

State of Alaska
Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing

BOARD OF CHIROPRACTIC EXAMINERS

MINUTES OF THE MEETING

Friday, May 20th, 2016

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 at the Westmark Hotel, Fairbanks on Friday, May 20th, 2016, beginning at 9:25 a.m.

Agenda Item 3 Oral Interview with the Board

Time: 9:25 a.m.

Richard Woolley entered the room for his oral interview with the Board. Dr. Woolley is from Utah and attended Northwest Health Sciences University. The Board asked Dr. Woolley about what facilitated his interest in chiropractic, to which he responded that he has been practicing as an athletic trainer and saw the benefits of spinal manipulation. Dr. Woolley also stated that he was pursuing a diplomate as a sports physician. The Board inquired to Dr. Woolley if he had a place to practice, to which he stated that he was currently working at Northwest Spine Relief Services in Fairbanks. When asked what he would contribute to the chiropractic profession, Dr. Woolley responded that he wanted to emphasize on expressed assessment skills to provide patients with an enhanced understanding of their conditions and treatment. Dr. Woolley was then informed that he had passed the jurisprudence examination.

Luke Waack then entered the room for his oral interview with the Board. Mr. Waack informed the Board that he was still pursuing the chiropractic curriculum at Northwestern Health Sciences and would be graduating in October. Mr. Waack also informed the Board that he had a military background and previously worked as a newspaper editor at Fort Richardson AFB. When asked what facilitated his interest in chiropractic, Mr. Waack stated that he has had personal relief from seeking chiropractic care, and that his elder brother is a chiropractor, who he also credits for his interest. Mr. Waack was approached to work as an associate and has an internship planned under Dr. Endsley in Soldotna. Mr. Waack was then informed that he had passed the jurisprudence examination and encouraged to contact the

Alaska Chiropractic Society for membership, as well as the examiner if he had any questions regarding statutes and regulations.

The next exam candidate, Josephine Ball entered the room and informed the Board she was originally from Poulsbo, WA and attended the University of Western Science where she first completed her masters in exercise science. When asked what began her interest in chiropractic, she stated that she had been seeing a chiropractor since she was about aged three. Dr. Ball indicated to the Board that she was intending on incorporating physical therapy into her practice, and stated that she would be working at Arctic Chiropractic in Juneau. When asked what she could contribute to the chiropractic profession in Alaska, Dr. Ball expressed her interest in working with school sports teams, and also with families and children. Dr. Barrington commented that the recent and fortuitous passing of SB69 bill would be conducive to her interests. Dr. Ball further informed the Board that she had recently passed the CCSB test. Dr. Ball was then informed that he had passed the jurisprudence examination and encouraged to contact the Alaska Chiropractic Society for membership.

Kyle Bergquist then entered the room and informed the Board he was from Seattle, WA. When asked what sparked his interest in chiropractic, Dr. Bergquist informed the board that he first received a degree in sports medicine. Dr. Bergquist looked into physical therapy and chiropractic, and after job-shadowing a few chiropractors, he noted the immediacy of same-day results and decided he wanted to pursue a career in that profession. When asked where he intends to practice, Dr. Bergquist stated that he had 8 practices under the clinic name, Northwest Pain Relief Services; 3 of which were in Alaska. Dr. Bergquist stated that his clinics are integrative, incorporating nurse practitioners and medical doctors. He emphasized that the focus of his practice is non-medication based without surgery, with which the goal is to get patients through the acute phase as fast as possible. Dr. Bergquist was then informed that he passed the state examination.

Rebecca Fidler then entered the room for her oral interview with the Board. Dr. Fidler is originally from Toronto, Canada and completed her undergraduate degree in human kinetics, but wanted to pursue a more hands-on profession in chiropractic. When asked what the focus of her practice was going to be, Dr. Fidler stated that she initially wanted to focus on sports chiropractic, however, with her past experience working as an intern at a VA clinic, she stated she still has somewhat of an interest to focus on treating veterans as well. Dr. Fidler commented that she also holds an interest in pediatric chiropractic. Her husband, Dr. Joshua Fidler is also pursuing licensure as a chiropractor in Alaska and currently holds a spot at Anchorage Wellness group, where she may consider working at as well. Dr. Fidler expressed her gratitude for being able to meet the Board in person, which she was unable to do for her Utah or California license. Dr. Fidler was then informed that he had passed the

jurisprudence examination and encouraged to contact the Alaska Chiropractic Society for membership and information regarding positions at VA clinics.

