

# MONTANA BOARD OF CHIROPRACTORS



**NEWSLETTER**  
DEPARTMENT OF LABOR & INDUSTRY  
301 SOUTH PARK 4TH FLOOR  
HELENA MONTANA 59620  
(406) 841-2390  
[www.chiropractor.mt.gov](http://www.chiropractor.mt.gov)



## NEW BOARD OFFICERS ELECTED

Dr. Thomas Fullerton, DC was elected President of the Board at the October 12, 2007 board meeting in Helena, Montana. Dr. Fullerton was first appointed to the Montana Board of



Chiropractors January 1, 2004. Dr. Fullerton anticipates the Board to become more aggressive when prosecuting complaints that come before the Board. "We must follow the letter of the law,

and protection of the public is our primary concern."

Dr. John Sando, DC was elected Vice President of the Board at the October 12, 2007 board meeting in Helena. Dr. Sando was appointed to the Board January 1, 2006 and has been a licensed chiropractor in Montana since May of 1996. Dr. Sando currently practices in Butte, Montana.

Dr. Fullerton and Dr. Sando will do a great job of leading the Board of Chiropractors in protecting the public of Montana during their term on the Board.

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## NEW BOARD MEMBER

Governor Brian Schweitzer appointed Dr. Scott Hansing, DC to the Board effective January 23, 2008.

Dr. Hansing grew up in Southern Idaho. He graduated from Boise State University with a B.S. in Exercise Physiology; he then went on to graduate from Palmer College of Chiropractic Cum Laude in 2001.

The Montana Board of Chiropractors issued his Montana Chiropractic license in January of 2002.

Dr. Hansing has two practice locations; one in Helena, Montana and another in Deer Lodge, Montana.

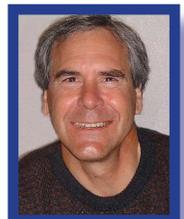
Dr. Hansing has served on the state multidisciplinary pain management group, has been a member of the Montana Chiropractic Association (MCA) Board since 2005, and is currently Secretary Treasurer of the MCA Board.

Dr. Hansing enjoys mountain biking, snow boarding, hunting, fly fishing, wood working, camping and golfing. He has been married for five years and has a four year old daughter.

WELCOME TO THE BOARD, DR. HANSING!

## FAREWELL FROM DR. PRIDEAUX

**After six years on the board of Chiropractors, I have reached the end of my appointed terms and must bid adieu. Serving in such a capacity, you develop a unique camaraderie, and I would like to take this opportunity to thank those Board members with whom I have previously served, Drs. Hoell and Blanchard. Your help, understanding and guidance have been more than appreciated. I would also like to thank our current members, Drs. Fullerton and Sando, along with our Public Member Ms. Lucy Heger, and newly appointed Dr. Hansing. It is reassuring to know Montana has a fair, dedicated and impartial group with which to protect the people of Montana.**



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## **DIRECT CONTACT OF BOARD MEMBERS:**

*The Board members are always willing to visit with licensees regarding general issues. However, Board members, as individuals, are not allowed to speak for the Board unless a Board decision has been reached between all Board members at a regularly scheduled Board meeting.*

*Therefore, anytime a licensee or a member of the public wishes to know the Board's decision regarding a particular issue, they need to write a letter to the Board and request a response from the Board at its earliest convenience. This usually means at its next scheduled meeting.*

***NEVER*** contact a Board member regarding a complaint (new, pending or even being considered) or any issue that might, in the future be cause for disciplinary action against a licensee.

*The reason for this is that there are only four members on the Board and it may cause them to be recused from any discussion regarding that complaint, or issue. This greatly jeopardizes the efficiency of the Board.*



## **ADVERTISING AND CLAIM OF SPECIALTY**

With respect to advertising, please remember it is a violation of the administrative rules regarding the practice of chiropractic to engage in the following unprofessional conduct:

- (a) using or causing to be used advertising matter which contains:
  - (i) misstatements, falsehoods, misrepresentations or distorted and fabulous statements relative to cures or treatments;
  - (ii) statements which may in any way reflect against a fellow licensee including statements which imply superiority over another licensee or health care professional; or
  - (iii) personal advertising claiming particular abilities, features or accomplishments regarding the licensee or areas of specialty practice unless documentation of such abilities, features, accomplishments or specialties are documented with the board prior to placing the advertisement. ARM 24.126.2301(1)(a).

