



Alaska Board of Chiropractic Examiners

October 3, 2024, Board Meeting Minutes

Alaska Division of Corporations, Business and Professional Licensing
10/3/2024 9:00 AMAKDT

1. Location

Location: Hotel Captain Cook 939 W. 5th Avenue Anchorage AK 99501

Time: Oct 3, 2024, 09:00 AM Alaska

Join Zoom Meeting

<https://us02web.zoom.us/j/85794659375?pwd=qKM5T2boNKn1zCj22oRYwpa7HzGy4I.1>

2. Call to Order/Roll Call

Members:

Dr. Brian Larson – Board President

Dr. John Lloyd – Board Vice-President

Dr. Tim Kanady – Member

Dr. Walter Campbell –Member

Public Member – Ronald Gherman

Guests:

Reid Bowman – Program Coordinator II

Shane Bannarbie – Program Coordinator

Debbie Ryan- Alaska Chiropractic Society (ACS)

Stefanie Davis- Regulations Specialist

Josh Hardy- Investigator

Melissa Dumas- Admin Operations Manager 1

The meeting was called to order by Board Chair Dr. Brian Larson at 09:05 a.m. All members present.

3. Review/Approve Agenda

MOTION:

RESOLVED to move agenda item 9. to 11:20am and agenda item 5(D) to 2:10pm and approve agenda.

MOTION moved by Ron Gherman, seconded by Dr. Kanady; motion passed unanimously.

4. Ethics Reporting

Members were polled, no conflicts or ethics issues disclosed.

5. Board Business

A. Continuation of Dr. Risch for Continuing Education (CE) Approval Process?

Dr. Larson inquired the timeframe for CE to be processed with Dr. Risch's approval step. The review process was explained to Dr. Larson. Explaining it takes roughly 3-5 days after sending applications to Dr. Risch to get his response with his approval. Applications are then sent to the board. Dr. Larson also asked staff if the processing time would be improved if the additional Dr. Risch step was removed. Staff responded that the boards' role would not change. The processing time would improve because the wait time for Dr. Risch's review would be cut. Dr. Larson expressed his position, that he feels Dr. Risch provides a valuable review, and he has confidence in the review that Dr. Risch provides. Dr. Kanady supported the position and agreed that he would like to keep Dr. Risch's CE review role in place. Dr. Larson questioned if Dr. Risch voiced any opinion that he would like to discontinue his service. Staff explained that Dr. Risch has not voiced any intention to not perform this role. Reid Bowman provided additional information to the board stating that Dr. Risch's role is not within statute and an additional step in the process. Dr. Larson questioned whether the step was a burden to staff. Staff responded that it is not a burden necessarily, but it adds an additional step. All members supported the position that Dr. Risch provides a valuable role and is very knowledgeable regarding CE reviews.

MOTION:

RESOLVED to deliver a letter of appreciation to Dr. Risch for his service reviewing CE's.

MOTION moved by Dr. Campbell, seconded by Dr. Kanady; motion passed unanimously.

B. Report from Dr. Lloyd on Veterinary (VET) Board meeting for Animal Chiropractic

Dr. Lloyd provided his opinion on the VET Boards postponement regarding animal chiropractic based on his attendance at their last board meeting on June 20, 2024. Dr. Lloyd stated the VET Boards position is that animals belong in the VET board field only and the VET Board does not have an interest in supporting animal chiropractic. Dr. Lloyd explained that there were two VET Board members that were highly uncomfortable with massage therapists and chiropractors doing adjustments or massages on animals. He also explained that the VET Board believes that chiropractors should seek a regulation change before the VET Board could consider cooperating with the chiropractic Board on working with animals. Dr. Lloyd explained that other states that he has spoken with have used a legal

