

# MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS

[www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us)

MBCE Newsletter a Semi-Annual Publication

Fall/Winter 2004

## RENEWALS UNDERWAY -- ONLINE FEES REDUCED

Following review of activity over the past two years the fee charged for using the online renewal system has been reset and spread equally across all renewal options available on the web. The Board hopes that this reduced fee will encourage more users to try the online system. Time will tell as our annual renewal season commenced in August 2004 and will continue through March 2005. An additional budgetary reduction is that notices have been reduced to just a card sent in the normal renewal envelope. **The notice you receive is not a renewal form.** Licensees must take affirmative action to complete the form online, print the form and submit it, or request a paper form from the Board. Failure to complete a renewal form *and* pay a renewal fee for each item due may require additional fees, penalties, continuing education and/or testing prior to reinstatement. Additionally, the Board cautions licensees to personally answer all renewal questions to insure accuracy. Any false statement(s) made by inadvertent omission or misdirected delegation of authority can result in disciplinary action by the Board resulting in fines, suspensions and/or disciplinary orders against the licensee.

## CONTINUING EDUCATION CHANGES – AUDITS TO BEGIN SOON

Efforts continue to get the new continuing education audit process up and running. It is anticipated that audits will get underway in early 2005. Licensees should watch for an audit notice requiring them to submit to the Board a *copy* of all continuing education receipts for the time specified as under review in the notice they receive. Upon receipt and following review of the submitted documentation the Board will **issue a letter of compliance or a notice of deficiency.** Inability to report and document the required hours may require your personal appearance before a complaint panel, imposition of a monetary penalty of up to \$900.00 for each year you were deficient, and/or require earning of additional continuing education credits. Any lapse in your license due to noncompliance may create additional legal liability for a licensee. Check the Board's web site under "What's New, Continuing Education Changes" for additional information.

## REVISIONS TO ACUPUNCTURE REGISTRATION RULE

Revisions to the Acupuncture Registration rule were completed in June 2004. The following changed procedures are now in place:

- New registrants are required to take the NBCE Acupuncture exam.
- Any registrant who fails to renew for more than 30 days after the renewal date, must reapply for registration and pay the initial registration fee and penalty fees before they can provide acupuncture services.
- Any registrant who fails to renew for more than 1 year, but less than 5 years, must reapply, pay the initial registration fee, the penalty fees and complete 10 hours of continuing education in acupuncture for each year he/she was not renewed, before they can render acupuncture services.
- Any registrant who fails to renew for more than 5 years, must reapply for registration, pay the initial registration fee, penalty fees, and successfully complete the national examination in acupuncture before rendering acupuncture services.

The due date for acupuncture renewals is September 15 of each year. Any renewal materials received by the Board prior to notices being mailed out will be considered untimely and shall be returned to the licensee as the Board is unable to track such pre-payments.

## BOARD MEETING UPDATE

Action summary of May 20, 2004 meeting:

- ✓ This special closed meeting was held to address a court related/disciplinary matter.

Action summary of July 22, 2004 meeting:

- ✓ Minutes were approved for April 8 and May 20, 2004
- ✓ A recognition ceremony was held for outgoing board member Timothy Whelan, D.C.
- ✓ A closed executive session was held to address disciplinary matters
- ✓ Executive Director gave his report regarding continuing education rules and massage therapy legislation
- ✓ Committee reports were reviewed
- ✓ Discussion occurred regarding recent HPSP, FCLB and NBCE activities
- ✓ Discussion occurred regarding the upcoming November 20 New Licensee Orientation Program
- ✓ The meeting schedule for 2004 was amended

Action summary of September 16, 2004 meeting:

- ✓ Minutes were approved for July 22, 2004
- ✓ Executive Director gave his report
- ✓ A special consideration request from the Minnesota Chiropractic Association was approved
- ✓ Discussion occurred regarding rule development and authorizing resolutions were passed regarding Minn. Rules 2500.1500, 2500.0700, 2500.0710 and 2500.0800 J3
- ✓ Committee reports were reviewed
- ✓ Mary Olympia, Case Manager, Health Professional Services Program, made a presentation to the Board on program usage statistics and trends
- ✓ Discussion occurred regarding recent FCLB activities, travel, exam administration, history of the board, and membership on a new Health Department X-ray rule advisory development committee\*
- ✓ Discussion occurred regarding the upcoming November 20 New Licensee Orientation Program which will be followed by the November Board Meeting
- ✓ The meeting schedule for 2004 was affirmed

\* Additional information regarding registration of X-ray equipment can be found at Minn. Rules 4730.0400; questions on the matter should be directed to the Department of Health at 651-643-2151

