



Jeremiah W. (Jay) Nixon
Governor
State of Missouri

Jane A. Rackers, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
Financial Institutions
and Professional Registration
John M. Huff, Director

STATE BOARD OF CHIROPRACTIC EXAMINERS

3605 Missouri Boulevard
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Loree V. Kessler, MPA
Executive Director

**State Board of Chiropractic Examiners
OPEN SESSION CONFERENCE CALL
TENTATIVE AGENDA
Toll free Number – 573-526-5712
Long Distance – 866-630-9350
May 16, 2012 – 12:15 P.M.
Division of Professional Registration
3605 Missouri Boulevard - Jefferson City Missouri**

Notification of special needs as addressed by the Americans with Disabilities Act should be forwarded to the Missouri State Board of Chiropractic Examiners, P.O. Box 672, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling (573) 751-0018 to ensure available accommodations. The text telephone for the Deaf or Hard of Hearing is 800/735-2966 or 800/735-2466 for Voice Relay Missouri.

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

**State Board of Chiropractic Examiners
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 Long Distance – 866-630-9350
 May 16, 2012 – 12:15 P.M.
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| | |
|------------------------------------|--------------------------------------|
| Call to Order | Dr. William Madosky, Board President |
| Roll Call | Executive Director |
| Approval of Agenda | |
| 1. Approval April 18, 2012 Minutes | |
| 2. X-Ray Records | |
| • Logan Response | |

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
April 18, 2012 – 12:15 p.m.
Division of Professional Registration
3605 Missouri Boulevard – Jefferson City, Missouri

At 12:17 p.m., the Missouri State Board of Chiropractic Examiners conference call meeting was called to order by Dr. William Madosky, Board President, at the Missouri Division of Professional Registration, 3605 Missouri Boulevard in Jefferson City, Missouri. The Executive Director facilitated roll call.

Board Members Present

William Madosky, D.C., President
Jack Rushin, D.C., Secretary
Gary Carver, D.C.
Homer Thompson, D.C.

Staff Present

Loree Kessler, Executive Director
Jeanette Wilde, Processing Technician Supervisor
Greg Mitchell, Counsel

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

A motion was made by Dr. Carver and seconded by Dr. Rushin to approve the open session agenda. Board members voting aye: Dr. Carver, Dr. Rushin, Dr. Thompson, and Dr. Madosky. Motion carried unanimously.

A motion was made by Dr. Carver and seconded by Dr. Rushin to approve the open session minutes of March 15, 2012 board meeting. Board members voting aye: Dr. Carver, Dr. Rushin, Dr. Thompson, and Dr. Madosky. Motion carried unanimously.

X-Ray Information

The board reviewed information provided by the executive director concerning the recommended protocol for duplicating x-rays. Additional information will be placed on the May conference call agenda.

Newsletter Topics

Board members were encouraged to submit information and/or articles to the board office to facilitate a rough draft to be reviewed at the June board meeting.

Part IV National Board Examination Development

Dr. Carver stated he would attend the June examination development session facilitated by NBCE.

At 12:29 p.m., a motion was made by Dr. Thompson and seconded by Dr. Carver to convene in closed session pursuant to section 610.021 subsection (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 actions, causes of actions 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 RSMo which authorizes agencies to go into closed sessions during those meetings. Board members voting aye: Dr. Carver, Dr. Rushin, Dr. Thompson and Dr. Madosky. Motion carried unanimously.

At 1:30 p.m., a motion was made by Dr. Rushin and seconded by Dr. Carver to convene in open session. Board members voting aye: Dr. Carver, Dr. Rushin, Dr. Thompson and Dr. Madosky. Motion carried unanimously.

At 1:31p.m., a motion was made by Dr. Carver and seconded by Dr. Thompson to adjourn the conference call meeting. Board members voting aye: Dr. Carver, Dr. Rushin, Dr. Thompson and Dr. Madosky. Motion carried unanimously.



Executive Director

Approved by Board on



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Loree V. Kessler, MPA
Executive Director

Memo

To: Board Members

From: Loree Kessler

A handwritten signature in cursive script that reads "Loree Kessler".

Date: March 30, 2012

Re: X-Ray Records

During the March, 2012 meeting the State Board reviewed a complaint concerning the duplication of x-rays. The licensee in possession of the x-rays offered to take a picture with a digital camera and forward the picture to the licensee requesting the x-rays. The complaint did not specify if the x-rays were in a digital format or the traditional film format.

The State Board instructed staff to contact both Logan and Cleveland regarding any information and/or protocols concerning copying x-rays. Letters were sent to both schools.

Secondly, staff was asked to contact the Board of Healing Arts (BHA) concerning procedures for handling x-rays. Dr. Doug Westhoff, Chief Medical Officer with BHA, explained that MDs/DOs are considered custodians of medical records to include x-rays. Like chiropractors, patients can obtain a copy of their records/x-rays and pay a fee allowed by section 191.227 RSMo.

When asked about substituting a photograph of an x-ray for a copy of an x-ray, Dr. Westhoff stated it would not be an acceptable practice because it is a photo copy, not an electronic copy of the x-ray regardless of whether it was taken with a digital camera. The acceptable method for duplicating x-rays is obtaining a copy, digital when applicable, or of the film.

