No violation; licensee properly disclosed
700-07-002	Action in Another State	Inactive license; flagged if any application
C700-07-001	License Application Problem	No action – No violation
C700-07-002	License Application Problem	No action – No violation
C700-07-003	License Application Problem	No action – No violation
C700-07-004	License Application Problem	No action – No violation

C700-07-005	License Application Problem	No action – No violation
C700-07-006	License Application Problem	No action – No violation
C700-07-007	Action in Another State	Closed – Case opened
C700-07-008	License Application Problem	No action – No violation
C700-07-010	Practice Outside Scope	No action – No violation
C750-07-001	License Application Problem	No action – No violation
C700-07-011	Action in Another State	Closed – Case opened

Ms. Winton discussed closed case 700-07-002 and Dr. Grant Hildreth, license # 426. She noted that Dr. Hildreth's Utah license has been suspended and that his Alaska license file has been flagged to notify investigative staff if he attempts to obtain active license status in Alaska.

Drs. Mulholland and Culbert asked Ms. Winton about fingerprinting and criminal background checks. Ms. Winton stated that she suggest the Board look at the Nursing Board's statutes and regulations regarding background checks. She noted that there are different levels of checks and different information provided at those levels. The Board and Ms. Winton discussed the type of information contained in the different reports.

Dr. Mulholland asked Ms. Winton if she knew the associated costs of finger printing, criminal history, and background checks. Ms. Winton stated that she was unsure of the exact costs, but that the costs would be absorbed by the licensee.

Dr. Culbert asked if there was a clearing house or outside agency that applicants would be able to handle the requests and processing of fingerprinting. Ms. Winton stated that there was not an autonomous agency; the state of Alaska is the clearing house. Dr. Culbert noted concern about the costs in time and energy that would be afforded to the State if the Division is responsible for initiating the criminal history and background checks.

Dr. Davis asked if the Board would be able to speak with the Board of Nursing regarding the fingerprinting and background check process. Ms. Winton noted that they should speak to Nancy Sanders, the Executive Administrator. The Board asked if there was a substantial delay in license issuance, noting concern that the licensing process already takes a few months. Ms. Winton stated that to her knowledge, license issuance would only be delayed if there is a problem with the fingerprint card. A license can still be issued without the results of the background check. If there is a non-disclosure issue with the background checks, the Board could then investigate and take action against the license at that time. Dr. Davis also asked about the effectiveness of the checks and if the Board of Nursing has had problems with non-disclosure. Ms. Winton noted that the fingerprinting can act as a deterrent for those considering omitting information on the application, and that she is unaware of the number of applicants that have been 'caught' by the background check.

Dr. Mulholland noted concern that the Board may just be adding a layer of bureaucracy to the application process and that he did not see that there is a current a problem with unethical applicants. Dr. Davis stated that by making the fingerprinting or criminal history checks required for licensure the Board may be preventing future complaints against the profession. Drs. Culbert and Zimmerman agreed that the Board has to weigh the costs and additional bureaucracy with protection of the public.

Ms. Winton volunteered, if the Board desired, to obtain statistical information regarding the number of applications where information disclosed was complete and accurate or inaccurate as discovered by the criminal history checks using fingerprinting. Dr. Davis asked to put the discussion back on the agenda for the next meeting.

The Board asked if Ms. Winton if she is involved with continuing education violations or noncompliance issues. Ms. Winton stated that the Paralegal in Juneau is responsible for handling most cases that deal with noncompliance, but that she would become involved if a violation included falsification of documents. Dr. Davis asked if Steve Winker, Paralegal with the Division, will refer noncompliance issues to Ms. Winton for follow up. Ms. Winton noted that Mr. Winker can take any action as requested by the Board, but that the Board should speak to Mr. Winker to create a general procedure based on past precedence and Board recommendation.

The Board requested Ms. Forrest to get guidelines created by the Board from Mr. Winker for the Board to review at the next meeting.

Dr. Zimmerman suggested putting the course approval number on the renewal application so applicant can verify that they took a Board approved course.

Ms. Winton left the meeting at 9:00 a.m.

