

IDAHO BOARD OF CHIROPRACTIC PHYSICIANS
Division of Occupational and Professional Licenses
P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 2/11/2022

BOARD MEMBERS PRESENT: Craig J Manning, D.C. - Chair
William Higgins, D.C.
Lynn A Hansen, D.C.
Shannon Gaertner-Ewing, D.C.

BOARD MEMBERS ABSENT: Cathy Hart

DIVISION STAFF: Anne Lawler, Bureau Chief
Nicholas Krema, General Counsel
Skip Liddle, Investigative Unit Supervisor
Cesley Metcalfe, Board Support Supervisor
Christian Runnalls, Board Support Specialist
Bonnie Dodson, Board Support Specialist
Allegra Earl, Licensing Supervisor
Debbie Toncray, Licensing Specialist
David Brinkman, Licensing Specialist

OTHERS PRESENT: Julie Finn, Federation of Chiropractic Licensing Boards
Caroline Merritt, True North Public Affairs

The meeting was called to order at 8:05 AM MST by Craig J Manning, D.C.

APPROVAL OF FIRST AMENDED AGENDA

Dr. Gaertner-Ewing made a motion to approve the first amended agenda. It was seconded by Dr. Hansen. Motion Carried

INTRODUCTIONS

Dr. Higgins introduced himself as a new Board Member. Division staff introduced themselves: Christian Runnalls as a Board Support Specialist; Skip Liddle as the Investigative Unit Supervisor; Debbie Toncray as a Licensing Specialist for the Board; Cesley Metcalfe as the Board Support Supervisor; Anne Lawler as the Executive Officer for the Board and Bureau Chief for the Occupational Licenses Bureau of the Division; and Nicholas Krema as General Counsel. Dr. Gaertner-Ewing introduced Julie Finn as a representative from the Federation of Chiropractic Licensing Boards.

APPROVAL OF MINUTES

The Board reviewed the minutes of 9/24/2021. No Action was taken

LAWS AND RULES

Ms. Lawler presented a legislative update. She stated that a bill has been introduced to allow chiropractors to examine student athletes for concussions. Ms. Lawler will update the Board on the status of the bill as it moves through the Legislature. Ms. Lawler also explained the history and purpose of Zero-Based Regulation (ZBR) and stated that the Board is scheduled to perform its rule chapter review next year. She further explained that all regulatory boards will go through a sunset review of their statutes, but that a schedule has not yet been provided.

DIVISION UPDATES

Ms. Lawler presented the organization charts that illustrate the Division's staff structure. Ms. Lawler also explained the process of the Governor's Office for appointing Board members.

FINANCIAL REPORT

Ms. Lawler gave a limited financial report. A complete financial report was unavailable due to issues created by the consolidation of multiple financial systems within the Division. A complete report will be provided at the next meeting depending on availability from the Financial Department.

PUBLIC COMMENT

The Board recognized Caroline Merritt from the Idaho Association of Chiropractic Physicians (IACP). Ms. Merritt invited the Board to give a presentation on the Board's laws and rules during the 2022 IACP Annual Convention.

FEDERATION OF CHIROPRACTIC LICENSING BOARDS MEMBERSHIP DUES

Ms. Lawler informed the Board that the Federation of Chiropractic Licensing Boards (FCLB) 2022 membership dues have been paid by the Division. The Board discussed the benefits of FCLB membership. Dr. Hansen stated that he will continue to research other organizations that may provide equivalent benefits to FCLB.

CONFERENCE ATTENDANCE REQUESTS

Dr. Hansen made a motion to authorize Dr. Gaertner-Ewing to attend the National Board of Chiropractic Examiners (NBCE) 2022 Annual Meeting and the Federation of Chiropractic Licensing Boards (FCLB) 2022 Annual Education Congress on behalf of the Board. It was seconded by Dr. Higgins. Motion carried.

Dr. Hansen made a motion to authorize Dr. Manning and Dr. Higgins to attend as examiners at the Part IV Examination administration. Motion failed for lack of a second.

