



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

BRAD LITTLE
Governor
RUSSELL BARRON
Administrator

11341 W Chinden Blvd.
P.O. Box 83720
Boise, ID 83720-0063
(208) 334-3233
dopl.idaho.gov

Board Meeting Minutes of 2/23/2024

Board	William Higgins, D.C. - Chair	Division	Cesley Metcalfe, Executive Officer
Members	George Fiegel, D.C.	Staff:	Greg Loos, General Counsel
Present:	Howard Arrington, D.C.		John Price, Bureau Chief
			Steve Hogue, Investigative Unit Manager
			Christian Runnalls, Board Support Specialist
Board	Cathy Hart		
Members	Joseph Betz, D.C.		
Absent:			

The meeting was called to order at 9:00 AM by William Higgins, D.C.

Approval of Minutes

A motion was made and seconded to approve the 12/8/2024 and 1/19/2024 minutes. The motion carried unanimously.

Public Comment:

Dr. Aaron Shoemaker presented his case for licensure in Idaho.

Ms. Caroline Merritt, True North Public Affairs, informed the Board that Senate Bill 1288 has been printed. If passed, the bill will allow qualified chiropractors to evaluate and authorize return to play for youth athletes after a suspected concussion.

DIVISION BUSINESS

2024 Legislative Session Overview: Ms. Metcalfe provided a legislative update on Senate Bill 1288 and House Bill 505.

Financial Update: Ms. Metcalfe gave the Board's financial report.

BOARD BUSINESS

Scope of Practice Discussion: The Board discussed how communication is handled when directed to individual members. Mr. Loos explained that the Board cannot offer any legal advice and that any discussion on the scope of practice or rules must be held in a board meeting that adheres to the Open Meeting Law.

FCLB Attendance and Delegate Nominee Request: A motion was made and seconded to approve the attendance of one Board member as the Board delegate at the FCLB Annual Conference. The motion carried unanimously.

NBCE Delegate Nominee Request: A motion was made and seconded to approve the Board member attending the FCLB Annual Conference to act as the Board delegate for the NBCE Annual Meeting. The motion carried unanimously.

Part IV Exam Administration and Test Development: A motion was made and seconded to send two Board members to serve as examiners for the NBCE Part IV Examination in May. The motion carried unanimously.

Licensing Report: Ms. Earl presented the licensing report.

Executive Session

A motion was made and seconded to enter 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 discuss documents relating to the fitness of a licensee to retain a license or registration. The vote was: Dr. Fiegel, aye; Dr. Arrington, aye; and Dr. Higgins, aye. The motion carried unanimously.

A motion was made and seconded to exit executive session. The motion carried unanimously. No decisions were made in executive session.

Discipline

A motion was made and seconded to approve the Findings of Fact, Conclusions of Law, and Final Order in case CHI-2023-4 and to authorize the Board chair to sign on behalf of the Board. The motion carried unanimously.

Zero-Based Regulation: The Board continued its review of the administrative rules for Zero-Based Regulation (ZBR). Unless stated otherwise, the following changes are being contemplated, pending notice of intent to promulgate rulemaking, stakeholder input, and final votes by the Board:

Rule 300.02 – Inactive License Status Renewal: The Board updated the language to align with a biennial renewal instead of an annual renewal because The Division is working to move licensure renewals to every two years.

Rule 300.02.b – Inactive License Status Renewal: The Board removed “or supervising” as unnecessary because chiropractors who hold an inactive license are prohibited from practicing chiropractic and should not be supervising.

Rule 300.03 – Return to Active Status of License Inactive for Five or Fewer Years: The Board changed this from five to six years to align with biennial renewals.

Rule 300.03.b – Return to Active Status of License Inactive for Five or Fewer Years: The Board changed this from 12 months to 24 months to align with biennial renewals.

Rule 300.04 – Return to Active Status of License Inactive for More Than Five Years: The Board changed this from five to six years to align with biennial renewals.