## DISCIPLINARY ACTIONS

Judy Clare Thompson DC	1-26-04	Findings of Fact, Conclusions of Law and Final Order
Arne Edward Matthew Luoma DC	5-20-04	Stipulation and Order - Suspension
Lyle C. Coleman DC	7-22-04	Stipulation and Order
David Pietsch DC	7-22-04	Board's Order reversed and Remanded by Minnesota Supreme Court
Teresa S Preston DC	9-8-04	Amendment to Order
Marla Sue O'Brien	9-16-04	Stipulation and Order - Suspension
Arne Edward Matthew Luoma DC	9-28-04	Order to Reinstate and Probation

## WEB POSTING CHANGE IN POLICY

The Board has made changes to its policy regarding publication of the names of disciplined licensees on the web. In making this change consideration was given to due process requirements, the public's right to information, and budget constraints. Much information cannot be deleted from an individual licensee file because of legal requirements, however, the full Board directed that names of deceased doctors be removed from the discipline list. Names appearing on the list solely for failure to renew a license are clearly marked and recent updates allow for the full text of all orders to appear on the web site, [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us), under "Disciplinary Actions" and then "Full List" and clicking on the underlined document title(s).

## BUDGET CRISIS AFFECTS CHIROPRACTIC BOARD

The budget crisis of the State will continue to affect the Board this coming year. **The more licensees who use the online system the greater the likelihood that a fee increase may be forestalled.** Plans to programmatically assist in reducing the operational costs of the Board include reducing the number of committee and complaint panel meetings; restricting conference attendance and travel; possible reduction in the number of newsletters printed during the year; and containment of complaint related costs through swift and meaningful enforcement efforts. The Board will seriously consider any suggestions made by licensees, so please send your ideas to us in writing. Plans are still being made to propose either a fee increase and/or a one-time surcharge to recoup costs incurred in recent contested case hearings. Licensees are encouraged to help keep such costs down by monitoring the activities of peers and reporting violations early. The full effect of the fraud investigations and prosecutions has not yet been felt in the budget and this will greatly affect the size of any fee increase or special surcharge imposed.

## RECENTLY ENACTED RULES

Due to the hard efforts of the Board and staff there were several rule changes this past year. The changes impacted several areas of licensure. The new language for these and all rules is available through links on the MBCE web site, [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us) by clicking on "Statutes and Rules". Due to internet accessibility and budget considerations a decision has been made not to reprint the entire rulebook or update pages. All licensees should remember to check the web site periodically and consult a private attorney any time they have questions about lawful practice issues. A list of rules that have changed since our last publication of this list in the 2003 Spring Newsletter, is as follows:

Rule Number	Rule Title	Brief Description	Effective Date
2500.0800	Exam from Another Jurisdiction	Allows for the inter-mobility of licensees from states whose licensure requirements are substantially similar to Minnesota's when they were licensed prior to the requirement of passing the NBCE Examination in Chiropractic	1/27/2004
2500.3000	Acupuncture Testing	Establishes requirements for passing a nationally recognized examination prior to granting initial registration and for reinstatement of lapsed registrations	6/1/2004

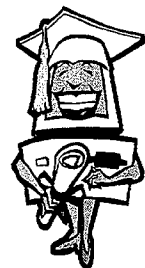
## RULES . . .

The Board continues to work on the promulgation of Rules regarding the practice of chiropractic. The State of Minnesota has a structured rules promulgation process with specific procedures and time lines. Please call the office and check our website ([www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us)) for new and changing information. Or if you wish, you may send us a written note and ask to be placed on the "Rules List" where we would send you regular updates of the status of rules as they go through the rules promulgation process.

If you have questions or comments on any rule you may call our office at 612-617-2222 at any time. However, we wish to remind you that all comments must be submitted in writing if they are to be presented to the Board and/or to be included in the official record.

Copies of the full text of any rule may be acquired by contacting Board staff at 612-617-2222 or by sending a written request to:

MBCE - Rules List Coordinator  
 2829 University Avenue SE  
 Suite 300  
 Minneapolis, MN 55414-3220



## OTHER STATUTES/RULES AFFECTING CHIROPRACTORS

**ADMINISTRATION OF COPAYS** Minnesota law does not allow for waiver of co-pays. Further, Minnesota Health Care Programs (MHCP) legislative changes allow for denial of services for nonpayment of co-pays only if "it is the routine business practice of a provider to refuse services to individuals with uncollected debt." Providers must give patients advance notice of this policy. More information can be found on this topic at [www.mdh.state.mn.us](http://www.mdh.state.mn.us) and search for the term "copay".

