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State of Missouri

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Loree V. Kessler, MPA  
Executive Director

**State Board of Chiropractic Examiners  
OPEN AGENDA  
Tentative Agenda  
June 4, 2009 – 8:00 a.m.  
Best Western Capitol Inn  
1937 Christy Lane, Jefferson City 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: Chapter 610.021 subsections (1), (3), (5), (7), (13), (14), and Chapter 324.001.8 and 324.001.9 RSMo.

The Board may convene in 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 agenda for this meeting.

Attachment

**OPEN AGENDA**  
**Tentative Agenda**  
**June 4, 2009 – 8:00 a.m.**  
**Best Western Capitol Inn**  
**1937 Christy Lane, Jefferson City Missouri**

Call to Order	Dr. Homer Thompson, Board President
Approval of Agenda	
1. Approval of Minutes	
<ul style="list-style-type: none"> <li>• Mail Ballot of March 13, 2009</li> <li>• Mail Ballot of March 20, 2009</li> <li>• Mail Ballot of March 27, 2009</li> <li>• Mail Ballot of April 10, 2009</li> </ul>	
2. Financial Report	
3. Legislation Report	
<ul style="list-style-type: none"> <li>• Gross Negligence</li> </ul>	
Hyperbaric Therapy (No Material)	Dr. Thompson
<ul style="list-style-type: none"> <li>• Per phone discussion on 3/24/09</li> </ul>	
4. Injectable Nutrients (No Materials)	
<ul style="list-style-type: none"> <li>• Dr. Taylor's CE Course</li> </ul>	
5. Newsletter	
6. Continuing Education Instructors	
<ul style="list-style-type: none"> <li>• Responses from Logan and Cleveland</li> </ul>	
7. FCLB and NBCE Annual Meeting (No materials)	Dr. James
<ul style="list-style-type: none"> <li>• District II Meeting</li> </ul>	

**Motions to Close**

Section 610.021 subsections (14), 324.001.8 and 324.001.9 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 action, 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 subsection 610.021 RSMo which authorizes this agency to go into closed session during those meetings.

**OPEN SESSION MINUTES**  
**Missouri State Board of Chiropractic Examiners**  
**June 4, 2009 – 8:00 a.m.**  
**Division of Professional Registration**  
**3605 Missouri Boulevard – Jefferson City, Missouri**

At 8:10 a.m., The Missouri State Board of Chiropractic Examiners meeting was called to order by Dr. Homer Thompson, Board President at Best Western Inn, 1937 Christy Lane, Jefferson City, Missouri. The executive director facilitated roll call.

**Members Present**

Homer Thompson, D.C., President  
Rick James, D.C., Secretary  
Paul Nahon, Public Member  
Gary Carver, D.C.  
William Madosky, D.C.  
Jack Rushin, D.C. (Joined conference call at 10:05 a.m. and exited call at 2:15 p.m.)

**Staff Present**

Loree Kessler, Executive Director  
Jeanette Wilde, Executive I  
Greg Roach, Licensure Technician I  
Greg Mitchell, Counsel

**Visitors**

Jane Rackers, Director Division of Professional Registration  
Connie Clarkston, Director of Budget and Legislation, Division of Professional Registration  
Jeana Groose, Budget Analyst, Division of Professional Registration  
Kathleen Wilcoxson, MSCA, Executive Director  
Dr. Michael Taylor (Oklahoma licensed chiropractor)  
Dr. Roger Ott (Via telephone conference call)  
Dr. Ralph Barrale (Via telephone conference call)

Dr. Thompson stated he would be voting in open and closed sessions.

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

A motion was made by Dr. James and seconded by Dr. Carver to approve the open session minutes of the March 12, 2009 meeting, March 13, March 27 and April 27, 2009 mail ballot minutes. Motion carried unanimously.

## **Financial Report**

The executive director provided an overview of the board's finances noting that a sweep to general revenue of approximately \$59,000 was anticipated. The executive director reported that 2,211 licensure renewals were mailed with 166 licensees not renewing and eighty-eight of the licensees were listed with an address outside of Missouri. Currently there are 2,046 licensed chiropractic physicians licensed in the state with twenty-eight certified insurance consultants and 571 licensees certified in MTAA. Upon discussion regarding the fund balance it was noted the board could allocate money toward the development of an online jurisprudence examination. Dr. James provided information based upon his attendance at the annual meeting of the Federation of Chiropractic Licensure Boards with follow up to be provided by the executive director. A motion was made by Dr. Carver and seconded by Dr. James to approve the financial report. Motion carried unanimously.