#### **Agenda Item 4 – Continuing Education Audit/Course Approval**

The Board discussed Drs. James Pizzadilli and Tawnia Adam's failure to comply with the Board's request to provide additional continuing education information. It was determined that the Board had given both chiropractors adequate time to comply and that normal Division procedure would be to refer the cases to the paralegal, Steve Winker. Ms. Forrest noted that she would give Mr. Winker the licensee files upon return to the Juneau office.

The Board then discussed Drs. Keri Marie Mell and Richard Peterson. Dr. Keri Marie Mell's file was not provided to the Board at the June 6, 2007 meeting as she had not complied with the audit request at that time. Upon further inquiry by Ms. Forrest she had found out that Dr. Mell had not supplied the Division with her address change and upon receipt of a final warning from the Division she supplied her continuing education documentation to the Board.

Dr. Peterson complied with the Board's request to provide a course approval request for the course 'CFS: Annual Recertification Course', provided by the National University of Health Sciences.

**Upon a motion by Davis, seconded by Mulholland and approved unanimously, it was:**

**RESOLVED to approve the continuing education hours for license holders Keri Marie Mell #428 and Richard Peterson #249**

The Board discussed the new continuing education course applications as well as those that had been tabled during mail votes. The Board discussed the criteria with which to evaluate

courses. It was clarified that the Board cannot approve a course based on its 'quality' but on the requirements listed in the statutes and regulations.

The Board discussed the Parker College of Chiropractic course 'Acupuncture 100 Hour Certification Program' because acupuncture is not regulated by the Board. Dr. Culbert and Dr. Zimmerman argued that it is in the public's and the professions best interest to make sure that chiropractors are aware and knowledgeable of other modes of treatment in order to properly refer patients to specialists for support care, so the course falls under clinical continuing education. Dr. Davis argued that simply adding information to the body of knowledge of a chiropractor does not necessarily make the course clinical in nature and the course should not be approved.

**Upon a motion by Mulholland, seconded by Zimmerman and approved by Culbert, Garness, Mulholland, and Zimmerman, it was:**

**RESOLVED to approved the continuing education course "Acupuncture: 100 Hour Certification Program 2007" provided by Parker College of Chiropractic.**

**Dr. Davis voted against the motion.**

**Upon a motion by Mulholland, seconded by Zimmerman and approved unanimously, it was:**

**RESOLVED to approve the continuing education courses**

- 1. Alaska Spine Institute**  
ASI Pain and Radiological Symposium; Clinical Spine Care Update (Exp. 2006)
- 2. Cleveland Chiropractic College:**  
CBP Practice Tutoring May 2007; CBP Practice Tutoring
- 3. Data Trace**  
D.C. Tracts; OUM Chiropractor Program
- 4. Life Chiropractic College West**  
Upper Cervical Evolution 2007 - Reevaluation
- 5. Logan College of Chiropractic**  
2007 Pro Sport Las Vegas Hands On Workshop
- 6. National University of Health Sciences**  
College on Forensic Science: Annual Recertification Program (Exp. 2006)
- 7. New York Chiropractic College**  
International Board of Electrodiagnosis: Review Class and Advanced Symposium;  
Understanding Whiplash Associated Disorders: Mechanics, Diagnosis, Management  
& Documentation
- 8. Parker College of Chiropractic**  
Parker Seminar #406 – Dallas; Parker Seminar #406 – Las Vegas; The Science of  
Lifetime Family Chiropractic Care – Reevaluation
- 9. Sherman Straight College of Chiropractic**  
Network Spinal Analysis: Intermediate/Advanced Care Intensive
- 10. Standard Process Labs Northwest**  
Synergistic Therapeutics: Module III
- 11. Texas Chiropractic College:**

12 Hour Risk Management Fundamentals; 16 Hour Risk Management Fundamentals; Concise Physiotherapy Guide; Concise Physiotherapy Guide – 16 Hour; Guide to Interpreting Signs and Strategies; Guide to Interpreting Signs and Strategies 14 Hour; Karl Parker Seminars, Mastering Blood Chemistry through Nutrition, Weight Control Strategies, Weight Control Strategies – 16 Hours

