

ARIZONA BOARD OF CHIROPRACTIC EXAMINERS

# 2023 ANNUAL REPORT

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# BOARD'S MISSION & RESPONSIBILITIES

## MISSION



The State of Arizona Board of Chiropractic Examiners is the regulatory body of the State of Arizona charged with protecting the health, welfare, and safety of the public by enforcing the laws governing the chiropractic practice.

The Board licenses over 2,500 chiropractors to practice in the State of Arizona. The Board also accepts and investigates complaints against licensed and unlicensed individuals.



## RESPONSIBILITIES

1

To oversee the general application of the laws governing the practice of chiropractic, and update and develop regulations, address scope of practice, and to better define both appropriate conduct by professionals and consumer expectations.

2

To investigate complaints, apply appropriate disciplinary action to doctors of chiropractic who may have broken the public trust through a violation of the law.

3

To function in the global regulatory community to assist other professions or jurisdictions affected by chiropractic, continually review required credentials for doctors to practice safely, effectively, and ethically.



# THE BOARD

The Governor appoints the five State of Arizona Board of Chiropractic Examiners members. The Board is comprised of three doctors of chiropractic and two public members.

The Board employs staff to carry out administrative, licensing, and investigative functions of the agency.

An assistant attorney general provides legal counsel to the Board and staff members.

The Board generally meets eight times per year. Board meetings can be attended in person at 1740 W. Adams Street or online via Zoom. All Board meetings are open to the public.



DR. RICHARD  
GUARINO, D.C.

CHAIRMAN

TERM DATES:  
JULY 1, 2023



DR. WAYNE  
BENNETT, D.C.

VICE CHAIRMAN

TERM DATES:  
JULY 1, 2024



DR. STEVEN  
KNAUFF, D.C.

