

IOWA BOARD OF CHIROPRACTIC

July 14, 2021

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

Des Moines, Iowa

Open Session Meeting Minutes

Electronic Meeting: This electronic meeting is being held in accordance with Iowa Code section 21.8. The Code states that a governmental body may conduct a meeting by electronic means only if circumstances are such that meeting in person is impossible or impractical and access is provided to the public. Public access to this meeting is provided to members of the public via teleconference.

The meeting was called to order at 9:07 a.m.

Members Present (via teleconference)

Leslie Duinink, Public Member (in person)

Shane Townsend, D.C.

Lauri Wondra, D.C.

Jason Wall, D.C.

Christopher Fretheim, D.C. (in person)

Rodney Langel, D.C.

Members Absent

None

Staff Present (via teleconference)

Susan Reynolds, Executive Officer

Jesse Ramirez, Assistant Attorney General

Steve Garrison, Bureau Chief

Vicky Winter-Clearman, Assistant to Board Administration

Guests Present

Laura Rehmer, President, Iowa Chiropractic Society

Michele Denkinger, Account Manager, Iowa Chiropractic Society

Carl Lingren, Director of Operations and Finance, Iowa Chiropractic Society

Joseph Ferezy, D.C.

Election of Officers

Chair

Wondra moved the Board approve the nomination of Wall as board chair. A second was received by Langel. All ayes nays none, motion carried

Vice Chair

Langel moved the Board approve the nomination of Wondra as board vice chair. A second was received by Fretheim. All ayes nays none, motion carried.

Approval of Open Session Minutes

April 14, 2021

Wall moved the Board approve the open session meeting minutes of April 14, 2021. A second was received by Wondra. Abstained Langel and Fretheim. All other ayes, nays none, motion carried.

Reports

Executive Officer Report, Susan Reynolds

Reynolds reported there are currently 2,024 active chiropractic licensees and three active temporary permits. Licensees will be permitted to continue to obtain continuing education online until the end of the 2020-2022 biennium that ends June 30, 2022.

Bureau Chief Report, Steve Garrison

Garrison referenced the budget summary that provides a snap shot of the budget as of July 2020. The budget summary can be found under the April 14th board meeting file folder. The Bureau as a whole has not increased their licensing fees since 2007 and as a result, have been unable to keep up with the cost of inflation. Eventually we would like to adjust the fees so they are current with the cost of living and to back fill vacant positions to better serve all the boards. The Chiropractic Board would be one of the first boards the Bureau would like to increase fees.

Duinink asked about the likelihood of raising the fees. The Board as a whole was in favor of an increase but then it stalled. Garrison responded they are prioritizing the boards who would be willing to increase their fees based on a comparison of the surrounding states. These conversations are happening and he is optimistic this is a step forward. Freitham asked if the fee is set by the Board or legislature. Garrison responded fees are set by the Board and the board will submit rules for review to the Administrative Rule Review Committee comprised of house and senate members. If they find it unreasonable, they don't allow the rules to move forward.

Garrison added the Bureau is in the process of hiring an investigator internally. Interviews will conclude next week with a new position on staff. Ideally, the new investigator can be introduced at the next meeting. The Bureau will no longer contract with the Department of Inspections and Appeals for investigative services and the termination of those services is a cost saving measure.

Townsend said the Board's budget is in the red and has been in the red for as long as he can remember. Hypothetically, what would it take in fee increases to put the Board in the black. Renewals are proposed to increase from \$120 to \$225. The initial fee adjustment will be comparable to other states.

This will be placed as an agenda item on the next meeting.

AAG Report

AAG Ramirez announced this is his last meeting with the Board. He has been given another employment opportunity and will be passing the baton to a new AAG. The Board thanked him for his service.

Administrative Rules

Discussion and Proposed Notice of Intended Action Iowa Administrative Code 645-Chapter 42.4(5), *"Approved chiropractic physician preceptors"*.

The rules requires the Board to administratively approve preceptors. The criteria for approval requires no public disciplinary action and no record of a malpractice settlement agreement. Clerical staff has found the approval process to be an administrative burden when the disciplinary action can be easily accessed by the schools online. The rule proposal takes the administrative staff out of the equation and allows the school to approve the preceptor themselves by going online. A general discussion followed regarding the requirements for preceptorship as well as the process for licensed professions within the Bureau with a similar requirement.

Fretheim moved the Board approve the proposed Notice of Intended Action Iowa Administrative Code 645-42.4(5), Approved Chiropractic Physician Preceptors. A second was received by Wall. Nays Duinink, all other ayes, motion carried.

Duinink departed from the meeting room at 10:04 and returned at 10:07 a.m.

It was proposed to establish a committee represented by Duinink and Fretheim to review the clarity into the involvement of the preceptor program; identify the responsibilities of the preceptor to host an intern; the standards they are held to; who they answer to; and what are the training standards.

Reynolds suggested inviting a Palmer representative to make an appearance to explain the preceptor process.

Public Comment

Dr. Ferezy inquired about the licensure fees and whether the proposed fee increases would be used exclusively for the Board. He spoke on the Board's rules regarding the exclusion of preceptors with malpractice suits that are considered "nuisance" claims.

Garrison responded that all licensure fees are collectively utilized for all of the Bureau's Boards.

The Board recessed at 10:21 a.m. and reconvened at 10:28 a.m.

Closed Session

Wall moved the Board go into closed session at 10:32 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 Langel. A roll call vote was taken with the following results:

Duinink – Aye

Townsend – Aye

Wondra- Aye

Wall – Aye

Langel- Aye

Fretheim - Aye

Motion carried.

Review of Closed Session Meeting Minutes April 14, 2021

Licensee Discipline & Case Review ~~Settlement Agreement and Final Order~~

~~Case CH 20-0257 Aaron J. Nielsen~~

Open Session to Vote on Items in Closed Session

The Board returned to open session at 12:52 p.m.

Townsend moved the Board approve the closed session meeting minutes of April 14, 2021, as presented. A second was received by Wondra. Recused Langel and Fretheim, all other ayes, nays none, motion carried.

Wondra moved the Board rescind the previous motions in 19-0192 and 18-0108. A second was received by Duinink. All ayes, nays none, motion carried.

Duinink moved the Board approve the voluntary agreement not to practice in 20-0142 and should the voluntary agreement be declined, charges would be filed. A second was received by Townsend. All ayes, nays none, motion carried.

Langel moved the Board approve the Settlement Agreement and Final Order in 20-0257. A second was received by Wondra. Recused Langel and Fretheim, all other ayes, nays none, motion carried.

Duinink moved the Board close the following: 20-0221, 20-0276, 21-0106, 21-0118 and 21-0130. All ayes, nays none, motion carried.

Future Board Meetings

October 13, 2021

January 12, 2022

April 13, 2022

July 13, 2022

October 12, 2022

Adjournment

The Board adjourned unanimously at 12:57 p.m. on a motion by Langel and a second by Townsend. All ayes, nays none, motion carried.