

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 2/2/2018

BOARD MEMBERS PRESENT: Herbert W Oliver, D.C. - Chair
Kathleen J McKay, D.C.
Shannon Gaertner-Ewing, D.C.
Lynn A Hansen, DC

BOARD MEMBERS ABSENT: Charles H Coiner

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Jean Uranga, Board Prosecutor
Debbie Toncray, Technical Records Specialist II

OTHERS PRESENT: Caroline Merritt, Executive Director
Idaho Association of Chiropractic Physicians
Tyrel Ward

The meeting was called to order at 9:01 AM MST by Herbert W Oliver, D.C.

APPROVAL OF MINUTES

Dr. Gaertner-Ewing made a motion to approve the minutes of 11/6/2017. It was seconded by Dr. McKay. Motion carried. Dr. Gaertner-Ewing made a motion to approve the minutes of 1/17/2018. It was seconded by Dr. McKay. Motion carried.

LEGISLATIVE REPORT

Mr. Ellsworth and Dr. Gaertner-Ewing gave the legislative report. Dr. Gaertner-Ewing said that the rules passed the House and the Senate Committees. She said the meetings with Board members and Legislators were helpful in getting the rules passed.

Ms. Hall asked the Board for further comments about the meetings that were held around the state with Board members and Legislators. Dr. Oliver said they were very helpful and it would be good to continue having such meetings.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of (\$74,948.58) as of 1/31/2018.

The Board discussed possible revisions of laws and rules regarding fees; continuing education and renewal time periods; code of ethics; the requirement of the Special Purposes Exam for Chiropractic (SPEC) for endorsement licensure; and updating any antiquated language. Ms. Hall said the deadline to submit proposed law changes to the Governor's Office is mid-July 2018 and the deadline to submit proposed rule changes to the Governor's Office is mid-August 2018 for the 2019 Legislative Session. The Board authorized Dr. Hansen and Dr. Gaertner-Ewing as a subcommittee to review and write proposed language for the laws and rules, and work with Bureau staff to have a draft for the Board to review to meet the deadlines of the 2019 Legislative Session.

DISCIPLINE

Ms. Uranga presented a memorandum regarding case number CHI-2018-2. After discussion, the Board gave recommendations for appropriate discipline.

INVESTIGATIVE REPORT

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

Ms. Peel reviewed the processes of voluntary surrender and collections with the Board.

LEGISLATIVE INTERIM COMMITTEE UPDATE

Mr. Ellsworth stated that the Idaho Legislature has had an Interim Committee that has been studying the use of Hearing Officers. The Interim Committee also looked at the Idaho Administrative Procedure Act. Draft legislation was presented at the Interim Committee's last meeting that would make changes to the Idaho Administrative Procedure Act and the way contested cases are handled. The Bureau submitted a letter to the committee which met on Oct. 2, 2017 seeking clarification and rationale on some of the changes. As the Bureau receives additional information, it will be provided to the Board. Dr. McKay made a motion to authorize Dr. Gaertner-Ewing to work with the Bureau on future legislative matters when they arise. It was seconded by Dr. Hansen. Motion carried.

OLD BUSINESS

TO DO LIST

The Board reviewed the To Do List. The Board discussed the Peer Review Rule, particularly Rule 600.04. Dr. Gaertner-Ewing made a motion to have the subcommittee work with the Bureau to write proposed language for Rule 600.04 to adopt the use of the most current Council on Chiropractic Guidelines and Practice Parameters (CCGPP) and the most current "ChiroCode" book as reference materials the peer reviewers should use and remove the language pertaining to the outdated guidelines. The vote was: Dr. Oliver, aye; Dr. Gaertner-Ewing, aye; Dr. McKay, aye; and Dr. Hansen, nay. Motion carried.

