



# MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS

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

MBCE Newsletter a quarterly publication

Spring/Summer 2005

## ONLINE RENEWALS UPDATE

The 2004-5 renewal season (August - February) surpassed expectations with over 88% of the renewal applications completed online and over 74% of the renewal fee payments due were paid online. A recent Legislative Audit found no security issues with the Board's web site. The Board wishes to thank everyone for reducing the incoming paperwork and hopes you agree that overall, technology really has made things better. As a special note, the increased usage allowed for a reduction in transaction fees. Staff looks forward to another successful year beginning this August.

## CONTINUING EDUCATION – AUDITS BEGUN

The first Continuing Education audit notices were mailed out June 1, 2005. A quick response to any notice you receive will keep costs down. Minnesota Rules 2500.1410 defines what constitutes a "good" or "valid" continuing education receipt. This rule requires that sponsors register with the Board the name of the person who will sign receipts on their behalf, and that all receipts will include the following information:

- (a) the attending chiropractor's name and address;
- (b) the attending chiropractor's Minnesota chiropractic license number;
- (c) the name of the program and the MBCE program identification number;
- (d) the date on which the program was attended;
- (e) the number of continuing education units obtained;
- (f) the type of continuing education units obtained; and
- (g) whether the units were obtained through traditional classroom participation, or whether the units were acquired through alternative formats in accordance with part 2500.1550.

It is the licensee's responsibility to maintain original attendance verification records; monitor their own receipts for the content of this information; verify that the attendance dates are correct and bear a signature; and comply with specific annual requirements and type limitations. The current rule requires 20 units annually of which 3 must be x-ray and 1 must be professional boundaries.

## GIFTS, INDUCEMENTS & REMUNERATIONS

It has come to the attention of the Board that there may be a potential problem for some health care professionals who offer discounts, inducements and/or gifts to patients. Inducements and remunerations that may create problems include such things as waiver of copayments and deductibles, coupons, cash and/or merchandise valued at more than \$10 per gift or \$50 per patient per year. Multiple federal laws may be violated when employing these programs. A sample of some of the laws to be reviewed prior to enacting such a program include: HIPPA section 1128A(a)(5) of the Social Security Act, Medicare or Medicaid rules, the federal anti-kickback law, and the federal anti-fraud statutes. The Office of the Inspector General has defined five exceptions to limitations set forth in section 1128A(i)(6) of the Act and 42 CFR 1003.101 (definitions). Interesting to note is that the offer of inducements or remunerations is also prohibited to existing customers as this may influence future purchases. This law is very complex and may be confusing; therefore, the Board urges practitioners to contact an attorney for legal advice before making such offerings, check out the OIG advisory opinion web site at <http://oig.hhs.gov/fraud/advisoryopinions.html>, and request an advisory opinion if uncertainties continue to exist regarding their intended plan of action. The exact language of federal laws and rules can be found at: [http://www.us.gov/Topics/Reference\\_Shelf/Laws.shtml](http://www.us.gov/Topics/Reference_Shelf/Laws.shtml). State laws can be accessed through the Board's web site at [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us).

Information regarding any work stoppage due to government shutdown or strike will be posted at [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us)

## BOARD MEETING UPDATE

### Action summary of November 20, 2004 meeting:

- ✓ Minutes were approved
- ✓ Action was taken on disciplinary matters in a closed Executive Session
- ✓ Discussion occurred regarding attendance at the FCLB 79th Annual Congress - May 4-8 2005 in Montreal, Quebec, Canada
- ✓ Committee reports were reviewed and discussed
- ✓ Discussion occurred regarding use of the Attorney General's Office and cost of investigations
- ✓ Discussion occurred regarding the FCLB District II Conference Report, draft of a position paper on therapeutic procedures, and the mission statement of the FCLB
- ✓ Marie Rose Josée Gerard, DC addressed the Board regarding the possibility of expanding the scope of practice to include treatment of animals
- ✓ Discussion occurred regarding the state of the budget and planned expenditures
- ✓ Officers were elected for 2005: Dr. Pennebaker, President; Dr. Otto, Vice President; and Dr. Reeve, Administrative Officer
- ✓ Representatives and Delegates were elected: Ms. Kassekert, HPSP Representative; Dr. Otto, National Board Delegate; Dr. Marshall, National Board Alternate; Dr. Marshall, FCLB Delegate; and Dr. Reeve, FCLB Alternate
- ✓ Meeting dates were set through June 2005

