

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
4 BOARD OF CHIROPRACTIC EXAMINERS

5
6 MINUTES OF MEETING
7 Friday, February 12th, 2021
8

9 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a
10 scheduled meeting of the Board of Chiropractic Examiners was held via Videoconference on February
11 12th, 2021.
12

13 **Agenda Item 1** Call to Order/Roll Call

14
15 The meeting of the Board of Chiropractic Examiners was called to order by Dr. Brian Larson, Chair at
16 10:13 a.m.
17

18 **Board Members present, constituting a quorum:**

19
20 Brian Larson, Doctor of Chiropractic
21 Jonathan Vito, Doctor of Chiropractic
22 James Morris, Doctor of Chiropractic
23 John Lloyd, Doctor of Chiropractic
24 Vacant, Public Member
25

26 **Division Staff present were:**

27
28 Tracy Wiard, Occupational Licensing Examiner
29 Thomas Bay, Occupational Licensing Examiner
30 Joseph Bonnell, Licensing Supervisor
31 Cori Hondolero, Executive Administrator, Board of Public Accountancy
32 Jasmin Bautista, Investigator (*present at 1:15 p.m.*)
33 Sara Chambers, Division Director (*via videoconference at 10:30 a.m. and 2:35 p.m.*)
34 Renee Hoffard, Marine Pilot Coordinator
35

36 **Public Joining Telephonically:**

37
38 Sheri Ryan, Chief Operating Officer, Alaska Chiropractic Society
39 Debbi Ryan, Executive Officer, Alaska Chiropractic Society
40 Zachary Kennedy, Chief Auditor, Division of Legislative Audit
41 Lewis Pagel, Doctor of Chiropractic
42 Edward Barrington, Doctor of Chiropractic
43 Greg Sampson, Psychometrics Researcher and Consultant
44

45 **Agenda Item 2** Ethics Report **Time: 10:15 a.m.**

46
47 Dr. Larson reviewed the ethics information for the board and asked if there were any ethics violations or
48 potential violations for any member to report.
49

50 There were no violations or potential violations to report and the board moved on to the next topic.

51 **Agenda Item 3** Review/Approve Agenda **Time: 10:17 a.m.**

52

53 Dr. Larson directed the board to review the agenda and make any additions, revisions and suggestions.

54

55 OLE Wiard asked the board to discuss an applicant who was scheduled to take the juris prudence before
56 today's meeting. OLE Wiard stated the applicant did not receive his examination packet in the mail
57 before the juris prudence exam; the applicant had and up to date address but resided out of state and
58 the mail has been slower due to covid-19.

59

60 **On a motion duly made by Jonathan Vito, seconded by James Morris, and approved unanimously by a**
61 **roll call, it was:**

62

63 **RESOLVED to amend the agenda to add the discussion of an applicant who did not receive his**
64 **juris prudence exam packet by mail to take the juris prudence exam when he receives it, to be**
65 **added at the agenda at the same time as ratification of new licenses, agenda item 15.**

66

67 **Agenda Item 4** Review/Approve Meeting Minutes **Time: 10:20 a.m.**

68

69 The board reviewed the meeting minutes from November 13th, 2020 board meeting.

70

71 **On a motion duly made by Jonathan Vito, seconded by James Morris, and approved by majority**
72 **through roll call, it was**

73

74 **RESOLVED to approve the meeting minutes from the November 13th, 2020 meeting as written.**

75

76 **Agenda Item 5** Introduce New Board Members **Time: 10:21 a.m.**

77

78 Dr. Larson moved on to the next agenda item. Dr. Kanaday was not present at the board meeting as his
79 term is not set to begin until March 1, 2021. Dr. Vito was not sure if he was going to remain on the
80 board as he applied to renew his term and interviewed. OLE Wiard informed the board this would be
81 her last meeting with the board as she was leaving the Division of Professional Licensing.

82

83 **Agenda Item 6** Division Report **Time: 10:30 a.m.**

84

85 Director Chambers joined the meeting to provide the board with the division report. The first item
86 Director Chambers discussed with the board is their fiscal update for the second quarter of FY 2021. She
87 guided the board to the far-right column of the spreadsheet, which covers the boards revenues and
88 expenditures for the timeline provided.

