

## **Minutes**

### **BOARD OF CHIROPRACTIC**

**April 14, 2010 9:00 p.m.**

**5<sup>th</sup> Floor Board Room**

**Lucas State Office Building**

**Des Moines, Iowa 50319**

#### **Call to Order**

Meeting called to order by Rodney Rebarcak, D.C., Board Chair, at 9:35 a.m.

#### **Roll Call**

##### **MEMBERS PRESENT**

Rodney Rebarcak, D.C.; Michael Powell, D.C.; John Calisesi, D.C.; Dori Rammelsberg-Dvorak, D.C.; and Rex Jones, D.C. Sharon Tate, and New Board member Leslie Duinink

##### **STAFF PRESENT**

Pierce Wilson, Board Administrator; Julie Bussanmas, AAG; Karla Hoover, Licensure Specialist, Marvin Firch, Outreach and Compliance Educator

ALJ Margaret LaMarche initiated the scheduled hearing to consider the reinstatement application by Dr. Kopp. In accordance with Iowa law, Dr. Kopp requested that the hearing be closed.

Hearing concluded at 10:10 am.

Motion by Dr. Powell to proceed to closed session for post hearing deliberations at 10:14 a.m. and seconded by Dr. Jones. Approved unanimously by roll call vote

Motion by Dr. Calisesi to return to open session at 11:29 a.m. and seconded by Dr. Rammelsberg-Dvorak. Approved unanimously by roll call vote

##### **Additional Attendees:**

Eileen Gloor, Bureau Chief; Denise Hoffman from the Iowa Chiropractic Society

Motion was made by Dr. Powell that ALJ LaMarche proceed with drafting the response to Dr. Kopp's reinstatement request in accordance with the board's closed session decisions.

**Approval of Minutes:** Motion by Dr. Rammelsberg-Dvorak to approve minutes with correction of typos of January 13, 2010 meeting as written and seconded by Dr. Calisesi. Motion unanimously approved.

## **Review Agenda**

Agenda was approved as written by consensus.

## **Reports**

Chair, Dr. Rebarcak: Provided an overview of national meetings related to IBC activities. He also shared correspondence regarding temporary license assignment in Iowa for certain events.

Board Executive, Pierce Wilson: Related that several retirements will change the make-up of the bureau's staff. He expressed thanks to Dr. Rebarcak for his service to the board.

Motion made by Dr. Calisesi to recognize Dr. Rebarcak for his leadership and service to the IBC and seconded by Dr. Rammelsberg-Dvorak. It was enthusiastically and unanimously approved.

Bureau Chief, Eileen Gloor: A copy of the full report is attached as an addendum to these minutes. The Bureau Chief presented a certificate of appreciation and gratitude from the State of Iowa to Dr. Rebarcak for his outstanding service to the IBC.

Motion was made by Dr. Powell to recognize retiring bureau chief Eileen Gloor for her leadership and service to the Bureau of Professional Licensure and seconded by Dr. Rebarcak. Unanimously approved

AAG Julie Bussanmas: Shared a memorandum and discussion regarding rulemaking requirements and the role of policy statements.

## **Committee Reports**

Rules Committee – no report

Licensure Committee – no report

Continuing Education – no report

## **New Business**

Changes to administrative rules Chapters 41, 43, and 44 Discussion

Consensus to notice proposed change to rules;

1. Rescind wording of rule 41.2(1) that requires a photo be submitted with licensure materials.
2. Insert wording to the effect of “at least 100 hours of traditional, in person classroom instruction with the instructor on site.” Into 645-43.5 regarding acupuncture requirements.
3. 645-44.1 to change the Independent study requirement to include a post test “and” certificate of completion; rather than “or” a certification of completion.
4. Remove OSHA training from 44.3(2) 4
5. 3.10 and 45.2 change wording so that each is consistent regarding retention of records.
6. Audit language in 645-4(11) to be consistent throughout the boards within the Bureau.

Chair noted that the next meeting agenda should include discussion led by Rules Committee to address Continuing Education requirements for those items needed every five years and the retention of records regarding these.

#### Applications for temporary certificates

Board discussed the applications from several Chiropractors, licensed in other states, to attend to their patients in Iowa while they are participating in a sporting event in Iowa.

Motion made by Dr. Calisesi, that the Board will approve applications for temporary certificates for applicants who meet the criteria for temporary licensure. Board will also approve applications that include a petition for waiver regarding the criteria for temporary licensure. Board administrator may approve application on behalf of the board if the additional petition for waiver is received prior to the event and seconded by Dr. Jones

#### Approved applicants:

Drs. Keith Rau, Sherri LaShomb, John McLean, Harold Walker, Joel Bienenfeld, Marco Belizaire, Drew Hohensee, Joshua Glass, Adolfo Guadagno, Michael Krasnov, Norman Eng, Richard Gorman, Ted Focum III, Sheila Wilson and William Bonsall.

Motion approved unanimously.

### **Closed Session**

In accordance with Iowa Code 21.5, the Board will go into closed session to discuss records and disciplinary issues which are required to be kept confidential.

Motion to enter into closed session at 1:49 by Dr. Calisesi and seconded by Dr. Rammelsberg-Dvorak. Motion approved unanimously by roll call vote.

### **Open Session**

Motion was made by Dr. Powell to return to open session at 2:55 p.m. and seconded by Leslie Duinink. Motion unanimously approved.

Motion by Dr. Calisesi to close case numbers 09-019 and 10-005 as discussed in closed session and to close case 10-002 and issue a notification to cease and desist. It was seconded by Dr. Jones. Motion unanimously approved.

