

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
AUGUST 12, 2010**

PRESENT: Steven R. Conway, Wendy M. Henrichs, James P. Koshick, Mania Moore, Kathleen Schneider and Steven J. Silverman

GUESTS: David Heitmann, Ashley Heitmann, Russ Leonard, Tom Moore, Jeff Wilder, and Lisa Tenold, Wisconsin Chiropractic Association (WCA); Paul Gabriel, Wisconsin Technical College Boards; Kristen Finnel and Elizabeth McLean, Moraine Park Technical College; Patti Barkalow, Chiro Health & Wellness; Dr. Carl Heigl, KST; and J. Greenwald, Ed Petty and David Michel, PMA

STAFF: Angela Arrington, Bureau Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant; and other DRL Staff

CALL TO ORDER

Chair, Wendy Henrichs called the meeting to order at 8:34 a.m. A quorum of 6 members was present.

ADOPTION OF AGENDA

- Add: Martha C. Pakan as Item N in closed session
- Include section B Item A – Appearance for Russ Leonard
- Change the next meeting date.

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to approve the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 27, 2010

Corrections:

- Page 3 of the minutes – second paragraph expressed
- Page 8 of the packet – 2nd paragraph Credential
- Page 13 of the packet – 2nd sentence – are there any programs
- Will remain the process until the Board decides to change

MOTION: Kathleen Schneider moved, seconded by Mania Moore, to approve the Minutes of January 28, 2010 as corrected. Motion carried unanimously.

ADMINISTRATIVE REPORT

Angela Arrington reviewed the information that was included in the red folder for this meeting.

**PRECEPTOR APPROVALS OR ANY RECEIVED
AFTER PRINTING OF AGENDA**

The following requests for approval of preceptors have been submitted to the DRL 45 days in advance of the beginning of the school's next trimester:

<u>School</u>	<u>Chiropractor</u>	<u>Year Lic. Granted</u>	
<u>Palmer</u>	(pregrad)	Robert Anderson	06/03/82
		Russell Hauser	09/04/86
		Sandra Litang-Canon	12/08/94
		Kari Lund	02/17/95
		Dan Lyons	02/16/96
		Karen Paras	12/17/98
		Dale Strama	01/09/86
		Lisa Tenold	01/09/86
		Terry Wepner	07/16/83
		Mike Saatkamp	10/27/84
	(postgrad)	Keith Rademacher	08/20/85
<u>Northwestern</u>	(pregrad)	John Corsi	12/14/01
	(postgrad)	Kati Havel	02/18/03
		Jennifer Waidelich	02/23/89
		Brian Senoraske	12/21/00

MOTION: Steven Silverman moved, seconded by Mania Moore, to approve the preceptors as presented. Motion carried unanimously.

LEGISLATION/ADMINISTRATIVE RULES

Legislative/Administrative Rules

Wendy Henrichs invited Russ Leonard, Executive Director of the Wisconsin Chiropractic Association (WCA) to address the Board to explain the statutory changes that the WCA had lobbied in support of. Mr. Leonard indicated that the Wisconsin Chiropractic Association represents 1400 chiropractors in the State of Wisconsin. He admitted that there are problems with the profession and the association will continue to put forth legislation to correct those problems. He indicated that 150 or more chiropractors have failed since the Wisconsin exam was discontinued because they were not prepared to be chiropractors. He noted that the Examining Board and not the Department is required to administer the exam. They need to offer the exam twice per year and include a practical examination. He claimed that the practical exam must include live patients. The Association understands that a fee will be involved and that the fee might be substantial but did not feel it would prohibit anyone from taking the exam.

The new law calls for the certification of Chiropractic Technician (CT) and Chiropractic Radiological Technician (CRT). The Association wanted to make sure that the individuals are properly trained before completing these delegated tasks. He also indicated that in the past 20 years, there has not been one lawsuit related to CT or CRTs in Wisconsin.

Mr. Leonard asked that the Board move quickly toward rule making requiring CE for CT and CRT. He noted that the requirements should be clinical and not business related and could be incorporated into the current rules governing CE for Chiropractors.

He noted that there are programs across the country that train CT, CRT and Chiropractors. He told the Board that the Association is not in favor of requiring the 1 year program. He suggested that Dr. Koshick, as the Board's representative to the FCLB, present that opinion to the FCLB for its consideration.

Secretary Jackson thanked Mr. Leonard for coming and touched on the following key points. She noted that the legislative process that the WCA had did not afford the Department or the Board an opportunity to address any concerns. Mr. Leonard stated that the Association did not have confidence in the Department to include them in the discussions surrounding this legislative initiative.

Secretary Jackson indicated that the support that the Association received might not have been had the Association been upfront and forthright about the legislative initiative. She also addressed the structure of the practical exam surrounding live patients. She noted that this Board, while it has chiropractic experience, does not have exam development experience. Mr. Leonard indicated his belief that the Department has a statutory obligation to provide the technical and administrative support to the Board as it relates to the practical exam. Mr. Leonard indicated that the Association does not have the confidence in the Department to carry out the development and administration of the intent of the legislation put forth by the WCA as it relates to the practical exam.

Secretary Jackson indicated that the Department and Board have addressed the CRT issue but could not understand why the legislation blocked one of the Wisconsin providers, Moraine Park Technical College, from providing the training.

Mr. Leonard addressed the issue of CE. He asked that the Department issue a unique program/course approval number.

He then addressed the issue of Co-Pay. While the Chiropractor is required to charge the co-payment, they are not required to collect the co-pay in instances of financial hardship. If the Chiropractor does not charge the co-pay, they may be required to refund the insurance company.

