



State of Arizona Board of Chiropractic Examiners

Fall 2010

Legal Updates and Newsletter

Mission Statement:

The mission of the Board of Chiropractic Examiners is to protect the health, welfare and safety of the public.

Board of Chiropractic Examiners

P. Dianne Haydon, D.C.

Chairperson

Susan Wenberg, D.C.

Vice Chairperson

James J. Badge, D.C.

Professional Member

Norris Nordvold

Public Member

Upcoming Board Meetings

September 16, 2010

October 14, 2010

November 18, 2010

December 16, 2010

Board meetings begin at 8:00am. Meeting dates and times are subject to change.

Examinations

Jurisprudence examinations are given at 10:00 am on the 1st Friday of each month. The deadline for each examination is one month prior to the exam date.

Need to Contact the Board?

Phone: (602) 864-5088

Fax: (602) 864-5099

Website: www.azchiroboard.us

Please refer to the website for a list of staff e-mail addresses.



Board Office Closures

The Board of Chiropractic Examiners will be closed on the following dates due to unpaid furloughs of State of Arizona employees. These dates are in addition to regular State holidays.

September 17, 2010

November 26, 2010

December 23, 2010

June 10, 2011

July 22, 2011

August 19, 2011

September 16, 2011

November 25, 2011

December 23, 2011

June 15, 2012

The office will reopen on the following Mondays.



A Belated Introduction...

The Board would like to introduce the new Deputy Director/Chief Investigator, Pamela Paschal. Ms. Paschal joined the Chiropractic Board staff in April 2009 following just over 12 years as the Deputy Director of the Arizona Board of Dental Examiners. The Chiropractic Board has been fortunate in inheriting her experience and professionalism. I believe with her skill and organizational abilities, licensees will see a more rapid conclusion to many complaint investigations.

Legal Updates

There were three laws passed during the 2010 legislative session of interest to licensed professions.

- **32-3213. Health professionals; disclosure; unprofessional conduct; definition**

This law requires licensees to identify their title and type of license in any advertisement that includes their name. Failing to do so constitutes an act of unprofessional conduct. **It is not sufficient to use the initials D.C.** This new law is consistent with and affirms the Chiropractic Practice Act A.R.S. § 32-924 (18). The title or type of license should use one of the following: doctor of chiropractic, chiropractic physician, chiropractor, or chiropractic doctor. "Advertisement" includes billboards, brochures, pamphlets, radio and television scripts, electronic media, printed telephone directories, telephone and direct mail solicitations and any other means of promotion intended to directly or indirectly induce any person to enter into an agreement for services. This law is in addition to A.R.S. § 32-924(A)(17) and (18). Under those laws, an advertisement also includes, but is not limited to business cards, letterhead, patient records, signs, printed advertisements, fax sheets, and web sites.

- **HB2025**

HB2025 deleted the term "physiotherapy" and replaced it with the term "physical medicine modalities and therapeutic procedures." The language requiring that treatment be preparatory and complimentary to an adjustment has been removed. This amendment does not absolve licensees from obtaining the proper certification prior to engaging in the practice of physical medicine modalities and therapeutic procedures. The certification requirement remains in full force and effect. The requirements for certification in physical medicine modalities and therapeutic procedures are the same as those for a certificate in physiotherapy. If you have been certified in physiotherapy, your certification will be grandfathered. The Board will not issue new certificates for those licensees who hold a physiotherapy certification. You may also continue to use the term physiotherapy if that is your preference. You cannot, however, use the term "physical therapy" or refer to your self as a physical therapist unless you have been licensed as a

physical therapist under that profession's Board. This was not a bill that involved the Board. If you have questions regarding the bill, please contact the Arizona Association of Chiropractic.

- **32-3214. Board action; records; website; compliance deadline**

The law requires that a licensee's history of dismissed complaints, advisory letters, non-disciplinary orders, and disciplinary orders be made available to the public and the regulatory board at all times. The law also requires that the Board's website inform the public that they may obtain the licensees full history of dismissed complaints, advisory letters, non-disciplinary orders and disciplinary orders by contacting the Board office. Advisory letters, letters of concern, disciplinary orders and practice restrictions may be posted on the Board's website. Non-disciplinary Orders and dismissed complaints can no longer be posted on a regulatory Boards' web site after January 1, 2012, but are otherwise available to the public by any other means. It is the Board's intention to fully implement this law in August or September of 2010. Actions that have been posted on the Board's website in the past may continue to appear on search engines such as Google. Neither the Board nor the legislation can control information that appears through a search engine.

