



Minnesota Board of Chiropractic Examiners

MBCE Newsletter a Semi-Annual Publication

Spring/Summer 2006

RENEWAL SEASON BEGINS SOON

The 2006-7 renewal season (August - February) will soon be upon us. Past participation in the online renewal system surpassed expectations and the transition to the new payment processor was very successful. 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 result of the increased usage **online fees have been reduced**. Licensees should be aware that statewide activities are taking place to prepare for continued operations in case of an avian flu pandemic. Included in such preparations may be the requirement that all renewals be completed online due to reduced staffing, the need to limit exposure, or redeployment of healthy staff to cover critical functions. Once again, it is always better to practice new skills before a crisis makes them mandatory - so please join in and try out the online licensing features this year!

CONTINUING EDUCATION – New Acupuncture Unit Requirement

The Continuing Education audit notices are being mailed out on a continual basis. A quick response to any notice you receive will keep costs down, give you the maximum amount of time to work with the Board to correct any deficiencies, and reduce penalties. 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. Annual requirements are posted on the Board's web site at www.mn-chiroboard.state.mn.us under the link Continuing Education Requirements / Schedule of Required Courses.

Don't be caught short, call the Board upon receipt of your renewal notice if you have questions. The Board may impose a \$900 fine and 10 continuing education penalty units for each year a licensee is found to be short of approved units.

Under current rules continuing education is very simple. All licensees must have 20 units every year from approved sponsors. Of these 20 units, at least 3 must be in some form of X-ray, and at least 1 must be in the area of professional boundaries. All 20 units may now be taken by alternative formats, such as online, correspondence, video conferencing, etc. HOWEVER, all units must be approved in advance by the Board or be offered by a Board-approved sponsor. **Additionally, if you hold an ACTIVE Acupuncture Registration, effective July 31, 2006, your 20 units must also include 2 units of acupuncture-related training. All 20 continuing education units must be obtained by December 31, 2006.** Licensees must maintain original records of continuing education courses until audited by the Board. Failure to do so may result in imposition of the penalties described above. Finally, a new inactive registration status is available for acupuncture registrations beginning August 14, 2006. Check out the "What's New" area of the Board's web site or contact the Board for additional information regarding the qualifications for this registration status.

**BEGINNING SEPTEMBER 2006
LICENSEES WILL ALSO BE ABLE TO REACH THE BOARD AT
A NEW INCOMING TELEPHONE NUMBER: 651-201-2850**

DISCIPLINARY ACTIONS*

Jon D Fagerness DC	November 17, 2005	Stipulation and Order – Suspension/Probation - unprofessional conduct of a sexual nature
David M Pietsch DC	November 17, 2005	Stipulation and Order - Restricted License
William L Prosen DC	February 9, 2006	Stipulation and Order - Suspension - Stayed/Probation – records management, violation of Agreement for Corrective Action, failure to cooperate with an investigation of the Board
Kevin S Connors DC	February 9, 2006	Stipulation and Order – Suspension - Stayed/Probation – improper billing and records mismanagement; providing excessive/unnecessary services; charging for services not rendered; inadequate documentation
Scott D Sammon DC	February 9, 2006	Stipulation and Order – Suspension - Stayed/Probation - unprofessional conduct of a sexual nature
Brent Holtz DC	February 9, 2006	Stipulation and Order – Suspension - Stayed/Probation - practice without license
Teresa S Preston DC	February 9, 2006	Order Restoring Unconditional License - End Probation
Lucia J Lein DC	April 13, 2006	Stipulation and Order – Suspension/Probation - unprofessional conduct of a sexual nature; failure to cooperate with an investigation of the Board; providing false testimony to the Board

*Please see www.mn-chiroboard.state.mn.us/discipline_list.htm for text of actual discipline orders.

By monitoring the activities of your peers and reporting violations early every licensee can have an impact on board costs (license fees), improve the reputation of the profession, keep contested case costs down, and limit enforcement action to a less severe level than that of disciplinary action.

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) 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 651-201-2850 ~~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 651-201-2850 ~~612-617-2222~~, or by sending a written request to:

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



ANNUAL REMINDERS REQUIRED BY 2006 LEGISLATION

The following new laws were enacted by the Minnesota Legislature during the 2005 Legislative Session. Annual updates to licensees is required by action taken in the 2006 Legislative Session. The Board was not involved in these legislative efforts, but simply reports these so that doctors are aware of issues and requirements related to their practice.

