

Idaho Board of Chiropractic Physicians

Board/Commission Members:

- Dr. Herbert W. Oliver, D.C., Boise – Chair
- The Honorable Charles H. Coiner, Hansen – Public Member
- Dr. Kathleen J. McKay, D.C., Jerome
- Dr. Lynn A. Hansen, D.C., Burley
- Dr. Shannon Gaertner-Ewing, D.C., Nampa

Board/Commission Composition: The Board consists of five (5) members: four (4) licensed chiropractic physicians, each of whom shall have been engaged continuously in the practice of chiropractic within the state of Idaho for a period of not less than three (3) years prior to appointment; and one (1) public member. Board members serve a term of three (3) years. [Idaho Code § 54-706](#).

Operating costs per licensee: \$225.64. This number represents the dollar amount required annually to serve each applicant or licensee based on the average number of licensees and the average expenditures since Fiscal Year 2014. This includes all administrative, fiscal, legal, and investigative services.

Total number of current licensees in Idaho on May 19, 2018: **743**.

For the Idaho Board of Chiropractic Physicians, the **shortest time** from complete application to issuing a license was the **same day**. The **longest time** from complete application to issuing a license was **11 days**. The **average time** to licensure was **1.8 days**. Of all licenses, **71 percent** were issued the **same day**. The Board issued **62 licenses** between May 19, 2017 and May 19, 2018.

Note: All Board meetings are subject to Idaho's Open Meeting Law. The law requires a minimum of five (5) calendar days' notice for regular meetings, and a forty-eight (48) hour notice for the agenda. Special meetings require twenty-four (24) hour meeting and agenda notice. [Idaho Code § 74-204](#).

Idaho Board of Chiropractic Physicians

A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal

		Statute <u>I.C. Title 54,</u> <u>Chapter 7</u>	Rule <u>IDAPA</u> <u>24.03.01</u>	*Policy	Application	Basis to Deny Issuance or Renewal	Fees
Chiropractic Physician	Issuance for Initial License	I.C. § 54-708 I.C. § 54-709 I.C. § 54-710	24.03.01.100 24.03.03.200	*	Application	I.C. § 54-708 I.C. § 54-709 I.C. § 54-710 I.C. § 54-712	\$150 Application Fee \$150 Licensure Fee (\$300 total)
	Renewal Requirements	I.C. § 54-708	24.03.01.300 24.03.01.350	*		I.C. § 54-708 I.C. § 54-712	\$150 Renewal Fee
	Inactive License	I.C. § 54-708(2)	24.03.01.300.02			I.C. § 54-708 I.C. § 54-712	\$100 Inactive License
Intern	Issuance for Initial License	I.C. § 54-708 I.C. § 54-709 I.C. § 54-705(m)	24.03.01.551	*	Application	I.C. § 54-708 I.C. § 54-709 I.C. § 54-705(m) I.C. § 54-712	\$100 Application Fee
	Renewal Requirements	N/A	N/A	*			N/A
Temporary Permit	Issuance for Initial License	I.C. § 54-708 I.C. § 54-709 I.C. § 54-711	24.03.01.552	*	Application	I.C. § 54-708 I.C. § 54-709 I.C. § 54-711 I.C. § 54-712	\$100 Application Fee
	Renewal Requirements	I.C. § 54-708	N/A	*		I.C. § 54-708 I.C. § 54-712	N/A

**All of the Board's requirements for licensure and renewal are in statute or rule. The Board does not have any requirements in policy.*

Idaho Board of Chiropractic Physicians

B. Applications and Renewals Denied, May 19, 2017 – May 19, 2018

Refusal to Issue Initial License [Total Number: 0]

	Basis in Statute and/or Rule	Summary of Factual Basis
	None	

Refusal to Renew License [Total Number: 0]

	Basis in Statute and/or Rule	Summary of Factual Basis
	None	

Idaho Board of Chiropractic Physicians

C. Disciplinary Actions in the last Five (5) Years**

The Idaho Board of Chiropractic Physicians received **99 complaints** from Fiscal Year 2013 through May 19, 2018. During this time frame, **42 complaints were closed** by the Board with no disciplinary action; **43 resulted in disciplinary action**; **12 remained under investigation**; and **1 was pending legal review**.