**12. Townsend Northwest CHI Seminars**

Townsend Northwest Chiropractic Seminars Alaska

**13. University of Bridgeport College of CHI**

3-D Energetics, Breakthrough Coaching Symposium CA '07

**Upon a motion by Mulholland, seconded by Davis and approved unanimously, it was:**

**RESOLVED to deny the continuing education courses “The Master Circle – Master Plan 2007” and “The Master Circle – Business and Leadership” provided by Life Chiropractic College West, as the courses did not have clinical or diagnostic content as required by 12 AAC 16.320, but instead were dealt with practice management.**

**Upon a motion by Mulholland, seconded by Davis and approved unanimously, it was:**

**RESOLVED to table the course “Springtime in Washington” provided by Palmer College of Chiropractic until full course information was received by the Division, at which time the course will be sent out to be voted on via mail ballot.**

**Agenda Item 5 – Review of Continuing Education Approval Process**

Ms. Forrest noted her concern that the Board is not receiving enough information in order to make an informed decision when approving continuing education courses. She based this concern on the number of courses that were being tabled by Board members due to lack of information. She proposed to send a PDF copy of all course applications and syllabi to the Board members. She stated that this would allow Board members to have information they may not otherwise receive, such as changes to course content and instructors, prior to casting votes.

Dr. Zimmerman noted that she fully supports this proposal as it will cut down on some of the time she spends researching courses.

Dr. Davis asked if there are problems with the current way the Board is reviewing continuing education course applications. Ms. Forrest stated that by providing course information to the Board members, in addition to the suggestions of Dr. Fred Risch, the Board would be able to fairly justify denying or tabling an application. Dr. Davis noted that he does not think the current system of reviewing courses is flawed. Dr. Culbert noted that Dr. Risch is simply screening the applications, not approving courses.

Dr. Davis asked what procedure other boards follow when reviewing continuing education courses. Ms. Forrest stated that the members of the Real Estate Appraisers Board receive the entire application to review through a mail vote. Dr. Culbert asked if the Chiropractic Board receives similar numbers of continuing education courses as other Boards. Ms. Forrest

responded that she is unaware of the exact number of course approval requests received by other boards, but that the number of applications received per month is comparable to the Real Estate Appraisers Board. She estimated that the Chiropractic Board receives approximately 20 courses a month.

Ms. Forrest remarked that, in her opinion, if the Board is going to require payment for reviewing an application, the applicant should receive a fair review. Dr. Culbert commented that the fee would be to cover the current administrative costs and that he felt that by requiring Board members to review the full application would add a considerable amount of time to the review process. Dr. Culbert asked if other boards have a fee for continuing education course applications. Ms. Forrest replied that the Real Estate Appraisers have a \$150 application fee.

Dr. Culbert noted concern that with the implementation of the application fee there would be fewer providers submitting courses for approval. Ms. Forrest reasoned that by implementing a fee it may promote the use of the Providers of Approved Continuing Education (PACE) as those providers and courses do not need additional approval by the Board. Drs. Davis and Zimmerman agreed with Ms. Forrest's statement. Dr. Culbert noted concern that other, smaller course providers would not use (PACE) because it is not financially feasible. Dr. Davis replied that the Board still has a regulatory mechanism to review courses that are not offered by PACE.

Dr. Culbert asked if the format of the mail vote will change, or if it would be possible to alphabetize the sheet mailed to Dr. Risch so it corresponds with the mail ballot. Ms. Forrest noted that the format would not change, but that in addition to the physical mail ballots, Board members would also receive an email PDF, and that she would work with the IT programmers to get the information on Dr. Risch's suggestion sheet alphabetized.

Ms. Forrest asked the Board how they want to handle applications that had been approved in the past renewal cycles and are being resent without a change to course content, instructors, or credits but have added additional course dates. The Board agreed that courses that fall into this category should be automatically approved.

Break, off record 10:18 a.m. Back on record 10:25 a.m.

### **Agenda Item 8 – Regulations**

At 10:38 a.m. Gayle Horetski, Assistant Attorney General, Jenna Conley, Assistant Attorney General, and Cori Hondolero, Licensing Supervisor, joined the meeting telephonically.

Ms. Horetski informed the Board of statutes, regulations, and policies governing the drafting of regulations by boards and commissions. The Board expressed its concern with the lack of help with being received by the Department of Law.

