

**IDAHO BOARD OF CHIROPRACTIC PHYSICIANS**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Conference Call**  
**Board Meeting Minutes of 3/13/2020**

**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  
Marcie Rightnowar, Appeals Hearing Technician  
Rob McQuade, Legal Counsel  
Debbie Toncray, Board Specialist

**OTHERS PRESENT:** Caroline Merritt, Idaho Association of  
Chiropractic Physicians  
Xavier Christy, Meridian Medical Arts Charter High School

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

**APPROVAL OF MINUTES**

Dr. Manning made a motion to approve the minutes of 1/10/2020 and 2/4/2020. It was seconded by Ms. Hart. Motion carried.

**COMPLAINT MEMORANDUM**

Ms. Rightnowar 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 numbers I-CHI-2019-6, I-CHI-2019-14, and I-CHI-2019-15. It was seconded by Ms. Hart. 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; 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.

## **DISCIPLINE**

Dr. Gaertner-Ewing made a motion to close case number CHI-2020-8 with an advisory letter. It was seconded by Dr. Hansen. Motion carried.

## **LAWS AND RULES**

Ms. Packer presented a legislative update.

Mr. McQuade advised the Board regarding the Governor's Executive Order 2020-01, Zero Based Regulation, and the process regarding the moratorium on rulemaking.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of (\$67,378.00) as of 1/31/2020.

## **BUREAU BUSINESS**

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

## **BOARD BUSINESS**

### **NBCE PART IV EXAMINATION PARTICIPATION**

The Board reviewed the invitation from the National Board of Chiropractic Examiners (NBCE) regarding Board member participation in the May 2020 Part IV Examination process. Dr. Gaertner-Ewing made a motion to authorize Dr. Manning to attend the Part IV examination where NBCE will be paying all expenses. It was seconded by Dr. Hansen. Motion carried.

### **FCLB 2020 ANNUAL DUES**

The Board reviewed the request for payment of the Federation of Chiropractic Licensing Boards' (FCLB) 2020 dues. Dr. Gaertner-Ewing made a motion to authorize payment of the FCLB dues. It was seconded by Dr. Manning. Motion carried.

## **DISCUSSION: CBD OIL**

The Board reviewed correspondence from Dr. Oliver regarding the use of CBD oil and the Governor's policy statement, which is located on the website for the Office of Drug Policy. Mr. McQuade and Ms. Eavenson discussed the limited guidance regarding the use of CBD oil in the state of Idaho and advised the Board to let any inquirers know they would be using it at their own risk; to contact the Office of Drug Policy about its use; and to contact their own legal counsel regarding the use of CBD oil.

## **CORRESPONDENCE**

The Board reviewed correspondence from KMA Enterprises regarding the possible approval of CE provided through the American Medical Association (AMA) Physician's Recognition Award (PRA) Category 1 courses. Dr. Manning made a motion to add the approval of the AMA PRA Category 1 courses to those which are accepted by the Board for completed continuing education for chiropractors licensed in Idaho. It was seconded by Dr. Hansen. Motion carried.

The Board discussed an addition of this information to its frequently asked questions (FAQs) and to respond to KMA Enterprises as to the Board's decision to approve such CE courses. Dr. Gaertner-Ewing made a motion to add an FAQ to the Board's website regarding the approval of the use of AMA PRA Category 1 courses to those which are accepted by the Board for completed continuing education for chiropractors licensed in Idaho, and to authorize the Bureau staff to let KMA Enterprises know the Board's affirmative decision. It was seconded by Dr. Hansen. Motion carried.

The Board reviewed correspondence from Dr. Evans regarding his view on the amount of the reinstatement fee. The Board agreed to have the Board chair assist Ms. Toncray in drafting a response to Dr. Evans to let him know that the \$250 reinstatement fee cannot be waived and will be decreased to \$35 after the proposed rules are approved.

The Board reviewed correspondence from Ms. Hamilton, owner of the Idaho Pediatric Therapy Clinic, regarding any extension of renewal dates and completion of CE courses due to the cancellation of many CE courses because of COVID-19. Mr. McQuade and Ms. Eavenson discussed the Governor's Executive Order regarding COVID-19. The Board agreed that any CE waivers would be worked through on an individual basis in light of the cancellation of CE courses because of COVID-19.

## **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; 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. Gaertner-Ewing. Motion carried.

## **APPLICATIONS**

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

DCA-1996      Chad Bess

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

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

Applicant ID 901173747

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

**NEXT MEETING** was scheduled as a conference call for May 8, 2020, at 9:00 AM MDT.

## **ADJOURNMENT**

Dr. Manning made a motion to adjourn the meeting at 11:15 PM MDT. It was seconded by Dr. Hansen. Motion carried.

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Herbert W Oliver, D.C., Chair