

BOARD OF CHIROPRACTIC EXAMINERS

"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."

Board Members

Matt Anderson, DC, Bloomington, MN, Professional Member

(Appointed: 5/21/2007; reappt 2/14/2011)

Robert Daschner, DC, Waseca, MN, Professional Member

(Appointed: 4/22/2008; reappt 6/30/2012)

Howard Fidler, DC, St. Louis Park, MN, Professional Member

(Appointed: 4/28/2004; reappt 6/30/2012)

Teresa Marshall, DC, Mankato, MN, Professional Member

(Appointed: 1/11/2002, reappt: 3/31/2006, 1/19/2010)

LeRoy Otto, DC, Lake City, MN, Professional Member

(Appointed: 4/2/2013)

Ralph Stouffer, EdD, Roseville, MN, Public Member

(Appointed: 3/31/2006; reapptd 5/21/2007, 2/16/2011)

Gregory Steele, Becker, MN, Public Member

(Appointed: 4/2/2013)

Board Staff

Larry A Spicer, DC, Executive Director

Anne Braam, Administrative Support

John Burbey, Continuing Education Coordinator

Lori Blanski, Licensing Coordinator

Micki King, Health Program Representative

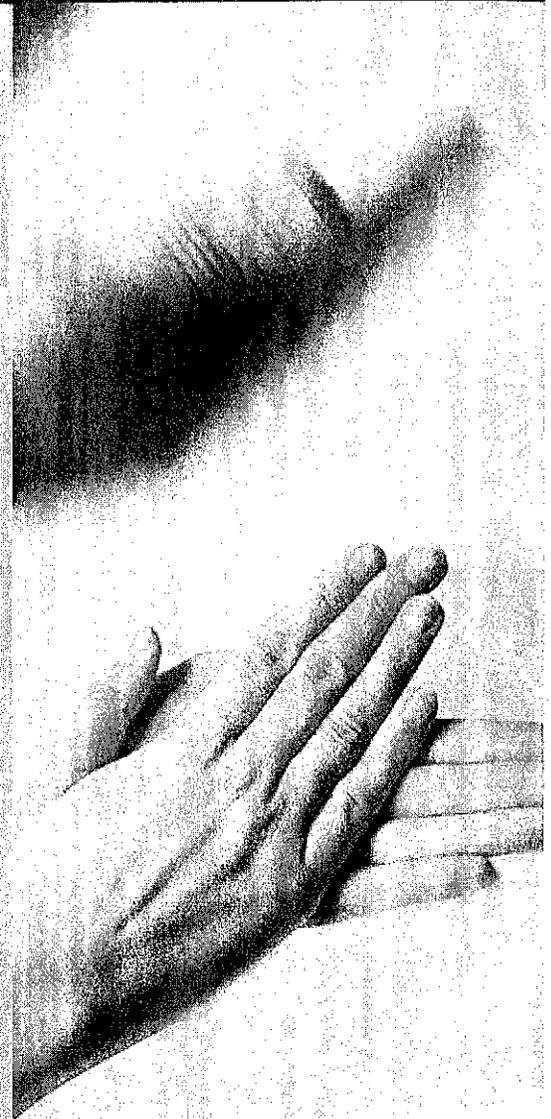
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Letter from the Executive Director

The Minnesota Board of Chiropractic Examiners (MBCE) was established by legislative act on 3-13-1919. Minnesota Statutes 148.01-148.108 and Minnesota Rules 2500 give the board authority to regulate, license by examination and renewal, and investigate complaints. The mission of the 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.

Licensing/Credentialing Services: The purpose of regulation through licensing is to set and enforce standards of competence and ethical practice, and to ensure that persons licensed as doctors of chiropractic meet educational, examination, and continuing education standards. Staff process applications, verify compliance with statutory requirements, provide assistance and information to a variety of customers, and work in collaboration with other agencies at the state, federal, and national levels.

To meet these functions, the MBCE operates under five key service strategies:

- maintain an integrated database of licensee information, registrations, discipline, and complaints
- publish information on the web, including licensure information, disciplinary orders, and rulemaking efforts
- conduct regular board meetings where citizens have input into the review of operations and rulemaking efforts
- respond to public requests for information on chiropractors, continuing education sponsors, and licensee's status
- manage funds soundly

The Board accomplishes its core public safety and regulatory mission of doctors of chiropractic by:

