



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

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Loree V. Kessler, MPA
Executive Director

**State Board of Chiropractic Examiners
OPEN SESSION TENTATIVE AGENDA
May 23, 2013 – 8:00 a.m.
Brydon, Swearngen and England
312 East Capitol Avenue, 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
 OPEN SESSION TENTATIVE AGENDA
 May 23, 2013 – 8:00 a.m.
 Brydon, Swearngen and England
 312 East Capitol Avenue, Jefferson City Missouri**

Call to Order	
Roll Call	Executive Director
Approval of Agenda	
1. Approval of Minutes	
• April 10, 2013 Conference Call	
2. Financial Report	
3. Acupuncture Examination	
• Appearance at 11:30 a.m. (Micheal Miller DC)	
4. E&B Essay Exam	
5. Complaint Form	
6. Seminar Monitoring Report	
• Billy DeMoss – Factors of Health	
7. Meeting Schedule	
• Conference Calls and Face to Face Meeting for Remainder of 2013	
• MSCA Convention - August	

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 10, 2013 – 12:15 p.m.
Division of Professional Registration
3605 Missouri Boulevard – Jefferson City, Missouri

At 12:15 p.m., the Missouri State Board of Chiropractic Examiners conference call meeting was called to order by Dr. Gary Carver, 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

Gary Carver, D. C., President
Margaret Freihaut, D.C., Secretary
Brian McIntyre, D.C.
Jack Rushin, D.C.

Staff Present

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

Dr. Carver stated he would be voting in open and closed session and welcomed Dr. McIntyre to the board.

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

Dr. Carver declared the January 16, 2013 open session minutes approved. Note: As a new board member, Dr. McIntyre was not present for the January 16 conference call meeting and would need to abstain from the vote and the board would not have quorum. Therefore, the board president declared the minutes approved.

NBCE Part IV Schedule

Drs. Freihaut and McIntyre would be examination administrators during the May Part IV examination at Logan Chiropractic College with Dr. Carver at Palmer Chiropractic College. Dr. Freihaut indicated she would be participating on the Part IV examination test committee June 7 and 8 in Greeley, Colorado.

Meeting Schedule

The board scheduled a face to face meeting May 23rd in Jefferson City.

At 12:25 p.m., a motion was made by Dr. Freihaut and seconded by Dr. Rushin 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. Freihaut, Dr. McIntyre and Dr. Rushin. Motion carried unanimously.

At 1:26 p.m., a motion was made by Dr. Freihaut and seconded by Dr. Rushin to convene in open session. Board members voting aye: Dr. Carver, Dr. Freihaut, Dr. McIntyre and Dr. Rushin. Motion carried unanimously.

At 1:27 p.m., a motion was made by Dr. Freihaut and seconded by Dr. Rushin to adjourn the conference call. Board members voting aye: Dr. Carver, Dr. Freihaut, Dr. McIntyre and Dr. Rushin. Motion carried unanimously.



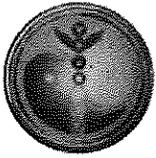
Executive Director

Approved by the Board on

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
1	Chiropractors - 0630																
2	FY 2013 Monthly Fund Balance Sheet																
3		FY 2013 Actual													FY 2013 Projections		
4		July	August	September	October	November	December	January	February	March	April	May	June	Lapsed July	YTD Total	Projected	Remaining (Projected - YTD Total)
5	Beginning Fund Balance	616,745.67	603,331.57	587,811.99	581,722.41	564,705.09	558,684.63	591,883.16	665,962.85	824,436.85	907,002.12	907,002.12	907,002.12	907,002.12	450,328.30	455,450.00	5,121.70
6	Revenue	5,300.00	4,475.00	4,007.50	2,655.00	4,775.00	67,256.30	89,955.20	171,392.80	100,511.50	0.00	0.00	0.00	0.00	450,328.30	455,450.00	5,121.70
7	Start-up Loan Transfer - Lenders Revenue	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	Total Revenue	5,300.00	4,475.00	4,007.50	2,655.00	4,775.00	67,256.30	89,955.20	171,392.80	100,511.50	0.00	0.00	0.00	0.00	450,328.30	455,450.00	5,121.70
9	Total Funds Available	622,045.67	607,806.57	591,819.49	584,377.41	569,480.09	625,940.93	681,838.36	837,355.65	924,948.35	907,002.12	907,002.12	907,002.12	907,002.12	450,328.30	1,072,195.67	5,121.70
10																	
11	Appropriation Costs:																
12	Expense and Equipment	8,451.55	10,357.16	168.49	8,284.39	1,282.50	22,767.38	5,622.87	3,985.53	8,289.63	0.00	0.00	0.00	0.00	69,209.50	147,672.00	78,462.50
13	Personal Service and Per Diem	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
14	Total Appropriation Costs	8,451.55	10,357.16	168.49	8,284.39	1,282.50	22,767.38	5,622.87	3,985.53	8,289.63	0.00	0.00	0.00	0.00	69,209.50	147,672.00	78,462.50
15																	
16	Transfer Costs (other than monthly PR Transfer):																
17	Workers Compensation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18	Unemployment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
19	Board Staff Fringe Benefits	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
20	Biennium Sweep	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
21	Rent	0.00	0.00	465.80	243.94	0.00	698.70	10.88	0.00	465.80	0.00	0.00	0.00	0.00	1,885.12	2,836.83	951.71
22	DIFP Department Cost Allocation	0.00	261.58	0.00	0.00	210.25	0.00	201.12	0.00	0.00	0.00	0.00	0.00	0.00	672.95	1,053.10	380.15
23	Licensee Refunds	0.00	0.00	0.00	200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	200.00	1,000.00	800.00
24	Start-up Loan - Borrower's Expense/ Lic System	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,845.00	4,845.00
25																	
26																	
27																	
28																	
29																	
30																	
31																	
32	PR Transfer:																
33	Division-Wide Costs	0.00	632.40	648.06	800.05	762.51	767.85	540.59	725.74	606.52	0.00	0.00	0.00	0.00	5,483.72	13,956.72	8,473.00
34	Purchasing Staff	0.00	13.84	14.83	14.64	24.97	5.95	2.70	3.83	2.92	0.00	0.00	0.00	0.00	83.68	150.17	66.49
35	PR/IT Staff	0.00	648.22	666.85	391.09	562.99	1,199.44	672.36	433.85	218.18	0.00	0.00	0.00	0.00	4,792.98	10,498.53	5,705.55
36	Legal Team	0.00	0.00	40.31	0.00	88.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	128.35	0.00	(128.35)
37	CRR Staff	0.00	150.91	115.44	105.46	119.06	126.21	396.20	437.65	492.62	0.00	0.00	0.00	0.00	1,943.55	1,996.48	52.93
38	Board Specific:																
39	Expense/Equipment & Licensure Sys.	0.00	3.79	7.83	132.44	47.05	0.00	34.42	153.54	218.64	0.00	0.00	0.00	0.00	597.71	296.00	(301.71)
40	Personal Services	0.00	5,911.48	5,110.58	5,781.68	4,692.49	5,736.46	5,136.92	4,694.44	4,985.94	0.00	0.00	0.00	0.00	42,049.99	70,155.45	28,105.46
41	Fringe Benefits	0.00	1,904.91	1,843.64	1,894.19	1,810.90	1,890.78	1,846.67	1,813.85	1,836.15	0.00	0.00	0.00	0.00	14,841.09	34,299.00	19,457.91
42	Technical Support Staff	0.00	222.52	156.65	152.54	176.30	244.40	300.42	186.44	128.69	0.00	0.00	0.00	0.00	1,567.96	2,990.75	1,422.79
43	Central Mail Processing	0.00	160.58	151.45	140.40	144.20	151.55	147.01	153.49	159.31	0.00	0.00	0.00	0.00	1,207.99	1,817.37	609.38
44	CIU Investigations	0.00	1,001.07	707.15	911.50	874.20	469.05	343.35	330.44	541.83	0.00	0.00	0.00	0.00	5,178.59	8,464.00	3,285.41
45	Total PR Transfer	0.00	10,649.72	9,462.79	10,323.99	9,302.71	10,591.69	9,420.64	8,933.27	9,190.80	0.00	0.00	0.00	0.00	77,875.61	144,624.47	66,748.86
46																	
47	Total OA Cost Allocation Transfer	620.00	0.00	0.00	620.00	0.00	0.00	620.00	0.00	0.00	0.00	0.00	0.00	0.00	1,860.00	2,480.00	620.00
48																	
49	GR Transfer:																
50	Attorney General	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
51	Administrative Hearing Comm.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,000.00	2,000.00
52	Total GR Transfer	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,000.00	2,000.00
53																	
54	FY 2012 Transfers Carried Over:																
55	FY 2012 June PR Transfer	9,642.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,642.55	9,642.55	0.00
56	FY 2012 July Lapse PR Transfer	0.00	(13.10)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(13.10)	(13.10)	0.00
57	FY 2012 PR Transfer Adjustment	0.00	(1,260.78)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(1,260.78)	(1,260.78)	0.00
58	FY 2012 Final Rent Transfer Adj	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
59	FY 2012 Final DIFP Transfer Adj	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
60	FY 2012 AG - June	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
61	FY 2012 AHC - June	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
62	Total FY 2012 Transfers Carried Over	9,642.55	(1,273.88)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,368.67	8,368.67	0.00
63	Total Transfers	10,262.55	9,637.42	9,928.59	11,387.93	9,512.96	11,290.39	10,252.64	8,933.27	9,656.60	0.00	0.00	0.00	0.00	90,862.35	167,208.07	76,345.72
64	Total Appropriation Costs and Transfers	18,714.10	19,994.58	10,097.08	19,672.32	10,795.46	34,057.77	15,875.51	12,918.80	17,946.23	0.00	0.00	0.00	0.00	160,071.85	314,880.07	154,808.22
65	Ending Fund Balance	603,331.57	587,811.99	581,722.41	564,705.09	558,684.63	591,883.16	665,962.85	824,436.85	907,002.12	907,002.12	907,002.12	907,002.12				
66																	
67	Total PR Transfer	9,642.55	9,637.42	9,928.59	10,767.93	9,512.96	11,290.39	9,632.64	8,933.27	9,656.60	0.00	0.00	0.00	0.00	89,002.35	143,327.00	54,324.65
68	Total GR Transfer	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,000.00	8,000.00
69	Total	9,642.55	9,637.42	9,928.59	10,767.93	9,512.96	11,290.39	9,632.64	8,933.27	9,656.60	0.00	0.00	0.00	0.00	89,002.35	151,327.00	62,324.65