89

90 Director Chambers asked the board if there were any questions regarding the report. Dr. Morris asked
91 how many licenses the board had last year vs. this year and why the board had a decline in licenses
92 which resulted in a loss of revenue for the board compared to the prior year. Director Chambers stated
93 she would get that information to OLE Wiard to pass on to the board. Dr. Larson asked if there were any
94 additional questions to which there were none.

95

96 The board moved on to discuss some legislative updates. Director Chambers provided an informational
97 document on house and senate bills and reviewed their descriptions for the board. Director Chambers
98 advised if so moved, board members could go online and look up bills; Director Chambers also reminded
99 the board that legislative information had been sent to OLE's and board members December 2020 and if
100 the board needed that information again let OLE Wiard know.

101

102 Dr. Larson asked about HB 4, wondering if there was any language in the bill that requires masks and

103 other COVID-19 precautions to be taken or if the bill was providing a blanket immunity in the event of a
104 lawsuit. Director Chambers stated she would double check; however, the bill was not intended to
105 prevent suits from gross negligence. Director Chambers stated she did not believe it would rise to the
106 level of a board action or standard, but bills do often change as they go through the legislative process.
107 Director Chambers advised the board that the division would inform them if any action was needed
108 once the bill is reviewed.

109
110 Dr. Vito asked where one could go to read the entire bill. Director Chambers informed the board that
111 anyone could go to akleg.gov, enter the bill number, and the bill information would be reflected.
112 Director Chambers reiterated that all of the legislative information was in the e-mail sent in December
113 and OLE Wiard would re-distribute that information for the board. Director Chambers continued to
114 cover bills that were to be discussed. The board paused the discussion with Director Chambers to
115 accommodate public comment.

116
117 **Agenda Item 7 Public Comment Time: 11:00 a.m.**

118
119 Dr. Larson asked if there were any members of the public that would like to make a comment on the
120 record for the board's consideration and stated he noticed Ed Barrington online. Mr. Barrington stated
121 he was just listening in and did not have a comment now.

122
123 There were no other attendees for public comment, so the board moved on to the next agenda item.

124
125 **Agenda Item 6 Division Report Continued Time: 11:03 a.m.**

126
127 Director Chamber continued to move the board through current bills in legislation. Dr. Larson asked if
128 chiropractors were considered physicians in the bill. Director Chambers stated most likely not, but she
129 had not read through the bill thoroughly at this time. Director Chambers asked if there were any
130 questions. There were no further questions from the board.

131
132 **Agenda Item 8 Legislative Scope of Practice Discussion Time: 11:15 a.m.**

133
134 The board was to address the conclusion to the scope of practice for chiropractic from the prior
135 meeting. Dr. Larson informed the board that he had a conversation with Director Chambers regarding
136 the board's regulation changes to their scope of practice. Dr. Larson stated regarding the regulations
137 the board wanted to change, it was concluded that the board needs to follow the recommendations of
138 the Department of Law (DOL); the DOL recommended the board withdraw the requested changes. The
139 board agreed and withdrew their submission.

140
141 Dr. Larson asked if there was a copy of the letter sent to the legislature requesting changes to the
142 board's statutes. Dr. Larson explained that the letter he and Dr. Norris drafted contained the conflicts
143 the board had with DOL getting the regulation changes. Dr. Larson asked if the review of the letter
144 could be postponed until this afternoon so he would have time to get the letter out to board members
145 for review.

146
147 **On a motion duly made by Jonathan Vito, seconded by James Morris, and approved by majority**
148 **through roll call, it was:**

149
150 **RESOLVED to amend the agenda to move the legislative scope of practice discussion to the**
151 **end of the meeting.**

152
153 **Agenda Item 9 Progress on the JP Exam Through NBCE Time: 11:20 a.m.**

154
155

156 Licensing supervisor Joe Bonnell addressed the board with updates of having the juris prudence exam
157 administered through National Board of Chiropractic Examiners (NBCE). Mr. Bonnell stated that there
158 was some new information and Greg Sampson would be addressing the board to provide a
159 presentation. Mr. Bonnell went on to explain that the division was looking at an online method of
160 administering exams; there are several programs that would be participating in this online exam
161 method. Mr. Sampson was in attendance to address the board and explain the details of the new online
162 system.

