

MONTANA BOARD OF CHIROPRACTORS



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



DR. SANDO ELECTED AS PRESIDENT FOR THE BOARD OF CHIROPRACTORS

The Board is pleased to announce that Dr. John Sando of Butte has been elected as President of the Board of Chiropractors effective March 1, 2010. He has been a member of the Board of Chiropractors since January 2006. Dr. Sando has been

president of the Montana Chiropractic Association, the Butte Chamber of Commerce, the Butte Silver Bow Kiwanis and the Pioneer Chapter of the American Red Cross. He received his Doctor of Chiropractic from Northwestern College of Chiropractic.

Congratulations John.



Dr. John Sando

GOVERNOR APPOINTS NEW BOARD MEMBER

Governor Brian Schweitzer appointed Dr. Cathleen Fellows of Billings as the Board's new professional member effective January 2010.



Dr. Cathleen Fellows

Cathleen Fellows is a native of Choteau, Montana and received her Bachelor of Arts degree from Montana State University in 1983. She attended Western States Chiropractic College in Portland Oregon and received her doctorate in 1992.

She has been a member of the Montana Chiropractic Association since 1997 and served on the Board of Directors from 2000 - 2009. She is a board eligible Diplomate of the Association Board of Chiropractic Orthopedics and a Certified Disability/Impairment Evaluator, and practices in Billings, Montana.

Welcome to the Board Dr. Fellows we look forward to working with you!

DR. FULLERTON FINISHES TERM

The Board would like to extend its thanks to immediate past President Dr. Tom Fullerton for his six years of service to the Board of Chiropractors and the citizens of Montana. Thank you Dr. Fullerton, you will be missed.

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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.

APRIL 2010 NEW DOC SEMINAR

Board and staff were extremely pleased at the overflow attendance at the new Doc seminar held in conjunction with the April 16, 2010 Board meeting in Helena.

A record nineteen Docs were present for the session presented by Board Vice President Dr. Hansing. The almost two hour long discussion ranged from insurance issues, use of assistants, advertising, best practices, how to handle complaints, to Statute and Rule questions. Congratulations to the attendees who left with valuable information, and have earned 12 Continuing Education credits, meeting the CE requirement for their first year of licensure.

Total attendee list: (not all are pictured or in photo order.), Marge Thomas, Bart Grant, Hugo Gibson, James Ryan, Will Stewart, Traci Hamilton, Sarah Hardin, David Hardin, Peter Hicks, Charles Stohel, Philip Cameron, Katherine Crandall, Dustin Rising, Rachel LaCroix, Chris Moore, Roxanne M. Maxwell, Adam L. Six, M. Wilson, R. Dean Brundy.



MEDICAL MARIJUANA

There has been some confusion and concerns regarding the new Medical Marijuana statute and how it affects the practice of chiropractic and other professions. For your information, this new law can be referenced at:

[Title 50. HEALTH AND SAFETY, CHAPTER 46. MEDICAL MARIJUANA ACT](#)

http://data.opi.mt.gov/bills/MCA_toc/50.htm

CHIROPRACTIC ASSISTANTS

The Board has been studying the use of "assistants" in the office that provide general assistance with patients before or after they are seen by the Chiropractor. Some insurance companies are disputing billable claims from the chiropractor as they may not have been specifically performed by the chiropractor, but by an "unlicensed" or "uncertified" assistant.

The Board is working closely with the Federation of Chiropractic Licensing Boards on this issue. The FCLB has developed a "model" statute for all states to study to determine a course of action (certification or licensure of assistants). At this time the Board is gathering additional information from various sources, including other states, before making a determination whether this is appropriate for Montana at this time.

REMINDER RENEWAL PROCESS

The State of Montana now requires use of E-pass when utilizing state services. E-pass is a username and password that is set up by the user which will allow access to many online services offered by State agencies. If you have used E-pass in the past, the username and password will be the same as before. If you are having problems utilizing E-pass, or have forgotten your username and/or password, it is easier

to set up a new account as the Board office has no way of retrieving usernames and passwords. E-pass will allow the user access to other services such as fishing and hunting licenses from Fish, Wildlife, and Parks; business registration with the Secretary of State's office; and many others.