Joshua Fidler then entered the room for his interview. Dr. Fidler is originally from Wisconsin and was previously in the army where he held a position as a medic. When asked what facilitated his interest in chiropractic, he stated that he was actually pursuing a degree in biology. On a field study gathering data on bats with a classmate, he became injured and subsequently tried cortisol shots and muscle relaxers with no relief. After finally seeing a chiropractor and seeing appeasement of his pain, he was inspired to pursue a career in chiropractic. When asked about what would be the focus of his practice, Dr. Fidler informed the Board that he was interested in exercise therapy, having been a personal trainer for 9 years. Fidler was then informed that he had passed the jurisprudence examination and encouraged to contact the Alaska Chiropractic Society for membership.

The last exam candidate, Aimee Burgess then entered the room for her oral interview with the Board. Upon greeting the Board, Dr. Burgess stated that she is originally from Illinois but was raised on a Navajo reservation in Arizona before moving to several other states. Dr. B and attended. When asked what facilitated her interest in chiropractic, Dr. Burgess stated that she initially began as a massage therapist, but wanted to fill a more clinical role while being able to maintain the ability to apply hands-on treatment. When asked whether she had located a place in which she intends to practice, Dr. Burgess stated that she is currently working under a temporary permit at Lifesprout Chiropractic in Fairbanks. The Board then inquired to Dr. Burgess what her intended focus of practice would be, to which she commented that she would like to see more community outreach in regards to chiropractic. Dr. Burgess was then informed that he had passed the jurisprudence examination and encouraged to contact the Alaska Chiropractic Society for membership. Dr. Burgess also inquired as to when she would receive her license and was told it could take up to ten days. Dr. Campbell commented that the Board may want to look at a regulation change to extend the temporary permit such that holders are covered for malpractice insurance purposes.

Agenda Item 3 Call to Order/Roll Call

Time: 10:16 a.m.

The meeting was called to order by Chair, Daniel Holt at 10:19 a.m.

Board Members Present, constituting a quorum:

Daniel Holt, Doctor of Chiropractic
Walter Campbell, Doctor of Chiropractic
Edward Barrington, Doctor of Chiropractic
Jeffrey Reinhardt, Doctor of Chiropractic

John Aderhold, Public Member

New chair, Dr. Daniel Holt called the meeting to order at 10:19 am and welcomed two new Board members, Dr. Jeffrey Reinhardt and John "Wayne" Aderhold. Before beginning the meeting, Dr. Reinhardt made a statement on the record to clarify that while there may be the potential of a perceived conflict of interest as he is an employee of Dr. Campbell, the Division and the Department of Law has confirmed there is no conflict. Dr. Reinhardt stated that if an issue ever arises in which a conflict of interest may be in question, he would be diligent in recusing from voting.

Attending from the Division of Corporations, Business and Professional Licensing were:

Laura Carrillo, Licensing Examiner
Brian Howes, Investigator (*via telephone*)
Martha Hewlett, Administrative Officer (*via telephone*)

Agenda Item 4 Review Agenda

Time: 10:19 a.m.

The Board reviewed the agenda for May 20th, 2016. Dr. Holt addressed the Board roster and commented to Ms. Carrillo that it would be helpful to have the roster of the Peer Review Committee located in the packet. Ms. Carrillo stated that there was a roster of the Committee, but that it was located further in the packet under the corresponding section. Ms. Carrillo then informed the Board that under the Budget Report, Director Hovenden would be discussing the Board's fee analysis. The Board verified that they did review the excel spreadsheet prior to the meeting. Ms. Carrillo commented to the Board the importance of stating the Board member name for the record so as to capture the correct speaker for the purposes of writing meeting minutes.