163
164 Greg Sampson presented the board with information regarding an online testing portal. Mr. Sampson
165 introduced himself to the board; specializes in psychometric consulting and is helping with licensure and
166 certification assessments within the division. Mr. Sampson informed the board his company provides
167 online assessments which board members could have access to. Mr. Sampson stated he is hoping to
168 purchase software to have testing provided across the state which would allow a test on demand. Mr.
169 Sampson went on to state tests are reviewed by subject matter experts for validity, readability, layout,
170 biases, correct content for knowledge measures, etc.

171
172 Mr. Sampson stated if the board wanted to use this system, the process is very straightforward; the first
173 step would be gathering subject matter experts, then scheduling deep calendaring to provide a timeline
174 for review and revision, create time(s) to review recommendation reports, then a straightforward report
175 is provided suggesting the testing and validity for the board to review.

176
177 Dr. Vito stated this review sounded like what the board was attempting to do by getting the exams
178 outsourced to the lower 48. Mr. Sampson stated the exams would be available wherever there was
179 internet connectivity. Mr. Sampson went on to state the exams would not need to follow a board
180 meeting cycle and could be taken by applicants as needed which would allow flexibility for test takers.

181
182 Mr. Bonnell stated if this is the path the board would like to pursue for the exams, then the board could
183 begin working with Mr. Sampson. Dr. Vito asked what the difference between timelines would be
184 between Mr. Sampson's proposals and the NBCE route. Mr. Sampson informed the board that once the
185 software is purchased to implement the tests, he would be really surprised if the process took over nine
186 months. Dr. Larson asked about the cost to administer the exams. Mr. Sampson stated that Deputy
187 Director Sharon Walsh and Cori Hondolero Executive Administrator, have information on costs. Mr.
188 Bonnell stated he had not been informed of the costs associated with the tests but would get that
189 information for the board. Mr. Bonnell also stated the process with NBCE could be mid to late summer,
190 but he would have to gather more information. Mr. Bonnell stated he would email the information to
191 the board. Dr. Larson stated the board would want the cost information and timeframes before
192 deciding which option to pursue.

193
194 **Agenda Item 10** **Highlights of the FCLB Meeting** **Time: 11:30 a.m.**

195
196 Dr. Larson stated there were no in person Federation of Chiropractic Licensing Boards (FCLB) meetings
197 due to COVID-19. Dr. Larson stated he was not able to attend and the next FCLB meeting is scheduled
198 for the last weekend of April 2021. Dr. Larson informed the board this meeting would also be taking
199 place online due to COVID-19; the board needs to appoint a voting representative and an alternate for
200 the meeting. Dr. Larson stated the voting member would be required to attend the meeting and vote.
201 Dr. Larson verified he believed the date of the meeting was May 2, 2021. OLE Wiard stated the meeting
202 takes place from April 28, 2021 – May 2, 2021. Dr. Larson stated he was unsure if board member(s)
203 need to attend both Friday and Saturday or just Saturday. OLE Wiard stated she was also unsure of the
204 exact date. Dr. Larson asked if this item could be tabled until the end of the meeting so the exact dates
205 of required attendance could be verified.

206
207 **On a motion duly made by Jonathan Vito, seconded by John Lloyd, and approved by majority through**
208 **roll call, it was:**

209 **RESOLVED to amend the agenda to move the FCLB delegate discussion to the end of the board**
210 **meeting after the legislative scope of practice discussion.**

211
212 **Agenda Item 11** **Potential Regulation Changes for Courtesy Licenses** **Time: 11:40 a.m.**

213
214 OLE Wiard explained to the board that there have been a couple of different requests from applicants
215 regarding the attainment of a courtesy license. OLE Wiard stated one out of state chiropractor wanted
216 to come to Alaska with his patient to provide care while the family was skiing in Alaska; the ski trip was
217 not an event in Alaska and did not meet the requirements for a courtesy license. OLE Wiard stated the
218 second scenario was a retired out of state chiropractor who wanted to come to Alaska to provide
219 chiropractic care to underserved populations in Alaska on a pro-bono basis.