PROFESSIONAL MEMBER

TERM DATES:  
JULY 1, 2024



MS. ANGELA  
POWELL CPC, CCO

PUBLIC MEMBER

TERM DATES:  
JULY 1, 2025



MR. MITCHELL  
TURBENSON, ESQ

PUBLIC MEMBER

TERM DATES:  
JULY 1, 2026

## BOARD STAFF



MS. ALISSA  
VANDER VEEN

EXECUTIVE  
DIRECTOR



MR. RYAN  
DOMINICK

BOARD  
INVESTIGATOR



MS. CONNY  
GILLUM

LICENSING &  
OPERATIONS  
COORDINATOR



MR. LAWERNCE  
ACOSTA

MONITORING &  
COMPLIANCE  
COORDINATOR

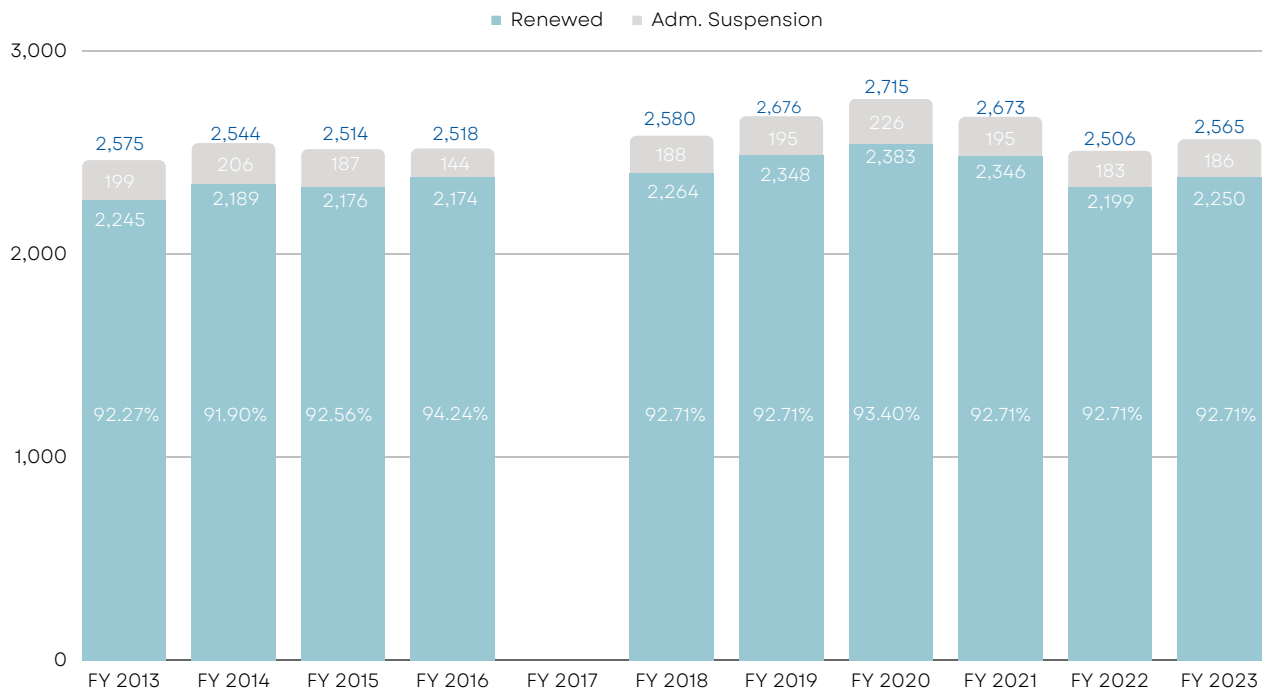
# LICENSURE

## Licenses by Status

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
<b>ACTIVE</b>	<b>2245</b>	<b>2189</b>	<b>2176</b>	<b>2174</b>		<b>2264</b>	<b>2348</b>	<b>2383</b>	<b>2346</b>	<b>2199</b>	<b>2250</b>
INACTIVE	68	87	85	113		42	44	42	44	41	42
PROBATION	16	7	11	15		14	15	14	15	14	13
SUSPENDED	0	0	0	1		2	2	2	2	2	3
RETIRED	47	55	55	71		72	74	72	74	70	71*
ADMINISTRATIVE SUSPENSION	199	206	187	144		188	195	226	195	183	186
<b>Total Licensees</b>	<b>2575</b>	<b>2544</b>	<b>2514</b>	<b>2518</b>	<b>0</b>	<b>2580</b>	<b>2676</b>	<b>2715</b>	<b>2673</b>	<b>2506</b>	<b>2565</b>

\* Of the Retired Licensees, 36 failed to renew for 2023. Their license will move to Lapsed status in 2024 if they do not renew or reinstate their license.

## Licensure Renewals



On average, 92.3% of all licensees renew and maintain their licenses. The Board has continued to maintain an average of 2,200 active licensees. Of the total licenses, 2% are Inactive, and 3% are Retired. The Board continues to recover from the drop in licensure that occurred during the CoVid-19 pandemic.

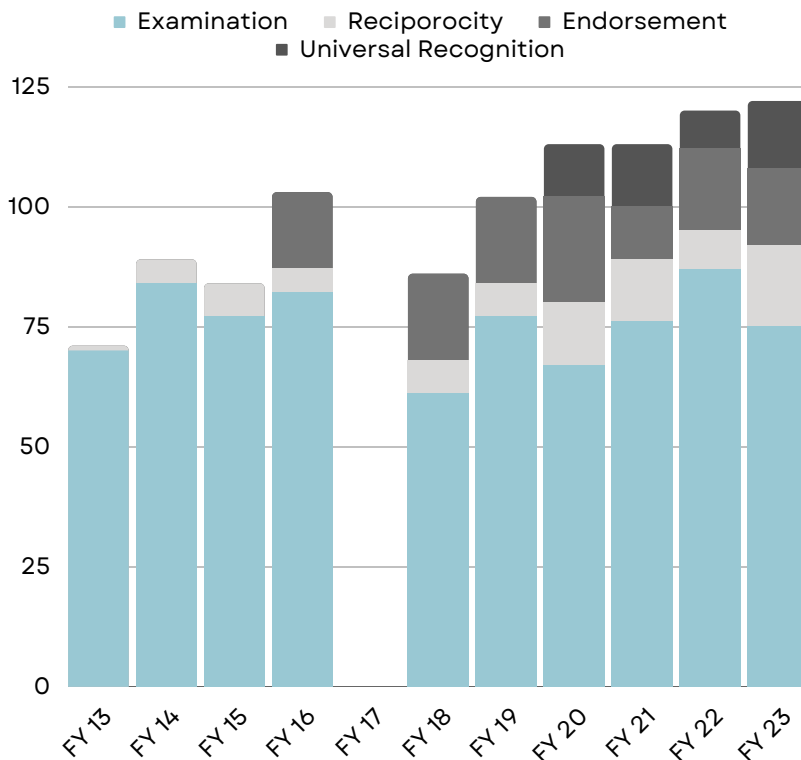
The significant reduction in active licenses in FY 2022 was from closing all the Administratively Suspended licenses that failed to reinstate their license for 2020-2021.