Dr. Culbert asked Ms. Horetski about the purpose and the intent of the peer review process and the Boards' responsibility to the responses of the peer review committee. Dr. Mulholland clarified the question by stating that there are two elements of peer review, one is a disciplinary function and the other is a utilization of chiropractic services function. Ms. Horetski stated that

a review by a peer review committee may be used by the Board when determining disciplinary actions and that she agreed with Dr. Mulholland's statement. Dr. Culbert asked if a peer review committee is entitled to make interpretations of minimum professional standards in terms of 'reasonable care'. Ms. Horetski stated that she is not familiar with the peer review committee process, but that if there are charges of failure to maintain minimum professional standards then it is the investigators who are responsible for follow through. Dr. Culbert noted that the flow chart of the review and investigation of charges are slightly different for the Chiropractic Board than it is for other boards.

Ms. Horetski noted that there could theoretically be cases where there are concerns that are not as severe as an allegation of failing to maintain minimum professional standards but that there is concern for utilization conduct which could be brought to the Board and the licensee in a specific forum. She noted that the scope of the peer review statutes appears broader than the misconduct statute but that it would not be a good idea to substitute or replace the investigative function with the peer review process due to the administrative hearing process. She expressed concern that in the case of a disciplinary hearing, where the chiropractor had previously been subject to peer review, Board members may have a difficult time remaining impartial when reviewing the case. Ms. Horetski noted that she believes that the peer review is a helpful and possibly necessary part, when determining the disciplinary actions to impose upon a licensee.

The Board requested Ms. Horetski to research the peer review statute and legislative history of the statute.

Dr. Culbert asked Ms. Horetski if it would be possible to delay the issuance of a full license after the expiration of a locum tenens license. Ms. Horetski replied that there is no statutory provision to intentionally delay licensure but carefully defining substitution is the best way to prevent people from circumventing the licensure process. She also noted that the AS 08.20.163 states that the board 'may' grant a temporary permit for locum tenens and not that the board 'will' or 'must' grant a temporary permit for locum tenens. She also stated that licensed chiropractors who certify, for a locum tenens applicant, that he or she will not be practicing in Alaska at the same time as the locum tenens chiropractor, but then practice concurrently are in violation of AS 11.56.210, informed falsification.

16.031(e) Ms. Horetski suggested removing proposed regulation 12.16.037(e) because it is broadening the scope of locum tenens instead of better defining the purpose of locum tenens.

Proposed regulation 16.290 is not drafted correctly. Ms. Horetski noted that proposed regulation 16.290(b) is current regulation 16.380, and that it is specific license renewal requirement. Her suggestion was to either change the title to specify that it is a license renewal requirement, or to change create a new section on license renewal so the public can clearly understand the intent of the regulations.

Proposed regulation 16.300, Ms. Horetski urged the Board to stay with the existing format. The Board discussed the difference between academic and nonacademic type courses. Ms. Horetski gave the Board suggestions for alternative section titles. The Board agreed to leave current 16.300 thru 340 as written.



Ms. Horetski strongly urged the Board to continue to work on proposed regulation 16.345 as there are currently no regulations addressing the approval procedure, expirations, and renewal of continuing education courses. Ms. Horetski asked if the Board has courses that are automatically approved. Ms. Forrest affirmed this statement, noting that that courses listed under 12 AAC 16.340(a)(1) and 16.340(a)(3), which includes educational meeting of the American Chiropractic Association, International Chiropractors Association, and Canadian Chiropractic Association and PACE courses, do not need approval by the Board. Ms. Horetski suggested creating separate sections for courses that are automatically approved and for courses that require approval by the Board. The Board agreed that they would like to see a draft with the approved courses separated out from the courses that need Board approval.

Ms. Horetski explained that current regulation 16.410(b) was put in place in order to create the staggered membership of the peer review committee, and that instead of implementing proposed regulation 16.410(b), she suggested simply repealing the current regulation 16.410(b). The Board agreed with this suggestion.

Ms. Horetski asked to Board to explain the intent behind proposed regulation 16.920(a)(15). Drs. Zimmerman and Davis explained that this regulation is to prevent a chiropractor from diagnosing a patient without meeting the patient in person, and to guarantee that the chiropractor receives more than just patient supplied history. Dr. Davis further clarified that the chiropractor must have an initial in-person consultation with the patient prior to giving care, after that consultation communication does not need to be in-person. Ms. Horetski stated there are potential problems with creating a regulation stating that an initial consultation between a chiropractor and a patient must be in-person. She also noted there is a similar Medical Board regulation regarding distance consultation and diagnosis.

