



Alaska Board of Chiropractic Examiners May 13 2022 regular meeting Minutes

Alaska Division of Corporations, Business and Professional Licensing
May 13, 2022 at 9:00 AM AKDT

@ Teleconference

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 via Videoconference on May 13, 2022.

Attendance

Members Present:

Walter Campbell, Timothy Kanady, Brian Larson, John Lloyd

Guests Present:

Sheri Ryan - Alaska Chiropractic Society, Reid Bowman - Records and Licensing Supervisor

1. Call to Order/Roll Call

 [CHI Roster.pdf](#)

The meeting was called to order by Chairman Larson at 9:04 a.m. on May 13, 2022.

2. Review/Approve Agenda



[Alaska Board of Chiropractic Examiners May 13 2022 regular meeting Agenda\(1\).doc](#)

The board was polled and had no requests for agenda amendment.

Motion:

RESOLVED to ACCEPT the agenda as presented

Motion moved by John Lloyd and motion seconded by Walter Campbell. The motion passed unanimously.

3. Ethics Reporting

Chairman Larson asked each member if they had ethics issues to disclose. All members stated they did not.

4. Discussion of minutes going forward

Records and Licensing Supervisor (RLS) Reid Bowman presented the new action oriented minute format which has been introduced as a temporary measure to ease staff administrative duties and allow increased focus on licensing applicants. These minutes will include brief discussions of topics and any board actions from those discussions without verbatim transcripts of the discussions. RLS Bowman also clarified that the Division was under directives generally to delay any tasks not statutorily required in favor of processing applications for licensure, and this will include any regulations projects not directly related to speeding licensure or easing applicant burdens. The board asked to move the minutes approval item to the administrative business section of the meeting to review the new minute format.

Motion:

RESOLVED to move the approval of last meetings minutes to the administrative business section of this agenda.

Motion moved by Tim Kanady and motion seconded by John Lloyd. The motion passed unanimously.

5. Board Business

A. Review Goals/Objectives

FY 22 (ends 6/30/22) goals and objectives

 [FY 2022 goals and objectives.pdf](#)

Chairman Larson led a robust discussion of the board's current goals and objectives, which lead to clarification on several topics. The board opined they would prefer to do at least two in person meetings per year. They would prefer one in Juneau during the legislative session and one in Anchorage to coincide with the Alaska Chiropractic Society convention to allow more licensee interaction with the board. Dr. Campbell suggested licensees in rural areas had sometimes been subject to hardships over the last period due to COVID-19 related community closures and asked about the ability for those providers to gain leniency in completing the in-person continuing education (ce) requirements. The board concluded hardships could be determined on a case by case basis per 12 AAC 16.390 (d). Dr. Campbell was tasked with drafting website language to let licensees know this option was available.

Task: ([view in OnBoard](#))

Website verbiage about hardship exemptions. Assigned to: Walter Campbell

While discussion Goal 2 Objective 3, Dr. Kanady stated during the Federation of Chiropractic Licensing Boards meeting he just attended, Alaska was pointed out as a poor example of statutes in place for mandatory reporting of domestic violence and sexual assault. Dr. Kanady stated he would provide information about that topic for the next meeting. Discussion was held about Injectable Nutrient administration legislation, and the ongoing need to seek statutory change to clarify the professional scope of practice in regards to administering injectable nutrients.

At 10:17 a.m, the board recessed and reconvened at 10:25 a.m.

Attendance

Members Present:

Walter Campbell, Timothy Kanady, Brian Larson, John Lloyd

Guests Present:

Sheri Ryan - Alaska Chiropractic Society, Reid Bowman - Records and Licensing Supervisor

B. Review tabled application for CE.

This DC submitted application for CE was tabled for further discussion and was automatically included in this agenda.

The question was whether the course was not providing education at the professional level but rather at a "coaching: level.

 [Genevieve John OnBoard.pdf](#)

The board discussed the application for CE credit submitted by Dr. John. Concerns were raised about whether the application met the requirements of 12 AAC 16.320 and specifically whether the course met the requirement of being directly related to the concepts of chiropractic principles, philosophy and practice. The board voted and the approval was denied due to lack of a majority. the board then moved to reconsider the application after taking into consideration and request an advisory analysis from Dr. William Risch .

Motion:

RESOLVED to ACCEPT the application by Dr. John for CE credit for the Wellcoaches course.

Motion moved by John Lloyd and motion seconded by Walter Campbell. The motion failed due to lack of a majority with voting as follows: Ayes - John Lloyd, Walter Campbell. Nays - Brian Larson, Tim Kanady

Motion:

RESOLVED to RECONSIDER the application pending an advisory review from Dr. William Risch.

Motion moved by Walter Campbell and motion seconded by Tim Kanady. The motion to reconsider passed unanimously.