- Administering minimum educational and examination requirements for initial licensure as a doctor of chiropractic and administering requirements and processes for renewal of licensure
- Enforcing standards of ethical practice; responding to inquiries, complaints and or reports regarding applicants, or licensees
- Investigating complaints of alleged violations of statutes, holding educational and disciplinary conferences, and taking legal action when appropriate against licensees who fail to meet minimum standards of practice or who may otherwise constitute a harm to the public as a result of improper/unethical practice
- Approving continuing education providers
- Providing information about licensure and standards of practice, through professional education outreach efforts, the Board's website, online license verification services, and telephone, mail or email inquiries

The Board provides core public safety services through the regulatory oversight of doctors of chiropractic, as noted in the strategies listed above, to ensure both high standards of chiropractic practice and excellent customer service. Services are provided to the general public, consumers of chiropractic services, applicants and licensees, students and faculty in chiropractic academic programs, other state and local agencies, state and national professional chiropractic associations and finally the national testing organization as well as the Federation of Chiropractic Licensing Boards.

Discipline/Complaint Resolution Services: Staff, Board Members, and the Office of the Attorney General work collaboratively to review, investigate, and take action, as appropriate, in alleged complaint cases against licensed doctors of chiropractic. When a licensee is determined to have engaged in conduct which is a violation of the statutes or rules the Board is empowered to enforce, an appearance before Board Members may occur. Licensees may enter into an agreement for corrective action with the Board's complaint panel, or may become subject to disciplinary action, with such final action determined by the full Board. Either of these two remedies is public once completed. In addition, staff provide informational services to a variety of customers regarding the Board's statutory requirements and standards of practice, including how to file a complaint and the complaint resolution process. The Board also works with the Health Professionals Services Program (HPSP), the state's diversion program for regulated professionals who are impaired, as an additional method to ensure public protection.

Online Services: The board maintains a very robust web site which includes: information on Board structure, meetings, and policies; licensing information, applications and renewal forms for nearly all licenses/registrations; information on continuing education programs and sponsors; access to specific statutes and rules directly impacting the profession; information on current emerging issues impacting the profession; information on access to the Health Professional Services Program, and links to many other related sites, and online license application and renewal. The Chiropractic Board was the first among the Health Related Licensing Boards to provide online license renewal capability. The board renewed well in excess of 4000 licenses and registrations last fiscal year, and generally appreciates approximately a 90%+ online application renewal rate.

Key Activity Goals & Measures

The MBCE works to meet the MN Milestone of access to government information 24x7x365 through its self-service website. The MBCE works to protect the public from access to impaired practitioners by prompt investigation of complaints and resolution of disciplinary matters through educational conferences, corrective action agreements, board orders and/or contested case proceedings as deemed required based on the severity of the infractions reported. The MBCE collaborates with other licensing boards and state agencies to create an efficient state government.

Larry A Spicer, DC, Executive Director
Minnesota Board of Chiropractic Examiners

CREDENTIALS

Year	Type of License	Persons Licensed as of June 30	Credentials Renewed	New Licenses Issued	Credentials Renewed Online	
7/1/2013-6/30/2014	Doctor of Chiropractic (DC) License	3069	2965	138	2648	89%
	Acupuncture Registration	668	657	16	582	89%
	Animal Chiropractic Registration	33	26	7	n/a	n/a
	Independent Examiner Registration	51	50	3	46	92%
	Professional Firm Registration	901	796	149	727	91%
	Graduate Preceptor Registration	15	n/a	15	n/a	n/a
	Totals					
7/1/2012-6/30/2013	Doctor of Chiropractic (DC) License	3019	2922	135	2650	91%
	Acupuncture Registration	670	659	17	612	93%
	Animal Chiropractic Registration	30	26	3	n/a	n/a
	Independent Examiner Registration	53	53	6	44	83%
	Professional Firm Registration	786	716	88	660	92%
	Graduate Preceptor Registration	11	n/a	11	n/a	n/a
	Totals					
7/1/2011-6/30/2012	Doctor of Chiropractic (DC) License	2956	2861	124	2604	91%
	Acupuncture Registration	666	655	24	594	91%
	Animal Chiropractic Registration	27	26	1	n/a	n/a
	Independent Examiner Registration	58	57	5	49	86%
	Professional Firm Registration	731	685	70	636	93%
	Graduate Preceptor Registration	12	n/a	12	n/a	n/a
	Totals		4450	4284	236	3883

The MBCE issues one type of license: Doctor of Chiropractic (DC). In addition to and contingent upon this license, a DC may obtain registrations in Acupuncture, Animal Chiropractic, Independent Examiner, Professional Firm and Graduate Preceptor; however, these registrations require an active and good-standing DC license. The registration for Animal Chiropractic was established in FY09 and has attracted increased interest from DCs.

