

Minnesota Board of Chiropractic Examiners'
Biennial Report
July 1, 2000 to June 30, 2002

I. General Information

Cost of preparing this report

Pursuant to Minnesota Statute § 3.197 (1998), costs incurred in the preparation of this report must be reported. The Minnesota Board of Chiropractic Examiners (MBCE) estimates the cost of preparing this report to be \$ 1052.00.

A. Board mission and major functions

Mission

The mission of the Minnesota Board of Chiropractic Examiners (MBCE) is to protect the public through effective licensure and enforcement of the statutes and rules governing the practice of chiropractic to ensure a standard of competent and ethical practice in the profession.

Functions

The MBCE carries out activities authorized by Minnesota statutes and rules (licensing and/or enforcement) by collecting and storing licensure, educational and disciplinary data on approximately 2304 persons licensed as doctors of chiropractic as of June 30, 2002. Maintaining this information involves interaction with a myriad of stakeholders including applicants, licensees, educational institutions, attorneys, many other state agencies and health related licensing boards, national and federal information systems, and a national examination service.

Steps taken to successfully accomplish this mission include the following:

- **Enforcing standards and required knowledges, skills and abilities required for initial and continuing licensure**
 - Setting licensure renewal requirements through the rules process
 - Setting standards of conduct and a basis for disciplinary action through the rules process
 - Amending MBCE rules to address critical issues of public health and chiropractic regulation (for example, professional boundaries, continuing education, etc.)
 - Maintaining a list of continuing education sponsors and classes approved for continuing education credit
 - Reviewing and approving continuing education programs submitted by sponsors or individuals to determine if they meet requirements
 - Reviewing individual applicant/licensee documentation of completion of requirements for initial and continuing licensure
 - Regular contact with chiropractic students, school administrators, chiropractic associations and the public in the form of a quarterly newsletter, maintaining a board web site (www.mn-chiroboard.state.mn.us), and by having public consumer board members assisting with overseeing the operations of the Board

- **Operating an agency which utilizes human and fiscal resources efficiently and effectively**
 - Maintaining a database of information about licensees, applicants, and registrations regarding the practice of chiropractic and sharing that information with the public as permitted by statute
 - Maintaining modern regulatory procedures by interacting with the statewide accounting system, the national examination service, and in excess of fifty (50) other boards of chiropractic
 - Providing information about licensees in response to inquiries received from the public or any public or private entity
 - Providing information to the public about where they can find answers to concerns related to chiropractic care, including information about whether persons are licensed with the board and whether they have had disciplinary action taken against their licenses in the past
 - Providing credentialing services related to approximately 2000 active chiropractic licenses annually
- **Complaint Investigation and Resolution**
 - Responding to inquiries, complaints and reports from the public and other health care regulators regarding licensure and conduct of licensees
 - Accepting complaints and reports from the public, health care providers, and regulators
 - Reviewing, investigating and determining jurisdiction and whether and what type of action to pursue for resolution
 - Seeking information directly from the licensee, patients, or other affected party
 - Securing investigation and fact finding information from other agencies in response to complaints or inquiries
 - Referring inquiries and complaints to other investigative, regulatory or assisting agencies when matters are outside the MBCE's jurisdiction
 - Responding to complainants and agency reports by informing the complainants/agencies of action taken to resolve their complaints while observing provisions of the data practices act regarding the legal status of data obtained during the course of an investigation and disciplinary proceeding
 - Holding conferences with licensees to identify their role and responsibility in a matter under investigation
 - Providing applicants and licensees education to improve practice and prevent recurrence of problems
 - Obtaining, whenever possible, voluntary agreement to disciplinary action or pursuing disciplinary action via the administrative courts when necessary

B. Major activities during the biennium

The board accomplished the following major activities during the biennium:

