

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 3/3/2017

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

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel

The meeting was called to order at 1:00 PM MST by Mary Jo White, DC.

APPROVAL OF MINUTES

Mr. Coiner made a motion to approve the minutes of 1/6/2017. It was seconded by Dr. McKay. Motion carried.

Dr. Oliver made a motion to approve the minutes of 2/1/2017. It was seconded by Mr. Coiner. Motion carried.

Mr. Coiner made a motion to approve the minutes of 2/14/2017. It was seconded by Dr. Oliver. Motion carried.

LEGISLATIVE REPORT

Mr. Toryanski gave the legislative report. He said that the proposed rule for the fee increase was approved by the Legislature and will go into effect shortly before the Legislature adjourns this year. Mr. Toryanski said that the proposed law was approved by the Legislature and will go into effect on July 1, 2017.

Ms. Cory reviewed the revised proposed legislation from the Idaho Association of Chiropractic Physicians (IACP) with the Board. She said it has passed the House and will be heard next week in the Senate Health & Welfare Committee.

Ms. Cory said that Mr. Fitzgerald continues to work closely with Representative Wood, particularly on the language regarding devices. Ms. Cory reviewed the process going forward regarding the writing of rules to submit to the Legislature in 2018.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of (\$98,219.83) as of 2/28/2017.

DISCIPLINE

Ms. Peel presented the Findings of Fact, Conclusions of Law and Final Order in case number CHI-2017-1. Dr. Oliver made a motion to accept the Findings of Fact, Conclusions of Law and Final Order and allow a Board member (Dr. Downey) to sign on behalf of the Board. It was seconded by Dr. McKay. Motion carried.

INVESTIGATIVE REPORT

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

FOR BOARD DETERMINATION

Dr. McKay made a motion to approve the Bureau's recommendation and authorize closure in case I-CHI-2016-16. It was seconded by Dr. Downey. Motion carried.

Mr. Ellsworth said that a motion to dismiss was filed in the suit against the Board which was reviewed in a previous meeting.

OLD BUSINESS

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

INFORMED CONSENT DISCUSSION

The Board reviewed the issue of informed consent.

NEW BUSINESS

REQUIREMENT OF SPECIAL PURPOSES EXAM FOR CHIROPRACTORS (SPEC) FOR ENDORSEMENT APPLICANTS

The Board discussed the requirement of the SPEC for chiropractors applying by endorsement. The Board requested that this issue be placed on the 2017 Federation of Chiropractic Licensing Boards (FCLB)/National Board of

Chiropractor Examiners (NBCE) Annual Meeting agenda, and Dr. White will work with Ms. Toncray to complete this.

CORRESPONDENCE – COUNCIL ON CHIROPRACTIC EDUCATION (CCE) ACCREDITATIONS, JANUARY 2018

The Board reviewed the correspondence and no action was taken.

CORRESPONDENCE – NBCE PART IV JUNE 2017 TEST COMMITTEE

The Board discussed the correspondence. Dr. Downey made a motion to authorize Dr. McKay to attend the Part IV Test Committee in June 2017. It was seconded by Dr. Oliver. Motion carried. Dr. McKay made a motion to authorize the Board Chair to designate an alternate delegate if Dr. McKay cannot attend the meeting. It was seconded by Dr. Oliver. Motion carried.

CORRESPONDENCE – CCE ACCREDITATION ACTIONS

The Board reviewed the correspondence and no action was taken.

Ms. Cory reminded the Board about deadlines for submitting proposed laws and rules for the 2018 Legislative Session.

EXECUTIVE SESSION

Dr. Oliver made a motion that the Board go into executive session under Idaho Code § 74-206(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. McKay. The vote was: Dr. White, aye; Dr. Downey, aye; Dr. McKay, aye; Dr. Oliver, aye; and Mr. Coiner, aye. Motion carried.

Dr. Downey 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. Oliver, aye; and Mr. Coiner, aye. Motion carried.

APPLICATIONS

Dr. Oliver made a motion to table the following application pending receipt of the required information:

DCA-1755 and DCA 1758

It was seconded by Dr. Downey. Motion carried.

CE COURSES

Ms. Cory said that she talked with Mr. Fitzgerald regarding a future CE course submission from the IACP. Dr. Oliver made a motion to authorize the Chair to review and approve this course when the Bureau receives it, and, if the Chair has questions, to convene a Board meeting to discuss it. It was seconded by Dr. Downey. Motion carried.

NEXT MEETING was scheduled for 6/23/2017.

ADJOURNMENT

Dr. Oliver made a motion to adjourn the meeting at 4:30PM MST. It was seconded by Dr. McKay. Motion carried.

Mary Jo White, DC, Chair

Kathleen J McKay, DC, RN

Herbert W Oliver, DC

Charles H Coiner

John Downey, DC

Tana Cory, Bureau Chief