Renewal reminder postcards will be sent out at the end of June. The postcard will include

your PIN that is needed to renew your license online. The PIN number never changes. You may want to write it down and keep it with your license, so you have it easily accessible and avoid a call to the Board office to request it. You must renew your license by September 1, 2010 to avoid a late penalty fee.



OBTAINING CE CREDIT FOR ATTENDING BOARD MEETINGS

The Board meets at least two times per year and calls additional meetings as the need arises. Board meetings are open to the public and you can obtain 2 continuing education credits for every board meeting attended. You can view meeting dates and times on the Board's website at www.chiropractor.mt.gov.

ETHICS AND BOUNDARIES CONTINUING EDUCATION ARE DUE FOR 2010 RENEWAL PERIOD

The Board's Administrative Rules require four hours of Ethics & Boundaries continuing education every four years. This requirement is in addition to the 12 hours of continuing education required annually. The ethics and boundaries requirement was put into place in 2006 and the Board will be randomly auditing for compliance with this requirement after September 2010. All licensees selected for random audit in 2010 will be required to provide proof of 12 hours of continuing education taken between September 2009 and August 2010, and 4 hours of ethics and boundaries education taken between September 1, 2006 and August 31, 2010. Remember it is your responsibility as a licensee to keep all certificates of completion for submission to the Board office when requested. The continuing education cycle for Ethics and Boundaries will continue in 4 year cycles so the next cycle is 2010 -2014 for Ethics and Boundary courses taken from September 2010 to September 2014.

New York Chiropractic College notified us they have Ethics courses (as do other sources) online (follow links to Post Grad Online courses) at www.nycc.edu.

EMAIL - THE QUICKEST WAY FOR BOARD COMMUNICATIONS

Most of our licensees have email addresses. However, in our database, they may be out of date or we just never got them from your application. Please help us update our email contact database so we can get timely information, such as rule notices and meeting agendas to you. At some point in the future even this newsletter may be delivered by email. Join our "Interested Parties List" by updating your email address at: dlibsdcchi@mt.gov.

Or you may update not only your email but your business or personal address by renewing online this year at: www.licenser renewal.mt.gov.

If you get voicemail trying to contact the Board office, try leaving your email with your message. Many times your questions can be responded to quickly and in detail by email.



BOARD STATISTICS

7/1/09 - 4/2010

Applications Received	37
New Licenses Issued	41
Licenses Denied	0
Chiropractic Intern Licenses	3
<hr/>	
Inactive In-State	21
Inactive Out-of State	95
Inactive Out-of-Country	8
TOTAL INACTIVE LICENSEES	124
Active In-State	349
Active Out-of-State	44
Active Out-of-Country	-0-
Active Probation	-0-
TOTAL ACTIVE LICENSES	393

Board Members:

PRESIDENT
John Sando, DC
Butte, MT
Term: 01/01/2009-01/01/2012

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

PROFESSIONAL MEMBER
Cathleen Fellows, DC
Billings, MT
Term: 01/01/2010-01/01/2013

PUBLIC MEMBER
Alice Whiteman
Missoula, MT
Term: 01/01/2009-01/01/2012

LIST OF NEW LICENSEES January, 2009 to December, 2009

RUSSELL C BARNINGS
THOMAS WILLIAM BOYCE
R. DEAN BRUNDY
PHILIP GEROW CAMERON
AMMIE M CHAPMAN
KATHARINE CRANDALL
SUSAN C DILATUSH
JARROD A FANCHER
CHRISTINE FOSKETT
BRIAN K GRAY
PHILIP P GUIGNARD
DAVID L HARDIN
PETER LORNE CONRAD HICKS
JACOB P HOLKUP