[62Q.251] [DISCOUNTED PAYMENTS.]

(a) Notwithstanding any other provision of law, a health care provider may provide care to a patient at a discounted payment amount, provided that the discount does not reduce the payment below the Medicare-approved payment level.

(b) A health plan company or other insurer must not consider, in determining a provider's usual and customary payment, standard payment, or allowable payment used as a basis for determining the provider's payment by the health plan company or other insurer, the following discounted payment situations:

(1) care provided to relatives of the provider; and

(2) care for which a discount is given in exchange for cash payment.

(c) This section does not disallow charity care for hardship situations in which the care is provided for free.

(d) A provider may not charge an uninsured person more than the provider charges a health plan company or other insurer.

Another provision in this same Act states:

[62J.052] [PROVIDER COST DISCLOSURE.]

a) Each health care provider, as defined by section 62J.03, subdivision 8, except hospitals and outpatient surgical centers, shall provide the following information:

(1) the average allowable payment from private third-party payers for the 20 services or procedures most commonly performed;

(2) the average payment rates for those services and procedures for medical assistance;

(3) the average charge for those services and procedures for individuals who have no applicable private or public coverage; and

(4) the average charge for those services and procedures, including all patients.

(b) This information shall be updated annually and be readily available at no cost to the public on site.

Again, these were enacted by the Minnesota Legislature with no involvement by the Board. Accordingly, the Board will not be able to provide any proactive interpretation of these statutes. If you have any questions regarding their meaning, you are encouraged to contact legal counsel.

PANDEMIC PREPAREDNESS PLANNING

The Board wishes to take this opportunity to remind licensees to formulate their own personal and professional pandemic preparedness plans. As warnings abound regarding the possibility of a future pandemic, it is important that all health care providers prepare to assist when help is needed. Information regarding the planning process can be found at www.pandemicflu.gov or www.health.state.mn.us. A "Medical Offices and Clinics Pandemic Influenza Planning Checklist" is available from the U.S. Department of Health & Human Services web site at <http://www.pandemicflu.gov/plan/medical.html#1>, and the World Health Organization offers a series of recommended strategic actions for responding to the influenza pandemic threat at www.who.int. The recommended actions are different for the present phase of pandemic alert, the emergence of a pandemic virus, and the declaration of a pandemic and its subsequent international spread.

In addition to becoming aware of planning tools the Board wishes to remind all Minnesota health care professionals that they should be familiar with the Minnesota's Communicable Disease Reporting Rules (Minnesota Rules, Parts 4605.7500 to 4605.7900) which outline specific state requirements regarding communicable disease testing and surveillance. This rule is administered by the Minnesota Department of Health and they can best answer any questions you may have regarding this rule.

A REMARKABLE CAREER

The MBCE would like to commend Dr. Charles Frank Krassas on 50 years of service to the chiropractic profession. Dr. Krassas was first licensed at the Board meeting of September 6, 7 & 8, 1955 following obtaining 4534 hours of certified education and receipt of the Basic Sciences Certificate on April 15, 1956. Dr. Krassas paid an application fee of \$25 on August 10, and obtained his degree from Northwestern College of Chiropractic Foundation Inc. on September 23, 1955. Dr. Krassas served on the MBCE as Vice President in 1974 and as President in 1975 during the transition years from a private business to a public licensing board.

STATISTICS OF MINNESOTA LICENSED CHIROPRACTORS AS OF JUNE 1, 2006

Licenses:		Registrations	
2393	Active		
163	Inactive	612	Acupuncture
45	Terminated (2005)	448	Professional Firms
20	DC Emeritus	62	Independent Examiners
15	Voluntarily Retired (2005)	21	Graduate Preceptors
2636	Total	1143	Total

WE NOTE THE LOSS OF

Public Board Member Joan E. Patalonis on November 30, 2005. Joan was first appointed by Governor Arne Carlson on July 17, 1997 and was reappointed by Governors Jesse Ventura and Tim Pawlenty.

David Leonard Dehn, DC after 42 years of licensure. Dr. Dehn was a 1964 graduate of Northwestern College of Chiropractic. Dr. Dehn was a past president of the Minnesota Chiropractic Association and was Minnesota Chiropractor of the Year in 1975.

