

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 5/10/2019

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

BUREAU STAFF: Kelley Packer, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Lori Peel, Investigative Unit Manager
Nicholas Crema, General Counsel
Rob McQuade, Legal Counsel
Jean Uranga, Uranga & Uranga
Eric Nelson, Naylor & Hales
Debbie Toncray, Technical Records Specialist II

OTHERS PRESENT: Caroline Merritt, Idaho Association of
Chiropractic Physicians

The meeting was called to order at 9:00 AM MDT by Herbert W Oliver, DC.

INTRODUCTIONS

Mr. Crema was introduced to the Board members as the Bureau's new general counsel.

APPROVAL OF MINUTES

Dr. Gaertner-Ewing made a motion to approve the minutes of 2/1/2019. It was seconded by Dr. McKay. Motion carried.

INVESTIGATIVE REPORT

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

FOR BOARD DETERMINATION

Dr. Hansen made a motion to approve the Bureau's recommendation and authorize closure in case number I-CHI-2019-8. It was seconded by Dr. Gaertner-Ewing. Motion carried.

DISCIPLINE

Ms. Uranga presented a memorandum regarding case number CHI-2019-1. After discussion, the Board gave recommendations for appropriate discipline.

Mr. Nelson presented a memorandum regarding case number CHI-2019-6. After discussion, the Board gave recommendations for appropriate discipline. Dr. McKay made a motion to authorize Mr. Nelson to close this case with an advisory letter to the respondent. It was seconded by Dr. Gaertner-Ewing. Motion carried.

LEGISLATIVE REPORT

Ms. Packer presented a legislative update. She explained the changes which will be made to the Board's applications and website for applicants who are active duty military, veterans, and their spouses as a result of H248 being signed into law. She updated the Board on the status of its administrative rules and the procedure by which those will remain in effect after June 30.

Mr. McQuade updated the Board on the Red Tape Reduction Act and the Bureau's process to review each Board's rules over the next two years.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of (\$81,553.86) as of 4/30/2019.

NEW BUSINESS

REQUEST TO ADDRESS THE BOARD – LICENSEE WAIVER REQUEST

EXECUTIVE SESSION

Dr. Hansen 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. Gaertner-Ewing. The vote was: Dr. Oliver, aye; Dr. Hansen, aye; Dr. McKay, aye; and Dr. Gaertner-Ewing, aye. Motion carried.

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

Dr. Hansen made a motion to approve the request for carryover of 18 hours of continuing education this year in accordance with Rule 350.04. It was seconded by Dr. Gaertner-Ewing. Motion carried.

TRAVEL POLICY AND BOARD VACANCIES

Ms. Hall reviewed the travel policy and Board vacancies with the Board.

RECONSIDERATION OF BOARD DECISIONS

Mr. Crema reviewed the reconsideration of Board decisions with the Board. Dr. Hansen made a motion to delegate authority to the Board chair to review requests for reconsideration and to appoint a designee in their absence. It was seconded by Dr. Gaertner-Ewing. Motion carried.

OLD BUSINESS

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

Dr. Gaertner-Ewing presented her suggestions for proposed rule revisions including an increase of fees until such time that the Board can reduce its deficit. The Board agreed that it has been using caution in spending for such things as travel and keeping it very limited. The Board asked the Bureau staff to provide a review of costs of previous travel to attend both annual district and national meetings for the Federation of Chiropractic Licensing Boards. The Board will continue to work on the proposed revisions to its rules and discuss at the next face-to-face meeting.

DISCUSSION: PRO REVIEWERS AND PROCESS

Ms. Peel reviewed the responsibilities and processes regarding pro reviewers with the Board.

DISCUSSION: CONTINUING EDUCATION WAIVERS

The Board discussed the process of reviewing continuing education waivers. Dr. Hansen made a motion to authorize the Board chair to review and approve special exemptions for CE between face-to-face meetings, or to convene a Board meeting to review the CE waiver requests. It was seconded by Dr. Gaertner-Ewing. Motion carried.

DISCUSSION: FASCIAL DISTORTION MODEL THERAPY

Dr. Oliver discussed the fascial distortion model therapy with the Board and explained that it is an osteopathic technique not related to chiropractic techniques. The Board agreed that each member would review the technique information and the Board would discuss it at the next meeting. Dr. Gaertner-Ewing will also check with schools about training for, and the practice of, fascial distortion model therapy.

DISCUSSION: PROVISION OF LAWS/RULES TO IDAHO ASSOCIATION OF CHIROPRACTIC PHYSICIANS (IACP)

The Board discussed the requirement of all licensees to read the laws and rules prior to being licensed and at the time of renewal. The Board and Ms. Merritt agreed that a presentation of the laws and rules could be included in the IACP annual meeting.

NEW BUSINESS

DISCUSSION: APPLICATION REVIEW BETWEEN MEETINGS

The Board discussed the review of clinical nutrition certification applications between meetings. The Board agreed that if the courses for which the applicant provides documentation do not clearly meet the requirements, then the Board must review the full application in its next meeting. Dr. McKay made a motion to authorize Bureau staff to review and approve clinical nutrition certification applications for issuance when the documentation provided clearly meets the requirements. It was seconded by Dr. Gaertner-Ewing. Motion carried.

