



Alaska Board of Chiropractic Examiners May 12, 2023 regular meeting Minutes

Alaska Division of Corporations, Business and Professional Licensing

May 12, 2023 at 9:00 AM AKDT

@ Suite 1560 , Atwood Building, 550 West 7th Ave. Anchorage, AK 99501 and via Zoom

I. Call to Order/Roll Call

The board was called to order by President Brian Larson at 9:08 a.m.

Attendance

Present:

Members: Dr. Walter Campbell, Dr. Timothy Kanady, Dr. Brian Larson – Board President, Dr. John Lloyd – Board Vice-President

II. Review/Approve Agenda

After a brief examination, the board moved to approve the agenda as presented

Motion:

RESOLVED to ACCEPT the agenda as presented.

Motion moved by Dr. Walter Campbell and motion seconded by Dr. John Lloyd. The motion was approved unanimously through a roll call vote

III. Ethics Reporting

Board President Brian Larson asked the board if there were any ethics issues to report by roll call. All members responded they had none.

IV. Public Comment

Public comments were solicited. Ms. Debbie Ryan of the Alaska Chiropractic Society (ACS) was in attendance in person. Ms. Ryan introduced the ACS letter to the Governor regarding the 80% rule. Lengthy discussion was held on the disruptive nature of the possible elimination of the that rule. The discussion was paused to be taken up later in the meeting to transition to the scheduled investigative report.

V. Investigative report

At 09:33 a.m. Investigator Josh Hardy joined the meeting to present the investigative report. There were no questions about the report or for Investigator Hardy. Investigator Hardy stated all the cases in monitor status were pending action from outside agencies prior to moving forward.

 [CHI Board Report MAY 2023 \[Signed\].pdf](#)

VI. Correspondence

There was no board correspondence to address at this meeting. Mr. Bowman asked about Federation of Chiropractic Licensing Board communications regarding licensing action in other states and how the board would like those addressed. The board consensus was to receive those communications during the board correspondence section of regular meetings rather than by individual email.

VII. Board Business

A. CCA Information from CTAP

FYI -

 [CCA information - 2023.pdf](#)

The board reviewed the report issued by the Chiropractic Therapy Assistant Program regarding Alaska Chiropractic Clinical Assistant (CCA) certifications. Ms. Ryan expressed concern that the listed number of CCA's appeared to be low compared to the number she believed were in practice. Dr. Larson clarified that Chiropractors were not required to hire CCA's but the law stated they "may" employ CCA's. Ms. Sheri Ryan stated that the Federation of Chiropractic Licensing Boards also has a CCA training program, and that 12 AAC 16.052 requires anyone performing diagnostic imaging studies or therapies to become enrolled or certified. There were questions about whether the grandfather clause was still in effect. It was determined there was not, and to be in compliance with the statutes and regulations, anyone performing CCA duties either needs to have completed, or become enrolled in a CCA program. The board discussed potential hurdles to certification in Alaska, and whether the courses were appropriate to meet the practice needs of Alaska clinics. The board discussed regulation changes to allow an extended period of time to complete the CCA trainings and allow clinics to come into compliance.

The board recessed at 10:17 a.m. and returned to the record at 10:30 a.m.

Attendance

Absent:

Members: Dr. Walter Campbell, Dr. Timothy Kanady, Dr. Brian Larson – Board President, Dr. John Lloyd – Board Vice-President

Upon returning to the record, the ACS report began.

B. ACS Report

Ms. Debbie Ryan presented the ACS report, and brought up other issues related to the board.

