

Matt Blunt  
Governor  
State of Missouri



David T. Broeker, Division Director  
**DIVISION OF PROFESSIONAL REGISTRATION**

Department of Insurance  
Financial Institutions  
and Professional Registration  
W. Dale Finke, Director

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Loree V. Kessler, MPA  
Executive Director

**Missouri State Board of Chiropractic Examiners  
September 21, 2006 – 8:00 a.m.  
Lodge of the Four Seasons  
Horseshoe Bend Parkway - Lake Ozark, Missouri**

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Except to the extent disclosure is otherwise required by law, the Missouri State Board of Chiropractic Examiners is authorized to close meetings, records and votes, to the extent they relate to the following: Sections 610.021(1), (3), (5), (7), (12), (13) and (14), RSMo, and Section 620.010.14(7) RSMo.

The Board may go into closed session at any time during the meeting. If the meeting is closed the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

Please see attached tentative agenda for this meeting.

Attachment

**Tentative Open Session Agenda  
 Missouri State Board of Chiropractic Examiners  
 September 21, 2006 – 8:00 a.m.  
 Lodge of the Four Seasons  
 Horseshoe Bend Parkway - Lake Ozark, Missouri**

Call to Order	Dr. Gerstein
Roll Call	Dr. Gerstein
Approval of Agenda	
1. Approval of Open Minutes	
<ul style="list-style-type: none"> <li>• Mail Ballot May 26, 2006</li> <li>• Mail Ballot June 9, 2006</li> <li>• Board Meeting June 15, 2006</li> <li>• Mail Ballot June 23, 2006</li> <li>• Conference Call July 12, 2006</li> <li>• Mail Ballot July 28, 2006</li> <li>• Mail Ballot August 4, 2006</li> <li>• Mail Ballot August 25, 2006</li> </ul>	
2. Financial Report	Ms. Kessler
3. Legislative Report	
4. N E T	
<ul style="list-style-type: none"> <li>• Appearance at 9:00</li> </ul>	
5. Decompression Machines	
6. Animal Chiropractic	
<ul style="list-style-type: none"> <li>• Correspondence From Amanda Francis, DC</li> </ul>	
7. Meeting	
<ul style="list-style-type: none"> <li>• FCLB District II Meeting</li> <li>• NBCE Exam</li> </ul>	
8. 2007 Renewal	
9. Continuing Education	
10. Healthlink Administrative Fee – Dr. Michael Finley	
11. Frequently Asked Questions	

Reciprocity Table – No Material

Motions to Close

Section 610.021 subsection (14) and 620.010.14 subsection (7) RSMo 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 communications between this agency and its attorney.

Section 610.021 subsection (14) and section 620.010.14 Subsection (7) RSMo for the purpose of discussing applicants for licensure and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under the subsections of 610.021 RSMo which authorized this agency to go into closed session during those meetings.

## **OPEN MINUTES**

**Missouri State Board of Chiropractic Examiners**

**September 21, 2006 – 8:00 a.m.**

**Lodge of the Four Seasons**

**Horseshoe Bend Parkway - Lake Ozark, Missouri**

At 8:12 a.m., the Missouri State Board of Chiropractic Examiners was called to order by Dr. Larry Gerstein, Board President at Lodge of the Four Seasons, located at Horseshoe Bend Parkway, Lake Ozark, Missouri. The executive director facilitated roll call.

### **Board Members Present**

Larry Gerstein, D.C., President  
Lee Richardson, D. C., Secretary  
Julie Robinson, RN, Public Member  
Rick James, D.C.  
Jack Rushin, D.C.  
Homer Thompson, D.C.

### **Staff Present**

Loree Kessler, Executive Director  
Jeanette Stuenkel, Executive I (Joined the meeting at 8:25 a.m. via telephone conference call.)  
Sarah Becker, Licensure Technician II  
Becky Wolken, Licensure Technician I  
Greg Mitchell, Counsel

### **Visitor**

Kathleen Wilcoxson, MSCA Executive Director

Dr. Gerstein stated he would be voting in open and closed session.

A motion was made by Dr. Richardson and seconded by Dr. Thompson to approve the open session agenda. Motion carried unanimously.

A motion was made by Dr. Richardson and seconded by Ms. Robinson to approve the open session minutes of the following board meetings --

- Mail Ballot May 26, 2006
- Mail Ballot June 9, 2006
- Board Meeting June 15, 2006
- Mail Ballot June 23, 2006
- Conference Call July 12, 2006
- Mail Ballot July 28, 2006
- Mail Ballot August 4, 2006
- Mail Ballot August 25, 2006

**Financial Report** – The executive director reported the upcoming renewal will include a fee reduction of \$50-\$100. Because the regulation had not been filed to amend the fee rule the division is requesting that boards adopt a resolution authorizing the reduction of the renewal fee while the regulation is being promulgated. A motion was made by Dr. Richardson and seconded by Ms. Robinson adopting a resolution to reduce any licensure fees in compliance with the section 331.070 RSMo. Motion carried unanimously. The resolution is included with these minutes.

**Legislative Report** – The executive director reported that legislation had been submitted to the division authorizing per diem for members of the acupuncture advisory committee.

A motion was made by Dr. Richardson and seconded by Dr. Thompson authorizing the executive director to contact Dr. Portwood regarding sponsoring the board's legislation. Motion carried unanimously.

A motion was made by Dr. James and seconded by Dr. Richardson for counsel and the executive director to revise section 330.030 RSMo regarding the minimum number of credit hours required prior to beginning the doctoral course of study in chiropractic to no less than ninety hours. Board members voting aye: Dr. Richardson, Ms. Robinson, Dr. James, and Dr. Gerstein. Board members voting nay: Dr. Rushin and Dr. Thompson.

