

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

October 6th, 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 Captain Cook Hotel, Resolution Room in Anchorage, Alaska on Thursday, October 6th, 2016 beginning at 8:41 a.m.

Agenda Item 2 Call to Order

Time: 9:10 a.m.

Joseph Sullivan, Benjamin Andrews, Rhiannon Ellingson, Nellie Keys, and Lance Lorio entered the room for their oral interviews with the Board. Chair, Dr. Daniel Holt informed all examination candidates of the resources the Alaska Chiropractic Society has to keep licensees informed of issues, topics, and up-to-date laws related to the chiropractic profession.

It was noted that Rhiannon Ellingson needed to submit the required documents in addition to the license fee in order for her license to be issued.

Daniel Holt called for break at 9:30 a.m.

Off the record on 9:30 a.m.

On the record at 9:55 a.m.

Agenda Item 3 Call to Order

Time: 10:13 a.m.

The meeting was called to order by Chair, Daniel Holt at 10:13 a.m.

Board Members Present, constituting a quorum:

Dr. Daniel Holt, D.C., Chair
Dr. Edward Barrington, D.C.
Dr. Walter Campbell, D.C.
Dr. Jeffrey Reinhardt, D.C.
Mr. Wayne Aderhold, Public Member

Division Staff Present:

Laura Carrillo, Records & Licensing Supervisor
Brian Howes, Investigator

Members from the Public/Profession Present:

Dr. James Heston, D.C. and former Board Chair
Gerry Andrews, Apprenticeship Coordinator, DOL
Debbie Ryan, Alaska Chiropractic Society
Sheri Ryan, Alaska Chiropractic Society
Dr. Todd Curzie, D.C., Alaska Chiropractic Society
Dr. John Pairmore, D.C., Alaska Chiropractic Society

Agenda Item 2 Review Agenda

Time: 10:13 a.m.

Dr. James Heston entered the room at 10:20 a.m.

Dr. James Heston left the room at 11:15 a.m.

Upon calling the meeting to order, the Board discussed amending their agenda in order to listen in on the Alaska Worker's Compensation Board meeting via teleconference.

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

RESOLVED to amend the agenda for the purpose of calling into the Alaska Worker's Compensation Medical Services Review Committee (MSRC) Board meeting to testify in regards to fee schedules and reimbursement limitations for chiropractors.

The Board called into the Worker's Compensation Board Meeting, where public commenters were informed that their testimony would be limited and that any comments related to *proposed* regulations would not be heard—only those relating to current regulations. The Board listened to Sheri Ryan (Chief Operating Officer, ACS) testify regarding MSRC

coding guidelines and Medicare reimbursement as established by the American Medical Association (AMA). The hot topic issue here is in regards to the denial of reimbursement for certain procedures and diagnostic tests provided by chiropractic physicians that are otherwise reimbursed to MD's, DO's, other physicians and non-physicians, even when using the same billing codes. Sheri Ryan commented that the codes used by chiropractic physicians are acceptable in their scope and are in their standards of care, however, AK MSRC limits the types of codes chiropractors can be reimbursed for, while only reimbursing for adjustments. Dr. Todd Curzie, D.C. also testified on this unequal opportunity for health care services reimbursement presents an apparent disservice to the chiropractic profession, which he stated poses unnecessary time and resources filing and joining claims.

The AK MSRC called for other public commenters, at which point Dr. Daniel Holt indicated that the Alaska Board would like to offer comments and asked if would be appropriate for former chair, Dr. James Heston to also testify. The AK MSRC entertained the Board's and Dr. Heston's comments.

Dr. Holt introduced himself to the AK MSRC and indicated he has been a practicing chiropractor in Alaska for 25 years. Dr. Holt clarified that the concerns are in regards to limitation in payment services, not reimbursement of exams, x-rays, or extremities adjusting, which greatly restricts are scope of practice and impacts the profession economically.