## **RELEASING PATIENT RECORDS**

In the United States, the data contained within the medical record belongs to the patient. However, the physical form the data takes belongs to the facility/individual responsible for keeping and preserving the record.

The Board would like to remind all Montana licensed chiropractors that patients are entitled to a copy of their medical record upon written request. ARM 24.126.411 and Title 50 Chapter 16 of the Montana Code Annotated address the requirements and limitations related to patient records. Some of the important points to keep in mind are:

- Adult patient records and x-rays must be retained for a minimum of five years from their last treatment or at least one year past their 18th birthday. Medicaid requires that minor patient records be kept until the patient's 23rd birthday.
- The health care provider may charge a reasonable fee for providing the copy not to exceed 50 cents for each page for a paper copy or photocopy. A reasonable fee may include an administrative fee that may not

exceed \$15 for searching and handling recorded health care information.

- Upon receipt of a written request from a patient to examine or copy their patient record the health care provider shall make the information available or inform the patient in writing the reason why the record is not being provided within 10 days of the request.

- With respect to x-rays, currently many practitioners reproduce images in whatever form and pass the cost for reproduction on to the patient making the request. It is anticipated that in the future, x-rays will be provided electronically, and statutes will likely be updated to reflect such changes in practice.

- Please also look to Title 50, Chapter 16 for requirements for transferring patient medical records from one chiropractor to another chiropractor.

- The Board encourages all licensees to become familiar with the current legal requirements with respect to medical records and to be aware of any changes in the relevant rules and laws.

## PROPER BILLING PROCEDURES

It has been brought to the Board of Chiropractor's attention that with the rise of the use of massage therapists and/or sports trainers in chiropractic providers' offices comes some confusion about proper billing for services.

The Board would like to remind all chiropractic providers of the following:

- ◇ Any claim that is filed which includes your NPI# must be for a service you personally performed or a service appropriately delegated to your assistant/staff under your direction and supervision and billed under the appropriate code.
- ◇ All time-based therapeutic procedures reporting codes must be performed by the licensed chiropractor (one-on-one patient

contact by the provider), not staff.

- ◇ Be sure that all patient records and insurance claims are signed clearly so there is no question as to who performed the service.
- ◇ Other professionals providing service in your office (physical therapist, massage therapist, sports trainer, etc.) must submit claims for those services under their own name and NPI#.
- ◇ Accurately bill the most appropriate CPT procedure service code, keeping in mind that there are suppliers who endorse products that may be safe for use by the FDA even though some of those products are considered non-reimbursable or investigational by insurers.
- ◇ Ensure all claims

submitted accurately reflect the service actually performed.

If you are uncertain how to code a claim contact the insurance company in question to be sure you are following the proper guidelines. Improperly handling these issues may be considered a violation of the following statute and rule.

### **Statute:**

"37-1-316. Unprofessional conduct. The following is unprofessional conduct for a licensee or license applicant governed by this chapter:  
(4) signing or issuing, in the licensee's professional capacity, a document or statement that the licensee knows or reasonably ought to know contains a false or misleading statement;

*Continued on page 7*

## NEW CE PROCESS



Continuing education approved by the board must directly relate to the practice of chiropractic and shall be affiliated with national, regional, or state chiropractic associations, state licensing boards, academies, colleges of chiropractic, or education approved by the Federation of Chiropractic Licensing Boards (FCLB) PACE.

All continuing education not meeting these criteria must be submitted for review and approval by the board on a case-by-case basis. Courses of study considered to be outside the "scope of practice" for a chiropractor in Montana **will not** be approved.

## CONTINUING EDUCATION REQUIREMENTS

- 12 hours of continuing education are required annually.
  - Of the 12 hours, no more than two hours can be in the subject area of philosophy and/or practice management.
  - All licensees can receive two credits for each Chiropractic board meeting attended.
  - All Internet courses must meet the same guidelines for continuing education approval.
- Four (4) hours of professional boundaries and ethics continuing education is required every Four (4) years.
- new licensees can fulfill the continuing education requirement by attending one session of the "new doc seminar" prior to their first renewal.