REVIEW RENEWAL APPLICATION FORM UPDATE

The Board reviewed the revised renewal application form. Dr. McKay made a motion to ratify the revised renewal application form. It was seconded by Dr. Gaertner-Ewing. Motion carried.

CORRESPONDENCE

COUNCIL ON CHIROPRACTIC EDUCATION (CCE)

The Board reviewed correspondence from the CCE regarding the 2/8/2019 accreditation actions announcement. The Board did not take any action.

AFFILIATED MONITORS, INC.

The Board reviewed correspondence from Affiliated Monitors, Inc. regarding the company's provision for independent monitoring services. The Board did not take any action.

NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE)

The Board reviewed correspondence from the NBCE regarding the election of its Board and Officers at the 2019 annual meeting. The Board did not take any action.

QUALIFICATION OF CONTINUING EDUCATION CREDIT

The Board reviewed correspondence from a licensee regarding continuing education courses he recently took. The Board agreed that more information would need to be provided prior to their approval of the courses. The Board asked Bureau staff to send a letter to the licensee requesting the course information and a CE course application form for review at the Board's next meeting.

SCOPE OF PRACTICE QUESTION: FUNCTIONAL NEUROLOGY

The Board reviewed correspondence from Seth Wilde regarding the scope of practice and whether functional neurology fits within the scope. The Board requested Mr. Krema draft a response with a referral to Idaho Code § 54-704(2)(a) and bring it to the next meeting for Board review.

CE COURSES

The Board reviewed the following CE courses and made recommendations to Bureau staff regarding the approved hours to be sent to the providers:

MYOFASCIAL CUPPING BASICS

MISTY LAKE

GENERAL PRACTICE ETHICS

THE CHP GROUP

ADRENAL FATIGUE: WHAT IT IS AND HOW TO TREAT IT

69 DOLLAR CHIRO CE

NUTRITION: A PRACTICAL COURSE

69 DOLLAR CHIRO CE

DOCUMENTATION AND RECORD KEEPING

69 DOLLAR CHIRO CE

**THE ROLE OF THE PRIMARY SPINE PRACTITIONER IN THE CLINICAL
MANAGEMENT OF THE LOWER QUARTER: CLINICAL DECISION
MAKING, INTERVENTION AND PATIENT MANAGEMENT**
CROSSOVER HEALTH MEDICAL GROUP

CERVICAL DIFFERENTIAL ASSESSMENT (PART B)
WASHINGTON STATE CHIROPRACTIC ASSOCIATION

EXECUTIVE SESSION

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Dr. Gaertner-Ewing made a motion to come out of executive session. 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.

APPLICATIONS

Dr. Hansen made a motion to approve the following for licensure:

DCA-1939	Noble Lindberg
DCA-1940	Angela Young

It was seconded by Dr. Gaertner-Ewing. Motion carried.

Dr. Hansen made a motion to deny the following based on Rule 702 and the timing of the applicant's education:

Dr. Samuel Gage

It was seconded by Dr. McKay. Motion carried.

Dr. Hansen made a motion to approve the following for licensure:

DCA-1909	Nicolo Montecalvo
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It was seconded by Dr. Gaertner-Ewing. Motion carried.

Dr. Hansen made a motion to approve the following for licensure:

DCA-1920	Robert Sanders
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It was seconded by Dr. McKay. Motion carried.

Dr. Hansen made a motion to table the following pending additional information:

Applicant ID 901166413

It was seconded by Dr. McKay. Motion carried.

Dr. Hansen made a motion to approve the following pending successful completion of the Part IV exam:

Applicant ID 901166923

It was seconded by Dr. McKay. Motion carried.

Dr. Hansen made a motion to approve the following for licensure:

DCA-1934 Michael Jaramillo

It was seconded by Dr. McKay. Motion carried.

NEXT MEETING was scheduled for July 12, 2019, at 9:00 AM MDT.

ADJOURNMENT

Dr. McKay made a motion to adjourn the meeting at 4:07 PM MDT. It was seconded by Dr. Hansen. Motion carried.

BOARD RECONVENED

Dr. Oliver reconvened the meeting at 4:10 PM MDT to address additional applicant information.

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Dr. Hansen 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; Dr. Hansen, aye; and Dr. McKay, aye. Motion carried.

APPLICATIONS

Dr. Gaertner-Ewing made a motion to rescind the prior motion to approve the following for licensure:

DCA-1920 Robert Sanders

It was seconded by Dr. Hansen. Motion carried.

Dr. Gaertner-Ewing made a motion to deny the following based on Rule 702 and the timing of the applicant's education:

Dr. Robert Sanders

It was seconded by Dr. Hansen. Motion carried.

ADJOURNMENT

Dr. McKay made a motion to adjourn the meeting at 4:22 PM MDT. It was seconded by Dr. Gaertner-Ewing. Motion carried.

Herbert W Oliver, D.C., Chair

Lynn A Hansen, D.C.

Kathleen J McKay, D.C.

Shannon Gaertner-Ewing, D.C.

Kelley Packer, Bureau Chief