

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

**MINUTES OF MEETING  
June 27, 2008**

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 June 27, 2008 in Juneau, Alaska.

June 27, 2008

**Call to Order/Roll Call**

The meeting was called to order by Dr. Gregory Culbert, President at 8:30 a.m. Those present, constituting a quorum of the Board were:

Gregory M. Culbert, DC, President  
David J. Mulholland, DC, Vice-President  
James Heston, DC  
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  
Chris Wyatt, Administrative Officer – Juneau

In attendance via teleconference:  
Susan Winton, Investigator - Anchorage

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

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

**RESOLVED to approve the June 27, 2008 meeting agenda as presented.**

**Agenda Item 2 – Review/January 18, 2008 Meeting Minutes**

Dr. Culbert asked to know the status of the continuing education fee project. Ms. Forrest informed the Board that the Division has approved the fee project and has put it out for public notice. She stated that if the Board adopts the regulations before the Board at the June 27, 2008 meeting, those fees will also be put in place.

Dr. Culbert also asked about the late filing fee project that the Board requested. Ms. Forrest stated that the Board could ask Ms. Wyatt about this fee project as she will have better information to provide the Board.

Dr. Zimmerman commended Ms. Forrest for her thoroughness in writing the Board minutes. Ms. Forrest thanked Dr. Zimmerman for this compliment.

Dr. Culbert asked about any follow-up done on the license definitions and where in the regulations those definitions would go. Ms. Forrest stated that she had spoken with Jun Maiquis, Regulations Specialist and that he had stated that if the Board wishes to further define the licenses it would be appropriate to add that language to the sections regarding the license requirements. Dr. Culbert asked if the Board should put defining license definitions in the Board's Goal's and Objectives. Ms. Forrest stated that this would be appropriate. Dr. Mulholland stated that it was his recollection that the Board had put in a regulation project for defining the locum tenens permit. Ms. Forrest stated that this was correct, but that the Board had pulled out that section prior to putting the proposed regulations out to public notice. Ms. Forrest stated that Mr. Maiquis suggested that the Board work on statutory changes prior to trying to further define the current license types as the Board's statutes are very limiting.

The Board made no changes to the minutes.

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

**RESOLVED to approve the January 18, 2008 meeting minutes as presented.**

### **Agenda Item 3 – Board Business**

#### **Introduce New Member**

Dr. Culbert introduced Dr. James Heston, DC to the Board. It was noted that Dr. Heston had previously served on the Board of Chiropractic Examiners Peer Review Committee.

#### **Election of Officers**

Dr. Mulholland nominated Dr. Zimmerman to be the Secretary of the Board of Chiropractic Examiners. Dr. Zimmerman accepted the nomination.

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

**RESOLVED to appoint Dr. Rosemary Zimmerman to the position of Secretary of the Board of Chiropractic Examiners.**

Board members agreed that Dr. Culbert should maintain his position of Chair of the Board of Chiropractic Examiners.

#### **Ethics Reporting**

There were no ethics violations reported. Ms. Forrest asked the Board if it would like to have formal ethics training, offered by the Department of Administration, at the next meeting. Dr.

Culbert agreed that this training would be beneficial to have on the agenda if time allows. Ms. Forrest agreed to look further into the ethics training for the Board.

### Signatures

Wall certificates were signed for Jessica Tomcykoski, Jennifer Waldroup, George Postlethwaite, Bobbie Jean Emond Frisk, Sarah Elizabeth Allen, Jai D. Tomlin, and James Zielinski.

The minutes of the January 18, 2008 meeting were signed by Dr. Culbert and Ms. Forrest.

### Board meeting dates

The next Board meeting is scheduled October 24, 2008 in Anchorage, Alaska. After discussing license renewal and the continuing education audit procedures, the Board tentatively scheduled the following meeting for February 6, 2009 in Anchorage, Alaska.

### Ratification of New Licensees

Dr. Culbert asked Ms. Forrest why the Board was ratifying these licenses and why the Board had never done this before. Ms. Forrest stated she was unsure why the Board had never ratified new licenses in the past, but that ratification of the new licensees is official recognition by the Board that the licensee has successfully passed the exam and is now licensed. She noted that the mail ballots the Board currently review are for an applicant to sit for the exam and licensure upon successful completion. She stated that it is important to have this recognition in a centralized record available to the public, in addition to the individual's licensing file.

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

**RESOLVED to ratify the licenses of William Roesler #467, Jessica Tomcykoski #468, Jennifer Waldroup #469, George Postlethwaite #470, Daniel Pratt #471, Dwayne Engelbrecht #472, Thomas Taylor # 473, Arnoldo Moran #474, Bobbie Jean Emond Frisk #475, Jennifer Cook #476, Paul Kendrick #477, James Zielinski #478, Sarah Elizabeth Allen #479, and Jai D Tomlin #480.**

### Expenditure report

Chris Wyatt, Administrative Officer for the Division of Corporations, Business, and Professional Licensing joined the meeting at 8:50 a.m. to discuss the Board's expenditure report.

Dr. Culbert stated that the current expenditure report looks as though Board expenses are going down, and asked if license fees will be going down. Ms. Wyatt stated that the Board is doing an excellent job in keeping its expenditures down. Ms. Wyatt noted that she had done a quick fee analysis and it appears that the Board may be able to lower its licensing fees by \$100-\$150 per biennial licensing period. Ms. Wyatt stated that she will do an official fee analysis in the near future as the Board will be going through renewals this fall. Ms. Wyatt stated that she would like the Board to have a fee that will remain constant for several licensing cycles and if the Board knows of any regulations or other large projects, the Board can include those anticipated costs when reviewing the licensing fees. Ms. Wyatt noted that the Board must cover its costs by statute.

#### **Agenda Item 4 – Review of FY08/FY09 Budget Information**

The Board continued its discussion with Ms. Wyatt regarding the Boards budget.

Dr. Culbert asked if going through statutory changes would increase Board expenditures. Ms. Wyatt stated that expenditures would increase as the Department of Law would be involved in reviewing statute changes and those charges would go directly to the Board. Dr. Culbert noted that the contractual services for Department of Law appeared to be one of the largest expenses to the Board.

Dr. Heston asked how the late license filing fee would work. Ms. Forrest explained that the late filing fee is an additional penalty for chiropractors who submit the renewal application after 60 days past the license expiration date. Dr. Heston asked how this filing fee is different from a fine for failing to submit continuing professional education (CPE). Dr. Culbert stated that the CPE fine can be imposed upon anyone who does not provide the required documentation for CPE on the renewal or during audit. Ms. Wyatt noted that fines imposed through a memorandum of agreement, or consent agreement, go into the general fund and not back to the Board.

Dr. Culbert asked about travel and the third party reimbursements the Board is supposed to receive from the national organizations. Dr. Culbert stated that he knows that Board members cannot receive honorariums or receive money from the national organizations, but he wanted to verify that the money being received is going back to the Board. Ms. Wyatt stated that she recently found out that these reimbursements are not going back to the Board, but are being put in the general fund. Ms. Wyatt stated that this is an accounting problem that the Division is trying to fix.

