

**OPEN MINUTES**  
**Missouri State Board of Chiropractic Examiners**  
**November 21, 2002 – 8:00 a.m.**  
**Division of Professional Registration**  
**3605 Missouri Boulevard - Jefferson City, Missouri**

The Missouri State Board of Chiropractic Examiners was called to order in open session at 8:03 a.m., November 21, 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.  
Charlotte Castillon Hill, MA, Public Member

**Staff Present:**

Loree Kessler, Executive Director  
Jeanette Stuenkel, Executive I  
Greg Mitchell, Legal Counsel  
Sondra Morgan, Legal Counsel (Arrived at 10:15 a.m. and departed at 11:17 a.m.)

**Visitors**

Dr. Ralph Barrale (Logan College)  
Dr. Gary Carver (via telephone conference call)  
Mo McCullough (MSCA)  
Dr. Phil Prater  
Dr. James Scott (MSCA)  
Peg Threadgill – (Cleveland College via telephone conference call)

A motion was made by Dr. Lovejoy and seconded by Dr. Richardson to approve the open session agenda. Motion carried unanimously. Following the motion Dr. Klinginsmith requested the board briefly discuss an issue involving Medicare and the board agreed to do so.

A motion was made by Dr. Gerstein and seconded by Dr. Richardson to approve the open session minutes with amendments as follows; mail ballot August 9, 2002, mail ballot August 23, 2002, mail Ballot August 30, 2002, mail ballot September 9, 2002, mail ballot September 13, 2002, Board Meeting September 19, 2002, mail ballot September 27, 2002 mail ballot October 4, 2002, mail ballot October 11, 2002, mail ballot October 16, 2002, mail ballot October 18, 2002, and mail ballot October 25, 2002. Motion carried unanimously.

<p><b>Financial Report</b> – A motion was made by Dr. Gerstein and seconded by Ms. Castillon Hill to approve the financial report. Motion carried unanimously.</p>
<p><b>Acupuncture Update</b> – The board received an update regarding the advisory committee. To date there were thirty licensed acupuncturists, six pending applications and one applicant was to receive a cease and desist order for practicing without a license.</p>
<p><b>Teleradiology</b> - The board requested counsel and staff review the suggested statutory language to make sure it does not conflict with the insurance consultant language.</p>
<p><b>Record Keeping</b> – A motion was made by Dr. Gerstein and seconded by Dr. Klinginsmith to request the statutory language be incorporated into a division wide package. Motion carried unanimously.</p>
<p><b>Inactive Status</b> – The board requested the statutory draft merge the sections of the law regarding granting an inactive status and reactivating the license.</p>
<p><b>Reciprocity Applications</b> – The executive director reported that the department had approved the language removing the requirement regarding reciprocity from another state.</p>
<p><b>Reciprocity Response</b> – The board reviewed the states that had responded to the questionnaire mailed out by staff. No official action taken.</p>
<p><b>Missouri State High School Activities Association</b> – The president requested that Dr. Lovejoy continue to serve as the board’s liaison on this project. Also, the board asked the executive director to request clarification regarding the appointment of a chiropractor to a subcommittee.</p>
<p><b>Life University</b> – The board discussed the situation of Life University and Dr. Barrale and Ms. Threadgill reported that their respective schools had received transfers from Life University. Both explained that the students had gone through extensive interviews to determine where s/he would need to be placed. The board noted that several states had posted notices regarding the acceptance of Life University students for licensure in those respective states. Based upon discussion from counsel and the statute the board determined that a news release was not necessary.</p>
<p><b>Regulatory Changes</b></p>
<p><b>4 CSR 70-2.031 – Acupuncture Examination</b> – The board reviewed the language and recommended a change regarding the acceptance of the NBCE acupuncture examination or any other examination approved by the board. A motion was made by Dr. Gerstein and seconded by Dr. Lovejoy to amend the regulation mandating the acupuncture examination after March 2004. Motion carried unanimously.</p>
<p><b>4 CSR 70-1.010 – Board Orientation</b> – A motion was made by Dr. Gerstein and seconded by Dr. Klinginsmith to amend this section of the regulations deleting sections that are in the statute. Motion carried unanimously.</p>
<p><b>4 CSR 70-2.100 – Professional Corporation</b> – A motion was made by Dr. Klinginsmith and seconded by Dr. Richardson to amend the regulation according to counsel’s recommendation. Motion carried unanimously.</p>
<p><b>Continuing Education</b> – A motion was made by Dr. Gerstein and seconded by Dr. Klinginsmith to approve the continuing education application form and the \$5 per session fee. Motion carried unanimously.</p>
<p><b>Barbi Heil, Meyer Distributing Company</b> – The board instructed the executive director to work with counsel on a response to Ms. Heil’s request for clarification.</p>