LESLEY IRGANG
DOUGLAS S JOHNSON
RACHEL JM LACROIX
EDWARD A MADRID
CHRISTOPHER LEE MOORE
DREW MORGAN
DONALD PFAU
DUSTIN ROBERT RISING
HELEN MICHELLE SILKMAN
DANNY RYAN STANLEY
CHARLES W STOHEL
WILLIAM MICHAEL STONE
SHAUN P STUTO
JULIE KAY VOLLERTSEN

BOARD STAFF:

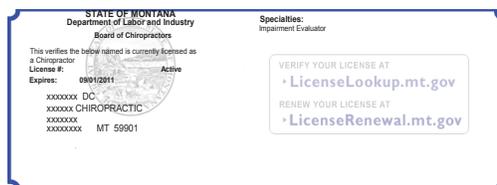
Jennifer Billman
Application Specialist
(406) 841-2331

Dennis Clark
Program Manager
(406) 841-2390

Dustin Johnson
Compliance Specialist
(406) 841-2344

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>

LICENSEE LIST DOWNLOAD SERVICE

Lists of the Division's licensees are now available online at <https://app.mt.gov/download/>. You can select the criteria for your list including license type, status, and can even break it down by location. The list downloads into an Excel format and you can pay for the list with a credit card. The list includes name, address, license type and license status. Lists are no longer available through the Board office.



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

For information Regarding the Complaint Procedure and Process, contact Dustin Johnson, Compliance Specialist at (406) 841-2344.

The following rule changes took effect on November 2, 2009. It is important that you become familiar with and are using the most current version of the Board's rules.

24.126.301 DEFINITIONS (1) the reference to a statute in regards to the definition of "Chaperone" was amended to refer to the applicable unprofessional conduct rule, ARM 24.126.2301, as the statute no longer exists. The definition remains the same.

24.126.501 APPLICATIONS (6) Applications for original license must now be accompanied by:

(a) with respect to official transcripts, the rule now informs the public as to what CCE stands for and declares that transcripts from chiropractic colleges that are accredited by an accrediting body that is in good standing with the Council on Chiropractic Education International (CCEI) are now acceptable.

(d) a copy of a self-query of the National Practitioners' Databank (NPDB) and the Healthcare Integrity Databank (HIPDB).

24.126.511 DISPLAY OF LICENSE (3) Licenses must not be defaced, or altered. The word "duplicated" was deleted.

(4) This subsection was amended to make it clear that if a Licensee needs another license sent to him or her from the Department, there will be a fee.

24.126.901 APPLICATIONS FOR CERTIFICATION OF IMPAIRMENT EVALUATORS

(3) The word "examination" was removed to make it clear that one qualifies for the certification, not the exam. The changes to the rest of the rule were for better organization and ease of understanding.

24.126.910 IMPAIRMENT EVALUATOR CONTINUING EDUCATION

RENEWAL - DENIAL - REVOCATION (1) This rule was amended so that impairment evaluators must obtain a minimum of four hours of specialized continuing education every four years, regardless of when the new edition of the AMA's guides come out.

24.126.2301 UNPROFESSIONAL CONDUCT (1)

(d) was amended to make it clear that fee splitting can also occur if it is a company, as opposed to an individual, who offers payment in exchange for referrals.

(s) was added so that it is now unprofessional conduct for a chiropractor to enter into a contract which would obligate a patient to pay for care to be rendered in the future, unless the contract provides that the patient is entitled to a complete refund for any care not received within a reasonable amount of time.

The board reviewed the following possible rule changes at their April 16, 2010 meeting:

ARM 24.126.510, Endorsement;

ARM 24.126.701, Inactive Status to Active Status;

ARM 24.126.904, Minimum Requirements for Board Approved;

Programs to Qualify for Certification as an Impairment Evaluator;

NEW RULE I, PRE-PAID TREATMENT PLANS.

A date for the public hearing for these amendments has not been set yet. You are encouraged to keep informed of these new amendments by checking the board's website: www.chiropractor.mt.gov under the "Regulations" tab then "Rule Notices".