Dr. Culbert asked where the continuing education application fees would go. Ms. Wyatt stated that these fees are considered program fees and would go directly to the Board and would appear under the revenue section of the expenditure report.

Ms. Wyatt offered to provide the Board with different possible fee schedules prior to the Division setting the renewal fee. The Board stated that lowering the fee to \$630 per renewal cycle was very reasonable. Ms. Forrest stated that she will send this information out via mail ballot once it is received by the Division. Ms. Wyatt left the meeting at 9:15 a.m.

#### **Agenda Item 5 – FCLB/NBCE/ABCA Report**

Dr. Zimmerman and Ms. Forrest thanked the Board for sending them to the FCLB/NBCE/ABCA National meetings. Ms. Forrest stated that the speakers and subjects covered were exceptional. Dr. Zimmerman noted that issues covered at the meeting were governmental issues and the effects on the discipline process, open government and sunshine laws, regulatory consideration in worldwide mobility, the Food and Drug Administration investigatory databases, web casts of board meetings to reduce paperwork and increase board transparency, informed consent, and establishing positive media relations to educate the public about regulation. Ms. Forrest stated that the discussions on the sunshine laws of other states and live web casting of Board meeting were very interesting and provided good ideas for how to move the Board forward in this new technology era. Dr. Heston asked if the web

casts were interactive. Ms. Forrest stated that they were in some cases. Dr. Zimmerman stated that the web casting leads to better Board transparency. Ms. Forrest stated that web casting could allow for greater public interaction with the Board as many people are not able to travel to Anchorage or Juneau to attend a meeting.

Dr. Zimmerman informed the Board that CIN-BAD is going international and that there are a few countries that are already reporting to CIN-BAD. Dr. Heston asked if CIN-BAD is different from the discussion he had read in the previous Board Packet regarding fingerprinting a background checks. Dr. Zimmerman stated that CIN-BAD only contains information regarding a person's chiropractic license and any regulatory actions taken against that license. Ms. Forrest stated that all member Boards of the Federation of Chiropractic Licensing Boards are required to submit any actions taken against a license.

Ms. Forrest stated that one of the things she learned at the ACBA meeting is that many other states are going to online renewals. Ms. Forrest noted that she would like to see the Chiropractic Board have online renewals for the 2011 biennial renewal. She stated that the Division is starting this year to do online renewals for smaller programs that do not have continuing education requirements. The Board stated that they would like to be one of State Boards who allow licensees to renew online and that this would be a good item to add to the Board's Goals and Objectives.

Dr. Mulholland asked Ms. Forrest to describe what a 'sunshine' law is. Ms. Forrest stated that this term came from the Florida laws where Boards actions and meetings must be transparent and available and easily accessible to the public. She stated that Alaska's equivalent law for Board and Commissions is the Open Meetings Act.

Dr. Zimmerman noted that she had attended the NBCE Part IV Examination Review Committee meeting in Greely, Colorado on June 20-21, 2008, and the Part IV Exam Administration in Portland, OR in May of 2008. Dr. Zimmerman stated that she was impressed with the level of education and understanding of the material that the students demonstrate at these exams. Dr. Zimmerman stated that she feels the future of chiropractic is in good hands. Dr. Zimmerman reported that she had donated diagnostic imaging films to the NBCE received from the Alaska Spine Institute and Alaska Regional Hospital for future use in the Part IV Exams. Dr. Zimmerman stated that the NBCE accepts the hard copies of x-ray films and MRIs, but unfortunately cannot accept the digital renditions of these images at this time due to the costs involved with changing the exam. Dr. Culbert thanked Dr. Zimmerman for representing the Board at the Part IV Exam Administration and the Part IV Examination Review Committee.

Dr. Zimmerman expressed her opinion that the potential for growth in the chiropractic field is limitless. Dr. Heston asked if chiropractors are being held accountable for interpreting MRI films. Dr. Zimmerman confirmed that the national board exams are testing on MRI knowledge. Dr. Zimmerman stated that the medical boards, doctors of osteopathy, and physical therapists do not have an equivalent exam to the Part IV Exam. Dr. Zimmerman stated that the Part IV exam integrates physical, orthopedic and neurological assessment in combination with radiology studies to insure a more representative examination of the chiropractic clinical experience in practice. Dr. Mulholland stated that the American Medical Association had been present when he previously participated in the administration of the Part IV Exam.

#### **Agenda Item 4 – Review of FY08/FY09 Budget Information**

Ms. Wyatt rejoined the meeting at 9:30 a.m. to discuss a late filing fee for the Board. Dr. Culbert asked Ms. Wyatt if other programs have late filing fees. Ms. Wyatt replied that there are other Boards that have this type of fee, but she is unsure of the fee amount. Ms. Wyatt stated that the late filing fee is unlikely to change the licensing fees. Dr. Culbert stated that the Board's intent when creating a late renewal fee was to penalize those who do not renew timely and are practicing without a license for more than sixty days. Ms. Forrest clarified that the late renewal fee would go directly to the Board. Ms. Wyatt confirmed that this fee would be receipted directly to the Board. Ms. Wyatt stated that she would do some research and provide the Board with the fees other Boards are imposing for renewing sixty days past the license expiration date. The Board thanked Ms. Wyatt for her time. Ms. Wyatt left the meeting at 9:40 a.m.

Mr. Garness asked if there were any other ramifications for licensees who do not renew on time. Mr. Garness stated that in his profession as an engineer, any documents he signs off on while his license is expired can be considered null and void. Dr. Culbert stated that insurance companies would be interested in knowing if a chiropractor's license is expired. Dr. Culbert also stated that insurance companies could consider billing while a license is expired as insurance fraud. Dr. Mulholland stated that it also depends on the circumstances, if a license becomes expired because the continuing education courses taken were not approved by the Board, or if it is sheer negligence or unwillingness to comply with the statutes and regulations. Dr. Mulholland stated that the Board does not have a history of reviewing the actions taken by chiropractors while a license has been lapsed or expired.

Dr. Heston asked for clarification about the continuing application fee and if providers would still have to submit the application in advance. Dr. Culbert confirmed that continuing education applications should be received prior to the course being offered but that the Board has the mechanism through regulation to post approve courses that are submitted after the course or seminar has been offered. Dr. Culbert also noted that Alaska accepts courses approved by the Providers of Approved Continuing Education (PACE) in addition to any courses submitted for approval to the Board. Dr. Culbert noted his concern that smaller providers of continuing education would not have financial ability to go through PACE to become continuing education providers in Alaska. Dr. Mulholland stated that the Board still has regulations that allow for these smaller providers to submit applications for course approval. Dr. Heston clarified that the Board accepts both PACE and can approve courses offered by smaller providers. Drs. Culbert and Mulholland stated that this is the case.