**NET** – The executive director reported that the representative of NET had cancelled his appearance before the board. The board reviewed the information provided and determined that unless the technique is commonly taught at a chiropractic college, it is not subject to further review by the board.

**Decompression Machines** – Dr. Rushin expressed a concern regarding the lack of a specific billing code related to decompression machines.

Dr. James provided information relating to a lack of response from any manufacturer of decompression machines relating to any independent studies relating to the utilization of decompression machines.

The executive director reported that she had received no responses from manufacturers concerning letters sent following the June meeting.

The board determined that based upon available information, decompression machines utilize traction and not manipulation or adjustment. Secondly, licensees using decompression machines must bill for the service under the traction billing code and not manipulation.

Counsel was instructed by the board to send letters to the decompression machine manufactures requesting a response to the executive director's inquiry as well as information relating to

independent studies or research on the utilization of the devise and any detail regarding what billing code licensees are using and the rational to sue that code.

At 9:07 a.m., the board took a recess and reconvened at 9:21 a.m.

**Animal Chiropractic – Dr. Amanda Francis** – The board instructed Dr. Francis to contact the Missouri Veterinary Medical Board regarding chiropractic and animals.

**Meeting Schedule** – The board scheduled the next face to face meeting for December 15, 2006 at the Division of Professional Registration in Jefferson City.

Dr. Richardson indicated he would represent Missouri at the FCLB District II meeting. Dr. Rushin indicated he would need to check his schedule.

Dr. Gerstein, Dr. James and Dr. Rushin stated they would serve as associate examiners for the Part IV examination. Dr. Gerstein and Rushin would attend as board members and be eligible for reimbursement for meals and lodging. Dr. James stated he would also attend the Friday x-ray session.

The executive director provided information to the board concerning the annual meeting of NOCA which is the accrediting body for certifying entities and testing entities. The board determined that since it was considering revising the open book jurisprudence examination, the board needed to attend the meeting to obtain information regarding various testing options that could be available. Dr. James and Ms. Robinson indicated they would attend the meeting on behalf of the board.

**2007 Renewal** – The board reviewed and approved the renewal forms for the 2007 biennial renewal.

The executive director reported that with the addition of the inactive status, the retire renewal status was no longer necessary. Dr. Thompson requested the board research how other licensure boards and states address continuing education for licensees that have retire but wish to maintain a current license.

A motion was made by Dr. Richardson and seconded by Ms. Robinson authorizing the revising of the regulations. Motion carried unanimously.

**Continuing Education** – The board discussed additional areas of continuing education and determined that fourth area of risk management topics would include but not be limited to;

1. Trends in Cases – Continuing education seminars in this area would address topics such as CVA, TIA, injuries involving burns disc, aggravated spinal, tearing soft tissue, and liability;
2. Record keeping – Continuing education seminars in this area would address topics such as SOAP notes, medical record keeping, billing codes; and
3. Case studies involving chiropractic.

The board instructed the executive director and counsel to regulatory language for the board to review at the December meeting.

AT 10:19 a.m. the board took a recess and reconvened at 10:29 a.m.

**Healthlink Administrative Fee – Dr. Michael Finley** – The board instructed the executive director to send Dr. Finley a letter referring him to the Department of Insurance as that agency has jurisdiction over insurance companies.

**Frequently Asked Questions** – The board instructed the executive director to work with counsel regarding frequently asked questions that could be addressed by the board either through newsletter articles and/or information on the board's website.

**Reciprocity** – The board discussed reviewing applications for licensure by reciprocity. The executive director reported that one area that needed to be addressed by the board concerns the undergraduate education component. Many states require two years of undergraduate education prior to entering a chiropractic college. Missouri requires an applicant document at least sixty hours of undergraduate study. The board determined that if a state requires only two years of undergraduate education prior to entering a chiropractic college and does not specify the number of hours within the two years of study, either in their respective law or statute, the undergraduate education is not substantially the same as Missouri is not substantially the same. A reciprocal applicant could apply by examination endorsement or, based upon board review, pass the SPEC test.

At 11:11 a.m. the board took a break for lunch and reconvened at 12:11 p.m. Ms. Stuenkel exited the meeting via conference call.

Director of the Division of Professional Registration, David Broeker, provided the board concerning the recent reorganization involving the Department of Insurance and Divisions of Finance, Credit Unions, and Professional Registration as well as ongoing division projects.

At 12:38 p.m. a motion was made by Dr. Richardson and seconded by Ms. Robinson to convene in closed session pursuant to section 620.010 subsection (14), paragraph (7) RSMo 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, any confidential and privileged information 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 610.021, which authorize this agency to go into closed session during those meetings. Board members voting aye: Dr. Richardson, Ms. Robinson, Dr. Rushin, Dr. Thompson, Dr. James, and Dr. Gerstein. Motion carried unanimously.

At 4:35 p.m. a motion was made by Dr. Richardson and seconded by Dr. James to convene in open session. Board members voting aye: Dr. Richardson, Ms. Robinson, Dr. Rushin, Dr. Thompson, Dr. James, and Dr. Gerstein. Motion carried unanimously.

Board members were reminded of the change in the next face to face meeting to December as well as the upcoming Part IV examination schedule.

At 4:36 p.m., a motion was made by Dr. Richardson and seconded by Dr. James to adjourn the meeting. Board members voting aye: Dr. Richardson, Ms. Robinson, Dr. Rushin, Dr. Thompson, Dr. James, and Dr. Gerstein. Motion carried unanimously.



Executive Director

Approved by Board on December 14, 2006