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ADMINISTRATIVE PROCEDURES

I. PREAMBLE

The Minnesota Board of Chiropractic Examiners (MBCE), at its February 13, 1992 meeting, voted unanimously to create Administrative Procedures for the MBCE. All previous motions referred to as internal guidelines (motions or resolutions pertaining to procedures or policies of the MBCE) were, by a separate vote, revoked. This document is dynamic and may be changed by a successful vote of the MBCE.

II. GENERAL POLICIES

A. Board Meetings

1. A minimum of three meetings per calendar year must be held.
2. Suggested items for a Board meeting agenda, including the topic and a brief description, should be submitted to the Board President 14 days prior to the scheduled meeting.
3. Meetings of the Board and its committees must be conducted according to *Robert's Rules of Order*, or a modification of such rules as acceptable to the Board.
4. Discussions and motions made at open meetings of the Board and the results of those motions will be recorded. During the course of meetings which are closed pursuant to the Administrative Procedures Act and/or Open Meeting Laws, only motions and final decisions of the Board shall be recorded.
5. The licensee may be invited to be in attendance during disciplinary portions of Board meetings, but shall not be able to be present during deliberative, closed portions of such Board meetings.

B. Board Presentations

1. All presentations to the MBCE will be made in accordance with the following procedure:
 - a. The Minnesota Board of Chiropractic Examiners (MBCE) will provide an organized, controlled forum for obtaining information on issues which concern chiropractic as delivered to the citizens of Minnesota.
2. Procedure
 - a. When the MBCE receives a public or internal request for a forum on a topic, the President and Vice President will review the request and determine whether the subject of the presentation falls within the jurisdiction of the Board. In the case of a difference of opinion, the administrative officer of the MBCE will be consulted and a majority decision will prevail. If the subject matter falls within the jurisdiction of the Board, the subject will be placed on the agenda of the next regularly scheduled Board meeting which occurs greater than fourteen days from the date of the jurisdictional determination.
 - b. The Board chair shall have discretion to determine the time limits of the presentation or presentations, except that any such decision may be overruled by a majority vote of the Board. Unless otherwise protected by law, the presentation and all supporting documents must be entered into the Board meeting record which is public.
 - c. If additional information is necessary the Board may, in its discretion, delay action on the subject. The Board may, in its discretion, set a date by which all additional information must be provided.

- d. The Board may, in its discretion, defer further consideration of the subject matter until the next regularly scheduled Board meeting, or the Board may call a special Board meeting to continue consideration of the matter. Additionally, the Board may, in its discretion, assign the subject matter to any appropriate committee of the Board for the purpose of further study and recommendations or elect to take no further action.

C. Per Diem Policy

1. The following criteria must be utilized by Board members when submitting request for per diem reimbursement:
 - a. Any convention, conference, seminar, or other meeting attended by the Board member at any location in which the Board member is personally present, and is engaged in activity on behalf of the MBCE.
 - b. Any meeting conducted by telephone, in which a quorum of the MBCE has been called for the express purpose of conducting MBCE business, and which would ordinarily be conducted in accordance with Minnesota Statutes 471.72 through 471.705.
 - c. Any combination of telephone conversations or meetings in which the Board member is engaged in activity on behalf of the Board, and which when added up comprises a total activity time of no less than one hour.
2. Under no circumstances shall more than one per diem fee be charged for or awarded on any calendar day. Any activity not expressly covered by the above criteria, must be submitted to the Executive Committee for consideration. Any Board member, who submits a request to the Executive Committee and which is subsequently denied, must be granted the opportunity to appeal the submission to the full Board at its next regularly scheduled meeting.

D. Recusal Policy

1. A Board member should disqualify himself or herself in a proceeding in which the Board member's impartiality might reasonably be questioned, including but not limited to instances where:
 - a. the Board member has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
 - b. the Board member or the Board member's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person is known by the Board member to have a financial or other interest that could be substantially affected by the outcome of the proceeding.
2. The above provisions shall not be construed to require recusal in the event such recusal would prevent the existence of a quorum for the purposes of carrying out Board business.