Dr. Westhoff added that if a patient or patient's physician requests the original x-ray, the MD/DO releasing the x-ray must document the patient record and encourages physicians to include language in the consent form that releases the physician from all liability once original x-rays are given to the patient or referring physician.

As an added note, section 191.227 RSMo includes a language addressing the sharing of medical records and states, "The transfer of the patient's record done in good faith shall not render the provider

liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.”



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Loree V. Kessler, MPA
Executive Director

March 29, 2012

DR NORMAN KETTNER DC DACBR
C/O LOGAN UNIVERSITY
DEPT OF RADIOLOGY
1851 SCHETTLER RD
CHESTERFIELD MO 63017

Dear Dr. Whitehead:

The Missouri State Board of Chiropractic Examiners is requesting information regarding x-rays.

Specifically, the State Board has received an inquiry from a licensee concerning an acceptable format for copying x-rays. A licensee has offered to take a picture of an x-ray with a digital camera and forward that picture to another licensee. It is uncertain whether the x-ray was in a digital format to be displayed on a computer screen or the traditional x-ray film. In either case, the State Board is requesting any information or resources regarding protocols for reproducing x-rays.

Secondly, are there recommended protocols regarding releasing x-rays to other healthcare professionals such as what type of patient release is needed?

Any information you can provide is greatly appreciated.

Sincerely,

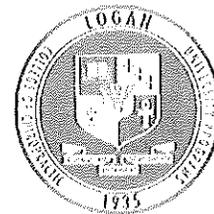
Loree Kessler
Executive Director

LOGAN COLLEGE OF CHIROPRACTIC UNIVERSITY PROGRAMS

Department of Radiology

Wednesday, April 11, 2012

000478 APR 16 09



Ms. Loree Kessler
Executive Director
State Board of Chiropractic Examiners
3605 Missouri Boulevard
PO Box 672
Jefferson City, MO 65102-0672

Dear Ms. Kessler,

I am in receipt of correspondence dated March 29, 2012 requesting information regarding and pertaining to x-rays. The first question was pertaining to the use of a digital camera for the purpose of copying x-rays. Reproduction of an analog radiograph is performed with dedicated copy films and digital film copier. The use of a digital camera for reproduction of x-rays is inadequate due to the low pixel density which results in a low resolution image.

The second question pertained to protocols for releasing x-rays to other health care professionals. The transfer of records to another health care professional will require a standard release form signed by the patient. I don't see a need for additional requirements.

If I may be of additional assistance, please feel free to contact me.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Norman W. Kettner", written over a circular stamp or seal.

Norman W. Kettner, DC, DACBR, FICC
Chair, Department of Radiology

NWK:clc

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Loree V. Kessler, MPA
Executive Director

March 29, 2012

DR G MICHAEL WHITEHEAD DC DACBR
CLEVELAND CHIROPRACTIC COLLEGE
10850 LOWELL AVE
OVERLAND PARK KS 66210

Dear Dr. Whitehead:

The Missouri State Board of Chiropractic Examiners is requesting information regarding x-rays.

Specifically, the State Board has received an inquiry from a licensee concerning an acceptable format for copying x-rays. A licensee has offered to take a picture of an x-ray with a digital camera and forward that picture to another licensee. It is uncertain whether the x-ray was in a digital format to be displayed on a computer screen or the traditional x-ray film. In either case, the State Board is requesting any information or resources regarding protocols for reproducing x-rays.

Secondly, are there recommended protocols regarding releasing x-rays to other healthcare professionals such as what type of patient release is needed?

Any information you can provide is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Loree Kessler".

Loree Kessler
Executive Director

OPEN SESSION MINUTES
Missouri State Board of Chiropractic Examiners
May 16, 2012 – 12:15 p.m.
Division of Professional Registration
3605 Missouri Boulevard – Jefferson City, Missouri

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Board Members Present

William Madosky, D.C., President
Jack Rushin, D. C., Secretary
Gary Carver, D.C., Member
Homer Thompson, D.C., Member

Staff Present

Loree Kessler, Executive Director
Jeanette Wilde, Processing Technician Supervisor
Greg Mitchell, Counsel

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

A motion was made by Dr. Carver and seconded by Dr. Thompson to approve the open session agenda. Board members voting aye: Dr. Carver, Dr. Rushin, Dr. Thompson, and Dr. Madosky. Motion carried unanimously.

A motion was made by Dr. Thomson and seconded by Dr. Carver to approve the open session minutes of the April 18, 2012 board meeting. Board members voting aye: Dr. Carver, Dr. Rushin, Dr. Thompson, and Dr. Madosky. Motion carried unanimously.

X-Ray Records

The board discussed the proper duplication of x-rays for use by other practitioners or release to the patient. The board directed staff to assemble an article regarding x-rays for the upcoming newsletter.

At 12:33 p.m., a motion was made by Dr. Rushin and seconded by Dr. Carver to convene in closed session pursuant to section 610.021 subsection (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 actions, causes of actions 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 RSMo which authorizes agencies to go into closed sessions during those meetings. Board members voting aye: Dr. Carver, Dr. Rushin, Dr. Thompson and Dr. Madosky. Motion carried unanimously.

At 1:00 p.m., a motion was made by Dr. Carver and seconded by Dr. Rushin to convene in open session and adjourn. Board members voting aye: Dr. Carver, Dr. Rushin, Dr. Madosky, , and Dr. Thompson. Motion carried unanimously.



Executive Director

Approved by Board on June 14, 2012