

# **Minnesota Board of Chiropractic Examiners**

## **Biennial Report**

**July 1, 1998 to June 30, 2000**

### **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. [plus the cost of Frank's time to consolidate with other bds]

#### **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 enforcement) by collecting and storing licensure, educational and disciplinary data on approximately 2200 licensed chiropractors. Maintaining this information involves interaction with a myriad of audiences 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, infection control, 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](http://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 deciding whether a complaint or inquiry is jurisdictional and if so whether and what type of action to pursue to resolve the matter

- Seeking information directly from the licensee and patients
- 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 voluntary agreement to disciplinary action or pursuing disciplinary action through a due process, contested case hearing and potential court action

## **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 (Minn. Stat. § 148.06 now allows for acceptance of nationalized exam or other exams for improved inter-jurisdictional mobility).
- Review and revision of board rules to delete obsolete provisions, clarify items that had proven difficult to administer, collaborate to develop and endorse positive changes in chiropractic licensing at the national level, and make minor modifications to the fee structure to ensure that costs of board operations fall as closely as possible on those who receive the services.
- 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.

- Developed multiple versions of a take-home jurisprudence exam for the convenience of licensees and cost-effective expenditure of MBCE resources in assessing new licensee competence to practice in Minnesota.
- 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 retired or took promotions at other state agencies.
- Conducted regular staff meetings to integrate new staff and coordinate transition to new computer system.
- 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 brought up to Y2K compliant standards and improved to run in a WindowsNT environment in the last two years. This system is evolving into a format that will operate in conjunction with Electronic Government Services and additional web-interactive capabilities.

### **C. Emerging issues regarding regulation of chiropractors**

Emerging issues regarding regulation of chiropractors falls into three major areas: telepractice, inter-jurisdictional mobility and technology. The MBCE plans to address these issues in the coming biennium by branching its services into the area of Electronic Government Services (EGS) and by implementing rules relating to inter-jurisdictional mobility (i.e., reciprocity). 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, 2000 are as indicated below.

**Name/Address Position/End of Term**

**JOHN COLVARD, D.C.** PROFESSIONAL MEMBER  
(Northwestern College of Chiropractic)  
2273 Whispering Trail  
Eagan, MN 55122  
January 2002

**ROSEMARY KASSEKERT** ADMINISTRATIVE OFFICER/  
952 W. Idaho PUBLIC MEMBER  
St. Paul, MN 55117  
January 2001

**LEROY F. OTTO, D.C.** VICE PRESIDENT  
(Palmer College of Chiropractic)  
127 South High Street  
Lake City, MN 55041  
January 2003

**JOAN PATALONIS** PUBLIC MEMBER  
2560 Manitou Lane  
White Bear Lake, MN 55110  
January 2003

**GARY PENNEBAKER, D.C.** PRESIDENT  
(Palmer College of Chiropractic)  
8140 Flying Cloud Drive, #201  
Eden Prairie, MN 55344  
January 2004

**MARK O. REEVE, D.C.** PROFESSIONAL MEMBER  
(Logan College of Chiropractic)  
308 Fourth Avenue NW  
Austin, MN 55912  
January 2001

**TIMOTHY J. WHELAN, D.C.** PROFESSIONAL MEMBER  
(Northwestern College of Chiropractic)  
6264 Boone Avenue N  
Brooklyn Park, MN 55428  
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:

<b>Employee's Name</b>	<b>Job Classification</b>	<b>Dates of Employment</b>
BURBEY, JOHN	Office Administrative Specialist	07/21/1999 to present
DORFF, KAREN E.	Office Services Supervisor I	11/10/1999 to present
KING, MICHELLE T.	Health Program Representative	07/02/1990 to present
LONGSTROM, THERESA	Office and Administrative Specialist Senior	05/16/1998 to 09/29/1998
RYDEL, HARRIET J.	Office and Administrative Specialist Senior	10/14/1998 to 02/24/1999
SPICER, LARRY A.	Executive Director	01/06/1993 to present
VANNELLI, THERESA A.	Office and Administrative Specialist Senior	04/7/1999 to 10/01/1999
WATSON, PATRICIA	Clerk Typist 1	08/01/1994 to 02/02/2000