***FY 2013 YTD Expenses by Budget Class Code
As of March 31, 2013
Chiropractors (0630)
Expense & Equipment: Approp 0820***

<i>Budget Object Class</i>	<i>Budget Object Class Name</i>	<i>YTD Expended</i>	<i>Appropriation</i>	<i>Remaining Appropriation</i>	<i>Percent Remaining</i>
140	TRAVEL, IN-STATE	2,989.53	11,400.00	8,410.47	73.78%
160	TRAVEL, OUT-OF-STATE		9,500.00	9,500.00	100.00%
180	FUEL & UTILITIES		60.00	60.00	100.00%
190	SUPPLIES	6,285.82	9,030.00	2,744.18	30.39%
320	PROFESSIONAL DEVELOPMENT	2,455.00	6,080.00	3,625.00	59.62%
340	COMMUNICATION SERV & SUPP	712.17	2,000.00	1,287.83	64.39%
400	PROFESSIONAL SERVICES	56,066.10	97,000.00	40,933.90	42.20%
420	HOUSEKEEP & JANITOR SERV			0.00	
430	M&R SERVICES	394.00	4,502.00	4,108.00	91.25%
480	COMPUTER EQUIPMENT			0.00	
560	MOTORIZED EQUIPMENT			0.00	
580	OFFICE EQUIPMENT		4,000.00	4,000.00	100.00%
590	OTHER EQUIPMENT		2,000.00	2,000.00	100.00%
640	PROPERTY & IMPROVEMENTS			0.00	
680	BUILDING LEASE PAYMENTS		100.00	100.00	100.00%
690	EQUIPMENT RENTAL & LEASES			0.00	
740	MISCELLANEOUS EXPENSES	306.88	2,000.00	1,693.12	84.66%
	TOTAL	69,209.50	147,672.00	78,462.50	53.13%



Alternative Health & Medical Group, LLC

Micheal J. Miller DC
3637 South Ave, Kickapoo Plaza
Springfield, MO 65807

www.alternativehealthandmedicalgroup.com

000546 FEB 13 2013

February 8, 2013

Lori Rasmussen MBA
Board of Chiropractic Examiners
3605 Missouri Boulevard
P.O. Box 672
Jefferson City, MO 65102-0672

Dear Ms. Rasmussen,

In the past several months I have been trying to get the Missouri State Board of Chiropractic examiners to tell me and/or Dr. John Amaro what is needed by the Board to evaluate his exam test for approval, in lieu of the current statement in the bylaws. Currently, an NBCE exam is required for practicing needle acupuncture in Missouri... "or other approved exam". I have spoken to both Loree and Jeanette about what information needs to be furnished be either myself or by Dr. Amaro for the board's review for test approval, but have been told several times that I should have Dr. Amaro call the Board personally, which he has, but he nor I have been apprised of what needs to be done to get the question put on the agenda for review.

Therefore, I have 2 issues for you, the board members, that I feel needs to be addressed.

- 1). I basically feel that Loree and Jeanette are dropping the ball on bringing issues to the board for review, and giving me "the run around" for some reason. I apprised them of my practice and testing situation and wanted the issue on the agenda for November 2012 meeting. They were less than sympathetic and did not put forth a reasonable effort to advise me what needed to be done. Hence, 4 months have passed on something that could have easily been done in 60 days. As a result, I had to take the NBCE test, 3 months later, at an additional cost of \$ 650 and \$ 30,000 in practice revenue in the purchased practice.

- 2). It is my request of the board that the final exam given to applicants for certification of the 105 hour course of Fellowship with the International Academy of Medical Acupuncture (IAMA) be accepted as an approved examination, as referenced in the General Rules of Division 2070, Chapter 2, 20 CSR 2070-2.031 Meridian Therapy / Acupressure/ Acupuncture.

This will be good for the current and future doctors that will be choosing to practice somewhere when they graduate and acupuncture is an important part of chiropractic and health care. This could help draw more chiropractors to Missouri for practice and increase individual incomes. I think it will be good for chiropractic. Thank you for your consideration.

For your review: This is an excerpt from the current General Rules of the Division and states, as related to Meridian Therapy, as follows....

"C) Effective March 1, 2005, an applicant for certification in Meridian Therapy shall pass the examination for acupuncture administered by the National Board of Chiropractic Examiners (N.B.C.E.) or an exam approved by the board. "

Dr. Amaro is ready to accept your phone call at his home: 480-488-1940. Please call him and discuss what he needs to send to you to evaluate his exam as an appropriate examination that qualifies for approval.

I have just taken the NBCE exam and can vouch for Dr. Amaro's exam as being much more thorough and more detailed than the National Board.
Thank you for your time and consideration,

Sincerely, Yours for Health,



Micheal J. Miller DC
Doctor of Chiropractic

PS. If you have any questions, my cell phone number is : 417-588-7780.

