

BOARD OF CHIROPRACTIC

Open Session Agenda

March 14, 2023

1:30 pm

IN-PERSON MEETING

HYBRID MEETING NOTICE

Due to the COVID-19 pandemic, the Board will have a hybrid schedule of in-person and virtual meetings. In-person meetings will resume in FY 2023, meeting dates can be found on the Board's webpage.

In-person meetings will be at 899 North Capitol Street, NE, 2nd Floor, Washington, DC 20002.

Information on how to access the public portion of the meeting virtually is listed below:

Join by web

<https://dcnet.webex.com/dcnet/j.php?MTID=md1c97dbdedb4d1be221bb734243e4f91>

Meeting number: 2309 476 7638

Password: n6EFTpnEF87

Join by phone

+1-202-860-2110 United States Toll (Washington D.C.)

1-650-479-3208 Call-in toll number (US/Canada)

Access code: 230 947 67638

BOARD MISSION STATEMENT:

“To **serve** and **protect** the public and ensure high standards of chiropractic care and professionalism through best practices in regulation, education, and outreach.”

The Open Session Agenda continues on the next page with the ‘Board Meeting Participants’.

MEETING PARTICIPANTS:

BOARD MEMBERS:	
Keita Vanterpool, DC (KV)	
Marsha Johnson (MJ)	
Stephanie Johnson, DC (SJ)	
BOARD STAFF:	
Aisha Nixon, MPT, CPM– Executive Director/Associate Director	
Mary Harris – Health Licensing Specialist	
Angela Braxton – Health Licensing Specialist	
Charles Annor – Health Licensing Specialist	
Kimberly Quickley – Health Licensing Specialist	
Chiquita Badgett – Health Licensing Specialist	
Ashley Callaham – Health Licensing Specialist	
Rona Rawls – Health Licensing Specialist	
Lisa Robinson – Health Licensing Specialist	
Sabrina Gillison – Health Licensing Specialist	
Emilia Moran – Investigator	
LEGAL STAFF:	
Ajay Gohil, Esq. – Board Attorney Advisor	
Suzanne Fenzel, Esq. – Board Attorney Advisor	

The Open Session Agenda continues on the next page with the ‘Call to Order’.¹

¹ The order in which the following agenda items are listed does not necessarily reflect the order in which the items were discussed during the meeting.

CALL TO ORDER		
OS-23-03-01	<u>INTRODUCTIONS</u>	
ALL	A. BOARD MEMBERS B. BOARD STAFF	

APPROVAL OF MINUTES, CONSENT AGENDA AND STAFF REPORTS		
OS-23-03-02	<u>BOARD/DEPARTMENT REPORT</u>	
ALL	A. BOARD CHAIR’S REPORT B. EXECUTIVE DIRECTOR’S REPORT <ul style="list-style-type: none"> i. DC Health Updates The Executive Director will provide an update on the District’s response to public health issues/concerns. ii. Renewals The Executive Director will provide an update on the renewals and determine percentage regarding CEU audits. iii. Upcoming FCLB/NBCE Conferences iv. Board Vacancies/MOTA Update The Executive Director will provide an update on current Board vacancies. v. Licensure Census The Executive Director will provide an update on the current licensure census in the District. C. BOARD ATTORNEY’S REPORT	
OS-23-03-03	<u>OPEN SESSION MINUTES</u>	KQ
ALL	Board Action: Consideration of the Open Session minutes from the January 10, 2023, meeting.	

	<p>Background: The Open Session Minutes are a record of the Board's past meeting(s), describing the events, list of attendees, a statement of the issues considered and related responses or decisions of the Board.</p>	
--	---	--

The Open Session Agenda continues on the next page with 'Misc. Items for Discussion'

MISC. ITEMS FOR DISCUSSION

OS-23-03-04 ALL	<p><u>CHIROPRACTIC REGULATION UPDATES</u></p> <p>Board Action: To continue the review of current regulations governing the practice of chiropractic for purposes of beginning discussion on potential updates.</p> <p>Background: The Board of Chiropractic recently provided feedback on changes to its governing statutes, however the Board has not substantially reviewed its governing regulations. A copy of the regulations has been shared with the board to begin discussions.</p>	AG
OS-23-03-05 ALL	<p><u>DISCUSSION: USE OF CBD CREAM AND NUTRACEUTICALS</u></p> <p>Board Action: To discuss and potential develop a policy regarding the use of CBD creams and Nutraceuticals in chiropractic practices.</p> <p>Background: The DC Board of Chiropractic scope of practice does not currently address the use of CBD creams and/or nutraceuticals. The current scope of practice states the following:</p> <p>Rule 17-4811 - SCOPE OF PRACTICE 4811.1 A chiropractor who is licensed to practice in the District of Columbia under the provisions of this chapter may provide the following chiropractic services: (a) Locating, diagnosing, and analyzing subluxated vertebrae as follows:(1) By x-ray of the spinal column;(2) By physical examination; and(3) By employing other non-invasive procedures such as MRI and CAT scan;(b) Correcting vertebral subluxation displacement by applying specific localized force to the spine;(c) <u>Advising and instructing a patient about exercise, stress management, and nutrition;</u>(d) Referring a patient for specialized diagnostic testing, which may be necessary for chiropractic treatment or patient safety;(e) Referring a patient to other healthcare practitioners as the chiropractor deems necessary; and(f) Diagnosing and treating bodily articulations by means of manipulation or adjustments.4811.2 A chiropractor who is certified by the Board to perform ancillary procedures pursuant to § 4803.3 may perform any physiotherapy for which the chiropractor has received specialized training at a</p>	