Task: [\(view in OnBoard\)](#)

Submit application to Dr. Risch for review and resubmission to the board.

Assigned to: Reid Bowman

C. Dry Needling / Injectables Discussion

 [CHIdryneedling2020.pdf](#)

 [Memo to Board Injectable Nutrients 12-2019.pdf](#)

The board took up this action prior to addressing Item B. Chairman Larson detailed historical background about prior legislative efforts to modernize the scope of practice to codify the ability of chiropractic physicians to use injectable nutrients. Ms. Ryan stated the ACS has seen a working copy of the board legislative effort, but could not comment on ACS stance as it has not been approved by their executive committee. The board opined that the ACS should take the lead on legislative change for expansion of the scope of practice. The board resolved to form a working group to prepare recommendations to the board.

Motion:

RESOLVED to form a subcommittee consisting of Dr. Campbell and Dr. Larson to refine the proposed legislative action for submission to the board.

Motion moved by Walter Campbell and motion seconded by Tim Kanady. The motion passed unanimously.

D. Review CE application for Dry Needling

Dry Needling application for CE. Dry needling is currently not within the AK CHI scope of practice. How does the board wish to handle this application?

 [Dry needling CE application.pdf](#)

The board discussed and restated it is their opinion that Dry Needling is within their scope of practice, although they acknowledged the Department of Law does not agree.

Motion:

RESOLVED to approve this application for continuing education.

Motion moved by Walter Campbell and motion seconded by Timothy Kanady. The motion passed unanimously.

E. Chiro Telehealth Discussion

The board discussed the current telehealth bill in process in the Legislature. Concerns were raised about the safety and efficacy of remote chiropractic care, and whether action was needed to clarify how the public could be served best remotely. Concerns were raised that people reviewing records for insurance companies were not licensed in Alaska, and could be considered to be "practicing chiropractic" by denying treatment plans. The board decided to write a position paper to clarify their position on remote practice. Walter Campbell volunteered to write the position statement to caution reviewers to ensure they are adequately licensed if they are making treatment recommendations as well as cautioning on the limitations of telehealth in remote care. Dr. Campbell agreed to send that to RLS Bowman for board consideration through OnBoard.

Attendance

Members Present:

Walter Campbell, Timothy Kanady, Brian Larson, John Lloyd

Guests Present:

Reid Bowman - Records and Licensing Supervisor; Sheri Ryan - Alaska Chiropractic Society; Jasmin Bautista - Investigator III

- F. Discussion about CE requirements for next renewal period requested by Dr. Campbell
- G. Discussion about in-person meetings requested by Dr. Campbell
- H. Sunset Bill Progress

The Alaska Board of Chiropractic Examiners Sunset bill passed through the Alaska Senate with 16 yes, no nays and 4 excused on April 8, 2022 and was referred to the House. It has been heard and forwarded from the House Labor and

Commerce and House Finance committees and should head to the House floor with no conflicts.

6. Public Comment

Public comment was solicited from all present at 11:45 a.m. There were no comments offered from any member of the public.

7. Lunch

The board recessed for lunch at 12:04 p.m and reconvened at 12:59 p.m.

8. Investigative Report

 [5.13.22 INV report.pdf](#)

Investigator III Jasmin Bautista presented the Division report for the period of February 01, 2022 through May 09, 2022. There are currently 14 open cases, 4 intakes, 6 complaints, one licensee under a monitoring program, 2 licensees under investigation and 1 case under litigation. A total of 3 cases were closed over the period. Investigator Bautista explained the investigative process and differentiated complaints, intakes and investigations. Intake happens when the Division receives an emailed, telephoned or in-person complaint filing. An Intake is moved to the complaint phase once a formal summary of complaint is signed. Once in the complaint stage the Investigator notifies the licensee and request them to respond to the complaint. The Investigator also requests any records that are pertinent to the case and are necessary for the investigation to continue. Once the records are received, the information is sent to a reviewing board member who determines if a violation has occurred, or if there is a possible violation then the complaint is advanced to an investigation. If action more severe than a consent agreement is recommended by the reviewing board member and the licensee does not agree to a voluntary suspension of license, an accusation is filed through the Attorney General's office. The respondent can then respond to the accusation and a hearing will be held, if not the license will be suspended. Investigator Bautista had no cases to present for board action this period.

Dr. Lloyd asked Investigator Bautista how licensees can protect themselves from unfounded allegations of inappropriate touching. Board members responded situations like this are the reason why there is mandatory ethics and boundaries continuing education, and recommended having a third party present in any treatment room to

protect themselves. Dr. Larson volunteered to write a position paper for physicians and the public to explain what professionals should do to protect the public.

