

IDAHO BOARD OF CHIROPRACTIC PHYSICIANS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 1/30/2015

BOARD MEMBERS PRESENT: Charles H. Coiner – Acting Chair
Michael Troy Henze, D.C.
John Downey, D.C.
Mary Jo White, D.C.
Kathleen Joann McKay, D.C.

BUREAU STAFF: Tana Cory, Bureau Chief
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, Legal Counsel
Jean Uranga, Board Prosecutor

OTHERS PRESENT: Mark Mead, D.C.
Laverle E. Breshears, D.C.
Lawrence E. Kirkendall, Attorney
Wendy Murray, Court Reporter

The meeting was called to order at 8:10 AM MST by Mr. Coiner, Acting Chair.

AMENDED AGENDA

It was moved by Dr. White that the Board amend the agenda to add two items: a Stipulation and Consent Order that was ready for Board review and an application that was just received. It was seconded by Dr. McKay. Motion carried.

EXECUTIVE SESSION

Dr. McKay made a motion that the Board go into executive session to discuss pending litigation with counsel per Idaho Code § 67-2345(1)(f). The purpose of the executive session was to discuss case number CHI-2010-7. It was seconded by Dr. Henze. The vote was: Dr. White, aye; Dr. Downey, aye; Dr. McKay, aye; Dr. Henze, aye; and Mr. Coiner, aye. Motion carried.

Dr. White made a motion to come out of executive session. It was seconded by Dr. Downey. The vote was: Dr. White, aye; Dr. Downey, aye; Dr. McKay, aye; Dr. Henze, aye; and Mr. Coiner, aye. Motion carried.

ORAL ARGUMENT

Mr. Coiner, Acting Chair, introduced members of the Board and others at the table introduced themselves. Mr. Coiner stated that the Board is convened pursuant to notice to consider Case Number CHI-2010-7, in the matter of the license of Laverle E. Breshears, D.C. license number CHIA-428. The attorneys for the parties presented oral argument, which was recorded by the court reporter.

LUNCH

Mr. Coiner, Acting Chair called the meeting back to order.

EXECUTIVE SESSION

Dr. White made a motion that the Board go into executive session to discuss pending litigation with counsel per Idaho Code § 67-2345(1)(f). The purpose of the executive session was to discuss case number CHI-2010-7. It was seconded by Dr. Downey. The vote was: Dr. White, aye; Dr. Downey, aye; Dr. McKay, aye; Dr. Henze, aye; and Mr. Coiner, aye. Motion carried.

Dr. White made a motion to come out of executive session. It was seconded by Dr. McKay. The vote was: Dr. White, aye; Dr. Downey, aye; Dr. McKay, aye; Dr. Henze, aye; and Mr. Coiner, aye. Motion carried.

NEXT BOARD MEETING

The Board scheduled the next Board meeting for February 13, 2015 at 1:00 PM MST.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that the Board's proposed law change was not approved by the Governor's office as it was a scope of practice issue. Scope of practice issues are the purview of the association, not the Board. Dr. Henze said he received a call from Ryan Fitzgerald that the Idaho Chiropractic Association had drafted a Bill and would be presenting it for the 2015 Legislation Session.

FINANCIAL REPORT

Ms. Cory gave the financial report, which indicated that the Board had a cash balance of \$3,922.06 as of December 31, 2014.

DISCIPLINE

Ms. Uranga presented a memorandum regarding case numbers CHI-2014-13, CHI-2015-1, CHI-2014-16, CHI-2015-2, and CHI-2015-3.

It was moved by Dr. Downey to close case CHI-2015-1 with a warning letter to Respondent. It was seconded by Dr. White. Motion carried.

It was moved by Dr. Downey to close case CHI-2014-6. It was seconded by Dr. White. Motion carried.

It was moved by Dr. Henze to close case CHI-2015-2. It was seconded by Dr. Downey. Motion carried.

After discussion, the Board gave recommendations for appropriate discipline on cases CHI-2014-13 and CHI-2015-3.

Ms. Uranga presented a Stipulation and Consent Order in case CHI-2014-8. Dr. White made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Dr. Downey. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Dr. Henze made a motion to approve the Bureau's recommendation and authorize closure in case I-CHI-2014-5. It was seconded by Dr. McKay. Motion carried.