program or institution listed in § 4807.1 provided the physiotherapy is preparatory or complementary to chiropractic care.

4811.3

A chiropractor not licensed to practice in the District of Columbia but who is licensed and in good standing in any other state, territory, or jurisdiction of the United States or any other nation or foreign jurisdiction may engage in the practice of chiropractic if he or she is employed or designated in his or her professional capacity by a sports or performing arts entity visiting the District of Columbia for a specific sports or performing arts event subject to the following restrictions and rules:

(a) The practice of chiropractic subject to this rule shall be limited to members, coaches, or official staff of the team or event for which that chiropractor is designated. If services are requested by a specific athlete or performer, the practice of chiropractic shall be limited to services performed for that individual only;**(b)** The practice of chiropractic as authorized by this rule shall be limited to the designated venue of the event or designated treatment area for the event. The Board, in its discretion, may audit, review, or inspect the venue and chiropractic services rendered;**(c)** A chiropractor practicing under the authority of this section may use only those practices and procedures that are within the scope of chiropractic practice in the District of Columbia as authorized by statute and the rules governing chiropractic practice in the District of Columbia; and**(d)** Unless otherwise determined by the Board, the visiting chiropractor shall request and receive written permission from the Board at least sixty (60) days before the start of practice in the District, and the visiting chiropractor may practice chiropractic in the District no more than fourteen (14) days during any calendar year.

4811.4

A student enrolled at an approved chiropractic college may perform chiropractic procedures provided the student has successfully completed at least one (1) academic year of schooling and the chiropractic procedures are performed under the supervision and direction of an authorized instructor duly licensed to practice chiropractic in the District of Columbia.

4811.5

A student enrolled at an approved chiropractic college may perform chiropractic procedures at a location other than the premises of the chiropractic college at which the student is enrolled, provided the student has successfully completed a minimum of three (3) academic years of chiropractic college and has met all of the chiropractic college's requirements concerning its student/preceptor program. The chiropractic procedures performed by the student shall be performed under the supervision and direction of a

Chiropractic Preceptor. A duly authorized instructor or Chiropractic Preceptor shall be within the immediate patient treatment area, the clinic proper, and available to the student at all times.

4811.6

A student performing chiropractic procedures at a location other than the premises of the chiropractic college at which the student is enrolled and under the supervision and direction of a Chiropractic Preceptor shall be known as a "Chiropractic Intern" and shall not represent him or herself to the public as a licensed Chiropractor or use terms such as "Chiropractor", "Doctor of Chiropractic" or "D.C."

4811.7 The Chiropractic Preceptor shall be approved by the Board before supervising a chiropractic student. To qualify as a Chiropractic Preceptor, the chiropractor shall:

(a) Be licensed to practice chiropractic in the District of Columbia for not less than five (5) years;**(b)** Not have had any public or private sanction against his or her license to practice chiropractic in the District of Columbia or any other state;**(c)** Disclose if he or she has been convicted or found guilty of a violation of any law other than a minor traffic violation within seven years prior to his or her application to serve as a preceptor; and**(d)** Have the written approval of the chiropractic student's chiropractic college to serve as an adjunct faculty member for the purpose of a student/preceptor program.

4811.8

Any chiropractic procedure performed by a chiropractic student shall be in compliance with all laws, rules, and regulations regarding the practice of chiropractic in the District of Columbia.

4811.9

The primary responsibility for the programming and treatment of the patient by the chiropractic student shall rest with the Chiropractic Preceptor or other authorized instructor.

4811.10

Documentation of all programming and treatment of the patient and all changes to the programming and treatment plans shall be reviewed and approved by the authorized instructor or Chiropractic Preceptor.

4811.11

The chiropractic college shall notify the Board of the specific dates that a Chiropractic Intern shall be serving as a Chiropractic Intern under the supervision and direction of a Chiropractic Preceptor.