# APPLICATIONS FOR LICENSURE

## Applications Received by Type

	FY 13	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22	FY 23
<b>Examination</b>	70	84	77	82		61	77	67	76	87	77
<b>Reciprocity</b>	1	5	7	5		7	7	13	13	8	15
<b>Endorsement</b>	0	0	0	16		18	18	22	11	17	15
<b>Universal Recognition</b>	0	0	0	0		0	0	11	13	8	20
<b>Total Applications</b>	71	89	84	103		86	102	113	113	120	127

## Applications Received by Type



# LICENSES ISSUED

## Licenses Issued

	FY 13	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22	FY 23
<b>Licenses Issued</b>	67	80	81	80		76	62	112	112	114	111
<b>Denied</b>	2	0	0	0		1	0	0	0	0	0
<b>Withdrawn</b>	0	0	0	0		1	0	0	0	0	0
<b>Closed/Incomplete</b>	3	6	6	6		8	26	1	1	6	16

In FY 2023, in addition to issuing Licenses for Chiropractic Physicians, the Board issued a total of twenty (20) Specialty Certificates in the areas of Physical Medicine and Modalities and Therapeutic Procedures (PMMTP) (4), Acupuncture (2) and Percutaneous Therapy (14).

On average, the Board issues applicants their license within seven (7) days of receiving a complete application. (Complete application is considered: application, background check, all supporting documentation received, and jurisprudence exam completed).

85% of all licensure applications approved in FY 2023 were approved by the Executive Director, with only 15% having to be approved by the Board. The Board approved fourteen (14) applications: three (3) with a consent agreement for continuing education. The Board has not denied a license since FY 2018.

39.37% of all licensure applications received are through Reciprocity, Universal Recognition, or Endorsement. FY 2023, the Board received twenty (20) applications for licensure through Universal Recognition (UR). This is the most significant number of applications by UR the Board has received to date.

## Other Licenses & Applications

License Verifications	44
Fingerprints sent to DPS	137
Extern/Preceptor Applications	8
Reinstatement Applications	9
Business Entity Renewal Applications	11
Chiropractic Assistants Registrations	180
Chiropractic Assistant Transfers	402

## Licenses Issued





# BOARD COMPLAINTS AND INVESTIGATIONS

**T**he mission of this agency is to protect the health, welfare, and safety of Arizona citizens who seek and use chiropractic care.

The Board of Chiropractic Examiners and its staff are responsible for carrying out the stated mission. The authority of the Board and the laws governing the practice of chiropractic are defined in statute and rule. The Board must comply with all state laws; therefore, Board operations and decisions are based on those laws.

Anyone, including the Board, may file a complaint against a licensed doctor of chiropractic. All complaints filed with the Board against a licensed doctor of chiropractic must be investigated and brought before the Board for action. It can take anywhere from thirty (30) days to years to resolve a complaint, depending on when the complaint is filed, the complexity of the investigation, and whether or not a related criminal matter is being investigated. The complaint process can take a long time only because the Board is committed to ensuring that all decisions are made based on the complete set of facts.