Proposed regulation 16.920(a)(16) Ms. Horetski clarified that documents indicated must be adopted by reference and that the Board must supply those documents.  
Get a copy of the Code of Ethics of the American Chiropractic Association

Ms. Horetski asked the Board if they would like to create a separate section on maintenance of patient records that would be cross-referenced with the minimum professional standards regulations. The Board agreed and requested that a new section on maintenance of patient records be added to the next regulations draft. Regarding proposed regulation 06.920(c)(3), Dr. Mulholland asked if there is a statute of limitations regarding patient records, Ms. Horetski stated she would research the issue.

Ms. Horetski noted that she is unsure whether or not the Board has the authority to adopt proposed regulation 16.985. Dr. Culbert stated 08.20.100, 08.20.230 and 08.20.900(1) "employing [...] those methods, procedures, modalities, devices, and measures commonly used by trained and licensed health care providers" gives authority to proposed regulation 16.985. Ms. Horetski asked if chiropractors in the state are currently performing diagnostic testing through taking blood, urine, saliva, hair, and tissue samples. Drs. Culbert, Davis, Mulholland, and Zimmerman stated yes, chiropractors are doing these diagnostic testing on a daily basis. Dr. Davis noted that 08.20.900(5) "the determination of contra-indications to chiropractic adjustment" often requires using diagnostic testing as defined by proposed regulation 16.985.

Ms. Horetski suggested that the Board provide journal articles or other state laws to verify that this diagnostic testing is a common practice among chiropractors nationwide. The Board agreed to get this information. Ms. Horetski asked the Board why they felt a regulation was needed if diagnostic testing is already a common practice. Dr. Culbert replied that there had been a licensee who was using the same statutes to justify giving nutrient injections to patients and the Board wants to make a clear delineation of diagnostic and therapeutic procedures.

The Board discussed background checks and fingerprinting. Ms. Horetski clarified that there are two types of criminal history records, one type is maintained at a state level by the Department of Public Safety and only include information from Alaska, and the other type is maintained by the FBI which includes felony conviction information from other states. Ms. Horetski cited 08.20.170(a)(4)(A) in which the Board can refuse licensure if a person has been convicted of a felony, and that the Board could require an applicant to provide a criminal history record from Alaska. She also stated that the FBI will not provide criminal history records for licensing or employment per Public Law 92.54 unless there is a specific state statute that provides for the release of this information. 8.68.100(a)(10).

Dr. Culbert asked the difference between criminal history records and a fingerprint check. Ms. Horetski explained that the criminal history record is the information received by the Board and that the fingerprint check is the way a person is identified in order to request the criminal history record.

The Board thanked Ms. Horetski for her time and hard work on the regulations.

Lunch break, off record 12:50 p.m., back on record 1:40 p.m.

### **Agenda Item 9 – Public Comment**

There was no public comment.

### **Agenda Item 6 – FCLB Regional Meeting**

Ms. Forrest and Dr. Davis informed the Board of the business discussed at the Federation of Chiropractic Licensing Boards (FCLB) Regional Meeting, in Juneau, Alaska. Ms. Forrest thanked the Board for requesting her to attend this meeting as she was able to network with several other states' executive administrators and gained insight on the issues concerning the chiropractic profession.

Dr. Davis provided the Board with a handout describing the different issues raised at the FCLB meeting. Dr. Davis stated that the FCLB has posted a model code of ethics and practice on its website. He also gave an overview of the different issues brought to the meeting, including injectable nutrients, round table discussions, international candidates, public perception of the Board, and PACE.

