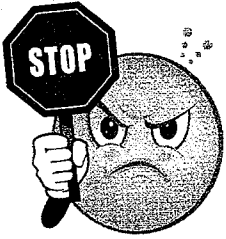




Minnesota Board of Chiropractic Examiners

MBCE Newsletter a Semi-Annual Publication

Spring/Summer 2008



I'm not pretty
but
I'm pretty important!



DON'T PUT ME DOWN!

Effective as of August 1, 2008, **it will be illegal, and grounds for revocation**, to make any direct contact "in person, over the telephone, or by other electronic means, with any person who has suffered an injury arising out of the maintenance or use of an automobile, for the purpose of influencing that person to receive treatment or to purchase any good or item from the licensee or anyone associated with the licensee..." This includes contact by the licensee or any third party operating on behalf of the licensee. For more text go to **the Board's website, www.mn-chiroboard.state.mn.us** click "What's New", then "Runners & Cappers" then click the "text" link in the paragraph.

RENEWAL ALERT

Renewal deadlines are as follows:

September 15	Acupuncture Renewal
December 31	Animal Chiropractic Renewal*
December 31	DC License Renewal
December 31	Professional Firm Renewal
December 31	Seminar Sponsor Renewal
February 28	Independent Examiner Renewal

The online renewal system opens 30-60 days in advance of each renewal deadline. Individual notices are mailed at the time the online renewal system is operational. A separate form must be completed for each license and/or registration. Finally, licensees are strongly encouraged to print (or email themselves) a receipt showing they have both PAID their renewal FEE(S) and COMPLETED their renewal FORM(S). Don't wait until the last 24 hours to complete your renewal items! Give yourself time to **CHECK** the public web site 24 hours after completing requirements to verify that the expiration date has been updated and appropriate information is displayed regarding your license.

* Legislation was passed in May 2008 to allow licensed chiropractors to treat animals. Check the MBCE web site at www.mn-chiroboard.state.mn.us for updates on this topic and initial registration information. Part of the law calls for an *additional 6 units* of continuing education, such programs must be approved by the MBCE and will require registrants to obtain a total of 26 hours of continuing education annually.

REMEMBER THAT LIST regarding provider cost disclosure (Minn. Statutes 62J.052 Subd. 1)

Several years ago a law was enacted requiring that all health care providers list their 50 most common services, including the average allowable payments for those services, and to have this list readily available to consumers (patients). This law was repealed in 2007 (Session Laws 2007 Ch. 147, Art. 15, Sec. 22) ... accordingly, no such list is required any longer.

CONTINUING EDUCATION

The second round of continuing education audits is starting. Here's what you need to know regarding this audit cycle:

- You WILL be audited. Every licensee will be audited. Do not play "continuing education roulette" ... you will not win.
- The audit period will cover the calendar years 2005 and 2006
- If you were registered to perform acupuncture in 2006, you will have to show a total of 20 continuing education units, including 2 CE's in acupuncture related subjects during that year (as well as the 3 x-ray and 1 professional boundary hour required of everyone).
- Penalties -- in addition to having to make up the deficient hours, there will be 10 EXTRA CE's per failure year, and a \$900 civil penalty per failure year.
- All classes taken for credit must have an MBCE ID number or they are not approved. ONLY MBCE or PACE approved courses may count towards meeting your CE requirements. **Ask the course provider** for the MBCE ID # **before** taking the course.
- If you are deficient, DO NOT go out and make up the hours until you receive the audit notice. Courses taken in advance of an audit notice, will not apply to deficiencies, and you will just have to take more hours.

2003-2004 AUDIT STATISTICS -- For the audit years 2003-2004 there were 18 audit failures; 9 terminated licenses; and over 2000 audits completed successfully.

NEW -- those persons registering to perform animal chiropractic must have 6 ADDITIONAL continuing education units in animal chiropractic related subjects. These hours must be approved in advance, and are OVER AND ABOVE the 20 per year annual requirement.



DISCIPLINARY ACTIONS*

Anthony J Albright DC	9-13-07	Stipulation and order prohibiting licensure in Minnesota for five years; requires SPEC exam, payment of fine and meeting with complaint panel
Paul D Thompson DC	9-13-07	Amendment to July 14 2007 Stipulation and Order; probation extended; new third-party verification log required; and requirement that staff read information regarding violation
Gregory Fors DC	9-13-07	Order Restoring Unconditional License
Alan L Arvidson DC	9-13-07	Order Restoring Unconditional License
Lonnie R. Haken, DC,	2-21-08	Revocation for conviction of felony criminal sexual conduct
Curtis L Cich DC	3-27-08	Suspension
Brent J Holtz DC	4-10-08	Stipulation and Order

*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.