On a motion duly made by Walter Campbell, seconded Edward Barrington, and approved unanimously, it was

RESOLVED to accept the agenda as written.

Agenda Item 5 Review Minutes

Time: 10:21 a.m.

The Board reviewed the minutes from the January 22nd, 2016 meeting. Hearing nothing further on reviewing the agenda, the Board began reviewing the meeting minutes from their January 22nd, 2016 meeting. Dr. Campbell commented to Ms. Carrillo that on page 9, the motion including Dr. Holt as a primary and secondary motion initiator would need to be

corrected. Dr. Campbell also pointed out an error on page 10, which stated that the discussion on the request for reconsideration involved clarification from Dr. Campbell, not from Dr. Barrington as erroneously stated. On page 21 of the minutes, Dr. Campbell also noted that the motion involving Christine Hill and Dr. James Heston's recusal did not result in unanimous and would therefore need to be corrected.

On a motion duly made by Wayne Aderhold, seconded by Walter Campbell, and approved unanimously, it was

RESOLVED to approve the minutes of the January 22nd, 2016 meeting as amended.

TASK:

Laura Carrillo will correct pages 9, 10, and 21 of the meeting minutes.

Agenda Item 6 Board Business

Time: 10:26 a.m.

Ethics Report

Hearing nothing further on reviewing meeting minutes, Chair, Dr. Holt addressed ethics reporting. There were no ethics violations to report.

Dr. Campbell addressed a correspondence item from an individual who was inquiring about musculoskeletal manipulation. Dr. Campbell stated that it is not within the Board's purview to dictate how a chiropractor should manipulate a bone, and that clarification of such a scope would be better answered by an osteopath. Dr. Barrington prompted clarification from the Board as to whether Ms. Carrillo should respond to her question, as it was initially directed to her. Dr. Campbell reiterated that the inquiry was not explicitly included in the chiropractic statutes and regulations, and as such should be diverted to the medical Board. Ms. Carrillo stated that she would include it as an examiner task.

TASK:

Ms. Carrillo will inform Erin that her question is not within the scope of chiropractic, and to seek clarification from the insurance company as the nature of her question relates to billing.

Ratify Licenses

Hearing nothing further from ethics or correspondence issues, the Board then moved to discussion on ratification of licenses. Ms. Carrillo inquired to the Board whether they would like to continue this practice. Dr. Campbell and Dr. Barrington began entertaining the omission of ratifying licenses, as there appeared to be some degree of redundancy. Ms. Carrillo commented that some exam candidates don't actually follow through with paying

for the license fee, after which time Dr. Campbell and Dr. Barrington stated this necessitates the Board needing to continue ratifying licenses.

On a motion duly made by Edward Barrington, seconded Jeffrey Reinhardt, and approved unanimously, it was

RESOLVED to ratify licenses for Tyler Best, Truman Davidson, Crystal Glaser, Laura Homacki, Laura Huling, and James Peterson.

Review Applications

The Board then moved to reviewing and approving continuing education applications. For the purpose of explaining the protocol to the new Board members, Ms. Carrillo stated that—prior to Board review—all continuing educations are first presented to Dr. Fred Risch for his recommended approval. Ms. Carrillo stated that for the current batch, Dr. Risch has recommended that the Board approve all courses. Dr. Holt commented that while Dr. Risch has greatly enjoyed this delegated task, he had expressed an interest in passing the initial reviewer roll onto another Board member. Dr. Holt added that Dr. Heston may be suitable for this role as he still would like to be involved with the Board to some extent.

TASK:

Ms. Carrillo will contact Dr. Risch and Dr. Heston as to whom would be the initial reviewer for continuing education applications.

Dr. Barrington provided the new Board members with clarification in stating that when a chiropractor is seeking credit for participation in a course or seminar, the chiropractic college or the chiropractor submits an application with the required fee. Dr. Barrington further stated that courses are typically approved if they are offered by a chiropractic college or PACE, but that topics such as chiropractic philosophy are usually not approved. The Board reviewed the applications. Ms. Carrillo commented that for the purpose of familiarizing the new Board members with the review process, she included the check sheets to show what documents are required by regulation, but that these checksheets would not be provided for subsequent reviews.