approach citing “restriction of trade” as an option that has worked out for other states. He also explained that the board could also not address the issue and chiropractors could continue adjusting their patients animals without a fee charge. Dr. Lloyd mentioned the VET Board agreed that adjustments could happen inside of veterinary clinics with a veterinarian in the room and payment going to the veterinarian; otherwise, the VET Board does not have any interest in participating in chiropractors adjusting animals. Dr. Campbell questioned if there was a way to appoint someone to be the face of PR and education on the issue. He thinks there is level of interest of animal owners, though its not a pressing issue for the CHI board. He mentioned a sub committee may be an option to address and research the issue. Dr. Lloyd questioned the likelihood of the board being able to achieve anything, and settled on the only way to achieve anything would be through statute change. Dr. Larson added that chiropractic statute specifically states that chiropractors treat the human only and for veterinarians its animals only. Dr. Kanady added that the bottom line is what does the law say; if a chiropractor wants to work on animals, legally they cannot. Dr. Lloyd added that he does remember the board discussing that it recognized both the chiropractic and VET statutes state that only veterinarians may work on animals, however the chiropractic board wanted to see if there was goodwill within the VET Board to work together. Dr. Larson presented the idea to send a letter to the body of chiropractors statewide to make sure that they understand the law states that chiropractors work on humans only and veterinarians work on animals only. If they go outside of the law they are on their own. Dr. Lloyd added that if a chiropractor wants to work on animals solely, they should either go to vet school or partner with a veterinarian willing to bring them into their practice. Dr. Larson concluded that he will draft a letter to chiropractors explaining the boards position that chiropractors are only legally allowed to work on humans.

Break- 09:46 a.m.

The meeting was called to order by Chair Dr. Brian Larson at 09:57 a.m. All members present.

C. Debbie Ryan: Alaska Chiropractic Society (ACS) Report

Ms. Ryan, provided the ACS convention had 234 registrants today and 33 vendors present. Ms. Ryan updated the board on the 80th percentile rule and where it stands. She stated that a mediation meeting was had to review data that was not provided by Department of Insurance. She stated the ACS has two independent

reviews indicating the 80th percentile rule is a bad idea. She continued that a source told her that there is a good chance to win a lawsuit against the Department of Insurance given evidence provided in discovery. She explained that this could mean that all providers, not just chiropractors could have some control over their own practice regarding payment and insurance. Ms. Ryan stated the relationship being built with the Alaska State Medical Association, primary care organizations, and Physical Therapists Associations are very important. She mentioned that there have been several conversations had with these associations regarding legislation that needs to be changed and cleaned up to allow chiropractors to do what they have been trained in. The relationships being built will play a key role in legislation change. She clarified to the board that this legislation is not about chiropractors only but fairness to all providers. She touched on a preauthorization bill that will allow chiropractors to have 6 visits before preauthorization is required. She expressed to the board that she feels it's very important we start working on legislation that will protect chiropractors ability to treat patients. She then questioned the board on "in-person" education. Ms. Ryan explained typically its viewed as "butts in seats"; so in statute does in-person mean "butts in seats" or does it mean if people are in a zoom meeting and you can see somones face, and you can verify their attendance, does that count as in person? Through discussion and opinions of Dr. Lloyd and Ron Gherman on the question, it was concensuly viewed that Zoom meetings are a form of in-person training and it makes sense logistically, espically for rural practitioners. Dr. Larson added that statute states that 32 hours are required biannually for continuing education and no more than 16 may be obtained via distance learning or over the internet, but hardships are an option for individuals that meet requirements. Ms. Ryan went on to inform the board she will be in Denver in November for the Chirocongress meeting and plans to inform the board on the meeting discusson, specifically legislation topics, after she attends. Dr. Lloyed posed to Ms. Ryan, if the ACS would like to assist the board for public support for legislation towards adding animal chiropractic into the scope of chiropractic practice. Ms. Ryan suggessted she could do a survey amongst all chiropractors within the state on whether they perform animal adjusments or if they have an interest in adjusting animals. Dr. Larson questioned if there are any statuory changes that need to go to the legislator this session that ACS should be helping to formulate. Ms. Ryan resonded, not neccessisrily, but she does believe that ACS needs to begin working on some of the insurance issues, becauase its harder to repeal something than it is to get legislation in place. Dr. Larson aslo asked if there is anything in scope of practice that ACS sees could be modified to