***The detail provided below is only for disciplinary actions closed between May 19, 2017 and May 19, 2018. Cases are not always closed within the same fiscal year they are opened, and sometimes multiple complaints are included in one disciplinary action. The Board's full [disciplinary action information](#) is available online.*

Case No.	Date of Final Action	Action Taken	Statutory Basis	Summary of Factual Basis
CHI-2016-6	6/23/2017	Consent Order	I.C. §§ 54-712 (4), (13) and (14) IDAPA 24.03.01.450.03 ; 24.03.01.450.04 ; and .05	Respondent used advertisements and marketing which failed to identify Respondent as a chiropractor and which included possible misrepresentations.
CHI-2017-4	6/23/2017	Consent Order	I.C. § 54-712(7)	Respondent copied approx. 300 patient files from a former employer without the consent of the employer or the patients, then disposed of at least 160 of those patient files by throwing them in a public dumpster where they were discovered by a neighboring business owner.
CHI-2017-5	6/23/2017	Consent Order	I.C. §§ 54-712 (10) and (13)	Respondent failed to comply with Medicare rules and regulations in billing for chiropractic services provided to a patient.
CHI-2017-6	11/6/2017	Consent Order	I.C. §§ 54-705(3), 54-712 (4), (8), (13), and (15) IDAPA 24.03.01.450.01 and Appendix A.4	Respondent practiced with an expired license; advertised as a licensed chiropractor while license was expired; advertised as certified by the American Chiropractic Neurology Board while certification was expired; failed to promptly refund unearned fees on prepaid accounts within thirty (30) days after

Idaho Board of Chiropractic Physicians

				cancellation of the contract; and failed to provide a full accounting of patient accounts at the time of refund.
CHI-2017-7	8/11/17	Consent Order	I.C. § 57-712 (13)	Respondent offered and provided services to patients outside the scope of chiropractic practice.

Idaho Board of Chiropractic Physicians

D. Changes or Attempted Changes in the Last Five (5) Years to Eliminate Barriers to Entry

Law and Rule

Session	Legislation or Rule	Summary
2016	Docket No. 24-0301-1501	<p>This clarification amends Chiropractic Rule 020 in response to concerns that were raised during testimony given in 2015 before the House Health and Welfare Committee on a bill for Naturopaths. Testimony from licensed Chiropractors indicated they were using legend or prescription drugs in their practice based on the language in Rule 020. This issue was then brought to the attention of the Board by legislators, and they asked the Board to work on a rule to clarify that rules cannot be interpreted to go beyond the scope of the law. The Board worked with interested parties on the amendment to Rule 020.</p>
2016	House Bill 341	<p>In 2015, the Board of Physical Therapy, State Board of Podiatry, State Board of Optometry, Board of Chiropractic Physicians, Idaho State Board of Psychologist Examiners, State Board of Medicine, State Board of Dentistry, Board of Nursing, and the Department of Administration worked together and reached out to interested parties on proposed legislation to revise IDACARE. The Boards’ proposed legislation was considered by the 2016 Legislature.</p> <p>Background: In an attempt to expand information accessible to the public regarding available options of health care providers in the State of Idaho, the Legislature passed the Patient Freedom of Information Act in 1998, also known as IDACARE. Through IDACARE, profiles of licensed health care professionals became readily accessible to the public through an online database. These health care professionals included physicians, osteopaths, physical therapists, dentists, podiatrists, chiropractors, optometrists, psychologists, physician assistants, and advanced practice professional nurses currently licensed in the State of Idaho.</p> <p>The intent of IDACARE was to create public access; however, implementation relied upon health care providers to input their data on the IDACARE web page. This was in addition to renewal information they provided to the relevant licensure board. Licensees could be fined \$50 per day for incomplete or inaccurate data.</p>

Law and Rule (continued)

Session	Legislation or Rule	Summary
	House Bill 341 (continued)	<p>The bill proposed by the Boards in 2016 eliminated the requirement for licensees to annually update their IDACARE profile. It did away with the fines, and it ensured the public still had access to relevant licensure information on each Board’s website. Furthermore, the Boards documented the number of website visits. The numbers showed:</p> <ul style="list-style-type: none"> • IDACARE page received about 750 visits per month. Most visits were providers updating their data. • Board of Medicine page received about 7,500 visits per month. • The web pages for the Board of Physical Therapy, State Board of Podiatry, State Board of Optometry, Board of Chiropractic Physicians, Idaho State Board of Psychologist Examiners, and other Boards served by the Bureau of Occupational Licenses received over 14,000 visits per month. <p>Impact: From a fiscal point of view, eliminating the IDACARE website/database created a savings of \$1,700 annually, and a one-time upgrade cost of \$30,000 for the Department of Administration, all from the general fund. It also eliminated the duplication of effort for individual Boards to support both the IDACARE and Board websites, saving the Boards’ dedicated funds over \$12,000 annually.</p> <p>More importantly, it did away with a duplicative effort on the part of licensees since they no longer would have to update the IDACARE profile in addition to submitting their license renewal. The law change removed the practitioners’ burden to manually update information on the IDACARE web page annually, and removed the ability for Boards to fine licensees \$50 per day if the data was not entered.</p>