On a motion duly made by Walter Campbell, seconded by Jeffrey Reinhardt, and approved unanimously, it was

RESOLVED to approve course 15278 – “Online: Spinal Trauma Pathology” offered by Texas Chiropractic College.

On a motion duly made by Walter Campbell, seconded by Jeffrey Reinhardt, and

approved unanimously, it was

RESOLVED to approve course 15280 – “Hormone Advanced Practice Module” offered by Northwestern Health Sciences University

On a motion duly made by Walter Campbell, seconded by Jeffrey Reinhardt, and approved unanimously, it was

RESOLVED to approve course 15281 – “Energy Advanced Practice Module” offered by Northwestern Health Sciences University.

On a motion duly made by Walter Campbell, seconded by Jeffrey Reinhardt, and approved unanimously, it was

RESOLVED to approve course 15282 – “Radiology Rounds, Current Cases” offered by Radiologic Consulting.

On a motion duly made by Walter Campbell, seconded by Jeffrey Reinhardt, and approved unanimously, it was

RESOLVED to approve course 15320 – “Optimizing Musculoskeletal Health” offered by Northwestern Health Sciences University.

On a motion duly made by Walter Campbell, seconded by Jeffrey Reinhardt, and approved unanimously, it was

RESOLVED to approve course 15321 – “2016 IAACN Scientific Symposium” offered by Texas Chiropractic College.

On a motion duly made by Walter Campbell, seconded by Jeffrey Reinhardt, and approved unanimously, it was

RESOLVED to approve course 15322 – “2016 TCC Annual Convention and Homecoming” offered by Texas Chiropractic College, with the exception of two hours in the topic of philosophy.

Correspondence

The Board discussed the correspondence piece under Agenda Item #6.

Agenda Item 7 Budget Report/Division Update

Time: 11:01 a.m.

Division Director, Janey Hovenden and Administrative Officer, Martha Hewlett joined the room telephonically at 11:01am.

Division Director, Janey Hovenden and Administrative Officer, Martha Hewlett left the room telephonically at 11:34am.

Hearing nothing further on correspondence, Ms. Carrillo informed the Board that Division Director, Janey Hovenden and Administrative Officer, Martha Hewlett would be working with the Board via teleconference to present their fee analysis. During the Board's last meeting, the Board was informed that their fee analysis would take place in April—Ms. Carrillo had spoken with Martha Hewlett prior to this May meeting and had arranged to have a laptop present for working out the numbers in an excel workbook. Prior to the meeting, the Board was informed that they would be experiencing fee increases. The Board reviewed the Division's recommendations of proposed fee changes, which included the following:

- \$100 increase to the initial application fee - \$250
- \$200 increase to the locum tenens permit application fee - \$250
- \$200 increase to the courtesy license application fee - \$250
- \$50 increase to the temporary license fee - \$150
- \$50 increase to locum tenens permit fee - \$150
- \$50 increase to courtesy license fee - \$150
- \$150 increase to license fee - \$600
- \$150 increase to renewal fee - \$600
- \$50 increase to inactive license fee - \$150
- \$50 increase to retired license fee - \$150
- \$25 increase to specialty designation fee - \$50
- \$100 increase to exam fee - \$200
- \$50 increase to continuing education fee - \$100
- \$25 increase to continuing education change fee - \$50
- \$50 increase to delayed renewal penalty fee - \$100
- \$250 increase to peer review penalty fee - \$300

Ms. Carrillo commented that the Board rarely receives locum tenens applications or courtesy license applications, but that there may be an anticipated influx of the latter following the Board's expansion of the scope of this license type. Ms. Carrillo also commented that the

most common application submitted to the Board is continuing education, such that the Board may want to make adjustments to the continuing education fee.