MJM/mjm

CC:
Gary Carver, DC
President
Missouri Board of Chiropractic Examiners

Margaret Freihaut, DC
Secretary
Missouri Board of Chiropractic Examiners

Lori Rasmussen MBA
Board of Chiropractic Examiners

Jack Rushin, DC
Missouri Board of Chiropractic Examiners

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April 16, 2013

Micheal J. Miller, D.C.
3637 South Ave., Kickapoo Plaza
Springfield, MO 65807

RE: Proposed Acupuncture Examination

Dear Dr. Miller:

I am writing on behalf of the Missouri State Board of Chiropractic Examiners, for which I serve as general counsel, in reference to your letter of February 8, 2013 sent to members of the State Board .

Initially, please be aware that there was never any intent by the Board or its staff to delay consideration of the request contained in your letter. To the contrary, following your telephone discussions with Board staff, it was not our understanding that you were requesting a formal discussion of your request on the November, 2012 meeting agenda. The situation was further complicated when the appointment of Ms. Rasmussen (then public member) was withdrawn in January. The licensure board did not have quorum, meaning it could not convene until this month when a new board member was recently appointed and confirmed by the Missouri Senate. Regardless, the Board has now considered your request and information regarding the acupuncture examination authored and sponsored by Dr. John Amaro, and it has become apparent that additional clarification is needed before proceeding further in this matter.

Specifically, you are correct in your reading of Board Rule 20 CSR 2070-2.031 (Meridian Therapy/Acupressure/Acupuncture or "MTAA") and the fact that the regulation contemplates examinations for acupuncture certification applicants administered by the National Board of Chiropractic Examiners, (NBCE) "*or an examination approved by the Board.*" However, it is unclear whether you are requesting Board approval of Dr. Amaro's course of study and acupuncture examination solely on your own behalf, (i.e. to assist in obtaining your own MTAA certification) or whether you (and Dr. Amaro) are requesting approval of his examination for all MTAA applicants going forward. Based upon certain passages within your letter, it appears that you may be seeking approval of Dr. Amaro's examination for all Missouri chiropractors who may wish to become certified in MTAA pursuant to the Board's current

regulation. If that is the case, Missouri law, via Section 536.041, RSMo. (Supp. 2012), provides in principal part that "any person may file a written petition with an agency requesting the adoption, amendment or repeal of any rule." That statute provides specific steps the licensure board must take in considering a request to amend a regulation.

Based on the above, if you are requesting that the Board approve, for MTAA certification purposes, the course of study and examination authored by Dr. Amaro in addition to the NBCE examination, then you, and especially Dr. Amaro, are invited to file a written petition with the Board pursuant to Section 536.041, RSMo.. Please note, should you and Dr. Amaro wish to petition the Board for such an amendment, Dr. Amaro's close involvement in that process will be required in order to answer the Board's necessary questions regarding the formulation of the examination itself, in areas such as task analysis, validity, psychometrics, etc.

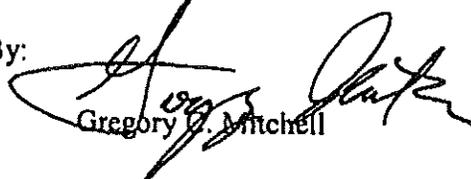
Therefore, for further consideration of this matter, the Board requests your clarification as to the above matters. Under state law, the Board cannot approve a new or additional examination applicable to all future MTAA applicants without following the rulemaking process as set forth in Chapter 536, RSMo, and specifically Section 536.041, RSMo.

We shall look forward to your response.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND, P.C.

By:



Gregory C. Mitchell

GCM:pah

C: Missouri State Board of Chiropractic Examiners



Alternative Health & Medical Group, LLC

Michael J. Miller DC
3637 South Ave, Kickapoo Plaza
Springfield, MO 65807

www.alternativehealthandmedicalgroup.com

April 18, 2013

Mr. Greg Mitchell
Brydon, Swearengen, & England
312 East Capitol Ave
Jefferson City, MO 65102-0456

RE: Letter Response dated: April 18, 2013
Of: Missouri Board of Chiropractic Examiners
Referencing Proposed Acupuncture Exam Approval.

Dear Mr. Mitchell,

Thank you for your response to my complaint to the board about this requested information that I have ask for.

After reading your letter, I will again ask for the information that we need to have to pursue this. As stated in the requests and conversations, we need to know what to do, what information to gather etc... I deduce from the context of the letter that there is information in Missouri law (Sections 536) that we need to know, however, no mention or attempt, to my knowledge, has or was made by Jeanette or Lori to help inform Dr. Amaro or myself of what needs to be done. Thus my frustration.

If the Board has these procedures to follow and a process to follow, it should have been as easy as sending me or Dr. Amaro a small packet of forms with instructions that gathers the necessary information in the proper format for easy access for Board review. It should have been put on the agenda for follow up and formally added when the information arrives. I regret that this issue has even been given to you, unless you usually have to handle Board approvals, such as these.

I think I have fulfilled the requirement for petitioning the Board to adopt this acupuncture test in the letters I have sent. If there are specific forms etc... let me know... I will forward the letters on to Dr. Amaro for his records and I am sure he is ready to provide any necessary information that is required.

This approval will help Chiropractic Physicians have access to the acupuncture market that are so connected with through our heritage. It will lower a significant barrier of the NBCE National Boards for physicians that decide to pursue further specialty certifications in the post graduate years and will only enhance public patient care.

Phone: 417-885-7085

www.dr.michaelmiller.com

Fax: 417-885-9058

National Boards are great for students wanting that Acupuncture certification as with other chiropractic boards like Physical Therapy. If we want that credential, an individual should have the choice. It is also my opinion that if we pursue an NBCE national board exam in physical therapy and pass that, we should be able to be licensed as a physical therapist in all states. BUT that is another can of worms to open later this year.

I thank you for your time and I look forward to getting something done on this 6 month old request.

Yours, Most Sincerely,



Micheal J. Miller DC, FIAMA

MJM/mjm

C:Missouri State Board of Chiropractic Examiners
Dr. John Amaro DC , L.Ac., FIAMA, Dipl.Ac.(NCCAOM),Dipl.Med.Ac.(IAMA)



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
P.O. Box 672
Jefferson City, MO 65102-0672
573-751-2104
573-751-0735 FAX
800-735-2966 TTY Relay Missouri
800-735-2466 Voice Relay Missouri
chiropractic@pr.mo.gov

Lorice V. Kessler, MPA
Executive Director

April 29, 2013

DR. MICHAEL MILLER
ALTERNATIVE HEALTH & MEDICAL GROUP LLC
3637 SOUTH AVE, KICKAPOO PLAZA
SPRINGFIELD MO 65807

Dear Dr. Miller:

Your letter to Greg Mitchell, counsel for the State Board of Chiropractic Examiners, has been received by the State Board. You and Dr. Amaro are scheduled to meet with the State Board at 11:30 a.m., on May 23, 2013. The board will be convening at the law offices of Brydon, Swearengen and England located at 312 E. Capitol Avenue (Hammond Building) in Jefferson City. There is on-street parking as well as a parking garage nearby. When you enter the building, please go up the stairs to the upper level of the building. There will be staff person there to meet you.

It is important that Dr. Amaro be available for this meeting. However, he does not have to travel to Missouri. The State Board can meet with Dr. Amaro via conference call. Please be advised there is no "form" or "packet" regarding the process described in Mr. Mitchell's letter to you, which outlined the general procedures for requesting the State Board to promulgate a new regulation approving Dr. Amaro's examination, other than what is required in the statutes and regulations identified in previous correspondence. To facilitate the discussion, listed below are topics for Dr. Amaro to address. These questions are from previous state board meeting minutes and articles maintained in the state board's library.

- Provide a general overview of the acupuncture course to include number of hours and content.
- Are there specific textbooks or reference materials used?
- Is Dr. Amaro the sole instructor of the course?
- How often is the course offered?
- What security is in place to maintain confidentiality of examination questions?
- How often is the examination administered, and what security is in place during the examination?
- Does the test examine overall knowledge of the examination candidate or focus on the information presented in the course?