Law and Rule (continued)

Session	Legislation or Rule	Summary
	House Bill 341 (continued)	In short, the bill to revise IDACARE relieved the burden upon healthcare providers to report information to two different state web pages, eliminated the Boards’ ability to fine licensees \$50 per day, and relieved the burden on the State, both administratively and financially, to support two different websites for licensees. Since the Boards’ charge is public protection, this change also ensured that the health care provider information would be verified and publically available on each Board’s website. This bill passed the House (69-0) and Senate (35-0). It was signed into law by the Governor on March 17, 2016, and went into effect July 1, 2016. After the bill went into effect, the Boards notified all licensees and updated each of their websites.
2017	Docket No. 24-0301-1601	Rule 150 is amended to separate the application fee from the original license fee, and set the application fee at \$150 and the original license fee at \$150. The Board's expenses had been exceeding its revenues. This change helps balance the Board's annual budget and maintain the services necessary to protect the public. The Board also amends Rule 600 to clarify the peer review process. The annual renewal fee increases from \$100 to \$150; the inactive license fee increases from \$50 to \$100; the temporary license fee increases from \$50 to \$100 and the intern permit fee of \$100 is added. The inactive retired fee is deleted. These fees or charges are imposed pursuant to I.C. § 54-708 , § 54-709 , and § 54- 711 . Impact: This fee increase is necessary because of expensive disciplinary matters in which the Board was not able to recover costs and fees from licensees who violated the Act. The inactive retired fee is eliminated.
2017	House Bill 10	This bill modernizes portions of the Chiropractic Practice Act, last amended in 1993, to consolidate all fee provisions into one section, raise some fee caps, and modernize language governing deposit and expenditure of fees. The bill also clarifies the process for granting and reinstating an inactive license. Archaic language dealing with review of applications and personal interviews of applicants is deleted.

Law and Rule (continued)

Session	Legislation or Rule	Summary
2017	House Bill 195	<p>This was the Idaho Association of Chiropractic Physicians’ legislation to establish a set of standards and educational requirements for a chiropractic certification in clinical nutrition for those licensed chiropractic physicians who wish to use vitamins and minerals via intravenous or injectable routes of administration, in treatment of their patients. Though scope of practice issues are within the purview of the association, the Board spent a lot of time working with the association to ensure that if the legislation was passed, the Board would be prepared to draft rules to implement the law.</p>
2018	Docket No. 24-0301-1701	<p>These rules implement House Bill 195, which was passed by the 2017 Legislature and signed into law. The rules establish a set of standards and educational requirements for a chiropractic certification in clinical nutrition for those licensed chiropractic physicians who wish to utilize vitamins and minerals, via intravenous or injectable routes of administration, in the treatment of their patients. The rules also establish fees for clinical nutrition certification and practice, instructions for certification application, recertification, cancellation and reissuance, standards of practice, rules for obtaining and administering clinical nutrition prescription drug products, and a clinical nutrition formulary.</p> <p>Impact: Once the rules went into effect, licensed chiropractic physicians who wish to use vitamins and minerals via intravenous or injectable routes of administration, in treatment of their patients, may apply for a chiropractic certification in clinical nutrition.</p>

Additional Barriers Eliminated/Opportunities Provided

Date	Barriers/Opportunities	Summary
2017	Implemented Idaho Code for military service and added it to the Board's website	<p>I.C. § 67-2620 For military service members and veterans, the Board added to its website a link to a law that says the Board may accept military training and experience toward qualification for licensure. The law states that professional and occupational licensing boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration. Boards may also expedite applications, including military spouse applications.</p> <p>I.C. § 67-2602A Additionally, if a licensee already holds an active Idaho license and is on active duty in the United States Armed Forces, that license will remain active without renewing it for six (6) months following discharge from active duty. The license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked.</p>
2015	I.C. § 67-2614	<p>This change allows boards to use the law to set its reinstatement fee, or to set a reinstatement fee by rule. It eliminates the requirement that, in addition to the reinstatement fee, the licensee has to include payment of the license fees for all of the years the license has been expired. It also clarifies the continuing education required to reinstate a license or registration.</p> <p>Impact: Those whose licenses expired within the last five (5) years had to pay licensure fees for each year they were expired. Anyone whose license had been expired for more than five (5) years would have to apply as a new applicant. This law change reduces barriers to reentry in two ways. For those whose licenses have been expired for less than five (5) years, it eliminates the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allows the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person's competency.</p>

Idaho Board of Chiropractic Physicians

Additional Barriers Eliminated/Opportunities Provided (continued)