DISCUSSION OF EXECUTIVE ORDER REPORT

Ms. Eavenson outlined the Board's role in responding to the Lt. Governor's Executive Order. There is a template that will be used to complete each Board's response, and the template contains six sections:

- A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal
- B. Applications and Renewals Denied – 2017
- C. Disciplinary Actions – Past 5 Years
- D. Law, Rule, or Policy Changes or Proposed/Implemented Changes in Last 5 Years to Eliminate Barriers to Entry
- E. Assessment of Public Interest
- F. Recommendations for Improvement, Modification, or Elimination of Requirements

The Bureau will be responsible for gathering and entering all of the data sections A, B and C of the template. The Bureau and each Board will jointly fill in section D regarding the Law, Rule or Policy Changes or Proposed/Implemented Changes in Last 5 Years to Eliminate Barriers to Entry. The Board Specialist and Administrative Support Manager will assist Mr. White, the designated Board member with writing sections E and F.

Ideas for the EO that come up between meetings cannot be shared among Board members outside of Board meetings, but may be forwarded to the Board Specialist or Administrative Support Manager for inclusion in the next meeting.

The process will be completed in three meetings: 1) discussion, 2) review and approve a rough draft, and 3) review and approve a final draft. The final draft must be completed and approved by June 15, to meet the July 1, deadline for responding.

The Board suggested that either the Idaho Association of Chiropractic Physicians or the Board offer two trainings per year on the laws and rules which would be a three-hour course worth six hours of continuing education. Ms. Eavenson said she would work with the Board within the purview of the Board's authority on this issue.

NEW BUSINESS

PROPOSED LAWS AND RULES

CE EXEMPTION

The Board reviewed the proposed language for the continuing education exemption due to individual hardship, including health. The Board agreed that Dr. Gaertner-Ewing and Dr. Hansen would work with Mr. Ellsworth to write proposed language to include that the exemption request must be submitted in a timely manner before the licensee's renewal date. The Board also discussed proposed language for a "procrastinator" rule to allow for a change to the timing

of the completion of continuing education from an annual basis to a two-year time period.

EXECUTIVE SESSION

Dr. Gaertner-Ewing 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. Oliver, aye; Dr. Gaertner-Ewing, aye; Dr. Hansen, aye; and Dr. McKay, aye. Motion carried.

Dr. Gaertner-Ewing made a motion to come out of executive session. It was seconded by Dr. Hansen. The vote was: Dr. Oliver, aye; Dr. Gaertner-Ewing, aye; Dr. Hansen, aye; and Dr. McKay, aye. Motion carried.

APPLICATIONS

Dr. Gaertner-Ewing made a motion to approve the following for a temporary permit:

DCA-1816 Tyrel Ward

It was seconded by Dr. Hansen. Motion carried.

TEMPORARY PERMIT RULE

The Board reviewed the temporary permit rule and agreed that language needs to be added to clarify the rule. Dr. Hansen and Dr. Gaertner-Ewing will work on the proposed language.

FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB) DUES

The Board reviewed the annual dues invoice from FCLB. Dr. Gaertner-Ewing made a motion to approve the payment of the FCLB dues. It was seconded by Dr. McKay. Motion carried.

FCLB AND NBCE CONFERENCE ATTENDANCE

The Board reviewed the information about the FCLB Annual Meeting in May 2018, which includes the National Board of Chiropractic Examiners (NBCE) Annual Meeting. Dr. Gaertner-Ewing made a motion to have Dr. Oliver attend as the FCLB Delegate, Dr. McKay as the Alternate and NBCE Delegate, and to authorize the Chair to designate another Board member, if necessary. It was seconded by Dr. Hansen. Motion carried.

CORRESPONDENCE

PART IV PRACTICAL EXAMINATION NOMINATIONS

The Board reviewed the information from NBCE asking for attendees from the Idaho Board to attend the Part IV Exam. Dr. Gaertner-Ewing nominated Dr.

McKay and Dr. Oliver to attend the Part IV Exam in May 2018. It was seconded by Dr. Hansen. Motion carried.

FCLB NOTIFICATION FROM MEMBER BOARD

The Board reviewed the information and no action was taken.

FCLB MEMBER DIRECTORY LISTING

The Board reviewed the information and no action was taken.

NBCE NEW PART IV DIRECTOR

The Board reviewed the information and no action was taken.

AMERICAN SPECIALTY HEALTH – CE QUESTION

The Board reviewed the letter from American Specialty Health regarding the classification of continuing education webinars as live, on-site seminars or distance learning. Dr. Gaertner-Ewing made a motion to have the Bureau ask American Specialty Health to submit an application for the Board's review. It was seconded by Dr. Hansen. Motion carried.