## **Legislative Report**

Counsel provided an overview of the gross negligence language in section 331.100.5 RSMo to the board as well as visitors, Jane Rackers, Division Director; Connie Clarkson, Director of Budget and Legislation; and Jenna Groose. After providing a brief overview the board discussed potential amendments to be offered during the upcoming 2010 legislative session with input from the state association either at the state annual meeting in July/August or the October 2009 directors meeting in Jefferson City.

At 9:39 a.m., the board took a break and reconvened at 9:53 a.m.

## **Hyperbaric Therapy**

Dr. Thompson provided an overview of utilization of hyperbaric therapy in a chiropractic office noting that the device produces its own oxygen and does not require an external tank. Dr. Taylor provided information regarding certification through the American College of Advancement of Medicine noting that such training would be more extensive than needed to provide the service within a chiropractic physician's office. The board noted that if a licensee was able to obtain education and/or training through a chiropractic college either within a program or postdoctoral it would be a service within the scope of practice for chiropractic physicians.

Dr. Barrale mentioned that there was a question regarding categories of continuing education to meet training for such areas as hyperbaric therapy noting that the regulations may need to be amended added a category such as supportive services or treatment. The board discussed whether to amend the regulation, noting the current categories and indicated that at this time it would work with CE providers on identifying applicable categories for formal continuing education. Finally, the board was advised by Dr. Taylor that an individual to consider teaching post-doctoral continuing education in this area would be David Steinblosk, D.O. from the California Brain Institute located in Vallejo, California. The board took no official action on the matter.

## **Radiobiology and Radiograph Continuing Education**

In reviewing the detail, the board determined that the information provided in this type of continuing education was entry level and licensees should already be trained in this area, therefore, continuing education that would qualify for formal hours in x-ray would need to be advanced training and utilization in diagnosis and treatment. Such courses must be taught by a DACBR.

## **FCLB and NBCE Annual Meetings**

Dr. James provided a report on the annual meetings and discussion regarding the selection of district directors to serve on the FCLB board. There was disagreement regarding an amendment to the bylaws

which was not submitted to the delegate body during the annual meeting. The board further discussed attending the District II meeting in Dearborn, Michigan in September and Dr. James indicated he would be able to attend; however, since his term would expire in 2010, it was recommended another board member accompany him in the event he was unable to travel to the annual meeting in 2010. Dr. Carver indicated he would check his calendar regarding his availability for this meeting.

At 9:39 a.m. the board took a break and reconvened at 9:53 a.m.

At 9:53 a.m. a motion was made by Dr. Carver and seconded by Dr. James to convene in closed session pursuant to section 610.021 subsections (14), 324.001.8 and 324.001.9 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 action, 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 subsection 610.021 RSMo which authorizes this agency to go into closed session during those meetings. Board members voting aye: Dr. James, Dr. Madosky, Dr. Carver, Mr. Nahon, and Dr. Thompson. Motion carried unanimously.

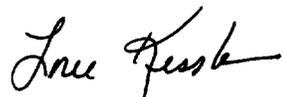
At 2:00 p.m., a motion was made by Dr. Madosky and seconded by Dr. Carver to convene in open session.

### **Injectable Nutrients**

A motion was made by Dr. James and seconded by Dr. Madosky to table the specialty application regarding injectable nutrients and provide detailed information to Dr. Kessinger and Mr. McGonagle regarding the FDA overview of the topic. Board members voting aye: Dr. James, Dr. Madosky, Dr. Carver, Mr. Nahon, and Dr. Thompson, Dr. Rushin was not present for the vote. Motion carried.

At 2:20 p.m. a motion was made by Dr. Madosky and seconded by Dr. Carver to convene in closed session pursuant to section 610.021 subsections (14), 324.001.8 and 324.001.9 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 action, 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 subsection 610.021 RSMo which authorizes this agency to go into closed session during those meetings. Board members voting aye: Dr. James, Dr. Thompson, Mr. Nahon, Dr. Madosky, and Dr. Carver. Motion carried unanimously.

At 2:58 p.m. a motion was made by Dr. James and seconded by Dr. Carver to convene in open session and adjourn the board meeting. Members voting aye: Dr. James, Dr. Madosky, Dr. Carver, Mr. Nahon, and Dr. Thompson. Motion carried unanimously.



Executive Director

Approved by Board on September 17, 2009