Director Hovenden and Ms. Hewlett joined the room to present the Board's FY16 1st-3rd quarter report. Ms. Hewlett informed the Board that their budget report reflected a non-renewal year, with which the Board ended at a total licensing revenue of \$17,835 with \$41,956 in personal services included in the total direct expenditures of \$50,828. She added that the Board's ending cumulative surplus was at \$32,907. Ms. Hewlett also touched on travel and contractual services included in direct expenditures. Ms. Hewlett then directed the Board's attention to the 7100 series of the collocation code breakdown for pay determinations based on account name (function).

The Board expressed a concern in the numbers not making sense in fact that the Board was in a \$23,495 deficit after ending with a surplus in preceding years. After the Board's discussion on fees, they ultimately decided to keep the Peer Review fee at \$50.00, however, they wanted to increase the continuing education fee by \$75.00, with a proposed new fee of \$125.00 per application.

Dr. Holt called for break at 11:34am.

Off record at 11:34am

On record 11:48am

On a motion duly made by Daniel Holt, seconded by Walter Campbell, and approved unanimously, it was

RESOLVED to keep the Peer Review fee at \$50.00 and increase the continuing education fee by \$75.00 to a total of \$125.00

Agenda Item 8 Old Business

Time: 11:48 a.m.

Review Goals and Objectives

Hearing nothing further on the budget report, Dr. Holt moved to discussion on reviewing the Board's goals and objectives. Dr. Holt stated that all goals remained relevant, but that Goal 3, Objective 4 could be removed as it had been met.

On a motion duly made by Walter Campbell, seconded Edward Barrington, and approved unanimously, it was

RESOLVED to remove Goal 3, Objective 4.

TASK:

Ms. Carrillo will remove Goal 3, Objective 4 in the Board's Goals and Objectives for FY16.

At its previous meeting and after suggestion by previous Board chair, Dr. James Heston, the Board tasked Dr. Barrington with adding a Goal 7 with two objectives pertaining to national background checks and contracting rights for impaired physicians. The Chiropractic Board's intent for inclusion into these areas fall within centralized licensing statutes, AS 12.62.400 and AS 08.01.050, respectively. The Board reviewed Dr. Barrington's draft, and Ms. Carrillo suggested to the Board to alter the wording of "centralized" since AS 12.62.400 is actually not a centralized licensing statute. Ms. Carrillo also commented that in addition to pursuing inclusion into this statute, they would need to pursue this change in AS 08.20.

On a motion duly made by Edward Barrington, seconded Jeffrey Reinhardt, and approved unanimously, it was

RESOLVED to approve Goal 7, *"The Board will endeavor, through the legislative process, to add the Board of Chiropractic Examiners to relevant centralized and non-centralized statutes that enhance the profession and its administrative efficiency.*

Objective 1: The Board will pursue authority to utilize National Criminal History Record checks under AS 12.62.200, and will pursue similar authority under AS 08.20.

Objective 2: The Board will pursue inclusion into AS 08.01.050(d) for the purpose of providing licensed chiropractors the resources needed to address abuse of alcohol, drugs, or other substances.

Goal 1: Carry out assigned duties of the board:

Objective 1: Conduct a minimum of three board meetings a year and rotate the location of the meetings between different regions of the state.

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 Division investigative staff regarding disciplinary actions, probation matters, criminal history record information 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 5:* Continue to review and process requests for continuing education credit approval in a timely manner.
- Objective 6:* Continue to administer the jurisprudence exam concurrent with Board meetings and to include candidate interviews as part of the examination.

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:* Continue to address the reporting requirements for domestic violence and sexual assault.
- Objective 7:* Support efforts to educate the public regarding the benefit of chiropractic care as a health care form.
- Objective 8:* Raise awareness regarding public health, emergency training, hazardous materials and OSHA requirements.
- Objective 9:* Ensure current information is available on the Board website through regular updates by staff and regular monitoring by Board members.

Goal 3: Continue affiliation with the Alaska Chiropractic Society (ACS) to work cooperatively in the best interest of the profession and the public.