The Board does not have jurisdiction over the following issues: Billing or fee disputes, personality conflicts, bedside manner, business or contract disputes, and employment matters or disputes

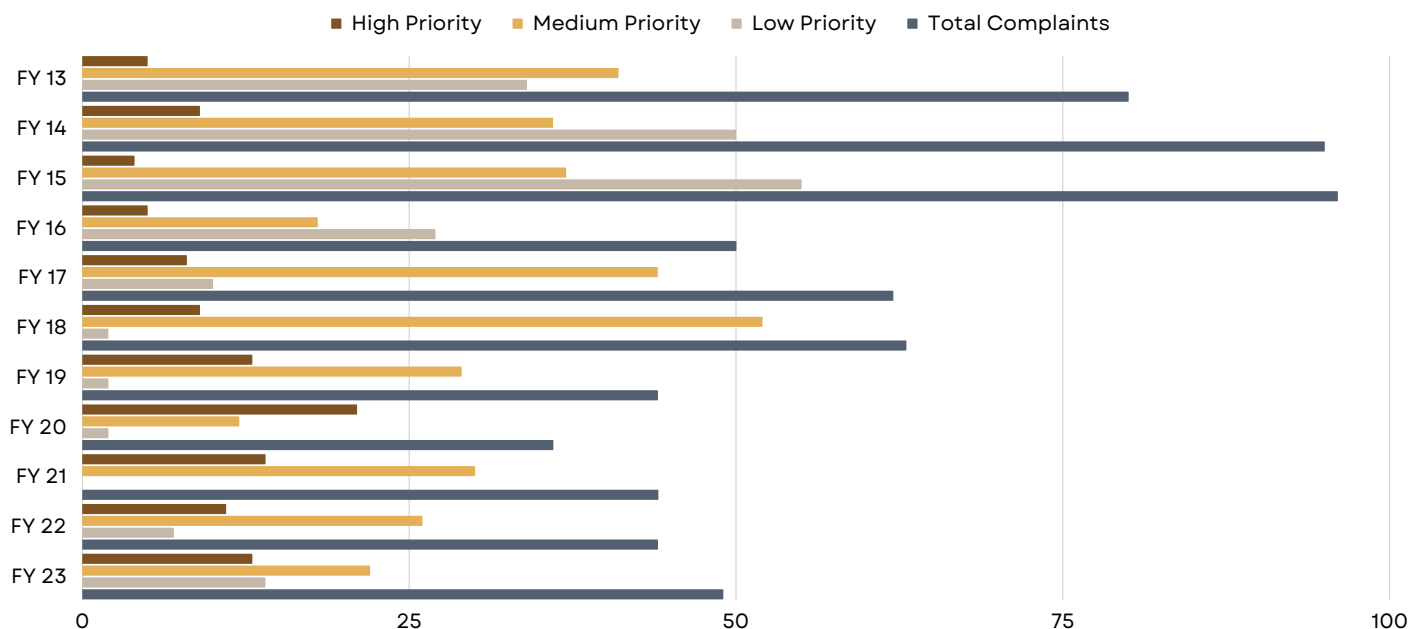
## Efficiently Addressing Complaints: The Board's Priority Classifications

To ensure the effectiveness of their complaint-handling process, the Board has categorized complaints into three levels of priority:

- **High Priority** complaints (16.89%): These concern patient safety, substance abuse, improper treatment, or sexual misconduct.
- **Medium Priority** complaints (52.34%) include documentation errors, record-keeping mistakes, and billing issues.
- **Low Priority** complaints (30.62%): These are about misleading advertising, using specialized terms like "Physiotherapy," or failure to release records.

Although the number of Low Priority and overall complaints has decreased, the Board has observed an increase in High Priority complaints over the last five (5) years. While the ten-year average for High Priority complaints is 16.89%, it accounted for 26.53% of the total complaints received for the fiscal year in FY 2023. The Board has also noted a decrease in the complaints received. From FY 2020 to FY 2023, the average number of complaints received was 43.25 per year, compared to 70 per year from FY 2013 to FY 2019.

