



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
June 19, 2013 – 12:15 p.m.
Conference Call Access Number: 573-526-6207
Toll Free Number: 866-630-9356
Division of Professional Registration
3605 Missouri Blvd, 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

Missouri State Board of Chiropractic Examiners
Open Session Agenda
June 19, 2013
Page 1

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Call to Order	Dr. Gary Carver, President
Roll Call	Executive Director
Approval of Agenda	
1. Approval of Minutes	
<ul style="list-style-type: none"> • May 23, 2013 Meeting 	
2. PACE Overview	
3. Small Business Training	

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
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



Jeremiah W. (Jay) Nixon
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Loree V. Kessler, MPA
Executive Director

Memo

To: Board Members

From: Loree Kessler

A handwritten signature in black ink that reads "Loree Kessler".

CC: File

Date: May 30, 2013

Re: Federation of Chiropractic Licensing Boards (Federation) & PACE

During the May state board meeting, Dr. Rushin provided an overview of the 2013 Federation and NBCE annual meetings. One of the topics was the Federation's effort to increase the number of states recognizing PACE (Providers of Approved Continuing Education). Staff was asked to assemble information and any questions that could be addressed by the Federation. Below is a summary of information regarding PACE based upon the Federation's website pacex.fclb.org.

PACE does **not** approve individual continuing education courses or programs or award credit hours for course participation. PACE grants a status of "recognized provider" to applicants meeting PACE's criteria for continuing education. The material provided within PACE's policies and procedures states, "...the legal authority to accredit providers and programs remains with each member and is not assumed by PACE." In the FAQ section of the policies and procedures, PACE is designed to streamline the CE approval and lessen administrative burdens for providers and boards.

PACE acceptance by a licensure boards allows a recognized provider to receive CE course credit approval without individual course application and fee submission to a member board. Thus, a PACE recognized provider's CE is accepted by the state because the recognized provider has met the criteria for such approval. There are twenty-four (24) states that recognize PACE (see website pacex.fclb.org). There are seventeen (17) PACE recognized providers and six of these providers (University of Bridgeport, Logan, Maryland Chiropractic Association, National University, Palmer, and University of Western States) submit applications for CE approval to Missouri.

The organizational structure of PACE consists of three entities.

PACE Review Team – Comprised of no less than twelve members with one representative from each Association of Chiropractic Colleges. This group assesses applications for recognized provider status, review courses and investigates allegations of non-compliance. Review Team recommendations are forwarded to the PACE Committee.

PACE Committee – Eight member committee comprised of Federation member boards, one CE provider, an executive director of a licensure board, one PACE review Team member and a Federation staff member. Provides oversight to the Review Team, reviews Team reports and recommendations and makes recommendations to the FCLB Board of Directors concerning final action on applications, renewals, or sanctions.

Appellate Commission - Three member commission is appointed by Federation president with approval of Federation Board of Directors. At least two of the three members must be current members of the Federation Board of Directors. The commission's responsibility is to adjudicate appeals resulting from the denial of an application for recognized provider status.

Along with the application for recognition, recognized providers forward to the Federation a list of program participants, summary of the evaluation of surveys and fee within 30 days after the conclusion of a CE program. The participants are listed in the Federation database ALLDOCs that is available to Federation member boards at no cost.

Fees

Initial non-refundable application is \$500

Renewal application fee is \$250

Annual recognition fee for non-profit providers is \$0

Annual recognition fee for profit providers is \$2,000

The recognition fee is refunded if the provider does not receive PACE approval

Records fee \$1.00 per hour (maximum \$10) for each DC attendee with list of participates. Fee supports information maintained in the Federations CIN BAD database.