CREDENTIALS

Year	Type of License	Persons Licensed as of June 30	Credentials Renewed	New Licenses Issued	Credentials Renewed Online	
7/1/2010-6/30/2011	Doctor of Chiropractic (DC) License	2896	2781	156	2539	92%
	Acupuncture Registration	649	655	24	601	97%
	Animal Chiropractic Registration	23	22	3	n/a	n/a
	Independent Examiner Registration	57	52	8	47	90%
	Professional Firm Registration	698	658	60	607	92%
	Graduate Preceptor Registration	10	n/a	12	n/a	n/a
	Totals		4333	4137	258	3794
7/1/2009-6/30/2010	Doctor of Chiropractic (DC) License	2816	158	2715	2393	89%
	Acupuncture Registration	631	23	624	534	86%
	Animal Chiropractic Registration	20	0	20	n/a	n/a
	Independent Examiner Registration	51	7	48	40	84%
	Professional Firm Registration	665	68	614	522	85%
	Graduate Preceptor Registration	19	n/a	19	n/a	n/a
	Totals		4217	274	4021	3489
7/1/2008-6/30/2009	Doctor of Chiropractic (DC) License	2750	2665	115	2356	89%
	Acupuncture Registration	627	620	22	539	87%
	Animal Chiropractic Registration	12	12	0	n/a	n/a
	Independent Examiner Registration	49	49	3	40	82%
	Professional Firm Registration	623	589	68	545	93%
	Graduate Preceptor Registration	16	n/a	16	n/a	n/a
	Totals		4089	3935	224	3480

Statistics above are shown *annually vs. biennially*. For the purposes of this report, those who completed their renewal form online are counted as one in the numbers under Online Renewals, whether or not they paid their renewal fee online.

COMPLAINTS

Biennium Ending	Complaints Closed in Biennium	Complaints Opened in Biennium Length of Time Complaint was Open	Disciplinary Action Taken
6/30/14	361	400 374 < one year 26 > one year	79 Actions Taken*
6/30/12	310	296 < one year 14 > one year	
6/30/10	420	375 < one year 45 > one year	
6/30/08	348	321 < one year 27 > one year	

* Types of Action taken During Biennium ending June 30, 2014

Type of Action	#	Type of Action	#
Board Order	4	Reinstate from suspension/revocation with probation and/or conditions	15
Corrective Action Agreement	11	Stipulations to cease practicing	2
Court Orders following a hearing	2	Suspended for failure to pay taxes or child support	4
Probation w/conditions, restrictions, fines, etc.	3	Issued "Unconditional" license upon completion of disciplinary terms	12
Revocations	3	Voluntary Surrender of license under public order	6
Suspensions	17		

Cases going over one year generally involve one or more of the following:

- an investigation by Attorney General's Office,
- the licensee elects to go to hearing rather than accept the Board's proposed settlement when a violation has been determined
- if the case involves civil or criminal charges, the panel may place the complaint on hold pending a court ruling as a criminal conviction may be another violation for which we can impose discipline uncontested, or if acquitted, we may rethink the strength of our case

Allegation (No. of Complaints per Biennium by allegation type)	2014	2012	2010	2008
Acupuncture violations	1	1	1	7
Address/phone change failure to notify Board	0	2	4	1
Advanced physical or mental disability	2			
Advertising	69	46	110	73
Aiding or abetting unlicensed practice, & delegating	5	6	23	8
Animal Chiropractic Violation (new law 2010)	3	4	X	X
Application disclosure (DWI, conviction, etc.)	60	59	29	18
Billing dispute	7	13	20	5
Conviction of a crime of moral turpitude or felony	31	21	13	20
Delegating professional responsibilities to unqualified person	3			
Disciplinary action in another state/jurisdiction	8	12	6	4