- How are test questions developed? Are the test questions and corresponding correct answer supported by scholarly publications, textbooks etc.?
- Is there a job analysis or review of professional practices performed prior to assembling test questions?
- How are the questions tested/pre-tested? Are other experts/practitioners of acupuncture utilized in developing the questions?
- Are questions validated by any outside practitioner(s) or entity?
- How are the questions evaluated to insure proper grammar and technical accuracy?
- Is there an item bank of questions? If yes, how many items are in the database of questions and how are the questions selected for the examination?
- Is there a statistical/psychometric analysis of test questions to assure validity and consistency?
- How many items are on the examination and how is the passing score established?
- How many individuals have taken the course and examination and what is the pass fail/ratio of the examination?
- What other states accept this examination?
- Is Dr. Amaro requesting the Board to promulgate a new regulation, or an amendment to its current regulation, which would approve his acupuncture examination as a means of complying with the State Board's MTAA requirements?

The state board members will have questions as well, however, this list provides a starting point for discussion. If Dr. Amaro or you have any materials you wish to share with the State Board, please feel free to send them to this office prior to May 23 and the materials will be included on the agenda. Finally, this office will need a telephone number for contacting Dr. Amaro.

If you have any questions, please feel free to contact me.

Sincerely,



Loree Kessler
Executive Director

Wilde, Jeanette

From: Kessler, Loree
Sent: Tuesday, May 07, 2013 8:05 AM
To: Wilde, Jeanette
Subject: FW: Dr Amaro for Loree

From: Dr. John Amaro [mailto:dramaro@qwestoffice.net]
Sent: Monday, May 06, 2013 7:48 PM
To: Kessler, Loree
Cc: micheal224@yahoo.com
Subject: RE: Dr Amaro for Loree

Hello Loree,

Please excuse all of the correspondence Michael Miller has had with you regarding the International Academy of Medical Acupuncture final examination being given and accepted by the Missouri Board in lieu, or in addition to the National Board. This was an idea he had and somehow the whole thing has gotten out of control. I had just written a letter to Dr. Miller last week that he should leave this issue alone as frankly, I do not have an interest in pursuing it, but he has been so adamant. I advised him just take the NBCE exam, you are a good student and will do well.

I just received a letter from him stating he did in fact take the NBCE in acupuncture, did very well and now is official. Michael Miller is a passionate, dedicated doctor. That is the way DC's used to be many years ago. He is a tribute to this profession.

Please disregard any further dialogue about me appearing before the Board etc. All of this was Dr. Millers doing and even though I definitely appreciate his dedication and perseverance, having held a position on the Arizona Acupuncture Board of Examiners, I am familiar with Board matters and realized that this was not an issue I thought should be pursued.

Thanks Loree, but we can let this rest now.

I will be conducting some future programs in Missouri so I am sure you will be contacted by New York Chiropractic College where the CE credit is issued from.

Incidentally I had my Missouri license in 1970 on my return from the military and practiced in MO for several years before re-locating to Kansas. I carried my MO license for many years and have been in Arizona for 28 years.

All my very best.

John
John A. Amaro DC, L.Ac., FIAMA, Dipl.Ac.(NCCAOM), Dipl.Med.Ac.

President: International Academy of Medical Acupuncture

-----Original Message-----

From: Kessler, Loree

Date: 5/6/2013 12:56:01 PM

To: 'Micheal Miller'

Cc: 'dramaro@qwestoffice.net'

Subject: RE: Dr. Miller & Amaro Missouri Board Meeting on Exam info Appt 5-23-2013

The letter to you was not copied to Dr Amaro. I have included the April letter outlining the questions to be discussed.

If I understand your email correctly, you will not be meeting with the state board and May. Is that correct? The state board is not scheduled to meet face to face in June and its next face to face meeting will likely be in September as it meets face to face quarterly. Conference calls are scheduled monthly to review applications, complaints, and investigations and are scheduled for one hour. The state board wants to provide adequate time to ask questions and discuss the acupuncture course and exam.

The state board will be scheduling future meetings and conference calls at the May face to face meeting. I can provide a list of upcoming face to face meetings to you and Dr Amaro once that schedule is sent. Thank you for providing additional information.

From: Micheal Miller [mailto:micheal224@yahoo.com]

Sent: Thursday, May 02, 2013 5:56 PM

To: chiropractic@pr.mo.gov

Cc: dramaro@qwestoffice.net

Subject: Dr. Miller & Amaro Missouri Board Meeting on Exam info Appt 5-23-2013

Dear Loree,

I am receipt of your letter of April 29th that scheduled a board meeting May 23, 2013... I thank you for finally getting the requested information list from you to proceed on this matter. I must ask if you carbon copied this letter to Dr. Amaro also, and I thought you had his phone number somewhere... If not, could you send it to Dr. Amaro... and communicate with him on a convenient date for him to help you...? Thank you.

Here is a number and email you should also have.... (excerpt from previous email...) in case you do not have it handy.....

From: Dr. John Amaro <dramaro@qwestoffice.net>
To: micheal224@yahoo.com
Sent: Wednesday, November 14, 2012 12:46 PM
Subject: Re: Amaro for Michael important

Hello Michael,

I feel it would be best that Loree contact me directly with a request for this information. I can be reached at this e-mail or my home number today at 480 488 1940.

I do not know if Dr. Amaro can do the date you have set out at this late notice... I could do June's board meeting easier and that would give Dr. Amaro time to schedule time and gather the information for you...

Thank you,

I hope you had a good weekend.

Dr. Micheal J Miller
Springfield MO



FREE Animations for your email **Click Here!**

Kessler, Loree

To: Micheal Miller
Subject: RE: Dr. Miller & Amaro Missouri Board Meeting on Exam info Appt 5-23-2013

When the state board determined it would accept the NBCE examination for acupuncture, the regulation was amended. Such changes require publication in the Missouri Register to include information regarding fiscal impact for licensees and any administrative costs to the state board that are anticipated with the promulgation of the regulation. Additionally, the rule making process requires the state board to provide detailed information to the division, department, Joint Committee on Administrative Rules, Secretary of State, and the Governor's office on why the language is being amended, what steps the state board took in obtaining information regarding the amended language, and analysis of fiscal impact.

The publication of the information within the Missouri Register provides notice to the public and to licensees regarding a proposed change the regulation and allows a timeframe to submit written comments to the state board regarding the regulatory language, justification of the change, and corresponding fiscal notes. The state board, in turn, must provide a response to comments and sometimes proposed language is amended accordingly.

Dr Amaro has sent an email to the state board indicating that he does not wish to pursue this matter further. However he will continue to provide the required education for licensees wishing to pursue certification in acupuncture. Do you still wish to meet with the state board in May or at a later date?

From: Micheal Miller [mailto:micheal224@yahoo.com]
Sent: Monday, May 06, 2013 4:52 PM
To: Kessler, Loree
Subject: Re: Dr. Miller & Amaro Missouri Board Meeting on Exam info Appt 5-23-2013

Great.....Better do that, then... Had we known this prior, we could have prepared.... I thought asking in before November 2012 we had enough time..... Now, We can not make it happen with such late notice.

I do wonder why the attorney for the board thinks the regs need changed when, as I understand it, the board just could decide to approve another exam they deem the same, without changing law etc... That was why the words were left in there, if I recall right when we talked about it at MSCA Board... At any rate, It seems like alot of overkill. Look at the information and decide.... would be most easy....

Do you have any other thoughts?

Maybe I will ask the attorney the whys,,,,

Thanks for the reply.

Send me the info asap...

