

# BOARD OF CHIROPRACTIC

## Open Session Minutes

**May 14, 2019**

**2:19 pm to 2:23 pm**

**3:55 pm to 4:43 pm**

**4:45 pm to 4:56 pm**

**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 Minutes continue on the next page with the ‘Board Meeting Participants’.

**MEETING PARTICIPANTS:**

<b>BOARD MEMBERS:</b>	
Keita Vanterpool, DC (KV)	
Justin Klein, DC (JK)	
Heather Burris (HB)	
Marsha Johnson (MJ)	
<b>BOARD STAFF:</b>	
Frank Meyers, JD – Executive Director	
Mary Harris – Health Licensing Specialist	
Angela Braxton – Health Licensing Specialist	
Charles Annor – Health Licensing Specialist	
Emilia Moran – Investigator	
Diane Moore – IT Support	
<b>LEGAL STAFF:</b>	
Ajay Gohil, Esq. – Board Attorney Advisor	
Suzanne Fenzel, Esq. – Board Attorney Advisor	

**The Open Session Minutes continue on the next page with the ‘Call to Order’.<sup>1</sup>**

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<sup>1</sup> 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-19-05-01  
ALL

**INTRODUCTIONS**

- A. BOARD MEMBERS**
  
- B. BOARD STAFF**

**APPROVAL OF MINUTES, CONSENT AGENDA AND STAFF REPORTS**

OS-19-05-02  
ALL

**BOARD/DEPARTMENT REPORT**

**A. BOARD CHAIR’S REPORT**

**i. 2019 FCLB Annual Meeting**

The chairperson provided an update on the recent 2019 FCLB Annual Meeting in San Diego, CA, which was attended by Dr. Vanterpool, Dr. Klein, and the Board Attorney and the Board Executive Director. Dr. Vanterpool also informed the Board that she was elected to the position of Treasurer with FCLB.

**ii. New Board Member**

Ms. Marsha Johnson has been appointed by the Mayor as the new consumer member on the Board of Chiropractic, replacing Mr. Justin Palmer.

**iii. New Regulations**

Dr. Vanterpool instructed legal to research the issue of chiropractic assistants providing certain services without a chiropractor present.

**B. EXECUTIVE DIRECTOR’S REPORT**

**i. Licensure Census**

The Executive Director provided an update on the current licensure census in the District, as follows:

Chiropractor	97
Ancillary Procedures - PT	67
Ancillary Procedures - AC	0

**C. BOARD ATTORNEY’S REPORT**

<p>OS-19-05-03 ALL</p>	<p><b><u>OPEN SESSION MINUTES</u></b></p> <p><b>Board Action:</b> Consideration of the Open Session minutes from the March 12, 2019 meeting.</p> <p><b>Background:</b> 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> <p><b>Motion:</b> Motion made by Dr. Klein to approve the minutes. Seconded by Ms. Burris.</p> <p>Dr. Klein, Ms. Johnson, and Ms. Burris voted in favor of the motion. Dr. Vanterpool abstained. The motion passed unanimously.</p>	<p>FM</p>
<p>OS-19-05-04 ALL</p>	<p><b><u>OPEN CONSENT AGENDA</u></b></p> <p><b>Board Action:</b> Consideration of the current May 14, 2019, Open Consent Agenda items for purposes of review and/or ratification of Board actions taken since the last Board meeting.</p> <p><b>Background:</b> The Open Consent Agenda is a record of the decisions and/or actions taken by the Board or its staff since the last meeting of the Board.</p> <p><b>Motion:</b> Motion made by Dr. Klein to approve the consent agenda. Seconded by Ms. Burris.</p> <p>Dr. Klein, Ms. Johnson, Ms. Burris and Dr. Vanterpool voted in favor of the motion. The motion passed unanimously.</p>	<p>FM</p>

**The Open Session Minutes continue on the next page with ‘Misc. Items for Discussion’.**

**MISC. ITEMS FOR DISCUSSION**

<p>OS-19-05-05 ALL</p>	<p><b><u>FAA FLIGHT EXAMS</u></b></p> <p><b>Board Action:</b> To review the letter from Dr. Michael Megehee asking whether a chiropractor meets the definition of a physician for purposes of performing an FAA BasicMed Exam.</p> <p><b>Background:</b> Board staff received a letter from Dr. Michael Megehee, DC, President of TeamCME, asking if chiropractors in the District can do Federal Aviation Administration (FAA) BasicMed exams? According to Section 2307(a)(7) of the FAA Extension, Safety, and Security Act of 2016 (FESSA), an individual must have received "...a comprehensive medical examination from a State-licensed physician during the previous 48 months." Dr. Megehee has inquired of the FAA as to whether a chiropractor can be considered a "[s]tate-licensed physician", to which the FAA responded saying it's a state by state decision. Therefore, Dr. Megehee has submit a request to the Board asking for clarification.</p> <p><b>Motion:</b> Motion made by Ms. Burris that currently chiropractors in the District cannot provide the FFA BasicMed exam. Seconded by Dr. Klein.</p> <p>Dr. Klein, Ms. Johnson, Ms. Burris and Dr. Vanterpool voted in favor of the motion. The motion passed unanimously.</p>	<p>FM</p>
<p>OS-19-05-06 ALL</p>	<p><b><u>PROPOSED CHANGES TO ACUPUNCTURE REGULATIONS</u></b></p> <p><b>Board Action:</b> To review the proposed changes to regulations governing acupuncture practice by chiropractors, as well as regulations governing continuing education.</p> <p><b>Background:</b> The Board previously approved changes to their regulations govnering acupuncture practice by chiropractors, to bring them in line with existing requirements set by the Board of Medicine. Additionally, the Department is moving forward with modifying continuing education (CE) requirements for all professions</p> <p><b>Motion:</b> This item was for informational purposes only, so no formal action was taken at this time.</p>	<p>AG</p>

	Dr. Klein, Ms. Johnson, Ms. Burris and Dr. Vanterpool voted in favor of the motion. The motion passed unanimously.	
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**The Open Session Minutes continue on the next page with 'Motion to Close'.**

**MOTION TO CLOSE**

OS-19-05-07  
ALL

**MOTION TO CLOSE**

**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).

**Motion:**

1<sup>st</sup> motion made by Dr. Klein to go into closed session. Seconded by Ms. Burris.

Dr. Klein, Ms. Johnson, Ms. Burris and Dr. Vanterpool voted in favor of the motion. The motion passed unanimously.

2<sup>nd</sup> motion made by Ms. Burris to go into closed session. Seconded by Dr. Klein.

Dr. Klein, Ms. Johnson, Ms. Burris and Dr. Vanterpool voted in favor of the motion. The motion passed unanimously.

**The Open Session Minutes continue on the next page with ‘Motion to Adjourn’.**



**MOTION TO ADJOURN**

OS-19-05-08  
ALL

**MOTION TO ADJOURN**

**Board Action:**

To adjourn the meeting.

**Background:**

At the end of every a meeting the a motion to adjourn must be made in open session to close out the business of the Board.

**Motion:**

Motion made by Dr. Klein to adjourn the meeting. Seconded by Ms. Burris.

Dr. Klein, Ms. Johnson, Ms. Burris and Dr. Vanterpool voted in favor of the motion. The motion passed unanimously.

**This ends the Open Session Minutes.**