 [BOCE CE Letter May 2023.pdf](#)

 [ACS records reg suggestion.pdf](#)

 [80% Rule Letter to Gov Dunleavy 2023.pdf](#)

Ms. Debbie Ryan spoke about the ability for ACS to help communicate with policy makers to assist the board in meeting its goals through the use of Chiro Congress communication tools. She also spoke about VA recoupments and issues related to payments. ACS will be continuing the Ready Room Lunch and Learn series, and completed 4 lectures over the last year. Upcoming meeting topics include Coding Issues and Project HOPE: Providing Naloxone for the State of Alaska. ACS is in the process of deciding what to do about the 2024 Convention, and stated many things will hinge upon whether regulations about continuing education are changed. ACS is onboarding a new management software, which will also include a Learning Management System (LMS) where providers can take online courses if they are members. At 10:55 a.m. Dr. John Lloyd arrived and switched from online to in-person attendance.

Ms. Ryan stated one of the lunch and learn topics discussed New Mexico's expansion of their scope of practice to be viewed as primary care providers. Dr. Lloyd asked if it were possible to work on scope of practice limitations in Alaska. Dr. Larson described difficulties in accomplishing legislative change. Ms. Ryan discussed the ACS role to remain neutral in scope of practice discussions, and assist Doctor's with practice related topics and education, rather than public advocacy. Mr. Bowman asked who the influencers and resources are who could help advance the desire for an increased scope of practice. The board discussed the possibility of implementing bridge programs, where a chiropractor could obtain additional abbreviated education to allow access to other professional licenses and enable advanced practice. Mr. Bowman emphasized scope of practice issues have been a major concern since at least 2006, and statutory change was the best way to modernize the scope of practice.

The board was asked about the necessity for regulating note taking and custody of patient records in the event a practice closes, practitioner dies or other issues. The board decided it was not necessary to address at this time.

C. Discussion of Continuing Education requirements

At the 02/17/23 meeting, the board asked Ms. Ryan to report on nationwide trends for in-person vs, distance CE.

 [Copy of CEU Requirements by State 05-10-2023.xlsx](#)

The board discussed the continuing education requirements and contemplated whether in-person continuing education continues to make sense in all circumstances. Ms. Ryan discussed the document she provided listing other state's requirements. The board decided to take no action on the topic.

D. NBCE exam timings update

Mr. Bowman informed the board the next NBCE event was in preparation for creating and proctoring the Parts III and IV exams. Dr. Campbell expressed interest in attending the exam preparation meetings.

E. Regulation discussion - 12 AAC 16.990 Definitions (b)(2) - Surgery

 [Reg proposal language.pdf](#)

Dr. Larson requested a discussion of 12 AAC 16.990 (b)(2)(A) defining surgery. Discussion was held about the need to clarify statutes referring to the subluxation complex. Dr. Larson proposed eliminating the definition of surgery stating it is not defined in any other section of Alaska law or regulation. Dr. Larson also suggested adding a definition of nutrition. Dr. Larson was tasked with drafting language to present to the board for a future regulations project. Ms. Ryan asked the board to consider adding the ACS as an approved provider of non-academic continuing education per 12 AAC 16.340.

The board considered grandfathering the CCA program for one more year to foster compliance.

The board recessed at 12:04 p.m. and returned to the record at 12:24 p.m.

Attendance

Present:

Members: Dr. Walter Campbell, Dr. Timothy Kanady, Dr. Brian Larson – Board President, Dr. John Lloyd – Board Vice-President

All members were present as determined through a roll call vote and a quorum was maintained. Upon returning to the record discussion continued about the task list for the morning session.

F. Regulation discussion - Jurisprudence exam language cleanup.

12 AAC16.030 (a) ..at least 45 days prior to next scheduled exam

12 AAC 16.030(b) schedule state exams for students

12 AAC 16.033 (a) ..at least 45 days prior to next scheduled exam

12 AAC 16.130 - 170 various

12 AAC 16.200 --Temp licenses - valid until exam can be taken - exam is now offered with receipt of application and fees.

Mr. Bowman stated that with the change to an open book, non-proctored jurisprudence exam, there was some regulation cleanup to be done to clarify application timelines. Dr. Larson volunteered to add this to the surgery deletion regulation he was drafting for board consideration. Old business was brought up to amend the regulation requiring new graduates applying by exam to complete continuing education. Sheri Ryan was tasked with sending the language she and Dr. Lloyd worked on to Dr. Larson for drafting and inclusion in the new regs project.