### Action summary of February 10, 2005 meeting:

- ✓ Minutes were approved
- ✓ Action was taken on disciplinary matters in a closed Executive Session
- ✓ Committee reports were reviewed and discussion occurred regarding the Auditor's Report and the Board's Internal Administrative Procedures were referred to the Executive Committee for an update review
- ✓ Discussion occurred regarding legislation relating to practice ownership and budget; reductions in spending and/or staffing; responsiveness to public requests and enforcement needs; treatment of animals; massage therapy; the Office of Complimentary and Alternative Medicine
- ✓ Discussion occurred regarding continuing education credit for CPR classes and evaluations of the November 20 New Licensee Seminar
- ✓ Discussion occurred regarding FCLB position paper on Multi-Discipline Health Care Practices; the upcoming meeting in Canada; dates for NBCE testing in Minnesota; CCE Physiotherapy and Radiology Issues; and the mission of the FCLB
- ✓ Meetings dates of the Board were set as April 14, 2005, July 14, 2005, September 8, 2005, and November 17, 2005

### Action summary of April 14, 2005 meeting:

- ✓ Minutes were approved
- ✓ Action was taken on disciplinary matters in a closed Executive Session
- ✓ Discussion occurred regarding fraud legislation, investigation of the accuracy of an IME doctor's diagnosis, treatment standards, possible creation of standard diagnosis criteria, and the need to comment upon or respond quickly to proposed legislative language in general
- ✓ Discussion occurred regarding the state of the Board's budget; the Governor's Drive to Excellence and proposed surcharge; and the Governor's authority to use executive orders
- ✓ Committee reports were reviewed; preliminary language approval was given for License Transfer, Continuing Education: Units for Examination, and Continuing Education: Alternative Format rule changes
- ✓ The Rules Committee meetings were cancelled until subject matter requires additional action
- ✓ Helen C. Healy ND, Kristi Hughes ND, and Kristin Becker ND made a presentation to the Board regarding proposed naturopathic legislation
- ✓ Discussion occurred regarding proposed FCLB bylaw amendments
- ✓ A transfer license was denied due to lack of verification of subject matter test scores
- ✓ Discussion occurred regarding educational programs for chiropractic radiological technicians and the associated Department of Health rulemaking\*
- ✓ Dr. Reeve reported on NBCE Part III test development meetings

\* 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 or [ehweb@health.state.mn.us](mailto:ehweb@health.state.mn.us)  
 Multiple public forums on the proposed rule changes will be held between now and August 11

## NOTE OF THANKS . . .

The Board wishes to thank **Dr. Mark Reeve** for his service as Board member and Administrative Officer. Effective May 10, 2005 Governor Pawlenty appointed Dr. Richard Tollefson to the Board filling a term which ends January 2009.

## DISCIPLINARY ACTIONS\*

Stephan M DeHaven DC	10/7/04	Order Restoring Unconditional Licensure
Gary M Fieber DC	11/20/04	Stipulation and Order - Suspension
Lucia J Lein DC	11/20/04	Stipulation and Order - Suspension
David J Buechell II DC	2/10/05	Stipulation and Order - Conditional License
Alan L Arvidson DC	2/10/05	Stipulation and Order - Conditional License
Leif C Helling DC	4/14/05	Order Granting Unconditional License

\*Please see [www.mn-chiroboard.state.mn.us/discipline\\_list.htm](http://www.mn-chiroboard.state.mn.us/discipline_list.htm) for text of actual discipline orders.

Licensees are reminded that the budget crisis of the State will continue to affect the Board this coming year. Plans to programmatically reduce operational costs of the Board continue. At some point it may still be necessary to propose either a fee increase and/or a one-time surcharge to recoup costs incurred in contested case hearings. Licensees are encouraged to help keep such costs down by monitoring the activities of peers and reporting violations early.

## RECENTLY ENACTED RULES

Applicants taking the jurisprudence exam receive only selected reprints of some pertinent statutes and rules. The Chiropractic Board web site at [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us) has links to some additional statutes and rules affecting the chiropractic profession. However, there are many other agencies that promulgate and enforce laws regarding health care in general and business practices within the state of Minnesota that may affect your individual practice. For this reason, it is always a good idea, and the Board recommends, all licensees consult a private attorney any time they have questions about lawful practice issues. The Board is just starting the process for rule changes involving the following rules:

- 2500.0800, License Transfer Application, Approval of Exam from Another Jurisdiction
- 2500.1550, Continuing Education Alternative Format
- 2500.0710, Continuing Education Units for Examiners

## 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 visiting the Board's website, 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

**COMMUNICABLE DISEASE REPORTING RULES** The Minnesota Department of Health administers Minnesota Rules, Parts 4605.7500 to 4605.7900 regarding communicable disease testing and surveillance. We have seen many new communicable diseases appear in the United States (such as SARS, West Nile, Monkeypox). Please consult the Health Department web site at [www.health.state.mn.us](http://www.health.state.mn.us) and sign up for their email news releases to stay abreast of reporting requirements.