Dr. James Heston asserted that the limitations are discriminatory against the Alaska chiropractic workforce, and stated that the MSRC didn't comment on reducing the services, as gleaned from a review of the organization's meeting minutes. Dr. Heston reiterated the concern that such limitations impede on the treatment of patients, and Dr. Barrington stated that it boils down to restraint of trade.

Dr. Campbell commented to the Board that the Board explicitly regulates x-ray, and by the MSRC denying coverage for this service, it essentially implies that x-ray is not a necessary or acceptable component of chiropractic scope of practice. Dr. Campbell suggested writing a letter to the MSRC regarding chiropractic statutes, and the contradictions and limitations their policies are creating, which the Board was receptive to.

Daniel Holt called for break at 11:15 a.m.

Off the record on 11:15 a.m.

On the record at 11:27 a.m.

Agenda Item 5 Review Minutes

Time: 11:27 a.m.

The Board reviewed the meeting minutes from May 20th, June 16th, and September 28th, 2016. Dr. Holt commented that on page 2 of the minutes to correct “he” to “she” for Dr. Ball.

On a motion duly made by Edward Barrington, seconded by Wayne Aderhold, and approved unanimously, it was

RESOLVED to approve the May 20th meeting minutes as amended and the June 16th and September 28th minutes as is.

Agenda Item 6 Board Business

Time: 11:30 a.m.

Ethics –

No ethics to report

Ratify New Licenses –

The Board recalled the exam candidates from the previous meeting in May. It was noted that Rebecca Fidler had not yet paid for or received her license, and would be excluded from the ratification list.

On a motion duly made by Edward Barrington, seconded by Wayne Aderhold, and approved unanimously, it was:

RESOLVED to ratify the licenses for Josephine Ball, Kyle Bergquist, Aimee Burgess, Joshua Fidler, Luke Waack, and Richard Woolley.

Philosophy as an approved subject per 12 AAC 16.320 –

Dr. Barrington addressed the topic of philosophy as related to the concepts of chiropractic scope. The Board discussed possibly adding clarifying language to this regulation, but ultimately it was decided that no amendments were needed to be made.

Sheri Ryan entered the room at 11:36 a.m.

Sheri Ryan left the room at 11:38 a.m.

Sheri Ryan entered the room following the public comment period with the AK MSRC, and the Board applauded her for her insightful and assertive testimony.

Review Continuing Education Applications –

The Board reviewed continuing education applications.

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

RESOLVED to approve course #15499 – “Game Change Strategies for Nervous System Health” submitted by licensee, Keri Mell on behalf of Standard Process Northwest

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

RESOLVED to approve course #15513– “Primary Spine Care Symposium” submitted by Texas Chiropractic College

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

RESOLVED to approve course #15530– “Chiropractic Personal Injury Power Seminar: How to Improve your MVA Billing, Coding & Documentation & Case Management” submitted by licensee, William Ross on behalf of The Strategic Chiropractor

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

RESOLVED to table review of course #15541– “School of Nursing Baccalaureate Curriculum” submitted by licensee, Stephen Lowe pending receipt of clarifying information regarding specific classes he seeks approval for

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

RESOLVED to approve course #15542– “Morphogenic Field Technique – An Herbal Approach” submitted by Texas Chiropractic College

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

RESOLVED to approve course #15543– “2016 ICA Annual Conference on Chiropractic & Pediatrics” submitted by Palmer College of Chiropractic

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

RESOLVED to approve course #15545– “FCA SW Regional Convention 2016” submitted by Florida Chiropractic Association

Draft regulations in accordance with SB69 –

The Board decided to take a lunch and would resume drafting regulations upon return.

Agenda Item 10 Lunch

Time: 12:05 p.m.

Upon a motion made by Dr. Holt, with unanimous approval, it was **RESOLVED** to break for lunch at 12:05 p.m.

Off record at 12:05 p.m.

On record at 1:20 p.m.

Agenda Item 7 Division Update

Time: 12:00 a.m.