### **Agenda Item 7 – International Applicants**

The Board discussed the growing concern of how to license international candidates. Dr. Davis stated that this subject was brought up at the FCLB Regional Meeting. He informed the Board that the current standards for insuring that candidates meet the educational requirements are parts I-IV of the National Boards of Chiropractic Examiners Exams. Ms. Forrest provided the Board with a hand out of on the Councils on Chiropractic Education International (CCEI), a partner with the Council on Chiropractic Education (CCE). Ms. Forrest also noted that the Board has not had any foreign applicants while she has worked with the Board, but as chiropractic becomes a more common practice outside of the United States she expects that there will be foreign applicants in the future. Dr. Culbert noted that licensing international applicants would require a statute change. Dr. Zimmerman asked how the Board would deal with reciprocity with other states, if the candidate graduated from a foreign university. The Board did not have a clear response. Ms. Forrest asked how to proceed if an applicant began his or her education at a foreign institution but then transferred to a CCE accredited school. The Board replied that the applicant should be treated like a normal candidate.

#### **Agenda Item 10 - Correspondence**

Ms. Forrest asked the Board if malpractice insurance is required in order to practice chiropractic in Alaska. The Board stated that malpractice insurance is not required to practice, but that many chiropractors in Alaska have this type of insurance. Dr. Culbert also speculated that it is often the case that those who do not have malpractice insurance cannot afford it.

#### **Agenda Item 11 – Peer Review Committee Update**

The Board discussed potential applicants to the Peer Review Committee (PRC). Dr. Mulholland stated that Dr. Ed Barrington had declined his nomination to the PRC, but the Dr. Mark Barbee had accepted the nomination. Ms. Forrest noted that Dr. Holt had accepted an extension of his term.

Dr. Culbert mention Martha Summerfield as a possible candidate for the public member of the PRC, Ms. Forrest agreed to write Ms. Summerfield to inquire if she is interested in the position. Dr. Culbert added that Dr. Peter Lorentzen had contacted him and appeared interested in the position. Ms. Forrest informed the Board that, in 2005, it had previously denied Dr. David Richey due to lack of experience in practice in Alaska and asked if the Board would like to contact him to see if he is still interested in the position.

Dr. Mulholland asked how many times a year the Peer Review Committee is utilized. Dr. Culbert replied that there is approximately one review a year.

#### **Agenda Item 12 – Board Business**

##### **Ethics Reporting**

There were no ethics violations reported.

### Sign Wall Certificates

Wall certificates were signed for Robert Kirby, Brian Glaus, David Bang, Shawna Victorino, and James Edward Vancho.

### Board meeting dates

The next scheduled Board meeting is tentatively scheduled for October January 18, 2008 in Juneau. Ms. Forrest informed the Board that there may not be enough agenda items for a full board meeting, and if that is the case she suggested a teleconference to discuss the regulations. The Board agreed to teleconference if there are not enough items to justify a full meeting.

### Board Packet Format

The Board discussed an alternate method of presenting the Board Packet. Ms. Forrest informed the Board that the Montana Board of Examiners creates board packets electronically. The Board expressed interest in this method. Ms. Forrest noted that she will attempt to set up the next board packet electronically.

### Expenditure report

Chris Wyatt, Administrative Manager joined the meeting.

Ms. Wyatt indicated that the Board's contractual services are going down after the end of the fiscal year.

Ms. Wyatt did an unofficial fee analysis for the 2009-2010 renewal and noted that there is the potential for fees to go down by approximately \$150 if the Board is able to keep costs down. She also stated that the Board's deficit will be paid off by the end of the renewal period.

Dr. Culbert asked if the Board is being billed appropriately for its legal and regulatory writing costs. Ms. Wyatt stated yes, the Board is being appropriately because the administrative billing is based upon the number of licensees as well as the actual time spent on regulation projects.

Dr. Culbert asked how the Board's budget will be affected by charging a fee for continuing education course applications. Ms. Wyatt replied that the money will be directed to the Board of Chiropractic Examiners general fund and has the potential to lower license fees. Ms. Wyatt stated that she will research this issue to make sure that the money collected by these fees go only to the Chiropractic Board.

Dr. Mulholland asked if the Board would be able to get itemized overviews of the budget report. Ms. Wyatt replied that there is a new accounting system that will be put in place in the future which will give the Board more information regarding its revenue and expenses.

## **Agenda Item 8 – Regulations Discussion**

Dr. Culbert asked the Board if there is any way to simplify the requirements for the 120 hours of physiologic therapeutics (PT) or passage of Part IV of the National Boards of Chiropractic

Examiners. The Board determined it would take a statutory change to make the PT requirements consistent. Ms. Forrest suggested that in the meantime the Board change the current 'Verification of Chiropractic Education' form included in the license applications. She noted that the Board could request the registrar or dean of the school to verify the number of hours of PT the student took and list courses that contain PT where the title of the course is unclear.

