



940473

Minnesota Board of Chiropractic Examiners

September 23, 1994

MEMO TO: Governor Arne Carlson

FROM: Larry A. Spicer, D.C.  
Executive Director

SUBJECT: Biennial Report

Enclosed you will find the Minnesota Board of Chiropractic Examiners (MBCE) biennial report as required by *Minnesota Statute* 214.07. The report covers the period July 1, 1992 to June 30, 1994.

If you have any questions or need additional information, please do not hesitate to contact me.

/lac

Enclosure

cc w/enclosures: Edward Burdick, House of Representatives Chief Clerk  
Patrick Flahaven, Secretary of the Senate  
Zona DeWitt, Legislative Reference Library



# Minnesota Board of Chiropractic Examiners

## COST OF PREPARING THIS REPORT

According to the Laws of 1994, Chapter 559, Section 1 (adding a new statutory section, *Minnesota Statute 3.197*), 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 \$333.

## GENERAL STATEMENT OF BOARD ACTIVITIES

The Minnesota Board of Chiropractic Examiners (MBCE) exists to protect the public's interest through the regulation of chiropractic. Regulation is accomplished through licensure of chiropractors and investigations of complaints against them.

The MBCE administers a licensure examination twice yearly. Prior to being allowed to take the licensure examination, applicants must fulfill requirements put forth in statute and rule. All portions of the examination must be passed by a minimum score of 75% in order for an applicant to be licensed.

The MBCE monitors licensed chiropractors' practice ability by the requirement of continuing professional education for license renewal. Doctors of chiropractic must obtain this education from sponsors approved by the MBCE.

The MBCE investigates consumer complaints. The MBCE currently has three complaint panels comprised of the executive director and two board members each. These panels share the responsibility of reviewing, and when warranted, investigating all written complaints received. If a panel determines that action against a license should be taken, the panel makes that recommendation to the full board.

The MBCE promulgates rules. *Minnesota Statutes 148.08* empowers the MBCE with the authority to "promulgate rules necessary to administer sections 148.01 to 148.105 to protect the health, safety, and welfare of the public, including rules governing the practice of chiropractic and defining any terms . . ." The MBCE follows rulemaking procedures as established by the Office of the Attorney General and the Office of Administrative Hearings.

The MBCE registers licensed chiropractors who have formed a professional corporation, perform independent examinations, and/or perform acupuncture.

The MBCE conducts a graduate preceptorship program. This program which allows an intern to practice chiropractic under the direct supervision of a licensed chiropractic physician for one twelve-month period. The program was designed to allow graduates of chiropractic colleges to continue practicing while waiting to take and receive results from the licensing examination.

A seven-member Peer Review Committee appointed by the executive director exists to review cases for determination of whether or not the chiropractor properly utilized services, the chiropractor rendered or ordered appropriate treatment, and the cost of the treatment was unconscionable.

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2700 University Avenue West, Suite 20, St. Paul, Minnesota 55114-1089 Telephone (612) 642-0591 Fax (612) 643-3535

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**TIME SPENT BY BOARD MEMBERS ON BOARD ACTIVITIES**

<b>Activity/Meeting</b>	<b>Fiscal Year</b>	<b>Number of Occurrences</b>	<b>FY93 Hours</b>	<b>FY94 Hours</b>
Board Meetings	93	7	126.50	
	94	5		128.50
Rules Committee	93	10	58.75	
	94	14		82.00
Complaint Panels	93	37	353.00	
	94	37		286.00
Executive Committee	93	6	33.50	
	94	8		51.25
Test Development Committee	93	7	25.00	
	94	4		17.50
License Exam Administration	93	2	90.00	
	94	2		63.00
Out-of-State Conferences	93	2	48.00	
	94	2		48.00
<b>All Meetings</b>			<b>734.75</b>	<b>676.25</b>

**TIME SPENT BY PEER REVIEW COMMITTEE (PRC) MEMBERS ON PRC ACTIVITIES**

<b>Activity/Meeting</b>	<b>Fiscal Year</b>	<b>Number of Occurrences</b>	<b>Total Hours</b>
Peer Review Committee	93	10	173.25
	94	10	187.25