220
221 Dr. Morris stated easing some of the requirements may be a good idea but was not sure about the two
222 scenarios presented to the board. Dr. Morris stated this seems like a tax structure issue for someone,
223 and is perhaps not, a valid reason to allow a courtesy license. Dr. Morris went on to state it would be
224 nice to ease some of the licensing restrictions for locum tenens providers and it is difficult to find
225 providers for coverage in the remote areas of Alaska. Dr. Larson stated the board has provisions for a
226 Locum Tenens license in the regulations already.

227
228 Dr. Lloyd addressed the board stating villages already have chiropractors or chiropractors who are
229 attempting to establish care in villages; the board may want to be aware of an already existing licensee
230 base. Dr. Lloyd stated there may be an issue from licensed chiropractors in the state who would be
231 competing against out of state chiropractors with a courtesy license providing pro-bono services. Dr.
232 Lloyd went on to state he wanted the board to determine if allowing this is appropriate for licensed
233 chiropractors already investing in the rural communities. Dr. Larson reiterated that this could be direct
234 competition and there is not really a need. Dr. Vito stated Alaska Native hospitals may be sending
235 chiropractors to the villages for people who may not be able to afford regular care. Dr. Lloyd stated
236 there are rural chiropractors who contract with Alaska Native hospitals to provide care to rural doctors.
237 The board decided the regulations were sufficient as written and no further changes would be required
238 at this time.

239
240 *Recess The Board recessed at 11:58 a.m. for lunch; reconvened at 1:01 pm. Dr. Larson conducted a roll*
241 *call, all board members present.*

242
243 **Agenda Item 12** **American Chiropractic Association (ACS) Report** **Time: 1:00 p.m.**

244
245 Sheri Ryan, Chief Operating Officer, Alaska Chiropractic Society, addressed the board providing the
246 American Chiropractic Association (ACS) report. Ms. Ryan stated she wanted to make the board aware
247 of the ACS, "Future of Chiropractic Strategic Plan"; being spearheaded by Chirocongress which will allow
248 members opportunities to participate in Zoom events and advanced versions of strategic plans. Ms.
249 Ryan informed the board there is a wealth of opportunities for field doctors to participate in the
250 strategic plan, the ACS executive board meeting contributed to help with funding of the strategic plan.
251 Ms. Ryan went on to state the ACS executive board had a second part II requirements for certification
252 for chiropractic clinical assistants. Ms. Ryan stated a disconnect still exists between field doctors and
253 the differing requirements for education and certification of clinical assistants; the ACS is trying to get
254 the appropriate information to the field doctors. Ms. Ryan informed the board that ACS is working with
255 the Veterans Administration to reconcile how new processes will affect veterans care in communities
256 and anticipate barriers imposed to care by fee and treatment schedules. Ms. Ryan stated ACS is also
257 holding monthly Ready Room meetings to discuss current statewide or national issues relevant to care
258 and are seeking input from the board about relevant topics. Ms. Ryan stated ACS is seeking information
259 regarding the scope of practice legislative project by the board is considering addressing advertising
260 concerns.

261 Dr. Larson referred Ms. Ryan to 12AAC16.980(1) and AS 08.20.170 (2-3) to address those concerns

262

263 **On a motion duly made by James Morris and seconded by John Lloyd and approved by majority**
264 **through roll call it was:**

265

266 **RESOLVED to allow Dr. Vito and Dr. Larson to write additional language clarifying the**
267 **advertising for the chiropractic profession (sic) State of Alaska specifically related to**
268 **advertising specialties.**

269

270 The board facilitated discussion of measures and processes available if complaints about violating
271 advertising standards were received by the board. OLE Wiard advised the board about investigative due
272 process for complaints. Investigator Jasmin Bautista advised that the investigative process needed to be
273 followed rather than the board taking pre-emptive action. Ms. Bautista explained the process of
274 needing a formal complaint, which would be submitted to one or two board members to determine if
275 the board has jurisdiction, the complainant in this type of action would not be confidential if the
276 complaint goes to a hearing. Ms. Bautista stated once the complaint goes to hearing the complainant
277 would need to testify in that proceeding; once the investigative process determines if there was a
278 violation, an advisement letter will be issued from the State not from the board. Investigator Bautista
279 expounded it is very difficult to act without written or recorded evidence of allegations being made.
280 Clarification was made that the board's position paper was suitable for public posting through the
281 website but should not be sent summarily directly from the board if there was a complaint filed.