help deal with the insurance issues. Ms. Ryan provided an example of a possible issue. Ms. Ryan mentioned Parker Chiropractic University is the first chiropractor university to implement all of their first year education online. She questioned what does that do to states that require chiropractic education be in-person. Ms. Ryan believes that states with outdated statutes, could be impacted as people who have done their entire first year online may not be eligible to go into that state to work, and Alaska is believed to be silent on the issue. Dr. Campbell then asked Ms. Ryan if she is aware of any pending fee schedule changes coming up next year. Ms. Ryan responded that we don't really know what will happen, and she mainly only worries about one insurance company (Blue Cross) not all of them when it comes to fee changes. Ms. Ryan opined that we need legislation in the state that says that we have a board or committee in the division of insurance made up of health providers, public members, and insurance representatives who uphold fee schedules. Additionally, there should be language that states providers get cost of living increases. In closing Ms. Ryan mentioned she is actively trying to recruit board members. Ms. Ryan also mentioned to the board that if legislation change is to be drafted it should include all providers. A piece of legislation like that, that is simplified and straightforward, with multiple professions represented is easier to pass.

Lunch 12:07 p.m.

The meeting was called to order by Chair Dr. Brian Larson at 01:09 p.m. All members present.

D. Review of Regulatory/ Statutory Proposals

Dr. Larson began the discussion by addressing the Dry Needling regulation project and cited the board's position statement as a document to interpret the board's position and provide clarity to the public. Dr. Larson questioned staff on where in the process is the Dry Needling project? Mr. Bowman explained that the project is at LAW review and staff is awaiting their response and comments on the project. Dr. Larson asked Ms. Chambers if she had an opinion on the Dry Needling and Nutrition regulation projects. Ms. Chambers expressed that she has not thoroughly reviewed the regulation projects and cannot provide a good opinion. She did mention that the board has been through the process of proposing regulations and having department of LAW comment that there is no statutory authority to approve the regulation. She offered that seeking statutory change will be a better strategy for changing regulation, including the Dry Needling project. Dr. Larson asked Ms. Chambers if she was able to read through the statutory project and sought her opinion. Ms. Chambers stated she

was encouraged to see a long standing statute project regarding substance abuse and encouraged the board to continue with this project. She also mentioned there are other boards (Pharmacy and Nursing) that have language that may be of assistance to the board. She offered to provide resources to the board via staff. Ms. Chambers also added that the Infectious Disease language is something that feels like a natural expansion for the board as long as the training and education is provided. It would then become a policy matter for the legislature to address. Ms. Chambers offered to the board that she appreciated part two and four of the statutory projects, but she was concerned the board put “siderails” on the project by stating the board does not want to prescribe opioids and those type of things in the project. She cited an example of the board of examiners and optometry getting statutes through after significant pushback from the national optometry institute who was against the board expanding in prescriptive authority. In the end the board was able to get the legislation through. Ms. Davis then mentioned the Athletic Trainers project, regarding if Athletic Trainers can work under a trained physician or physician assistant. Someone with a chiropractic license may be appropriate to supervise an Athletic Trainer given they are trained and educated. Ms. Davis expressed that statute change is the way to get these scope of practice expansion projects changed, to include, dry needling, nutrition, and the practice of chiropractic on animals given appropriate training and education. Dr. Campbell asked if the statute change for animal chiropractic could be done with the VET Board or could it be sought independent of the VET Board. Ms. Chambers responded, she thinks there may need to be conforming language within the VET Board statute and chiropractic statute would need to change its scope as well. Ms. Chambers commented, it would be best to seek out collaboration from the VET Board early. This strategy allows the board to learn what the objections are and prepared to speak to the strong points from other boards during a hearing. Dr. Campbell, went on to ask if Ms. Chamber believed this was a good timeframe to work on the animal adjusting statute project, or is it a better time to wait until the VET board has a more amicable membership. Ms. Davis commented, that as far as legislation goes this is the right time. Also seeking a legislature to sponsor it now would give them time to draft it so they can hit the ground running in January. This is the time to be shopping it around to legislatures and fine tuning the project. Mr. Bowman paraphrased the meeting discussion with a recap of where the board is with regard to planning and strategy for regulation and statutory project development. He summarised LAW may have statutory recommendations on the Dry Needling and Nutrition regulation projects submitted, based on history. The board should consider setting a meeting after they receive LAW feedback regarding the regulation project proposals submitted. Both projects will require statute change, not regulation change. It may be wise to set a meeting after LAW feedback is received (Dr. Larson concurred). Mr. Bowman also proposed the next step will

be to figure out what the board wants to ask for within the statutory proposal, then find a sponsor within the legislature.