4811.12

The Board's approval for any chiropractor serving as a Chiropractic Preceptor shall expire December 31st of each even-numbered year. The chiropractic college shall submit to the Board for reapproval the

required documentation concerning each Chiropractic Preceptor during the last quarter of the even-numbered year.

D.C. Mun. Regs. Tit. 17, § 4811

Final Rulemaking published at 35 DCR 6658, 6663 (September 2, 1986); as amended by Final Rulemaking published at 37 DCR 2747, 2750 (May 4, 1990); as amended by Final Rulemaking published at 49 DCR 6820 (July 19, 2002); as amended by Final Rulemaking published at 49 DCR 11237 (December 13, 2002); as amended by Final Rulemaking published at 50 DCR 3955 (May 23, 2003); as amended by Final Rulemaking published at 55 DCR 7946 (July 25, 2008); amended by Final Rulemaking published at 63 DCR 13109 (10/21/2016)

Rule 17-4812 - VITAMINS AND MINERALS

4812.1

A chiropractor, who is licensed to practice in the District of Columbia may recommend vitamins, minerals and other dietary supplements in the care and treatment of a patient. The rationale for the recommendation and use shall be documented by the practitioner.

4812.2

The practitioner shall conform to standards in the practice of chiropractic in the application of vitamins, minerals, and other dietary supplements as it relates to neuro-muscular-skeletal disorders. The recommendation of vitamins minerals and other dietary supplements shall be therapeutic and not experimental.

4812.3

A chiropractor may sell or dispense vitamins, minerals and other dietary supplements from his or her place of business in accordance with applicable laws in the District of Columbia.

4812.4

A chiropractor shall not sell, dispense, recommend or suggest vitamins, minerals and dietary supplements or any combination of these products in toxic doses.

D.C. Mun. Regs. Tit. 17, § 4812

Final Rulemaking published at 35 DCR 6658, 6664 (September 2, 1988); as amended by Final Rulemaking published at 49 DCR 6820 (July 19, 2002); as amended by Final Rulemaking published at 49 DCR 11237 (December 13, 2002); as amended by Final Rulemaking published at 51 DCR 6628 (July 2, 2004)

The following jurisdictions have developed policy/position statements regarding this matter:

North Carolina: - <https://ncchiroboard.com/wp-content/uploads/2021/04/CBD-Position-Stmt.pdf>

	<p>New York - http://chiropractic.prosepoint.net/158452</p> <p>Oregon - https://www.oregon.gov/obce/documents/OBCE Hemp and MJ Derived Products 20-02-12.pdf</p> <p>Michigan - https://www.chiromi.com/aws/MAC/pt/sd/news_article/167762/self/layout_details/false?utm_campaign_id=54f6d092-290e-4c77-99ef-69c63807768a</p> <p>Illinois - https://www.alignable.com/forum/what-is-a-chiropractors-biggest-concern-when-recommending-cbd-to-their</p> <p>Florida - https://www.sun-sentinel.com/marijuana/fl-bz-cbd-massage-20190823-7gcejstb75au5emzkr4x7ufut4-story.html</p> <p>https://chirocareflorida.com/how-cbd-treatment-can-assist-chiropractic-treatment/</p> <p>Texas - https://www.belolaw.com/blog/texas-chiropractors-and-cannabis-oil-products/</p> <p>Maryland - https://health.maryland.gov/phpa/OEHFP/OFPCHS/Pages/CBD in Foods.aspx</p>	
--	--	--

The Open Session Agenda continues on the next page with ‘Motion to Close’.

MOTION TO CLOSE

OS-23-03-06

MOTION TO CLOSE

ALL

Board Action:

To go into closed session to discuss confidential matters as permitted in DC Official Code § 2-575(b).

Background:

Pursuant to DC Official Code § 2-575(b), the Board may move into the Closed Executive Session portion of the meeting to discuss the following:

1. To consult with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement agreements pursuant to § 2-575(b)(4)(a);
2. Preparation, administration, or grading of scholastic, licensing, or qualifying examinations pursuant to section § 2-575(b)(6);
3. To discuss disciplinary matters pursuant to section § 2-575(b)(9);
4. To plan, discuss, or hear reports concerning ongoing or planned investigation of alleged criminal or civil misconduct or violations of law or regulations, if disclosure to the public would harm the investigation pursuant to section § 2-575(b)(14).

The Open Session Agenda continues on the next page with ‘Motion to Adjourn’.

MOTION TO ADJOURN

OS-23-03-07	<u>MOTION TO ADJOURN</u>	
ALL	Board Action: To adjourn the meeting. Background: At the end of every meeting a motion to adjourn must be made in open session to close out the business of the Board.	

This ends the Open Session Agenda.