

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 1/29/2016

BOARD MEMBERS PRESENT: Mary J White, DC - Chair
Kathleen J McKay, DC
Herbert W Oliver, DC
Charles H Coiner
John Downey, DC

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

OTHERS PRESENT: Ryan Fitzgerald, IACP Association Executive

The meeting was called to order at 1:10 PM MST by Mary Jo White, DC.

APPROVAL OF MINUTES

Dr. Downey made a motion to approve the minutes of 11/20/2015. It was seconded by Dr. Oliver. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that the Board's proposed rule has been heard and approved by the House and Senate Health & Welfare Committees. Ms. Cory said the Board's legislation was sent to print and the bill will be scheduled for a hearing in the Senate Health & Welfare Committee. She said the Bureau will let the Board know the date and time of the hearing.

Dr. White reviewed the information that was included in a packet to both the House and Senate House Health & Welfare Committees, along with the presentation of the rule by Mr. Hales.

FINANCIAL REPORT

Ms. Cory gave the financial report, which indicated that the Board had a negative cash balance of (\$43,339.56) as of 12/31/2015.

EXECUTIVE SESSION

Dr. McKay made a motion that the Board go into executive session under Idaho Code § 74-206(1)(f). The purpose of the Executive Session will be to consider

threatened litigation. It was seconded by Dr. Oliver. The vote was: Dr. White, aye; Dr. McKay, aye; Dr. Oliver, aye; Mr. Coiner, aye; and Dr. Downey, aye. Motion carried.

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

DISCIPLINE

Ms. Uranga presented a Stipulation and Consent Order in cases CHI-2014-1 and CHI-2014-2. Dr. Downey made a motion to reject the Consent Orders and require the licensees to complete 12 hours of a class in coding and billing. It was seconded by Dr. Oliver. Motion carried.

Ms. Uranga presented a Stipulation and Consent Order in case CHI-2014-13. Dr. McKay 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.

Ms. Uranga presented a Stipulation and Consent Order in case CHI-2015-5. Dr. McKay 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. Oliver. Motion carried.

Ms. Uranga presented a Stipulation and Consent Order in case CHI-2015-7. Dr. Oliver 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. McKay. Motion carried.

DISCIPLINE

Ms. Peel presented a memorandum regarding case numbers CHI-2014-17, CHI-2016-2, and CHI-2016-3. After discussion, the Board gave recommendations for appropriate discipline.

FOR BOARD DETERMINATION

Dr. Downey made a motion to approve the Bureau's recommendation and authorize closure in case CHI-2014-9. It was seconded by Dr. McKay. Mr. Coiner voted no. Motion carried.

Dr. Downey made a motion to approve the Bureau's recommendation and authorize closure in case CHI-2016-1. It was seconded by Dr. Oliver. Motion carried.

Dr. Downey made a motion to approve the Bureau's recommendation and authorize closure in case CHI-2014-8. It was seconded by Dr. Oliver. Motion carried.

Dr. Downey made a motion to approve the Bureau's recommendation and authorize closure in case CHI-2014-19. It was seconded by Dr. Oliver. Motion carried.

Dr. McKay made a motion to approve the Bureau's recommendation and authorize closure in case I-CHI-2016-2. It was seconded by Dr. Oliver. Motion carried.

Dr. Downey made a motion to approve the Bureau's recommendation and authorize closure in case I-CHI-2016-7. It was seconded by Dr. McKay. Dr. Oliver was recused from this case. Motion carried.

INVESTIGATIVE REPORT

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

OLD BUSINESS

IDAHO ASSOCIATION OF CHIROPRACTIC PHYSICIANS (IACP) PRESENTATION: REVISED DRAFT LEGISLATION

Mr. Fitzgerald presented the IACP's revised proposed draft legislation to the Board. He said the IACP has discussed the proposed draft with legislators and received assistance in finishing the proposed draft. Mr. Fitzgerald said that Chairman Wood suggested a separate formulary subcommittee consisting of two chiropractors and a lay person appointed by this Board, a medical doctor appointed by the Idaho Board of Medicine, and a pharmacist appointed by the Idaho Board of Pharmacy. Dr. Oliver asked Mr. Fitzgerald if the proposed legislation would include clarification of informed consent. Mr. Fitzgerald said that it is possible to include language regarding informed consent in the IACP's proposed draft legislation, and he will bring the language back to the Board for its review.

TO DO LIST

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

PEER REVIEW

Peer Review discussion was tabled until the next meeting.

NEW BUSINESS

FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB): DUES

Dr. McKay made a motion to pay the 2016 FCLB membership dues. It was seconded by Dr. Oliver. Motion passed.

FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB) VOTING DELEGATE AND ALTERNATE

The Board discussed the FCLB meeting. Dr. White has attended as the delegate for the past three years and requested to be this year's delegate. Dr. Downey made a motion for Dr. White to be the delegate and Dr. Oliver to be the alternate to attend the FCLB meeting and authorize the Board to pay travel expenses. It was seconded by Dr. McKay. Motion passed.

NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE): ANNUAL BUSINESS MEETING OF STATE DELEGATES

Dr. Downey made a motion for Dr. White to be the delegate and Dr. Oliver to be the alternate to attend the NBCE meeting and authorize the Board to pay travel expenses. It was seconded by Dr. McKay. Motion passed.

NATIONAL BOARD OF CHIROPRACTIC EXAMINERS: PART IV EXAM AND MEETING SCHEDULE

NBCE pays all expenses for this trip. Dr. McKay made a motion for Dr. Oliver and Dr. McKay to attend the Part IV Exam. It was seconded by Dr. Downey. Motion passed.

CORRESPONDENCE: IACP LETTER

The Board discussed the letter that was received on December 14, 2015, from the IACP.

CE COURSES

The Board approved the following CE courses:

- Advanced Principles of Upper Extremity Adjusting
First Continuing Education Association (FCEA)

- Myofascial Trigger Point Therapy and Patient Self-Help Techniques:
Correcting the Perpetuating Factors Behind Chronic Pain
Cross Country Education
California Chiropractic Association (CCA) Right in Your Back Yard – 12-hour
Re-licensing Seminar
California Chiropractic Association

- CCA Right in Your Back Yard – 12-hour Re-licensing Seminar – San Jose
California Chiropractic Association

The Board denied the following CE courses:

- The Body Code 2.0
Healers Library

Front Desk Safety & Security
Career Track

CE FOR REINSTATEMENT

All CE for reinstatement was approved.

CE AUDIT REVIEW

All CE for audit review was tabled until the next meeting.

NEXT MEETING was scheduled for March 11, 2016, at 11:00 AM MST.

ADJOURNMENT

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

Mary J White, DC, Chair

Kathleen J McKay, DC

Herbert W Oliver, DC

Charles H Coiner

John Downey, DC

Tana Cory, Bureau Chief