

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 10/1/2015

BOARD MEMBERS PRESENT: Mary J White, DC - Chair
Kathleen J McKay, DC
Herbert W Oliver, DC
John Downey, DC

BOARD MEMBERS ABSENT: Charles H Coiner

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Roger Hales, Naylor & Hales
Jean Uranga, Board Prosecutor

The meeting was called to order at 2:00 PM PDT by Mary J White, DC.

Dr. Oliver made a motion to amend the agenda to allow the Board to consider the stipulation and consent order in case CHI-2015-6 based upon the fact that the order was just received this morning. It was seconded by Dr. Downey. Motion carried.

APPROVAL OF MINUTES

Dr. Downey made a motion to correct the newest Board member's name and approve the minutes of 9/2/2015. It was seconded by Dr. Oliver. Motion carried. Dr. McKay made a motion to approve the minutes of 7/17/2015. It was seconded by Dr. Downey. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that the draft language has been submitted to the Governor's Office and approved for the law change which will go to the 2016 Legislature. The rules have been submitted for publication and will be in the October 7, 2015, bulletin. The Bureau staff will add a link on the website for the proposed laws and rules. An email will also be sent to other interested parties (other boards, associations, etc.) regarding the law and rule changes to ensure that questions or comments will be brought to the Board prior to the 2016 Legislative session.

DISCIPLINE

Ms. Uranga presented a memorandum regarding case number CHI-2015-7. After discussion, the Board gave recommendations for appropriate discipline.

Ms. Uranga presented a Stipulation and Consent Order in case CHI-2015-6. Dr. McKay made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Dr. Downey. Motion carried.

The Board asked Ms. Uranga to provide an update regarding the Breshears case. She said that a check has been received in accordance with the offer that was made and accepted by the Board.

INVESTIGATIVE REPORT

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

FOR BOARD DETERMINATION

Ms. Peel presented a memorandum regarding cases I-CHI-2015-3 and I-CHI-2015-5. Dr. McKay made a motion to approve the Bureau's recommendation and authorize closure in case I-CHI-2015-3. It was seconded by Dr. Oliver. Motion carried. Dr. Oliver made a motion to approve the Bureau's recommendation and authorize closure in case I-CHI-2015-5. It was seconded by Dr. Downey. Motion carried.

Mr. Hales presented a letter from a licensee regarding a request for a formal evidentiary hearing. Mr. Hales explained the process of a formal hearing versus an informal meeting with the licensee. Dr. White recused herself from this discussion since she had knowledge of the letter presented by Mr. Hales. Dr. McKay acted as the Board Chair during this time. Dr. Downey made a motion to decline the licensee's request for an informal hearing before the Board and to proceed with a formal hearing. It was seconded by Dr. Oliver. Motion carried.

OLD BUSINESS

To Do List – The Board reviewed the to do list. Dr. White had a previous discussion with Dr. Mayo, the Peer Review Chair, and she shared his comments with the Board. Dr. White said that Dr. Mayo agreed with her that the language in the law and rule regarding peer review needs to be updated. Dr. Mayo also agreed to participate via a teleconference at the Board's next face-to-face meeting.

TEMPORARY PERMIT FORM REVIEW

The Board discussed the changes to the Temporary Permit Form. After reviewing it further, the Board revised questions 7 and 8 on the form as follows:

“7. Have you failed any of the following licensure exams? If so, please indicate which one.” (Retain exam parts already listed on form.)

“8. Have you failed any of the above exams more than once?”

Dr. McKay made a motion to approve the changes to the Temporary Permit form and to have Ms. Hall post the revised form. It was seconded by Dr. Oliver. Motion carried.

LETTER ON PROPOSED LAWS & RULES

Ms. Cory explained the background and purpose of a draft letter from the Board to the licensees regarding the proposed law and rule change. Dr. White asked for any suggested changes. Mr. Hales suggested that the parentheses around the words “prescriptive/legend” in the third paragraph be removed since the Board’s desire was to have the updated language mirror the language in the Idaho Pharmacy Act. Ms. Cory will contact Ms. Beebe at the Office of the Governor and, as a courtesy, let her know this letter will be sent. Dr. Downey made a motion to have this letter reviewed by the Office of the Governor, and, if there are no concerns, to have the Bureau send the letter out under the signature of the Chair. It was seconded by Dr. Oliver. Motion carried.

NEW BUSINESS

All continuing education for reinstatement applications were reviewed and approved by the Board.

EXECUTIVE SESSION

Dr. Downey 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. Oliver. The vote was: Dr. White, aye; Dr. McKay, aye; Dr. Downey, aye; and Dr. Oliver, aye. Motion carried.

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

APPLICATIONS

Dr. Oliver made a motion to deny the following for licensure and directed Ms. Toncray to let the applicant know the Board denied based on Rule 100 (02) (b):

Michael Upton

It was seconded by Dr. McKay. Motion carried.

CORRESPONDENCE: BOARD IMMUNITY – FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB) POWERPOLL

The Board reviewed the response to this powerpoll. Ms. Cory reminded the Board that Mr. Toryanski briefed the Board regarding board immunity in a previous meeting. The Board would like to have further instruction about this issue. Dr. Oliver said he would be willing to meet with Mr. Toryanski personally regarding this issue in order to be more informed about it. Ms. Cory said that she will have Mr. Toryanski contact Dr. Oliver. She said that Mr. Toryanski could also make another presentation of this issue at the next meeting.

FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB) – Dr. White

Dr. White reviewed the history and activity of the FCLB. She also went over the agenda for the District meeting that will start October 2, 2015.

NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE) – Dr. White

Dr. White suggested that the Board members utilize the information on NBCE’s website, along with the information about FCLB located on the website.

NEXT MEETING was tentatively scheduled for January 29, 2016 at 1:00PM MST.

ADJOURNMENT

Dr. Downey made a motion to adjourn the meeting at 4:25PM PDT. It was seconded by Dr. Oliver. Motion carried.

Mary J White, DC, Chair

Kathleen J McKay, DC

Herbert W Oliver, DC

Charles H Coiner

John Downey, DC

Tana Cory, Bureau Chief