THE COST OF CONTESTED CASES

The Board is charged with pursuing action against licensees who violate the practice act. The procedures for Board action are defined by statute and rule at :

- MBCE statutes at MS 214.103
- Minnesota Administrative Procedures Act, MS 14.57 – 14.62

The Minnesota Legislature has granted the Board additional spending authority to pursue such cases when costs exceed normal operational costs. All monies appropriated for spending must be recovered from license fees charged to the profession. While the Board has held down its normal operating costs over the last 10-15 years, recent enforcement activity and monies taken from the health care access fund to balance the budget may require the Board to raise fees in the near future. Please monitor the actions of your profession and contact the Board and/or a private attorney to keep everyone compliant. This WILL help contain any future fee increase that may be passed on due to the actions of a few.

FREE EQUIPMENT AND OTHER OFFERS OF TEMPTATION

It remains unlawful to receive any kind of a kickback or other financial benefit from referring patients.



At the September 13, 2007 Board Meeting discussion occurred regarding offers received by licensees for free equipment which included requirements to order neurodiagnostic, radiologic, or other clinical reports with direct billing arrangements to insurance companies. The benefits of the system are represented as "no cost to doctor or patient" and even as a source of potential income. While on the face this may appear to be true, doctors need to be careful to divorce their clinical decision making from any requirement quotas or other implications to self or patients. The Board urges all doctors to **read all fine print carefully**, consult an attorney or other trusted business advisor, *and* report any suspected violations to the Board.

ELECTRONIC HEALTH RECORDS

The Office of Rural Health and Primary Care accepts applications for funds from its revolving loan program. A multitude of programs exist and funds are available on a first-come, first-served basis to help rural and community providers implement electronic health records. Information regarding requirements and forms can be found at <http://www.health.state.mn.us/divs/orhpc/funding/index.html> or by calling 651-201-3865.

PROFESSIONAL FIRMS/CORPORATIONS

If you are providing any chiropractic services under any form of corporate structure you **MUST** elect to function as a 319B professional firm and register with the Board accordingly. Failure to make these elections and register with the Board can subject you to disciplinary action, as well as deprive you of the tax and other benefits you expected to have through corporate protections. Be sure and consult legal counsel on this subject.

COSMETIC PROCEDURES

It has come to the attention of the Board, that some persons are performing laser procedures for purely cosmetic purposes. Please remember that all non-adjusting procedures performed in the office must be done to prepare for or complement the chiropractic adjustment. Failure to comply with this can place you outside of your scope of practice.

OWNERSHIP OF CHIROPRACTIC PRACTICES

Pursuant to a Minnesota Supreme Court Decision, except in certain situations (e.g., HMO's or hospitals), the corporate employment of chiropractors is prohibited. What this means is that lay persons cannot own a chiropractic clinic and employ chiropractors to work for them. Conversely, within those exceptions, chiropractors cannot be employed by a lay person. For copies of the Supreme Court decision go to the Board's web site and check out "Frequently asked Questions."

BOARD MEETING UPDATE

Action summary of September 13, 2007 meeting:

- ✓ Minutes of July 2007 were approved
- ✓ An executive session was held to deal with disciplinary matters
- ✓ Discussion occurred regarding CE audits, New Licensee Orientation, and legislation
- ✓ Committee reports and Corrective Action Agreements were reviewed
- ✓ Action was taken regarding rulemaking
- ✓ Discussion occurred regarding FCLB, FARB, ACBA, CCE and NBCE
- ✓ Discussion occurred regarding free equipment offers

Action summary of November 29, 2007 meeting:

- ✓ Minutes of September 13, 2007 were approved; meeting dates were set for 2008; and election of officers and delegates took place
- ✓ Discussion occurred regarding CE audits, Orientation Seminar, National Provider ID Numbers, legislation and rulemaking
- ✓ Discussion occurred regarding the status of the Board's budget
- ✓ Committee reports and Corrective Action Agreements were reviewed
- ✓ HPSP made its annual presentation to the Board and the statewide COOP (continuation of operations plan) was discussed
- ✓ Discussion occurred regarding FCLB, PACE, CINBAD and NBCE exam participation
- ✓ Discussion occurred regarding acupuncture programs, time out of practice, and use of stipulations to cease practice

