

**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 5/1/2015**

**BOARD MEMBERS PRESENT:** Mary Jo White, D.C. - Chair  
Michael Troy Henze, D.C.  
Charles H. Coiner  
John Downey, D.C.

**BOARD MEMBERS ABSENT:** Kathleen Joann McKay, D.C.

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Mitch Toryanski, Legal Counsel  
Roger Hales, Administrative Attorney  
Marilyn London, Technical Records Specialist

**OTHERS PRESENT:** Tony Smith, Eiguren Fisher Ellis  
Kris Ellis, Eiguren Fisher Ellis

The meeting was called to order at 1:05 PM MDT by Mary Jo White, D.C.

**APPROVAL OF MINUTES**

Mr. Coiner made a motion to approve the minutes of March 13, 2015. It was seconded by Dr. Downey. Motion carried.

**LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. She said that the two bills, HB116 and HB117 that went before the Legislature had passed. HB116 is to clarify that Boards served by the Bureau of Occupational Licenses can recoup attorney fees when a licensee is found to be in violation of the Board's laws and rules in disciplinary cases. HB117 allows licensees to reinstate their licenses without paying for the years they were not licensed. It also increases the reinstatement fee from \$25 to \$35. She also stated the bill dealing with Naturopathic Medical Physicians Licensing Act failed and the bill which repealed the Naturopathic Physician Licensing Act passed.

## **FINANCIAL REPORT**

Ms. Cory gave the financial report, which indicated that the Board had a negative balance of (\$9,903.35) as of April 30, 2015.

## **INVESTIGATIVE REPORT**

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

## **DISCIPLINE**

Ms. Peel presented a Stipulation and Consent Order in case CHI-2015-3. Dr. Downey made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Coiner. Motion carried.

## **DISCIPLINARY CASE**

Mr. Ellsworth discussed case CHI-2010-7. He explained that the Respondent's attorney filed an untimely petition for reconsideration and a request for stay of the final order. The Board Prosecutor then filed oppositions to Respondents petition and his request for stay.

Mr. Coiner moved that the Board deny the untimely petition for reconsideration on case CHI-2010-7 and direct the Board's counsel to prepare the order. Dr. Downey seconded the motion. Motion carried.

Dr. Downey moved that the Board deny the request for a stay on case CHI-2010-7 and direct the Board's counsel to prepare the order. Mr. Coiner seconded the motion. Motion carried.

## **BOARD TRAINING**

Mr. Toryanski presented a slide show for Board training on Self-Governing Boards.

## **COURT OPINION**

Mr. Toryanski presented information to the Board on Board Immunity. A case which was decided by the Supreme Court on February 25, 2015.

## **OLD BUSINESS**

To Do List – The Board reviewed the to do list and no action was taken.

## **RULE 020**

Dr. White discussed with the Board issues that have been raised about Rule 020 and Idaho Code 54-704. She has concerns that there are chiropractors who are practicing beyond what the statute allows and the consequences if Rule 020 is repealed.

Mr. Hales stated that Representative Wood's concern is that the chiropractor rules cannot exceed what the law allows. The chiropractic law prohibits chiropractors from using legend and prescriptive drugs. Even though the rule allows the use of vitamins, the injectable form of vitamins and other substances are considered legend drugs.

Ms. Cory stated the Board's charge is to get the Board's Rules in line with the statute and the Chiropractor Association's role is to expand the scope of practice.

Mr. Coiner stated the Board needs to do what the Legislature mandated and also work on housekeeping updates in the statute.

Dr. White discussed the history of what has happened on the Board since she was appointed as a Board member and prior to her appointment. She is wearing more than one hat. She feels this is a turf war.

Dr. Henze stated that it was the chiropractor association that pulled support from the Board's proposed statute changes that caused a problem for the Board's attempt to revise its statute.

## **NEW BUSINESS**

### **ASSOCIATION OF HEALTH SCIENCES COLLEGE AND UNIVERSITIES**

Dr. Gaertner-Ewing is on the Board of Trustees at Western States University and it is developing a two-year master program on training for advanced practice. It is part of a new Association of Health Sciences composed of other chiropractor colleges and will be also developing advanced practice. There are two states that have been successful in adding advanced practice into the scope of practice.

Mr. Coiner moved to authorize Dr. White to work with Representative Wood, the Bureau and others she chooses on cleaning up the chiropractor statute and getting Rule 020 in line with the statute. Dr. Henze seconded the motion. Motion carried.

## **IDAHO ASSOCIATION OF CHIROPRACTIC PHYSICIANS**

Dr. White provided copies of the IACP newsletter and was concerned about the statement in the last paragraph which read, "The IACP worked diligently over the summer and fall 2014 to update and properly clarify some of these issues, but met with difficulty at the State Board level."

Dr. Downey made a motion to authorize Dr. White to work with the Bureau on a letter to send to all licensed chiropractors to clarify what the Board has done and will be doing in the future. Dr. Henze seconded the motion. Motion carried.

## **CONTINUING EDUCATION COURSES**

Dr. White reviewed the courses on behalf of the Board.

The Board reviewed continuing education audits.

## **CORRESPONDENCE**

The Board reviewed correspondence from an individual who is studying the history of radiology in chiropractic and was asking for information on when the Board first incorporated radiology into its exams. The Board directed Ms. London to direct the writer to contact the National Boards of Chiropractor Exams.

The Board reviewed correspondence from a chiropractor college asking if trainings on ethical billing, coding, practice management, practice building and patient recruitment were acceptable. The Board directed the Bureau to respond.

## **EXECUTIVE SESSION**

Mr. Coiner 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 Dr. Henze. The vote was: Dr. Downey, aye; Dr. Henze, aye; Mr. Coiner, aye; and Dr. White, aye. Motion carried.

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

## **APPLICATIONS**

Mr. Coiner made a motion to approve Torry Hinson for licensure. Dr. Henze seconded the motion. Motion carried.

Dr. Henze made a motion to deny John Gauruder's application based upon not meeting the qualifications for new licensure or by endorsement as stated in Rules 100.02.a.i.b.ii & iv. Dr. Downey seconded the motion. Motion carried.

#### **CASE SWO-2010-7**

Mr. Coiner moved to authorize the Board Chair to sign the Order previously authorized in case CHI-2010-7. Dr. Henze seconded the motion. Motion carried.

**NEXT MEETING** was scheduled for June 12, 2015 at 1:00 PM MDT.

#### **ADJOURNMENT**

Mr. Coiner made a motion to adjourn the meeting at 4:20 PM MDT. It was seconded by Dr. Henze. Motion carried.

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Mary Jo White, D.C., Chair

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Kathleen Joann McKay, D.C.

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Michael Troy Henze, D.C.

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Charles H. Coiner

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John Downey, D.C.

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Tana Cory, Bureau Chief