## Complaints by Priority



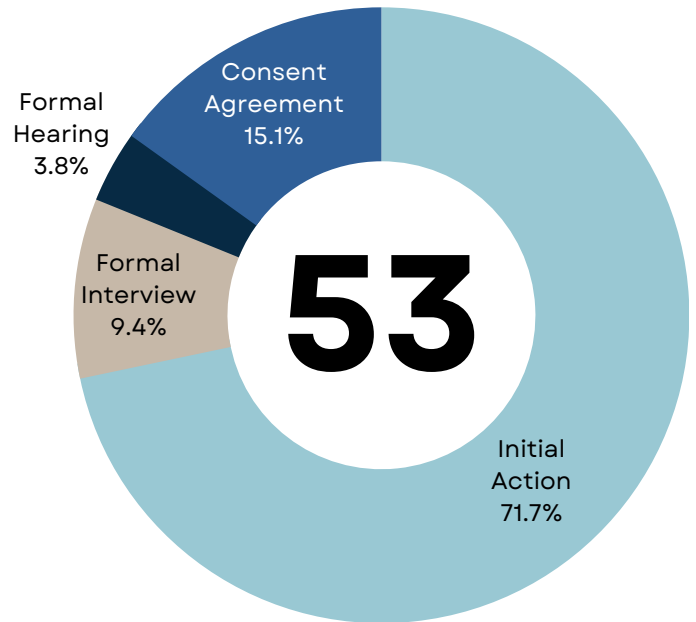
# BOARD INVESTIGATIONS

## Investigation Process

### The stages of the Board's Investigation process:

- **Initial Investigation**-The Board's investigator reviews the received complaint information, interviews the complainant and the doctor, and compiles a report to present to the Board.
- **Initial Action**-The Board's Investigator presents the complaint to the Board for the case review. The Board can not take disciplinary action at this stage. If the Board determines the complaint does not rise to the level of disciplinary action, they can issue a Non-Disciplinary Advisory Letter or Non-Disciplinary Order for Continuing Education according to A.R.S. 32-924 (3).
- **Formal Interview**- If the Board determines that the matter rises to the level of disciplinary action after the initial action, then the complaint will be forwarded to a Formal Interview. During this investigative phase, the Board may receive and consider pertinent documents and sworn statements of persons who may be called as witnesses in a Formal Hearing. Legal counsel may be present and participate in the formal interview. At this phase, the Board may issue disciplinary action. Disciplinary Action can be cease and desist, Order for Censure, Order for Probation, Civil Penalty, Refuse to Renew license or a Disciplinary Order.
- **Formal Hearing**- If, after the Formal Interview, the Board finds the violations rise to suspension or revocation, then the matter will be moved to Formal Hearing. The Board must hold a Formal Hearing within 180 days of the date the Complaint and Notice of Hearing is mailed to the licensee.