E. Violations of Administrative Procedures

1. Violations by any Board member of the Administrative Procedures may be remedied or addressed by one or more of the following:
 - a. The member so violating may receive written notification outlining the details of the violation. This notification may serve as a warning to the member.
 - b. The member so violating may be asked to submit an apology to the Board either verbally or in writing, at the discretion of the Executive Committee. Such apology should be made available at the next regularly scheduled Board meeting, following the determination of the Executive Committee.
 - c. The member so violating may be deemed ineligible to serve on the Executive Committee for a period of one full year from the date of determination.

- d. The member so violating may receive a written sanction in the form of letter or resolution, which must describe the details of the violation, and may outline remedies for future violations, if any.

2. Procedure

- a. All violations, and possible remedies must be discussed at the next regularly scheduled meeting of the Executive Committee. In the event that the violation is grievous, and the need for immediate action is determined, the President may call a special meeting of the Executive Committee.
- b. Remedies, as discussed above, must be decided upon by a majority vote of the Executive Committee and offered in writing to the member.
 - (1) If the member accepts the remedy, then the remedy must be completed by the date agreed upon by the Executive Committee and the member.
 - (2) In the event the member does not agree with the determination of the Executive Committee, then the member may appeal to the full Board.
- c. Appeals to the full Board must be heard at the next regularly scheduled Board meeting, provided the appeal is submitted 14 days prior to the scheduled meeting.
 - (1) At said meeting, the full Board must consider the remedy, and act appropriately.
 - (2) Decisions by the full Board regarding appeals shall be final and binding.
 - (3) The member so violating, shall not be permitted to vote on any appeal actions regarding that member.

F. Suspension of Administrative Procedures

1. Suspensions or revocation of any or all of the Administrative Procedures may take place only after a vote of 5 or more members to suspend or revoke.
2. Suspensions of the Administrative Procedures must not be arbitrary nor capricious, but must occur only when it becomes impossible or highly unlikely that the Board can otherwise properly carry out its function(s).
3. Any act to suspend should include the duration of said suspension. Otherwise, the Administrative Procedures shall be automatically reinstated following the action necessitating the suspension.

III. BOARD MEMBER AND BOARD STAFF DUTIES

A. MBCE Member Duties

1. MBCE Members must:
 - a. Attend all Board Related meetings in accordance with Minnesota Statutes.
 - b. refer questions, issues, etc. regarding Board activities to the Executive Director in order to avoid misinformation or misrepresentation and to maintain continuity
 - c. coordinate Board interactions through the Executive Director (e.g. committee meetings, agenda items)
 - d. familiarize themselves with the legal responsibilities of Board membership, and participate in Board member orientations.
 - e. self-report any possible conflicts of interest
 - f. upon request, be granted continuing education units for assisting with the development or administration of the licensing examination. These units will be granted in lieu of per diem and mileage reimbursement.
 - g. Upon request, be granted continuing education credits for attendance at conferences or other functions, which present

material in subject matter and in a format generally consistent with the requirements of continuing education approval.

- (1) Credit shall not be awarded for attendance at continuing education programs which the board member is auditing for board purposes, unless the board member has paid the tuition in full;
- (2) credit requests shall be submitted to the Executive Director, who shall award such credits when deemed otherwise consistent with the standards of approval for traditional continuing education courses

B. Board Officer Duties

1. The MBCE President shall:
 - a. call Board meetings
 - (1) Board meetings may also be called by request of a majority of the Board members.
 - b. set the agenda for Board meetings
 - c. chair Board meetings; however, the President cannot preside over a portion of the Board meeting in which the Board is considering a contested disciplinary action in which the President was involved as a complaint panel member
 - d. appoint and remove MBCE committee members
 - e. provide direct oversight of the Executive Director
 - f. conduct performance reviews of the Executive Director
 - g. act on behalf of the MBCE within reasonable bounds
 - h. represent or appoint a representative of the MBCE to the Council of Health Boards
 - i. serve as Vice President or Administrative Officer prior to serving as President
 - j. interact a minimum of monthly with the Vice President and the Executive Director