- Review and revision of the board statutes to delete obsolete provisions and clarify others.
- Review and revision of board rules to delete obsolete provisions, or clarify items that had proven difficult to administer.
- Collaborate to develop and endorse positive changes in chiropractic licensing at the national level.
- Development of new computer software to track information about the board and its various functions for access by the public, applicants for licensure and licensees of the board. The software provides information useful to other sites in state and federal government regarding active licensees, as well as the names and dates of licensees who have been disciplined in the past including the details about that discipline.
- Development of a web site to provide information about the board and its various functions for access by the public, applicants for licensure and licensees of the board. The site provides links to other sites in state and federal government to help persons interested in finding appropriate information and to inform them of how to pursue complaints or concerns about care received. The MBCE web site also lists currently active licensees, as well as the names and dates of licensees who have been disciplined in the past.
- Revised the multiple versions of the take-home jurisprudence exam to preserve testing integrity and improve application access for applicants.
- Investigated and reported disciplinary action to a national disciplinary database coordinated with the federal Health Integrity Protection Data Bank.
- Conducted a search process to identify and appoint a staff to replace previous individuals who took promotions at other state agencies.
- Conducted regular staff meetings to integrate new staff and coordinate transition to new computer system, and refining/coordinating internal administration.
- Conducted regular board and committee meetings to proactively guide and administer the responsibilities designated to the Board by statute and rule.

All of the functions listed above are supported by the database maintained at the MBCE. The infrastructure that contains this database was improved to run in an SQL environment in the last two years. This system has evolved into a format that operates in conjunction with Electronic Government Services and other additional web-interactive capabilities. The net effect of these modifications is increased user self-service of the public information maintained by the MBCE, as well as allowing for online license/registration renewal transaction processing by licensees/registrants.

C. Emerging issues regarding regulation of chiropractors

Emerging issues regarding regulation of chiropractors falls into three major areas: inter-jurisdictional mobility, technology, and fraud investigation. The MBCE plans to address these issues in the coming biennium by refining the implementation of rules relating to inter-jurisdictional mobility (i.e., license transfer), and enforcement of statutes regarding pursuit of patients through the use of overly coercive tactics. The full impact of these issues regarding the regulation of chiropractors is unknown at this time.

II. Board's Members, Staff, and Budget

A. Board composition

Minnesota Statute § 148.03 requires the board to have 7 members (2 public members and 5 professional members from a variety of educational institutions). The Governor appoints these members for staggered four-year terms. The names of persons holding the seats as of June 30, 2002 are as indicated below.

<u>Name/Address</u>	<u>Position/End of Term</u>
ROSEMARY KASSEKERT 952 W. Idaho St. Paul, MN 55117	ADMINISTRATIVE OFFICER/ PUBLIC MEMBER January 2005
TERESA L. MARSHALL, D.C. (Northwestern College of Chiropractic) 31 Navaho Avenue Mankato, MN 56001	PROFESSIONAL MEMBER January 2006
LEROY F. OTTO, D.C. (Palmer College of Chiropractic) 127 South High Street Lake City, MN 55041	VICE PRESIDENT January 2003
JOAN PATALONIS 2560 Manitou Lane White Bear Lake, MN 55110	PUBLIC MEMBER January 2003
GARY PENNEBAKER, D.C. (Palmer College of Chiropractic) 8140 Flying Cloud Drive, #201 Eden Prairie, MN 55344	PRESIDENT January 2004
MARK O. REEVE, D.C. (Logan College of Chiropractic) 308 Fourth Avenue NW Austin, MN 55912	PROFESSIONAL MEMBER January 2005
TIMOTHY J. WHELAN, D.C. (Northwestern College of Chiropractic) 6264 Boone Avenue N Brooklyn Park, MN 55428	PROFESSIONAL MEMBER January 2004

B. Employees

The board has five full-time equivalent positions. Minnesota Statute Chapter 214 authorizes these positions. The positions are currently filled by a full-time executive director, a full time office manager/administrative assistant, a full-time licensing coordinator, a full-time health program representative (investigator) and a full-time continuing education coordinator/general support person. The names of current and former MBCE staff during this biennium are as follows:

Employee's Name	Job Classification	Dates of Employment
BLANSKI, LORI	Office Administrative Specialist	3/12/2001 to present
BURBEY, JOHN	Office Administrative Specialist	07/21/1999 to present
DORFF, KAREN E.	Office Services Supervisor I	11/10/1999 to present
ELMASRY, BECKY	Office Administrative Specialist	4/12/2000 to 2/23/2001
KING, MICHELLE T.	Health Program Representative	07/02/1990 to present
SPICER, LARRY A.	Executive Director	01/06/1993 to present

(Note: For past employees, dates of employment represent date of first hire to date of termination, but may not reflect all lower classifications served during their time with the MBCE.)