- Objective 1:* Encourage regular Alaska Chiropractic Society (ACS) participation at Board meetings.
- Objective 2:* Support the Alaska Chiropractic Society (ACS) in its efforts to provide information to the profession and the public.
- Objective 3:* Support the Alaska Chiropractic Society (ACS) in its efforts in pursuing statutory changes relevant to the profession and public safety.
- Objective 4:* Support the Alaska Chiropractic Society (ACS) in pursuing statutory authority for licensing chiropractic assistants, technicians and interns/preceptors.
- Objective 5:* Support the Alaska Chiropractic Society (ACS) in its efforts in pursuing a statutory change to allow for animal chiropractic in cooperation with the Veterinary Board.

Goal 4: Access and evaluate regulations.

- Objective 1:* Continue to assess and evaluate continuing education requirements.

- Objective 2:* Continue to assess and evaluate radiological safety, professional ethics and boundaries, public health and emergency training.
- Objective 3:* Proactively make recommendations through regulations to anticipate changes in the health industry.

Goal 5: Assess and evaluate the review process available through the Peer Review Committee.

- Objective 1:* Refine procedures for committee review of cases and the reporting process; consider establishing criteria (guidelines) for utilization review under 12 AAC 16.430.
- Objective 2:* Direct review inquiries to the committee.
- Objective 3:* Keep the committee roster fully staffed with three chiropractors and one public member at all times.

Goal 6: 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), as well as the Council on Licensure, Enforcement and Regulation (CLEAR) and the Federation of Associations of Regulatory Boards (FARB):

- Objective 1:* Promote attendance of Board members and staff at district and annual meetings of the FCLB and NBCE in order 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 semi-annual 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.
- Objective 5:* Promote attendance by Board members and staff at the annual CLEAR and/or FARB conferences.

Position Statements

The Board had previously addressed writing position statements on injectable nutrients, advertisement of free services, and sexual harassment. It was stated that more information was needed to complete these.

On a motion duly made by Walter Campbell, seconded Edward Barrington, and approved unanimously, it was

RESOLVED to table the position statements for injectable nutrients, advertisement of free services, and sexual harassment until the Board's next scheduled meeting.

Myoscience/Iovera^o Update

Myoscience/Iovera^o has been an ongoing discussion amongst the Board since September, 2015. Through attorney, Amy Welch, Drs. Shannon and McAfee submitted a request for reconsideration for the Board to accept the device (Iovera^o) as an acceptable form of cryotherapy treatment for therapeutic purposes. At its last meeting on January 22nd, 2016, the Board approved the request for reconsideration, but decided to table further discussion until manufacturing company, Myoscience, clarified whether there was a specific recommended anesthetic and method of administration. Subsequent to the January meeting, Dr. Barrington contacted Myoscience for clarification on this issue, as well as whether they would sell the device to chiropractors. The company issued a response saying that they would not sell to chiropractors, only to medical physicians.

In a letter dated April 18th, 2016, Drs. McAfee and Shannon asked the Board to specifically answer the following questions:

- 1.) If cryotherapy falls within scope of AS 08.20.900 (cryotherapy is mentioned in the scope)
- 2.) Whether Iovera is surgery as defined by 12 AAC 16.990(b)(2)

The Board deliberated on this issue.

The Board's attorney, Harriet Milks entered the room at 12:01pm.

The Board's attorney, Harriet Milks left the room at 12:10pm.

Amy Welch addressed the Board on behalf of Dr. McAfee and Dr. Shannon regarding the topic of Iovera, a cryotherapy product developed by Myoscience. In 2015, the Board via the licensing examiner, Ms. Carrillo, informed Myoscience that Iovera was not within the scope of chiropractic as Myoscience specifically asked Ms. Carrillo whether lidocaine was accepted. Lidocaine, being a prescription drug, is not allowed per Alaska Statute, 80.20.900(3), and as such, Myoscience was informed that it was not within the scope. Drs. McAfee and Shannon had since indicated that if permitted to administer the device, lidocaine would not be used. Citing 12 AAC 16.990(b)(2), Ms. Welch asserted that Iovera does not fall within the definition of surgery, using the analogy that flu shots, tattoos and piercings would be considered surgery under this theory. Ms. Welch further added that who Myoscience chooses to sell their product to is irrelevant, as their clients may change over time. Myoscience had previously indicated that they could not sell to non-medical physicians due

to their FDA clearance. Ms. Welch urged the Board to focus on whether said device fell within the definition of surgery under their specific statutes and regulations, 08.20 and 12 AAC 16, respectively.