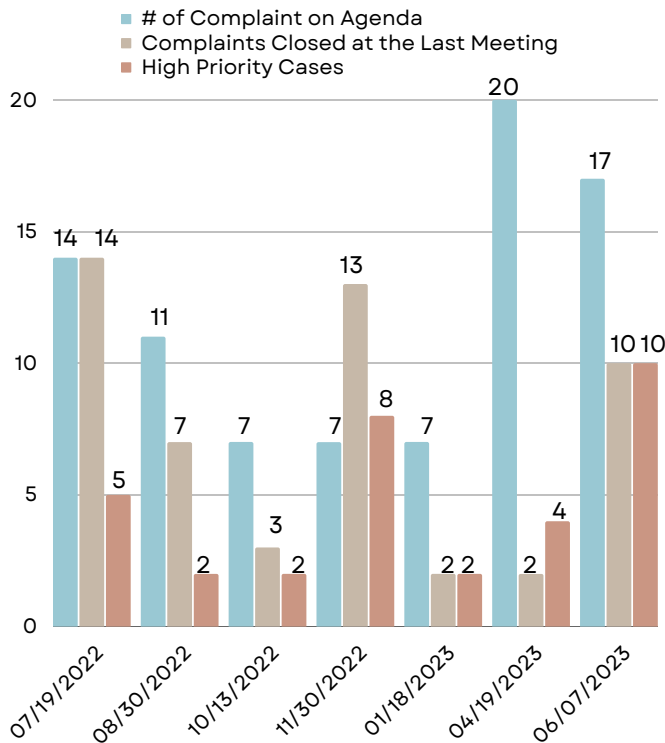
### FY 2023 Board Investigations



### The Board Adjudication Progress for FY 2023

The Board successfully resolved 96.2% (51 complaints) of the cases it heard during FY 2023. On average, 12 complaints were heard at each Board Meeting, resulting in hearing a total of 38 Initial Actions, 5 Formal Interviews, and 2 Formal Hearings. When the Board finds evidence of criminal misconduct or violations of other statutes and rules, the Board has the authority to refer the matter to other jurisdictions for additional investigation. In FY 2023, the Board referred five (5) cases to other jurisdictions for further investigation.

## FY 2023 Complaint Resolution



**71**

### Pending Complaints

Awaiting Initial Action	62
Awaiting Formal Interview	2
Awaiting Formal Hearing	7

# DISCIPLINARY ACTION

## Complaint Backlog

	03/04/2022	06/07/2023
Complaints Remaining from 2018	11	0
Complaints Remaining from 2019	2	0
Complaints Remaining from 2020	10	3
Complaints Remaining from 2021	33	10
Complaints Remaining from 2022	28	25
Complaints Remaining from 2023	0	46

### Complaint Backlog

The Board is currently addressing a backlog of 84 complaints, 21 classified as a high priority, dating back to Fiscal Year 2018. In addition, 49 new complaints have been received for FY 2023. The Board has taken a two-pronged approach to address the backlog, first addressing high-priority complaints, then in the order the Board received the complaints starting with FY 2018. The Board has successfully resolved all FY 2018 and 2019 complaints. As for FY 2020, only three (3) complaints are left to address. The complaints are awaiting Formal Hearings at this time.

There are 25 complaints left to investigate and hear for FY 2022, and the Board anticipates majority of those complaints being closed in early 2024.

### Complaint Timeframes

The time it takes to process a complaint entirely can vary based on the type of complaint, the complexity of the investigation, and whether or not a related criminal matter is being investigated. On average, it takes the Board 355 days to fully adjudicate a complaint. About 9.80% of the Board's complaints are closed within 180 days.

## Disciplinary Actions

The Board strives to balance protecting the public and rehabilitating the licensee. Most Board complaints are dismissed with no basis to proceed or result in non-disciplinary action. When a complaint is dismissed, it often means that the Board does not have jurisdiction or the investigation did not find evidence that a violation of the law occurred. The Board can also take non-disciplinary action against a licensee to address the concerns it finds during an investigation but does not rise to the level of requiring formal discipline.

Non-disciplinary action can include the following:

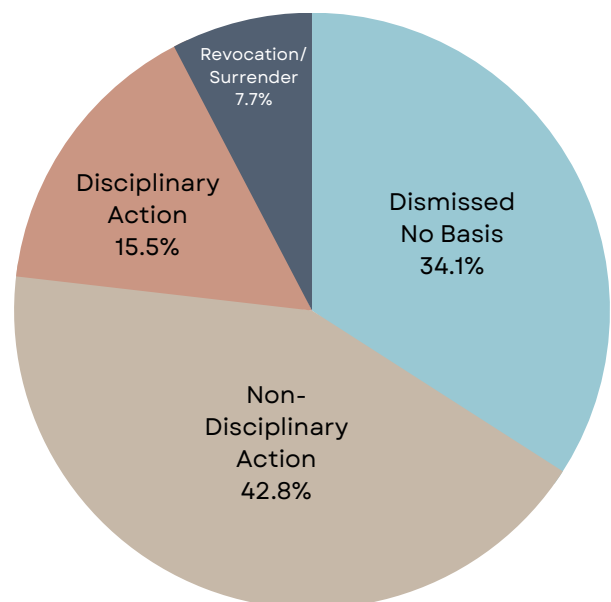
- Issue a Non-disciplinary Advisory (NDAL) letter to the licensee. The letter becomes part of the licensee's permanent file with the Board. The Board often issues an NDAL for first-time infractions depending on the type of violation, technical violations, or when there is insufficient evidence to proceed.
- Issue a Non-Disciplinary Order for Continuing Education for violations that warrant more action than an Advisory Letter but do not rise to the level of formal discipline. The Board can require a licensee to take additional hours in continuing education to address the allegations found during the investigation.