There was no Division update.

Agenda Item 6 Board Business

Time: 11:30 a.m.

The Board resumed discussion of drafting regulations under Board Business. The Board anticipated Dr. Heston to participate in the discussion regarding regulation drafts for SB 69. As Dr. Heston was not yet in attendance, the Board decided to discuss other regulation projects.

The Board confirmed the proposed changes to 12 AAC 16.033(7), 12 AAC 16.037(b), 12 AAC 16.048(a)(6), 12 AAC 16.205(j), 12 AAC 16.290(a), 12 AAC 16.290(e)(1), 12 AAC 16.290(e)(2), and 12 AAC 16.290(f) that were discussed at previous meetings.

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

RESOLVED to table discussion of regulation drafts for SB 69 until Dr. Heston arrived to the meeting.

Agenda Item 11 Public Comment

Time: 1:15 p.m.

Nobody from the public was available for public comment.

Agenda Item 8 Old Business
(For Agenda Item 14, ACS Update)

Time: 1:25 p.m.

Gerry Andrews, Apprenticeship Coordinator, Department of Labor entered the room at 1:25 p.m.

Gerry Andrews, Apprenticeship Coordinator, Department of Labor left the room at 1:46 p.m.

Brian Howes, Investigator entered the room at 1:30 p.m.

Brian Howes, Investigator left the room at 1:55 p.m.

As part of the ACS Update, Gerry Andrews from the Department of Labor joined the room early to discuss apprenticeships under chiropractors. The Board decided to hear his presentation at this time instead of at the time of the scheduled ACS Update at 2:30 p.m.

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

RESOLVED to table discussion of position statements until after Gerry Andrews makes his presentation on apprenticeship for CCCA.

Mr. Andrews distributed a hand out to the Board. The program was designed by Mr. Andrews for the Alaska Chiropractic Society and is intended to serve as a tool in developing guidelines for apprenticeship integration into the profession. Mr. Andrews informed the Board that it grew out of concerted efforts between the American Apprenticeship Initiative (AAI) and the US Department of Labor is a two-year program at a total cost of \$4,000. It entails on the job learning with direct theoretical instruction at a training frequency of 40 hours per week, would prepare apprentices for the standardized FCLB examination, but would ultimately require certification via successful testing offered by the Department of Labor. He further indicated that the program has received grant funding to pay for the start-up program, and covers career path programs for high school students wanting to enter the health profession as a medical office assistant, community health worker, or apprentice. Mr. Andrews also added that the program exceeds the requirement of the Federation of Chiropractic Licensing Boards (FCLB) as well as recently passed legislation, SB69, in which CCCA's are addressed. Brian Howes, the Division's Investigator inquired as to whether apprentices would be required to complete continuing education activity in order to maintain registration as an apprentice, to which Mr. Andrews confirmed.

Agenda Item 2 Investigative Report

Time: 1:46 p.m.

Brian Howes, Investigator entered the room at 1:30 p.m.

Brian Howes, Investigator left the room at 1:55 p.m.

Brian Howes joined the room early to present the Investigative report to the Board.

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

RESOLVED to hear the Investigative report before returning to discussion on drafting regulations.

Brian Howes presented the Board's Investigative report, which included activity from May 1st, 2016 through September 30th 2016. Mr. Howes stated that the Division opened four files and closed five matters. One matter is currently open.

Mr. Howes reverted back to the discussion on CCCA's, to which Dr. Campbell and Dr. Barrington clarified that chiropractors have the authority to employ CCCA's but that the Board wasn't currently regulating or licensing them. Dr. Barrington stated that the cost of licensing CCCA's would cost exponentially more than licensing chiropractic physicians.

Agenda Item 8 Old Business

Time: 1:55 p.m.

Dr. Barrington addressed position statements, and commented that Dr. Reinhardt would be participating in the drafts of previously tabled and new position statements.