Dr. Mulholland clarified that PACE is simple an approval body for continuing education. The purpose of PACE is to verify the content of a course, classify the course as a specific type of course, ensure that the instructor are qualified, and make sure the course meets specific standards. Ms. Forrest stated that the Board still has the authority to deny a PACE approved course if the course does not meet the requirements to become approved in Alaska. Dr. Mulholland agreed and stated that although PACE may approve practice management courses, and Alaska licensees may take those courses, practice management courses cannot be applied to Alaska's requirement to obtain a minimum number of clinical and diagnostic imaging continuing education credits. Dr. Mulholland noted that currently, Dr. Fred Risch, past Board Member, is designated by the Board to verify the content of the course and ensure that

the instructors are qualified instructors, prior to the Board receiving the continuing education course approvals.

Dr. Heston asked what information Dr. Risch receives in addition to what the Board members receive. Ms. Forrest stated that Dr. Risch receives the entire application packet received from the providers, this includes the application, the syllabus or course outline, curriculum vitae or instructor resumes, information on how attendance is monitored, cover letters from the providers, and any other information sent with the application. Ms. Forrest clarified that it is her duty to make sure the application is complete and all required materials are sent to the Board, Dr. Risch verifies that the courses meet the requirements of 12 AAC 16.330 and looks for any irregularities or potential problems, and the Board is responsible for approving courses that meet 12 AAC 16.320.

### **Agenda Item 6 – Application Review**

The Board reviewed the changes made by Ms. Forrest to the chiropractic licensure applications. Ms. Forrest noted that she had worked with Ms. Jenna Conley, Assistant Attorney General, on creating applications and worksheets that match the existing regulations. Ms. Forrest noted that on the worksheets she had included the statutory and regulatory citations for each licensure requirement. Ms. Forrest also noted that Ms. Conley had suggested decreasing the number of professional references down from six to three. Dr. Heston asked if anyone ever called these references. Ms. Forrest stated that she does not call the references on a regular basis, but if Board members have any questions regarding an application, either she or the investigator can contact those references.

Dr. Culbert asked why question 24 of the disciplinary/investigation/practice questions, “Within the past five years have you ever had any action reported to the Federation of Chiropractic Licensing Boards’ national licensee database?”, is only on the licensure by credentials application and not on any of the other applications. Ms. Forrest replied that the questions come out of the statutes and regulations that provide the Board with grounds for refusing a license, but that question 24 should be on at least the locum tenens application if not also the licensure by examination application.

Dr. Heston asked about the examinations portion of the worksheet and what the SPEC Exam is. Ms. Forrest replied that she has a difficult understanding the regulations surrounding the required National Board of Chiropractic Examiners (NBCE) exams because the different regulations have different requirements for the same license. Ms. Forrest stated that if any of the Board members read the regulations differently than she does to please let her know and she will update the worksheet accordingly. Dr. Mulholland explained that the Special Purposes Examination for Chiropractic (SPEC) and Ethics and Boundary (E&B) Exams are post licensure exams that the Board can use to discipline licensees who have caused harm to a patient, have had to enter an agreement with the Board, or to make up for not having a specific NBCE exam as required for licensure. Dr. Zimmerman explained that the SPEC Exam is used to test the clinical competency of a licensee, while the E&B is used for assessing a licensee's understanding of ethical and sexual misconduct. Dr. Culbert asked Dr. Zimmerman how often these exams are used by other Boards. Dr. Zimmerman stated that she was unsure of the exact numbers, but that the exams were frequently used by other states.

Dr. Mulholland noted that the Board can use the SPEC or E&B Exams in memoranda of agreements with licensees but has not chosen to do so in the past. Dr. Mulholland also noted that the SPEC and E&B Exams are more for rehabilitative use opposed for punitive use. Dr. Culbert stated that he would like to speak with Susan Winton, Investigator, about integrating these exams into Board agreements with licensees. Dr. Mulholland suggested requiring, through regulation, license reinstatement applicants to take the SPEC Exam.

Break, off record 10:02 am. Back on Record 10:17 am.

### **Agenda Item 7 – Correspondence**

#### **1. Esthetician services – Robert Wheeler, DC**

The Board discussed the letter from Robert Wheeler regarding a chiropractors' ability to provide esthetician services and use the Palomar StarLux 500 device in an office of chiropractic. Dr. Zimmerman noted concern that the procedures Dr. Wheeler described were for beautification purposes and not necessarily in line with the practice of chiropractic as defined in AS 08.20.230. Dr. Mulholland agreed and questioned whether or not the techniques Dr. Wheeler was inquiring about are for the treatment of the chiropractic condition under AS 08.20.100. Dr. Culbert noted that the treatment services Dr. Wheeler was inquiring about did not break the skin and used modalities that are regulated by the Board.

Dr. Mulholland noted that there did not appear to be any research to show that the devices Dr. Wheeler was inquiring about caused harm to the public. Dr. Heston noted concern that esthetician and beautification services begins to move away from the subluxation complex and the laws governing chiropractic in Alaska. Dr. Zimmerman noted that the device Dr. Wheeler inquired about is marketed to estheticians, not chiropractors, and that she is concerned that the device is being used for an off-label use. Dr. Culbert noted that chiropractors are trying to affect health from a chiropractic standpoint, but that estheticians are trying to affect health from appearance standpoint.

Upon review of the statutes and regulations the Board determined that esthetician services can be provided in an office of chiropractic, however, the services and device Dr. Wheeler presented to the Board did not appear to treat the chiropractic condition as defined by AS 08.20.100, and any person providing those services must first contact the Board of Barbers and Hairdressers to inquire about required licensure or permitting. Dr. Mulholland was assigned to respond to Dr. Wheeler.

#### **2. Chiropractors using Osteopathic Manipulative Therapy CPT Codes – Robert Martinez, DC**

Dr. Culbert informed the Board that he had received an email from Robert Martinez of Premiera Blue Cross regarding an Alaskan chiropractors' ability to use Osteopathic Manipulative Therapy (OMT) Codes and had forwarded the email to Ms. Forrest for the Board to discuss. Dr. Culbert noted that his first thoughts were that chiropractors are supposed to use chiropractic CPT codes and osteopaths use osteopath codes. Dr. Culbert noted that the way Dr. Martinez phrased his question, it appeared that chiropractors may be able to bill to OMT codes as they are considered physicians under Alaska law. Dr. Culbert noted that chiropractors treat up to five regions, whereas osteopaths treat up to nine regions, and that many of the treatment regions overlap. Dr. Mulholland stated that in his opinion OMT codes are fundamentally different from chiropractic codes and the use of OMT codes implies that a

physician is an osteopath. Dr. Culbert argued that according to the wording of the CPT provided by Dr. Martinez, use of OMT codes only implies that a person is a physician, not specifically a chiropractor or osteopath, but agreed that the use of OMT codes by a chiropractor is misleading to the public and to insurance companies.