**RECEIPTS AND DISBURSEMENTS OF BOARD FUNDS**

<u>Fiscal Year</u>	<u>Receipts</u>	<u>Expenditures</u>	<u>Variance</u>
93	370,727	347,154	23,496
94	453,171	397,188	55,983

## BOARD MEMBERS

BEHM, D.C., WILMA E. 4646 Colorado Street SE Prior Lake, MN 55372	Occupation: Doctor of Chiropractic Appointed: January 6, 1986 Reappointed: January 16, 1990
*COLVARD, D.C., JOHN 4256 Boulder Ridge Point Eagan, MN 55122	Occupation: Doctor of Chiropractic Appointed: March 14, 1994
FRANKS, D.C., TERRY L. 1601 East Highway 13, Suite 209 Burnsville, MN 55337	Occupation: Doctor of Chiropractic Appointed: January 28, 1985 Reappointed: January 1989
*IBURA, D.C., AKIBA M. 4801 Minnetonka Boulevard St. Louis Park, MN 55416	Occupation: Doctor of Chiropractic Appointed: January 13, 1992
*JOHNSON, D.C., KERRY L. 14465 South Robert Trail Rosemount, MN 55068	Occupation: Doctor of Chiropractic Appointed: January 13, 1992
*KASSEKERT, ROSEMARY 952 West Idaho Avenue St. Paul, MN 55117	Occupation: Attorney Appointed: February 24, 1993
*McCOLLAR, D.C., MAURICE 3607 White Bear Avenue White Bear Lake, MN 55110	Occupation: Doctor of Chiropractic Appointed: March 15, 1993
*PARKS, D.C., HOBART R. 211 West Bridge Street Owatonna, MN 55060	Occupation: Doctor of Chiropractic Appointed: June 28, 1991
WILLENBRING, MARGARET 2201 North Albert, #204 Roseville, MN 55113	Occupation: Retired Appointed: January 30, 1989
*ZINSCHLAG, SANDY JO 3 Eldorado Drive Dellwood, MN 55110	Occupation: Registered Nurse Appointed: June 28, 1991

\* = current board member

## PEER REVIEW COMMITTEE MEMBERS

BLODGETT, CAROLYN 1372 St. Paul Avenue #9 St. Paul, MN 55116	Occupation: Insurance Claims Reviewer Appointed: August 1, 1990 Reappointed: November 1, 1991
*CLARKE, D.C., SUSAN 846 Laurel Avenue St. Paul, MN 55104	Occupation: Doctor of Chiropractic Appointed: March 1, 1994
GOLDSCHMIDT, D.C., STEVEN 1710 East Old Shakopee Road Bloomington, MN 55425	Occupation: Doctor of Chiropractic Appointed: February 1, 1992
GRIGGS, D.C., CLIFTON 10907 Douglas Drive Champlin, MN 55316	Occupation: Doctor of Chiropractic Appointed: March 9, 1993
HABERMAS-SCHER, D.C., DON 970 Raymond Avenue St. Paul, MN 55114	Occupation: Doctor of Chiropractic Appointed: February 1, 1992 Reappointed: June 1, 1993
*HENDERSON, D.C., ROSS 9255 15th Street North Lake Elmo, MN 55042	Occupation: Doctor of Chiropractic Appointed: June 1, 1994
MOE, D.C., WARREN L. 1013 April Place Burnsville, MN 55337	Occupation: Doctor of Chiropractic Appointed: May 12, 1992 Reappointed: December 1, 1992 Reappointed: December 14, 1993
OTTO, D.C. LEROY F. Route 2, Box 197A Old Frontenac, MN 55041	Occupation: Doctor of Chiropractic Appointed: August 1, 1990 Reappointed: October 1, 1991
*ROBBINS, D.C., LORI 6814 Hemlock Lane Maple Grove, MN 55369	Occupation: Doctor of Chiropractic Appointed: April 13, 1993 Reappointed: July 1, 1994
RUTHERFORD, D.C., MARY E. 555 Fort Road (W 7th) St. Paul, MN 55102	Occupation: Doctor of Chiropractic Appointed: October 13, 1992 Reappointed: October 1, 1993
SUESS, DIANE 4074 West 134th Street Savage, MN 55378	Occupation: Insurance Claims Reviewer Appointed: September 8, 1992 Reappointed: August 1, 1993
TOUSIGNANT, RICHARD 5120 IDS Center Minneapolis, MN 55402	Occupation: Attorney Appointed: November 1, 1991 Reappointed: November 1, 1992
WILDENAUER, D.C. JERROLD R. 1525 Livingston Avenue West St. Paul, MN 55118	Occupation: Doctor of Chiropractic Appointed: November 1, 1990 Reappointed: February 1, 1992
*WULFF, DAVID 1380 Energy Lane, Suite 200 St. Paul, MN 55108	Occupation: Attorney Appointed: January 11, 1994

