

OPEN MINUTES
Missouri State Board of Chiropractic Examiners
June 13, 2002 – 8:00 a.m.
Division of Professional Registration
3605 Missouri Boulevard - Jefferson City, Missouri

The Missouri State Board of Chiropractic Examiners convened in open session at 8:12 a.m., on June 13, 2002 by Dr. Mary Holyoke, Board President at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Members Present:

Mary A. Holyoke, D.C., President

Larry J. Lovejoy, D.C., Secretary

Lawrence Gerstein, D.C.

Lee Richardson, D.C.

Charles Klinginsmith, D.C. (Via telephone conference call. Exited the open session meeting at 9:58 a.m.)

Charlotte Castillon Hill, MA, Public Member

Staff Present:

Loree Kessler, Executive Director

Jeanette Stuenkel, Executive I

Greg Mitchell, Legal Counsel

Visitors

Marilyn Williams, Director-Division of Professional Registration

Sherry Hess, Chief Accountant-Division of Professional Registration

Mo McCullough, Missouri State Chiropractors Association

Dr. John Scott, Missouri State Chiropractors Association

Dr. Jacqueline Bogard, Logan College of Chiropractic (via telephone conference call.)

Dr. Gary Carver (Via telephone conference call)

Vicki Renshaw, Cleveland Chiropractic College

Peg Threadgill, Cleveland Chiropractic College

Approval of Agenda – A motion was made by Dr. Gerstein and seconded by Dr. Richardson to approve the open session agenda adding a discussion on the following items; DOT drug screen regulations, CCE notice regarding Life University, and correspondence from Dr. Raneer Furrow King. Motion carried unanimously.

A motion was made by Dr. Richardson and seconded by Dr. Gerstein to approve the open session minutes as amended for the following dates; mail ballot February 15, 2002, mail ballot February 27, 2002, mail ballot March 1, 2002, mail ballot March 6, 2002, board meeting March 7, 2002, mail ballot March 12, 2002, mail ballot March 22, 2002, mail ballot April 1, 2002, mail ballot April 5, 2002, mail ballot April 11, 2002, mail ballot April 12, 2002, mail ballot April 19, 2002, conference call April 23, 2002, mail ballot April 24, 2002, mail ballot April 26, 2002, mail ballot May 3, 2002, mail ballot May 10, 2002, conference call May 13, 2002, and mail ballot May 28, 2002. Motion carried unanimously.

Financial Report – The executive director advised that board that a supplemental appropriation bill had passed during the most current legislation authorizing transfer of funds to the Office of Administration for the cost of doing business on behalf of the board. The information concerning this probable transfer had been provided to the board previously in the weekly packet of information. It was determined that this would be a quarterly transfer from the board's fund to general revenue.

Division Director Marilyn Williams and Chief Accountant for the division, Sherry Hess met with the board to discuss possible changes to in and out state travel requirements by the Office of Administration. Ms. Williams explained such changes were the result of audits by the State Auditor's office and the current and probably continued tight budget for the state. Ms. Hess provided a cost comparison of proposed lodging and meal allowances compared to the currently used Runzheimer index.

The board was advised that the division was seeking clarification and the effective date of this possible policy change.

A motion was made by Dr. Richardson and seconded by Dr. Gerstein to approve the financial report.

Out of State Travel – The out of state travel plan submitted to the division was presented to the board. No official action taken by the board.

Legislative Update – The board instructed counsel and the executive director to forward the approved language amending the reciprocity portion of the statute to the state association so it can be incorporated into a review during the annual association meeting.

Lien Law/Supreme Court Decision – Mo McCullough, Executive Director for the Missouri State Chiropractic Association provided an overview of the legislative efforts of the association to include adding the lien law as an amendment to the last session. Due to time constraints the legislation was not offered as an amendment however, Mr. McCullough explained that lien law legislation would likely be a priority item along with insurance parity during the next session.

Chiropractic Rules – The executive director reported that with the regular session now adjourned the proposed regulations approved at the March meeting can now be submitted to the division.

Acupuncture Exam Utilization - Dr. Gerstein provided an overview of the efforts of the National Board of Chiropractic. Counsel and executive director were asked to research statute and draft language for a regulation concerning utilization of the acupuncture examination. Subcommittee appointed by Dr. Holyoke consisting of Drs. Gerstein, Richardson and Holyoke to review results of research.

