

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 4/20/2018

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

BOARD MEMBERS ABSENT: Charles H Coiner

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Admin. Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Debbie Toncray, Technical Records Specialist II

OTHERS PRESENT: Dr. James Hollingsworth, D.C.
Dr. Tom Hickey, D.C.
Caroline Merritt, Idaho Association of
Chiropractic Physicians
Dr. James Kranz, D.C.
Dr. H. Dewain Lee, D.C.
Dr. Robert C. Lee, D.C.

The meeting was called to order at 9:02 AM MDT by Herbert W Oliver, D.C.

APPROVAL OF MINUTES

Dr. Gaertner-Ewing made a motion to revise and approve the minutes of 3/20/2018 to reflect under the Correspondence item about Dr. Hicks' "Practicum in Intravenous and Injectable Nutrient Therapy" that Dr. Hansen would work with Dr. Hicks and Boise State University. It was seconded by Dr. McKay. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said the rules that passed the 2018 Legislature went into effect on 3/22/2018 and have been posted on the Board's website. Ms. Cory 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.

Senate Bill 1316 was introduced in the Senate on February 19. Some designated Board members met with Senators Burgoyne and Den Hartog on February 26 and the Senators said they would like to see comments or proposed amendments. Suggested amendments/comments were provided to them on February 27. Some of the proposed amendments were put into the bill and it passed the Senate on March 12 and the House on March 21. The bill will become law without the Governor's signature and will go into effect July 1.

Ms. Cory said that an interim committee has been established to study occupational licensing. The Occupational Licensing and Certification Law Interim Committee will meet over the summer.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of (\$72,042.70) as of 3/31/2018.

INVESTIGATIVE REPORT

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

FOR BOARD DETERMINATION

Dr. Gaertner-Ewing made a motion to approve the Bureau's recommendation and authorize closure in case I-CHI-2018-1. It was seconded by Dr. Hansen. Motion carried.

Dr. Gaertner-Ewing made a motion to submit the information to the prosecuting attorney in case I-CHI-2018-11. It was seconded by Dr. McKay. Dr. Hansen recused himself from this case. Motion carried.

OLD BUSINESS

SUBCOMMITTEE REPORTS – DR. HICKS – PRACTICUM IN INTRAVENOUS AND INJECTABLE NUTRIENT THERAPY COURSE

Dr. Hansen discussed the research he completed in conjunction with the review of Dr. Hicks' course and the letter that Boise State University submitted to the Board. Dr. Hansen said he also spoke with Dr. Mathov with the University of Western States (UWS), and UWS is working with Dr. Hicks so he can teach his course through them. Mr. Ellsworth discussed Rule 702(4)(b) with the Board regarding the accreditation of the required practicum course and/or program. Dr. Gaertner-Ewing made a motion to accept the course taught by Dr. Hicks, "Practicum in Intravenous and Injectable Nutrient Therapy," as substantially equivalent to meet the requirements of the law and rules. It was seconded by Dr. McKay. Motion carried.

EXECUTIVE ORDER

The Board reviewed a rough draft of the Executive Order response and directed Ms. Eavenson and the Board specialist to work with Dr. Oliver to prepare the final draft for review and final approval at the 5/25/2018 meeting.

NEW BUSINESS

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 to receive clinical nutrition certification:

DCA-1844	Morgan Barkdull
DCA-1843	Terry Burke
DCA-1847	Darrell Davis
DCA-1839	Thomas Hickey
DCA-1833	James Hollingsworth
DCA-1838	Timothy Klena
DCA-1834	James Kranz
DCA-1851	Robert Lee
DCA-1837	Corey Matthews
DCA-1841	Larry Nelson
DCA-1840	Scott Nelson
DCA-1849	James Perkins
DCA-1848	Brian Barry
DCA-1852	Shawn Rudkin
DCA-1846	James Wear
DCA-1850	Jason West

It was seconded by Dr. McKay. Motion carried.