EVENTS CALENDAR

Montana Chiropractic Association

Montana Chiropractic Association 2010 Annual Convention & Exposition

May 21 - 22, 2010 Best Western GranTree Inn, Bozeman, Montana.

Featuring Dr. Daniel Murphy & Dr. Phillip Steele

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

"NEW DOC SEMINAR"

New Doc Seminars are being offered in conjunction with the Board's regularly scheduled meetings on October 22, 2010 and April 8, 2011. Always check the Board website at www.chiropractor.mt.gov for the most current meeting dates and times. **The seminar will also be offered at the 2010 MCA Convention in Bozeman, May 21 & 22, 2010.**

UPCOMING BOARD MEETING DATES

<u>DATE</u>	<u>EVENT</u>	<u>TIME</u>	<u>PLACE</u>
October 22, 2010	Screening Panel meeting (Closed Meeting)	10:00 am	Large Conference Room
October 22, 2010	Full Board Meeting	01:00 pm	Large Conference Room
October 22, 2010	New Doc Seminar	10:00 am	To be determined

All meetings are held at 301 South Park, 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

Animal Chiropractic

The Board of Chiropractors has worked with the Board of Veterinarians over the last few years to come up with proposed legislation regarding Animal Chiropractic. The Board is pleased to announce that at the April 16, 2010 meeting they approved the draft legislation for Animal Chiropractic and officially placed it on the upcoming 2011 legislative "wish list" for the 2011 legislative session.

This process started at the March 29, 2010 Board of Veterinary Medicine Vet-Chiro Subcommittee Meeting, attended by Dr. Sando, where it was agreed to move the draft legislation forward to the Board of Chiropractors with the support of all concerned.

If you support this concept please make your association aware of your support so this legislation can move forward. A copy of the draft is below:



ANIMAL CHIROPRACTIC

37-18-___-Definitions. As used in 37-18-__ through 37-18-___, the following definitions apply:

(a) "Animal Chiropractic" means the examination, diagnosis and treatment of a nonhuman animal through vertebral subluxation complex (vsc), spinal, joint and musculoskeletal manipulation by a veterinarian or a chiropractor who has been issued a certificate pursuant to this section. Animal chiropractic examination, diagnosis and treatment shall not be construed to

allow a chiropractor who has been issued a certificate pursuant to this section to:

- (1) radiograph an animal patient;
- (2) perform surgery;
- (3) dispense or administer prescription medications;
- (4) practice veterinary medicine as defined in 37-18-102, MCA.

(b) "Animal Chiropractic Practitioner" means a chiropractor issued a certificate pursuant to this section who is certified by the AVCA, or a veterinarian certified by the AVCA. A person who is not certified by the AVCA may not hold himself out to the public as an animal chiropractic practitioner. However, nothing in this section prevents a veterinarian who is not

AVCA-certified from manipulating a non-human animal pursuant to 37-18-101, MCA so long as

he does not use the term "chiropractor" and practices within the scope of his training. A veterinarian may not represent or imply, either directly or indirectly, that he is engaged in practice as a chiropractor as defined in 37-11-104, MCA.

(c) "AVCA" means the American Veterinary Chiropractic Association or its successor organization.

(d) "Board" means the Board of Veterinary Medicine.

37-18-__ Qualification to practice -application for certificate-fee

(1) After October 1, 2011, no person may practice animal chiropractic or hold himself out

to the public as an animal chiropractic practitioner in this state unless that person is

(a) a Montana-licensed veterinarian who is AVCA-certified; or

(b) a Montana-licensed chiropractor who is AVCA-certified and who has been issued a certificate pursuant to this section.

(2) A chiropractor desiring to be certified to practice animal chiropractic in this state must

make written application to the Board on a form provided by the Department and provide

satisfactory proof that the applicant:

- (a) is of good moral character;
- (c) has been actively licensed in good standing as a chiropractor for at least one

year; and

(c) is certified by the AVCA or its successor organization.