Motion was made by Dr. Powell to grant the State's Motion to Dismiss Charges in case 08-054. It was seconded by Dr. Jones. Motion unanimously approved.

Motion was made by Dr. Powell to terminate the probation of Dr. Thomas Holub and seconded by Dr. Calisesi. Motion unanimously approved.

Motion was made by Dr. Powell to approve the application for licensure of David Elwood and seconded by Dr. Calisesi. Motion unanimously approved.

### **Adjournment**

Motion to adjourn by Leslie Duinink and seconded by Dr. Calisesi. Meeting was adjourned at 3:00.

### **Future Board Meetings**

July 14, 2010

October 13, 2010

All meetings held by the Iowa Department of Public Health are accessible to everyone. If you have special needs to participate, please call 515 281-0254 (TDD: 515 242-6156) at least five working days prior to the meeting.

**Bureau of Professional Licensure**  
**Bureau Chief Report**  
**4/01/10 – 6/30/10**

- 1. Legislation and rulemaking** The 2010 legislative session adjourned March 30. Both the IDPH Omnibus Bill and the Technical Bill passed successfully. No new boards were created within the Bureau of Professional Licensure. Rulemaking will continue throughout the year to better define statutory changes and in response to new board actions. When administrative rule changes are reviewed by the Administrative Rules Review Committee, the Board Executives provide information about the content of each change, outcome of every public hearing, and summary of public comments received. In some instances, Board members participate in the meetings to provide a professional perspective and articulate how rule changes proposed by the board benefit public protection.
- 2. Board appointments** Within the Bureau of Professional Licensure, Governor Culver appointed 19 new board members. All have been confirmed by the Senate and will begin serving their first terms on May 1, or earlier if they are filling a vacancy. Additionally, 23 board members were reappointed to second or third terms. Almost an equal number of board members have completed one or more terms of service, including 10 who served the maximum 9 years on a single board.  
The Department has published a press release and new board member names will be posted on the individual boards' websites on May 1.
- 3. AAG reports** At the first meeting of each board following May 1 the board's AAG will present and discuss a handout entitled *Guidelines for Board Members*. This is an opportunity to reinforce the information provided to new board members in their orientation binders and face-to-face orientation with the Bureau Chief. It also gives current board members an opportunity to discuss new information and ask their AAG questions that may have arisen about their role during the previous year. The seven AAGs who provide legal guidance to our boards will also present a brief educational session at each quarterly public meeting on a topic selected with the input of the board executives. The topic this quarter, *Policy Statements by Professional Licensing Boards*, is based on a Memorandum prepared by Julie Pottorff, Deputy Attorney General.
- 4. Budget** The Department continues to evaluate and respond to the impact of the overall state budget on public health services and workforce. Bureau staff members are completing either 5 or 7 mandated unpaid days before the end of FY10 on June 30, 2010. The staff is staggering their furlough time as creatively as possible to minimize the impact on productivity. Travel restrictions remain in effect for Board members and staff. Memberships in professional organizations continue to be approved based on justification of their necessity to assure access to national licensure examinations and maintain licensure functions. Director Newton and the IDPH Executive Team continue to evaluate and respond to budget mandates.

- 5. State early retirement incentive** The Bureau will be impacted by the State's early retirement program which is designed to reduce personnel and replacement costs. The departments will be permitted to replace no more than 50% of positions vacated through the program, and must demonstrate a 50% cost saving when doing so. Employees who leave employment under the program must do so by June 24, 2010 and agree not to be employed by the State of Iowa in any capacity other than appointment to a board or commission. Eligible employees must submit their application by April 15, 2010. Immediately after that time, the Department will formulate a plan for replacing employees who leave. The plan must be approved by the Department of Public Health, Department of Administrative Services, and Department of Management. Employees who have been approved to leave our Bureau under this plan include two board executives, each of whom administer four boards, our discipline office coordinator, and the Bureau Chief. Those individuals are working diligently together and with other staff to make this significant transition as seamless as possible for the boards.
- 6. Outreach and compliance** Bureau staff member Marvin Firch is now actively working with the boards to increase compliance through outreach and education. He has prepared and presented information throughout the state on the complaint process, participated in in-state meetings of professional organizations upon request, assisted to develop and implement a pilot project to survey licensed cosmetology schools, published an article in the Des Moines Register about the purpose of the boards, and assisted the Department to issue press releases. He is currently completing a project is to create CDs with PowerPoint slides and a voice-over option for inclusion in new board member orientation binders, and for use by board members and board chairs regarding the role, processes, and informational resources of the 19 professional licensure boards.
- 7. Semi-annual meeting with DIA investigators** On April 22, 2010, the Bureau will host an educational meeting with the four investigators who are employed by the Department of Inspections and Appeals, and supported by licensee fees, to conduct an average of 21 investigations each month for the licensure boards. These semi-annual meeting are valuable to the Bureau and DIA as an opportunity to identify the best methods to conduct investigations and provide inclusive and timely reports to the boards so they make fully informed decisions.
- 8. Guidelines for meal receipts** Board members are requested to adhere to the guidelines for submitting meal receipts fully in order to receive reimbursements. The guidelines identify the seven items that must be included with every meal receipt. Because credit card receipts are not acceptable, board members must be diligent in requesting and reviewing receipts at the time of service. The guidelines will be available at meetings and upon request at any time.
- 9. Bureau relocation** The Bureau is scheduled for relocation to the building that was previously Mercy Capitol on the Capitol Complex within the coming months. Professional Licensure will share physical space with the Plumbing Board and Emergency Medical Services. More information will be provided when available.