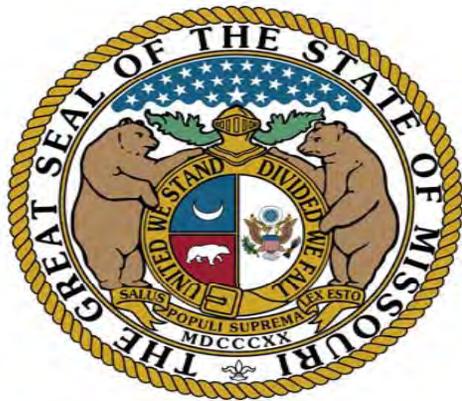
PACE assures information provided in the recognized provider's seminars is timely and applicable to the profession through a rigorous application and review process. PACE closely examines areas such as the provider's mission and goals, provider's support personnel, and subject matter. The focus is on the provider versus individual courses of study.

In calendar year 2012, Missouri received nearly \$19,000 in continuing education fess nearly 350 sessions submitted. Five PACE recognized providers comprised \$6,330 of the total fees paid to Missouri.

Section 331.050.1 RSMo addresses the continuing education requirements for licensure renewal and states, "The postgraduate study required by the board shall be a course of study approved by the board. The requisite number of hours to be determined by the board." Based upon the information obtained from the Federation's website and PACE's policies and procedures, a recognized provider would need to submit an application for CE approval to Missouri to determine hours and category of continuing education in order for the licensees to receive formal CE credit.

Please be prepared to discuss during the June conference call meeting.

Small Business Regulatory Fairness Analysis



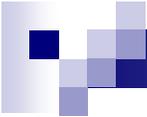
**Missouri Small Business Regulatory Fairness Board
State Agency SBRFB Compliance Training
March 31, 2009**



Training Objectives

Why are we here?

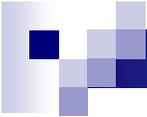
- SBREFA, Small Business Regulatory Enforcement Fairness Act 1996
- 536 RSMo
- Small Business Regulatory Fairness Board



Regulatory Fairness Analysis

Compliance is Beneficial and Necessary

- To State Agencies...
 - Minimizes legal challenges
 - Avoids delays due to challenges
 - Improves public support
 - Improves compliance with the regulation
- To Small Business...
 - Provides a more level playing field
 - Provides involvement in the early stages of rule development
 - Supports the largest and most vital segment of the Missouri economy



Regulatory Fairness Analysis

Compliance

There are 3 key questions to answer:

1

The Preliminary Analysis:

Will there be an effect on small business?

2

The Small Business Impact Statement:

What is the potential economic impact of the rule on small business?

3

The Final Regulatory Fairness Analysis:

What can be done to minimize the adverse economic impact of the rule on small business?



Preliminary Analysis

Agency Certification of Small Business Impact

Will the rule have an effect on small business?

The Preliminary Analysis should identify:

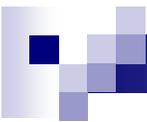
- ✓ The small businesses, if any, that will be regulated by the rule.
- ✓ Did you involve small business in the early stage of rule development?
- ✓ The types of compliance costs being proposed by the rule.



Preliminary Analysis

Agency Certification of Small Business Impact

- ✓ Do these costs represent a significant economic impact?
Why or why not?
- ✓ How many small businesses experience a significant economic impact?
- ✓ Is that number substantial? Why or why not?



Small Business Impact Statement

Follow these guidelines to be sure your Small Business Impact Statement is Clear:

- What small businesses will be impacted by the rule?
 - Do these businesses meet the definition of small business as contained in 536.010 RSMo.
 - Do these small businesses have a voice in the development of the rule.
 - Creative, innovative, and flexible methods of compliance for small businesses.
- Is the small business impact statement supported by a factual basis?
 - Identify and estimate the number of small entities regulated.
 - Are your assumptions regarding impact explicit and transparent?
 - Justify and qualify estimates or assumptions.