Action summary of February 21, 2008 meeting:

- ✓ Minutes of November 29, 2007 were approved
- ✓ An executive session was held to deal with disciplinary matters
- ✓ Discussion occurred regarding the status of the Board's budget; staffing issues; legislation; continuing education; and changes made to the format of the Board's jurisprudence examination and a demonstration was given;
- ✓ Committee reports were reviewed and action was taken on rulemaking issues
- ✓ A presentation was given regarding animal chiropractic
- ✓ Discussion occurred regarding FCLB and NBCE exam transcript scores
- ✓ A report was given regarding HPSP activities and the licensing of Naturopaths

Action summary of March 4, 2008 meeting:

- ✓ A closed executive session was held to deal with a disciplinary matter.

Action summary of April 10, 2008 meeting:

- ✓ Minutes of February 21, 2008 were approved
- ✓ An executive session was held to deal with disciplinary matters
- ✓ Discussion occurred regarding pending legislation; rulemaking; and the status of the Board's budget
- ✓ Committee reports were reviewed
- ✓ Discussion occurred regarding the community service
- ✓ Discussion occurred regarding compensation for case review

Action summary of June 17, 2008 meeting:

- ✓ A closed executive session was held to deal with a disciplinary matter.

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 web site (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 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 web site, contacting Board staff at 651-201-2850, or by sending a written request to:

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

NEW Radiation Rules

Minnesota Rules Chapter 4732 is the rule that governs x-ray equipment in the State of Minnesota. A newly adopted rule was effective November 5, 2007. Information regarding this rule is available from the Minnesota Department of Health's web site: www.health.state.mn.us/divs/eh/radiation/xray. Radiation Program Audits are currently being conducted to ensure compliance with Chapter 4732.0540. Questions regarding registration issues may be addressed to the MDH Radiation Control, X-ray Unit at 651-201-4545 or x-ray@health.state.mn.us. In addition, the MDH is also responsible for rules regarding infection control reporting and electronic health record systems.

FREE SERVICES

The Board wishes to remind licensees that "free" services must be comparable in quality and content to similarly performed "paid" services. Free services must be enough to initiate care, may include x-rays, and must lead to a diagnosis sufficient to initiate care. While "screenings" do not always reveal that conditions absolutely exist, always provide quality care when conducting spinal exams at the mall, state fair, etc.; and be absolutely clear about when costs will be incurred. Further, the Board cautions doctors to be mindful of the beginning of a doctor-patient relationship for the purposes of the 2-year relationship exclusion specified in M.R. 2500.6050.

STATISTICS OF MINNESOTA LICENSED CHIROPRACTORS AS OF MAY 21, 2008

DC Licenses:		Active Registrations:	
2544	Active	621	Acupuncture - Active
166	Inactive	5	Acupuncture - Inactive
3	Suspended/Revoked (since July 2007)	0	Animal Chiropractic*
23	Terminated (since July 2007)	572	Professional Firms
28	DC Emeritus	53	Independent Examiners
22	Voluntarily Retired (since July 2007)	35	Graduate Preceptors
2786	Total	1286	Total

*Newly authorized by the Minnesota Legislature in May 2008. Registration is required. Check the MBCE web site and watch for future newsletters regarding additional information on how to register.

VERY HONORABLE MENTIONS

Dr. Karen Lewis retired her license in December 2007. Dr. Lewis was licensed by the MBCE on September 3, 1959 and delivered care to the citizen of Minnesota in excess of 48 years with no discipline!

Dr. Ward Lewis retired his license in December 2007. Dr. Lewis was licensed by the MBCE on March 7, 1957 and delivered care to the citizens of Minnesota in excess of 50 years with no discipline!

Dr. Niles Shoff retired his license in April 2008. Dr. Shoff was licensed by the MBCE on March 9, 1950 and delivered care to the citizens of Minnesota for more than 58 years with no discipline!

Dr. Charles Krassas retired his license in January 2006. Dr. Krassas was licensed by the MBCE on September 8, 1955 and delivered care to the citizens of Minnesota for over 50 years with no discipline!