Dr. Zimmerman noted that in her opinion, using the current codes, and the definition provided by Dr. Martinez, chiropractors can use OMT billing codes. Dr. Mulholland stated that Board statutes and regulations do not address billing issues. Dr. Heston noted that physicians get reimbursed at a higher rate for using OMT codes opposed to chiropractic codes. The Board determined that Alaska law considers chiropractors as physicians, there are no chiropractic statutes or regulations that prohibit a chiropractor from using OMT codes but that the Board does not endorse such action, and that a chiropractic physician must be meeting the minimal professional standards of 12 AAC 16.920. Dr. Culbert was assigned to respond to Dr. Martinez

### 3. Colorado PowerPoll – Scope of Practice – Disabled Person Parking Permits

Ms. Forrest informed the Board that she had received a PowerPoll from the FCLB regarding Alaskan chiropractors' ability to issue disabled person parking permits. Ms. Forrest stated that it is her understanding that chiropractors can issue the disability rating for the DMV to issue this type of parking permit. The Board stated that Ms. Forrest is correct and that the statutory authority to do so is AS 08.20.100(b)(7) and AS 08.20.100(b)(8).

### 4. Croft Guidelines – Alex Campell

Ms. Forrest informed the Board that she had received an email regarding the Board's recognition of the Croft Guidelines. Ms. Forrest stated that she unsure of where to find the information regarding Board review of the Croft Guidelines. Dr. Culbert stated that the Board had reviewed the Croft Guidelines in a meeting prior to his appointment to the Board in 2001 or 2002 and suggested that she review those meeting minutes. Dr. Culbert also suggested that Ms. Forrest contact past Board Chair, Dr. Carol Davis, to obtain further information on Board actions regarding these Guidelines.

Dr. Mulholland asked what the Croft Guidelines are. Dr. Culbert stated that the Croft Guidelines are guidelines or approximate number of visits a chiropractor can anticipate giving treatment to a patient for different diagnoses. Dr. Mulholland asked if the guidelines are technique specific, Dr. Culbert replied that the guidelines are not technique specific, but that if a chiropractors treatment of a diagnoses falls substantially outside of the guidelines that chiropractor may want to reevaluate their technique.

Mr. Garness asked if the Board were to adopt in regulation the Croft Guidelines, could insurance companies then use the guidelines to limit treatment. Dr. Zimmerman answered that insurance companies could use these guidelines to limit treatment. Mr. Garness asked how this would benefit the public if insurance companies cut off patients who needed extended treatment. Dr. Culbert stated that the Croft Guidelines, as far as he knows, have not been used in such a manner to prevent necessary treatment. Ms. Forrest was assigned to review Board actions further and to respond to Mr. Campbell.

### 5. Montana – Change in processing CE Application

Ms. Forrest informed the Board that Dr. Zimmerman had requested the Montana Board of Chiropractic Examiners to provide this letter to the Board. Ms. Forrest stated that when the

continuing education application fee is put into regulation she would be sending out a similar letter to the continuing education providers. Dr. Culbert agreed that this is a good idea. There was no further discussion.

#### 6. FCLB/NBCE General Correspondence

Dr. Zimmerman informed the Board that she had received several emails of correspondence from the FCLB and NBCE thanking her and the Board for Dr. Zimmerman's participation in the meetings she had attended in the spring of 2008. Dr. Zimmerman stated that she simply wanted to share this correspondence with the Board.

### **Agenda Item 8 – Future Board Travel Plans**

The Board discussed future travel plans. It was determined that at the January 18, 2008 meeting, the Board approved Dr. Zimmerman to attend the FCLB Regional meeting in Nevada, October 2-5, 2008, and Dr. Mulholland to participate in the Part IV Clinical Exams in Davenport, IO, in November. Dr. Culbert stated that it is important for Dr. Heston to attend a Part IV Clinical Exam administration as soon as possible. Dr. Heston stated that he will be available for the May 2009 Part IV Exam and would like to know the locations where he can participate. Ms. Forrest stated that she would get this information to him as soon as possible.

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

**RESOLVED to send Dr. Heston to the NBCE Part IV Exams in May 2009.**

Ms. Forrest informed the Board that there is a conference offered by the Council on Licensure, Enforcement and Regulation (CLEAR) that the Division may be willing to send her to if she has the Board's support. Ms. Forrest stated that this conference is educational in nature and will cover a variety of administrative and regulatory issues that are pertinent to all Boards. She stated that attendance at this will help her to understand her role as a licensing examiner better. The Board agreed that Ms. Forrest's attendance at the CLEAR Conference is necessary. Ms. Forrest stated that the Division is also willing to send one Board member to attend the conference, which includes a session on Wednesday September 24 for Board Member training.

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

**RESOLVED to send Ms. Veida Forrest to the CLEAR Conference in Anchorage, Alaska, on September 25-27, 2008.**

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

**RESOLVED to send Dr. James Heston to the CLEAR Conference in Anchorage, Alaska, on September 25-27, 2008 and to the Board Member Training on September 24, 2008.**

### **Agenda Item 9 – Regulations**

The Board reviewed the regulations put out for public comment on May 23, 2008. Ms. Forrest noted that there were no public comments received by the Division. Ms. Forrest also noted that there were a few friendly suggestions that were made regarding the regulations and provided the Board with those suggestions as a draft dated June 25, 2008. She noted that the first suggestion is to change proposed regulation 12 AAC 16.290(e)(2) to read 'title and description of the course' in order to create consistency within the application process. The Board approved this change.

Ms. Forrest directed the Board's attention to 12 AAC 16.340(a)(1) and 12 AAC 16.390(a)(3) and 12 AAC 16.390(b)(3) of the June 25, 2008 revision. Ms. Forrest informed the Board that these proposed regulations referenced regulations that were being repealed or changed in the public notice and that the June 25, 2008 revision corrects these mistakes. She noted that the suggested changes to those sections are considered conforming amendments. She also noted that there were no substantive changes made between the May 23, 2008 version and the June 25, 2008 revision. The Board approved these changes.

Ms. Forrest noted that the last friendly suggestion is to strike part of the lead in language of 12 AAC 16.410(a) so that it reads 'Members of the peer review committee are appointed for staggered terms of two years.' The Board approved this change.

The Board made no other changes to the proposed regulations.

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

**RESOLVED to adopt the proposed regulations with revision date June 25, 2008 and presented to the Board by the Division of Corporations, Business & Professional Licensing on June 27, 2008.**

The Board reviewed the Peer Review Committee legislative research conducted and provided to the Board by Gayle Horetski, AAG with the Department of Law. Dr. Culbert noted that the information provided was very informative and reaffirmed that the Board could use the Peer Review process to determine the appropriateness of care, as well as reviewing fees charged to patients.

### **Agenda Item 10 – Investigative Report**

Susan Winton, Investigator for the Division of Corporations, Business & Professional Licensing joined the meeting telephonically at 1:29 pm.