BOARD ACTION REQUEST – FEDERAL AVIATION ADMINISTRATION (FAA) BASICMED EXAM FOR PRIVATE PILOTS (TEAM CME)

The Board discussed the request for the Board to state its position on Chiropractors licensed in Idaho performing FAA BasicMed Exams for private pilots. Dr. Gaertner-Ewing made a motion to have the Bureau respond to Team CME that it is the Board's position that Chiropractic Physicians in the state of Idaho have the privileges, training and experience to conduct all portions of medical examinations on the FAA BasicMed Exam for private pilots. It was seconded by Dr. McKay. Motion carried.

COUNCIL ON CHIROPRACTIC EDUCATION (CCE) CALL FOR APPLICANTS TO CCE ACADEMY OF SITE TEAM VISITORS

The Board reviewed the information and no action was taken.

FCLB OUTSTANDING BOARD NOMINATION

The Board reviewed the information. Dr. Oliver nominated Dr. Gaertner-Ewing for the award. Dr. Hansen made a motion to approve the nomination of Dr. Gaertner-Ewing for the FCLB award. It was seconded by Dr. McKay. Motion carried.

Dr. Hansen left the meeting at 12:52 PM MST.

EXECUTIVE ORDER COMMENT

Dr. Oliver reviewed the comment received by the Board. Dr. Gaertner-Ewing made a motion to have the Bureau respond to Dr. Manning to acknowledge his

comments on the website and to let him know that the Board did read his comments. It was seconded by Dr. McKay. Motion carried.

CE COURSES

The Board reviewed the continuing education courses and approved the following:

MYOFASCIAL DECOMPRESSION TECHNIQUES; MFD
UNIVERSITY OF CALIFORNIA, SAN FRANCISCO

2017 CCA CONVENTION & MARKETPLACE
CALIFORNIA CHIROPRACTIC ASSOCIATION

NUTRITION: A PRACTICAL COURSE
69 DOLLAR CHIRO CE

ADRENAL FATIGUE: WHAT IT IS AND HOW TO TREAT IT
69 DOLLAR CHIRO CE

DOCUMENTATION AND RECORDKEEPING
69 DOLLAR CHIRO CE

The Board denied the following continuing education courses:

THE RISK OF WELLNESS
QUANTUM-VERITAS INTERNATIONAL UNIVERSITY SYSTEMS

CHARACTERISTICS OF DIS-EASE
QUANTUM-VERITAS INTERNATIONAL UNIVERSITY SYSTEMS

EVOLUTION OF MEDICAL THOUGHT
QUANTUM-VERITAS INTERNATIONAL UNIVERSITY SYSTEMS

HEALING BY THE LAWS OF SIMILARS
QUANTUM-VERITAS INTERNATIONAL UNIVERSITY SYSTEMS

**PLANT BASED SOLUTIONS – INTEGRATION FOR THE MODERN
PRACTITIONER**
ENSO

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Dr. McKay made a motion to come out of executive session. It was seconded by Dr. Gaertner-Ewing. The vote was: Dr. Oliver, aye; Dr. Gaertner-Ewing, aye; and Dr. McKay, aye. Motion carried.

CE FOR REINSTATEMENT

The Board reviewed the continuing education information for reinstatement of licensees.

CLINICAL NUTRITION EDUCATION PROGRAM OFFERED BY DR. HICKS

The Board discussed the information about a course for clinical nutrition certification offered by Dr. Hicks. The Board tabled the information until its 4/20/2018 meeting based on legal advice because the rules had not been approved by the Legislature.

NEXT MEETINGS were scheduled for 4/20/2016 at 9:00 AM MDT and 5/25/2018 at 9:00 AM MDT.

ADJOURNMENT

Dr. McKay made a motion to adjourn the meeting at 1:55 PM MST. It was seconded by Dr. Gaertner-Ewing. Motion carried.

Herbert W Oliver, D.C., Chair

Charles H Coiner

Kathleen J McKay, D.C.

Shannon Gaertner-Ewing, D.C.

Lynn A Hansen, D.C.

Tana Cory, Bureau Chief