COMPLAINTS BY TYPE

Allegation (No. of Complaints per Biennium by allegation type)	2014	2012	2010	2008
Exercising influence on a patient or client for financial gain	26	27	46	25
Failure to make a report or cooperate w/investigation	6	2	25	2
Failure to pay fee or complete CE for annual renewal	4			
Fraud-deception in applying for a license	1	5	0	2
Graduate Preceptorship program violation	0	2	3	1
Gross or repeated mal practice	25	26	19	19
Habitual intemperance in alcohol or drugs	28	20	24	21
HPSP violation, noncompliance	4	3	3	4
Independent exams, false or misleading	13	11	13	3
Improper management of records (lost or release of)	16	23	19	17
Other, not chiropractic, i.e. taxes, child support, federal law	47	35	28	16
Petition for end of discipline	8	18	13	11
Practice outside scope	12	5	8	7
Practice under a false or assumed name, failure to update name change	2			
Practicing w/o a license, revoked, suspended, prior to licensure, etc.	23	13	23	15
Prepaid plans rule violation (new law in 2011)	4	1	X	X
Professional corporation registration violation	9	5	5	7
Poor recordkeeping-documentation of care	11	9	18	15
Revealing privileged patient information, breach	4			
Splitting fees, runners, cappers	33	14	25	3
Unable to practice illness, incompetence, drugs, etc	14	12	15	16
Unethical practices, runners making direct contact (new law 2008)	9	7	35	x
Unprofessional conduct, unethical or deceptive practices	16	17	29	12
Unprofessional, sexual misconduct	21	16	20	13
Unprofessional, providing unnecessary services	7	6	7	7
Unprofessional, charging unconscionable fees	19	16	30	15
Unprofessional, threatening or dishonest fee collection	16	20	40	14
Unprofessional, fraud on patients or insurance	8	14	20	8
Unprofessional, waving deductible or co-pay	0	0	2	1
Violation of a Board Order	15	13	13	4

Our current database tracks the source of complaints such as from the public, the profession, government agency, insurance agency, etc. It does not track how the complaint was received, i.e. phone, US Mail, e-mail, in person, etc.

We require an original signed waiver for the release of protected information for the majority of complaints, i.e. the complaint and patient records.

RECEIPTS

Total Receipts for BIENNIAL REPORT PERIOD of 07/01/2012 to 06/30/2014				
Source Code	Fee Type	Amount of Fee	Total \$ Received	Terms
609254	Acupuncture Application	\$100.00	\$3,750.00	upon application
609269	Acupuncture Renewal (inactive)	\$25.00	\$200.00	annual
609255	Acupuncture Renewal (active)	\$50.00	\$65,100.00	annual
609270	Acupuncture Reinstatement	\$100.00	\$150.00	Upon application
609267	Animal Chiropractic Active Renewal	\$75.00	\$3,750.00	annual
609268	Animal Chiropractic Inactive Renewal	\$25.00	\$300.00	annual
609266	Animal Chiropractic Initial Registration	\$125.00	\$1,250.00	upon application
609265	Continuing Education Audit Penalty	\$300, \$600, \$900	\$198,492.28	as assessed
609258	Continuing Education Seminar Fee	\$100.00	\$10,500.00	upon application
609273	Continuing Education Sponsor Fee	\$500.00	\$37,000.00	upon application
609260	Copies	\$.25 / page	see MISC	upon request
609260	Copies of Board Orders / Lawbooks	\$10.00	see MISC	upon request
553094	Credit Card Handling Fee	\$1.50	\$11,772.00*	per transaction
609248	DC Active License Renewal	\$200.00	\$1,119,250.00	annual
609245	DC Application Fee	\$250.00	\$70,950.00	upon application
609250	DC Inactive License Renewal	\$150.00	\$47,400.00	annual
609256	Disciplinary Fee / Civil Penalty	up to \$10,000.00	\$77,665.92	as assessed
609262	Duplicate License / Miscellaneous	\$10.00 / various	\$1,630.00 / \$451.26	upon request
609247	Graduate Preceptorship Fee	\$100.00	\$5,200.00	upon application
609252	Independent Examiner Registration	\$150.00	\$2,250.00	upon application
609253	Independent Examiner Renewal	\$100.00	\$10,300.00	annual
609274	Labels of Chiropractors (partial or complete)	\$15.00 or \$150.00	\$0.00	upon request
609251	License Reinstatement	\$100.00	\$1,100.00	upon application
609259	License Verification	\$10.00	\$2,640.00	upon request
609261	Lists of Chiropractors (partial or complete)	\$10.00 or \$100.00	\$6,865.00	upon request
609272	NSF Service Charge	\$25.00	\$323.50	as assessed
609264	Prior Year Late Fee (DC / Firm)	\$150.00 / \$5.00	\$3,525.00	accrued monthly
609263	Prior Year Renewal Fee	\$200.00	\$12,800.00	upon application for reinstatement
608254	Professional Firm Initial	\$100.00	\$27,400.00	upon application
609271	Professional Firm Renewal	\$25.00	\$37,975.00	annual
609249	Renewal Penalty Fee (DC / Firm)	\$150.00 / \$5.00	\$12,770.00	accrued monthly
513122	Surcharge	\$25.00 / \$20.00 / \$15.00	\$124,208.50*	upon application/renewal

* The Credit Card Fee is collected from licensees who use the online renewal system; it does not reflect the total cost to the MBCE for the each online transaction. This fee and the Surcharge fee are paid out and not kept by the Board, the amount in the budget is therefore \$0.