Micheal J. Miller DC
Springfield, MO

Website:www.alternativehealthandmedicalgroup.com

Business Email: alternativehealthdrmike@gmail.com

CONFIDENTIALITY NOTICE: This information transmitted (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521, and is intended only for the person(s) or entity(ies) to which it is addressed and may contain privileged or confidential information. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by person or entities other than the intended recipient(s) is prohibited. If you have received this e-mail in error or if you are not the intended recipient of this message, you are hereby notified that any unauthorized use, dissemination or copying of this message and its attachments, if any, may cause irreparable harm and is strictly prohibited. If you receive this e-mail transmission in error, please reply to the sender and thereafter delete the message from your system.

From: "Kessler, Loree" <loree.kessler@pr.mo.gov>
To: 'Micheal Miller' <micheal224@yahoo.com>
Cc: "dramaro@qwestoffice.net" <dramaro@qwestoffice.net>
Sent: Monday, May 6, 2013 2:55 PM
Subject: RE: Dr. Miller & Amaro Missouri Board Meeting on Exam info Appt 5-23-2013

The letter to you was not copied to Dr Amaro. I have included the April letter outlining the questions to be discussed.

If I understand your email correctly, you will not be meeting with the state board and May. Is that correct? The state board is not scheduled to meet face to face in June and its next face to face meeting will likely be in September as it meets face to face quarterly. Conference calls are scheduled monthly to review applications, complaints, and investigations and are scheduled for one hour. The state board wants to provide adequate time to ask questions and discuss the acupuncture course and exam.

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To: chiropractic@pr.mo.gov
Cc: dramaro@qwestoffice.net
Subject: Dr. Miller & Amaro Missouri Board Meeting on Exam info Appt 5-23-2013

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Here is a number and email you should also have.... (excerpt from previous email...) in case you do not have it handy.....

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To: micheal224@yahoo.com
Sent: Wednesday, November 14, 2012 12:46 PM
Subject: Re: Amaro for Michael important

Hello Michael,

I feel it would be best that Loree contact me directly with a request for this information. I can be reached at this e-mail or my home number today at 480 488 1940.

Overview of the National Board of Chiropractic Examiners Ethics & Boundaries Essay Examination

The NBCE E&B Essay Examination is fast becoming a proven power tool for state boards concerned about the overall health and safety of the public and the caliber of the chiropractic profession at large. The essay examination offers the state boards an opportunity to receive valuable information pertinent to a licensee's understanding of the appropriate clinical protocols and judgments necessary in unsupervised chiropractic practice.

This essay testing is more resourceful and illuminating than the 100 question multiple choice test previously administered by the NBCE for ethics and boundaries violations. All cognitive levels are addressed with essay testing. This computerized test requires five essays to be written during a 5½-hour session at secure, national testing centers in the following topic areas:

1. Boundary Violations:
 - a. Doctor with Patient and/or
 - b. Doctor with Staff
2. Fraud:
 - a. Billing and Coding and/or
 - b. Kickback/Steering Schemes
3. Doctor's Duties & Office Protocols:
 - a. Standards of Care and/or
 - b. Records/Documentation
4. Unprofessional Conduct:
 - a. Alcohol/Substance Abuse and/or
 - b. Inappropriate Behavior

The NBCE's E&B essay exam presents this high-standard option as one of the various requirements of probation to be mandated by state boards. Each executive director or compliance officer is provided with the browser address that permits access to a secure website to identify their state board's preference of the five essay topic areas, and a specific, secure User ID and Password. The electronic submission process, with easy to follow instructions and immediate electronic confirmation with printing of the licensee's essay topic assignments, allows state boards to quickly and efficiently complete this process. This selection can, and

should, be completed at the same time that the licensee is sent notification of their board's directive from the state Attorney General's office.

The success of the E&B essay examination is evidenced by growing support and expanding utilization by over 20 states during its first two years of administration. Passing/failing scores and retake guidelines are set by the NBCE; yet, scores reflecting a minimal pass or fail may be interpreted further by individual state regulatory boards. Each essay's total point score represents a licensee's ability/inability to adequately respond to critical, realistic, and professional practice scenarios as developed by our test development committee (predominantly chiropractors with regulatory experience).

The essay testing is demanding and provides insightful results for determining an examinee's reasoning and thought processes relevant to appropriate chiropractic practice and professionalism as evaluated by the Grader's Panel. State boards can be assured that each essay is evaluated by a *minimum* of seven graders, each of whom is trained to assess the written responses for professional content beyond any writing or grammar errors; and that the graders are recused from grading examinees from their own state. These expert graders (again, most with regulatory experience) assign scores that reflect an examinee's level of understanding and reasoning associated with ethical and boundary issues, which inherently offers state boards leverage to assure and pursue excellence within the chiropractic profession.

In the next few months, Dr. Judi Gerstung will be contacting each Chiropractic Board Administrator with the specifics regarding the secure sign-on process. Or, to receive this information immediately, please contact her at:

Dr. Judi Gerstung, Senior Chiropractic Specialist at NBCE

1-800-964-6223, x158 or jgerstung@nbce.org

The NBCE Ethics and Boundaries Power Point presentation can be accessed at www.fclb.org by selecting/scrolling down to the program details of the May, 2012 San Antonio Conference.

KEY BENEFITS of the NBCE ETHICS & BOUNDARIES ESSAY EXAMINATION

- A proven power tool for state boards concerned about the overall health and safety of the public;
- A high-standard option as one of the various requirements of probation to be mandated by state boards;
- Assesses a licensee's understanding of the complex interactions/responsibilities necessary to practice in an ethical and legally appropriate manner;
- Essay testing is more illuminating than the 100 question multiple choice test previously administered by the NBCE; all cognitive levels are addressed with essay testing;
- Demanding: five essays (60 minutes maximum/essay) written during a 5 ½ hour session;
- Electronic submission process for Regulatory Boards, with easy to follow instructions for the secure selection of the five topic areas and immediate electronic confirmation;
- Success evidenced by growing support and expanding utilization by over 20 states during its first two years of administration;
- Each essay is evaluated by a *minimum* of seven graders, most with regulatory experience; graders are recused from grading examinees from their own state.

NBCE E&B ESSAY EXAMINATION TEST PLAN

Boundary Violations

- a) Doctor with Patient and/or
- b) Doctor with Staff

Fraud

- a) Billing and Coding and/or
- b) Kickback/Steering Schemes

Doctor's Duties & Office Protocols

- a) Standards of Care and/or
- b) Records/Documentation

Unprofessional Conduct

- a) Alcohol/Substance Abuse and/or
- b) Inappropriate Behavior

For further information regarding the details of the essay selection process, please contact:

Dr. Judi Gerstung, Senior Chiropractic Specialist at NBCE

1-800-964-6223x158 or jgerstung@nbce.org

View the attached NBCE Ethics and Boundaries Power Point presentation or go to www.fclb.org (select the details of the May, 2012 San Antonio Conference).



STATE OF MISSOURI
DIVISION OF PROFESSIONAL REGISTRATION
COMPLAINT FORM

STATE BOARD OF CHIROPRACTIC EXAMINERS
PO BOX 672, 3605 MISSOURI BOULEVARD
JEFFERSON CITY MO 65102
TELEPHONE NUMBER: 573-751-2104
FAX NUMBER: 573-751-0735

All complaints must be submitted in writing and signed by the complainant in the presence of a notary. **PLEASE NOTE:** All required fields must be filled in or this form will be returned to you for completion. **TYPE OR PRINT IN BLACK INK.** The licensee named in the allegations has a right to receive a copy of the complaint.