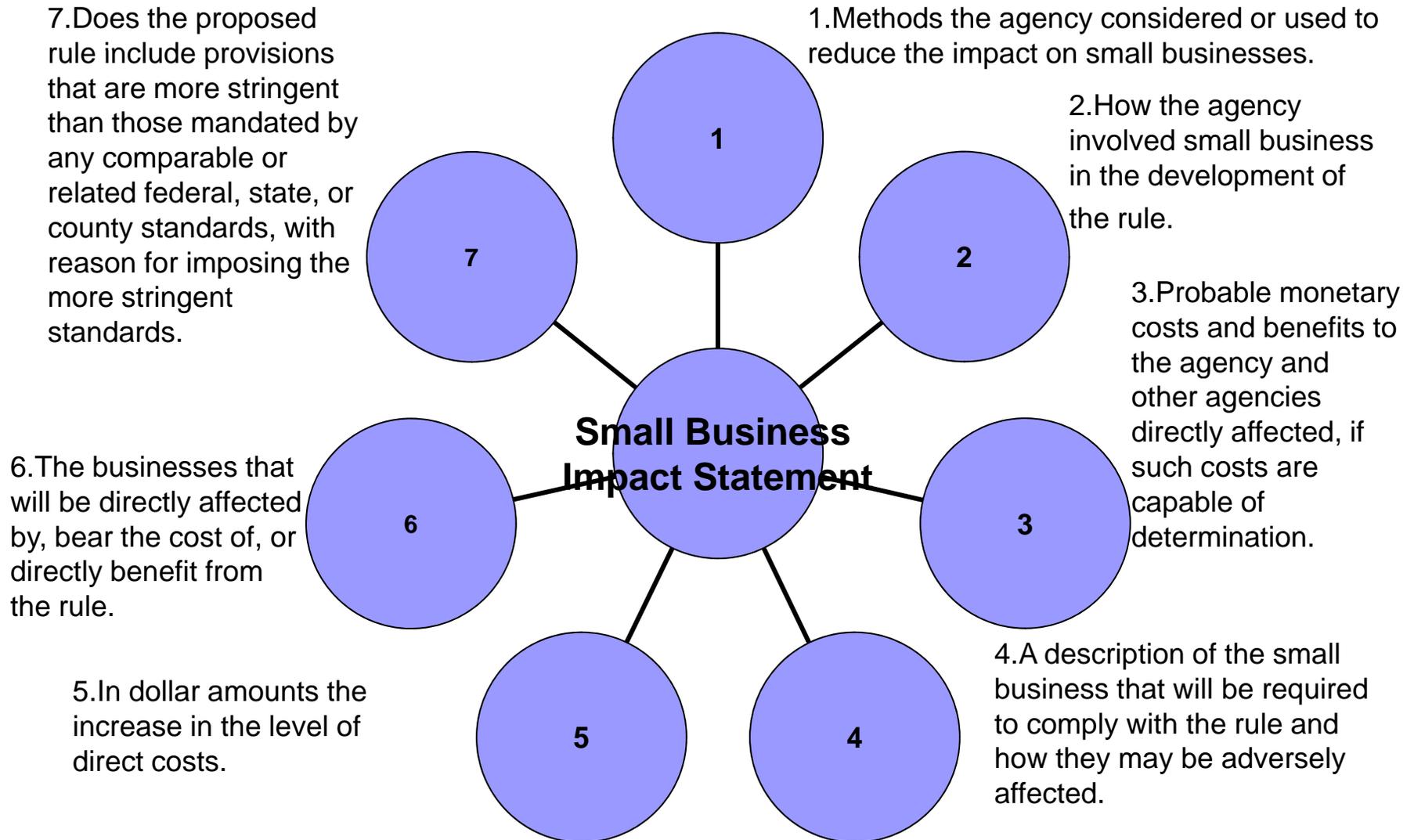


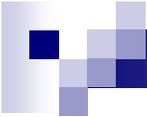
Not Sure Whether a Rule May Have an Impact on Small Business?

- Better to state “YES”
 - Most federal court cases have been won when challenging the certification of a rule
 - Provides an opportunity for small business to participate in the rule-making
 - Agency has the opportunity to discover the impact of the rule from those directly regulated by the rule

Small Business Impact Statement

What is the potential economic impact of the rule on small business 536.300 RSMo:

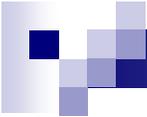




Small Business Impact Statement

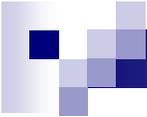
How does an agency develop alternatives for compliance?