Dr. Gaertner-Ewing made a motion to approve the following to receive clinical nutrition certification:

DCA-1842	Lynn Hansen
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It was seconded by Dr. McKay. Dr. Hansen was recused. Motion carried.

PUBLIC COMMENT

Dr. Hollingsworth asked the Board about a Drug Enforcement Administration (DEA) license. He said that such a license would be necessary for public protection, but that it was not available to licensed Idaho chiropractors at this time. Dr. Hollingsworth

asked that the Board contact the DEA and start the application and approval process, as that is what the DEA requires as a first step.

Dr. Oliver asked the audience if anyone had comments on the Executive Order. Dr. Hollingsworth said that there is still a barrier to licensure since the DEA requires a state board to contact them and start the application process for its licensees. The Board agreed to have Dr. Oliver and Mr. Ellsworth research the steps that will need to be taken, and Dr. Hansen will be available to assist when needed.

OLD BUSINESS

TO DO LIST

The Board reviewed the To Do List and no action was taken.

NEW BUSINESS

NOTICE TO LICENSEES

The Board reviewed the notice to licensees regarding the rules which went into effect on March 22. The Board agreed that the date on the postcard needed to be changed from March 28 to March 22. Dr. McKay made a motion to change the date, approve the postcard and send it to licensees. It was seconded by Dr. Gaertner-Ewing. Motion carried.

PROPOSED LAWS AND RULES – CONTINUING EDUCATION AND COURSE PROVIDERS

The Board reviewed the suggestions for continuing education rules from Dr. Oliver. The Board discussed the possible addition of a hardship waiver for CE and the use of CE carryover. Mr. Ellsworth said the hardship waiver should be included in Rule 350, Continuing Education, rather than in Rule 300, Renewal Requirements. The Board discussed the proposed language for carryover hours and agreed to have Dr. Oliver and Mr. Ellsworth revise it and bring the proposed language to the May 25 meeting.

The Board discussed the use of the classes that were completed this year by licensees applying for clinical nutrition certification and the possibility of those being counted as completed continuing education. Dr. Hansen made a motion to accept the courses Boise State University, University of Western States and Kansas State University taught for clinical nutrition certification to count as continuing education hours for this year. It was seconded by Dr. Gaertner-Ewing. Motion carried.

Dr. Gaertner-Ewing suggested that the acceptance of Providers of Continuing Education (PACE), as providers of approved continuing education, be included in Rule 350 and that Mr. Ellsworth and Dr. Oliver review the rule and strike unnecessary language.

OLD BUSINESS

SUBCOMMITTEE REPORTS / REVIEW OF LAWS/RULES

The Board reviewed all of its laws and rules and suggestions for changes were made.

NEW BUSINESS

PROPOSED LAWS AND RULES – PEER REVIEW

The Board discussed the peer review law and rules. The Board agreed that Dr. Oliver and Mr. Ellsworth will review the peer review law and rules.

PROPOSED LAWS AND RULES – CODE OF ETHICS

The Board reviewed the Code of Ethics during its discussion in the subcommittee reports and its review of laws and rules.

PROPOSED LAWS AND RULES – SPECIALTY PURPOSES EXAM FOR CHIROPRACTORS (SPEC)

The Board reviewed the use of the SPEC during its discussion in the subcommittee reports and its review of laws and rules.

PROPOSED LAWS AND RULES – TEMPORARY PERMIT

The Board reviewed the temporary permit during its discussion in the subcommittee reports and its review of laws and rules.

CORRESPONDENCE

AMERICAN SPECIALTY HEALTH – CONTINUING EDUCATION FOR LIVE WEBINAR

The Board reviewed the question from American Specialty Health regarding the clarification of its webinar being counted as online, live format or in-person continuing education. The Board agreed that this course would be considered as online distance learning. Dr. Oliver asked Ms. Toncray to respond to Valerie Ross with American Specialty Health that the Board has reviewed the correspondence, and concluded that the courses qualify as online courses for the purpose of complying with the Board's continuing education laws and rules.