**XRAY REGISTRATION AND INSPECTION** Minnesota Statutes Section 144.121 governs registration, renewal, inspection, use and sale of X-ray equipment. Minnesota Rules Chapter 4730 gives additional information on the subject. The Minnesota Department of Health conducts inspections and administers these laws through its Environmental Health section. Additional information can be found on the web at: [www.health.state.mn.us](http://www.health.state.mn.us) using the search term "X-ray" or "Radiation Control" or by contacting [ehweb@health.state.mn.us](mailto:ehweb@health.state.mn.us). It is a chiropractor's professional responsibility to become aware of all laws and rules with which he must comply.

**CONFUSION BETWEEN TITLES AND SCOPES OF PRACTICE** The MBCE continues to receive notices and complaints regarding chiropractors whose activities call into question the appropriate regulatory authority and disciplinary body. Examples include chiropractic treatment of animals where regulation of persons who may treat animals is vested in the Board of Veterinary Medicine; while chiropractic treatment of the *human body* is vested in the Board of Chiropractic Examiners. Other gray areas include the use of terms such as "physiotherapy" and "physiotherapist" which are reserved for exclusive use by persons licensed by the Minnesota Board of Physical Therapy; use of the term "physician" which is reserved for exclusive use by persons licensed by the Board of Medical Practice; and the term "chiropractor" which is reserved for use by persons licensed by the Minnesota Board of Chiropractic Examiners. Whether or not a licensee's conduct is in violation of their practice act, use of confusing advertisements and inappropriate use of protected titles can bring a practitioner before his/her licensing board where they are then properly admonished to remain within the appropriate statutory constraints.

## CHANGING FACE OF GOVERNMENT LICENSURE

The face of the Chiropractic Board may soon undergo changes as a result of Governor Pawlenty's Drive to Excellence campaign. The "Drive to Excellence" is a plan that envisions providing faster, more reliable and more cost-effective services to Minnesota's citizens and businesses by looking at business processes and technologies across 72 executive branch agencies, boards, and commissions. The "Drive to Excellence" will fundamentally change the operation of state government. For more information or to offer suggestions go to [www.drivetoexcellence.state.mn.us](http://www.drivetoexcellence.state.mn.us).

## STATISTICS OF MINNESOTA LICENSED CHIROPRACTORS AS OF NOVEMBER 1, 2004

Licenses:		Registrations:	
2347	Active	598	Acupuncture
168	Inactive	432	Professional Firms
47	Terminated 12/31/03	81	Independent Examiners
15	Inactive Terminated 12/31/03	37	Graduate Preceptors
14	DC Emeritus (2001 to present)		
18	Voluntarily Retired (2004)		
<b>2609</b>	<b>Total</b>	<b>1148</b>	<b>Total</b>

## WE NOTE THE LOSS OF

**LESLIE WILKE, DC** after 45 years of service. Dr. Wilke was a 1947 graduate of Northwestern College of Chiropractic. Dr. Wilke also attended Palmer College of Chiropractic prior to graduation.

**TIMOTHY JOSEPH WHELAN, DC** after 24 years of service. Dr. Whelan was a 1980 graduate of Northwestern College of Chiropractic and was a Board Member from March 2000 through April 2004.