\* = current Peer Review Committee member

## BOARD EMPLOYEES

BREDE, SHEILA M.	Clerk Typist 2	063093 to 113093
CAMPBELL, LORI A.	Administrative Secretary Executive 1	041690 to 080394 080494 to present
CAMPBELL, BRIAN G.	Clerk 1/Temporary	100493 to 102993 111993 to 012894 051694 to 063094
KING, MICHELLE T.	Health Program Representative	070290 to present
LANOUX, DEBRA J.	Clerk Typist 2 Clerk Typist 2 Clerk Typist 3	080889 to 061593 120193 to 080394 080494 to present
LEINTZ, JULIANNA	Clerk Typist 2/Temporary	061793 to 071993
SPICER, LARRY A.	Executive Director	010693 to present
WATSON, PATRICIA	Clerk Typist 1	080194 to present
WULFF, JOEL B.	Executive Director Management Analyst 4	021290 to 010593 010693 to 030593

## RULES SUMMARY

**Recordkeeping** - Due to a recurrence of complaints to the MBCE, rules were proposed and adopted establishing minimal recordkeeping standards for doctors of chiropractic.

*State Register*, Monday 21 September 1992, page 597, (proposed)

*State Register*, Monday, 4 January 1993, page 1711 (adopted)

**Testimonial advertising** - Conditions under which a doctor of chiropractic may use testimonials in advertising were proposed and adopted.

**License renewal penalty fee** - The penalty fee assessed licensed doctors of chiropractic who renewed their licenses late was increased from \$10/month to \$150/month. The substantial change was made because the MBCE was experiencing a growing trend of licensees undeterred by the \$10/month penalty and renewing past the deadline.

**Change of name and address** - A 30 day notification period for a change of name or address by a licensed doctor of chiropractic was proposed and adopted.

**Fees** - Fees for the late renewal of a corporation, updating an address after the 30 day requirement, and computer lists and labels of licensed doctors of chiropractic were proposed and adopted.

**Continuing education** - 1) Continuing education requirements for licensed doctors of chiropractic were extended from a 1-year reporting period to a 2-year reporting period. 2) Sponsors of continuing education programs may now apply for sponsorship which would require them to review the programs they offer in order to determine that those programs meet the criteria listed in MBCE rules. Sponsors are responsible for reporting to the MBCE on a timely basis. Criteria for sponsorship revocation was also established. 3) Doctors of chiropractic who develop and teach a program meeting MBCE criteria may receive license renewal continuing education credit.

*State Register*, Monday 28 September 1992, page 661, (proposed)

*State Register*, Monday 4 January 1993, page 1711 (adopted)

**Infection control continuing education requirements** - The MBCE, in conjunction with four other health related licensing boards, proposed and adopted continuing education requirements specifically in the area of bloodborne pathogens infection control.

*State Register*, Monday 29 March 1993, page 2318, (proposed)

*State Register*, Monday 8 November 1993, page 1222, (adopted)

**License renewal and application fees** - The MBCE proposed and adopted rules which raised the license renewal and application fees. Steadily increasing attorney general's costs demanded an increase in MBCE revenues.