C. Receipts and disbursements and major fees assessed by the board

A summary of the financial activity of the MBCE is as follows:

Item			FY 2001	FY 2002
Receipts			\$566,005.11	\$593,547.74
Disbursements			\$498,496.34	\$704,667.07

A list of specific rates charged during the biennium is as follows:

Fee	Amount
ACTIVE FEE	\$200.00
ACUPUNCTURE FEE	\$100.00
ACUPUNCTURE RENEWAL	\$50.00
APPLICANT	\$250.00
BOARD ORDERS	\$10.00
CE UPDATE	\$10.00
COPIES	\$0.25
DISCIPLINARY FEE	\$100.00
DUPLICATE LICENSE	\$10.00
FIRM - INITIAL	\$100.00
FIRM - RENEWAL	\$25.00
IE FEE	\$150.00
IE RENEWAL	\$100.00
INACTIVE FEE	\$150.00
INACTIVE REINSTATE	\$100.00
LATE FEE	\$150.00
LAWBOOKS	\$10.00
LETTER OF STANDING	\$10.00
LICENSE VERIFICATION	\$10.00
LISTS - COMPLETE	\$100.00
LISTS - PARTIAL	\$10.00
MAILING LABELS - PARTIAL	\$15.00
MAILING LABELS - COMPLETE	\$150.00
N.S.F. CHECK	\$0.00
N.S.F. SERVICE CHG	\$25.00
OTHER	\$3.00
PEER REVIEW	\$100.00
PRECEPTORSHIP FEE	\$100.00
PRIOR LATE FEE	\$300.00
PRIOR RENEWAL	\$200.00
REFUND FEE	\$0.00
REGRADE FEE	\$30.00
REVENUE REFUND	\$0.00
SEMINAR FEE	\$100.00
SPONSORSHIP FEE	\$500.00
TRANSFER	\$250.00
VOL RETIRED REINSTAT	\$100.00
WALL CERTIFICATE FEE	\$10.00
Online Renewal Fees	Various ¹

¹ This figure is in the neighborhood of 1.85% of the renewal fee applied to; for 2001-2 season the exact amounts were: Active DC \$3.70; Inactive DC \$2.78 and Firm \$.48. Independent Examiners' fee was set at \$2.50 to more closely meet the full/actual daily charges for credit card processing due to the limited number of users available to use the system. These fees do not impact the board's budget as they are passed through directly to the credit card processing vendor.

III. Licensing and Registration

A. Persons licensed or registered

There were 2304 persons licensed as chiropractors as of June 30, 2002 and 2298 as of June 30, 2001. In FY 2002 these 2304 licensed professionals registered with the MBCE for 966 registrations: 533 Acupuncture, 336 Corporation/Firm, 20 GPP, and 77 Independent Examiner. In FY 2001 there were 878 such registrations: 490 Acupuncture, 304 Corporation/Firm, 11 GPP, and 73 Independent Examiner.

B. New licenses issued during biennium

The numbers of new chiropractic licenses issued in the biennium are as follows:

FY	By Exam	By Transfer
2001	135	0
2002	116	6

C. New registrations (acupuncture, corporation, graduate preceptor (GPP), or independent examiner) issued during biennium

The numbers of new registrations issued in the biennium are as follows:

FY	Acupuncture	Corporation/ Firm	GPP	Independent Examiner	Total
2001	108	57	13	2	180
2002	43	32	9	4	88

IV. Complaints

A. Complaints received

The MBCE regulates only one occupation—chiropractors. The following numbers all pertain to licensed chiropractors in the previous biennium. Numbers were not available for the FY2001 – 2002 biennium due to programming revisions underway at the time the information was being gathered.