When the Board finds a substantive basis on which to proceed, the Board will take disciplinary action.

Disciplinary Action can include:

- An Order to Cease and Desist
- An Order for Censure
- An Order for Probation
- A Civil Penalty
- A Refuse to Renew the license
- A Disciplinary Order

## Disciplinary Actions



About 6.78% of all complaints result in either a voluntary surrender or revocation of licensure. In the last ten (10) years, the Board has issued formal discipline for 142 of 663 complaints it has received. Of the 142 complaints that resulted in disciplinary action, 51 resulted in either a voluntary surrender of licensure or a license revocation of licensure by the Board.

# STAFF PRODUCTIVITY

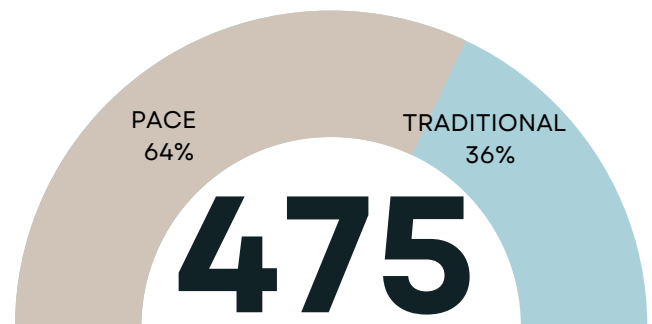


## Staff Productivity

In addition to processing license application, conducting investigations, processing Renewal Application Board Staff administers several other functions to assist both the public and licensees as part of the Board's mission.

	FY 2023
Email Correspondence	3,705
Name and Address Changes	576
Inactive or Retired Status Change Requests	76
Notice of Records Transfer	84
Request for Board Meeting Attendance for CE	60
Request for Copy of License	38
Public Records Requests	14

## Continuing Education



The Board statute and rules require the Board to pre-approve the courses licensees can take for their annual continuing education for their renewal application. The course must have a significant relationship to accessing, diagnosing, or treating patients within the scope of chiropractic.

Since FY 2022, the Board has seen an increase of 29% in Continuing Education applications. The majority of applications received by the Board have been reviewed and approved as to meeting the requirements put forth by the Federation of Chiropractic Licensing Boards (FCLB).

	FY 2022	FY 2023
<b>Pace Pre-Check Applications</b>	<b>284</b>	<b>308</b>
Traditional Applications	84	167
<b>Total CE Applications</b>	<b>368</b>	<b>475</b>

## Continuing Education Audits

Starting in January 2023, the Board began conducting random audits for Continuing Education listed on their license renewal. The Board has conducted 32 audits, with 93.7% of all licensees providing their Continuing Education Certificates within the timeframe.

Successful Audits	30
Failed Audits	2

**93.7%**  
Successful Audits



# BOARD ACCOMPLISHMENTS



1

Migrated from a 1995 Microsoft Access Database to Thentia Cloud License and Application Online Portal

2

New and Improved Board Website

3

New Continuing Education Website and CE Course Applications

4

Scanned and digitized all Current and Archived Licesure Files

5

Transitioned all Investigative Reports and Materials from paper files to fully electronic files.

6

Worked with Arizona State Legislature to change Renewal date from December 31st annually to annually by birth month

7

Developed and implemented a confidential monitoring program

8

Reinstituted Continuing Education Audits for 2023 Renewals

9

Published all FY 2022 and FY 2023 Board Meeting Minutes on the Board's Website, transitioned to audio recording as the official record.

10

Secured funding for a fifth staff member to help improve the Board's efficiency and effectiveness.



# Arizona Board of Chiropractic Examiners



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