(3) The application must be signed by the applicant and accompanied by a non-refundable fee to be set by the Board.

37-18-__ Renewal-fee

(1) Each certificate issued under this section must be renewed on or before the date set by

----- _... _-----
department rule.

(2) Each renewal application shall be made upon a form provided by the Department, signed by the certificate holder, accompanied by a renewal fee set by the Board and by proof that the certificate holder holds an active license in good standing to practice chiropractic in this State.

37-18-__ Standards of practice for chiropractor holding certificate; communication with

referring veterinarian; maintenance of records

(1) A chiropractor who has been issued a certificate pursuant to 37-18-__ may practice animal chiropractic only:

(a) upon verifying that the animal patient and its owner have an established veterinary-client-patient relationship with a veterinarian licensed in this State before the animal chiropractic is performed on the animal patient. The animal patient's veterinarian may, but is not required, to perform an examination of the animal prior to the animal receiving chiropractic treatment. Upon request of the animal chiropractic practitioner, and with the consent of the

owner, the veterinarian shall provide the animal chiropractic practitioner with the animal patient's medical history including current medications, prior and current examination findings and any treatment plan. The veterinarian and the chiropractor performing the animal chiropractic shall maintain on-going communication, documented in the animal patient's veterinarian and chiropractic records, to assure proper patient care.

(b) if the chiropractor assumes individual liability for the quality of the animal chiropractic performed.

(2) The animal patient's veterinarian who is in contact with the chiropractor performing the animal chiropractic

(a) is not required to supervise the

chiropractor during the animal chiropractic;

(b) is not liable for the acts or omissions of the chiropractor who performs animal chiropractic.

(3) Each chiropractor who has been issued a certificate to perform animal chiropractic shall:

(a) maintain for at least three years a medical record of each animal receiving animal chiropractic.

(b) within seven days after each animal chiropractic visit with the animal, transmit a copy of the medical record generated by the visit to the veterinarian who has established the veterinary-client-patient relationship with the animal.

(c) The medical record must include:

(i) The name, address and telephone number of the animal owner;

(ii) the name, age, sex and breed of the animal;

(iii) the date of animal chiropractic examination, care or treatment of the

animal, including the diagnosis and recommended treatment plan;

(iv) the progress and disposition of the case.

37-18-__ Disciplinary action and audit

(1) A violation of a provision of Chapter 12 of Title 37 or any regulation adopted by the Board of Chiropractors is grounds for disciplinary action by the Board of Chiropractors. The certificate-holder chiropractor shall inform the Board of non-renewal of chiropractic license or any disciplinary or other action taken against his license by the Board of Chiropractors.

(2) A violation of a provision of this sub-chapter of Chapter 18, Title 37 or any regulation adopted by the Board is grounds for disciplinary action against the certificate holder by the Board.

(2) The board may audit certificate renewals to verify AVCA certification.

37-18-__ Rule-making authority

The Board may adopt rules regarding veterinary chiropractic certificates.

3/10/2010



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

ONLINE LICENSEE LOOKUP

Have you ever needed to look up information on an individual who is licensed in Montana? Visit the Department's Licensee Lookup System where you will find information about any professional including license type, license status, and any disciplinary action taken against the license. The site is found at:

www.licenselookup.mt.gov.



COMPLAINT STATISTICS

Board of Chiropractors: Jan 1st, 2009 - Dec 31st, 2009

No prior year complaints.

As of March 25th, 2010, there were 17 open complaints.
As of March 25th, 2010, there were 2 open investigations.

One investigation assigned in 2009 has been completed and has been reviewed at the April 16th, 2010 Screening Panel meeting.

23 new complaints were received in 2009.

2 licenses were disciplined in 2009,

- Jeffrey Mitchell, CHI 1017 - Remedial Education
- Fred Pickering, CHI 891 - Administrative Fine

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. Please note, it is considered unprofessional conduct not to keep your address current with the board office.