



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 5/24/2024

<b>Board</b>	William Higgins, D.C. - Chair	<b>Division</b>	Cesley Metcalfe, Executive Officer
<b>Members</b>	George Fiegel, D.C.	<b>Staff:</b>	Greg Loos, General Counsel
<b>Present:</b>	Cathy Hart		Kent Absec, Licensing Unit Manager
	Joseph Betz, D.C.		Skip Liddle, Investigative Unit Manager
	Howard Arrington, D.C.		Christian Runnalls, Board Support Specialist
			Meagan Graves, Board Support Specialist

The meeting was called to order at 9:07 AM by William Higgins, D.C.

#### Approval of Minutes

A motion was made and seconded to approve the 4/26/2024 minutes. The motion carried unanimously.

#### Public Comment

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

Ms. Caroline Merrit, True North Public Affairs, stated the Idaho Association of Chiropractic Physicians has no concerns or comments on the rule changes.

#### DIVISION BUSINESS

**2024 Legislative Session Overview:** Ms. Metcalfe provided a legislative update on House Bill 505, Senate Bill 1429, House Bill 563, House Bill 767, House Bill 705, and Senate Bill 1288.

**Public Board Member Training:** Mr. Loos presented training to the Board on the role and importance of public members appointed to regulatory boards.

**Open Meeting Law Training:** Mr. Loos gave a presentation on the Open Meeting Law.

**Financial Update:** Ms. Metcalfe presented the financial report.

#### BOARD BUSINESS

**Conference Updates and Reports:** Dr. Arrington gave a summary of the FCLB conference and an overview of the changes to Parts II and IV of the NBCE examination that were discussed at the conference.

**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:

Ms. Metcalfe reviewed the written comment submitted by Dr. Emily Broniak who stated her concern over specific references to the Council on Chiropractic Education (CCE) and the National Board of Chiropractic Examiners (NBCE) because they are private corporations and naming them could lead to restricted competition and a monopoly in education and licensure exams. She also stated that the current language does not address international chiropractic programs which could potentially restrict Idaho licensure of qualified practitioners from outside the United States.

Ms. Metcalfe reviewed the written comment submitted by Dr. Ryan Kain who asked if the clinical nutrition recertification cycle is every three or four years. Dr. Kain also asked the Board to clarify if clinical nutrition certification is required to sell or recommend supplements.

Ms. Metcalfe reviewed the written comment by Dr. Dennis Harper who recommended the following:

- Including “over the counter” in Rule 010.04.
- Informing licensees whether they are on a biannual or annual cycle, in reference to rules 703.01 and 706.
- Striking Rule 706.03.
- Listing what products chiropractic physicians cannot use in Rule 707.02, instead of defining what is allowed.
- Removing Rule 708.01 as duplicative of Rule 707.01.
- Updating Rule 708.01.e to “oxygen as advised” because oxygen is a prescription product.
- Adding trace minerals, peptides, amino acids, and procaine to the formulary.

**Rule 100.01.a.ii – Qualifications:** The Board changed the language to generalize education requirements to “Graduation from a chiropractic school, college, or other programs as approved by the Board.” This change gives the Board discretion to accept internationally qualified chiropractic applicants and removes the specific reference to the Council on Chiropractic Education (CCE).

**Rule 100.01.b.ii – Qualifications:** The Board changed the language to generalize education requirements to read “Graduation from a program accredited by an agency recognized by the U.S. Department of Education or other program approved by the Board” to remove the specific reference to the Council on Chiropractic Education (CCE).

**Rule 100.02.f.i – Continuing Education:** The Board rewrote the rule to state “A college or university accredited by a nationally recognized accrediting agency as recognized by the United States Department of Education” to remove the specific reference to the Council on Chiropractic Education (CCE).

**Rule 010.02 – Chiropractic Intern:** The Board changed “college” to “program” to allow for board-approved equivalent and international chiropractic qualifications that are not from a college.

**Rule 010.04 – Clinical Nutrition Practice:** The Board reworded the rule to state “Clinical nutritional methods, without clinical nutrition certification, is defined as the clinical use, administration, recommendation, prescribing, selling, and distributing over-the-counter vitamins, minerals, botanical medicine, herbal, homeopathic, phytonutrients, antioxidants, enzymes, glandular extracts, peptides, amino acids, and durable and non-durable medical goods and devices” to clarify the difference between clinical nutrition that can be practiced by all licensed chiropractors and clinical nutrition certification authority.

A motion was made and seconded to accept the rules as proposed and to publish them in the administrative bulletin. The motion carried unanimously.

**Licensing Report:** Mr. Absec 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: Ms. Hart, aye; Dr. Betz, aye; Dr. Arrington, aye; Dr. Fiegel, 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 close case number I-CHI-2024-3. The motion carried unanimously.

**Adjourn**

There being no further business, the meeting was adjourned at 11:06 AM.

The next meeting is on 8/9/2024.