<b>Case Number</b>	<b>Alleged Violation</b>	<b>Status</b>
C700-07-009	Other (CE advertisement)	Awaiting end of 2008 renewal period

C700-08-001	Sexual Misconduct	Pending information, incomplete complaint
C700-08-002	Sexual Misconduct	Pending disposition of criminal case
C701-08-001	Advertising – Unlicensed	<u>Closed</u> ; case opened
C701-08-002	Unlicensed Practice	Inquiry on-going
C750-07-002	License Application Problem	<u>Closed</u> ; forwarded to the Board
C750-08-001	License Application Problem	<u>Closed</u> ; forwarded to the Board
C750-08-002	License Application Problem	<u>Closed</u> ; forwarded to the Board
C750-08-003	License Application Problem	<u>Closed</u> ; forwarded to the Board

Open Cases

701-08-001	Advertising - Unlicensed	Investigation complete; requires review
------------	--------------------------	---

Probation

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; to be discussed.

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

**RESOLVED to enter into executive session in accordance with Alaska Statute 44.62.310(c)(2) to discuss privileged disciplinary information.**

Executive session, off record 1:30 p.m. Back on record 1:45 p.m.

Dr. Culbert asked if it would be possible to add a scope of practice clause to the omnibus bill that Ms. Winton is working on. Dr. Culbert stated that he envisioned such a clause to allow a healthcare provider to use the procedures, skills and training received in school or through continuing education. Dr. Culbert noted that he is asking for this type of clause because at the previous Board meeting the Department of Law had stated that chiropractors cannot do diagnostic testing such as blood analysis, urinalysis or take tissue samples as these types of diagnostics are not explicitly included in the chiropractic scope of practice laws. Ms. Winton stated that the interpretation that the Department of Law had offered is not the same as her interpretation. Ms. Winton stated that when speaking to the public or a complainant she will often note that if an action is not explicitly prohibited by statute or regulation and the healthcare provider is meeting the minimum professional standards of practice then that action is not illegal. Dr. Culbert noted that he would also like to see clauses on good moral character, background checks and fingerprinting. Ms. Winton stated that she had written into the omnibus bill the authority for Boards to request criminal history checks and background checks through the use of fingerprinting. Ms. Winton stated that if this portion passes, it would give all Boards the ability to write into regulation the requirement to submit fingerprints for criminal history check as a condition of licensure. Ms. Winton also noted that the draft omnibus bill also gives Boards authority to determine continuing education requirements and preceptorship and internship requirements. Ms. Winton suggested that Dr. Culbert work with her on the omnibus bill. Ms. Winton asked that if Board members have suggestions for the omnibus bill to please send those suggestions to Ms. Forrest who will forward them to Ms. Winton.

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

**RESOLVED to appoint Dr. Culbert as Board liaison to Susan Winton, Investigator, for work on the omnibus bill.**

Dr. Culbert asked Ms. Winton if it would be possible to use the NBCE's SPEC and E&B exam as part of the rehabilitative process in an MOA. Ms. Winton stated that the use of these exams is possible but that she needs more information. Dr. Zimmerman offered to provide Ms. Winton with additional information on the SPEC and E&B Exams. Ms. Winton stated that she will add these exams to her list of possible requirements for licensee compliance in an MOA with the Board.

Dr. Culbert asked Ms. Winton if she would be willing to review the correspondence received from Dr. Wheeler regarding estheticians. Ms. Winton stated that she would review the letter on an inquiry basis as well as the Board of Barbers and Hairdressers regulations to assess whether or not the licensee is infringing on the regulatory authority of that Board.

Ms. Winton left the meeting at 2:05 p.m.

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

**RESOLVED to accept the investigative report provided by Susan Winton, Investigator.**

Dr. Culbert urged the Board members to send their suggestions to Ms. Forrest. Dr. Mulholland suggested giving Boards the ability to write position papers. Dr. Mulholland asked if Dr. Culbert would discuss Independent Medical Evaluators and their liability for their evaluations with Ms. Winton. Dr. Mulholland also suggested that Dr. Culbert speak with Ms. Winton about giving healthcare providers the ability provide the services and procedures they were trained in.

Dr. Heston asked about the statutes and regulations concerning the chiropractic treatment of animals. Drs. Culbert and Zimmerman stated that currently only veterinarians can charge for adjusting animals. Dr. Culbert noted that veterinarians do not refer animals to chiropractors in Alaska at the present time.

### **Agenda Item 11 – Continuing Education Application Review**

The Board discussed the continuing education applications batched on February 26, 2008 and June 10, 2008. Dr. Mulholland asked to see the entire file of the course "The Masters Circle – New Patients" as he had tabled the course for the entire Board to review. Upon further review of the course, Dr. Mulholland stated that the syllabus, in his opinion, did not meet the requirements of 12 AAC 16.320, as the course appeared to focus on interpersonal relationship building.

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

**RESOLVED to deny the course “The Masters Circle – New Patients” provided by Life Chiropractic College West as it does not meet the requirements 12 AAC 16.320.**

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

**RESOLVED to approve the following new and amended courses, set to expire December 31, 2008:**

- 1. Alaska Chiropractic Society**  
ACS Convention 2008
- 2. Cleveland Chiropractic College**  
Introduction to Applied Health Promotion; Radiology of the Upper Extremity and Adjustive Techniques; Using the Evidence-Base in Health Promotion
- 3. Data Trace**  
D.C. Tracts, Volume 20
- 4. Florida Chiropractic Association, Inc**  
FCA Summer Convention and Exposition 2008; FCA 2008 Spring Convention and Expo; FCA Panhandle Convention and Expo 2008
- 5. International Chiropractic Pediatric Association**  
Freedom for Family Wellness
- 6. Life Chiropractic College West**  
4<sup>th</sup> Annual CONA Convention; 16<sup>th</sup> Annual ICA Symposium on Natural Fitness; 18<sup>th</sup> Annual Arizona Association of Chiropractic Convention; Bio-Geometric Integration 1; Chiropractic Duel: Winning for the Patient; Chiropractic Guide to Healthy Living; Eight Core Proficiencies; The New Era in Whiplash and Spinal Trauma 1; Radiology Guidelines; Radiology of Instability;
- 7. Life University**  
Koren Specific Technique; The Lifeline Technique: Conscious Body/Conscious Mind
- 8. Logan College of Chiropractic**  
2008 Annual ACA Sports Councils Symposium; 2008 Logan College Alumni Association Homecoming; Clinical Mastery of Cold Laser – Advanced; How to Treat Temporal Mandibular Dysfunction and Cranial Corrections; ICS Heartland Convention and Expo 2008; Laserology – December 2007; Laserology – April 2008; Loomis Institute Annual Convention; Playbook for a Championship Practice: Evaluation & Treatment of the Athlete; SORSI Mid-Year Conference
- 9. National University of Health Sciences**  
16<sup>th</sup> Annual World Congress on Anti-Aging Medicine; Anti-Aging World Congress; Applied Functional Neurology; Applying Functional Medicine in Clinical Practice; Blocking Procedures in Chiropractic; Cox Distraction Decompression Adjusting & Manipulation Part II; Foundations of Whole Food Nutrition; Integrating Functional Medicine in Clinical Practice; Introduction to MRI; The Many Faces of Pain: Functional Models for Assessment & Treatment; NUHS Homecoming 2008; Nutritional Supplements for Gastrointestinal Disorders; Overcoming Weight Loss Resistance; Pediatrics: Infant Assessment & Treatment Techniques
- 10. New York Chiropractic College**  
Active Release Technique – Lower Extremity; Active Release Technique – Spine; Active Release Technique – Upper Extremity; Advanced Nutrition Principles, Nutritional Interventions; Avoiding Charges of “Patient Abandonment”: Terminating