2. The MBCE Vice President must:
 - a. chair Board meetings in the absence of the President
 - b. review and co-sign performance reviews of the Executive Director
 - c. interact a minimum of monthly with the President and the Executive Director
 - d. replace the President if the President is unwilling or unable to carry out his/her duties

3. The MBCE Administrative Officer must:
 - a. replace the Vice President if the Vice President is unwilling or unable to carry out his/her duties
 - b. review the budget process with the Executive Director
 - c. review and co-sign budget documents as requested by the Executive Director
 - d. review and co-sign database changes made by MBCE staff
 - e. Act as parliamentarian

C. Board Officer Term Limits

1. Board officers, established in **IV.B.1** below, shall be elected for a 2 year term of office.
 - a. Elections of officers shall occur at the last regularly scheduled board meeting on each odd numbered calendar year. Duly Elected officers shall take office effective as of January 1 of the next (even) numbered calendar year.

2. No Member may occupy an officer position for a period to exceed one full term

3. In any event in which a member is appointed to fill a vacancy created by a Board officer according to the provision outlined in **IV.B.1.d** below, and for which the fulfillment of the vacancy is equal to or less than 18 months, the appointment shall not apply to this members 2 year limitation. This fulfillment term shall be calculated as of the date of approval by the Full Board pursuant to **IV.B.1.d.(4)** below.

D. Executive Director Duties:

1. The MBCE Executive Director shall be the chief administrative officer and must comply with the statutory requirements (see *Minn. Stat.* § 214.04, subd. 3). In addition to other statutory requirements, the Executive Director shall be responsible for fulfilling the other requisites of his/her position description, which include MBCE office administration, human resource management, financial management, Board administrative support, Board committee administration, licensing examination administration, and complaint and disciplinary administration.
2. The Executive Director shall:
 - a. conduct the office and carry out his/her responsibilities in accordance with the job description
 - b. keep a phone log and communications file which will be reviewed by the MBCE Executive Committee as they deem necessary
 - c. have equal voting authority on Complaint Panels of the Board
 - d. act as Board liaison with other chiropractic organizations (e.g. Minnesota Chiropractic Association, Northwestern College of Chiropractic and other organizations when MBCE representation is requested
 - e. act as Board liaison with other state agencies
 - f. maintain a file with a record of each meeting at which s/he acts as liaison/representative with a description of what was discussed; this file may be reviewed at any time by the MBCE Executive Committee
 - g. with agreement of the MBCE Executive Committee, represent the MBCE at:
 - (1) the district and national meetings of the Federation of Chiropractic Licensing Boards (FCLB)
 - (2) other meetings as approved by the MBCE Executive Committee

- h. make MBCE members aware of meetings which may need their attendance or may be of interest or importance
- i. attend all meetings of the Board and its committees
- j. chair the Executive Committee Meetings
- k. Chair Complaint Panel Meetings
- l. chair the Rules Committee meetings
- m. interact a minimum of monthly with the President and the Vice President

IV. COMMITTEES

A. Committees

1. Current or anticipated committees of the Board are:
 - a. Executive Committee
 - b. Rules Committee
 - c. Complaint Panels
 - d. Legislative Oversight Committee
 - e. Examination Development Committee
2. Committee Procedures
 - a. Committee appointments are made by the President within one month of new Board appointments.
 - b. Changes to committees by a new president are to be made no later than December 31 of that calendar year, with appointments taking effect on January 1 of the year immediately following
 - c. Changes to committees during the year are made:
 - (1) within one month of a vacancy
 - (2) as deemed necessary, with documented cause, by no less than two of the three Executive Committee members
 - d. Any minutes drafted by committees shall serve as a report of the committee, and shall be presented to the Board.