Bruce Wayne Peterson, DC after 35 years of licensure. Dr. Peterson was a 1971 graduate of Northwestern College of Chiropractic.

Keith Wayne Klingsporn, DC after 29 years of licensure. Dr. Klingsporn was a 1977 graduate of Logan College of Chiropractic.

Larry James Knauf, DC after 34 years of licensure. Dr. Knauf was a 1971 graduate of Northwestern College of Chiropractic.

Jason David Rosenberg, DC after 5 years of licensure. Dr. Rosenberg was a 1999 graduate of Palmer College of Chiropractic.

NEW LICENSEES

<p>November 2005 GEOFFREY JAY GLEASON DC JENNIFER ERIN GUNLOGSON DC</p> <p>December 2005 KAREN RACHEL BATES DC BENJAMIN LEE BERKEY DC BRIANNE KRISTA GALLAGHER DC JOSHUA JOHN HARBITZ DC CORY DEAN JACOBS DC JESSICA GAYLE KEPPEY DC ANDREW THOMAS KLEIN DC CHARLES DAVID LAWHEAD DC ERIC BRIAN LUND DC DERRIK SCOTT PINCKNEY DC JAMES ROBERT PINONIEMI DC BRADLEY JOHN SCHAFF DC CHRISTINE ROSE SCHLENKER DC ADAM PAUL SUNDBERG DC</p>	<p>February 2006 JENNA MARIE BOREN DC MICHAEL SHANE CARTER DC NICHOLLE DIANE CORCORAN DC DANIELLE THERESA DABRUZZI DC EVAN EUGENE FRISK DC ANDREA DIANE GALLAGHER DC ARTUR GUZHAGIN DC BRIAN WAYNE HANKS DC BRYAN JAMES HEDLUND DC JASON THOMAS JOHNSON DC ALEX ORINA ONSOMU DC NICHOLAS JAMES RAPP DC KENZIE LYNNE SATTER DC WENDY LYNN SWANSON DC JUSTIN LEE THIELKE DC BRADLEY JOHN ZUPANCICH DC</p> <p>March 2006 NICHOLAS GREGORY FLEMING DC JUDE KOBLA GBEDDIE DC JORGE JAVIER HERNANDEZ DC DOUGLAS PAUL KNAPP DC ERIN RAE MCCARTY DC JUSTIN JAMES NELSON DC MICHAEL WALTER SCHWARTZ DC BRIAN JOSEPH TASKY DC BRIAN SCOTT WILNER DC</p>	<p>May 2006 JAMES TRUMAN ALEXANDER DC KYLA SKY LOUISE AWES DC SARAH SUZANN BARTOSCH DC STACY MARIE BOONE DC ERIC TIMOTHY BRANDT DC JENNIFER ANN BREUNIG DC TRACY MARIE BURMEISTER DC BROOKE ELIZABETH GILES DC ALEKSANDR MIKHAYLOVICH GITERMAN DC BRIANNA JOY HAWES DC JERRALD CARL MILLER DC NATHAN MICHAEL NEUBAUER DC JOLENE KAY PAULSON DC JARED KENNETH POST DC MEGAN LEIGH RHEINGANS DC JUSTIN ALBERT SIPLE DC CHRISTINA JO YLITALO DC ERIC JOHN ALAN ZEISZLER DC</p>
<p>January 2006 REBECCA JEAN AMSTUTZ DC SHAWN CARL ANDREWS DC BRADY ROBERT BROPHY DC KARYN LYNN EKELIN DC ALEX KENT FOX DC DAVID JOSEPH FREIDSON DC BRANDON GERHARDT HECK DC JOHN JACQUES HILO DC KARA JEAN KALBUS DC LANCE EVAN KELLOW DC KAYLA JO KIESER DC JEROD LYNN OCHSENDORF DC JULIET RENEE O'DONNELL DC SHEP ADAM PHILLIPS DC NATHANIEL ELI POUCHUCHA DC BETHANIE JO SCHATZ DC LINNEA KAY SOULAR DC JENNIFER LYNN STENDER DC DENNIS MICHAEL STULL DC JACOB DALE WOOKEY DC</p>	<p>April 2006 LUKE MATTHEW JAKUBOWSKI DC PATRICK DAVID MALLORY DC MICHELE JULIE NEMEROW DC PERRY JAMES NUMEDAHN DC JENNIFER ANN PERSON DC JAY LESLIE PETTIS DC MICHAEL KENT PLAMBECK DC THOMAS HENRY RAMMEL DC AMANDA LYNN RICHARDS DC NAOMI SALTES DC</p>	<p>June 2006 MATTHEW JOHN AMUNDGAARD DC ROBERT JAMES EILRICH DC JAMES JOHN FINK DC SCOTT THEODOR GODBERSEN DC KANDACE FAYE JOHNSON DC JOEL DAVID JOHNSTON DC DAVID LEVIN DC ANDREW DENNIS LUNDGREN DC FAITH ANN SCHUMANN DC DAVID JACOB SIMMER DC SARA BETH SKADSEM DC TONY PRESTON WANGERIN DC MICHAEL ROBERT WILES 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
Kimberly Hill	Jan. 2009
Teresa Marshall, D.C.	Jan. 2010
LeRoy Otto, D.C.	Jan. 2007
Gary Pennebaker, D.C.	Jan. 2008
Ralph Stouffer Ed.D.	Jan. 2007
Richard R. Tollefson, D.C.	Jan. 2009