282

283 **Agenda Item 13 Investigative Report**

Time: 1:41 p.m.

284

285 Investigator Bautista reported from the period of November 6, 2020 to January 29, 2021 a current
286 caseload of five open investigations, with none being closed over that period.

287

288 Investigator Bautista stated that the investigative unit is making an effort to utilize all board members
289 for case reviews and the investigation office is compiling a short training for board members to discuss
290 case reviews which will hopefully by the next board meeting.

291

292 **Agenda Item 14 Ratifying New Licenses**

Time: 1:45 p.m.

293

294 **On a motion duly made by Dr. Jonathan Vito, seconded by Dr. James Morris, and approved through**
295 **roll call it was:**

296

297 **RESOLVED to ratify the new license of John Grounds.**

298

299 **Agenda Item 15 Discussion of an applicant taking the juris prudence exam when received**

300

301 OLE Wiard informed the board a new applicant/licensee did not receive his jurisprudence exam packet
302 by mail in a timely fashion which did not allow the applicant/licensee to take the examination at the
303 scheduled time. OLE Wiard offered the option of individually administering the exam upon its receipt by
304 the applicant/license candidate. The board agreed accommodation could be made for this circumstance
305 providing it did not incur significant expense.

306

307 **On a motion duly made by Dr. Jonathan Vito, seconded by Dr. James Morris, and approved through**
308 **roll call it was:**

309

310 **RESOLVED to allow candidate for licensure Justin Keeler in Wyoming to be able to take his**
311 **exam outside the normal hours of the exam window due to the heavy burden placed upon the**
312 **US Postal Service and him not receiving his packet in time.**

314

315 Dr. Larson initiated discussion of subcommittee work defining current statutory chiropractic scope of
316 practice as excluding the use of surgery and drugs, updating the scope of practice to reflect topics being
317 taught in chiropractic schools and post-graduate trainings; subjects include: acupuncture, dry needling,
318 and injectable nutrients which may be labelled for prescription or professional use only.

319

320 Dr. Larson discussed a letter drafted to Senate President Peter Micciche requesting statutory
321 amendments to allow the board to modernize regulation of the profession. Dr. Larson stated the letter
322 requests the Board of Chiropractic Examiners be added to the list of professions eligible to receive
323 alcohol, drug or other substance treatment through Alaska Statute (AS) 08.01.050(d), and also requests
324 AS 08.20.230(1) be amended to address ramifications of health and disease of the whole person as well
325 as adding joint dysfunction rather than exclusively focusing on subluxation. The letter also requests AS
326 08.20.230(2) have the verbiage “or referral” appended to the final sentence.

327

328 Dr. Larson stated additionally, the correspondence requested AS 08.20.900(3) be amended to read
329 “Chiropractic is the primary care clinical science of human health and disease that treats the “whole
330 person”; chiropractic focuses on the detection, correction, and prevention of joint dysfunction and all
331 biomechanical conditions, without invasive surgery or opioid or narcotic drugs, employing physiological
332 therapeutics (physiotherapies) and ancillary methodology to enhance the body’s recuperative power.
333 The primary vehicle of chiropractic care is the chiropractic adjustment; however, chiropractic practice
334 also includes the diagnosis, treatment or referral of all conditions and diseases of the “whole person”,
335 and with proper education and training, the use of ancillary methodology”.

336

337 Dr. Larson informed the board there was also a request to clarify or modify AS 08.20.900(1) to read:
338 “Ancillary methodology means employing within the scope of chiropractic practice, with appropriate
339 training and education, those methods, procedure, modalities, devices, and measures commonly used
340 by trained and licensed health care providers, and includes but is not limited to:

341

(A) Physiologic Therapeutics and physiotherapies;

342

(B) Counseling on dietary regimen, sanitary procedures,

343

(C) Use and interpretation of all diagnostic imaging;

344

(D) Use and interpretation of all clinical labs;

345

(E) Use of hypodermic and solid needles for drawing labs, administering prescription
346 medications and nutritional substances or contrast agents, dry needling, acupuncture,
347 electromyography, and similar techniques and procedures;

348

(F) All diagnostic and therapeutic techniques and procedures (excepting those prohibited under
349 AS 08.20.100(c) as directly referring to AS 14.30.125, treating the “whole” patient.