PERSON MAKING COMPLAINT (COMPLAINANT INFORMATION)

COMPLAINANT NAME Last, First, Middle (REQUIRED) TELEPHONE NUMBER (REQUIRED)

ADDRESS (STREET, CITY, STATE, ZIP CODE) (REQUIRED)

WITNESS INFORMATION – USE ADDITIONAL SHEET OF PAPER TO EXPLAIN)

WITNESS NAME RELATIONSHIP TO COMPLAINANT	ADDRESS	TELEPHONE NUMBER

INFORMATION ABOUT THE CHIROPRACTOR BEING REPORTED

FULL NAME OF CHIROPRACTOR (REQUIRED) LICENSE NUMBER (IF KNOWN)

CHIROPRACTOR'S ADDRESS (IF KNOWN)

CHIROPRACTOR'S TELEPHONE NUMBER (IF KNOWN)

PLEASE CHECK ONE REGARDING YOUR RELATIONSHIP TO THE CHIROPRACTOR (IF ANY)

PATIENT EMPLOYER CO-WORKER OTHER _____

HAVE YOU CONTACTED THE CHIROPRACTOR CONCERNING YOUR COMPLAINT?

YES NO If yes, briefly describe how and when the chiropractor was contacted by you.

HAVE YOU CONTACTED AN ATTORNEY? YES NO If yes, please list attorney contact information below

HAS A LAWSUIT BEEN FILED? YES NO If yes, below please list case number and court where lawsuit has been filed.

MISSOURI STATE BOARD OF CHIROPRACTIC EXAMINERS COMPLAINT PROCESS

Complaints may be filed by a patient, patient's legal guardian, another licensed professional, or any federal, state, or local official. A complaint **MUST BE SUBMITTED IN WRITING** and **SIGNED** by the person filing the complaint. Contacting the state board office by telephone or sending a letter without sending a complaint form may result in delaying review of the complaint.

A complaint must include the following:

- Correct spelling of the chiropractor's full name
- A clear, concise description of the complaint
- When applicable, witnesses to the alleged incident(s) and contact information for each witness
- Consent to release patient information
- The chiropractor will receive a copy of the complaint and consent forms and will be requested to provide a written response to the board. Complaints are considered closed records and cannot be disclosed without the chiropractor's written permission. This means your complaint, the chiropractor's response, any documents or investigation cannot be given to anyone without the chiropractor's written permission. It is recommended that the complainant keep a copy of their complaint form, consent form, and any documents submitted with the complaint. Finally, the board cannot guarantee that the complaint form, to include the complainant's and witnesses name(s) will be kept confidential.

**Mail complaint & documentation to: Missouri State Board of Chiropractic Examiners
PO Box 672
3605 Missouri Boulevard
Jefferson City MO 65102-0672**

REMINDER: Please keep these instructions and a copy of what was submitted with your complaint for your information. Send the original complaint and consent forms along with any documentation to the board office.

WHAT HAPPENS WHEN THE BOARD RECEIVES A COMPLAINT?

Complaints are electronically tracked by receipt date and complaint number and scheduled for review at a board meeting or conference call. Following the initial review, the board will request a written response from the chiropractor regarding the allegations, along with documentation such as patient records, bills, or x-rays. The consent form is needed from the complainant because that form authorizes the chiropractor to release records, respond to allegation(s) of the complaint and questions from the state board.

WHAT HAPPENS ONCE THE BOARD HAS ALL DOCUMENTATION OR INFORMATION IT NEEDS ?

The Board reviews the complaint, licensee's response, any documentation submitted and investigative report (if applicable). The timeframe for completing the complaint process depends upon the complexity of the allegation, response from the chiropractor, and investigation of the complaint. For example, the board may request and investigator interview the complainant and/or chiropractor.

If the board determines there is adequate evidence of a violation of the licensure law and/or regulations the board may refer the case to its attorney to pursue discipline on the license.

The Missouri State Board of Chiropractic Examiners can seek discipline for certain specific types of conduct that are set out in the licensure law or regulations. The Board must be able to prove the allegation(s) of the complaint with legally admissible evidence. The Board does not have the authority to order a licensee to refund fees paid by a complainant, or pay restitution or monetary damages to a complainant. Finally, complainants need to be aware that the board is not a substitute for resolving a complaint by contacting the chiropractor or obtaining legal advice from a complainant's attorney.

If there is insufficient evidence of a violation of the law or regulations the board may close the complaint and send the chiropractor a letter of concern.

CAN A COMPLAINANT'S NAME BE KEPT CONFIDENTIAL?

The board cannot guarantee a complainant's name will not be disclosed to the licensee. However, should the board pursue a disciplinary action, the complainant's initials are used whenever possible.

WHAT INFORMATION IS AVAILABLE TO THE COMPLAINANT CONCERNING A COMPLAINT?

Section 620.010.14 (7) of Missouri law addresses what is considered open and closed records. The law specifically states, "All...complaints, investigatory reports, and information pertaining to any person who is an applicant or licensee of any agency assigned to the division of professional registration or department of economic development are confidential and may not be disclosed to the public or any member of the public, except with the written consent of the person whose records are involved. The agency which possesses the records or information shall disclose the records or information if the person whose records or information is involved has consented to the disclosure." This law prohibits the board from providing information to the complainant regarding the chiropractor's response, documentation received, investigatory results, or board deliberation. If the board pursues a disciplinary action on the license, the discipline and corresponding violation of the law and regulations can be disclosed.

WHAT IS A DISCIPLINARY ACTION?

Disciplinary action may include censure, denial of an application for licensure, probation, suspension, or revocation of the license. Also, the board may impose conditions relating to a probated license such as continuing education, drug screening, counseling, or periods of patient record review.

HOW DOES DISCIPLINE AFFECT A CHIROPRACTOR'S ABILITY TO PRACTICE?

If the discipline is censure or probation, the chiropractor may continue to practice. If the Board suspends the license for a period of time, the chiropractor shall not practice until the period of suspension is completed. A licensee shall not practice while their license is revoked.

IS DISCIPLINARY ACTION PUBLIC INFORMATION?

The disciplinary order or agreement is public information and a copy can be obtained by contacting the board office. Also, the board reports disciplinary actions to a national practitioner databank.

AUTHORIZATION TO USE AND DISCLOSE PROTECTED HEALTH INFORMATION

Pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA)

Patient: _____ Social Security No: _____ Date of Birth: _____

1. I authorize the use and disclosure of protected health information as described below; and,

2. Authorize and request: _____ (name of health care provider)

3. TO RELEASE THE FOLLOWING INFORMATION: any and all billing records; medical records charts; medical reports; chart notes; clinical notes; x-rays and/or radiographic studies and reports of the same; reports of consultation; patient histories/patient questionnaires; reports and records of laboratory testing and other testing; any and all correspondence (in any format) and any other records and documents contained in my file; or, if applicable, for each admission, whether In-Patient, Out-patient, or Emergency Room, the entire record for each admission, to include admitting history & physical; discharge summary; reports of consultation; reports and records of laboratory testing and other testing; reports of consultation; x-rays and radiographic studies and reports of the same; and other records and documents for each admission;

4. Covering all past, present, and future periods of health care OR Covering the period of health care from _____ to _____.

5. The requested information is to be released to the Missouri State Board of Chiropractic Examiners, PO Box 672, 3605 Missouri Boulevard, Jefferson City MO 65102

6. The requested information is to be used or disclosed for the purpose of oversight activities authorized by law, including audits; civil, administrative, or criminal investigations, inspections, licensure, or disciplinary proceedings or actions; or other activities necessary for the CIU or entities subject to government regulatory programs for which information is necessary for determining compliance with program standards.

7. This authorization shall be in force and effect and not expire until (a) I exercise my right of revocation, as described below, (b) the occurrence of the following date/event _____, or (c) two years from the date of execution, whichever occurs first. A photocopy of this authorization is as valid as an original.

8. I understand that I have the right to revoke this authorization at any time. I understand that if I revoke this authorization I must do so by communicating in writing, with specific reference to this authorization, to the health care provider named in paragraph 2, above, and to the CIU. I understand that the revocation will not apply to information that has already been released in response to this authorization.

9. I understand that I may refuse to sign this authorization. I further understand that the health care provider named in paragraph 2 may not condition treatment, payment, enrollment in a health plan, or eligibility for benefits on whether I sign this authorization.