### **Agenda Item 13 – Review Assigned Tasks**

#### **Veida Forrest**

- Write to FCLB to find out if there are statutes and regulations already in place with other jurisdictions regarding allowable diagnostic testing.
- Send letter of interest to Martha Summerfield.
- Get information from the Professional Counselors Board regarding criminal history checks.
- Make change to Verification of Chiropractic Education forms in applications to request the registrar to verify the applicant has 120 hours of PT and to specify courses that fulfill that requirement.
- Bring license renewal form to next meeting to review section on reading the statutes and regulations.

#### **Dr. Rosemary Zimmerman**

- Collect course curriculum/syllabi from colleges showing that chiropractic students are trained in diagnostic testing.
- Collect laws and rules from other states showing that chiropractors are allowed to do diagnostic testing, specifically Oregon, California and Florida.

#### **Dr. Mulholland**

- Write definitions for inactive, retired and lapsed license status.

#### **Dr. Clark Davis**

- Write thank you letter to Dr. Fred Risch for review the continuing education courses.

#### **All Board Members**

- Review all applications for clarity and accuracy.

Break, off record 3:23 p.m. Back on record 3:28 p.m.

### **Agenda Item 14 – FCLB and ACBA**

The Board discussed attendance of the FCLB and ACBA meetings.

### **Agenda Item 15 – Application Review**

The Board discussed updating license applications. Ms. Forrest asked the Board to review the current applications to check that they are still accurate and if there are any adjustments or

changes that need to be made for clarity. The Board agreed to bring suggestions to the next meeting.

Dr. Davis asked to review the renewal applications at the next Board meeting. Ms. Forrest agreed to add this to the next meetings agenda.

The Board moved on to reviewing the license applications for Marion Gaunt and Annie McKinnon. Ms. Forrest explained that at the time of approval, Ms. McKinnon had not received her degree from her chiropractic college and could not be officially licensed upon successful passage of the exam. Since initial approval to sit for the exam Ms. McKinnon has submitted certification of completion of Chiropractic College.

**Upon a motion by Mulholland, seconded by Davis and approved unanimously, it was:**

**RESOLVED to approve full licensure of Annie McKinnon upon successful completion of the Alaska Chiropractic Exam.**

Ms. Forrest informed the Board that Dr. Marion Gauntt had already taken the Alaska Chiropractic Exam and holds Locum Tenens permit #4 and is now applying for full licensure. Ms. Forrest noted that Dr. Gauntt fulfilled the physiologic therapeutics requirement for a locum tenens permit but not for full licensure. With the submission of his full license, Dr. Gauntt submitted proof of 120 hours of physiologic therapeutics in his chiropractic education.

**Upon a motion by Mulholland, seconded by Davis and approved unanimously, it was:**

**RESOLVED to approve full licensure for Marion Gauntt.**

The Board discussed the renewal application for Dr. Charles Rublee. Dr. Zimmerman stressed that it is very important for Dr. Rublee to understand that he must abide by the statutes and regulations when submitting his next renewal application.

**Upon a motion by Davis, seconded by Garness and approved unanimously, it was:**

**RESOLVED to approve the renewal of Dr. Charles Rublee's license.**

### **New Business**

Dr. Zimmerman asked if a non-chiropractor can own a chiropractic clinic. There was discussion that it is possible for a non-chiropractor can own a chiropractic clinic, however, if the clinic is a LLP, LLC or corporation, they board of directors/shareholders must be chiropractors. The Board determined this is primarily a business licensing and corporations section issue. Dr. Davis noted concern that patient care may be compromised by a non-chiropractor owning a chiropractic clinic.

There being no further business,

**Upon a motion by Davis, seconded by Zimmerman and approved unanimously, it was:**

**RESOLVED to adjourn the Board of Chiropractic Examiners meeting.**

The meeting adjourned at 4:25 p.m.

Respectfully Submitted:

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Veida Forrest  
Licensing Examiner

Approved:

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Dr. Gregory Culbert  
Board of Chiropractic Examiners

Date: \_\_\_\_\_