*State Register*, Monday 13 September 1993, page 815, (proposed)

*State Register*, Monday 29 November 1993, page 1412, (adopted)

**Advertising free services** - Current rules regulating the advertisement of free or discounted services were amended in order to address a recurring complaint filed with the chiropractic board. Patients were being enticed into obtaining care from a doctor of chiropractic due to an advertisement of free or discounted service. However, once in the doctor's office the patient would discover the service advertised was of no benefit to them without another service or services which would be provided only for a fee.



**RULES SUMMARY (Cont'd)**

**Advertising** - In order to prevent doctors of chiropractors from misleading the public by "playing down" their credentials in advertisements, a rule was proposed requiring all advertisements to contain the word "chiropractor" or "chiropractic".

**Professional designations** - Doctors of chiropractic would be required to identify themselves as doctors of chiropractic, chiropractors, D.C.s, or chiropractic physicians.

**Examination deadline and retaking examination** - Current rules would be amended to more clearly identify the examination deadline and procedures for retaking the examination in the event of a failing score.

**Fees** - The name of an existing fee was amended from "independent medical examination annual renewal fee" to "independent examination annual renewal fee".

**Reports to Board** - Attendance reports from continuing education sponsors must be submitted to the board within 21 days, as opposed to a previously required 14 days.

**Inactive Retired License** - Conditions under which an inactive retired license would not be granted were added to the already existing language. Previously the conditions were listed by reference to another rule, all of which did not pertain to the inactive retired license status.

**Voluntarily Retired License** - New language establishing in rule an already recognized license status was developed. Doctors of chiropractic have always been allowed to voluntarily retire their licenses without the status established in rule. A difficulty arose when one of those doctors of chiropractic wanted to reinstate their license. No provisions are available. The board finds itself "reinventing the wheel" each time a request for reinstatement is made. The lack of requirements set in rule allows for inconsistency in decision-making.

**Preceptorship Training Program** - An existing program allowing graduates of chiropractic colleges to practice under a licensed chiropractor was extended from 9 to 12 months.

*State Register, Monday 31 January 1994, page 1773, (proposed)*

**NUMBER OF PERSONS HAVING A LICENSE AS OF JUNE 30, 1994**

Licenses:	Active	1548
	Inactive	192
	Inactive Retired	<u>20</u>
	TOTAL LICENSES:	1760
Registrations:	Acupuncture	286
	Corporation	227
	Independent Examiner	94
	Preceptor	32

**LOCATIONS AND DATES OF LICENSE EXAMINATION ADMINISTRATIONS**

All MBCE licensing examinations were administered at Northwestern College of Chiropractic in Bloomington, MN. License examinations were administered on the following dates:

January 8 and 9, 1993  
 June 11 and 12, 1993  
 January 7 and 8, 1994  
 June 10 and 11, 1994

LICENSE EXAMINATION STATISTICS

JANUARY 8 AND 9, 1993

Gender - Pass/Fail	Age:				State of Residence
	18-25	26-34	35-59	60+	
Female - Pass	4	6	6	0	MN-15, WI-1
Female - Fail	3	10	4	0	MN-9, WI-1, MO-1, IL-1, TX-1, CO-1, IA-1, ND-1, MI-1
Male - Pass	15	29	8	1	MN-45, ND-2, NC-1, IL-1, NY- 1, MI-1, CO-1, CA-1
Male - Fail	4	13	1	0	MN-13, WI-1, ND-2, IL-1, WA-1

JUNE 11 AND 12, 1993

Gender - Pass/Fail	Age:				State of Residence
	18-25	26-34	35-59	60+	
Female - Pass	7	12	5	0	MN-19, WI-2, IL-1, CO-1, IA-1
Female - Fail	1	1	2	0	MN-1, MO-1, CA-1, ND-1
Male - Pass	6	19	1	0	MN-21, ND-2, IL-1, IA-1, WI-1
Male - Fail	2	7	0	0	MN-6, FL-1, MT-1, SD-1