9. ACS Update

Asked Sheri for submissions

Sheri Ryan of the Alaska Chiropractic Society (ACS) invited the board to hold their fall meeting at the ACS convention which will be held October 6-9, and stated there would be no cost to the board for the accommodations, and invited Division staff to the convention to man a table for licensee relations. ACS continues to work with federal and Veterans Administration officials to clarify some billing discrepancies and approve claims. The DHSS Medicaid pilot program has not attracted any chiropractic physicians to enroll. Administrative and medical referral processes remain significant obstacles to enrollment. DHSS was engaged about these difficulties and stated they would get back to the ACS about those processes.

The board recessed at 2:00 p.m. and reconvened at 2:06 p.m.

Attendance

Members Absent:

Walter Campbell, Timothy Kanady, Brian Larson, John Lloyd

Guests Present:

Sheri Ryan - Alaska Chiropractic Society, Reid Bowman - Records and Licensing Supervisor

10. Correspondence

There was no correspondence to discuss at this meeting.

11. Regulation Projects

A. SB21 - Military Courtesy Spouse Licensing progress

Discussion of Military and Spouse Temporary Licenses

 [CHI Notice-0422.pdf](#)

 [Public Comment Received.pdf](#)

 [Final rekeyed version \(DOL File#2022200161\) 1.pdf](#)

Public comments were discussed After discussing the military licensing and exam requirement regulation project the board decided to forward them for adoption

as they were written. This was done after reviewing the public comments and considering the cost to licensees.

Motion:

RESOLVED to ADOPT the military courtesy license regulations as presented.

Motion moved by Timothy Kanady and motion seconded by John Lloyd. The motion passed unanimously.

- B. 12 AAC 16.037 Discussion re: SPEC exam requirement
- C. Possible Regulation about Documentation Requirements

 [Record Keeping Requirements by State - compilation.docx](#)

The board discussed the question of whether regulation is needed to address specific notes or record keeping as is done in some other jurisdictions. The consensus was that no action was needed at this time. During this section the topic of continuing education for licensing by examination was revisited. There is a loophole where applicants by exam who have held a license in another state are required to complete 32 hours of CE in the last two years regardless of the length of time they have been licensed. The board acknowledged that was an unintended consequence and could be addressed. Tim Kanady and the Alaska Chiropractic Society were tasked with coming up with appropriate language to address recommended changes for board consideration.

Task: [\(view in OnBoard\)](#)

Draft recommended changes to 12 AAC 16.030 (6).

12. Administrative Business

- A. Set Next Board meeting Dates/Board Travel

June 2022 for annual report discussion?
September 8, 2022 per February meeting minutes.

 [calendar2022-holiday.pdf](#)

The board agreed that the fall meeting be held during the ACS convention on Thursday October 6, 2022 in Anchorage at the Hotel Captain Cook. The board also recommended late January or early February would be a good time frame for the Winter 2023 meeting in Juneau. The 2023 legislative session is due to begin on January 17, 2023. During this topic the board discussed the Annual report. Dr. Lloyd agreed to take on the role of report author. Mr. Bowman will

forward the report template and work with him to complete the draft for board submission. Discussion was also held about the board's desire to help with the NBCE exams and help write the exams. Dr. Kanady attended the NBCE convention the prior week. The board expressed a desire to return to participating in national exam preparation and proctoring. Dr. Kanady stated he would follow up on the next exam dates for consideration. The board recessed at 3:07 p.m and reconvened at 3:15 p.m.

Attendance

Members Present:

Walter Campbell, Timothy Kanady, Brian Larson

Members Absent:

John Lloyd

Guests Present:

Sheri Ryan - Alaska Chiropractic Society, Reid Bowman - Records and Licensing Supervisor

B. Review/ Approve February 2022 minutes

 [Alaska Board of Chiropractic Examiners February 2022 Regular Meeting Minutes.pdf](#)

The board reviewed the submitted action minutes and had no amendments.

Motion:

RESOLVED to APPROVE the February 2022 Chiropractic Board of Examiners meeting minutes

Motion moved by Tim Kanady and motion seconded by Brian Larson - seconded as chair due to no other eligible and willing voters. The meetings were approved unanimously.

C. Task List

RLS Bowman - Email licensing examiner position description to the board.

Dr. Larson - Write boundaries position statement.

Dr. Campbell - Write position statement about CE hardships and the telehealth position paper.

Dr. Kanady - Follow up on Part IV exam dates and locations.

Dr. Kanady - Work with ACS to make draft changes to 12 AAC 16.030 for board consideration. This was to change the requirement that newly graduated chiropractors provide 32 hours of CE if they have been licensed elsewhere.

Dr. Lloyd - Draft the Annual Report.

Dr. Campbell and Dr. Larson - Work on draft scope of practice legislation language.

13. Adjourn

The meeting was adjourned at 3:23 p.m.

Respectfully submitted:


Reid Bowman, Records and Licensing Supervisor

Approved:


Dr. Brian Larson, Chairperson
Board of Chiropractic Examiners

Date:

10/6/22