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

State Board of Chiropractic Examiners
TENTATIVE AGENDA
June 16, 2011 – 8:00 a.m.
Division of Professional Registration
3605 Missouri Boulevard - Jefferson City Missouri

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

Except to the extent disclosure is otherwise required by law, the Missouri State Board of Chiropractic Examiners is authorized to close meetings, records and votes, to the extent they relate to the following: Chapter 610.021 subsections (1), (3), (5), (7), (13), (14), and Chapter 324.001.8 and 324.001.9 RSMo.

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

Please see attached agenda for this meeting.

Attachment

Missouri State Board of Chiropractic Examiners
Open Session Agenda
June 16, 2011
Page 1

June 16, 2011 Open Session
Page 1
State Board of Chiropractic Examiners  
TENTATIVE AGENDA  
June 16, 2011 – 8:00 a.m.  
Division of Professional Registration  
3605 Missouri Boulevard - Jefferson City Missouri  

<table>
<thead>
<tr>
<th>Call to Order</th>
<th>Dr. Gary Carver, Board President</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roll Call</td>
<td>Executive Director</td>
</tr>
<tr>
<td>Approval of Agenda</td>
<td></td>
</tr>
</tbody>
</table>

1. Approval of Minutes  
  - March 17, 2011 Board Meeting  
  - April 8, 2011 Mail Ballot  
  - April 25, 2011 Mail Ballot  

2. Financial Report  
  Executive Director  

3. Tuberculosis Testing  
  - Email from Virginia Kessinger  

4. Practitioner Survey  
  - Dr. Darren Kirchner  

5. Logan College Clinic Intern Program  
  - Email from Michael Wittmer DC  

6. Statute Change  
  - Disaster Relief  
  Dr. Gary Carver  

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.
At 8:06 a.m., the Missouri State Board of Chiropractic Examiners meeting was called to order by Dr. Gary Carver, Board President, at the Missouri Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri. The executive director facilitated roll call.

**Board Members Present**
Gary Carver, D.C., President  
William Madosky, Secretary  
Paul Nahon, Public Member  
Jack Rushin, D.C. (via telephone conference)  
Homer Thompson, D.C.

**Staff Present**
Loree Kessler, Executive Director  
Jeanette Wilde, Executive I  
Greg Mitchell, Counsel

**Visitor**
Roger Ott, D.C.

Dr. Carver made an opening statement to the board regarding his work as board president. He stated he would be voting in open and closed session.

A motion was made by Dr. Madosky and seconded by Dr. Thompson to approve the open session agenda adding a legislative update to the MSCA legislative day. Board members voting aye: Dr. Madosky, Dr. Thompson, Dr. Rushin, Mr. Nahon, and Dr. Gary Carver. Motion carried unanimously.

A motion was made by Dr. Madosky and seconded by Dr. Thompson to approve the January 5, 2011, conference call minutes and the February 4 and 10 mail ballot minutes. Board members voting aye: Dr. Madosky, Dr. Thompson, Dr. Rushin, Mr. Nahon, and Dr. Gary Carver. Motion carried unanimously.

**Financial Report**
The executive director provided an update concerning the recent renewal cycle reporting that 2,177 notices were mailed with 1,816 renewals processed as the end of February. It was projected that 1,981 licenses would be renewed. In comparing renewals to the 2009 cycle there were 228 licenses not renewed compared to 199 licenses during the 2011 cycle. Thirteen licenses were placed on inactive status with a total of 166 inactive licenses to date.

In the area of specialty certification, there are 552 MTAAs and fifteen (15) MTAA/Insurance Consultants and a total of thirty (30) insurance consultants. Of the current licenses, 1,790 have Missouri addresses and 306 licensees list an out of state address. Sixty-one percent of the licenses renewed were done online.

The board instructed the executive director to include the 2011 licenses placed on inactive status in the random audit.
The board received a list of the chiropractic physicians that did not renew their license in 2011. The board instructed the executive director to send a letter to each former licensee concerning the expiration date of the license.