OTHER STATUTES/RULES AFFECTING CHIROPRACTORS

The Minnesota Department of Health has requested that we assist them in communicating requirements regarding compliance with Chapter 4730, Radiation Rules. Regular articles will be one of many methods to keep registrants informed of the changes in the rules. To retrieve the entire chapter of Minnesota Rules Ch. 4730 go to <http://www.revisor.leg.state.mn.us>, click on the **Statutes Laws and Rules** tab then under Minnesota Rules click on **Retrieve an Entire Chapter** and enter **4730** in the Chapter box. (The current Chapter 4730, Radiation Rules, is scheduled to be replaced with Chapter 4732, Radiation Rules later in 2006. All registrants (owners/operators of x-ray equipment) will be notified of its effective date. To see a copy of the proposed rule Chapter 4732, go to www.health.mn.us/divs/eh/radiation .)

Registration of the x-ray equipment must be done within 30 days of acquisition and then biennially. Acquisition includes any change in ownership or newly acquired equipment. Biennial renewal notices are sent via mail one month prior to the due date of the renewal deadline. The registration fee, which includes the base fee and the fee for each tube in the facility, should accompany the required registration form. There is a penalty for a late registration, so return the material as soon as possible.

Within 15 days of the installation of any new equipment, the service provider (sale agent) is required to send to the state notification of the installation on Federal Form No. 2579. This service provider notification does not satisfy the written notification and registration requirement of the registrant (owner/operator of the equipment).

Each registrant must designate an individual to be the radiation safety officer. The radiation safety officer must be someone in the facility that has the qualifications through training and knowledge to fulfill the responsibilities of the radiation safety officer. The radiation safety officer must know how a radiological program should be run. Information regarding the requirements of a radiological program can be found by contacting the Radiation Control Unit at 651-201-4545 or via email at ram@health.state.mn.us.

ADVERTISING AND MARKETING PLANS

Chiropractic businesses, like any business, are constantly striving to bring in new clientele. Recent studies by several chiropractic associations indicate that marketing can build or destroy confidence in the profession. Some of the rules which Minnesota practitioners should review in developing or reexamining marketing plans include:

- Minnesota Rules 2500.0200 gives guidance regarding professional standards for advertising and includes requirements that:
 - "all advertisements ... must bear the name of the licensee or licensees" unless "sponsored by chiropractic groups or societies and do not solicit patronage for any particular practitioner or group";
 - use of testimonials from patients are required to be supported by a written consent to use the testimonial and "a signed release form from the patient to be kept in the patient's file";
 - patients have the right to review ads which include their statements before release for production; and
 - statements which are known by a practitioner to be "untruthful, improbable, misleading, or impossible may not be used";
- Minnesota Rule 2500.0400 gives guidance regarding prohibited advertisements;
- Minnesota Rules 2500.0500 gives guidance regarding advertisement of free services;
- Minnesota Rules 2500.0510 gives guidance regarding the use of the word "chiropractor" or chiropractic";
- Minnesota Rules 2500.0550 gives guidance regarding the use of professional designations (D.C., etc.);
- Minnesota Statutes 148.10 gives guidance regarding scope of practice and situations which may cause discipline to be administered to licensees;
- Minnesota Statutes 319B gives guidance regarding ownership and registration of professional firms; and
- Minnesota Statutes 144.335 gives guidance regarding access to health records.