Sunset Audit

The Board's 2010 Sunset Audit is now available on the State of Arizona, Office of the Auditor General's website.

Summary:

The audit found that the disciplinary actions taken by the Board have been appropriate;

The audit found only one case in which the discipline was not consistent when issuing a \$250 fine;

The audit also found that Board members appropriately recuse themselves if a possible conflict of interest may arise;

That the Board appropriately enforces patient record documentation, and;

That it is appropriate for the Board or its staff to expand an investigation if they become aware of evidence that indicates additional violations of law during the investigation of a complaint.

Changes:

As an outcome of the audit, the Board can no longer allow a complainant to withdraw a complaint. If you reach an agreement with a person who has filed a complaint against your license in which they agree to withdraw their complaint, Board staff will not be able to accommodate the request for withdrawal. In such a case, the matter and request to withdraw will be reviewed by the Board following the completion of the investigation.

In addition, when an advisory letter is issued, the Board will more clearly state whether a law has been violated, and which law, or whether it is expressing a concern. The Board will also seek an amendment to place these clarifications in statute.

Information on a licensee's history of dismissed complaints, advisory letters, non-disciplinary orders, and discipline will be provided to the Board at the time it determines that the licensee has violated a law or laws rather than as a profile prior to the disciplinary phase of a Hearing.

Board subpoenas will require production of patient records for the current period of treatment, such as September 1, 2009 to November 16, 2009, unless the complaint suggests the need to review prior records, and the Board's executive director may decline to subpoena x-rays and sign-in sheets if in her judgment those records are not necessary to the investigation.

Administrative Suspension Means...

by Pamela J. Paschal, Deputy Director

sus·pend (s -spnd)

v. **sus·pend·ed**, **sus·pend·ing**, **sus·pends**
v. *tr.*

1. To bar for a period from a privilege, office, or position, usually as a punishment: *suspend a student from school.*

2. To cause to stop for a period; interrupt: *suspended the trial.*

3.

a. To hold in abeyance; defer: *suspend judgment.* See Synonyms at defer¹.

b. To render temporarily ineffective: *suspend a jail sentence; suspend all parking regulations.*
v. *intr.*

1. To cease for a period; delay.

There seems to be some confusion within the licensee population regarding the effect an Administrative Suspension has on the practice of chiropractic.

Simply stated, any "Suspension" means one CANNOT PRACTICE chiropractic.

An "Administrative Suspension" may be enacted by Board staff, based on statute and rule in the following circumstances:

- Failure to submit a complete application for renewal and pay the renewal license fee in a timely manner (A.R.S. § 32-923 C)
- Evidence the licensee has failed to demonstrate compliance with continuing education requirements (A.A.C. R4-7-802 E)

The Administrative Suspension removes all privileges granted under a person's license, including physiotherapy and acupuncture certification. Written notice of the suspension is provided to the licensee and the suspension date is retroactive. Upon receipt of the notice, the licensee must cease practice until the proper reinstatement steps are taken.

For failure to renew a license, the suspension may be lifted within the first three months (January – March) once the completed application, renewal and late fees are submitted. There is no provision in law for practicing during this period. The license remains suspended and the individual must not return to practice until the renewal is issued.

After March 31, the license will not be reinstated until the Board approves the licensee's completed reinstatement application, and the licensee pays the reinstatement fees. In this case, the individual must not return to practice until the Board reinstates their license. Licensees will receive written confirmation of their reinstatement.

Board action is also required in order to reinstate a license suspended for failure to complete continuing education requirements.

It should be noted, Administrative Suspension is a status of licensure reported to the public, insurance companies and other interested parties as requested. The status is changed on the Board's website and individuals are informed the licensee should not be practicing during the period of suspension.

The Board takes very seriously the practice of chiropractic while on Administrative Suspension. Although the license may be renewed or reinstated, evidence of practice during the period of suspension could result in disciplinary action.

How to Complete a Renewal Application

Each year, Board staff returns hundreds of license renewal applications as incomplete. In an effort to reduce the number of returned renewals, we have decided to offer a short course in license renewal completion to assist you with the license renewal process.

Before beginning, we would like to remind you that clear, legible responses are essential. If we cannot read the application to verify compliance, we must return it to you.