**Dry Needling** – The board instructed the executive director to send a letter regarding a course of instruction in dry needling to Logan and Cleveland chiropractic colleges.

**Nutrient Administration Update** – The board reviewed the letter and deferred further discussion for legal advice in closed session.

**CCE Accreditation Information** – No official action taken by the board.

**Ethics and Professional Boundaries** – The board noted that the ethics and legal issues training did not include information regarding fraud with the examination from NBCE geared toward chiropractors. No official action taken by the board.

**Meeting Schedule**

MSCA Legislative Day Update - Drs. Carver & Thompson stated approximately six (60) licensees attended legislative day. The board discussed legislation concerning the addition of chiropractors to MOHealthNet.

The executive director and counsel provided an overview of SB 303 and potential implications regarding unlicensed practice. The executive director explained that the sections concerning unlicensed complaints at the Administrative Hearing Commission and utilization of the title MD had been removed from the most recent current senate committee substitute.

**May Part IV Examination** – Dr. Madosky stated he would be an associate examiner at the St. Louis site with Dr. Carver traveling to the Texas site.

**June 10 and 11 Part IV Test Committee** Dr. Carver indicated it was uncertain if he would attend the test committee meeting and planned on attending the acupunture test development meeting.

**FCLB May Meeting** – Dr. Carver and the executive director reported that Missouri would not be attending the FCLB or NBCE annual meeting in May.

At 9:00 a.m., the Board took a recess and reconvened at 9:08 a.m.

At 9:08 a.m. a motion was made by Dr. Madosky and seconded by Dr Thompson 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. Madosky, Dr. Thompson, Dr. Rushin, Mr. Nahon, and Dr. Gary carver. Motion carried unanimously.
At 4:05 p.m. a motion was made by Dr. Madosky and seconded by Mr. Nahon to adjourn the meeting. Board members voting aye: Dr. Madosky, Dr. Thompson, Dr. Rushin, Mr. Nahon, and Dr. Gary Carver. Motion carried unanimously.

[Signature]

Executive Director

Approved by the State Board
OPEN MINUTES
Missouri State Board of Chiropractic Examiners
Division of Professional Registration
3605 Missouri Boulevard, Jefferson City, Missouri
Mail Ballot April 8, 2011

On this date, a closed mail ballot was sent to the members of the Missouri State Board of Chiropractic Examiners pursuant to section 610.021(14) RSMo.

**Mail Ballots Sent to:**
Gary Carver, DC, President
William Madosky, DC, Secretary
Jack Rushin, DC, Member
Homer Thompson, DC
Paul Nahon, Public Member

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) and (14), RSMo, and Sections 324.001.8 and 324.001.9 RSMo.

Executive Director Approved by Board on
On this date, a closed mail ballot was sent to the members of the Missouri State Board of Chiropractic Examiners pursuant to section 610.021(14) RSMo.

**Mail Ballots Sent to:**
Gary Carver, DC, President
William Madosky, DC, Secretary
Jack Rushin, DC, Member
Homer Thompson, DC
Paul Nahon, Public Member

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) and (14), RSMo, and Sections 324.001.8 and 324.001.9 RSMo.