the Doctor/Patient Relationship Lawfully & Ethically (Parts 1,2,3); Avoiding Ethical Landmines & Criminality in Healthcare Employment Contracts; Chiropractic '08 – The American Chiropractor's 3<sup>rd</sup> Annual Symposium; Chiropractic Back School – Modules 1,2,3,4; CPT Coding, Compliance & Documentation; Domestic Violence: What Every Doctor of Chiropractic Must Know; Evidence Based Practice (EBP): A Primer for Chiropractors; Ergonomics/Human Factors: Standing, Lifting, Backpacks; ICAK-USA 2008 Annual Meeting; Integrative Diagnosis: The Art & Science of Clinical Excellence; Mastering Medicare – Part 1: Medicare & Chiropractic Practice; Mastering Medicare – Part 2: Medicare & Chiropractic Practice; Nutrition Science Conference 2<sup>nd</sup> Annual; Pain Relief: Alimentary Side Effect; Risk Management; Spinal Trauma: The Rest of the Story; Systemic Effects of the Vertebral Subluxation Complex; Treating the Female Patient: Post-Partum and Beyond; Treating the Female Patient: The Female Menstrual Cycle

**11. Northwestern Health Sciences University**

CDID Symposium 2008; Conversations on Culture: Somali; Imaging Spondylolithesis & the Sacroiliac Joint; Imaging Torticollis and Compression Fractures; Mitochondrial Function and Membrane Fluidity in Health and Disease; Neglected, Misunderstood or Forgotten Concepts in Chiropractic Adjustive Therapy: Thorocolumbar Causes of Low Back Pain; Occupational Health & Applied Ergonomics – Yr. 1 DVD; Occupational Health and Applied Ergonomic – Yr 2 DVD; Plantar Fasciitis: An Integrated Western & Eastern Treatment Approach; Professional Boundaries: Cultural Communications; Sports Injuries Yr. 1 CCSP DVD Sessions 1-7; The Fundamental Neurological Exam & Six Practice Cases; Treating Sciatica & Low Back Pain with Acupuncture; Trigeminal Neuralgia & Other Cranial Nerve V Clinical Syndromes; Using Acupuncture to Treat the Immune System

**12. Nutri-West Pacific**

Nutritional Neurology

**13. Palmer College of Chiropractic**

ACC/RAC 2008; American Back Society; Homecoming 2008 Palmer College Florida; NUCCA Annual Conference 2008; Palmer College Homecoming 2008; Pettibon Technique Scoliosis Seminar

**14. Parker College of Chiropractic**

Acupuncture 100 Hour Certification Program; Comprehensive Guide to Treating the Female Patient; ICPA Pediatrics Certificate Program 2007-2008; Nutritional Considerations for Patients with Osteoporosis; Nutritional Considerations for Patients with Osteoporosis; Parker Seminar – Montreal 2008; SI Joint Pain – Diagnosis and Management

**15. Sherman College of Straight Chiropractic**

Lyceum 2008: Inspire the Fire

**16. Southern California University of Health Sciences**

2008 Chiropractic Sports Science Symposium; 9<sup>th</sup> Annual ACA Rehab Council Education Symposium; Clinical Update 2008; Functional Diagnostic Medicine Training Program; SCU Extravaganza 2008; Whiplash and Brain Injury Traumatology 2008, 1-4

**17. Texas Chiropractic College**

Advanced Therapies for Diabetes, Heart Disease, Cancer, Addictions & Obsessive Compulsive Disorder; Advanced Principles & Clinical Application Balancing Hormones in Menopausal Women; Cancer Support & Prevention / Integrating Key Western Botanicals in Clinical Practice; Clinical Applications & Advanced Principles:

Balancing Hormones in Menopausal Women; Concise Physiotherapy Guide – 12 Hours; The Doctor of the Future; Ethics & Chiropractic Practice – 12 Hours; Ethics & Chiropractic Practice – 6 Hours; Functional Laboratory Assessment for the Nutritional Patient; Golf Biomechanics and Injury Prevention – 12 Hours; Guide to Interpreting Signs & Symptoms – 16 Hours; Hormones Gone Awry: the Hidden Menace of Dysglycemia; Nutrition & Herbal Medicine in the 21<sup>st</sup> Century; Organ and Gland Therapies; Pain Management – 12 Hours; Pain Management – 6 Hours; Prescribing Diet and Exercise – 12 Hours; Prescribing Diet and Exercise – 16 Hours; Professional Boundaries & Chiropractic Practice – 12 Hours; Professional Boundaries & Chiropractic Practice – 6 Hours; Professional Boundaries, Ethics & Pain Management – 6 Hours; Risk Management, AIDS, HIPAA Rules and Regulations Seminar; TCC Centennial Homecoming

**18. Townsend Northwest Chiropractic Seminars**

Townsend Northwest Chiropractic Seminar

**19. Turning Point Logistic Systems**

CBP Advanced; CBP Annual Convention; CBP Basics; CBP Biomechanics; CBP Cervical Structural; CBP Drop Table Adjusting; CBP Lumbar Structural Rehabilitation; CBP Neurology, Posture, and Systemic Health; CBP Pediatric Adjusting; CBP Semi Annual Conference; Children's Health and Wellness; Chiropractic Leadership Summit 2008

**20. University of Bridgeport College of Chiropractic**

9<sup>th</sup> Annual Northwest Chiropractic Symposium; Breakthrough Coaching Symposium – WA. DC; Breakthrough Coaching: July-Aug 2008; Cancer Prevention & Adjunctive Treatment Options; CPATE: Clinical Posture Assessment, Therapy & Exercises; Detox Seminar: Environmental Toxins are on the Attack; Emerging Therapeutic Treatment: Improving Therapeutic Outcomes; Functional Medicine Research Center 2008 (FMRC); Mastering the Power of Biological Resonance: Frequency Specific Microcurrent – 24 Hours; Mastering the Power of Biological Resonance: Frequency Specific Microcurrent Advanced – 16 Hours; NASM: Performance Enhancement Specialist & Corrective Exercise Specialist; Neuro Emotional Technique (NET) Basic / Advanced; Neuro Emotional Technique (NET) Basic / NEXT; Neurotransmitters & Brain: Functional Neuroendocrine-Immunology; Optimizing Athletic Performance – Gain the Competitive Edge on Working with Elite & Amateur Athletes; The Next Revolution in GI Health Restoration; The Role of Toxicants and the Gastrointestinal Environment In Chronic Disease: Novel Diagnostic and Therapeutic Approaches in Integrative Medicine; Unlocking the Mystery of Gluten Sensitivity