As a first step, check your address to ensure that it is correct. Cross out any incorrect information and write the correct information next to it. Then, make sure that you have provided a physical address. We must return your application if you do not provide a physical address.

Now you can move on to questions 3, 4a, and 4b. Please answer these questions with a "yes" or "no." Circling the answer or entering a check mark, an X or N/A is not acceptable. If you answer "yes," please provide a brief explanation.

Question 5 requires a bit more information. First, you must enter "yes" or "no." Then, enter the dates on which you completed your continuing education in MM/DD/YY format. Then, enter the subject(s) taught during the course(s). When entering the subject(s), please use terms that will convey the content of the course. While some course titles are acceptable, not all identify the course topic. Finally, you must enter the affiliated college or university or the Arizona approval code. The affiliated college may be the sponsor of the

course or the college at which the course instructor is faculty. If the course was *not* affiliated with an accredited college, but qualified for credit under Board approval, you must include the approval code. Please note that Arizona approval codes always begin with AZCE. An example of an approval code might be AZCE0980.

This year we have added extra space under question five to allow you room to enter your continuing education information. However, if you cannot enter all of the required information in the space provided under the question, please enter the remaining information at the bottom of the form, under your signature. DO NOT attach a separate form unless directed to do so by Board staff.

After completing question 5, you can move on to question 6. Please answer this question with a "yes" or "no." Once again, do not circle the answer or enter a check mark on the line.

Then, sign and date your application and submit it with a check or money order for \$170.00. You may make your check payable to the Arizona Board of Chiropractic Examiners.

Complete applications must be postmarked no later than December 31, 2010 in order to avoid a late fee.

Have you visited the Board's website recently?

The Board provides access to forms, previous newsletters, meeting notices, and agendas on their website. All of these publications are in PDF format and may be printed or downloaded without charge.

Please visit us online at www.azchiroboard.us.



Determining What CE Qualifies for Credit

One of the most frequently asked questions Board staff answers during renewal time is, "How do I know if a continuing education course qualifies for credit."

The continuing education requirements are set forth in A.R.S. 32-931 and A.A.C. R4-7-801, 802 and 803. You

may review these statutes and rules on our website, www.azchiroboard.us. The Board also has a check list on the web site to help you determine if a course may qualify for continuing education credit.

First, you must determine if the course is taught by a faculty member of an accredited college or university, sponsored by an accredited college of university, or approved by the State of Arizona Board of Chiropractic Examiners. The course must meet at least one of these requirements to be accepted for credit towards the license renewal. If the course is not taught by a faculty member of, or sponsored by an accredited college or university, the course must have been approved by the Board to qualify for credit. All courses approved by the Board have been issued an AZCE code. The Board will not retroactively approve courses.

Next, you must make sure that the topic meets the requirements of statute and rule. The following topics are acceptable: Anatomy, Physiology, Pathology, Bacteriology, Symptomatology, Diagnosis, including physical, clinical, x-ray and laboratory subjects, Chiropractic Orthopedics, Principles of Chiropractic and Adjusting (this includes record keeping), Neurology, Chemistry including biochemistry and nutrition, Public Health and Hygiene (this includes personal boundaries), Chiropractic Spinal Analysis, Acupuncture, Physiotherapy.

Please note that you must complete twelve hours of continuing education between January 1 and December 31 of each year. Each hour of continuing education must be comprised of 60 minutes of instruction.

Continuing education credit can be earned through programmed learning, such as on-line programs, if the course is a post-graduate course offered by an accredited college or university.

Continuing Education Clarification

When the law for continuing education was passed, it listed 13 acceptable topics based on subjects taught at chiropractic colleges. It was thought that since all licensees are familiar with those subjects taught at chiropractic colleges, qualifying topics would be self-evident. As it turns out, nothing is ever that simple. In an attempt to help licensees identify acceptable course topics, the Board is developing a list of subjects that fall under the 13 topics in law. It is hoped that that list will

be developed by the time you receive this newsletter. However, we cannot guarantee that it will be completed that early. The Board will extend invitations to professional associations and to licensees who are not members of a professional association to participate in a workshop. When a list has been developed, it will need to go before the Board to confirm that all of the subjects listed are actually in compliance with statute.

In addition, the Board will seek a statutory amendment that will allow the Board to set continuing education requirements in rule rather than statute. If the Board is able to set continuing education in rule, it can be more responsive in making changes that are in the best interest of both the profession and the public.



