

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 7/15/2016

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

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel

OTHERS PRESENT: Ryan Fitzgerald, Idaho Association of
Chiropractic Physicians

The meeting was called to order at 1:00 PM MDT by Mary Jo White, DC.

APPROVAL OF MINUTES

Dr. McKay made a motion to approve the minutes of 06/03/2016. It was seconded by Dr. Oliver. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She reminded the Board of the deadlines for proposed legislation for the 2017 Legislative Session: August 1 for proposed laws and the third week in August for proposed rules. She also said that Mr. Fitzgerald with the Idaho Association of Chiropractic Physicians (IACP) contacted her regarding the Association's proposed legislation and how much the fee would be for certification. Ms. Cory let the Board know that the Bureau will work with Mr. Fitzgerald on determining the fee once he has an idea of the number of certifications and time involved in processing applications. Mr. Fitzgerald briefly discussed the IACP's proposed language for the certification of chiropractic physicians.

IDACARE LETTER

Ms. Cory said the licensees will soon receive a letter regarding the legislation that passed in the 2016 Legislative Session to eliminate the self-reporting requirement in IdaCare.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of (\$48,332.14) as of 6/30/2016.

BOARD CONTRACT

Ms. Hall reviewed the 2017 contract with the Board. Ms. Cory explained the history and purpose of the contract that the Board has with the Bureau. Dr. McKay made a motion to approve the 2017 contract and to allow the Chair to sign. It was seconded by Dr. Oliver. Motion carried.

DISCIPLINE

Ms. Uranga presented a Stipulation and Consent Order in case CHI-2016-3. Dr. Oliver made a motion to reject the Stipulation and Consent Order, have Ms. Uranga make the suggested revisions, and resubmit it to the Respondent. It was seconded by Dr. McKay. Motion carried.

INVESTIGATIVE REPORT

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

Ms. Peel discussed the issue of chiropractors with websites that contain advertising about providing injections. Dr. White reminded the Board that a letter was recently sent to all licensees regarding the lawful scope of practice for Idaho licensed Chiropractic Physicians. Dr. Oliver made a motion to have Ms. Peel send warning letters (via certified mail) which will give the licensees 30 days to revise their websites. It was seconded by Dr. Downey. Motion carried. Mr. Fitzgerald said he will also include a reminder regarding the scope of practice in the IACP's next newsletter.

OLD BUSINESS

To Do List – The Board reviewed the to do list and no action was taken.

PROPOSED LAW: FEES/INACTIVE LICENSES

Mr. Ellsworth reviewed the proposed language for the new fees section and inactive and inactive retired licenses. He also reviewed the proposed language for the new fee for processing the continuing education (CE) approvals. The Board discussed the process it went through to set this particular fee to review CE courses from CE providers and the possibility of resetting the fee.

The Board discussed the differences between the inactive and inactive retired licenses. Dr. Downey made a motion to have Mr. Ellsworth remove the inactive retired license and fee from the proposed statute. It was seconded by Dr. McKay. Motion carried.

Mr. Ellsworth completed the revisions the Board requested. The Board reviewed the revised law regarding fees and inactive licenses. Mr. Coiner made a motion

to approve the revised proposed language for the new fees section and inactive licensure and have it submitted to the Governor's Office. It was seconded by Dr. Oliver. Motion carried.

PROPOSED RULE: FEE INCREASE

Mr. Ellsworth and Ms. Hall reviewed the proposed language regarding the fee increases. The Board agreed to have Mr. Ellsworth strike the language for the inactive retired fee and submit the proposed rule for fee increases to the Governor's Office.

PROPOSED LAW: FEE FOR PROCESSING CONTINUING EDUCATION APPROVALS

Mr. Ellsworth reviewed the proposed language with the Board and said the Board would need to write the rules for the fees next year. The Board discussed the process and time required to review CE courses. Mr. Coiner made a motion to set the fee cap at \$500.00. It was seconded by Dr. Oliver. Motion carried.

PROPOSED RULE: PEER REVIEW

Mr. Ellsworth reviewed the proposed language to Rule 600, Chiropractic Peer Review. Dr. Oliver made a motion to have Mr. Ellsworth make the requested change to the proposed language for the Peer Review rule and submit it to the Governor's Office. It was seconded by Dr. McKay. Motion carried.

NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE) RESOURCES

Dr. White discussed the available resources through the NBCE. She suggested the information be included in Board training.

CE APPROVALS AND LONG DISTANCE LEARNING

The Board discussed the correspondence regarding approval of long distance continuing education (brought forward from the 6/3/16 meeting). Mr. Coiner made a motion to respond that the Board's Rule 350.03 states that only six hours of distance learning can be approved for continuing education. It was seconded by Dr. Downey. Motion carried.

SPECIAL PURPOSES EXAM FOR CHIROPRACTIC (SPEC) EXAM REVIEW

Dr. White reviewed the use of the SPEC with the Board. She asked that a power poll be done through the Federation of Chiropractic Licensing Boards (FCLB) to find out how many states use the SPEC as part of their requirements for licensure by endorsement. She also requested that this topic remain on the agenda for the next meeting.

TELEHEALTH

The Board tabled this issue until its next meeting.

NEW BUSINESS

CORRESPONDENCE: FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB)

The Board discussed the FCLB District I/IV Fall Regional Meeting. Mr. Coiner made a motion to have Dr. White and Dr. Oliver attend the meeting. It was seconded by Dr. Downey. Motion carried. Dr. McKay made a motion to also have Ms. Toncray attend the meeting. It was seconded by Dr. Downey. Motion carried.

CORRESPONDENCE: PROVIDERS OF APPROVED CONTINUING EDUCATION (PACE) – APPROVED CONTINUING EDUCATION

The Board discussed the use of continuing education provided through PACE. Mr. Coiner made a motion to clarify that PACE is accepted by the Board as an approved CE provider without submission of any course application to the Board. It was seconded by Dr. McKay. Motion carried. Dr. White requested that the resolution made at the 2016 annual FCLB meeting regarding acceptance of PACE continuing education be included with the Board documents.

CORRESPONDENCE: PRECEPTORSHIP QUESTION

The Board reviewed the correspondence regarding a doctor who has completed probation who would like to supervise an intern. Dr. McKay made a motion to have Ms. Toncray let the Chiropractor know that the Board is limited to reviewing the intern's application. It was seconded by Dr. Oliver. Motion carried.

EXECUTIVE SESSION

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

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

APPLICATIONS

Dr. Downey made a motion to approve the following for licensure upon passing the SPEC and the Chair's review of the score:

DCA-1726 Skylar Weeks

It was seconded by Dr. McKay. Motion carried.

CE COURSES

The Board reviewed the submitted CE courses. Dr. McKay made a motion to carefully review all the existing approved continuing education courses to qualify them as being germane to the practice. It was not seconded. The Board discussed the review of the previous approvals of all continuing education courses. The Board agreed to put "continuing education review" on the next agenda.

NEXT MEETING was scheduled for October 28, 2016, at 11:00 AM MDT.

ADJOURNMENT

Dr. Downey made a motion to adjourn the meeting at 5:05 PM MDT. It was seconded by Dr. McKay. Motion carried.

Mary Jo White, DC, Chair

Kathleen J McKay, DC

Herbert W Oliver, DC

Charles H Coiner

John Downey, DC

Tana Cory, Bureau Chief