Executive Director    Approved by Board on
<table>
<thead>
<tr>
<th>Date</th>
<th>FY 2011 Actual</th>
<th>FY 2011 Projections</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>July</td>
<td>August</td>
</tr>
<tr>
<td>5</td>
<td>Beginning Fund Balance</td>
<td>734,455.15</td>
</tr>
<tr>
<td>6</td>
<td>Revenue</td>
<td>3,430.00</td>
</tr>
<tr>
<td>7</td>
<td>Total Funds Available</td>
<td>767,840.15</td>
</tr>
<tr>
<td>8</td>
<td>Appropriation Costs:</td>
<td>5,476.82</td>
</tr>
<tr>
<td>9</td>
<td>Transfer Costs:</td>
<td>0.00</td>
</tr>
<tr>
<td>10</td>
<td>PR Transfer:</td>
<td>0.00</td>
</tr>
<tr>
<td>11</td>
<td>OA Cost Allocation Transfer:</td>
<td>0.00</td>
</tr>
<tr>
<td>12</td>
<td>Total PR Transfer</td>
<td>0.00</td>
</tr>
<tr>
<td>13</td>
<td>Total OA Cost Allocation Transfer</td>
<td>0.00</td>
</tr>
<tr>
<td>14</td>
<td>GR Transfer:</td>
<td>0.00</td>
</tr>
<tr>
<td>15</td>
<td>FY 2008-10 Transfers Carried Over:</td>
<td>0.00</td>
</tr>
<tr>
<td>16</td>
<td>Total Transfers</td>
<td>11,184.65</td>
</tr>
<tr>
<td>17</td>
<td>Total Appropriation Costs and Transfers</td>
<td>16,651.38</td>
</tr>
<tr>
<td>18</td>
<td>Ending Fund Balance</td>
<td>691,583.77</td>
</tr>
<tr>
<td>Budget Object Class</td>
<td>Budget Object Class Name</td>
<td>YTD Expended</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>140</td>
<td>TRAVEL, IN-STATE</td>
<td>6,741.90</td>
</tr>
<tr>
<td>160</td>
<td>TRAVEL, OUT-OF-STATE</td>
<td>366.94</td>
</tr>
<tr>
<td>180</td>
<td>FUEL &amp; UTILITIES</td>
<td>60.00</td>
</tr>
<tr>
<td>190</td>
<td>SUPPLIES</td>
<td>5,048.83</td>
</tr>
<tr>
<td>320</td>
<td>PROFESSIONAL DEVELOPMENT</td>
<td>1,845.00</td>
</tr>
<tr>
<td>340</td>
<td>COMMUNICATION SERV &amp; SUPP</td>
<td>799.81</td>
</tr>
<tr>
<td>400</td>
<td>PROFESSIONAL SERVICES</td>
<td>63,514.92</td>
</tr>
<tr>
<td>420</td>
<td>HOUSEKEEP &amp; JANITOR SERV</td>
<td>0.00</td>
</tr>
<tr>
<td>430</td>
<td>M&amp;R SERVICES</td>
<td>151.20</td>
</tr>
<tr>
<td>480</td>
<td>COMPUTER EQUIPMENT</td>
<td>0.00</td>
</tr>
<tr>
<td>560</td>
<td>MOTORIZED EQUIPMENT</td>
<td>0.00</td>
</tr>
<tr>
<td>580</td>
<td>OFFICE EQUIPMENT</td>
<td>0.00</td>
</tr>
<tr>
<td>590</td>
<td>OTHER EQUIPMENT</td>
<td>19.20</td>
</tr>
<tr>
<td>640</td>
<td>PROPERTY &amp; IMPROVEMENTS</td>
<td>0.00</td>
</tr>
<tr>
<td>680</td>
<td>BUILDING LEASE PAYMENTS</td>
<td>125.00</td>
</tr>
<tr>
<td>690</td>
<td>EQUIPMENT RENTAL &amp; LEASES</td>
<td>0.00</td>
</tr>
<tr>
<td>740</td>
<td>MISCELLANEOUS EXPENSES</td>
<td>480.77</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>79,093.57</strong></td>
</tr>
</tbody>
</table>
MEMO

To: State Board Members

From: Loree Kessler

CC: File

Date: June 1, 2011

Re: Tuberculosis Testing

On May 4th the state board office received an inquiry regarding chiropractors providing tuberculosis testing. The email exchange is included with this memorandum.

I queried the web concerning purchase of the skin testing product and sites such as egeneralmedical.com and mooremedical.com require a physician's authorization for the purchase of the product used for skin testing.

I contacted the Missouri Department of Health and Senior Services concerning TB testing. According to Lisa Eastman, Assistant Chief, Bureau of Communicable Disease Control and Prevention within the Missouri Department of Health and Senior Services, based upon the scope of practice chiropractors are "...not licensed to administer or prescribe any drug or medicine. The administration of PPD for Tuberculin Skin Testing requires an order by an M.D. or D.O. who is overseeing the administration of the PPD."
From: Virginia Kessinger [vkessing@fidnet.com]  
Sent: Thursday, May 19, 2011 10:46 AM  
To: Kessler, Loree  
Subject: Re: question

The facts I have found out so far are:  
There doesn’t seem to be a distinction on which “physician” specialty performs the testing, as long as they know how to interpret the test.  
Health Departments do this routinely without physicians.  
The chiropractic community can purchase the test kits.