NEW BUSINESS

ELECTIONS

It was moved by Dr. McKay to elect Dr. White as Board Chair. It was seconded by Dr. Henze. Motion carried.

It was moved by Mr. Coiner to elect Dr. Henze as Vice-Chair. It was seconded by Dr. McKay. Motion carried.

Dr. White assumed the duties as Chair.

PEER REVIEW COMMITTEE

It was moved by Mr. Coiner to elect the following chiropractors for the 2015 Peer Review Committee:

Brian Barry, D.C.
Gregory Ferch, D.C.
Joel Jaureguito, D.C.
Patrick Mayo, D.C.
William Rector, D.C.
Lawrence Sassadeck, D.C.
Jared Shelton, D.C.
L. Erik Thompson, D.C.

It was seconded by Dr. Henze. Motion carried.

It was moved by Dr. Henze to appoint Dr. Mayo as Chair for the 2015 Peer Review Committee. It was seconded by Dr. Henze. Motion carried.

It was moved by Mr. Coiner to appoint Dr. Henze as the 2015 Peer Review Committee Liaison. It was seconded by Dr. McKay. Motion carried.

It was moved by Mr. Coiner to appoint Dr. McKay as backup Liaison for 2015 Peer Review Committee. It was seconded by Dr. Downey. Motion carried.

FEDERATION OF CHIROPRACTIC LICENSING BOARDS

The Board reviewed the FCLB membership dues invoice. It was moved by Dr. Henze that the Board pay the FCLB membership dues of \$1,060. It was seconded by Dr. McKay. Motion carried.

It was moved by Mr. Coiner to elect Dr. White as delegate and Dr. Henze as alternate delegate to attend the National Board of Chiropractic Examiners national meeting on May 8, 2015 and FCLB on May 9, 2015 in New Orleans, Louisiana and pay expenses in line with the state's travel policies. It was seconded by Dr. McKay. Motion carried.

It was moved by Dr. Henze to approve Dr. McKay to attend the NBCE Part IV Test Committee meeting in June 12, 2015 and spring Part IV Exam and Dr. Henze to attend the November 13, 2015 Part IV exam and Dr. Downey to attend the May and November, 2015 Part IV exam. It was seconded by Mr. Coiner. Motion carried.

EXECUTIVE SESSION

Dr. Downey made a motion that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Coiner. The vote was: Dr. White, aye; Dr. Downey, aye; Dr. McKay, aye; Dr. Henze, aye; and Mr. Coiner, aye. Motion carried.

Mr. Coiner made a motion to come out of executive session. It was seconded by Dr. McKay. The vote was: Dr. White, aye; Dr. Downey, aye; Dr. McKay, aye; Dr. Henze, aye; and Mr. Coiner, aye. Motion carried.

Dr. Downey left the meeting.

APPLICATIONS

It was moved by Mr. Coiner that the Board will consider the application for applicant 901137150 upon receipt of additional information. It was seconded by Dr. Henze. Motion carried.

It was moved by Mr. Coiner that the Board will consider the applications for applicants 901137264 and 901137266 upon fulfilling the requirements as a new applicant in Rule 100.02.a. It was seconded by Dr. Henze. Motion carried.

CORRESPONDENCE

The Board reviewed a scope of practice letter. It was moved by Mr. Coiner to send a letter directing them to the Boards laws and rules and directing any additional questions to their legal counsel. There was no second. Motion died for lack of a second.

It was moved by Dr. McKay that the Board direct them to review the previous Board letter that was sent to them and that the Board's answer has not changed. It was seconded by Mr. Coiner. Motion carried. Dr. Henze abstained.

The Board reviewed a letter asking if the Board has a law or rule that addresses chiropractors being allowed to evaluate, manage and determine if an athlete can return to play for concussions. It was moved by Mr. Coiner to send a letter stating the Board's laws or rules do not address this issue and refer them to the Board's laws and rules. It was seconded by Dr. McKay. Motion carried. Dr. Henze voted nay.

ADJOURNMENT

Mr. Coiner made a motion to adjourn the meeting at 5:15 PM MST. It was seconded by Dr. Henze. Motion carried.

Charles H. Coiner, Acting Chair

Michael Troy Henze, D.C.

John Downey, D.C.

Mary Jo White, D.C.

Kathleen Joann McKay, D.C.

Tana Cory, Bureau Chief