Discuss Possible Legislation Related to Rulemaking for Chiropractic Technicians and Chiropractic Radiological Technicians

The Board discussed the steps necessary to create rules surrounding the CT and CRT certification.

MOTION: James Koshick moved, seconded by Steven Conway, to direct the Department to prepare a scope statement with respect to rulemaking relative to CT and CRT certification. Motion carried unanimously.

Discuss New Law Related to Co-Pay Deductibles

MOTION: James Koshick moved, seconded by Steven Silverman, to direct the Department to prepare a scope statement to begin the rulemaking process relative to the co-pay and deductible provision legislation recently enacted in 2009 Wisconsin Act 28. Motion carried unanimously.

Licensure Requirement Age for CT and CRT Licensure

This item will be addressed in the scope statement related to the CT and CRT certification rule making process.

CREDENTIALING/EDUCATION AND EXAMINATION ISSUES

Discussion Related to Curriculum of the Associate of Science in Chiropractic Technology (ASCT) Program and Chiropractic Clinical Assistant (CCA) Program – Palmer College

The Board noted that they recognize Palmer College as a provider.

Continuing Education Rules for Chiropractic Technician and Chiropractic Radiological Technician

The Board noted that the workgroup comprised of Drs. Silverman, Koshick and Henrichs is still working on the practical exam. The Board also received 135 letters requesting distance learning of which only 2 are licensees.

PRACTICE QUESTIONS

What are the rules for re-setting dislocation

The Board discussed that the practice is not prohibited but must fall within the scope of practice (i.e. cannot require prohibited methods)

Discussion Related to Advanced Allergy Therapeutics

The Board discussed that acupressure does fall within the scope of practice but acupuncture is prohibited.

TRAVEL

The Board discussed possible travel to Fort Walton Beach, FL, October 14-17, 2010. Dr. Koshick recommended that Ms. McGowan attend that next meeting of the FCLB.

PUBLIC COMMENTS

Paul Gabriel and Elizabeth McLean, Moraine Park Technical College; David Michel and Dr. Lisa Tenold provided comments to the Board.

CLOSED SESSION

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to adjourn to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with Administrative Warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Wendy Henrichs – yes; James Koshick – yes; Mania Moore – yes; Steven Silverman – yes; Kathleen Schneider – yes; Steven Conway - yes. Motion carried unanimously.

Open session recessed at 10:50 a.m.

RECONVENE TO OPEN SESSION

MOTION: Steven Silverman moved, seconded by Steven Conway, to reconvene in open session at 12:12 p.m. Motion carried unanimously.

CREDENTIALING/EDUCATION & EXAMINATION ISSUES

Request for Alternate Delivery Methods of Continuing Education

MOTION: Steven Silverman moved, seconded by James Koshick, to approve Dr. Scott M. Tenold's request for finding of extreme hardship. And further, as permitted under CHIRO 5.02(3), granting Dr. Tenold permission to complete home study programs with prior submission to and approval by the Board for the biennium ending December 15, 2010. Motion carried unanimously.

DISCUSSION REGARDING PRACTICAL EXAM

Wendy Henrichs reported that the work group has developed scenarios and a grading plan along with about 200 multiple choice questions. Dr. Koshick is working on the x-ray portion of the exam.

Angela Arrington updated the Board related to the Board's request to have a meeting with the Department. She noted that the Department will meet with the Board during the closed session portion of the next meeting to move the practical exam forward.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

CASE CLOSINGS

10 CHI 001

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to close case 10 CHI 001 for no violation. Motion carried unanimously.

07 CHI 041

MOTION: Steven Conway moved, seconded by Steven Silverman, to close case 07 CHI 041 for insufficient evidence. Motion carried unanimously.

10 CHI 017

MOTION: James Koshick moved, seconded by Mania Moore, to close case 10 CHI 017 for insufficient evidence. Motion carried unanimously.

DELIBERATION OF PROPOSED STIPULATIONS OR INCLUDING ANY THAT MAY HAVE BEEN SIGNED AFTER MAILING OF THE AGENDA

MOTION: Kathleen Schneider moved, seconded by Mania Moore, to adopt the Findings of Fact, Conclusion of Law, Stipulation and Order in the matter of Robert D. Kurtz, D.C. (06 CHI 007). Motion carried unanimously.

DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS INCLUDING ANY THAT MAY HAVE BEEN RECEIVED AFTER MAILING OF AGENDA

**08 CHI 044
D.R.B.C.**

MOTION: Steven Silverman moved, seconded by Steven Conway, to issue the Administrative Warning in the matter of 08 CHI 044 D.R.B.C. Motion carried unanimously.

**08 CHI 044
R.L.C.**

MOTION: Steven Silverman moved, seconded by Steven Conway, to issue the Administrative Warning in the matter of 08 CHI 044 R.L.C. Motion carried unanimously.

REVIEW OF APPLICATIONS INCLUDING ANY THAT MAY HAVE BEEN RECEIVED AFTER MAILING OF THE AGENDA

CHER MARIE

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to deny Cher Marie's application for Chiropractic Technician. Motion carried unanimously.

BRENDA FENNER

MOTION: Kathleen Schneider moved, seconded by Mania Moore, to deny Brenda Fenner's application for Chiropractic Technician. Steven Silverman and Steven Conway abstained. Motion carried.

MARTHA C. PAKAN

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to deny Martha C. Pakan's application for Chiropractic Technician. Motion carried unanimously.

DOE SIGNATURE COLLECTION

ADJOURNMENT

MOTION: Steven Conway moved, seconded by Steven Silverman, to adjourn the meeting at 12:17 p.m. Motion carried unanimously.