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

**RESOLVED to table discussion of the following position statements:
Injectable Nutrients, Advertising of Free Services, Sexual Harassment, Valid
Therapies Under Manipulation, Massage Therapists Under Chiropractic Licenses**

TASK:

Dr. Barrington and Dr. Reinhardt will work together on tabled and new position statements.

Agenda Item 6 Board Business

Time: 2:06 p.m.

Dr. James Heston entered the room at 1:55 p.m.

Dr. James Heston left the room at 2:15 p.m.

Draft regulations in accordance with SB69 –

The Board moved back to discussing regulations in accordance with SB69. Dr. Heston was present to discuss this topic, and stated that Alaska would be the first to set specific state regulations for CCCA's.

Dr. Barrington addressed the regulation draft provided by Ms. Carrillo and indicated that the Board would need to closely review the document and make corrections as necessary in accordance with SB69.

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

RESOLVED to table the discussion on draft regulations for SB69 until Dr. Barrington and Dr. Heston can meet to refine the proposed regulations.

TASK:

Dr. Barrington and Dr. Heston will work together on the proposed regulations in accordance with SB69.

Agenda Item 9 Utilization Review Committee Time: 2:15 p.m.

Dr. Holt addressed the Utilization Review Committee and indicated that he spoke with some of the members regarding reappointment. Ms. Carrillo and the Board discussed extending terms.

TASK:

Ms. Carrillo will create an interactive letter with a digital signature for the existing utilization review committee members to sign in order to document their agreement to extend their terms.

Agenda Item 14 ACS Update Time: 2:33 p.m.

Sheri Ryan, Debbie Ryan, Todd Curzie, and John Paimore joined the room at 2:33 p.m.

Sheri Ryan, Debbie Ryan, Todd Curzie, and John Paimore left the room at 2:52 p.m.

The ACS staff joined the room to review the public comment period with the AK MSRC. Sheri Ryan commented that the testimonies demonstrated solidarity of the chiropractic profession through the coordinated mobilizing efforts of the ACS and the Board to make salient the restraint of trade imposed on the profession by the MSRC. The ACS commented

that writing a letter to the MSRC and cc'ing the governor would strengthen their efforts in finding resolve.

Debbie Ryan commented that the AK MSRC seems to not acknowledge that the denial of reimbursements/acceptance of billing codes isn't based on the fact that services are being provided by *chiropractors*, but rather that the issue is the discrepant limitations on coverage despite billing codes being the same between healthcare professions.

TASK:

Dr. Holt and Dr. Campbell will write a letter on the profession's position on MSRC limitations.

Agenda Item 13 New Business

Time: 2:45 p.m.

Continuing Education Documents –

Ms. Carrillo distributed continuing education handouts, including a FAQ's document and information on how to access the online jurisprudence review.

HB316 –

The Board would keep this topic on their radar for subsequent meetings.

Insurance Companies/Chiropractic Audit Concerns –

Dr. Reinhardt moved to discussion on being randomly audited by Aetna and withholding payments for services. This discussion would tie into the position statement on Valid Therapies, which has been tabled.

Agenda Item 15 Administrative Business

Time: 2:55 p.m.

The Board signed wall certificates for Tara Workman and Natalie Phelps and discussed their next meeting dates. The Board agreed to hold a two-day meeting to have enough time to draft regulations, possibly from January 19th-20th or January 27th-28th.

Agenda Item 16 Adjourn

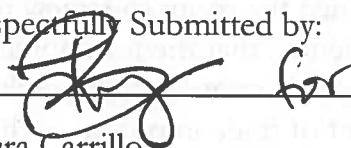
Time: 3:05 p.m.

Upon a motion made by Walter Campbell and seconded by Jeffrey Reinhardt, with unanimous approval

It was **RESOLVED** to adjourn at 3:05 p.m.


Thomas Berg

Respectfully Submitted by:



Laura Carrillo
Records & Licensing Supervisor

Approved by:



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