ITEM	FY1999	FY 2000
1. COMPLAINTS RECEIVED (1 per DC/complainant)	119	133
2. COMPLAINTS PER 1000 REGULATED PERSONS	64	68
3. COMPLAINTS BY TYPE (may be multiple per DC/CP)		
A. Acupuncture Violations	7	3
B. Physical or Mental Disability	1	2
C. Advertising (7 categories)	25	30
D. Aiding and Abetting an Unlicensed Practice	1	0
E. Conviction of a Crime/Misdemeanor	3	4
F. Discipline in Another State or Jurisdiction	3	9
G. Exercising Influence over a Patient for Financial Gain	13	14
H. Failure to report or cooperate with Board Investigation	0	2
I. Fraud in applying for a license	0	1
J. Gross or Repeated Malpractice	15	17
K. Intemperance in the Use of Alcohol or Drugs	4	1
L. Improper Maintenance of Records (4 categories)	12	17
M. Independent Examiner Violations	3	10
N. Other, not a Chiropractic Statute	18	5
O. Practice Outside the Scope of Chiropractic	2	3
P. Practice w/o a License	12	5
Q. Professional Corporation Registration Violation	1	0
R. Recordkeeping (3 categories)	15	13
S. Splitting fees, Paying a Commission or Accepting a Rebate	1	10
T. Unable to Practice w/reasonable Skill/Safety	3	4
U. Unprofessional Conduct (7 categories)	50	57
V. Violation of a Board Order	6	4

B. Open complaints on June 30

The following is a summary of the length of time complaints were open during the previous biennium. Numbers were not available for the FY2001 – 2002 biennium due to programming revisions underway at the time the information was being gathered.

ITEM	FY1999	FY 2000
1. Complaints Open:	64	21
2. Open Less Than 3 Months	9	19
3. Open 3 to 6 Months	40	45
4. Open 6 to 12 Months	27	1
5. Open More Than 1 Year	25*	1

*Regarding the 25 complaints open more than one year in FY1999, 17 of these complaints were related to one doctor.

C. Closed complaints on June 30

The following summarizes how complaints were closed during the previous biennium. Numbers were not available for the FY2001 – 2002 biennium due to programming revisions underway at the time the information was being gathered.

ITEM	FY1999	FY 2000
1. Complaints closed	161	156
2. Disposition type:		
A. Order/sanctions. This includes orders terminating prior orders, and Department of Revenue orders to revoke. One order may close multiple complaints.	33	14
B. Closed, insufficient evidence	58	63
C. Closed, no violation	10	10
D. Closed, non-jurisdictional	15	14
E. Closed, violation resolved	24	17
F. Corrective Action (2000: 21 all belong to one DC/action)	3	21
G. Non-Jurisdictional refer	2	6
H. Order/Action dismissed terminated	2	1
I. Other or forward	2	2
J. Unable to pursue (no waiver or name)	8	3
K. Violation, warning	4	5
L. **Actual orders for discipline, no duplicates	11	8
M. Civil Penalties (included as part of orders/sanctions)	6	4
N. Referral to HPSP (included as part of orders/sanctions)	2	0
3. Cases Closed That Were Open More Than One Year (explain)		

V. Trend Data as of June 30

The following is a summary of activity by the board for recent years.

Year	A. Persons Active Licensed	A. Persons Inactive Licensed	B. Complaints	C. Complaints Per 1,000 Licensees	D. Open Cases
2002	2118	184	Numbers were not available for the FY2001 – 2002 biennium due to programming revisions underway at the time the information was being gathered		
2001	1987	185			
2000	1966	202	133	68	unknown
1999	1874	191	119	64	unknown
1998	1767	201	178	101	unknown
1997	1625	201	148	90	unknown
1996	1615	206	158	96	unknown
1995	unknown	unknown	147	unknown	unknown
1994	unknown				
1993	unknown				
1992	unknown				
1991	unknown				

Note: For years 1995-1991 the old computer system is unable to maintain historical statistical data. Regarding open cases in the years 1996 to present, that information is not easily calculated in the manner requested.