

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 1/10/2020

BOARD MEMBERS PRESENT: Herbert W Oliver, D.C. - Chair
Cathy Hart
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 Crema, General Counsel
Eric Nelson, Board Prosecutor
Debbie Toncray, Board Specialist

OTHERS PRESENT: Caroline Merritt, Idaho Association of
Chiropractic Physicians

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

APPROVAL OF MINUTES

Dr. Gaertner-Ewing made a motion to approve the minutes of 9/27/2019. It was seconded by Dr. Hansen. Motion carried.

Dr. Manning made a motion to approve the minutes of 11/5/2019. It was seconded by Dr. Gaertner-Ewing. Motion carried.

COMPLAINT MEMORANDUM

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

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

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

FOR BOARD DETERMINATION

Dr. Hansen made a motion to approve the Bureau's recommendation and authorize closure in case numbers CHI-2020-5 and CHI-2020-6. It was seconded by Dr. Manning. Motion carried.

DISCIPLINE

Ms. Peel presented a Findings of Fact, Conclusions of Law and Final Order and a request to waive payment of investigative costs in case numbers CHI-2020-3 and CHI-2020-4. Dr. Gaertner-Ewing made a motion to deny the request to waive payment of the investigative costs. It was seconded by Dr. Manning. Motion carried.

Ms. Peel presented a proposed letter for the Board to send a letter to licensees who report having received a misdemeanor DUI conviction. Dr. Hansen made a motion to authorize use of the letter when appropriate. It was seconded by Ms. Hart. Dr. Manning voted nay. Motion carried.

LAWS AND RULES

Ms. Packer presented a legislative update.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of (\$70,177.36) as of 12/31/2019.

OLD BUSINESS

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

PRESENTATION – LAWS AND RULES

Dr. Gaertner-Ewing discussed the presentation that the Board could provide to the Idaho Association of Chiropractic Physicians (IACP) at one of its annual meetings. Ms. Merritt said the IACP would welcome this presentation. She said the annual meeting is being planned for mid-May 2020. Dr. Hansen made a motion to authorize Dr. Gaertner-Ewing to prepare the laws and rules presentation and bring it to the Board's next meeting. It was seconded by Ms. Hart. Motion carried.

NEW BUSINESS

PHARMACEUTICAL ORDERING FOR CHIROPRACTORS WITH CLINICAL NUTRITION CERTIFICATES

The Board reviewed a draft letter which could be sent to chiropractors with clinical nutrition certificates to help them resolve the issues that arise when ordering certain pharmaceutical items. Ms. Packer reviewed the background regarding this issue and the numerous complaints the Board receives stating that the laws and rules should be changed to accommodate such pharmaceutical items. The Board agreed that Dr. Hansen and Dr. Manning would work with Ms. Packer and Representative Wood regarding proposed changes to the law. Dr. Hansen said he would send a draft of the proposed language to Ms. Packer.

FEDERATION OF CHIROPRACTIC LICENSING BOARDS 2020 ANNUAL MEETING

The Board reviewed correspondence from the Federation of Chiropractic Licensing Boards (FCLB) regarding attendance at its 2020 annual meeting. The Board agreed that a Board member could attend and personally pay for his/her own expenses if they choose to go.

NATIONAL BOARD OF CHIROPRACTIC EXAMINERS 2020 ANNUAL MEETING

The Board reviewed correspondence from the National Board of Chiropractic Examiners (NBCE) regarding attendance at its 2020 annual meeting. Dr. Gaertner-Ewing made a motion to authorize Dr. Oliver to attend the meeting at his own expense. It was seconded by Dr. Manning. Motion carried.

FEDERATION OF CHIROPRACTIC LICENSING BOARDS DIRECTORY UPDATE

The Board reviewed the revisions on the Board directory for the FCLB. Dr. Gaertner-Ewing made a motion to approve the revisions and send the directory to the FCLB. It was seconded by Dr. Hansen. Motion carried.

CE COURSES

The Board reviewed and approved the following CE courses:

INTERNATIONAL CHIROPRACTIC ASSOCIATION – CALIFORNIA
INTERNATIONAL CHIROPRACTIC ASSOCIATION – CALIFORNIA

INTERNATIONAL CHIROPRACTIC ASSOCIATION – CALIFORNIA – 2020
INTERNATIONAL CHIROPRACTIC ASSOCIATION – CALIFORNIA

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

APPLICATIONS

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

DCA-1975 Mark Heston
DCA-1980 Robert Kay

It was seconded by Dr. Hansen. Motion carried.

Dr. Gaertner-Ewing made a motion to approve the following pending receipt of additional information:

Applicant ID 901171957

It was seconded by Dr. Hansen. Motion carried.

NEXT MEETING was scheduled for March 13, 2020 at 9:00 AM MDT.

ADJOURNMENT

Dr. Manning made a motion to adjourn the meeting at 12:50 PM MST. It was seconded by Ms. Hart. Motion carried.

Herbert W Oliver, DC, Chair