Shaded areas represent a fee that has changed its source code or name; but there are no statutory changes.

The totals above are for two fiscal years. The Board has not raised its licensing fees since 1993!

DISBURSMENTS AND EXPENDITURES

Total Disbursements for BIENNIAL REPORT PERIOD of 07/01/2012 to 06/30/2014	
Category	Total Amount \$
Salaries, Benefits, & Per Diems	\$668,227.52
Office Rental, Maintenance, Utilities	\$78,695.11
Computer, Communications, Printing & Advertising	\$33,553.52
Professional / Technical Services	\$14,478.88
Supplies & Equipment	\$45,826.23
Travel – In State & Out of State	\$16,443.02
Other Operating Costs	\$19,360.82
Legal Costs	\$343,430.40
Health Professionals Service Program (HPSP)	\$37,870.42
Unspecified Indirect Costs	\$53,378.83
TOTAL	\$1,311,264.75

RECEIPTS AND DISBURSEMENTS

Year	Total \$ Received	Total Disbursements and Expenditures
7/1/2013-6/30/2014	\$821,692.58	\$657,311.57
7/1/2012-6/30/2013	\$939,295.38	\$653,953.18
7/1/2011-6/30/2012	\$800,468.63	\$550,423.63
7/1/2010-6/30/2011	\$718,276.54	\$638,396.26
7/1/2009-6/30/2010	\$717,985.19	\$639,885.80
7/1/2008-6/30/2009	\$699,661.43	\$627,415.60
7/1/2007-6/30/2008	\$678,458.43	\$614,312.11

The State of Health Occupation Regulation

Features available on the Board's website include:

- License and registration renewal
- Information on obtaining a license and registration
- Information on renewal of licenses and registrations
- Public information such as disciplinary orders
- Information on how to file a complaint or resolve disputes
- Online change of address/phone number capability
- Information on MBCE meetings and meeting content
- Information on emerging issues which may affect the profession.

Emerging issues seen in regulation of licensees include:

- An increase in types and forms of fraudulent schemes to which doctors may be subjected
- Changes in health regulatory issues
- Management of impairment problems such as chemical dependency

Awards received by the MBCE include:

- 1993 Outstanding Licensing Board
- 2005 Executive Director awarded the George Arvidson Award, the Federation of Chiropractic Boards' highest honor (Note: the Executive Director is the only Executive Director of a Chiropractic Board to ever receive this award)
- 2009 Executive Director was appointed to the Board of the Federation of Chiropractic Licensing Boards
- 2012 Executive Director was re-appointed to the Board of the Federation of Chiropractic Licensing Boards

Current contested cases include topics and results such as:

- Chemical addiction and sexual misconduct. Resulted in probation, practice restrictions, and professional monitoring and therapy
- Exploiting patients for financial gain, providing excessive/unnecessary care, charging unconscionable fees, delegating professional duties to unqualified staff; ongoing at this time
- Splitting fees; ongoing at this time
- Violation of a board order; resulted in suspension
- Denial of petition for unconditional license due to lack of restitution to victims; ongoing at this time
- Exploiting patients for financial gain, excessive care, improper billings, inadequate records; resulted in suspension
- Exploiting patients for financial gain, improper billings, inadequate records; resulted in revocation
- Denial of application for license based on conviction in another jurisdiction of a felony related to the practice; the Board prevailed
- Restraint of trade; the Board prevailed

Major program accomplishments for the MBCE in the past biennium include:

- Development / implementation of new state of the art database program
- Implementation of online applications for licenses and registrations
- Legislative Audit with no deleterious findings
- Continued high rate of online renewal utilization
- Improved continuing education audits with reduced audit failures

Issues which will need to be addressed in the next biennium include:

- Changes to the Chiropractic Practice Act
- Budget
- Changes to MS § 214
- New requirements resulting from the 2012 Sunset Legislation

The MBCE office is staffed with 4.8 full-time employees who work on a daily basis to:

- License applicants for Doctor of Chiropractic (DC)
- Approve registrations for: Acupuncture, Animal Chiropractic, Professional Firm, Graduate Preceptorship and Independent Examiner
- Renew the licenses and registrations listed above
- Manage funds received
- Manage continuing education
- Investigate and resolve complaints and disciplinary actions

Rules activity during the past biennium that affect the MBCE include:

- Independent Examiner Rule - Final Adoption Pending
- Waiver of Continuing Education for first year of license/registration - Pending
- Reduction of Continuing Education for long term licensees - Withdrawn
- Animal Rehabilitation definition - Pending