**NEW LICENSEES**

<p><b>May 2004</b></p> <p>MICHAEL ROBERT CEMBROSKI DC  MELISSA RENEE CHRISTOFFERSON DC  JEAN MICHELLE NIETZ CIOLA DC  JOHN LEONARD DACCARDI JR DC  ANGELA DAWN DENKINGER DC  KATIE MARIE FOKKEN DC  ALYSSA JOY GORDER DC  KYLE MICHAEL HAGEL DC  ANDREA LYNNA HORNSTEIN DC  REBECCA ALICE JENSEN DC  ANNA MAREE JOHNSON DC  CYNTHIA MARIE JUNGWIRTH DC  DEBORAH KIM LEONHARDT DC  BRANDON DAVID MANNIE DC  MELINDA LILLIAN MORGAN DC  AARON RAHMOR MORLAND DC  DANIEL RAY OLSON DC  DENNIS LEE OLSON DC  LORIE ELIZABETH PALOKANGAS DC  JOHN WILLIAM PEPELNJAK DC  JAMES ANTHONY PIETREK DC  STEVEN WILLIAM POTTER DC  HEATHER DAWN PRITCHARD DC  KARRIE LYNN SCHOMMER DC  LEAH MARIE SOLTIS DC  BARRY HOWLAND TAYLOR DC  MATTHEW GEORGE THAYER DC  LANCE ANDREW ZIMNEY DC</p>	<p><b>June 2004</b></p> <p>BETH ANN ADAMS SPENCER DC  ALEN ARAKELIAN DC  CARY MITCHELL BEHM DC  ALICIA LYNN CALEASE DC  JULIE MICHELLE FEIT DC  JULIE ELIZABETH HUGHES DC  TIMOTHY KENNETH KELM DC  JASON LEE LAUB DC  JESSICA MARON LING DC  MELANIE PUETZ MULLENMEISTER DC  ROBERT EARLEN TEIGEN DC  TAWNDA RAE VOLKER DC  DAVID LESLIE WICK DC  KEVIN JAMES WILHELMI DC</p> <p><b>July 2004</b></p> <p>CHRISTOPHER HARLOW ANDERSON DC  ARIN REBECCA GRINDE DC  WILLIAM THOMAS HAKE DC  DAVID WILLIAM LAUDON DC  JENNIFER NICOLE MANGAN DC  LEZLIE MAYLENE PUETZ DC</p>	<p><b>August 2004</b></p> <p>JEFFREY RYAN BEELER DC  PAUL WILLIAM BENDER DC  BENJAMIN AARON BJORK DC  ASSIAT BOKE DC  SARAH ANN BULFER DC  URSULA INGRID CAMPBELL DC  MICHAEL ANTHONY CAPOBIANCO DC  NIKOLE MARIE CARLSON DC  JAMES ROBERT HAAKENSEN DC  JILL SUN WHA HERMEN DC  KAY DEE JOHNSON DC  NICHOLAS ADAM KRAUSE DC  BRENDA LEE KRESS DC  MAI TRUE LEE DC  JOSEPH SEONG LEE DC  LEE CHONGSHER MOUA DC  HUY NGOC NGUYEN DC  KERRI ANN NORRING DC  TONY WILLIAM PARKS DC  AARON DAVID RUDE DC  MICHELLE MARIE SCHOCHENMAIER DC  JEFFREY LYLE SOLTIS DC  LISA MARIE BALEISIS VERNA DC  KRISTI LEA ZIMMERMAN DC</p>
<p><b>September 2004</b></p> <p>JONATHAN EUGENE BECK DC  MICHELLE KRISTINE CARPENTER DC  DONALD PAUL ELDRIDGE DC  HEATHER LYNN GAPPERT DC  JESSICA ANN GRAHAM DC  ZEAL OKOGERI DC  BRANDI LEI PHERNETTON DC  DANIEL JAMES RICHTER DC  DIANA LYNN SABELLA-SCHLEUSNER DC  JOHN EDWIN SCHELLENEBERG DC  KEITH RALPH SCHLEPER DC  CHAD RICHARD SMITH DC  EMILY GAYLE THOMPSON DC  TERRY ROBERT YOCHUM DC</p>	<p><b>October 2004</b></p> <p>VINAI MOUA DC  DUYLINH PHAM NGUYEN DC</p> <p><b>November 2004</b></p> <p>MARY ELIZABETH LARSEN DC</p>	

**Office Staff Members**

Name	Title
Larry A. Spicer, D.C.	Executive Director
Karen Dorff	Office Manager
Micki King	Health Program Rep.
Lori Blanski	License Coordinator
John Burbey	Continuing Education Coordinator

**MBCE Board Members**

Name	Term Expires
Howard A. Fidler, D.C.	Jan. 2008
Rosemary Kassekert	Jan. 2005
Teresa Marshall, D.C.	Jan. 2006
LeRoy Otto, D.C.	Jan. 2007
Joan Patalonis	Jan. 2007
Gary Pennebaker, D.C.	Jan. 2008
Mark O. Reeve, D.C.	Jan. 2005

*The Mission of the Minnesota Board of Chiropractic Examiners (MBCE) is:  
To protect the public through effective licensure, enforcement of the statutes  
and rules governing the practice of chiropractic, to ensure a standard  
of competent and ethical practice in the profession.*

*The Minnesota Board of Chiropractic Examiners is an affirmative action / equal opportunity employer.  
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membership on a local human rights commission.*

*This document is available in alternative formats upon request.*

**DATES TO REMEMBER IN 2004 - 2005**

**EXECUTIVE COMMITTEE  
MEETING DATES**

January 11, 2005  
March 8, 2005  
May 10, 2005

**RULES COMMITTEE  
MEETING DATES**

The third Thursday  
of every month  
as needed

**BOARD  
MEETING DATES**

November 20, 2004  
February 10, 2005  
April 14, 2005

**COMPLAINT PANEL  
MEETING DATES**

Patalonis-Reeve panel meets the first  
Thursday of every month  
Fidler-Marshall panel meets the third  
Tuesday of every month  
Kassekert-Otto panel meets the fourth  
Tuesday of every month

**NEW LICENSEE  
ORIENTATION**

November 20, 2004

**OFFICES WILL BE CLOSED  
FOR THE  
FOLLOWING HOLIDAYS**

November 11, 2004  
November 25-26, 2004  
December 24, 2004  
December 31, 2004  
January 17, 2005  
February 21, 2005  
May 30, 2005

Minnesota Board of Chiropractic Examiners  
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