## ATTENTION IMPAIRMENT EVALUATORS

Licensees who hold an impairment evaluator certificate are required to complete 4 hours of continuing education specific to impairment evaluation every 4 years. If you are selected for the random continuing education audit in 2008 you will be required to provide the 4 hours of continuing education. The 4 hours of impairment evaluation CE is in addition to the 12 hours needed annually for renewal of your chiropractic license.

## BOARD STATISTICS

	2006	2007
Applications Received	27	29
New Licenses Issued	25	26
Licenses Denied	-0-	-0-
Chiropractic Intern Licenses	6	3
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Inactive In-State	18	
Inactive Out-of State	110	
Inactive Out-of-Country	8	
<b>TOTAL INACTIVE LICENSEES</b>		<b>128</b>
Active In-State	329	
Active Out-of-State	44	
Active Out-of-Country	3	
Active Probation	3	
<b>TOTAL ACTIVE LICENSES</b>		<b>379</b>

**LIST OF  
NEW  
LICENSEES  
JULY 1, 2005  
TO  
JUNE 30, 2007**

Jason Pedro Aguayo	Nicholas G. Opie
Brian J. Albiero	H. L. Rye
Jeri L. Anderson	James E. Sauer
Brock Barnick	Jesse O. Scharnweber
Paul Edward Beck	Cristin R. Scharnweber
Stephen B. Chopyak	Julie D. Schleusner
Jeffrey H. Cohen	Larry P. Schleusner
Trevor H. Crane	Steven G. Schram
Gregory C. DeBoer	Ralf S. Schurmann
Chris R. Duffy	Jason L. Silliker
Pamela S. Foss	Nicholas J. Smith
Kristina M. Fruechtl	Shelby N. Smith
Kammeron E. Gersbach	Paige Tabor
Mark J. Haynes	Joel B. Territo
Patrick J. Kirsch	Jazper E. Torres
Anthony W. Lambert	Gary G. Vernon
Chad R. Lamer	Misty Walters-Territo
Tara Lemke	Simone M. Webb
Jeff A. Meier	Richard L. Wilcox
Kimberly J. Spitzke Meier	William N. Willis
Gerald P. Moran	Ryan R. Wood
Gregory S. Oblander	Todd C. Woodward



# Chiropractic Care

## Board Members:

### PRESIDENT

Thomas Fullerton, DC  
Kalispell, MT  
Term: 01/01/2007-01/01/2010

### VICE PRESIDENT

John Sando, DC  
Butte, MT  
Term: 01/01/2006-01/01/2009

### PROFESSIONAL MEMBER

Scott Hansing, DC  
Helena, MT  
Term: 01/01/2008-01/01/2011

### PUBLIC MEMBER

Lucy Heger  
Livingston, MT  
Term: 01/01/2006-01/01/2009

## BOARD STAFF:

Jennifer Billman  
Application Specialist  
(406) 841-2331

Traci Collett  
Program Manager  
(406) 841-2390

Becky Carter  
Unit 1 Supervisor  
(406) 841-2365

Dustin Johnson  
Compliance Specialist  
(406) 841-2344



## COMPLAINT STATISTICS

COMPLAINTS	2006	2007
Prior year Complaints	12	14
New Complaints Received	16	14
Contested Cases	-0-	7
Investigations Assigned	8	8
Investigations Completed	-0-	6

### COMPLAINTS CLOSED, BROKEN OUT BY LATEST BOARD DECISION

	2006	2007
Multiple Sanctions	-0-	4
Dismissed (with prejudice)	11	6
Dismissed (without prejudice)	3	9
Probation	-0-	1
Revocation	-0-	-0-
Injunctions	-0-	1

TOTAL CLOSED COMPLAINTS 14

**Board statutes, rules, applications, meeting dates, agendas and minutes, can be found on the Internet. Please take a minute to explore the Board's Website:**

[www.chiropractor.mt.gov](http://www.chiropractor.mt.gov)

## DISCIPLINARY ACTION

Martin Rodgers, License Number: 738, Bozeman, MT  
Board Action: One year probation, additional mandatory CE hours

Reason for Action: billing fraud, charging insurance companies for modalities that are not being provided in treatment.