B. Committee Structure/Composition

1. Executive Committee

- a. The Executive Committee shall consist of the President, Vice President, Administrative Officer, and Executive Director.
- b. The Executive Director shall function as chair of the committee, and shall not be a voting member.
- c. The Executive Committee of the Board will be composed of no less than two professional members of the Board.
- d. Executive Committee Vacancies
 - (1) If any member of the Executive Committee vacates their office during their ~~year~~ term, they should announce that vacancy at a meeting of the Executive Committee.
 - (2) The Executive Director will then notify the other Board members in writing that a vacancy will be occurring.
 - (3) A replacement will be named at a following meeting of the Executive Committee not to occur sooner than 15 days after the notice.
 - (4) Approval of the appointment will be made by the Board at its next regular meeting.

2. Rules Committee

- a. The Rules Committee shall be chaired by the Executive Director who shall not be a voting member.
- b. Other members, to be appointed by the President, must include no less than two professional members and one public member of the MBCE.

3. Complaint Panels

- a. The Complaint Panels shall consist of two board members, and the Executive Director.
- b. The Executive Director shall serve as the chair of the committee and shall be a voting member.

- c. Each complaint panel shall have at least one licensee member.
- 4. Legislative Oversight Committee
 - a. The Legislative Oversight Committee shall be comprised of the Executive Director, and no more than three Board members appointed by the President.
 - b. The Executive Director shall act as chair, and shall not be a voting member of the committee
- 5. Examination Development Committee
 - a. The Examination Development Committee membership includes at least one current or former Executive Committee member, at least one other professional member, and the Executive Director.
 - b. The Executive Director shall not be a voting member.
 - c. The committee shall designate its own chair

C. Committees - Function and Purpose

- 1. Executive Committee of the Board
 - a. The Executive Committee must meet monthly, or as close as practical to a monthly basis. In no event shall there be less than six (6) Executive Committee meetings annually.
 - b. All meetings must be in compliance with the Open Meeting Law (see *Minn. Stat.* § 14) and the Data Practices Act (see *Minn. Stat.* § 13).
 - c. Minutes must be kept for each meeting, and shall be considered to be prima facie evidence of the activities of the Executive Committee. Any minutes generated shall be construed to be public information, and may be reviewed by the full Board at each regularly scheduled meeting of the full Board, or by any person upon request.
 - d. The Executive Committee must act as an intermediary between the full Board and the MBCE office and Executive Director, in interpreting and implementing the broader policy decisions of the Board.

- e. The Executive Committee shall provide oversight and guidance to the Executive Director
 - (1) the Executive Committee shall review the phone logs of the Executive Director as they deem necessary
 - (2) the Executive Committee may review the records of meetings between the Executive Director and other persons, organizations or agencies. This provision shall not be construed to allow the Executive Committee to review notes of complaint panel proceedings which the Executive Committee is not otherwise authorized to review.
 - (3) the Executive Committee shall provide input regarding the Executive Directors participation at various regional and national meetings pertaining directly or indirectly to the regulation of chiropractic
- f. The Executive Committee may act on behalf of the Board in the areas of:
 - (1) Administrative Funds Expenditure
 - (a) approve funds to a maximum of \$5000 for the acquisition of equipment necessary for the administration of the MBCE office and its attendant responsibilities
 - (b) approve funds not to exceed \$1500 per person necessary to send staff or other Board representative(s) to seminars or conventions related to the administration of the MBCE office or to other regulatory issues
 - (2) Special Considerations
 - (a) review special requests for licensure reinstatement other than those pursuant to *Minnesota Rule* 2500.1110 "License Termination Procedure" and

Minnesota Rule 2500.1900, "License Reinstatement."