NEW LICENSEES

August 2007	September 2007	January 2008
HAMZA BUSHRA ADEM DC BRIAN TROY BENJAMIN DC ROSE ELLEN SHULTZ BOYD DC JILL MARIE BRAATEN DC KRISTIN ANN BUEGE DC ANDREW ROBERT COULSON DC JASON LEE ELLIS DC MELISSA ANN ENGELSON DC RYAN DAVID FEDDERSEN- POINDEXTER DC MATEUS FERRAZ-SOUZA DC KIMBERLY ANN FIER DC BRIAN JOHN FOLEY DC JARED CHRISTIAN GRUHL DC AMBERLY ANN MATHIS HOYER DC JEREMY THOMAS HURKMAN DC SARAH JEAN KAVANAGH DC MICHAEL JOHN KENNEDY DC JENNY ANNE KLINE DC GARY GERASSIMOS KOMPOTHECRAS DC CHRISTOPHER CHARLES LAUER DC MERCEDES MARIA LIVOTI DC FRANKLIN GEOVANI LOPEZ DC JEFFREY ALAN MARTELL DC SARAH JOY RUTHER DC COREY BRANDON SCHULER DC JODELL MARIE SKAUFEL DC JUDITH ELIZABETH SWAIN DC STEVEN GARY TUSCHMAN DC STEPHANIE MICHELLE WEST DC CHAD RICHARD YOUNG DC	REGGIE STANLEY FULLER DC JOSEPH MICHAEL GITZEN DC SUZANNE MAREE HOLMES DC SCOT ALAN PEARSON DC ROBERT CLARENCE SLATER DC October 2007 TRAVIS WAYNE GERHART DC JEFFREY BREWSTER LAUFFER DC SARAH SANTO DOMINGO DC WILLIAM DAVID TICKEL DC RANDALL WADE WILDS DC November 2007 KRISTEN MARIE HAGER DC JEFF CARL MAY DC TOD KUNIZO NAKATSUKA DC JEANNE RENEE STAUDT DC December 2007 JENNIFER LYNN BENJAMIN DC LAURA BETH CLEVELAND DC ADAM PAUL DELAFOREST DC STEPHEN MICHAEL GARTZKE DC WILLIAM JOSEPH GRIGG DC RANDY LYNN HAMLING DC COREY STEPHEN HARRIS DC ADAM DAVID LILLA DC TYE STEVEN MOE DC ELIZABETH AGNES OLSON DC JULIE ELIZABETH RICE DC REBECCA EVE SCHUMACHER DC MYHRE DAWN SHAVER DC CHRISTOPHER JAMES SLICE DC	JONATHAN LEE ARNOLD DC MORGAN JEAN BAKER DC DUSTIN JAMES BARTON DC ALISON ANN BEHNKE DC CARLY OVERBY BENDEWALD DC ELIZABETH JEAN BERG DC PHILLIP WILLIAM BERG DC DEBRA ANN BOBENDRIER DC ELIOT BRUCE CORVIN DC ROBERT NATHAN FEDORE DC KRISTEN NICOLE GRAVES DC BRADLEY KENNETH HANDELAND DC BELINDA JANE HAUGER DC JACESON LEE HAUSER DC NICHOLAS NELSON HOXMEIER DC LAURA JANE HULSEBUS DC CUONG TUAN HUYNH DC RICHARD THOMAS LARSON DC SHAUNA DEANN LUHMAN DC WAYNE DOUGLAS MANTEL DC RACHAEL NORA MOILANEN DC AMBER SEXE MORAVEC DC TRAVIS JAMES MYERS DC THANONGSAY NANTHASIT DC MARK DANIEL NELSON DC LANA RENEE NOFZIGER DC JUSTIN DW NYE DC JONATHAN MICHAEL PLOEGER DC VIRGINIA ANN RIVAS-CASTRO DC DEVERIE DAWN TINNEN DC LANCE ALLEN WIEGEL DC SARAH ELIZABETH YACKLEY- PLOEGER DC KAYLA RAE ZIRPEL-PROCTOR DC