**21. Vlasuk, Susan DC DACBR PS**

Introductory Radiographic Technique; Radiologic and Clinical Update and Annual "Challenge of the Unknowns" Ed 14; Radiologic and Clinical Update and Annual "Challenge of the Unknowns" Ed 15

**22. Western States Chiropractic College**

9<sup>th</sup> Annual Northwest Chiropractic Symposium

**Agenda Item 12 – Goals & Objectives Work Session**

The Board discussed the current goals and objectives, the italicized goals and objectives were added at the June 2008 Board Meeting.

Dr. Mulholland asked Ms. Forrest if it would be possible for the Board to move to paperless, or online, renewals and to add that to the Goals & Objectives. Ms. Forrest stated that it would not be possible for the 2009-2010 renewal period, but that the Division as a whole is moving in that direction. Ms. Forrest also stated that the Division is moving programs and Boards that do not have continuing education requirements to online renewals before moving smaller programs with continuing education to an online renewal program. The Board agreed to adding online renewals to the Fiscal Year 2009 (FY09) Goals and Objectives

Dr. Culbert stated the he would like to add the utilization of the SPEC and E&B Exams in memoranda of agreements with licensees as part of the rehabilitation requirements.

Dr. Culbert suggested reviewing the continuing education requirements and noted that the FCLB suggests requiring licensees to take courses in documentation and record keeping for license renewal. Dr. Heston noted that when reviewing the continuing education regulations he would like to see Alaska require more hours of continuing education and possibly a professional boundaries training. Dr. Mulholland noted that increasing the number of hours required may force some chiropractors to travel in order to meet the continuing education requirements. Ms. Forrest noted that currently the Board allows licensee to obtain up to one-third of the required hours through correspondence or online and increasing the number of hours may not necessarily negatively affect a chiropractors' ability to earn continuing education credits.

Dr. Mulholland noted that he would like to see the clarification, through regulation, of the NBCE National Exam requirements. Dr. Mulholland also suggested removing Fiscal Year 2008 Goal 4, Objective 6 regarding the clarification of injectable nutrients.

Ms. Forrest suggested to the Board that under Goal 6, each national, regional or district, and examination meeting be listed separately

The italicized goals and objectives were added at the June 2008 Board Meeting.

**Goal 1. Carry out assigned duties of the board:**

*Objective 1:* Conduct a minimum of two board meetings a year.

*Objective 2:* Continue licensing chiropractic physicians and processing applications in a timely manner.

*Objective 3:* Review investigative reports, monitor disciplinary actions, and provide professional direction to the Division of Corporations, Business and Professional Licensing investigative staff regarding probation matters and chiropractic practice.

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

*Objective 4:* Monitor and appoint members to the Peer Review Committee.

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

**Goal 2. Provide information regarding board activities to the profession and the public.**

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

*Objective 2:* Provide a public comment period at each meeting.

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

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

*Objective 5:* Continue to work with other licensing boards, at both the district and national level.

*Objective 6:* Address the reporting requirements for domestic violence and sexual assault.

**Goal 3. Pursue statutory authority consistent with the practice of chiropractic to ensure the health and safety of the public.**

*Objective 1:* Support the Alaska Chiropractic Society (ACS) in pursuing correction of the conflicting licensure requirements between Workers Compensation statutes and Chiropractic statutes.

*Objective 2:* Support the Alaska Chiropractic Society (ACS) in pursuing statutory authority for regulation of Independent Medical Examiners (IMEs). This goal has been partially accomplished by existing statutes and regulations.

*Objective 3:* Support the Alaska Chiropractic Society (ACS) in pursuing an increased fine for unlicensed practice under AS 08.20.200.

*Objective 4:* Support the Alaska Chiropractic Society (ACS) regarding the subject of school and sports physicals.

*Objective 5:* Support the Alaska Chiropractic Society (ACS) regarding the subject of Independent Medical Examiners (IMEs).

*Objective 6:* Pursue statutory authority to set administrative fees.

*Objective 7:* Pursue statutory authority to create Position Statements.

*Objective 8:* Amend Alaska Statute 08.20160 by removing "apparently" from verbiage.

*Objective 9:* Support the Alaska Chiropractic Society regarding chiropractic technicians.

**Goal 4. Assess and evaluate regulations:**

*Objective 1:* Assess and evaluate continuing education requirements.

*Objective 2:* Assess and evaluate radiological safety, professional boundaries, public health, emergency training.

*Objective 3:* Proactively make recommendations through regulations to anticipate changes in the health industry.

*Objective 4:* Raise awareness with public health, emergency training, hazardous materials, and OSHA requirements

*Objective 5:* Clarification of inactive and retired status.

*Objective 6:* Review the continuing education requirements to ascertain if they are similar to other states' requirements

*Objective 7:* Write a regulation for continuing education to include documentation, recordkeeping, and professional boundary training as a requirement for license renewal

*Objective 8:* Write a regulation regarding temporary permits for interns and preceptors

**Goal 5. Establish a utilization review process through the Peer Review Committee:**

*Objective 1:* Refine procedures for committee review of cases and the reporting process.

**Goal 5. Continue affiliation with the Federation of Chiropractic Licensing Boards (FCLB), the National Board of Chiropractic Examiners (NBCE), the Association**

**of Chiropractic Board Administrators (ACBA), and the Council on Chiropractic Education (CCE).**

- Objective 1: Promote attendance of continuing Board members at district and annual meetings of the FCLB to provide input and obtain information at both national and state levels regarding matters impacting Alaska Chiropractors*
- Objective 2: Work with the FCLB on maintaining a listing of Alaskan Chiropractors on the National Database (CIN-BAD).*
- Objective 3: Promote attendance of Board members at the bi-yearly NBCE Part IV Examinations and Part IV Examination Review Committee meetings of the NBCE to provide input and obtain information on the Exams required for chiropractic licensure in Alaska.*
- Objective 4: Promote attendance of the Licensing Examiner at the annual meetings of the ACBA and FCLB to provide input and obtain information at both national and state levels regarding matters impacting the regulation and licensure of Alaskan Chiropractors*

**Goal 7. Keep informed of the sunset review process for the board and to review and respond to the sunset audit report recommendations. The next sunset review is scheduled for June 30, 2014.**

**Goal 8. Review and Asses Board Efficiency and Transparency**

- Objective 1: Move to online renewals*
- Objective 2: Provide copies of meeting recordings to any interested party*

Break, off record 3:10p.m. Back on record 3:23 p.m.