- (b) review action taken on requests for continuing education waiver/deferments pursuant to *Minnesota Rule 2500.2000*
 - (c) review and act on requests for variances pursuant to *Minnesota Rule 2500.5050*
 - (d) review of controversial preceptorship applications
 - (e) unusual special needs consideration for licensure examinations
 - (f) review and approve or deny applications for license transfer pursuant to the provisions of *Minnesota Rule 2500.0800*
- (3) Continuing Education
- (a) provide input for controversial continuing education decisions with regard to *Minnesota Rule 2500.1600*
 - (b) provide input for policy decisions regarding the administration of continuing education
 - (c) provide input for policy decisions regarding lecturers with questionable qualifications
 - (d) provide input for approval of applications for sponsors with questionable qualifications
 - (e) provide oversight for the monitoring of the continuing education programs
- (4) Miscellaneous Policy
- (a) provide input for approval of candidates for licensure with questionable credentials
 - (b) act as intermediary for special projects (e.g. National Board of Chiropractic Examiners involvement with state licensing examinations)
 - (c) initiate specific actions designed to implement the

policies of the full Board, or *Minnesota Statutes*, administrative rules, and Board Administrative Procedures

- (d) review and make necessary comments on the MBCE newsletter prior to publication
- (e) direct Executive Director to implement special projects as necessary for the administration of the MBCE office, or to function with respect to the changing social, political, and regulatory climate.
- (f) following a vote of no less than two of three Executive Committee members, ask a Board member to leave a public Board function if it is believed that Board member is being disruptive;
 - i) if only two members vote and those members are in disagreement, the Executive Director will be asked to cast a tie-breaking vote.

2. Rules Committee

- a. The purpose of the Rules Committee shall be to:
 - (1) develop language recommendations for rules promulgation referred to the committee by Board action
 - (2) track and negotiate rules through the rules promulgation process
 - (3) provide assistance and support in any hearing before the Office of Administrative Hearings on rules related matters.
 - (4) make any other recommendations to the Board deemed appropriate by the committee, which may have been affected by research or other inquiry subsequent to the rules promulgation process

3. Complaint Panels

a. The purpose of the Complaint Panels shall be to:

- (1) review and process complaints submitted to the board regarding chiropractors
- (2) participate in Educational Meetings or Administrative Conferences with licensees as appropriate.
- (3) enter into corrective actions with licensees when appropriate. Such actions shall be reported to the Board at its next regularly scheduled meeting.
- (4) make recommendations to the Board on actions regarding appropriate discipline of licensees
- (5) participate in actions before the Office of Administrative Hearings in Contested case matters
- (6) the Complaint Panel is hereby delegated the authority to enter into stipulations with a Licensee to cease or limit practice when, in the opinion of a majority of the Complaint Panel and the Attorney General Representative, such action is warranted to protect the public pending the resolution of a complaint or investigation.
- (7) the Complaint Panel is hereby delegated the authority to act cooperatively with the Attorney General in the filing of a civil suit or a suit against a licensee for injunctive relief pursuant to the provisions of Minn. Stat. § 214.11 when, in the opinion of a majority of the Complaint Panel and the Attorney General representative, such action is warranted to protect the interests of the public or the Board, pending resolution of a complaint or investigation.
- (8) in accordance with the provisions of Minn. Stat. § 214.10, Subd. 8 (c) and (d) as well as Minn. Stat. § 214.103, Subd. 3, the Complaint Panel is hereby delegated the authority to refer a case against a licensee to any county attorney, or

other legal officer of competent jurisdiction in any administrative, civil, or criminal matter, which in the opinion of the majority of the Complaint Panel and the Attorney General representative, is necessary to protect the public.

4. Legislative Oversight Committee
 - a. The Legislative Oversight Committee will determine which issues need full Board involvement/action.
 - b. The committee will make recommendations to the full board as the committee deems appropriate
 - c. A member of the committee may act as a legislative liaison to other organization's committees in an information gathering capacity
5. Examination Development Committee
 - a. The Examination Development Committee meets as deemed necessary by the chair.
 - b. The Examination Development Committee shall act as the Board's representative to the National Board of Chiropractic Examiners (NBCE.)
 - c. The Examination Development Committee shall provide input and oversight for other examinations offered by the Board

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