NEW LICENSEES

<p>February 2008</p> <p>DANIEL ARVIN ANDERSON DC LEANNE ELIZABETH ARVIN DC ELISA MARIE BOTT DC TANYA MAY CHRISTENSEN DC JENNIFER ERIN FEATHER DC JOHN XAVIER FIKIS DC JILL MARIE FRIEDRICHS DC JENNIFER SUE JOHNSON SCHMALZ DC GREGORY CHARLES KUEHL DC LYNNE MARIE MADEJ DC CHRISTOPHER STEVEN OSWALD DC MOLLY MERI ROBINSON DC LINDSAY ROSE ROZMARIN DC JOY KATHLEEN ZASADNY DC</p> <p>March 2008</p> <p>DOUGLAS EUGENE BENNETT DC DAVID JOSEPH BOUGIE DC SHERMAN CHI-MAN CHAN DC MIKA SIGURJOEN THORLAKSON DC RONALD WILLIAM VARGO DC</p>	<p>April 2008</p> <p>MATTHEW JESS CALDWELL DC ADAM JAMES FINK DC NICHOLAS JOHN FROEHLING DC WILLIAM DANIEL GRIMES DC JEREMY STEVEN HINDERKS DC MATTHEW GARY HYOPPONEN DC DARIN DAVID KRUEGER DC DANIEL JEAN MCDONALD DC JUSTIN WADE MCKILLIP DC ADAM HUNTER MILLSOP DC MARIA KRISTINA O'CONNELL DC TY EVAN PAULICK DC ALISON ANGELINE PHILLIPS DC LISA ANNE RANDALL DC JAMES STEPHEN SCHILLING DC RYAN JEROME SCHROEDER DC ANN KATHERINE SEEFELDT DC BRENT ALLAN STROMGREN DC MATTHEW MARLIN SUNTKEN DC TROY STREFF TAFFE DC JOHN MICHAEL LEO TOMLINSON DC DANIELLE MARIE TREGO DC SETH DAVID TYBERG DC</p>	<p>May 2008</p> <p>JODI MARIE DORPINGHAUS DC MICHAEL SVEND HANSON DC EDWARD SCOTT LEQUIRE DC ZACHARY DAVID MULLER DC SETH RAY NELSON DC MICHELLE LYNNE NORTON DC CHRISTOPHER EARL PATTEN DC</p> <p>June 2008</p> <p>HOLLY AMBER DOLLERSCHELL DC BENJAMIN ROBERT DONNER DC ALANNA AASTA HETLAND DC DAVID RANDOLPH HOLMES DC MARCIA ANN KRUEGER DC ANDREW JAMES WAWRA DC</p>
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WE NOTE THE LOSS OF

Maurice "Mac" McCollar, DC who passed away on January 12, 2008. Dr. McCollar was licensed in Minnesota on March 3, 1965 and was a member of the Board of Chiropractic from March 10, 1993 to September 19, 1996. Dr. McCollar was a 1965 graduate of Logan College of Chiropractic.

Ekchai Visalpatara, DC who passed away on January 30, 2007. Dr. Visalpatara was licensed in Minnesota on June 21, 1980. Dr. Visalpatara was a 1980 graduate of Northwestern College of Chiropractic.

NOTE OF THANKS . . .

The Board wishes to thank **Dr. Gary Pennebaker** for his service as Board member, President, Vice President and Administrative Officer. Effective April 17, 2008 Governor Pawlenty appointed Dr. Robert Daschner to the Board filling a term which ends January 2, 2012.

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
Matthew J. Anderson, D.C.	Jan. 2011
Robert Daschner, D.C.	Jan. 2012
Howard A. Fidler, D.C.	Jan. 2012
Kimberly Hill	Jan. 2009
Teresa Marshall, D.C.	Jan. 2010
Ralph Stouffer Ed.D.	Jan. 2011
Richard R. Tollefson, D.C.	Jan. 2009

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www.mn-chiroboard.state.mn.us

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Did you read the article regarding the new practice laws?



MBCE Newsletter a Semi-Annual Publication

Spring/Summer 2008

*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

EXECUTIVE COMMITTEE MEETING DATES

June 10, 2008
August 5, 2008 (12:30 pm)
October 14, 2008
December 9, 2008

The second Tuesday
of every month when
there is no Board meeting

RULES COMMITTEE MEETING DATES

The third Thursday
of every month
when necessary

BOARD MEETING DATES

June 17, 2008
July 10, 2008
September 11, 2008
November 13, 2008

COMPLAINT PANEL MEETING DATES

(closed to the public)
Tollefson-Stouffer panel meets the first
Thursday of every month
Marshall-Fidler panel meets the third
Tuesday of every month
Hill-Anderson panel meets the fourth
Tuesday of every month

RENEWAL DEADLINES

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

OFFICE IS CLOSED FOR THE FOLLOWING HOLIDAYS

November 22 and 23, 2007
December 25, 2007
January 1, 2008
January 21, 2008
February 18, 2008
May 26, 2008

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

Please call the office and check our web site for new and changing information.