



# Alaska Board of Chiropractic Examiners

## October 23, 2024, Board Meeting Minutes

Alaska Division of Corporations, Business and Professional Licensing  
10/23/2024 12:00 PMAKDT

### 1. Call to Order/Roll Call

The meeting was called to order by Board President Dr. Brian Larson at 12:04 p.m.  
All members were present

#### 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  
Stefanie Davis- Regulations Specialist  
Sara Chambers- Board Advisor

### 2. Review/Approve Agenda

#### MOTION:

RESOLVED to approve agenda with three added articles submitted by Dr. Campbell.  
Motion moved by Dr. Kanady, seconded by Dr. Lloyd; motion passed unanimously

### 3. Ethics Reporting

Members were polled by roll call, to declare any conflict or ethics issues. No conflicts announced.

### 4. Board Business

- A. Regulations Specialist Draft Points for Discussion
- B. LAW Feedback: Dry needling
- C. LAW Feedback: "Nutrition" Definition

Dr. Campbell described his supporting documentation for LAWs consideration when interpreting the boards position on dry needling provided to educate LAW on the profession. Dr. Larson supported the position of Dr. Campbell, stating that if LAW reviewed the boards opinion on dry needling that was submitted with this from several years ago where the board went through and carefully articulated its position it should have been clear. Dr. Larson commented, LAWs feedback may demonstrate a lack of understanding on the subject matters. Dr. Campbell agreed with this position and stated there is a vagueness to the statutes, and that is apart of the reason the board has run into these issues with LAW, and this this has been going on for 12 or 13 years from his recollection. Dr. Cambell stated he provided the supreme court decision on DEPARTMENT OF HEALTH SOCIAL SERVICES v. WHITE (2023), because he thinks that decision articulates well, that being subject matter experts is exactly the purpose of the board, to provide clarity to issues that present ambiguity. Dr. Campbell mentioned that it's not the purpose of department law to define that clarity when it comes to the terms that are being used within the profession. That's why the governor points the people to the board with the expertise in that area. Dr. Larson agreed with this position. Regulations Specialist, Stefanie Davis, provided comments to the board. She explained that, LAW had the boards agency attorney also assistant attorney general from LAW review this project separately. Ms. Davis explained their main goal, when reviewing these projects, is to make sure that the board does have statutory authority to make the changes that they wish. She clarified that LAW was not saying the board cannot do dry needling in the future. They're just saying that there does need to be a statute change in order to clarify that. Ms. Davis went on to explain that as the statutes are currently written, The boards projects are not able to be added into regulation. There's no statutory authority to add dry needling at this point in time. Ms. Davis, explained that LAWS commentary on the boards project was intended for consideration of the board, if the board is deciding to make statutory changes. It was also intended to prevent the board from duplicating information from the acupuncturist regulation. Ms. Davis clarified, LAW wants to make sure that board maintains a separation between acupuncture and dry needling when drafting a statute change in the future if the board decides to do so. Dr. Campbell responded by saying that the current board projects do fall under the current CHI scope and the board should not have to write new language. Dr. Cambell believes that LAW has an inability to recognize the definition of acupuncture and the definition of surgery. He pointed to the Cleveland Clinic article: Whats the Difference between Dry Needling and Acupuncture, published February 13, 2024, stating it provides an example of the boards position

that the therapy provided within their dry needling project falls under trigger point therapy, which is explicitly authorized under the current scope of practice.

Dr. Larson, stated this comes down to the understanding of what our statutes state . He explained that while the statutes may state that chiropractic physicians may not perform acupuncture, the statute very carefully goes through, and states that chiropractic physicians may do trigger point therapy, and the dry needling is specifically a trigger point therapy. Ms. Davis commented that she is not interpreting the statues, only LAW would be responsible for that. Ms. Davis explained if LAW is not interpreting statutes the way that the board is interpreting it, the statute can be changed. Ms. Davis explained Law supports this possibly being done in the future. Dr. Campbell included that he thinks it would serve all parties to craft a statute change. However, it would not change the boards position on the matter. Stefanie Davis responded to commentary from Dr. Larson on if any guidance was provided by LAW. Ms. Davis stated currently LAW would need more information from the board, and for the board to explain what they would like added to their statutes, then LAW could assist from that point forward. Ms. Davis explained LAW didn't want to make any statutory recommendations until the Board was on the same page and willing to make statutory updates. At that point it could be worked with LAW in the future.

Board Advisor, Sarah Chambers entered the discussion to explain that her understanding was that the board today was going to look at regulations to see what it could move forward in regulations or discuss any things like the nutrition topic. Anything that the Board wanted to discuss statutorily could be done at the starting at the end of this meeting or subsequent meeting to really work on the statute change. Ms. Chambers explained that to an extent the agency attorney is there to help with statutory recommendations, but that's not the regulations sections of LAWs real job. Ms. Chambers also explained that LAW cannot approve regulation that would create conflict or not be clear to the public or licensees. Ms. Chambers provided her opinion on the matter by stating that having been with the board for a lot of these discussions over the years. One of the problems that we see is that the definition and statute under chiropractic core methodology and the subluxation complex really puts a lot of limitations on the practice of chiropractic. Ms. Davis opined that things have to be read in context. Ms. Davis added that she feels chiropractors are being trained and educated to do more things things that are complementary, but maybe are outside of that subluxation complex. However, statutes have not kept up.

Dr. Larson questioned if the board is not wasting time putting forth regulation without statute change. Dr. Cambell agreed, that regulation projects are not productive without statute change because of the issues it creates with LAWs interpretation. Stefanie Davis provided information to the board, that if the board still wants to move the project forward to add the Alaska Chiropractic Society as an approved provider of education, it would just need to withdraw the dry needling and surgery sections of the regulation project.

Dr. Campbell suggested removing the language for dry needling, but taking a look at surgery, making sure that the board can provide a definition that brings more clarity if possible. Ms. Davis stated that LAWs position is that if the board's intent is to further clarify the projects. They're more than willing to look at a definition that the board clarifies for surgery and updating it rather than repealing it. After continued conversation, Dr. Campbell requested a week or so, to draft a more clear definition of surgery and present it to LAW. Dr. Larson agreed and included that updating statutes needs to be attended to as well. Dr. Campbell suggested working with the Alaska Chiropractic Society (ACS) as they are the ones that should be pushing statute. Dr. Campbell went on to clarify that he did not want the board to get into a position where it was lobbying for the profession. Dr. Campbell expressed concern that the boards work may run into the same issues with LAW that have halted and continue to halt dry needling projects. Ms. Chambers explained that the makeup of LAW has changed over the last few years. She explained that projects are being reviewed by a team of attorneys that offer different perspectives to projects. She also explained the regulation attorneys have developed new processes that make them more involved in the process to prevent unwanted outcomes.

After continued conversation on the issue Dr. Larson proposed at the next next meeting that we have Sarah and Stephanie in essence take what information we come up with and discuss that with legal.

**MOTION:**

RESOLVED to table the review and changes to the proposed regulatory changes to Friday, November 1<sup>st</sup> 2024 at 12:00 p.m.

Motion moved by Dr. Cambell, seconded by Dr. Kanady; motion passed unanimously

**Tasks:**

- Dr. Campbell- Surgery definition update for more clarity
- Dr. Larson - Craft response to LAWs questions

5. Public Comment

No members of the public were in attendance for comments.

6. Adjourn

MOTION:

RESOLVED to adjourn meeting at 01:24 p.m.

Moved by Ronald Gherman, seconded by Walter Campbell; motion passed unanimously.

DRAFT