Rule 300.05 – Clinical Nutrition Certificate Expires: The Board struck this as unnecessary because only chiropractic physicians who hold a current, active license are eligible to hold a clinical nutrition certification, per Rule 702.01.a.

Rule 300.06 – Reissuance of Clinical Nutrition Certificate: The Board struck this as unnecessary because this simply restates that requirements must be met to be issued a clinical nutrition certification, which is redundant of Rules 704-706.

Rule 350 – Continuing Education: The Board discussed the importance of maintaining continuing education (CE) requirements in rule. Many professions eliminating CE requirements in state licensure rules must still obtain CE to maintain their national certifications. Chiropractic practice has no national certification that requires CE. The Board discussed the possibility of requiring specific CE topics to improve the quality of chiropractic care and requested information regarding the most common areas of complaints and discipline. No changes were made.

Rule 351.01.a – Approved Continuing Education Courses: The Board struck “or an educational program approved by the Board” as duplicative of Rule 351.01.

Rule 351.01.b (new) – Approved Continuing Education Courses: The Board added the American Medical Association Physician Recognition Award (AMA PRA) as an approved continuing education provider because this is where licensees obtain clinical nutritional certification accreditation, which also offers quality ethics courses. The remaining subsections were re-lettered accordingly.

Rule 351.01.c – Approved Continuing Education Courses: The Board struck this after discussing that the national and state chiropractic associations only facilitate CE, rather than providing it, and the CE offered can be approved through Rule 350.01.d. This will be reviewed again when the full Board is in attendance.

Rule 351.01.d.iii – Approved Continuing Education Courses: The Board struck the rule as unnecessary because the date, time, and location of a course do not affect how relevant it may be for chiropractic education.

Rule 351.01.d.viii – Approved Continuing Education Courses: The Board struck the first sentence as unnecessary and changed the approval period from two years to four years to minimize the administrative burden of repeated applications.

Rule 400.01.a – Requirement for Approval: The Board changed the language to allow consideration of any domestic or foreign college that meets Board determined standards and the definition of an acceptable school of chiropractic, as defined in Idaho Code § 54-703(1), and teaches the subjects as set forth in Idaho Code § 54-709(1)(b). These changes provide flexibility to consider domestic colleges that are not accredited by the Council of Chiropractic Education (CCE) if CCE does not exist in the future.

Rule 400.01.b – Requirement for Approval: The Board deleted the rule for lacking statutory authority.

Rule 400.02 – New Schools: The Board deleted the rule for lacking statutory authority and unnecessary with the changes made to Rule 400.01.a.

Rule 550.01.c – Chiropractic Physician Responsible and Liable: The Board added language that allows assistants to provide patient education to differentiate this from providing treatment advice as listed in 550.02.c.

Rule 550.02.b – Chiropractic Assistants: The Board reworded this to clarify that chiropractic assistants may provide diagnostic results to patients but may not interpret them. The Board stated that the current language prohibits assistants from passing along diagnostic results that have been interpreted by the chiropractor.

Rule 550.02.c – Chiropractic Assistant Limitations: The Board removed “without instructions from the supervising Chiropractic Physician” because if instructions are provided from the supervising chiropractic physician, the assistant is simply educating the patient, which is covered by the changes made to 550.01.c.

Rule 552.03 – Validity of Temporary Permits: The Board added language clarifying that intern permits are included in this rule.

Rule 552.03.a – Validity of Temporary Permits: The Board struck the first sentence as unnecessary after rewording the rule to clarify that temporary permits will be invalidated when a permit holder fails more than one attempted examination.

Rule 552.03.b – Validity of Temporary Permits: The Board replaced the current rule with “Intern permits expire upon graduation.” The Board discussed that the remainder of the rule is unnecessary because interns practice under full supervision.

Adjourn

There being no further business, the meeting was adjourned at 11:40 AM.

The next meeting is on 3/22/2024.