

**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 14, 2005**

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 State Board of Chiropractic Examiners was held on October 14, 2005.

Call to Order/Roll Call

The meeting was called to order by Dr. Gregory Culbert, President, at 8:05 a.m. Those present, constituting a quorum of the board, were:

Gregory M. Culbert, DC, President
R. Clark Davis, DC, Secretary
David J. Mulholland, DC, Vice President
Sean Siegel, Public Member
Rosemary Zimmerman, DC

Present from the Division of Corporations, Business and Professional Licensing was:

Cindy Roccodero, Licensing Examiner
Richard Younkens, Chief Investigator

Agenda Item 1 Review Agenda

Dr. Greg Culbert, President, asked if there were any changes to the agenda.

Cindy Roccodero, Licensing Examiner stated that Agenda Item 2, Topic – Review Minutes did not reflect a review of the September 13, 2005, teleconference.

Dr. Culbert stated Agenda Item 7- Topic - Investigative Report needs to reflect Investigator Margaret McQuaid's report on the contractual requirements for the Yellow Pages.

Ms. Roccodero stated that Agenda Item 8 - Topic Regulations needed to reflect a discussion regarding 12 AAC 16.030(b).

On a motion duly made by Dr. Zimmerman, seconded by Dr. Davis, and approved unanimously, it was

RESOLVED to approve the agenda as modified.

Agenda Item 2 Review Minutes

The board reviewed the June 24, 2005, meeting minutes and requested Ms. Roccodero to insert the following:

Agenda Item 5, Budget Report, Review of FY05 Budget Report -
“The bulk of the contractual costs were due to Ms. McQuaid performing her job well and closing many of the old cases, which were sent to the Department of Law for follow-up.”

Agenda Item 8, Review Goals and Objectives FY05, Goal 5, change Peer Review Committee to “Utilization Review Committee.”

On a motion duly made by Dr. Zimmerman, seconded by Dr. Mulholland, and approved unanimously, it was

RESOLVED to approve the June 24, 2005, meeting minutes, as amended.

The board reviewed the September 13, 2005, teleconference minutes.

On a motion duly made by Dr. Zimmerman, seconded by Dr. Davis, and approved unanimously, it was

RESOLVED to approve the September 13, 2005, teleconference meeting minutes, as presented.

Agenda Item 3 Ethics Report

All members of the board watched the state ethics video.

There were no ethic violations to report.

Agenda Item 4 Goals and Objectives FY06

The board reviewed its goals and objectives for FY06 and made changes to the following:

Goal 1, Objective 3: Change Division of Occupational Licensing to Division of Corporations, Business and Professional Licensing.

Goal 1, Objective 4: Change from “Appoint and Monitor” the Peer Review Committee to “Monitor and Appoint” the Peer Review Committee.

Goal 2, Objective 5: Remove.

Goal 2, Objective 9: Remove and insert into Goal 3 as Objective 4.

Goal 4, Objective 2: Remove and insert into Goal 3 as Objective 5.
Amend to read "Assess and evaluate standards for all chiropractors practicing in state independent medical examinations."

Goal 5, change "peer" review to "utilization" review.

Goal 6, change to read: "Continue affiliation with the Federation of Chiropractic Licensing Boards (FCLB) and work on the National Database (CIN-BAD), the National Board of Chiropractic Examiners
...."

Further detailed review of the Goals and Objectives will be done at the board's next meeting in relation to the Sunset Auditors suggestions.

Agenda Item 5 Budget Report

The board reviewed the budget report from FY 05.

Agenda Item 6 Annual Report

The board reviewed its FY05 Annual Report.

Agenda Item 7 Investigative Report

Richard Younkings, Chief Investigator presented to the board the Investigative Report. Mr. Younkings stated that are four closed cases, one open case, and one licensee remaining on probation.

The board expressed gratitude to Ms. McQuaid for the fine job she has done in clearing up the backlog of investigations and complaints.