Now........  
I wonder if the ingredients have a shelf life? If so, I am not sure it would be practical to offer these tests. We do a lot of state physicals and the most we have performed that required the TB testing is 7 in a one month period.  
I asked one of our staff to research this and she says the kits come in 10 or 50 test units.

Just wanted you to have this information before the board meeting. We are on the fence whether we would offer this service or not but... we are always very hesitant to limit the chiropractic scope.

vk

From: Kessler, Loree  
Sent: Friday, May 06, 2011 7:39 AM  
To: 'Virginia Kessinger'  
Subject: RE: question

Dr Carver has asked this question be placed on the open session agenda in June.

From: Virginia Kessinger [mailto:vkessing@fidnet.com]  
Sent: Wednesday, May 04, 2011 9:36 AM  
To: Kessler, Loree  
Subject: question

Someone just asked me if chiropractors in Missouri can perform tuberculosisis testing. It made me start thinking. We do many DOT physicals as well as pre-employment. We always send them to the public health department for those tests. Should we be doing those?  
Dr. Ryan Hunter asked me this question and Kathleen (MSCA) followed up with the same question.

vk
Memo

To: State Board Members  

From: Loree Kessler  

CC:  

Date: June 1, 2011  

Re: Licensee Survey  

On April 30, 2011, I attended the MSCA’s board meeting to provide a licensure update. Dr. Carver was unable to attend due to a schedule conflict.

One of the topics of discussion at the association meeting was long range planning, to include information gathering. Dr. Darren Kirchner suggested the association survey licensees regarding demographics, practice information etc. Dr. Montgomery noted that a nationwide survey had been conducted in the early 2000. I purchased the publication, “How Chiropractors Think and Practice, The Survey of North American Chiropractors,” for the state board as a source of information.

During a break at the association meeting, I asked Dr. Kirchner if he would be willing to discuss this project with the state board at the June meeting. It is possible that the state association and state board could work together on a practitioner survey. Dr. Kirchner agreed to meet with the state board to provide information on this potential partnership.
From: Kessler, Loree
Sent: Wednesday, June 01, 2011 1:48 PM
To: Wilde, Jeanette
Subject: FW: question regarding Logan College clinic intern program
Please place on open session. Logan Chiropractic College - Intenships

From: Michael.Wittmer [mailto:Michael.Wittmer@logan.edu]
Sent: Wednesday, June 01, 2011 1:23 PM
To: Kessler, Loree
Cc: Ralph.Barrale
Subject: question regarding Logan College clinic intern program

Dear Loree,

Thank you for taking the time to speak with me this morning. As requested, what follows is an outline of what we are considering in our clinic program:

I have a rheumatologist acquaintance who is very pro chiropractic. In fact, he is a patient at our on campus clinic. He is interested in starting a hospital chiropractic service and would like to use student/interns. Initially, he would like to start with one intern at his practice on the hospital campus. If successful, it could expand to involve several interns. If it reached that level, the college could justify the expense of a clinician to supervise the interns. Until then, the MD would be supervising the intern. My concern is the issue of a non DC providing supervision to a student.

I have contacted our malpractice carrier and received the following:

“Unless prohibited by state law or the Council on Chiropractic Education, having a rheumatologist (a licensed professional) supervise the student, our policy would provide coverage. There is no place in the policy that says the supervision must be by a licensed chiropractor.”

Before we put too much time into the proposal, I would like to make sure there are no problems with the State Board and would like to make sure we are aware of any details the need to be addressed or followed. Thank you again for helping with this. Please contact me if there are any questions.

Michael J. Wittmer, D.C.
Chief of Clinical Services
Logan College of Chiropractic
636-230-1759