350

351 Dr. Larson stated the letter also requested to further define “Chiropractic Examination” AS 08.20.900 (8)
352 to read:

353 “Chiropractic Examination” means an examination of a patient conducted by a person licensed under
354 this chapter, or by a chiropractic clinical assistant of chiropractic intern under the supervision of a
355 person licensed under this chapter, for the purpose of ascertaining whether symptoms of joint
356 dysfunction exist and consisting of an analysis of the patient’s health history, current health status.

357 Results of diagnostic procedures, including x-ray and other diagnostic imaging devices, and postural,
358 thermal, physical, neuro-physical, and spinal examinations that focuses on the discovery of:

359

(A) The existence and etiology of relationships of skeletal joint structures; and

360

(B) Interference with normal nerve transmission and expression;

361

(C) “Chiropractic Examination” diagnoses conditions and diseases of the “whole” person, and
362 guides treatment or referral.

363

364 The board briefly discussed the requested addition of new subsection (b) to Professional Designation AS
365 08.20.155 to state “A person obtaining a chiropractic specialty designation, in addition to chiropractic

366 core methodologies except invasive surgery or requiring general or regional anesthesia. This privilege
367 includes, with appropriate training and education, administration and prescription of non-opioid legend
368 drugs for treatment of conditions related to the practitioner's specialty. Prescription drugs shall be
369 limited to non-narcotic analgesics, antibiotics, antifungals, antivirals, antihistamines, anti-
370 inflammatory, hormones/bioidentical hormone, amide anesthetics, epinephrine, and substances
371 defined as nutrition in regulation".

372
373 The board discussed a follow up regulation which would reflect, a chiropractic specialist practicing
374 ancillary therapies directly related to their specialty must demonstrate the following:

- 375 (A) At least 5 years continuous practice in Alaska as a chiropractic physician;
- 376 (B) Must have completed one or more of the recognized Diplomate programs (or equivalent
377 training. i.e. master's degree) and be recognized by the certifying agency as a member in
378 good standing;
- 379 (C) Must have completed a minimum of ninety clinical and didactic contact course hours in
380 pharmacology, pharmacognosy, medication administration and toxicology certified by an
381 examination from an institution of higher education approved by the board;
- 382 (D) Must complete continuing education in a biennial basis related to the areas of specialty-
383 related Ancillary Methodology, as well as obtain continuing education required to maintain
384 their Diplomate status with their certifying agency;

385
386 The board briefly reviewed the legislative process and board recommendation process. The board
387 briefly discussed requirements that would be in effect for some specialties. Sheri Ryan asked the chair if
388 any consideration would be given to asking for chiropractors to be considered physicians throughout all
389 statutes similar to actions taken by advanced nurse practitioners a few years ago. Dr. Larson committed
390 to submitting an addendum to the letter asking for that change in designation.

391
392 The board briefly discussed the difference between a master's degree and diplomate in a specialty, and
393 consequent educational requirements.

394
395 Director Chambers commented and confirmed that the board is pursuing the correct process by drafting
396 the letter to Senator Micciche as a first step in addressing the desired changes and explained the
397 legislative process. Director Chambers stated the role of the Division would be to provide technical
398 assistance through the process and acknowledged the continued consistent efforts of the board to
399 update the statutes.

400
401 **A. Review Board Goals & Objectives** **Time: 2:38 p.m.**

402
403 The board agreed this agenda item did not need to be addressed at each meeting; there were no
404 suggestions for goals or objectives to add.

405
406 Dr. Larson suggested the regulations project needed to go forward for benefit of the public and the
407 profession.

408
409 **B. Review Board Task List** **Time: 2:40 p.m.**

410
411 Dr. Vito and Dr. Larson were tasked with drafting a board position statement dealing with advertising
412 and specialty issues.

413
414 Dr. Larson and Dr. Morris were tasked with amending the modernization of chiropractic practice
415 proposal to include recognition in all statutory reference to physicians.

416
417 Dr. Larson was tasked with ensuring the last minutes were emailed to the Division.

