

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 9/27/2019

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

BUREAU STAFF: Kelley Packer, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Nicholas Krema, General Counsel
Rob McQuade, Legal Counsel
Debbie Toncray, Board Specialist

The meeting was called to order at 9:07 AM MDT by Herbert W Oliver, D.C.

APPROVAL OF MINUTES

Dr. Gaertner-Ewing made a motion to approve the minutes of 7/12/2019. There was no second. The motion failed. The Board discussed changes to the section regarding proposed fees in the minutes. Dr. Hansen made a motion to make revisions to the proposed fees section and approve the minutes of 7/12/2019. It was seconded by Dr. Manning. Motion carried.

INVESTIGATIVE REPORT

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

FOR BOARD DETERMINATION

Dr. Manning made a motion to approve the Bureau's recommendation and authorize closure in case number I-CHI-2020-3. It was seconded by Dr. Gaertner-Ewing. Motion carried.

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, Idaho Code 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to retain a license or registration. It was seconded by Dr. Manning. The vote was: Dr. Oliver, aye; Dr. Gaertner-Ewing, aye; Dr. Hansen, aye; and Dr. Manning, aye. Motion carried.

Dr. Hansen made a motion to come out of executive session. It was seconded by Dr. Gaertner-Ewing. Motion carried.

DISCIPLINE

Mr. Nelson presented a memorandum regarding case numbers CHI-2019-4 and CHI-2020-1. After discussion, the Board gave recommendations for appropriate discipline. Dr. Manning recused himself from discussion.

Ms. Peel presented Final Orders in case numbers CHI-2020-3 and CHI-2020-4. Dr. Gaertner-Ewing made a motion to approve the Final Orders and allow the Board chair to sign on behalf of the Board. It was seconded by Dr. Hansen. Motion carried.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of (\$79,232.16) as of 8/31/2019.

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, Idaho Code 74-106(9). The purpose of the executive session was to consider documents relating to the fitness of an applicant to be granted a license or registration. It was seconded by Dr. Manning. The vote was: Dr. Oliver, aye; Dr. Gaertner-Ewing, aye; Dr. Hansen, aye; and Dr. Manning, aye. Motion carried.

Dr. Gaertner-Ewing made a motion to come out of executive session. It was seconded by Dr. Manning. Motion carried.

APPLICATIONS

Dr. Hansen made a motion to approve the following pending receipt of additional information:

Applicant ID 901168811

It was seconded by Dr. Manning. Motion carried.

CE COURSES

The Board reviewed the CE courses. Dr. Gaertner-Ewing made a motion to approve the following CE courses. It was seconded by Dr. Manning. Motion carried.

2019 SPOKANE PAIN CONFERENCE

GRITMAN MEDICAL CENTER/RUSSOCME

2020 STRESS AND STRAIN

THOMAS BYNES, DC

OLD BUSINESS

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

Dr. Gaertner-Ewing discussed a presentation about the laws and rules to be given to the Idaho Association of Chiropractic Physicians (IACP). She said she would be willing to

put the presentation together and bring it to the Board for its review at the next meeting. The Board discussed how the presentation would be given and agreed that it would include one or two members of the Board attending the meeting and being available to the IACP members for questions. The Board agreed that there would not be continuing education hours offered since the presentation would be approximately 15 minutes.

NEGOTIATED RULEMAKING UNDER THE RED TAPE REDUCTION AND LICENSING FREEDOM ACT EXECUTIVE ORDERS; OPPORTUNITY FOR PUBLIC PARTICIPATION AND COMMENT

Mr. McQuade reviewed the proposed revisions to the rules with the Board. Dr. Hansen made a motion to approve the proposed rules and authorize the Bureau to move forward with the legislative process. It was seconded by Dr. Gaertner-Ewing. Motion carried.

The Board also discussed Idaho Code § 54-704(3)(b) and agreed that it would work on proposed revisions for the 2021 legislative session.

NEW BUSINESS

CORRESPONDENCE

DR. SHILTS' LETTER TO FEDERATION OF CHIROPRACTIC LICENSING BOARDS AND NATIONAL BOARD OF CHIROPRACTIC EXAMINERS

The Board reviewed correspondence from Dr. Shilts regarding the most recent Federation of Chiropractic Licensing Boards' annual meeting. The Board took no action.

DR. WARD'S QUESTION ABOUT RULES

The Board reviewed correspondence from Dr. Ward regarding the possibility of redundancy in Rules 702 and 706. The Board reviewed Rules 702 and 706 and noted that there was not a redundancy, but requirements existed both in applying for and then recertifying in clinical nutrition. Mr. Krema said that a response was sent to Dr. Ward to let him know that the comment period ended on July 17, 2019, and the Board would review his correspondence at this meeting.

NBCE PART IV NOVEMBER 2019 EXAMINATION NOMINATIONS

The Board reviewed correspondence from National Board of Chiropractic Examiners (NBCE) regarding attendance of Board members at the Part IV examinations. The Board noted that the NBCE pays all costs for Board members to take part in the Part IV exams. Dr. Gaertner-Ewing made a motion to authorize two Board members to attend, preferably Dr. Hansen and Dr. Manning, but another Board member could attend if they were not available. It was seconded by Dr. Hansen. Motion carried.

NEXT MEETING was scheduled for January 10, 2020 at 9:00 AM MST.

CE AUDITS

The Board reviewed the CE audits and directed Ms. Toncray to respond to the licensees in accordance with the Board's notes for approval, denial, or request for additional information.

ADJOURNMENT

Dr. Manning made a motion to adjourn the meeting at 1:16 PM MDT. It was seconded by Dr. Hansen. Motion carried.

Herbert W Oliver, D.C., Chair

Lynn A Hansen, D.C.

Shannon Gaertner-Ewing, D.C.

Craig J Manning, D.C.

Kelley Packer, Bureau Chief