



# MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS

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

MBCE Newsletter a quarterly publication

Spring 2004

## ONLINE RENEWALS WERE A HUGE SUCCESS

During the past renewal season (August 2003 - February 2004) 87% of the renewal applications due were completed online and 74% of the renewal fee payments due were paid online. The Board wishes to thank everyone for reducing the incoming paperwork and hopes you agree that overall, technology really has made things better. Staff looks forward to working with everyone to make the process even easier in the future.

## CONTINUING EDUCATION CHANGES – AUDITS BEGIN SOON

A new continuing education auditing rule went into effect beginning in January 2003 and enforcement will get underway sometime in 2004. 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, 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 are nearing completion. The following changes will be implemented following final publication in the next month or so:

- 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; however, any renewal materials received by the Board more than 45 days prior to the expiration date will be considered untimely and shall be returned to the licensee.

## BOARD MEETING UPDATE

### Action summary of September 11, 2003 meeting:

- ✓ A moment of silence was observed in honor of the 9-1-1 New York tragedy.
- ✓ Minutes were approved for July 10, 2003
- ✓ Discussion occurred regarding transfer license application issues involving persons previously licensed in Minnesota and the policy of accepting a state board's test score in place of the National Board's test score
- ✓ Discussion occurred regarding a lawsuit involving the Minnesota Civil Liberties Union
- ✓ Discussion occurred regarding regulation of massage therapists and Robert Vanasek, Rep. Jim Abeler, Al Traina, DC, Diane Kreuger, Stephen Bolles, DC and Michael Casper made presentations
- ✓ Discussion occurred regarding the need for assistants to administer the National Board Part IV tests
- ✓ Discussion occurred regarding the rules status document; and the status of pending rules regarding Acupuncture Examination and Examination From Another Jurisdiction rules
- ✓ Discussion occurred regarding meetings held by the Council of Health Boards
- ✓ Discussion occurred regarding the upcoming FCLB District II meeting, the Board's topic report, and appointment of CCE site visit members
- ✓ Discussion occurred regarding the financial picture of the Board and the State
- ✓ Discussion occurred regarding a New Licensee Orientation Program and the date was set for November 8, 2003 at NWHSU

### Action summary of October 2, 2003 meeting:

- ✓ This special closed meeting was held to address disciplinary matters

### Action summary of November 6, 2003 meeting:

- ✓ Minutes were approved for September 11 and October 2, 2003
- ✓ Executive Director gave his report regarding online renewals and litigation issues
- ✓ Discussion occurred regarding definition of a complementary scope of practice and regulation of massage therapists
- ✓ Committee reports were reviewed
- ✓ Kurt Roberts gave an overview of the Health Professional Services Program and inserts were requested for distribution to licensees
- ✓ Discussion occurred regarding recent FCLB activities
- ✓ Discussion occurred regarding the upcoming November 8 New Licensee Orientation Program
- ✓ 2004 election of officers occurred and the results were: Dr. Pennebaker, President; Dr. Otto, Vice President; Ms. Kassekert, Administrative Officer
- ✓ Delegates were elected to HPSP, FCLB and NBCE for 2004, and the results were: Ms. Kassekert, HPSP Representative; Dr. Otto, Delegate to FCLB and NBCE; Dr. Pennebaker, Alternate Delegate to FCLB and NBCE
- ✓ The meeting schedule for 2004 was approved

### Action summary of February 13, 2004 meeting

Meeting cancelled

### Action summary of April 8, 2004 meeting:

- ✓ Minutes were approved for November 6, 2003
- ✓ Executive Director gave his report regarding online renewals and litigation issues
- ✓ Mr. Steve Masten was introduced as the new Assistant Attorney General representing the Board following Robert Holley's retirement in December 2003
- ✓ Committee reports were reviewed
- ✓ Discussion occurred regarding implementation plans for the new Acupuncture testing rule
- ✓ Approval was granted to work on further changes to the Examination From Another Jurisdiction Rule regarding continuous practice requirements
- ✓ Discussion occurred regarding charges for online renewal services related to credit card payments
- ✓ Discussion occurred regarding the increase in Attorney General charges
- ✓ Discussion occurred regarding plans for a November 2004 New Licensee Orientation program
- ✓ Discussion occurred regarding the statutorily required physiotherapy exam
- ✓ Discussion occurred regarding possible use of the new NBCE Ethics and Boundaries Exam