10. I understand that after information is disclosed pursuant to this authorization, it is possible that the information may be disclosed by the recipient and would no longer be protected by applicable medical privacy laws.

11. I understand that the information in the requested health record may include information relating to Hepatitis B or C, sexually transmitted disease, acquired immunodeficiency syndrome (AIDS), and/or human immunodeficiency virus (HIV). It may also contain information about behavioral or mental health services, psychiatric and/or psychological evaluation testing and/or treatment, and treatment for alcohol and drug abuse.

12. I understand that any information disclosed pertaining to alcohol/drug abuse is protected by Federal confidentiality rules (42 CFR Part 2). The Federal rules prohibit the recipient of such information from making any further disclosure unless further disclosure is expressly permitted by my written consent or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The Federal rules restrict any use of such information to criminally investigate or prosecute any alcohol or drug abuse patient.

Signature of Patient, Parent/Guardian or Authorized Representative

Date

Relationship to Patient

Signature of Witness (optional)

Signing in the presence of a notary is optional.

STATE OF MISSOURI)
) SS.
COUNTY OF _____)

NOTARY SEAL/STAMP

On the _____ day of _____, 20____, before me personally appeared the above-named Patient, Parent/Guardian, or Authorized Representative, known to me to be the person described in and who executed the foregoing instrument, and acknowledged that he or she executed the same as his or her free act and deed. In testimony thereof, I have hereunto set my hand and affixed my official seal, in the state and county aforesaid, the day, month, and year above written.

Notary Public Signature Notary Public Printed Name _____

My commission expires

Missouri State Board of Chiropractic Examiners

Seminar Monitoring Report

Name of State Board Member Monitoring Seminar: Gary L. Carver, D.C.

Name of Approved Seminar: The Academy of MO Chiropractors 2013 License Renewal Seminar

Location of Seminar: Columbia, Missouri

Date(s) of Seminar: April 13, 2013

Name(s) of Instructor(s): Billy DeMoss; Factors of Health

(7:45 P.M. - 9:25 P.M.) Two CEU's 4-13-13

Number of Hours the Board Approved this Seminar in the Following Categories

General Chiropractic Study _____ Meridian Therapy _____
X-Ray _____ Insurance Consulting _____
Differential or Physical Diagnosis _____ HIV or Infectious Diseases _____
Ethical Practices _____ Emergency Procedures _____
CVA / TIA _____ Disc Injury _____
Spinal condition/injury _____ Soft Tissue Injury _____
Record Keeping / Soap Notes _____ Case Studies _____
Nutrition _____ D.C. Principles/Technique _____

Health Promotion/Wellness (Two CEU's)

Did the seminar deviate in any manner from the material provided to the State Board on the Application for Continuing Education Course Approval? Yes No. If yes, provide complete details on a separate sheet of paper.

For each day that a seminar is monitored by the State Board of Chiropractic Examiners, a person in a responsible position within the C.E. provider organization should sign this form and acknowledge that a State Board Member was present at this seminar.

Please Print Your Name and Initial Below in the Appropriate/Corresponding Day(s) (1-4)

1st Day: Patricia Bonnot Initial PB
2nd Day: Patricia Bonnot Initial PB
3rd Day: Initial
4th Day: Initial

Signature of MSBCE Board Member

April 13, 2013 Date

This doctor apparently has a reputation of using language (Profanity/Cursing) that some find inappropriate and had been told to tone it down before this presentation, apparently he did tone it down some since his last presentation however comments were made by attendences that his presentation was still questionable to say the least.



MSCA Summer Convention

Aug. 22 - 24, 2013

Tan-Tar-A Resort, Osage Beach, Missouri

20 Hours Formal CE

6 Hours Acupuncture

1 Hour General CE @ MSCA General Membership Meeting

Awards Banquet
PAC Auction
Golf Tournament
Supplier Trade Show

Featured Speakers:

Dr. Daniel Armbruster Dr. Steve Gould
Dr. Dean DePice Dr. Morgan Mullican
Dr. Margaret Freihaut Dr. Leonard Suiter
Dr. Todd Frisch

Featured Speakers for CA Day:

Dr. James McCartney Amanda Saunders

Registration

Name _____
Address _____
City _____
State _____ Zip _____
Phone _____
Email _____

Registration includes: Required CE Hours, General CE Hours, Acupuncture, CA Day, Supplier Trade Show, continental breakfasts, luncheons, breaks, PAC Auction, Membership Meeting and Legislative Planning Session.

NOT Included: Awards Banquet & Golf



	<u>"Early Bird"</u> Before Aug. 15	<u>After</u> Aug. 15
<input type="checkbox"/> Members	\$215	\$245
<input type="checkbox"/> Non-members	\$285	\$315
<input type="checkbox"/> Spouse/Guest/CA	\$75	\$90
Name(s) _____		
<input type="checkbox"/> Children	\$50	\$65
Name(s) _____		
<input type="checkbox"/> Students	\$50	\$65

Awards Banquet & Casino Night

Thursday Evening

Sponsored by The Key Company

Each Ticket \$20

Golf Tournament

The Oaks, Tan-Tar-A Resort



Wednesday

Each Player \$85

Registration includes: Luncheon, greens fee, cart and prizes.

Handicap: _____

Method of Payment

Amount \$ _____

Check No. _____

Master Card Visa Discover

Credit Card No. _____

Exp. Date _____ 3-Digit Code _____

Name on Card _____

Signature _____

Please return registration form with payment to:
MSCA
220 E. Dunklin
Jefferson City, MO 65101
Phone: 573-636-2553
Fax: 573-635-1470

Early Bird
Registration
Discount
Ends Aug. 15

Reduced Room
Rate at Hotel
Ends
July 24, 2013

Convention Agenda

WEDNESDAY, AUG. 21

- 10:30 a.m. - 11:00 a.m. Golf Check-In
The Oaks Golf Course, Tan-Tar-A Resort
 11:00 a.m. Golf Luncheon & Putting Contest
12:00 p.m. **Golf Tournament**
 6:00 p.m. - 8:00 p.m. Early Convention Registration
 6:00 p.m. - 9:00 p.m. Early Supplier Set-Up

THURSDAY, AUG. 22

- 7:00 a.m. - 5:30 p.m. Registration
 7:00 a.m. - 8:00 a.m. Continental Breakfast
 8:00 a.m. - 5:30 p.m. Supplier Trade Show
8:00 a.m. - 12:00 p.m. **Evidence-Based Practice (4 Hours)**
Dr. Margaret Freihaut & Dr. Leonard Suiter
9:00 a.m. - 4:30 p.m. **Acupuncture (6 Hours)**
Dr. Daniel Armbruster
 9:45 a.m. - 10:15 a.m. Break
 10:15 a.m. - 12:00 p.m. Evidence-Based (continued)
 10:15 a.m. - 12:00 p.m. Acupuncture (continued)
 10:30 a.m. - 11:30 a.m. Auxiliary Meeting
 12:00 p.m. - 1:00 p.m. **Luncheon**
12:00 p.m. - 1:30 p.m. ***General Membership Mtg.**
Legislative Planning, Elections
**Receive 1 Hour General CE for Meeting*
1:30 p.m. - 5:30 p.m. **Radiology (4 Hours)**
Dr. Steve Gould, Sponsored by NCMIC
 1:30 p.m. - 4:30 p.m. Acupuncture (continued)
 3:15 p.m. - 3:45 p.m. Break
 3:45 p.m. - 4:30 p.m. Acupuncture (continued)
 3:45 p.m. - 5:30 p.m. Radiology (continued)
 6:00 p.m. - 6:30 p.m. **Opening Reception**
Sponsored by The Key Company
 6:30 p.m. - 7:30 p.m. **Awards Banquet (formal)**
*Memorial Service Presented by the MSCA Auxiliary
 Presentation of MSCA Awards*
 7:30 p.m. - 9:00 p.m. **Casino Night**