DR. MANNING – EXECUTIVE ORDER COMMENT

The Board reviewed the request from Dr. Manning for further response from the Board about his comments on the Executive Order. Dr. Oliver asked Ms. Toncray to respond to Dr. Manning that the Board is not clear what he is requesting from the Board; ask that he clarify how the Board can be of assistance to him; and let him know that he is welcome to attend the next Board meeting on May 21 when the Board will discuss the Executive Order.

QUESTION ABOUT SUBJECTIVE NOTES

The Board reviewed the question from Kristen Kinzer at Natural Spine Solutions regarding the use of subjective notes in patient charts. Dr. Oliver asked Ms. Toncray to respond to Ms. Kinzer that regardless of the method used in the office, the doctor is required to record all patient encounters accurately, and that if a patient provides comments regarding other complaints that were not previously shared, it is important that the doctor document such information.

DR. JOHN HICKEY – PHARMACOLOGY COURSE INQUIRY

The Board reviewed the course information provided by Dr. Hickey, which he had taken as a chiropractic student. The Board took no action as this course was approved during the discussion of the practicum course under Old Business.

DR. KRANZ – APPROVAL OF PRACTICUM COURSE RECENTLY OFFERED BY DR. HICKS

The Board reviewed the letter from Dr. Kranz stating that the practicum course recently offered by Dr. Hicks should be approved by the Board. The Board took no action as this course was approved during the discussion of the practicum course under Old Business.

NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE): WISCONSIN CHANGING NBCE SCORE REQUIREMENTS

The Board reviewed the email from the NBCE regarding the fact that Wisconsin has eliminated the requirement for its licensees to have higher scores on NBCE exams than NBCE has established. The Board took no action on this correspondence.

BOISE STATE UNIVERSITY – LETTER OF SUPPORT, DR. HICKS' COURSE - PRACTICUM IN INTRAVENOUS AND INJECTABLE NUTRIENT THERAPY

The Board reviewed the letter of support for the course, "Practicum in Intravenous and Injectable Nutrient Therapy" recently offered by Dr. Hicks. The Board reviewed the course in previous discussions and approved it under Old Business, so no further action was taken.

CE COURSES

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

IDAHO ASSOCIATION OF CHIROPRACTIC PHYSICIANS (IACP) 2018 ANNUAL CONVENTION

IDAHO ASSOCIATION OF CHIROPRACTIC PHYSICIANS

PALOUSE CLEARWATER MEDICAL CONFERENCE

GRITMAN MEDICAL CENTER/RUSSOCME

ALL IN ONE DAY, CLINICAL EVIDENCE BASED PRACTICE OF CHIROPRACTIC – ETHICS AND LAW, NUTRITION AND CHIROPRACTIC ADVANCED ADJUSTIVE TECHNIQUE

TRIAD SEMINARS

**ALL IN ONE DAY, CLINICAL EVIDENCE BASED PRACTICE OF
CHIROPRACTIC – ETHICS AND LAW – CURRENT LAWS, PRINCIPLES
OF PRACTICE, AND CHIROPRACTIC ADJUSTIVE TECHNIQUE
TRIAD SEMINARS**

STRESS AND STRAIN
THOMAS BYNES, DC

**MULLIGAN CONCEPT – SPINAL AND PERIPHERAL MANUAL THERAPY
TREATMENT TECHNIQUES**
MULLIGAN CONCEPT

The Board denied the following continuing education course:

PROBIOTICS, FOOD AND THE IMMUNE SYSTEM
INSTITUTE FOR NATURAL RESOURCES

NEXT MEETING was scheduled for 5/25/2018 at 9:00 AM MDT.

ADJOURNMENT

Dr. Gaertner-Ewing made a motion to adjourn the meeting at 4:13 PM MDT. It was seconded by Dr. Hansen. Motion carried.

Herbert W Oliver, D.C., Chair

Charles H Coiner

Lynn A Hansen, D.C.

Kathleen J McKay, D.C.

Shannon Gaertner-Ewing, D.C.

Tana Cory, Bureau Chief