**TITLES ON BUSINESS CARDS AND SCOPES OF PRACTICE** The MBCE receives many questions and complaints regarding chiropractors whose activities call into question the appropriate regulatory authority and disciplinary body. Use of the terms "DC", "doctor of chiropractic", and "chiropractor" are protected under Minnesota Statutes 148.105 and *may be used solely by licensed chiropractors*. Inappropriate use of protected titles and confusing advertisements can bring a practitioner before his/her licensing board where they are then properly admonished to remain within the appropriate statutory constraints. Licensees are reminded that the use of "Physical Therapist, Physiotherapist, Physical Therapy Technician, Registered Physical Therapist, Licensed Physical Therapist, P.T., P.T.T., R.P.T., L.P.T.," are titles reserved for exclusive use by persons licensed under Minnesota Statutes 148.76 and "Licensed Acupuncturist" or "LAc." are titles reserved for exclusive use by persons licensed under Minnesota Statutes 147B.02 Subd. 2. Chiropractors *registered* to perform acupuncture with the MBCE under Minnesota Rules 2500.3000 may, "Upon receiving a registration certificate from the board, ... utilize acupuncture to prepare for or complement a chiropractic adjustment." Such "registration" means you may say "you utilize acupuncture" or "are registered to perform acupuncture" which is deemed different than being "licensed" in acupuncture under Minnesota Statute 147B.02. The Board urges caution in the use of terms and encourages licensees to consult an attorney with any questions they might have regarding use of titles or scope of practice.

**STATISTICS OF MINNESOTA LICENSED CHIROPRACTORS  
AS OF June 1, 2005**

Licenses:		Registrations:	
2354	Active		
156	Inactive	600	Acupuncture
128	Terminated (2004 & 2005)	452	Professional Firms
16	DC Emeritus	74	Independent Examiners
33	Voluntarily Retired (2004 & 2005)	38	Graduate Preceptors
<b>2687</b>	<b>Total</b>	<b>1164</b>	<b>Total</b>

**WE NOTE THE LOSS OF**

**JOSEPH P ASHER, DC** after 27 years of licensure. Dr. Asher was a 1977 graduate of Northwestern College of Chiropractic.

**ROBERT E FITZGERALD, DC** after 55 years of licensure. Dr. Fitzgerald was a 1950 graduate of Northwestern College of Chiropractic, served in the military during World War II, was an Olympic champion who received a silver medal in 1948, and a former Board member.

**WILLIAM F HYNAN, DC** after 55 years of licensure. Dr. Hynan was a 1950 graduate of National College of Chiropractic, served in the military during World War II, and was Minnesota Chiropractor of the Year in 1959, past Vice Chairman of the Council on Chiropractic Education Commission on Accreditation, and an MBCE Board member who served as Board President for many years.

**DELMAR JOHNSON, DC** after 50 years of licensure. Dr. Johnson was a graduate of Northwestern College of Chiropractic.

**RALPH E LEWIS, DC** after 48 years of licensure. Dr. Lewis was a graduate of Northwestern College of Chiropractic.

**TERRY LUND, DC** after 28 years of licensure. Dr. Lund was a graduate of Northwestern College of Chiropractic.

**DORAND N NELSON, DC** after 54 years of licensure. Dr. Nelson was a graduate of Northwestern College of Chiropractic.

**JOHN W THATCHER, DC** after 47 years of licensure. Dr. Thatcher was a graduate of Logan College of Chiropractic, a renowned Gonstead technique practitioner and instructor, a member of the Minnesota, American, and International Chiropractic Associations, and a former MBCE Board member who served as Board President for several years.