FRIDAY, AUG. 23 — CA DAY

- 7:00 a.m. - 8:00 a.m. Continental Breakfast
 8:00 a.m. - 5:00 p.m. Supplier Trade Show
 8:00 a.m. - 9:00 a.m. CA Day Registration
9:00 a.m. - 2:00 p.m. **HIPAA (4 Hours)**
Dr. James McCartney, Sponsored by Cutting Edge
 9:45 a.m. - 10:15 a.m. Break
 10:15 a.m. - 12:00 p.m. HIPAA (continued)
12:00 p.m. - 1:00 p.m. **CA & Supplier Luncheon**
 1:00 p.m. - 2:00 p.m. HIPAA (continued)
2:00 p.m. - 4:00 p.m. **Drug Screenings (2 Hours)**
Amanda Saunders, CA, Kessinger Clinic
 2:45 p.m. - 3:15 p.m. Break
 3:15 p.m. - 4:00 p.m. Drug Screenings (continued)
4:00 p.m. **Receive Certificates**

FRIDAY, AUG. 23 — DCs

- 7:00 a.m. - 5:00 p.m. Registration
 7:00 a.m. - 8:00 a.m. Continental Breakfast
 8:00 a.m. - 5:00 p.m. Supplier Trade Show
8:00 a.m. - 12:00 p.m. **5 Elements (4 Hours)**
Dr. Todd Frisch
 9:45 a.m. - 10:15 a.m. Break
 10:15 a.m. - 12:00 p.m. 5 Elements (continued)
 10:30 a.m. - 11:30 a.m. PAC Meeting
12:00 p.m. - 1:00 p.m. **Alumni Luncheons**
12:00 p.m. - 1:00 p.m. **CA & Supplier Luncheon**
1:00 p.m. - 5:00 p.m. **Philosophy (4 Hours)**
Dr. Dean DePice, Sponsored by Pay DC
 2:45 p.m. - 3:15 p.m. Break
 3:15 p.m. - 5:00 p.m. Philosophy (continued)
5:00 p.m. - 5:30 p.m. **PAC Reception**
5:30 p.m. - 6:30 p.m. **PAC Live Auction**
Sponsored by TBA

SATURDAY, AUG. 24

- 7:00 a.m. - 8:00 a.m. Continental Breakfast
 8:00 a.m. - 12:00 p.m. Supplier Trade Show
8:00 a.m. - 12:00 p.m. **Pain to Performance (4 Hours)**
Dr. Morgan Mullican, Sponsored by Breakthrough Coaching
 9:45 a.m. - 10:15 a.m. Break
 10:15 a.m. - 12:00 p.m. Pain to Performance (continued)
 12:00 p.m. - 1:00 p.m. **Luncheon**
 1:00 p.m. - 3:00 p.m. Supplier Tear-Down
1:00 p.m. - 4:00 p.m. **MSCA Board Meeting**

Reduced Room Rates

Deadline: July 24, 2013

Guest Room	\$129
One Bedroom Suite	\$239
Two Bedroom Suite	\$399

Call: 800-826-8272



MSCA Summer Convention presented by

Missouri State Chiropractors Association

220 E. Dunklin, Jefferson City, MO 65101

Phone: 573-636-2553

Fax: 573-635-1470

Email: mscaaction@embarqmail.com

Register Today!

OPEN SESSION MINUTES
Missouri State Board of Chiropractic Examiners
May 23, 2013 – 8:00 a.m.
Brydon, Swearingen, & England
312 East Capitol Avenue – Jefferson City, Missouri

At 8:08 a.m., the Missouri State Board of Chiropractic Examiners was called to order by Board President Dr. Gary Carver at the Brydon, Swearingen, and England law office meeting room located at 312 East Capitol Avenue in Jefferson City, Missouri.

Board Members Present

Dr. Gary Carver, President
Dr. Margaret Freihaut, Secretary
Dr. Brian McIntyre
Dr. Jack Rushin

Staff Present

Loree Kessler, Executive Director
Jeanette Wilde, Processing Technician Supervisor
Greg Mitchell, Counsel
Darla Northway, staff person

Visitors

Kathleen Wilcoxson, MSCA Executive Director

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

Dr. Carver welcomed new board member Dr. Brian McIntyre.

A motion was made by Dr. Freihaut and seconded by Dr. McIntyre to approve the agenda adding a discussion regarding the FCLB and NBCE annual meeting attended by Dr. Rushin. Board members voting aye: Dr. Carver, Dr. Freihaut, Dr. McIntyre, and Dr. Rushin. Motion carried unanimously.

A motion was made by Dr. Freihaut and seconded by Dr. Rushin to approve the April 10, 2013 conference call minutes.

Financial Report

The board reviewed the information regarding expenditures and revenue. The executive director explained that during the recent legislative session, the conference committee reviewing the Department of Insurance budget reduced the appropriation for in and out of state travel to the amount expended in fiscal year 2012. It was noted that the state board did not incur out of state travel costs in 2012 as board member schedules prevented a person to represent the state at the annual meeting in May as well as the district Federation meeting in October.

This matter is slated for discussion by the division at an upcoming executive directors' meeting.

Acupuncture Examination

The state board reviewed information from Dr. Miller and Dr. Amaro concerning the continuing education offered for acupuncture certification and noted that it was not Dr. Amaro's intention to seek an amendment to the regulations regarding acceptable examinations for MTAA certification.

Ethics & Boundary Examination

The state board reviewed the information provided by the NBCE and Dr. Carver indicating this examination was an option the state board could use in lieu of discipline or include in a disciplinary agreement with a licensee.

Revised Complaint Form

With modifications by counsel, the board directed staff to implement the revised complaint form and corresponding instructions.

Seminar Monitoring Information

The executive director was asked to send a letter to the seminar sponsor regarding an April 13, 2013 seminar in Columbia, Missouri.

Meeting Schedule

The following conference calls and face to face meetings were tentatively scheduled by the board;

June 19 12:15 p.m. conference call meeting

July 17 12:15 p.m. conference call meeting

September 19 Face to face meeting in Jefferson City

November 21 Face to face meeting in Jefferson City

The board requested two members attend the Missouri State Chiropractors Association annual meeting August 22-24 at Tan-Tar-Resort in Osage Beach. The executive director explained that given recent reductions to in-state travel, the board may be able to send only one member.

Dr. Freihaut is scheduled to attend the Part IV examination development session June 6-9, 2013 in Greeley, Colorado. There is not expense incurred by the state board related to the out of state travel.

At 9:21 a.m., the state board took a recess and reconvened at 9:29 a.m.

FCLB/NBCE Annual Meeting

Dr. Rushin provided a hand out of materials from the national meetings, as well as a summary of sessions. Dr. Rushin highlighted efforts of other states to provide licensure orientation meetings/updates for chiropractors. Dr. Rushin underscored the importance of Missouri's continued participation at the annual meetings indicating multiple board members need to attend to cover the various breakout sessions.

Dr. Rushin also discussed the Federation's Providers of Approved Continuing Education (PACE) accreditation. The executive director was instructed by the board to provide an overview of PACE and submit a list of questions for Dr. Rushin to address with the Federation.

At 9:57 a.m., a motion was made by Dr. Freihaut and seconded by Dr. Rushin 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. Carver, Dr. Freihaut, Dr. McIntyre, and Dr. Rushin. Motion carried unanimously.

At 1:21 p.m., a motion was made by Dr. McIntyre and seconded by Dr. Freihaut to convene in open session and adjourn the meeting. Board members voting aye: Dr. Carver, Dr. Freihaut, Dr. McIntyre, and Dr. Rushin. Motion carried unanimously.



Executive Director

Approved by State Board on June 19, 2013