<p><b>Analgesic Health Care Products Line</b> – The board instructed counsel to draft a letter to the company with a copy to MSCA and FCLB regarding the solicitation received involving risk free, no cost pain management programs.</p>															
<p><b>Pet Body Builders</b> – The board reviewed the newsletter and determined the definition of the scope of practice in the veterinary law includes animal chiropractor. No further action by the board.</p>															
<p><b>Dr. Pamela Tanner</b> – The board instructed the executive director to provide a response to Dr. Tanner similar to Ms. Heil since the request for clarification involves Flourimethane.</p>															
<p><b>Kevin Lam, United HealthCare</b> – The board instructed the executive director to provide a copy of the statute regarding scope of practice and advise Mr. Lam that ordering a bone reabsorption test was within scope of practice for a licensed chiropractic physician.</p>															
<p><b>Seong Kim, D.C.</b> – The board instructed the executive director to advise Mr. Kim that to be eligible for licensure in Missouri, an applicant must have a chiropractic degree from a CCE approved school.</p>															
<p><b>2003 Meeting Schedule</b> –The board tentatively scheduled the following meetings.</p> <table border="0"> <tr> <td>January 13, 2003</td> <td>12:30 p.m.</td> <td>Telephone Conference Call</td> </tr> <tr> <td>March 6, 2003</td> <td>8:00 a.m.</td> <td>Face to Face Jefferson City</td> </tr> <tr> <td>June 26, 2003</td> <td>8:00 a.m.</td> <td>Face to Face Jefferson City</td> </tr> <tr> <td>September 18, 2003</td> <td>8:00 a.m.</td> <td>Face to Face Jefferson City</td> </tr> <tr> <td>December 4, 2003</td> <td>8:00 a.m.</td> <td>Face to Face Jefferson City</td> </tr> </table>	January 13, 2003	12:30 p.m.	Telephone Conference Call	March 6, 2003	8:00 a.m.	Face to Face Jefferson City	June 26, 2003	8:00 a.m.	Face to Face Jefferson City	September 18, 2003	8:00 a.m.	Face to Face Jefferson City	December 4, 2003	8:00 a.m.	Face to Face Jefferson City
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<p><b>MSCA Legislative Update</b> – The association provided a handout of suggested language regarding 1) reimbursement to licensed chiropractors, 2)adding language to the scope of practice definition, and 3) lien law.</p>															
<p><b>CAC Meeting Update</b> – Ms. Castillon Hill provided an overview of the meeting highlighting the following topics covered ---  Nationwide there is an Increase in the number of public members on licensure boards.  Pros and cons of continued competency and testing to renew a license.  Pain management for patients that are chronically or terminally ill.  Discipline and disclosure. The board is to receive a printed report on this topic that was presented at the conference.</p>															
<p><b>Upcoming Meeting - FCLB Meeting, Orlando Florida</b> - The board requested the executive director include Dr. Richardson with the out of state travel request to attend the FCLB annual meeting in Orlando, Florida. Dr. Richardson would attend as Missouri's representative to the World Federation of Chiropractic meeting being held in conjunction with the FCLB annual meeting.</p>															
<p><b>HIPAA Mailing Results</b> – The executive director reported the results of the HIPAA. There were 36 notices returned with no forwarding address. An additional inquiry was made by CIU to obtain current mailing addresses. Of the second notification attempts seven were returned as unable to forward. There were at least fifty returned notices with forwarding addresses. The licensure system was updated with forwarding addresses or responses to the mailing.</p>															
<p><b>Medicare</b> – Dr. Klinginsmith explained that he would be researching the ability of a chiropractic physician to opt out of Medicare. Since this is a federal issue it would need to be addressed at that level. Dr. Klinginsmith would keep the board apprised accordingly.</p>															

At 10:30 a.m., a motion was made by Dr. Klinginsmith and seconded by Dr. Richardson 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, Dr. Klinginsmith and Dr. Richardson. Motion carried unanimously.

The board took a recess until 10:42 a.m., when it reconvened in closed session.

At 2:45 p.m., a motion was made by Dr. Klinginsmith and seconded by Dr. Richardson to convene in open session. Board members voting aye; Dr. Gerstein, Dr. Lovejoy, Ms. Castillon Hill, Dr. Klinginsmith, and Dr. Richardson. Motion carried unanimously.

At 2:47 p.m. a motion was made by Dr. Gerstein and seconded by Dr. Lovejoy to adjourn the meeting. Motion carried unanimously.



Executive Director

Approved by Board