## DISCIPLINARY ACTIONS

Scott K. Fredin DC	October 2, 2003	Stipulation and Order-Revocation
Mark D. Chambers DC	November 6, 2003	Stipulation and Order-Probation
Warren R. King DC	November 6, 2003	Order Restoring Unconditional Licensure
Mark D. Chambers DC	December 17, 2003	Order of Suspension
Judy C Thompson DC	January 26, 2004	Order of Suspension
Mark D. Chambers DC	April 8, 2004	Order of Suspension

## WEB POSTING AD HOC COMMITTEE REPORT

The Board is in the process of making changes to its policy regarding publication of the names of disciplined licensees. However, according to due process requirements, the public's right to information, and budget constraints some information cannot be deleted from individual licensee files. Members of the Web Posting Ad Hoc Committee recently recommended to the full Board that names of deceased doctors be removed from the discipline list published on the web. Notations will also be added to explain which licensees' names appear on the list solely for failure to renew a license. Licensees should be aware that since February 2002 the full text of fully executed and approved disciplinary orders are available via links on the Board's 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 many rule changes this past year. The changes impacted many areas of licensure. The new language for these and all rules is available through links on the MBCE web site. Due to internet accessibility and budget considerations a decision has been made not to reprint the entire rulebook or update pages. Applicants taking the jurisprudence exam receive only selected reprints of some pertinent statutes and rules. 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	Change effective 5 days after posting in <i>Minnesota State Register</i>

## 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



## DEPARTMENT OF HEALTH COMMUNICABLE DISEASE REPORTING RULES

Minnesota Rules Chapter 4605 allows the Commissioner of Health to issue notices and requests regarding the required reporting of new diseases and syndromes. Pursuant to Minnesota Rules, part 4605.7080 the Commissioner of Health has recently requested the reporting of: (1) suspect and probable cases of Severe Acute Respiratory Syndrome (SARS) in any person and (2) cases of hospitalized pneumonia or acute respiratory distress syndrome (ARDS) in health care workers who have contact with patients. In addition the Commissioner requests submission of laboratory specimens collected for diagnostic purposes from these cases. The effective date of the new rule is November 7, 2003. The full text of the Notice regarding SARS reporting can be found on the Department of Health web site at: <http://www.health.state.mn.us/divs/idepc/diseases/sars/clinical/reportingnotice.pdf>

## STATISTICS OF MINNESOTA LICENSED CHIROPRACTORS AS OF April 21, 2004

Licenses:		Registrations:	
2254	Active		
169	Inactive		
49	Terminated 12/31/03	591	Acupuncture
16	Inactive Terminated 12/31/03	398	Professional Firms
7	DC Emeritus (2003 & 2004)	75	Independent Examiners
44	Voluntarily Retired (2003 & 2004)	37	Graduate Preceptors
<b>2539</b>	<b>Total</b>	<b>1101</b>	<b>Total</b>

## WE NOTE THE LOSS OF

**Wallace T Olhow DC** after 51 years of service. Dr. Olhow was a 1951 graduate of Northwestern College of Chiropractic.

**Michael I Croteau, DC** after 2 years of service. Dr. Croteau was a 2000 graduate of Northwestern Health Sciences University.