G. FY 23 Annual Report processing and deadlines

Mr. Bowman explained the FY 23 Annual report needed to be worked on and assigned to board members for completion.

Dr. Lloyd was approved to draft the FY 23 Annual Report Narrative, FY 23 goals and objectives and how they were met, and to prepare the FY24 goals and objectives.

Dr. Larson was assigned to prepare the FY 23 Annual Report Statutes and Regulations requests section.

VIII. Lunch

IX. Division Update - Q3 financials

Division Administrative Operations Manager Melissa Dumas provided a report on the FY23 Q3 program financial report. She also discussed the demographic numbers of active licensees, with approximately 300 licensees as of this date.

X. Administrative Business

A. Set Next Board meeting Dates/Board Travel

October 27, 2023 - teleconference

B. Conference Discussions

1. FCLB/NBCE annual meeting FCLB Discussion

FCLB - April 26 - 30, 2023 West Palm Beach, Florida

NBCE - April 28, 2023 West Palm Beach, Florida

Dr. Larson reported on the recently attended Federation of Chiropractic Licensing Boards/National Board of Chiropractic Examiners (FCLB/NBCE) meeting held in April. Dr. Larson stated the meeting was largely a business meeting focusing on a contested election of leaders.

The keynote address described the largest threat to chiropractic being loss of scope of practice caused by dated statutes and regulations. Dr. Larson stated FCLB had an ethics and boundaries assessment system in place that was available to boards if they order and pay for it. There was also information given about the importance of knowing and following the state's standard of care. Dr. Larson stated the best session was about leadership and was based on the book **Inspiring Integrity** by Corey Cicchetti. Dr. Larson asked if it was possible to purchase copies of the book for the board.

Licensing compacts were discussed at the meeting, but there was not much consensus on compacts and how they would work across different jurisdictions with different scope of practices. There will be more discussion of compacts at the District meeting in October, 2023.

2. Upcoming FCLB District meeting

October 5-8, 2023 Rapid City, South Dakota Dr. Campbell was delegated to attend at the February 17, 2023 meeting.

C. Discussion Topic

Continuing Education Audit clearance process

Mr. Bowman discussed the random audit clearance process with the board. The board agreed that the Division could clear all audits in which the licensee clearly met the requirements but would look at any issues requiring technical expertise, or if a hardship exemption or discipline were possible.

D. Task List

1. Get a copy of the CTA CCA test for board review - **Debbie Ryan**
2. Get statistics about FCLB CCA program usage in Alaska , and attempt to get a copy of the test for board review. - **Reid Bowman**
3. Pursue a regulation change regarding CCA deadlines - **Dr. John Lloyd**
4. Prepare a regulations draft to address the definition of surgery regulations, add ACS as a preferred CE provider. - **Dr. Brian Larson**
5. Prepare a draft of regulation cleanups to address the discussion in agenda item VII F . - Jurisprudence Exam Cleanup - **Dr. Brian Larson**

6. Send draft regulation for CE changes for licensing by exam to Dr. Larson
- **Sheri Ryan**
7. Prepare FY 23 Annual Report Statutes and Regulations requests section
- **Dr. Brian Larson**
8. Prepare FY 23 Annual Report Narrative, FY 23 goals and objectives and how met, and prepare FY24 goals and objectives - **Dr. John Lloyd**
9. Poll the board about a June meeting to discuss and approve the annual report - **Reid Bowman**
10. Send the board information about NBCE exam prep and proctoring timings - **Reid Bowman**

XI. Adjourn

Motion:

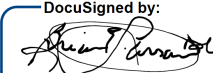
RESOLVED to ADJOURN the meeting.

Motion moved by Walter Campbell. Unanimous by roll call

The meeting was adjourned and went off the record at 1:45 p.m.

Signed,

Date: [7/5/2023](#)

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Dr. Brian Larson – Board President