The board asked Mr. Younkings if he knew of the status of Ms. McQuaid's assigned task from the June 24, 2005, meeting. Ms. McQuaid was to obtain information from the Yellow Pages regarding its contractual requirements for placing an advertisement.

Mr. Younkings stated that he did not have a report for the board regarding the assigned task.

Dr. Culbert stated that it was Dr. Carol Davis' assigned task from the June 24, 2005, meeting to write a letter to the Medical Board regarding one of its licensees (Alaska Back Pain Center) advertising services in the chiropractic section of the Yellow Pages.

Dr. Culbert stated that this is a task, which still needs to be done. Dr. Zimmerman volunteered to contact the Medical Board regarding the matter.

Break 10:00 a.m. – 10:15 a.m.

Dr. Zimmerman reported to the board that during its break she had contacted the Alaska Back Pain Center, and stated that Alaska Back Pain Center will no longer be in business as of 5:00 p.m. October 14, 2005.

Dr. Culbert stated that since the center is no longer in business there was no need for Dr. Zimmerman to contact the Medical Board.

Agenda Item 8

Regulations

Adopt Regulations

The following regulations were public noticed on August 15, 2005, public noticed ended September 15, 2005:

12 AAC 16.030, .031, .033, .046(a)(3) and (4), .150, .170, .200(a) and (a)(1), .340(a), .420(d) and (f), .920(a), .925, and .930

There were no public comments to present to the board for review regarding the proposed regulatory changes.

On a motion duly made by Dr. Zimmerman, seconded by Dr. Mulholland, and approved unanimously, it was

RESOLVED to adopt 12 AAC 16.030, .031, .033, .046(a)(3) and (4), .150, .170, .200(a) and (a)(1), .340(a), .420(d) and (f), .920(a), .925, and .930.

12 AAC 16.030(b) Discussion

Ms. Roccodero informed that she has noticed the board is not requiring the same information from each applicant applying for licensure under 12 AAC 16.030(b). There are times the board will approve the applicant to sit for the board examination without documentation required in AS 08.20.120, and there are times the board insists that it have all of the information required in AS 08.20.120.

Ms. Roccodero stated that the board should require the same information from each applicant, in order to be consistent.

Dr. Culbert's opinion was that if the applicant had submitted all of their required information, but the State was waiting on information from schools outside or other sources out of the applicants control, discretion or leniency may be given. If the applicant was just tardy in supplying the State with the required documentation without a good reason, then their incomplete application would/should be denied.

Dr. Davis stated that the word "discretion" in 12 AAC 16.030(b) allows the board to approve an applicant one time with the documents and another without the documents; "that's what discretion means."

Agenda Item 9 Peer Review Committee

Review Applications for Appointment to Committee

The board reviewed an application for appointment to the public member position of the Peer Review Committee from Bonnie L. Paddock.

On a motion duly made by Dr. Davis, seconded by Dr. Zimmerman, and approved unanimously, it was

RESOLVED to appoint Bonnie L. Paddock as the public member of the Peer Review Committee.

Verify Professional Resources for Committee and Board

Dr. Davis was assigned the task of obtaining updated professional resource contact information for the Peer Review Committee and the board.

Peer Review Process- Are Peer Review Request Being Processed Correctly?

At its June 24, 2005, meeting the board requested that Richard Younkens, Chief Investigator to attend the boards October 14, 2005, meeting to answer the boards' questions regarding the Peer Review process.

Mr. Younkens stated that he was not involved with the creation of the Peer Review process. However, he was aware that Gary Veres did have some involvement. To what extent he did not know.

The board expressed concern regarding the Peer Review process and if it was following proper procedure when a Peer Review request was received.

Mr. Younkens stated that there are other boards who have a Peer Review Committee and those boards follow a flow chart defining the Peer Review process.

Dr. Culbert provided Mr. Younkens with a sample of a flow chart that he developed.

The board asked Mr. Younkens if he could prepare a flow chart for the board to help streamline the peer review request process. Mr. Younkens stated that he would provide the board with a flow chart.