Reciprocity Applications – A motion was made by Dr. Gerstein and seconded by Dr. Klinginsmith for counsel and the executive director to draft amendment to the reciprocity language to remove the "mutuality" requirement. Motion carried unanimously.

Counsel advised the board that under the current statute the substantial equivalency of the licensure law of another state could be determined by the current state's requirements.

Acupuncturist Update – Dr. Holyoke provided an overview of the first conference call convened by the advisory committee. The executive director provided an overview of the number of applicants and estimated number of licensees along with the expenses since inception to date.

At 9:58 a.m., Dr. Klinginsmith exited the meeting and was not available for discussion or votes contained in the remaining open or closed sessions.

Injectable Vitamins – In response to a letter sent to the board, the board researched the issue of injectable vitamins. It was determined that because such vitamins are listed as legend drugs they cannot be administered in Missouri according to the current scope of practice for chiropractors.

Dr. Holyoke appointed a subcommittee consisting of Drs. Gerstein and Lovejoy to develop a survey question(s) to include with the renewal notice concerning injectable vitamins. This survey language will also be reviewed by the state association for discussion at the association's annual meeting in August.

Jay Mulligan, D.C.- A motion was by Dr. Gerstein and seconded by Dr. Richardson to approve the name Mulligan Chiropractic Orthopedic, P.C. Board members voting aye; Dr. Gerstein, Dr. Lovejoy and Dr. Richardson. Board member voting nay; Ms. Castillon Hill. Motion carried.

Apex healthCAREsolutions, P.C. – A motion was made by Dr. Gerstein and seconded by Dr. Richardson to provide Dr. Adams the regulation concerning the entities allowed to join a chiropractor in a professional corporation and to deny the name change based on the regulation. Motion carried unanimously.

A motion was made by Dr. Gerstein and seconded by Dr. Richardson for counsel and staff to draft an amendment to PC rule to expand the other professions which can join with DC' and to consider "generic" language covering all health professions that is not too broad. Motion carried unanimously.

G. Patrick Thomas Jr., DC, DACBR – The board instructed the executive director to contact the Missouri Department of Health and Senior Services to determine if that department regulates the use of teleradiology and to also consult with the Board of Healing Arts concerning that board's policy regarding telemedicine.

The Chiropractic Journal – The board reviewed the article provided by Dr. Lovejoy. No official action taken by the board.

Missouri State High School Activities Association – The board approved a letter to be sent to the association concerning the scope of practice for chiropractors. Dr. Lovejoy will attend the June 19th meeting in Columbia on behalf of the board.

At 10:55 a.m., the board took a recess and reconvened at 11:02 a.m.

At 11:03 a.m. a motion was made by Dr. Lovejoy and seconded by Dr. Gerstein to convene in closed session pursuant to section 620.010 subsection (14), paragraph (7) for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to the licensee or applicant, section 610.021 subsection (1) RSMo for the purpose of discussing general legal actions, causes of action or litigation, and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under the subsections of

610.021 which authorized this agency to go into closed session during those meetings. Board members voting aye; Dr. Gerstein, Dr. Lovejoy, Ms. Castillon Hill, and Dr. Richardson. Motion carried unanimously.

At 2:22 p.m. a motion was made by Dr. Gerstein and seconded by Dr. Lovejoy to convene in open session. . Board members voting aye; Dr. Gerstein, Dr. Lovejoy, Ms. Castillon Hill, and Dr. Richardson. Motion carried unanimously.

DOT Regulations – Dr. Gerstein advised the board that he had received information regarding changes by the federal government regarding Department of Transportation drug screens. The board asked that Dr. Gerstein, executive director, and counsel review the amended language and forward any questions directly to the DOT.

CCE & Life University – The board reviewed the news release concerning the approval status of Life University. No official action taken by the board.

Correspondence - Raneë Furrow King, D.C. – The executive director was instructed to send a response to Dr. King concerning the authority of a licensed chiropractor to order x-rays, CT scans and blood work.

At 2:34 p.m. a motion was made by Dr. Gerstein and seconded by Dr. Richardson to adjourn the meeting. Board members voting aye; Dr. Gerstein, Dr. Lovejoy, Ms. Castillon Hill, and Dr. Richardson. Motion carried unanimously. Meeting adjourned.

Executive Director

Approved by the State Board on