Final Order Date: April 13, 2007

Rosalyn Rodgers, License Number: 739, Bozeman, MT  
Board Action: One year probation, additional mandatory CE hours

Reason for Action: billing fraud, charging insurance companies for modalities that are not being provided in treatment.

Final Order Date: April 13, 2007

Spencer Jahner, License Number: 648, Bozeman, MT  
Board Action: \$400.00 fine, additional mandatory CE Hours  
Reason for Action: Violations of 50-16-541, MCA, and ARM 24.126.2301(1)(a)(ii), (1)(m)  
Final Order Date: April 13, 2007

Douglas Miller, License Number: 376, Columbus, MT  
Board Action: Letter of Reprimand  
Reason for Action: Failure to disclose criminal conviction  
Final Order Date: October 12, 2007

FOR INFORMATION REGARDING THE COMPLAINT PROCEDURE AND PROCESS, CONTACT DUSTIN JOHNSON, COMPLIANCE SPECIALIST AT (406) 841-2344

# EVENTS CALENDAR

## *Montana Chiropractic Association*

Montana Chiropractic Association 2008 Annual Convention & Exposition

May 16 - 18, 2008 at the Best Western Great Northern Hotel, Helena, Montana.

To register or for more information, contact the MCA at (406) 442-7275 or visit their website at [www.mtchiro.org](http://www.mtchiro.org)

### **"NEW DOC SEMINAR"**

The Board will once again be offering a New Doc Seminar at the MCA Convention in Helena and again on October 24, 2008 in conjunction with the Board's next scheduled meeting in Helena.

### **UPCOMING BOARD MEETING DATES**

<u>DATE</u>	<u>EVENT</u>	<u>TIME</u>	<u>PLACE</u>
October 24, 2008	Screening Panel Meeting (Closed meeting)	10:00 am	Large Conference Room
October 24, 2008	Full Board Meeting	01:00 pm	Large Conference Room
October 24, 2008	New Doc Seminar	10:00 am	To be determined
April 3, 2009 Screening	Panel meeting (Closed Meeting)	10:00 am	Large Conference Room
April 3, 2009 Full Board Meeting		01:00 pm	Large Conference Room
April 3, 2009 New Doc Seminar		10:00 am	To be determined

All meetings are held at 301 South Park, 4th Floor, Helena MT. Please contact the Board office for details. The agendas for each meeting will be posted on our website prior to the meeting at [www.chiropractor.mt.gov](http://www.chiropractor.mt.gov).

### **Dr. Prideaux**

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During my tenure, I have weathered the attrition of two Program Managers, a Compliance Specialist, and more attorneys than you can shake a stick at. With near record high complaints, to say those years were challenging is an understatement. We should all feel very grateful our current Program manager (truly the glue of our Board), comes to us with experience, knowledge and insight. With that said, I would like to extend a special thank you to Ms. Traci Collett for her unending tolerance in a thankless job. Please be kind when calling.

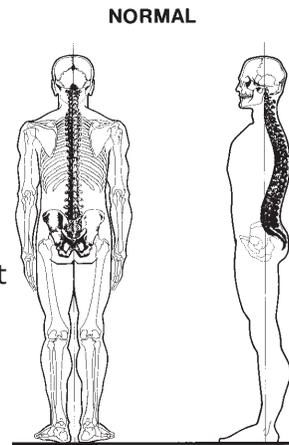
The last six years have seen many changes within the practice of chiropractic, and I am proud to say our Board has paralleled those changes proactively. Rule revisions, P.A.C.E., New Doc Seminars and online resources are but a few of the accomplishments we can be proud of. Of course, future challenges are unrelenting, often unexpected and provide no time to rest on laurels. Fortunately, we have a Board up to the task. Please take the time to thank those that keep our profession safe and the public we serve protected.

# Chiropractic vs. Massage Therapy

“Chiropractic” is a system of specific adjustment or manipulation of the articulations and tissues of the body, particularly of the spinal column, for the correction of nerve interference and includes the use of recognized diagnostic and treatment methods as taught in chiropractic colleges but does not include surgery or the prescription or use of drugs. 37-12-101(3) MCA.