Defining the Peer Review Process

The board felt it was important that the Peer Review Committee have a contact or liaison between it and the board. Upon some discussion the board unanimously agreed to designate Dr. Mulholland as the board liaison to the Peer Review Committee.

As the board's liaison Dr. Mulholland asked how the information would be disseminated to the Peer Review Committee. After some discussion the board agreed to the following process:

The investigator receives a peer review request and after making the determination that there are no violations of state law, forwards the request to Dr. Mulholland.

Dr. Mulholland will select one Peer Review Committee member who is a chiropractic physician as the lead committee member to perform the review.

To prevent one chiropractic physician committee member from always being the lead committee member performing reviews, Dr. Mulholland will alternate between the three chiropractic physician committee members.

The public committee member can not act as a lead to a peer review request because they do not know the terminology used, requirements and standards of treatment. The public committee members' roll is to have a view as a private citizen. One not associated with the profession or to provide input as such.

Dr. Mulholland will provide the selected lead committee member with a copy of the file along with the checklist and a list of professional resources.

Upon conclusion of the review the lead committee member will contact the other committee members to meet and review the lead committee members' findings.

The lead peer review committee member will provide copies of his/her findings to each committee member for their review and input.

A quorum of the committee has to agree or disagree with the lead committee members' findings and report its findings to the board through Dr. Mulholland.

The peer review letter to the board is to reflect the committees' findings.

Dr. Mulholland will present to the board at its next meeting any Peer Review requests and/or any Peer Review Committee findings.

Dr. Mulholland asked Ms. Roccodero to provide the board with a copy of the information that is provides to newly appointed Peer Review Committee members. The board requested that this information be included in the next board meeting packet.

Agenda Item 10 **Correspondence**

The board reviewed four correspondence items:

1. Palmer Chiropractic University System: Informational, no response needed.
2. The Council on Chiropractic Education: Announcement (August 23, 2005), no response needed.
3. The Council on Chiropractic Education: Announcement (September 30, 2005), no response needed.
4. National Board of Chiropractic Examiners: Requesting assistance for chiropractic physicians displaced by Hurricane Katrina and Rita, no response needed.

Agenda Item 11 **National Board of Chiropractic Examiners (NBCE)**

NBCE has requested that the board send a delegate to assist in the administration of the November 11, 12, and 13, Part IV Practical Examination.

The board nominated Dr. Zimmerman as its delegate to attend the administration of NBCEs Part IV Practical Examination.

On a motion duly made by Dr. Davis, seconded by Dr. Mulholland, and approved unanimously, it was

RESOLVED to send Dr. Zimmerman to the administration of NBCES Part IV Practical Examination.

Ms. Roccodero informed Dr. Zimmerman to not contact NBCE regarding attendance and travel to the examination site until she received approval to attend.

Lunch 11:30 a.m. to 12:30 p.m.

Agenda Item 12 New Business

Continuing Education Audit – Disciplinary Guideline for Noncompliance

The board noted that licenses will expire on December 31, 2006, at which time the board will conduct another audit of its licensees to determine if the licensees are complying with the continuing education (CE) requirement.

At its June 24, 2005, meeting the board requested that Steve Winker, Paralegal to provide it with a copy of his chart titled, "General Guideline of Disciplinary Sanctions for Memorandums of Agreement Where Licensees Who Have Failed To Meet Continuing Education Requirements Are Identified Through The Audit Process."

The board wanted to review the chart to assist it in creating disciplinary guideline for licensees who are not in compliance with the CE requirements.

Upon review of the chart the board determined that it would like Mr. Winker to process noncompliant CE audited licensees as follows:

- Licensee will be required to complete deficient CE.
- Mandatory audit for the next two renewals.
- Letter of reprimand.
- License suspension until satisfactory documentation of deficient CE is received.
- Civil fine of \$3,500 maximum comprised of two elements \$2,500 fine for falsification on the application, plus \$200 per credit hour lacking to a \$1,000 maximum (all or part of this amount may be suspended based on the gravity of the offense at the boards discretion).