JANUARY 7 AND 8, 1994

Gender - Pass/Fail	Age:				State of Residence
	18-25	26-34	35-59	60+	
Female - Pass	9	4	2	0	MN-10, MT-1, WI-2, ND-2
Female - Fail	2	2	2	0	MN-4, TX-1, CA-1
Male - Pass	6	19	2	0	MN-21, WI-2, SC-1, FL-1, CA- 1, IA-1
Male - Fail	4	8	0	0	MN-5, AZ-1, IA-1, WI-3, IN-1, FL-1

JUNE 10 AND 11, 1994

Gender - Pass/Fail	Age:				State of Residence
	18-25	26-34	35-59	60+	
Female - Pass	5	5	2	0	MN-12
Female - Fail	3	2	0	0	MN-2, IA-1, MO-1, TX-1
Male - Pass	8	12	1	0	MN-16, WI-2, AZ-1, CANADA- 1, SWITZERLAND-1
Male - Fail	6	6	2	0	MN-8, IA-1, WI-1, MI-1, CA-1, CANADA-1, NORWAY-1

No persons were licensed by any means other than successful completion of the licensing examination. No persons were denied licensure following the successful completion of the licensing examination.

### **DISCIPLINARY ACTIONS TAKEN**

There were eight (8) disciplinary actions taken in fiscal year 93. Those actions were:

- two ( 2) probations for unprofessional conduct
- probation for a scope of practice violation
- suspension for non-payment of child support
- two (2) stipulations for recordkeeping violations
- probation for a felony conviction
- probation for chemical dependency

There were seven (7) disciplinary actions taken in fiscal year 94. Those actions were:

- suspension for chemical dependency
- four (4) probations for practicing without a license
- suspension for providing false information to an insurance company
- reprimand for aiding in unlicensed practice

On August 1, 1993, new legislation went into effect which made public corrective action agreements entered into by a regulatory board and a licensee. Sixteen (16) corrective action agreements have been entered into since that time. Those corrective actions included violations in the areas of:

- recordkeeping - 7
- x-ray quality and over-utilization - 4
- failure to register to perform acupuncture
- practicing without a license - 2
- independent examiner registration
- advertising to treat and treating animals

**COMPLAINTS**

The number of complaints received in fiscal year 93 is 218. The number of complaints received in fiscal year 94 is 189.

Category	Sub-category	FY93	FY94
Action taken in another state; criminal conviction		4	2
Acupuncture	not registered	8	1
	unsanitary	0	2
Advertising	name and/or credentials missing	15	11
	free/discounted services	18	5
	claiming a cure	4	2
	use of "physician"	2	1
	not licensed	11	2
	testimonial	3	0
	other	11	5
Aiding unlicensed practice		2	2
Billing	fraudulent	3	18
	harassing collection	7	2
	excessive fees/dispute	12	18
	services advertised as free	4	4
Child support, failure to pay		1	0
Competency	case management, quality	15	10
Corporation not registered		3	8
Denial of benefits	(non jurisdictional)	1	2
Drug/alcohol abuse		3	4
Independent examinations	denial of benefits	1	2
	not registered	0	1
	unprofessional conduct	6	1
	false report	7	1
	other	4	2
Malpractice report		0	2
Mental health		0	1
Negligence		6	8
Non-compliance with MBCE request or order		4	5
Non-standard treatment/device		3	2
Over-utilization		9	5
Practicing without a license	other	0	2
	student	4	3
	failure to renew	6	8
	denied tax clearance	5	5
Recordkeeping	other	18	20
	false information; diagnosis	7	6
	failure to supply/maintain adequate	14	12
Scope of practice	other	1	1
	legal advice	0	1
	medical scope	5	1
	veterinary scope	0	2
	psychotherapy	0	2
Unprofessional conduct	sexual	12	15
	scare tactics/high pressure	2	5
	unsanitary	1	1
	other	7	9
X-rays	unsafe shielding	1	1
	excessive	2	4