**LeRoy A Pilgram, DC** after 46 years of service. Dr. Pilgram was a 1955 graduate of Logan College of Chiropractic.

**NEW LICENSEES**

<p><b>September 2003</b></p> <p>JOHN JAMES ANDERSON DC WILLIAM AMBROSE CHRISTIANSOON DC SARA HEATHER DONAHUE DC JAY ALEXANDER HAFNER DC JASON JOSEPH LLOYD DC MELISSA MARIE LOIDOLT DC MARSHA SMIRNOV DC DEREK GARY TEETS DC BLONG BLIAXA VANG DC SCOTT DOUGLAS VANINA DC</p> <p><b>October 2003</b></p> <p>BRUCE MARSHALL EHLERT DC DENNIS GELNN MILLER DC TRAVIS DEAN MITCHELL DC DEAN EDWARDS REDINGTON DC TORY MALCOLM ROBSON DC JAMES ORIN STAFFORD DC</p>	<p><b>November 2003</b></p> <p>FANI ALEXANDRAKIS DC MARK BRADLEY HANSON DC KRISTIE MAE SCHMIDT DC</p> <p><b>December 2003</b></p> <p>STEVEN WAYNE LARSON DC ANTHONY MICHAEL McGOWAN DC LACIE MARIE MOCKROS DC MITCH L REYNOLDS DC</p>	<p><b>January 2004</b></p> <p>SCOTT ARLEND ALLAN DC AARON RICHARD ARVIG DC MICHAEL JOSEPH BAWEK DC BRADLEY ALLEN BORNE DC JILL MARIE BORTH DC ADRIENNE NICOLE CASTROVINCI DC CLINT RYAN DORN DC CHRISTOPHER HARPER DWYER DC JUDE BLACKMOOR EICHMAN DC MICHAEL WAYNE HEADLEE DC MATTHEW STEPHEN HERBER DC SHIRLEY NANCY HIMANGA DC JOSHUA ANTHONY KARY DC KIM MARY LEIS DC RODNEY ADAM OPFERKEW DC JESSE CLIFFORD PLOESSL DC KAMI VYJO RAGUSE DC ADAM JACOB SAGEDAHL DC ANDREA ROSE SCHAAF DC BRIAN ANTHONY SCHMITZ DC ALBERT SHIH DC MEGANNE GISÉLLA STIFTER DC</p>
<p><b>February 2004</b></p> <p>DAVID ANDREW CORD DC JENNIFER BETH EICHMAN DC JAMES EDWARD ESCHITI DC JOEL ALAN FENSKE DC TODD ALLEN FIEBIGER DC KRISTINA MARIE FRUECHTL DC RYAN JAMES GRANROTH DC GARY LEE HAHNJR DC RASHID ALI HASSEN DC DARRYL MICHAEL HUMENNY DC JEFFREY ROBERT HYACK DC TRAVIS JOHN KRAMER DC JEFFREY CLARENCE LEACH DC MITCHELL DALE MARISTUEN DC CARRIE BETH OLESTON DC JOSHUA CHRISTIAN STEPHENS DC BRIAN ANDREW SWEDIN DC</p>	<p><b>March 2004</b></p> <p>ALANNAH BAILEY DC KRISTIN MARY HEITZMAN DC RICHARD JOSEPH MAY DC MICHAEL RICHARD RECHTER DC ERITREA MICHAEL TECLETSION DC BORIS ZIGMOND DC</p>	<p><b>April 2004</b></p> <p>NICHOLAS THEODORE HELMICH DC MICHAEL GORDON JORGENSEN DC DARCI JEAN JURGENS DC REBECCA ANNE LAMAACK DC MARCIA ELLENRAE LUNDE DC MARKGREGORY AUGUST MORTENSEN DC MARK EDWARD SCHULZ DC VERRILL JAMES SCHWANTES DC CLINTON EDWARD SEXTON DC</p>

**Office Staff Members**

<i>Name</i>	<i>Title</i>
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**

<i>Name</i>	<i>Term Expires</i>
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 (MBCE) does not discriminate on the basis of race,  
color, national origin, sex, religion, age or disability in employment or the provision of services.*

**DATES TO REMEMBER IN 2004**

**EXECUTIVE COMMITTEE  
MEETING DATES**

January 13, 2004  
March 9, 2004  
May 11, 2004  
August 10, 2004  
October 19, 2004

**RULES COMMITTEE  
MEETING DATES**

The third Thursday  
of every month

**BOARD  
MEETING DATES**

April 8, 2004  
July 22, 2004  
September 2, 2004  
November 4, 2004

**COMPLAINT PANEL  
MEETING DATES**

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

**Office is Closed  
For the  
Following Holidays**

May 31, 2004  
July 5, 2004  
September 6, 2004  
November 11, 2004  
November 25-26, 2004  
December 24, 2004  
December 31, 2004

Minnesota Board of Chiropractic Examiners  
2829 University Ave SE, Suite 300  
Minneapolis, MN 55414-3220  
(612) 617-2222 or Fax (612) 617-2224  
MN Relay Service for Hearing or Speech  
Impaired: 1-800-627-3529  
[www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us)

Presort Standard  
U.S. Postage  
PAID  
Permit No. 171  
St. Paul, MN