On a motion duly made by Dr. Davis, seconded by Dr. Zimmerman, and approved unanimously, it was

RESOLVED to request Mr. Winker to address noncompliance audited CE licensees as stated.

International Chiropractors Association (ICA)

The ICA is requesting all state boards to open reciprocity for chiropractic physicians who have been displaced due to hurricane Katrina.

The board stated that if the chiropractic physicians wanted to come to Alaska and practice, they would have. The board is not opening reciprocity, chiropractic physicians displaced by hurricane Katrina would have to follow the same application procedures as other chiropractors.

Examination Candidate Interviews

The board noted that it would like to go back to interviewing examination candidates. Ms. Roccodero reminded the board that it had agreed to the Director's request to eliminate the oral interview.

The board feels that it is important for applicants to meet the board, place a face to the board and to let the applicants know that the board is available to them.

Ms. Roccodero suggested that future board meetings be held the same day of the examinations and invite examination candidates to meet the board during the public comment period.

The board requested that Ms. Roccodero encourage the examination candidates to meet the board during its public comment period in the applicant's examination scheduling letter.

Agenda Item 13 Public Comment

There were no visitors present for public comment.

Agenda Item 14 Office Business

Review Assigned Tasks

Dr. Mulholland:

- Speak with a representative from the Alaska Chiropractic Society regarding receiving legislative assistance in pursuing a name change of the Peer Review Committee (AS 08.20.185) to Utilization Review Committee.

Dr. Davis:

- Write letter to Dr. Messerschmidt regarding the board's opinion on licensees ordering tests.
- Write letter to Alaska Chiropractic Society inviting a representative to the next meeting.
- Write letter to McMaster University regarding its acupuncture program.
- Write Newsletter.
- Obtain updated professional resource contact information.
- Obtain ----- meeting tapes and transcribe statement(s) made by Division Director, Rick Urion regarding the board attending national functions.

Cindy Roccodero:

- Amend June 24, 2005, minutes.
- Send to Dr. Culbert the June 24, 2005, minutes for signing.
- Submit the June 24, 2005, minutes to the director's secretary.
- Submit September 13, 2005, teleconference minutes to director's secretary.
- Request Phil Bennett, Fiscal Manager to attend the next board meeting to answer questions regarding travel receipts.
- Process Travel Authorizations from this meeting.
- Draft minutes from this meeting.
- Submit Travel Authorization for Dr. Zimmerman to attend the National Board of Chiropractic Examiners Part IV Practical Examination.
- Mail wall certificates.
- Publish newsletter.
- Inform Ms. Paddock of her appointment as the public member to the Peer Review Committee.
- Provide Mr. Maiquis, Regulations Specialist with signed "Order Certifying Changes" to board regulations.
- Provide Mr. Winker, Paralegal with boards' disciplinary guideline for noncompliant CE audited licensees.
- Reserve conference room and prepare for January 14, 2006, board meeting in Anchorage.

The board confirmed its next meeting date as January 14, 2006, in Anchorage, signed wall certificates and travel authorizations.

Dr. Culbert signed the "Order Certifying Changes" to board regulations and the September 13, 2005, teleconference minutes.

Note: Ms. Roccodero originally scheduled the meeting room from 7:00 a.m. to 2:00 p.m. The agenda was revised and the meeting was scheduled to end at 2:30 p.m. Ms. Roccodero failed to reserve the room for the additional half-hour, which resulted in the board

having to end its meeting at 2 p.m. because the room was scheduled at 2 p.m. for use by a different organization. Therefore, the board was unable to finalize board business. Although the meeting was scheduled to end at 2:30 p.m., it does not mean that the board would have concluded its business for the day by 2:30 p.m., the meeting could have run longer.

The meeting was adjourned at 2:00 p.m.

Respectfully submitted:

Cindy Roccodero, Licensing Examiner

Approved:

Dr. Gregory Culbert, DC, President
Board of Chiropractic Examiners

Date: _____