**NEW LICENSEES**

<p><b>December 2004</b></p> <p>BRIAN MICHAEL BRIGGS DC                  JESSICA LYNN BRIGGS DC                  CHRISTOPHER JAMES HOWSON DC                  RANDY ROBERT JOHNSON DC                  DANIEL PAUL KIRK DC                  TERRY ANN KISNER DC                  KELLY VERONICA KUKA DC                  BRANT ADAM LARSEN DC                  ERICK JAMES LUNDRON DC                  RYAN JEFFERY MAYEDA DC                  ELIZABETH McGOWN DC</p> <p><b>January 2005</b></p> <p>KIRSTEN DEIRDRE ADDISON DC                  ANTHONY JAMES ALBRIGHT DC                  JOSHUA STEVEN ANDERBERG DC                  CRYSTAL LYNN BALLEW DC                  JEREMY LEE BARTHELMS DC                  KARI ANN BENNETT DC                  PAUL CHRISTIAN BIERBRAUER DC                  HEATHER LEIGH BJUGSTAD DC                  DANIEL ERIC BUETTNER DC                  PAUL CHARLES DEGLMANN DC                  CHRISTOPHER ROBERT FRYKMAN DC                  JENNIFER MAY KUHN DC                  NICHOLAS JAY LUNDBOHM DC                  MARK ALLEN MAHONEY DC                  CYNTHIA DENISE MCMAHON DC                  MARCUS GREG MILLER DC                  GARRETT HUNTER PING DC                  SCOTT STEVEN RINNE DC                  AMY MARIE SCHREINER DC                  RONALD JOSEPH SINKO DC                  BRIAN JAMES SMITH DC                  TOM PATRICK SPICER DC                  TCHUNENG VU DC                  LANCE ALBERT WULF DC</p>	<p><b>February 2005</b></p> <p>KENNETH RANDALL BARNETT DC                  LAURA KAY BARRY DC                  JENNIFER LYNN BESTICK DC                  MELISSA MARIE BURNETT DC                  JACLYN MERRY COST DC                  MICHAEL WILLIAM FINK DC                  RODNEY ALAN FRANKS DC                  JOSHUA JONATHAN HAGUE DC                  KATHERINE ELIZABETH HANSEN DC                  RYAN MARSHALL KING DC                  WADE ARNETT LOFTON DC                  JEFFREY JOHN SAILER DC                  ANGELA DIANE SNYDER DC                  JOHN DAVID VAIL DC                  CHRISTOPHER DAVID WOOD DC</p> <p><b>March 2005</b></p> <p>MICHAEL KEENAN BEGGS DC                  DAVID JOHN BUECHEL DC                  LEWIS JAMES PAGEL DC                  TYLER RAY PARHAM DC                  NICHOLAS JAMES SMITH DC                  KATHLEEN ANN WEHREBERG DC</p> <p><b>April 2005</b></p> <p>STEVEN JOHN KUMM DC</p>	<p><b>May 2005</b></p> <p>PAUL DERRICK BICKFORD DC                  ANGELA JO BREMER DC                  KATHERINE ANN COWLES DC                  JEFFREY STEVEN FINE DC                  PRESTON ELLARD FORTHUN DC                  AMANDA RACHEL GEBHARDT-FITZGERALD DC                  JAMES MICHAEL GIBBS DC                  SAMUEL MICHAEL GUNLOGSON DC                  JERROD WADE HANN DC                  DALE KENNETH HEALEY DC                  CHRISTINE ANN HESS DC                  AARON JOHN HOKANSON DC                  ARRON RAY KALIS DC                  BARBARA CAROL KNUTSON DC                  NICHOLAS JOHN MIDTHUNE DC                  JACOB AARON PETERSON DC                  ANGELA RENE RENNER DC                  ANDREW H SCHIERHOLZ DC                  CORBY ROBERT SERK DC                  CAROLYN MARGUERITE WANKEN DC                  BRADLEY ROLAND WINTER DC                  JEFFREY JOHN WISDO DC</p> <p><b>June 2005</b></p> <p>SEAN EVERETTE CHARTIER DC                  LISA BELINDA KAISER DC                  THOMAS STEVEN KRUEGER DC                  DAVID GENE NESSETH DC                  MEAGAN KATHLEEN SCHUMACHER DC                  SUSAN RAYE THOMPSON DC</p>
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**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
Richard R. Tollefson, D.C.	Jan. 2009

*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.  
The Minnesota Board of Chiropractic Examiners does not discriminate in employment on the basis of race, color,  
creed, religion, national origin, sex, marital status, disability, public assistance, age, sexual orientation, or  
membership on a local human rights commission.*

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

**DATES TO REMEMBER IN 2005**

**EXECUTIVE COMMITTEE  
MEETING DATES**

June 28, 2005  
August 9, 2005  
October 11, 2005  
December 13, 2005

**RULES COMMITTEE  
MEETING DATES**

The third Thursday  
of every month  
when necessary

**BOARD  
MEETING DATES**

July 14, 2005  
September 8, 2005  
November 17, 2005

**COMPLAINT PANEL  
MEETING DATES**

Patalonis-Tollefson 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

**RENEWAL DEADLINES**

Acupuncture - September 15  
DC License - December 31  
Professional Firm - December 31  
Continuing Education  
Sponsorships - December 31  
Independent Examiner - February 28

**OFFICE IS CLOSED FOR THE  
FOLLOWING HOLIDAYS**

July 4, 2005  
September 5, 2005  
November 11, 2005  
November 24-25, 2005  
December 26, 2005  
January 2, 2006

*Public notice of all meetings are listed on the Board's web site at [www.mn-chiroboard.state.mn.us/Bdmeet.htm](http://www.mn-chiroboard.state.mn.us/Bdmeet.htm)*

Minnesota Board of Chiropractic Examiners  
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