6. Public Comment

No one from the public called in for public comment

7. Melissa Dumas: Division update_FY24 Fiscal Update

Melissa Dumas provided the board an FY24 fiscal expenditure update running through the end of March 2024. Dr. Lloyd asked what are the anticipated costs for license renewals next year. Ms. Dumas provided an overview of how fees have changed, and noted there has been a significant increase in fees for initial licenses, going from \$850 to \$1,600 and renewal fees increased from \$600 to \$1,000; in addition the late renewal penalty doubled from \$100 to \$200. Dr. Lloyd mentioned the initial license cost seems high. He stated he will do an informal poll with other states at the FCLB District One meeting he is attending over the weekend to gather information on other states initial licensing costs. The board expressed concern the higher costs may induce unlawful practices amongst practitioners.

8. Stefanie Davis: Regulations Process Overview

Ms. Davis provided training to the board on the regulation process from planning and decision making to approval. This training was offered because some steps in the process have changed. After the presentation, Dr. Campbell asked, what if we wanted to change the CE requirements, where they all could be online, would that require a regulation project? Ms. Davis responded, yes. Also it would be up to the board to find what needs to change then submit those changes to her. The chair thanked Ms. Davis for her training.

9. Josh Hardy: Investigative Report and Training

Josh Hardy presented the CHI investigative report and solicited questions from the board regarding the report. Dr. Larson asked about the use of the term "Chiropractic Physician" in the report. Mr. Hardy explained that this was a recent change to the investigative case management system, moving from chiropractor to chiropractic physician. Dr. Kanady asked if the cases in the report are the same person and if they are isolated to one area. Mr. Hardy explained that the cases are scattered across the state and that each case within the report was different. Dr. Lloyd asked how long does it take

for a background check result to come back? Mr. Hardy explained that if a matter gets to investigations, background checks can be turned around within a day or two, but some actions could take up to 180 days. Mr. Hardy also explained that routine applicant background checks are not apart of investigative process.

Mr. Hardy presented a training on the investigative process to the board after the investigative report was presented. The training covered the entire investigative process: from an individual contacting the investigations section (intake) with a complaint to investigation and outcome. The board member review section of the training was provided within executive session.

MOTION:

RESOLVED to enter executive session for board member review portion of investigative training.

Dr. John Lloyd in accordance with provision of AS 44.62.310 (C), I move to go into executive session for the purpose of discussing matters which by law, municipal charter, or ordinance are required to be confidential; seconded by Dr. Kanady; motion passed by roll call unanimously.

The meeting was called back on record from executive session by Chair Dr. Brian Larson at 11:18a.m. All members present.

10. Sara Chambers: Med-Spa Workgroup Overview

Ms. Chambers provided an update to the board Medical Spa Services Workgroup. She explained the workgroup was conceived and convened about a month prior to this meeting. Ms. Chambers explained the composition of the group is made up of representatives from six relevant boards: Medical, Nursing, Chiropractic, Pharmacy, Dental, and Barbers and Hairdressers. She explained the group is addressing medical and advanced aesthetics as their first issue to tackle because there is a continuum of what license vs unlicensed individuals or a nurse can do under medical supervision by a physician, physician assistant or advanced nurse practitioner. An additional topic being addressed by the group is IV hydration within the context of IV hydration clinics in non medical settings, spa settings, and etc. The workgroup is hoping to provide legal and regulatory guidance around the aforementioned topics. Ms. Chambers clarified to the board that this workgroup does not have decision making authority, it will operate similar to a subcommittee to address crossover of scope and ensuring statutes and regulations are updated to address new developments in the medical industries to

regulate current practices that are not well regulated. Dr. Campbell asked if the committee is already formed, and if so, are members selected from the boards in question? Ms. Chambers responded, yes and there have been two meetings already. Meetings are publicly noticed, and board members may attend to listen, and information is available upon request to staff.

11. Adjourn

MOTION:

RESOLVED to adjourn meeting at 03:36 p.m.

Moved by Dr. Kanady, seconded by Ronald Gherman; motion passed unanimously

DRAFT