Dr. Barrington suggested that the Board go into executive session. Attorney, Harriet Milks first clarified that there was no current adjudication; that no chiropractor involved was being disciplined, and as such, it was recommended that executive session was not appropriate. Dr. Campbell disagreed, and inquired to the Board what they wanted to do. The Board ultimately decided to go into executive session under attorney-client privilege.

On a motion duly made by Dr. Barrington, seconded by Walter Campbell, and in accordance with AS 44.62.310, the Board unanimously moved to enter executive session for the purpose of discussing AS 44.62.310(4). Staff, Ms. Carrillo and attorney, Harriet Milks would be present for discussion.

Off Record at 12:12 a.m.

On Record at 12:54 a.m.

The Board's attorney, Harriet Milks entered the room at 12:12pm.

The Board's attorney, Harriet Milks left the room at 1:37pm.

The Board came out of executive session to vote on Iovera, as no vote was made during executive session.

On a motion duly made by Edward Barrington, seconded by Jeffrey Reinhardt, and approved by the majority of the Board, it was

RESOLVED to approve the use of Iovera as it does fit in the scope of chiropractic as an acceptable form of cryotherapy under AS 08.20.900(9)(c) and does not constitute the incision of living tissue as prohibited practice under 12 AAC 16.900(2)(a), if not used with prescription drugs as prohibited in AS 08.20.900(b)(1).

Dr. Holt recused from voting due to personal reasons.

Agenda Item 12 Investigative Report

Time: 1:30 p.m.

Brian Howes joined the room telephonically at 1:30pm.

Brian Howes left the room telephonically at 1:32pm.

Investigator, Brian Howes joined the room telephonically to present the Board's investigative report, which included activity from January 21st, 2016 through May 1st, 2016. Mr. Howes directed the Board to the paper report, which stated that the Division had opened four files, closed five matters, and that two matters remain open. The two open matters relate to sexual misconduct and a criminal action-conviction.

Agenda Item 9 Peer Review Committee

The Board did not discuss matters relating to the Peer Review Committee as they were behind schedule; however, Dr. Holt stated that he would be handing off his Board liaison position to Dr. Jeffrey Reinhardt.

Agenda Item 11 Public Comment

Time: 1:15 p.m.

No one was available for public comment.

Agenda Item 10 Lunch

Time: 1:40 p.m.

The Board went to lunch at 1:40pm.

Off record at 1:40am

On record 2:42am

Agenda Item 8 Old Business

Time: 2:43 a.m.

The Board returned to Agenda Item #8 to address SB69.

SB69 Update:

As S69 was signed by the Governor, and because Dr. Barrington dedicated a lot of time and resources to advocate for this bill, Dr. Holt presented Dr. Barrington with the pen.

Agenda Item 13 New Business

Time: 2:45 p.m.

Administrative Management Companies

Dr. Reinhardt addressed administrative management companies and their efforts to sidestep reimbursements by claiming some procedures to be experimental. The Board deliberated this, as it is a coding and state insurance plan issue that could greatly impact the integrity of a chiropractor's practice.

TASK:

Dr. Reinhardt will work on a position statement for valid therapies under chiropractic manipulation. Dr. Barrington will advise as necessary.

Regulation Projects

- Courtesy License 12 AAC 16.205 (amendment approved 01/22/16)
- Specialty Designation, 12 AAC 16.047 (amendment approved 01/22/16) – IBCN needs to be added to regulation.
- NBCE Exams, 12 AAC 16.033(7) and 12 AAC 16.037(b) – The Board reviewed Dr. Heston's suggestions on clarifying NBCE exam requirements, which includes the suggestion to reword as follows:

"12 AAC 16.033. Application for Licensure by Credentials. (7) An official grade transcript sent directly to the Department from the National Board of Chiropractic Examiners showing that the applicant has successfully passed the Special Purposes Examination of Chiropractic (SPEC), or parts 1-4 of the national examination"

"12 AAC 16.037. National Examination Requirements. (b) An applicant who has been in the active practice of chiropractic for five continuous years before the date of application for a license in the state may substitute successful passage of the Special Purposes Examination of Chiropractic (SPEC) of the National Board of Chiropractic Examiners for Parts 3 and 4 of the national examination."

