



State of Idaho
Division of Occupational and Professional Licenses
Idaho Board of Chiropractic Physicians

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Board Meeting Minutes of 1/20/2023

Board Members Present: Craig J Manning, D.C. - Chair
Cathy Hart
William Higgins, D.C.
Shannon Gaertner-Ewing, D.C.

Division Staff: Cesley Metcalfe, Executive Officer
Anne Lawler, Bureau Chief
Tim Frost, Deputy Administrator
Nicholas Krema, General Counsel
John Price, Investigative Unit Manager
Emily Rough, Board Support Specialist

The meeting was called to order at 9:14 AM by Craig J Manning, D.C.

BOARD BUSINESS

Discuss Proposed Updates to Practice Act: Dr. Manning explained that the Board is updating its Practice Act to be better prepared for Zero-Based Regulation (ZBR), which is scheduled for 2024. The Board discussed potential updates to several sections of the statute, but no final decisions were made.

Idaho Code § 54-702: The Board discussed language to recognize chiropractic health care as an essential service, business, and practice. The Board also discussed removing reference to unlicensed practice because it does not have the authority to prosecute unlicensed practice.

Idaho Code § 54-703: The Board discussed aligning the statute to the Council of Chiropractic Education (CCE) accredited program because it works closely with the National Board of Chiropractic Examiners (NBCE) and all chiropractic schools must be CCE approved.

Idaho Code § 54-704: The Board discussed deleting definitions (a) adjustments, (b) manipulation, and (c) massology as outdated. The Board also discussed updating the definition of chiropractic practice to reflect what doctors are being trained to do in chiropractic colleges and updating the language for prescribing, dispensing, distributing, and administering drugs.

Idaho Code § 54-705: The Board discussed deleting subsection (1)(a) because medical physicians may not be trained in manipulation but decided that it should remain. The Board will update subsection (b) to only state what tasks a chiropractic assistant is not authorized to perform. Redundant language and language that is an unnecessary barrier for teaching purposes will be removed from subsection (d). The Board discussed striking subsection (g) because a military officer who is not trained in chiropractic medicine should not be allowed to practice chiropractic procedures on patients. The language will be updated to clarify that a military medical officer must be licensed in chiropractic. Subsection (j) will be deleted as redundant to subsection (a). The Board discussed the need to reword subsection (k) in a way that does not require a statute change every time programs change upon reaccreditation. The Board also discussed deleting subsection (k)(1) because massage therapy has its own board and does not need a definition. The Board discussed integrating subsections (3) and (4) into subsection (2). The Board

discussed striking subsection (5) as redundant but was advised to retain this section as it provides the Board more flexibility in dealing with complaints.

Idaho Code § 54-706: The Board discussed deleting the sentence stating that the Governor may consider appointments from any chiropractic association or individual in the state as unnecessary. The Board also discussed deleting the language in subsection (5) regarding what constitutes a quorum because this is already procedure through Robert's Rules of Order.

Idaho Code § 54-707: The Board discussed deleting subsections (1) and (3) because these functions are performed by the Division. Subsection (12) will be deleted as duplicative of subsection (2).

Idaho Code § 54-707(a): The Board discussed removing subsections (1)(a-i) and (2) as duplicative of rule.

Idaho Code § 54-710: The Board discussed striking licensure by endorsement but determined that this would create a barrier to licensure.

Idaho Code § 54-711: The Board discussed rewording subsection (1) for clarity, deleting language duplicative of rules in subsection (a), and simplifying language in subsection (b) by referencing the rules. The Board also discussed deleting the requirement in subsection (2)(b) that requires anyone holding a temporary license to practice in a physician's office as outdated and restrictive.

Idaho Code § 54-712: The Board discussed revising the language about complaints to require that all complaints be reviewed by the Board to determine if they are frivolous or if they should be investigated. Legal counsel advised the Board that the Division reviews each complaint to determine if it is a potential violation of the Board's regulations before investigating.

Idaho Code § 54-716: The Board discussed striking specific language to give licensees a broader scope to administer drugs.

Idaho Code § 54-717: The Board discussed potential language that would include clinical nutrition as part of the standard scope of practice rather than requiring licensees to obtain a separate certification. There was also discussion on potential competency requirements such as an exam or continuing education (CE) hours in clinical nutrition.

Adjourn

There being no further business, the meeting was adjourned at 11:52 AM.

The next meeting is on 02/10/2023.