Date	Barriers/Opportunities	Summary
2011	Senate Bill 1138	<p>This legislation updates the appointment process to the Idaho State Board of Chiropractic Physicians, which was cumbersome, costly to state licensees, and often caused delays in filling vacancies. The appointment process is streamlined by removing balloting procedures while still allowing any chiropractic association or any individual residing in the State to provide recommendations for appointment to the Governor.</p> <p>Impact: The process is updated to align with the process for board appointments in more recent legislation. It saves money as there are no longer costs associated with the ballot process, and it reduces delays in filling vacancies. It also reduces barriers to serving on the Board.</p>
1996	I. C. § 59-509	<p>Legislation passed during the 2016 legislative session removes members of the Idaho Board of Chiropractic Physicians from the Public Employee Retirement System of Idaho (PERSI) by changing the payment they receive from compensation to an honorarium under I. C. § 59-509.</p>

Idaho Board of Chiropractic Physicians

E. Assessment of Public Interest

The purpose of the Idaho Board of Chiropractic Physicians is to ensure the public health, safety and welfare in the state of Idaho by the licensure and regulation of chiropractic physicians. The Chiropractic Act and rules provide a broad spectrum of diagnosis and treatment options, while maintaining minimum standards to assure the public that chiropractic physicians are qualified to address public health issues.

Chiropractic physicians offer consumers more healthcare options. The Chiropractic Act and rules provide clear standards for entry into the practice.

Idaho Board of Chiropractic Physicians

F. Recommendations for Improvement, Modification, or Elimination of Requirements

1. Propose rule changes to improve continuing education options for licensees: implement a hardship waiver; add a carryover option; and expand distance learning opportunities.
2. Consider allowing credit for post-graduate education, as long as it is related to chiropractic practice; look at allowing credit for licensee who participate in training about the Board's laws and rules; and consider offering credit when licensees attend Board meetings, and allow credit for Board members for service on the Board.
3. Review temporary permits/internships.
4. Eliminate unnecessary regulation (peer review IDAPA 24.03.01: Sections 600 and 601, I.C. § 54-715).
5. Review Telehealth Access Act to see if rules need to be promulgated by the Board.
6. Review Idaho Code I.C. § 54-708 (criminal history) to see if it needs to be modified.
7. With regard to endorsement (portability), review IDAPA 24.03.01.100.b.iv to see if the requirement for the National Board Special Purposes Examination for Chiropractors (SPEC) is necessary for all applicants.

Idaho Board of Chiropractic Physicians

Summary of Objectives

The Licensing Freedom Act asked that all of Idaho's professional licensing entities critically look at their processes, laws and rules. The goal is to document the elimination of barriers and make recommendations for future changes that improve, modify or eliminate laws and rules governing professional licensure. In response, the Idaho Board of Chiropractic Physicians respectfully submits the above report and summarizes with a checklist to ensure all of the objectives were met:

- ✓ Objectives of Executive Order
 - ✓ Protect the public. (*I.C. [§ 54-702](#)*)
 - ✓ Portability of licensure. (*I.C. [§ 54-710](#), see Section F*)
 - ✓ Eliminate barriers to entry to work. (*I.C. [§ 67-2614](#); see Section F*)
 - ✓ Do away with unnecessary regulation. (*Eliminate peer review, I.C. [§ 54-715](#); IDAPA 24.03.01: Sections [600](#) and [601](#)*)
 - ✓ Modernize licensure and regulatory requirements. (*Review endorsement requirements*)

- ✓ Comprehensive Review - consider some of the issues raised in the background material, such as,
 - ✓ Telework – Idaho has recently passed laws related to telehealth but other occupations may be facing similar issues regarding telework. (*I.C. [Title 54, Chapter 57](#)*)
 - ✓ Distance/Online Learning/Testing – distance/online education and testing are increasingly available and may influence the resources that applicants or licensees can access to obtain education, continuing education or to test. (*IDAPA [24.03.01.350.03](#), distance learning; expand distance learning opportunities for continuing education; national exam provider is moving toward online testing where appropriate*)
 - ✓ Criminal History – What barriers or additional obstacles do applicants/licensees face who have a criminal conviction? Do our laws consider the relevance or proximity in time of a conviction to the individuals applying for licensure or for those currently in practice? (*Review I.C. [§ 54-708](#), see Section F*)
 - ✓ Early Examination – What can be addressed in the timing of processes to eliminate unnecessary delays? (*As part of coursework, students take parts of the national exam, when appropriate.*)
 - ✓ CE Hardship – Is there an allowance for extenuating circumstances? (*See Section F*)
 - ✓ Temporary Permits – Are there opportunities to work while minimum requirements are being met? (*I.C. [§ 54-711](#); IDAPA [24.03.01.552](#)*)