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), and (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

Amended agenda posted 1:20 p.m. 6/1/19
Call to Order

Roll Call

Approval of Agenda

Addition:
- Regenerative Medicine – Email from Dr. Joe Symes

1. Approval of Minutes
   - May 15, 2019 Conference Call

2. Section 536.175 Review

3. Rule Revisions 2.031 and 2.060
   - Published Proposed Rules (Handout)

4. Strategic Planning – Gloria Lindsey (Handout to be provided)

5. FCLB & NCE Annual meeting – Drs. Freihaut & McIntyre (No materials)

6. Disciplinary Action on the website (No materials)

7. Box and Webex – Gloria Lindsey (No materials)

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.

Amended agenda posted 1:20 p.m. 6/1/19
At 8:34 a.m., the Missouri State Board of Chiropractic Examiners conference call meeting was called to order by Dr. Brian McIntyre, 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**
Brian McIntyre, D.C. President  
Jack Rushin, D.C., Secretary  
Connie Cierpoit, Public Member  
Gary Carver, D.C.  
Marty Freihaut, D.C.

**Staff Present**
Loree Kessler, Executive Director  
Jeanette Wilde, Administrative Coordinator  
Gloria Lindsey, Staff  
Greg Mitchell, Counsel

**Visitors**
Dr. Darren Kirchner, Past President MCPA  
Anne Fehr, Executive Director MCPA

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

A motion was made by Dr. Freihaut and seconded by Ms. Cierpoit to approve the open session agenda adding a discussion regarding regenerative medicine. Board members voting aye: Dr. Freihaut, Ms. Cierpoit, Dr. Carver, Dr. McIntyre, and Dr. Rushin. Motion carried unanimously.

A motion was made by Dr. Freihaut and seconded by Dr. Carver to approve the May 15 conference call minutes. Board members voting aye: Dr. Freihaut, Dr. McIntyre, Ms. Cierpoit, Dr. Carver and Dr. Rushin. Motion carried unanimously.

**Section 536.175 RSMo**
The board reviewed the information provided by the division and received a summary report from the executive director. Within the next few months, the board will review the rules pursuant to the statute and submit a response to the division that will be incorporated into the division wide report. If no report is submitted by July 2020, the administrative rules will be void.

**Administrative Rule Revision**
**COMMENT:** Dr. Beth Bagley requested the board add cone beam computed tomography (CBCT) to 20 CSR 2070-2.032 (B).

**RESPONSE:** The board noted that 20 CSR 2070-2.030 (2) states that diagnostic procedures
“include, but are not limited to” and such language would include CBCT.

**COMMENT:** Dr Quinn James commented 20 CSR 2070-2.030 (4) (B) be amended removing the two last sentences of the rule, “The significant observable indication required by this subjection shall not apply to reevaluations of the spinal subluxation complex. The spinal subluxation complex is determined to be a significant observable indication.”

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed with the comment and will amend the rule deleting this language.

**COMMENT:** Dr. Freihaut commented 20 CSR 2070-2.030 (4) (B) be amended removing the phrase “significant observable” from the rule, “Repeat radiography evaluation of the patient shall not be undertaken without significant observables clinical indication, as determined by the treating chiropractic physician”

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed with the comment and will amend the rule deleting this language.

**COMMENT:** Dr. Darren Kirchner commented 20 CSR 2070-2.030(2) (B) 5 be amended removing the word “Axial”.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed with the comment and will amend the rule deleting this word.

**COMMENT:** Dr. Catherine Dowd commented clarification was needed regarding 20 CSR 2070-2.080(3) (A) and the number of formal categories from which a licensee must obtain continuing education.

**RESPONSE:** A license must complete continuing education from at least two (2) of the five (5) formal categories of continuing education. No changes were made as a result of this comment.

**COMMENT:** Dr. Tiffany Schnarr Rafferty commented clarification was needed regarding 20 CSR 2070-2.080(3) (A) regarding the total number of categories of formal continuing education and the number of formal categories for which a licensee must obtain continuing education.

**RESPONSE:** The proposed rule reduces the number for formal categories from sixteen (16) to five (5). A license must complete continuing education from at least two (2) of the five (5) formal categories of continuing education. No changes were made as a result of this comment.

**COMMENT:** Dr. William Madosky commented 20 CSR 2070-2.080 (3) (A) 4 be amended with the addition of a formal continuing education category “physiotherapy” or a variation of the term that allows for extended discussion of tissue change, healing, and rehabilitation using common modalities found in physical rehabilitation.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed with the comment and the term “chiropractic principles and/or techniques” will be amended to “Principles, techniques and/or adjunctive procedures”.

**COMMENT:** Dr. William Madosky questioned whether 20 CSR 2070-2080 (9) pertaining to associate examiners for the Part IV national examination was intended to limit the number of continuing education hours a chiropractic physician can receive to ten (10) hours per biennial license cycle and why similar hours were not required of chiropractic physicians teaching continuing education or in a chiropractic college.

**RESPONSE:** In addressing the first part of the comment, the amended rule authorizes a maximum of ten (10) hours of continuing education for each administration of Part IV of the
In response to the second portion of the comment, teaching a course of study in a chiropractic college or continuing education the instructor must research the topic being taught, assemble materials, and update the course of study to reflect changes within the profession. An associate examiner must observe and evaluate an examination candidate. The duties of an associate examiner do not correlate to the preparatory responsibilities and delivery of the material to class or seminar attendants. The is a maximum number of hours allowed for continuing education when a chiropractic physician teaches continuing education or in a chiropractic college.