(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:

<b>Item</b>	<b>FY 1999</b>	<b>FY 2000</b>
Receipts	\$525,464.90	539,949.16
Disbursements	\$500,599.26	441,751.76

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

<b>Fee</b>	<b>Amount</b>
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

### III. Licensing and Registration

#### A. Persons licensed or registered

There were 1966 persons licensed as chiropractors as of June 30, 2000; and 1874 as of June 20, 1999. In FY 2000 these 1966 licensed professionals registered with the MBCE for 901 registrations: 467 Acupuncture, 287 Corporation/Firm, 67 GPP, and 80 Independent Examiner. In FY 1999 there were 800 such registrations: 403 Acupuncture, 282 Corporation/Firm, 33 GPP, and 82 Independent Examiner.

#### B. New licenses issued during biennium

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

<b>FY</b>	<b>By Exam</b>	<b>By Reciprocity</b>
1999	127	(Exam Required)
2000	103	(Exam Required)

#### 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:

<b>FY</b>	<b>Acupuncture</b>	<b>Corporation/ Firm</b>	<b>GPP</b>	<b>Independent Examiner</b>	<b>Total</b>

1999	44	33	36	9	122
2000	54	22	30	13	119

## IV. Complaints

### A. Complaints received

The MBCE regulates only one occupation—chiropractors. The following numbers all pertain to licensed chiropractors.

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
• Physical or Mental Disability	1	2
• Advertising (7 categories)	25	30
• Aiding and Abetting an Unlicensed Practice	1	0
• Conviction of a Crime/Misdemeanor	3	4
• Discipline in Another State or Jurisdiction	3	9
• Exercising Influence over a Patient for Financial Gain	13	14
• Failure to report or cooperate with Board Investigation	0	2
• Fraud in applying for a license	0	1

• Gross or Repeated Malpractice	15	17
• Intemperance in the Use of Alcohol or Drugs	4	1
• Improper Maintenance of Records (4 categories)	12	17
• Independent Examiner Violations	3	10
• Other, not a Chiropractic Statute	18	5
• Practice Outside the Scope of Chiropractic	2	3
• Practice w/o a License	12	5
• Professional Corporation Registration Violation	1	0
• Recordkeeping (3 categories)	15	13
• Splitting fees, Paying a Commission or Accepting a Rebate	1	10
• Unable to Practice w/reasonable Skill/Safety	3	4
• Unprofessional Conduct (7 categories)	50	57
• 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 biennium.

<b>ITEM</b>	<b>FY1999</b>	<b>FY 2000</b>
1. Complaints Open:	64	21

• Open Less Than 3 Months	9	19
• Open 3 to 6 Months	40	45
• Open 6 to 12 Months	27	1
• 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 biennium.

ITEM	FY1999	FY 2000
1. Complaints closed	161	156
• 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
• Closed, insufficient evidence	58	63
• Closed, no violation	10	10
• Closed, non-jurisdictional	15	14
• Closed, violation resolved	24	17
• Corrective Action (2000: 21 all belong to one DC/action)	3	21

• Non-Jurisdictional refer	2	6
• Order/Action dismissed terminated	2	1
• Other or forward	2	2
• Unable to pursue (no waiver or name)	8	3
• Violation, warning	4	5
• **Actual orders for discipline, no duplicates	11	8
• Civil Penalties (included as part of orders/sanctions)	6	4
• Referral to HPSP (included as part of orders/sanctions)	2	0
1. 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.

<b>Year</b>	<b>A. Persons Active Licensed</b>	<b>A. Persons Inactive Licensed</b>	<b>B. Complaints</b>	<b>C. Complaints Per 1,000 Licensees</b>	<b>D. Open Cases</b>
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.