**Agenda Item 13 – Annual Report Work Session**

Ms. Forrest informed the Board that it is responsible for writing the Narrative Statement, the Sunset Performance Audit Recommendations, the Budge and Travel Recommendations, and the Board Recommendations for Proposed Legislation. Ms. Forrest stated that she is responsible for formatting and compiling the Annual Report, the Statistical Overview, and typing up the Goals and Objectives. Ms. Forrest also noted that Ms. Winton is responsible for the Investigative Report, Ms. Wyatt is responsible for the Expenditure Report, and Ms. Karen Wilke, Paralegal, is responsible for the Continuing Education Report.

The Board discussed the Narrative Statement and made necessary changes to reflect the accomplishments of the Board in Fiscal Year 2008. The Board discussed the Sunset Performance Audit Recommendations and made changes to reflect how the Board met these recommendations in Fiscal Year 2008. The Board discussed the Budget and Travel Recommendations but did not make any significant changes.

The Board discussed its Recommendations for Proposed Legislation. Ms. Forrest stated that this would be an appropriate place for the Board to put in its request for legislation change. Ms. Forrest pointed out to the Board that under AS 08.20.163 an unlicensed chiropractor can obtain a Locum Tenens Permit in Alaska. The Board stated that this is not the intent of the statute but agreed with Ms. Forrest upon review of this statute. The Board stated that the way the statute is written puts the public at risk by potentially allowing an unlicensed and

unsupervised chiropractor to work in Alaska. The Board agreed that this must be fixed and put it in the Recommendations for Proposed Legislation. The Board also stated that it would like to update some of the antiquated language. Dr. Mulholland was assigned to write the Board Legislative Recommendations.

The Board asked Ms. Forrest what the procedures are when requesting statutory changes. Ms. Forrest stated that she has spoken with Judy Weske, Licensing Supervisor, about how the Board should go about changing its statutes. Mrs. Weske had stated that the Board should put its recommendations into the Annual Report. Ms. Forrest also reported the Mrs. Weske had noted that legislative recommendations that are labeled as protecting public health are more likely to be taken up by the Department. Ms. Forrest noted that Mrs. Weske had also stated that the Department is limited to the number of bills that it can bring to the Legislature and that the Commissioner is ultimately responsible for prioritizing any legislative requests. Ms. Forrest noted that if the Board's request for statutory changes is approved then the Board and Division would work with the Department of Law to write the bill for submission to the Governor's office prior to being introduced to the legislature. Ms. Forrest stated that if the Department does not take up the Board's request for statutory changes then it would be up to the chiropractors in Alaska to lobby their legislators for statute change. Ms. Forrest stated that it would also be helpful to get the Alaska Chiropractic Society involved.

Dr. Culbert thanked Ms. Forrest for including a Goals and Objectives and Annual Report work session on the agenda and thanked all the Board Members for providing input.

#### **Agenda Item 14 – New Business**

Dr. Culbert asked if any Board members had new business they would like to present to the Board. Dr. Mulholland stated that he had done some research and found a private investigation business that does background checks on individuals for \$50. Ms. Forrest noted that all of the information provided in the background check offered by this company is public information and easily available to the public. Dr. Heston noted that the applicants still are not fingerprinted and information can still be missed, particularly if a person has changed names. Dr. Culbert noted that this type of background check is not as thorough as fingerprinting and criminal history checks, but that for the purposes of the Board, this level of check may be appropriate. Dr. Mulholland stated that he is concerned about applicants lying on the application. Dr. Zimmerman noted that this type of check, or notification that Alaska may perform this type of check, may help prevent applicants for lying on the application.

The Board discussed preceptors and whether or not they can adjust in Alaska. Ms. Forrest asked for clarification of a preceptor. Dr. Mulholland stated that preceptors are chiropractic students who work in a chiropractic office under the direct supervision of a licensed chiropractor. Dr. Mulholland stated that in order for a licensed chiropractor to have a preceptor, that chiropractor must be approved by the school. Dr. Mulholland noted that many preceptors have not taken the NBCE Part IV Exam required for licensure in Alaska. Dr. Culbert stated that his understanding was that a preceptor is only an exam doctor, not an adjusting doctor. Dr. Mulholland stated that this is not necessarily the case. Ms. Forrest stated that the current statutes do not allow an unlicensed person to adjust using chiropractic core methodology and the only way she can see allowing a preceptor to practice in Alaska is if that person is in the process of applying for full licensure and requests a temporary permit. Dr.

Mulholland asked if the Board would be willing to look further into this type of permitting. Dr. Zimmerman stated that she would like to see how other states regulate preceptors before working on preceptorship regulations. Dr. Culbert suggested that the Board add the review and possible writing of preceptorship regulations to the Fiscal Year 2009 Goals and Objectives. The Board agreed to this suggestion. Dr. Mulholland was assigned to bring additional information on other States' preceptorship programs or laws to the next meeting. Dr. Culbert suggested that the Board table this discussion

### **Agenda Item 15 – Public Comment**

There were no visitors for public comment.

### **Agenda Item 16 – Review Assigned Tasks**

#### Veida Forrest

- Schedule October 24, 2008 meeting in Anchorage
- Look into ethics training for Anchorage Meeting
- Type FY 09 Goals and Objectives
- Compile Annual Report
- Send out mail ballot with fee schedules to Board once received from Chris Wyatt
- Submit travel requests for Mulholland to attend NBCE Part IV testing in Davenport, Iowa
- Submit travel requests for Zimmerman to attend FCLB Regional Meeting October 2008 in Lake Tahoe, NV.
- Submit travel requests for Heston and Forrest to attend the CLEAR Conference September 24-27, 2008 in Anchorage, AK
- Contact Carol Davis, DC, prior Board Member regarding Croft Guidelines and respond to Alex Campbell's correspondence
- Invite Dr. Rish to the October 24, 2008 Board meeting
- Request Rick Younkens to attend the next meeting to discuss background checks and the business Trustworthy Associates
- Invite the Director of Corporations, Business & Professional Licensing to the next meeting to discuss the need for statutory changes.

#### Dr. Culbert

- Type up Narrative Statement, Sunset Performance Audit Recommendations, and Budget and Travel Recommendation
- Work with Susan Winton, Investigator, on the omnibus bill

#### Dr. Heston

- Look into preceptorship requirements in other states.

#### Dr. Mulholland

- Respond to Dr. Wheeler's correspondence
- Type up the Board's Legislative Recommendations for the FY08 Annual Report

#### Dr. Zimmerman

- Work with Susan Winton, Investigator, as Board liaison on open investigative cases

There being no further business,

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

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

The meeting adjourned at 4:50 p.m.

Respectfully Submitted:

---

Veida Forrest  
Licensing Examiner

Approved:

---

Dr. Gregory Culbert  
Board of Chiropractic Examiners

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