- Surgery, 12 AAC 16.990(b)(2)(A) – Dr. Heston also suggested to the Board to review and clarify the definition of surgery.
- Continuing Education, 12 AAC 16.290 – Dr. Heston also suggested to the Board to review and clarify the hours of continuing education required.

The Board will continue discussing regulations projects.

Agenda Item 14 FCLB/NBCE Updates

Time: 3:16 p.m.

Dr. Holt shared with the Board an update on the FCLB/NBCE conference in Phoenix, AZ, and expressed the experience as satisfactory. Dr. Holt commented that he attended a session on spinal disc pathology and was able to hear a lecture by Dr. Wayne Wolfson, a leading chiropractor on the topic of malpractice insurance. Dr. Holt also express his satisfaction in being able to attend the Joseph Janse lecture. Ms. Carrillo provided the Board with an update CBAC, including discussions on the online jurisprudence exam, mycourse for CCCA, CIN-BAD, online continuing education, and other statutes/regulations by state. Ms. Carrillo also

discussed EBAS (Ethics and Boundaries Assessment Services), which is a tool that Boards can use to help guide disciplinary actions.

Dr. Holt commented that the next FCLB/NBCE conference would be held in Orlando, Florida, in which Dr. Campbell would be in attendance. Dr. Holt also expressed his interest in attending the regional meeting in Colorado Springs in October.

Agenda Item 15 ACS Update

Time: 3:35 p.m.

Todd Curzie joined the room telephonically at 3:35pm.

Todd Curzie left the room telephonically at 3:41pm.

Todd Curzie joined the room to present the ACS report as Sheri Ryan was unavailable. On behalf of the ACS, he expressed his excitement in the passing of Senate Bill 69. Dr. Curzie also commented on the ACS Annual Convention, which is slated to occur October 6-8, 2016 in Anchorage and will provide sufficient continuing education opportunities to meet Alaska renewal requirements.

Agenda Item 16 Administrative Business

Time: 3:42 a.m.

Wall Certificates

The Board signed wall certificates for James Petersen and Tyler Best.

Set Meeting Dates

The Board set their subsequent meeting dates for October 6th, 2016 in Anchorage, and January 27th, 2017 in Juneau.

Board Travel

The Board discussed Board travel for the NBCE Part IV exam, FCLB/NBCE conference and FCLB regional meeting. Travel for the following members/events are requested:

- Dr. Barrington: NBCE Part IV exam proctoring, November 2017
- Dr. Campbell/Ms. Carrillo: FCLB/NBCE conference, May 3-7, 2017 in Orlando, FL
- Dr. Holt: FCLB regional meeting, October 13-16 in Colorado Springs, CO

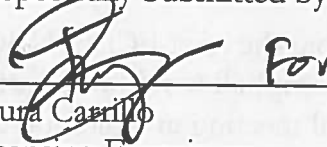
Agenda Item 17 Adjourn

Time: 4:02 p.m.

The Board adjourned the meeting at 4:02 p.m.

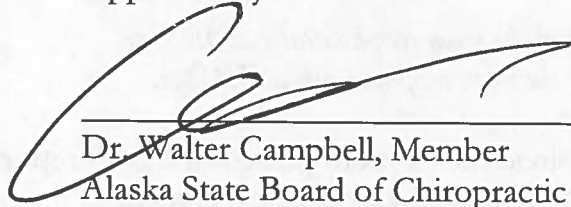
Respectfully Submitted by:

Thomas Bay



Laura Carrillo
Licensing Examiners

Approved by:



Dr. Walter Campbell, Member
Alaska State Board of Chiropractic Examiners