All of the above can be found by going to the Board's website at www.mn-chiroboard.state.mn.us, clicking on Statutes and Rules, and following the prompts.

BOARD MEETING UPDATE

Action summary of November 17, 2005 meeting:

- ✓ Action was taken on disciplinary matters in a closed Executive Session (see information elsewhere)
- ✓ Applications for transfer licensure were denied where exam scores did not meet Minnesota's 75% passing score standard and where there was a lack of continuous practice for 24 of the previous 30 months immediately preceding the application
- ✓ Committee reports were reviewed and discussed
- ✓ Discussion occurred regarding new statutory requirements on Provider Cost Disclosure (the 20 most common procedures) and Discounted Payments; and CE Audits
- ✓ Preliminary language was approved regarding acupuncture continuing education unit requirements, inactive acupuncture registration status, and reinstatement procedures
- ✓ Discussion occurred regarding recent activities of the FCLB
- ✓ Monica Feider made a presentation to the Board regarding HPSP procedures and participation statistics
- ✓ Discussion occurred regarding the New Licensee Orientation Seminar survey results
- ✓ Officers were elected for 2006: Dr. Pennebaker, President; Dr. Otto, Vice President; and Dr. Marshall, Administrative Officer
- ✓ Representatives and Delegates were elected: Dr. Otto, National Board Delegate; Dr. Marshall, National Board Alternate; Dr. Marshall, FCLB Delegate; and Dr. Pennebaker, FCLB Alternate
- ✓ Meeting dates were set for 2006

Action summary of February 10, 2006 meeting:

- ✓ Action was taken on disciplinary matters in a closed Executive Session (see information elsewhere)
- ✓ Committee reports were reviewed and discussed
- ✓ Discussion occurred regarding legislation; the inactive acupuncture fee; CE audits; accreditation standards; reporting of disciplinary actions in the newsletter; and the corporate practice of medicine doctrine as it relates to ownership of chiropractic practices
- ✓ Committee reports were reviewed regarding rule changes to acupuncture registration
- ✓ Discussion occurred regarding FCLB; Model Practices Act; NBCE; this Board's vacant committee appointments; changes to the meeting schedule; an ACN news release regarding cost containment rebates; a need to protect the public from substandard care when providers refuse payment for needed care; and the need to develop and/or update standards of care

Action summary of April 13, 2006 meeting:

- ✓ Ralph Stouffer Ed.D. was welcomed as a new public member on the Board
- ✓ Action was taken on disciplinary matters in a closed Executive Session (see information elsewhere)
- ✓ Committee reports were reviewed and discussed
- ✓ Discussion occurred regarding standards of care; accreditation standards, CCE-US and CCE-I agreements; FCLB meetings, Model Practice Act, and PACE (professionally approved chiropractic education); the MCA proposed runners and cappers legislation; the Board's professional firm registration criteria review project; the rulemaking process and status of new rules regarding acupuncture registration renewal, acupuncture registration status options, and continuing education requirements; how to meet the need of protecting the public from substandard care when providers refuse payment to cover cost of treatment; statutes regarding receipt of "performance bonus" and rebates; and records disposal upon retirement, sale or leaving practice for other reasons

*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 2006

**EXECUTIVE COMMITTEE
MEETING DATES**

August 8, 2006
October 10, 2006
December 12, 2006

**RULES COMMITTEE
MEETING DATES**

The third Thursday
of every month
when necessary

**BOARD
MEETING DATES**

July 13, 2006
September 14, 2006
November 2, 2006

**COMPLAINT PANEL
MEETING DATES**

(closed to the public)

Stouffer-Tollefson panel meets the first
Thursday of every month
Marshall-Fidler panel meets the third
Tuesday of every month
Hill-Otto panel meets the fourth Tuesday
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, 2006
September 4, 2006
November 10, 2006
November 23-24, 2006
December 25, 2006

Official public notice of all meetings is listed on the Board's web site at www.mn-chiroboard.state.mn.us/Bdmeet.htm

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

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