

IOWA BOARD OF CHIROPRACTIC

July 13, 2022

Origination Site: Lucas State Office Building, 5th Floor Conference Room #526
Des Moines, Iowa

Open Session Meeting Minutes

The Board meeting was hosted virtually and in-person at the Lucas Building, 5th Floor, Conference Room 525. Instructions for virtual attendance through ZOOM was provided on the agenda.

Call to Order

The meeting was called to order at 9:03 a.m. with roll call, introductions and announcements. Welcomed new board member Jennifer Rasmussen. She has been in practice for 31 years.

Members Present

Lauri Wondra, D.C.
Leslie Duinink, Public Member
Rodney Langel, D.C.
Christopher Fretheim, D.C.
Kirby Connell, Public Member
Shane Townsend, D.C.
Jennifer Rasmussen, D.C.

Members Absent

None

Staff Present

Kristi Traynor, Assistant Attorney General
Steve Garrison, Bureau Chief
Susan Reynolds, Executive Officer
Beth Jorgenson, Compliance Administrator
Madalyn Grask, AAG Intern

Guests

Carl Lingen, Executive Director, Iowa Chiropractic Society
Michele Denkinger, Assistant Executive Director, Iowa Chiropractic Society
Rex Jones, DC

Election of Officers

Chair

Langel moved the nomination of Wondra as Board Chair. A second was received by Rasmussen. All ayes, nays none, motion carried.

Vice Chair

Wondra moved the nomination of Townsend as Board Vice Chair. A second as received by Langel. All ayes, nays none, motion carried.

Approval of open session minutes

Langel moved the approval of the open session meeting minutes of April 13, 2022. A second was received by Duinink. Rasmussen abstained, All others ayes, nays none, motion carried.

Public Comment

Rex Jones previous chiropractic board chair and Carl Lingen with the Iowa Chiropractic Society commented on the intended action to amend Chapter 44 “Continuing Education for Chiropractic Physicians”. Doctors of Chiropractic are set apart from other practitioners by the very nature of their hands-on approach to care. A previous poll conducted in April 2022 showed that 86% of members wanted to learn by in-person coursework. The public is not served in allowing chiropractors to complete all continuing education hours virtually and increases the threat to public safety. Dr. Jones and Iowa Chiropractic Society strongly recommends the Iowa Chiropractic Board keep in-person hours as part of the subrule 44.3(2) as it is deemed a public safety issue to ensure chiropractors receive appropriate training.

Administrative Rules

Discussion on the notice of intended action on the amendments to Chapter 41, “Licensure of Chiropractic Physicians,” and Chapter 44 “Continuing Education for Chiropractic Physicians” that amends the application process, requirements for licensure by endorsement and requirements for continuing education. AAG gave an overview on rule making and the options for the board members moving forward. Board consensus is to change the notice of intended action.

Langel moved the Board leave the proposed changes as written for one, two, and three and strike changes in four and leave as written. A second was received by Wondra. All ayes, nays none, motion carried.

Board Member legal Overview, AAG Traynor

AAG Traynor instructed Board members of legal processes, protecting the public and proper way of having discussions outside of Board meetings. Closed session guidelines and processes were given. Votes are always done in open session. Board members can never lobby on behalf of the Board but only as an individual. Recusal and conflict of interest were covered along with legal advice and privileged communication. AAG encouraged board members to sign up for training.

Review Delegations of Authority to Executive Officer

The Board discussed ongoing delegations to Board staff, including reviewing and approving: (1) applications that conform with the rules, (2) applicants with criminal histories who are within 6 months of completing probation or whose conviction was more than 5 years ago, unless the crime could be directly related to the profession, (3) requests for medical extensions/exemptions for a single biennium. The Board also discussed delegations for initial complaint actions including (1) forwarding complaints for formal investigation, (2) referring to law enforcement when a complaint indicates a crime was committed, (3) closing complaints that are facially inactionable or outside of the board's jurisdiction. (4) approval of stop practice agreement and rescheduling orders. Board consensus was to vote to continue delegating these approvals and actions to Board staff.

Frethiem moved to approve the Delegations of Authority to Board office. A second was received by Langel. All ayes, nays none, motion carried.

Closed Session

Langel moved the Board go into closed session at 10:00 a.m. pursuant to Iowa Code Section 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, pursuant to Iowa Code Section 21.5(1)(d), to discuss whether to initiate licensee disciplinary investigations or proceedings, and pursuant to Iowa Code Section 21.5(1)(f), to discuss the decision to be rendered in a contested case conducted according to the provisions of 17A. A second was received by Townsend.

A roll call vote was taken with the following results:

Rasmussen – Aye

Duinink- Aye

Wondra- Aye

Townsend – Aye

Langel – Aye

Fretheim – Aye

Connell - Aye

Motion carried.

Return to Open Session

The Board returned to open session at 12:03 p.m.

Duinink moved the Board approve the closed session meeting minutes of April 13, 2021, as presented. A second was received by Langel. Rasmussen abstained and all other ayes, nays none, motion carried.

Duinink moved the Board close the following cases: 22-0097, 22-0102, 22-0104, 22-0105, 22-0112, 22-0117, 22-0124 and 22-0126. A second was received by Rasmussen. All ayes, nays none, motion carried.

Petition for Waiver

Robert Hudson presented an application to exempt 40 hours of continuing education. Medical records were discussed in closed session. Board consensus is to grant the petition for waiver in the following manner. Langle moved to grant the waiver with the stipulations to complete the full 40 hours of continuing education within 90 days for the 2020-2022 biennium. He can obtain the CEU's electronically or in-person and they cannot be duplicated for the 2022-2024 biennium. A second was received by Duinink. All ayes, nays none, motion carried.

Future Board Meetings

October 12, 2022

Adjournment

Duinink moved the Board adjourn at 12:38 p.m. A second was received by Langel. All ayes, nays none, motion carried.