COMMENT: Dr. William Madosky commented clarification is needed regarding the repercussions if a chiropractic physician uses a specialty designation not approved by the board as outlined in 20 CSR 2070-2.032.

RESPONSE: The rule authorizes a chiropractic physician to use the terms “specialty” or “specializing in”, if the specialty is recognized by the state board. If a chiropractic physician uses either of the two aforementioned terms without the specialty being recognized by the board, a license could be subject to discipline pursuant to applicable sections of 331.060.2 RSMo. No changes were made as a result of this comment.

COMMENT: Dr. William Madosky commented 20 CSR 2070-2.100 (10 (F) 1 needed a definition of the terms, false, misleading or deceptive.

RESPONSE: Complaints alleging fraud, misleading or deceptive practices involve subjective analysis, in which a consumer’s perceptions are part of the determination. Chapter 407 of Missouri’s Merchandising Practices Act, Chapter 356 Professional Corporations and section 331.060.2 RSMo would provide guidance in pursuing a legal action relating to these terms. No changes were made as a result of this comment.

The board reviewed the proposed revision to the acupuncture rule 20 CSR 2070-2.031 concerning the 100 hours required for certification and dry needling and determined the amended language addressed these areas.

The board reviewed 20 CSR 2070-2.060 regarding the reference to charges for services provided by the chiropractic physician. The board determined the language can be rescinded and the rule resubmitted for publication.

A motion was made by Dr. Freihaut and seconded by Dr. Carver to proceed with the Order of Rulemaking and submit the amended rules concerning 2.031 acupuncture certification and 2.060 professional conduct. Board members voting aye: Dr. Freihaut, Dr. McIntyre, Ms. Cierpoit, Dr. Carver and Dr. Rushin. Motion carried unanimously.

From 9:56 a.m. to 10:004 a.m., the board took a break.

At 10:04 a.m., a motion was made by Dr. Freihaut and seconded by Dr. Carver to convene in closed session pursuant to section 610.021 subsection (14), 324.001.8 and 324.001.9, RSMo for the purpose of discussing investigative reports and or complaints and or audits and or other information pertaining to the licensee or applicant, section 610.021 subsection (1) RSMo for the purpose of discussing general legal actions, causes of actions or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of ...
reviewing and approving closed meeting minutes of one or more previous meetings under the subsections of 610.021 RSMo which authorizes agencies to go into closed sessions during those meetings. Board members voting aye: Dr. Freihaut, Dr. McIntyre, Ms. Cierpoit, Dr. Carver, and Dr. Rushin. Motion carried unanimously.

At 10:51 a.m., a motion was made by Dr. Carver and seconded by Dr. Freihaut to convene in open session. Board members voting aye: Dr. Freihaut, Dr. McIntyre, Ms. Cierpoit, Dr. Carver, and Dr. Rushin. Motion carried unanimously.

Disciplinary Action on the Website
Ms. Lindsey provided an overview of how boards within the division display disciplinary action on the website. The executive director added that the board had approved placing disciplinary information on the website previously, however, this update provided more current detail on how discipline can be displayed. If a license is expired it will remain on the website for five (5) years from the effective date of discipline.

Box & WebEx
Ms. Lindsey demonstrated the document sharing and retention system that will replace the secure portal for board meeting materials and continuing education. Each board member will be contacted by Ms. Lindsey to schedule a time to walk through how to log into Box. Additionally, future conference calls will be WebEx based versus long distance. The board has received a WebEx telephone number that will remain the same for all calls and board members will be invited to join an audio WebEx based conference call.

FCLB and NBCE Annual Meeting Update
Drs. Freihaut and McIntyre provided an overview of the national meetings attended in May. New officers were elected to the organizations. Both board members commented on the presentation by the Federation of Associations of Regulatory Boards, and discussion regarding CDB oil and chiropractic for pain management.

The National Board for Chiropractic Examiners annual meeting highlighted efforts to reduce expenses in administering the national examination. Computer based testing used in Part IV has been well received. Another change will be the elimination of x-rays in various stations and increasing case histories from three (3) to five (5). A survey of examination candidates indicates a wide acceptance and preference relating to the computer based test as there is less interruption and noise since candidates do not move from one station to another.

From 10:51 a.m. to 10:59 a.m., the board took a break.

Strategic Planning
Ms. Lindsey facilitated the strategic planning session with the board brainstorming various topics to include in the strategic plan. The board decided that the mission statement needed to be amended, however, that task would be addressed at a later date.

From 12:48 p.m. to 1:01 p.m. the board took a break for lunch.

The board identified four areas of emphasis in developing a strategic plan; increase communication with licensees/applicants; improve practice environments; advance regulatory opportunities; and define key attributes of a successful board and board member.
Noting the July 1st retirement, the board thanked the executive director for her work with the board over the past years.

At 1:35 p.m. a motion was made by Dr. Freihaut and seconded by Dr. Carver to adjourn the meeting. Board members voting aye: Dr. Freihaut, Dr. McIntyre, Ms. Cierpoit, Dr. Carver, and Dr. Rushin. Motion carried unanimously.

[Signature]

Executive Director

Approved by State Board July 24, 2019