The easiest way to ensure massage therapists in your office are not performing services that are within the scope of practice for chiropractic is to remember that massage therapy is the manipulation of soft tissue, not adjustment of the body.

If notified of such unlicensed practice, the Board will issue Cease and Desist Orders to massage therapists who are making such adjustments because this is within a chiropractor’s scope of practice, not a massage therapist’s.



## DON'T FORGET TO DISPLAY YOUR LICENSE

*Administrative Rule 24.126.511 states in (2): All persons engaged in the practice of chiropractic must display their license in a conspicuous place for members of the public to view. Be sure you always have your current license displayed in your office.*

To use license as a Wall License, cut off excess paper and affix the above to wall for display. To use the license as a Pocket Card, cut to the size of a business card or drivers license (either single or double-wide to fold), laminate if desired. Remember to renew online if possible. Benefits of renewing online include:  
 The ability to change an address (for most professions)  
 The ability to print license(s) the same day as the renewal  
 The ability to print multiple licenses including one for a pocket card if desired  
 The ability to print in color (if you have a color printer)  
 The ability to print additional licenses for no additional charge up to 45 days following the end of the renewal cycle  
 To renew online: <https://app.mt.gov/renewal>

### PROPER BILLING PROCEDURES *Continued from page 3*

(5) a misleading, deceptive, false, or fraudulent advertisement or other representation in the conduct of the profession or occupation;

(14) misappropriating property or funds from a client or workplace or failing to comply with a board rule regarding the accounting and distribution of a client’s property or funds;

(16) assisting in the unlicensed practice of a profession or occupation or allowing another person or organization to practice or offer to practice by use of the licensee’s license;

(18) conduct that does not meet the generally accepted standards of practice. A certified copy of a malpractice judgment against the licensee or license applicant or of a tort judgment in an action involving an act or omission occurring during the scope and course of the practice is conclusive evidence

of but is not needed to prove conduct that does not meet generally accepted standards.”

#### Rule:

24.126.2301

“UNPROFESSIONAL CONDUCT (1) For the purpose of implementing the provisions of 37-1-316, MCA, the board further defines unprofessional conduct as follows:

(c) violating any state or federal statute or administrative rule regulating the practice of chiropractic including any statute or rule defining or establishing standards of patient care or professional conduct of practice;

(f) collecting fees or charges for services or treatment different from the fee or charge the licensee submits to a third-party payer for that service or treatment, except as hereinafter provided. This subsection is intended

to prohibit offering the above listed practices to the public as well as the actual practices, except that, in instances where the intent is not to collect an excessive remuneration from the third party payer, but rather to provide services at a reduced rate to a patient unable to afford the deductible or co-payment, the services may be performed for a lesser charge or fee. The burden of proof for establishing that this is the case shall be on the licensee;

(m) violating any state, federal, provincial or tribal statute or administrative rules governing or affecting the professional conduct of any licensee; . . . ”.





<<Prefix>> <<First Name>> <<Last Name>> <<Suffix>>,  
<<Title>>  
<<Address 1>>  
<<Address 2>>  
<<Address 3>>  
<<City>> <<State>> <<Zip>>  
<<Foreign Address>>  
<<Country>>

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## LICENSE RENEWALS ARE COMING UP

The Board office will send out renewal reminders at the end of June. You must renew your license by September 1, 2008 to avoid a late penalty fee. The online renewal system remains open for late renewal until October 16th. However, the fee is double when renewing late.

The renewal reminder will include your PIN that is needed to renew your license online. Your PIN always remains the same and can be used from year to year to renew your license.

Last year **84.5%** of all chiropractors renewed their license online!



## REPORT NAME AND ADDRESS CHANGES TO THE BOARD OFFICE

It is very important that the Board office have your current mailing address so we can keep you informed of actions taken by the Board. License renewals, administrative rule amendments and other subjects affecting licensees are sent to the most current address on file. The administrative rule addressing address changes is found below.

### 24.101.414 RENEWAL NOTIFICATION

(1) The department shall send renewal notices to all licensees. Renewal notices shall be sent to the last known address in the division's records. It is the responsibility of the licensee to keep the division timely informed of the licensee's current mailing address. Failure to receive notice for renewal in no way releases the licensee from the obligation to renew in a timely manner, and shall not constitute a defense to practicing without a license.