Dr. Gaertner-Ewing made a motion to authorize Dr. Hansen to attend the NBCE Part IV Test Committee meeting. It was seconded by Dr. Higgins. Motion carried.

APPLICATION APPROVAL PROCESS

Ms. Lawler discussed Board governance versus daily operations in relation to documents for review. She stated that the goal is to have the Board govern and the Division staff manage the administrative work for licensing.

Dr. Gaertner-Ewing made a motion to delegate approval of clean endorsement applications to Division staff. Motion failed for lack of a second.

Following additional discussion Dr. Gaertner-Ewing made a motion to delegate approval of clean endorsement applications to Division staff. It was seconded by Dr. Higgins. Motion carried.

CONTINUING EDUCATION APPROVAL PROCESS

Dr. Gaertner-Ewing made a motion to distribute continuing education course applications evenly among Board members for approval. It was seconded by Dr. Hansen. Motion carried.

Dr. Gaertner-Ewing made a motion to authorize Division staff to approve continuing education audits that comply with the Boards administrative rules. Motion failed for lack of a second.

Dr. Hansen made a motion to authorize Division staff to approve continuing education audits unless there is a concern, at which time it would go to the Board for review. Motion failed for lack of a second.

Following additional discussion Dr. Gaertner-Ewing made a motion to authorize Division staff to approve continuing education audits that comply with the Board's administrative rules. It was seconded by Dr. Higgins. Motion carried.

DISCUSS PENDING LITIGATION

Dr. Gaertner-Ewing made a motion that the Board go into executive session under Code § 74-206(1)(f) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to discuss pending or imminent litigation with legal counsel. It was

seconded by Dr. Hansen. The vote was: Dr. Manning, aye; Dr. Gaertner-Ewing, aye; Dr. Higgins, aye; and Dr. Hansen, aye. Motion carried.

Dr. Gaertner-Ewing made a motion to come out of executive session. It was seconded by Dr. Higgins. Motion carried.

COMPLAINT MEMORANDUM

Mr. Liddle gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Dr. Gaertner-Ewing made a motion to approve the Division's recommendation and authorize closure in case numbers: I-CHI-2020-6; I-CHI-2021-1; and I-CHI-2021-4. It was seconded by Dr. Hansen. Motion carried.

EXECUTIVE SESSION

Dr. Gaertner-Ewing made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to consider documents relating to the fitness of an applicant to be granted a license or registration. It was seconded by Dr. Hansen. The vote was: Dr. Manning, aye; Dr. Gaertner-Ewing, aye; Dr. Higgins, aye; and Dr. Hansen, aye. Motion carried.

Dr. Gaertner-Ewing made a motion to come out of executive session. It was seconded by Dr. Higgins. Motion carried.

APPLICATIONS

Dr. Gaertner-Ewing made a motion to approve for licensure DCA-2198, DCA-2219, and DCA-1997 upon receipt of an updated clean application. It was seconded by Dr. Higgins. After discussion Dr. Gaertner-Ewing rescinded the motion.

Dr. Gaertner-Ewing made a motion to approve DCA-2198 and DCA-2219. After discussion Dr. Gaertner-Ewing rescinded the motion.

Dr. Gaertner-Ewing made a motion to approve Agela Ozeruga DCA-2198 for licensure. It was seconded by Dr. Hansen. Motion carried.

Dr. Gaertner-Ewing made a motion to approve Pamela Johnson DCA-2219 for licensure. It was seconded by Dr. Higgins. The vote was: Dr. Manning, aye; Dr. Gaertner-Ewing, aye; Dr. Higgins, aye; and Dr. Hansen, nay. Motion carried.

Dr. Gaertner-Ewing made a motion to approve Andrew Messerschmitt DCA-1997 for licensure upon receipt of an updated application form. It was seconded by Dr. Higgins. Motion carried.

NEXT MEETING

June 3, 2022, at 8:00 AM MDT
August 12, 2022, at 8:00 AM MDT
December 2, 2022, at 8:00 AM MST

ADJOURNMENT

Dr. Manning adjourned the meeting at 11:20.