- Perform outreach to affected small entities to help identify alternatives
 - Direct notification to regulated small businesses
 - Involvement of small business in the initial stages
 - Conducting public hearings and special hearings
 - Agency's web site
 - The SBRFB web site
 - The SBRFB Regulatory Alerts Subscription



Hints for Small Business Impact Statement Development

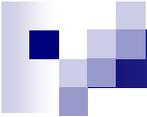
- Use internal agency resources
- Use Small Business Associations and Business Affiliations (ex. NFIB)
 - Contact early for suggestions and resources
- Provide Greater Transparency
 - State your assumptions
 - Explain your estimating process
 - Identify sources of information (ex. Industry estimates, age and/or census data?)
 - List and describe compliance requirements
 - Use simple clear language



Final Regulatory Fairness Analysis

What has been done to minimize adverse economic impact on small business:

- What significant issues were raised by public comments?
 - Summarize significant issues and state responses to each
 - State changes to rule, if any, that resulted from public comments
 - Consider SBRFB's advisory comments regarding the rule
 - Use template provided by
 - SBRFB post public hearing
- What significant issues were raised by compliance?
 - Consider the small business when administering fines and penalties
 - Special consideration for small business as dictated by 536.320 RSMo
 - Judicial review may be granted to the small business



Missouri Small Business Regulatory Fairness Board

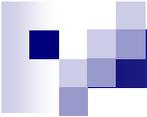
- 4 small business representatives appointed by the Governor, 4 legislative appointments
- 1 Liaison appointed to the SBRFB from each state agency
- Board's email address:
SBRFB@ded.mo.gov
- Board's website:
www.SBRFB.ded.mo.gov

Missouri Small Business Regulatory Fairness Board

Regulatory Oversight

- Small Business Impact Statement, electronic submittal to SBRFB
- Working with the state agencies to assure that proposed rule's economic impact on small business have been considered





Missouri Small Business Regulatory Fairness Board

Regulatory Review

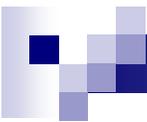
- Review of existing rules and guidelines
- Public Hearings
- Utilizing Post Public Hearing template provided by SBRFB, electronic submittal to SBRFB
- Agency Rule Review-Due June 13, every odd year to SBRFB and General Assembly
- Agency Regulatory Training-Once a year
- Regulatory Alert Subscription

Missouri Small Business Regulatory Fairness Board

Regulatory Improvements



- Opening communication between small business and state agencies
- Incorporate the goal of non-retaliation against businesses that comment
- Evaluation Report of each state agency based on recommendations by the SBRFB and small business comments



Missouri Small Business Regulatory Fairness Board

Evaluation Report

- Does the agency have an active designated liaison to the Board?
- Does the Small Business Impact Statement address the issues specified in 536 RSMo?
- How did the agency respond to the small business comments, consider timeliness?
- Did the agency consider the size of the business when imposing fines?
- Did the agency provide formal training for their staff?

Missouri Small Business Regulatory Fairness Board

Always Remember

ONE Speaks For Many





Thank You

Missouri Small Business Regulatory Fairness Board

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www.SBRFB.ded.mo.gov

Marcy Mealy

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OPEN SESSION MINUTES
Missouri State Board of Chiropractic Examiners
June 19, 2013 – 12:15 p.m.
Division of Professional Registration
3605 Missouri Boulevard – Jefferson City, Missouri

At 12:22 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.

A motion was made by Dr. Freihaut and seconded by Dr. McIntyre to approve the open session agenda. 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 May 23, 2013 open session minutes. Board members voting aye: Dr. Carver, Dr. Freihaut, Dr. McIntyre and Dr. Rushin. Motion carried unanimously.

PACE Overview

The board members reviewed the information and recommended no further action regarding the recognition of PACE as it relates to continuing education.

Small Business Regulatory Fairness Analysis Training

The board members verified their review of the PowerPoint presentation that had been sent previously.

At 12:34 p.m., a motion was made by Dr. Rushin and seconded by Dr. Freihaut 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 12:50 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 12:51 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 July 17, 2013