Did you move or get a new telephone number?

A.R.S. 32-923 (A) requires that every licensed person notify the Board **in writing** of any change in residence or office address and telephone number within **30 days**. If your mailing address is a post office box or personal mailbox, you must also provide a physical address. Failure to update your address and telephone number will result in a **\$50.00** civil penalty.

A Change is Coming

Beatrice Webb, who many of you may know from your calls or visits to the Board office, will retire on September 21, 2010. The Board would like to recognize her many years of service to the public and profession. Unfortunately, Ms. Webb's departure also means the Board will no longer have a position to serve as receptionist, or to support licensing functions. The consequence will be that our answering machine will serve as the primary receptionist. Messages will be routed to the correct staff person at intervals throughout the day. Staff will attempt to return your calls as quickly as possible. However, responses will be

delayed while Ms. Webb's position remains vacant. That vacancy will also slow down staff processing of renewal applications. This makes it even more critical for you to submit your applications early. It will take much longer for staff to review your application for completeness, and the Board will no longer have sufficient staff to try to reach you by phone if your incomplete application is received and reviewed during the two weeks preceding the deadline for renewal submission. Finally, processing of credentials, verification of license in good standing, and processing of records requests will be delayed. With this in mind, please plan ahead and submit applications or requests for services well before that deadline you are hoping to meet.

Additional changes to services have been, and will be, driven by falling revenues. Fewer graduates are applying for licensure in Arizona. Chiropractic colleges report a drop in enrollment that may be related. In addition, out-of-state licensees are allowing their Arizona license to lapse. The end product must be a reduction or delay of services. To date, the Board has reduced or completely cut costs in many areas. Examples are cost reductions or complete cuts to supplies, attorney services, chiropractic investigators, education and participation in national forums that impact the profession, probation monitoring services performed by staff, hearings through a third party hearing officer, staff pay out of pocket for agency expenses such as mileage and cell phones, deletion of two newsletters a year, the Executive Director has assumed many duties of the Board's former legal counsel, Board member compensation has been reduced, the Board has ceased plans to accommodate the profession with the option to make payment by credit card, space savings have been instituted by sharing space and equipment with the Dental Board, and IT upgrades to facilitate renewals and applications are no longer an option, among others.

Disciplinary Actions

Licensees that have had a disciplinary action imposed by the Board from August 6, 2009 to July 7, 2010 include:

Bradley P. Burke, D.C. #2009-051
Robert B. Coffey, D.C. #2009-013, 041 & 076
John E. Dickerson, D.C. #2009-079
Milton J. Guenther, D.C. #2008-086

Craig J. Klassen, D.C. #2009-081
Jeffrey S. Korn, D.C. #2009-080
Christopher E. Kujawski, D.C. #2009-088
Clifton G. Mack, D.C. #2009-074
David H. Maguire, D.C. #2008-065
Shawn M. Meyer, D.C. #2009-012
Sky C. Moore, D.C. #2008-080
Jason C. Morris, D.C. #2009-049
Mark S. Palazzo, D.C. #2009-112
Phillip J. Pokorny, D.C. #2009-111
Jason Romano, D.C. #2010-035
Alexander A. Sazdanoff, D.C. #2009-047 & 101
Sonny Sazdanoff, D.C. #2009-048 & 100
Heidi Schultz, D.C. #2010-013
Grant K. Shapiro, D.C. #2009-057
Damian E. Smith, D.C. #2009-069 & 2010-009
James E. Stubbs, D.C. #2008-041
James L. Warlick, D.C. #2009-023, 024, 027, 044 & 060
Travis J. Wissinger, D.C. #2009-018

You may review disciplinary actions on our web site, www.azchiroboard.us. To view an action, choose the "Find a Chiropractor" link, then type in the first name, last name or license number of the licensee in the criteria box on the search page. Next, choose the correct licensee from the resulting list. A summary of the action should appear. You may also review the entire Order by choosing the "View Order" link above the summary.



Newsflash!

Two years ago, the Board added a "Newsflash" page to its website. The Board posts messages on the page that are meant to keep the public and the profession apprised of current circumstances that may affect licensed Arizona doctors of chiropractic, consumers of chiropractic care and the public.

The web address for the Newsflash page is <http://www.azchiroboard.us/news.html>.