



Arizona Board of Chiropractic Examiners Legal Updates and Newsletter

September 2011

Upcoming Board Meetings:

October 13, 2011

November 17, 2011

December 15, 2011

All Board meetings are open to the public and take place in the Board office conference room. Meetings generally begin at 8:00 a.m. However, both meeting dates and times are subject to change. You may refer to the website for meeting notices and agendas.

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.

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Legal Updates

During the 2011 legislative session, the legislature passed three bills that affect chiropractors licensed in Arizona.

- HB2102 requires applicants to present a government issued document that contains their photograph upon application for licensure. To ensure compliance with this law, the Board must collect photo identification from each licensee with their renewal application this year. So, be sure to include a copy of a government issued document that contains your photograph (e.g. driver license or passport) with your application!
- SB1037 defines the term “advisory letter,” repeals the restricted permit statutes, allows the Board to adopt rules prescribing continuing education requirements, and increases the number of continuing education hours required for reinstatement from inactive status. The bill also removes the language regarding equivalent standards from the educational requirements.
- SB1120 requires business entities that offer chiropractic services, but are not owned by a licensed health professional, to register with the Board.

For more information regarding any of the above referenced bills, please contact Board staff.

Girls, Girls, Girls, It's all about the Girls

Actually, it's not about the girls at all, it's about you. Now that we have your attention, here is why we are talking about “the girls” and you. Some of the most common excuses the Board hears when reviewing potential violations of law are:

“I thought the girls sent the records for the Board subpoena”

“The girls sent the records for the subpoena; I didn't realize that they didn't include all of the records”

“The girls do the billing”

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Disciplinary Actions

Licensees that have had a disciplinary action imposed by the Board from July 8, 2010 to September 2, 2011 include:

Gary L. Burk, D.C. #2009-113
Ted E. Coffman, D.C. #2010-002
Kyle M. Collins, D.C. #2011-052
L.A. Decker, D.C. #2009-042a
David J. Gilligan, D.C. #2010-076
John Hawrylak, D.C. #2011-026
David J. Hobbs, D.C. #2011-008
Craig J. Klassen, D.C. #2011-017
Alfred Lamanna, D.C. #2005-079,
2005-091 & 2011-041
Steven L. Levine, D.C. #2010-041
Caron C. Pedersen, D.C. #2010-041
Zhijia J. Qiu, D.C. #2011-065
Jeffrey C. Schramm, D.C. #2011-074
Stephen S. Shuffler, D.C. #2011-051
Charles P. Spear, D.C. #2010-056
James E. Stubbs, D.C. #2008-041 &
2011-022
Jeremy Warden, D.C. #2009-109
Marc W. Widoff, D.C. #2009-102
Paul J. Zloto, D.C. #2009-086

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.

Girls Continued

"The girls type my records"

"The girl was supposed to send a copy of the patient record to the patient"

"The girl filled out my renewal application"

You have the responsibility to know and follow the laws, not the "girls". When a complaint is filed it will be against your license. If discipline is issued, it will be against your license. If there are financial consequences, you will be paying them. "It's the girls' fault" is not a good defense. So, give the "girls" a break, step up to the plate and be a responsible professional by following the laws yourself. Go to www.azchiroboard.us to view statutes and rules.

Saving Time and Money in Practice Management

One of the easiest ways to save time and money in your practice is.....Know and follow the laws that apply to you in your practice. You don't have to pay for a seminar or program, and it's guaranteed to work.

Why does that save you money?

- If an investigation indicates that you may have violated a law, you will be subpoenaed to appear at a board meeting; arriving at 8:00 a.m. Time is money. Avoid complaints and spend that time in your office seeing patients instead.
- You may incur attorney's fees.
- If your license is disciplined, you will be required to pay for all costs for compliance with the Board Order. When the Board imposes discipline, it is only for a good and necessary reason. Therefore, your complaints that the discipline imposed costs you money will not be an excuse for failing to comply with the Order. Costs can vary from paying for additional continuing education, to paying for audits, to paying for evaluations, to paying restitution to patients and so on. If you need to be monitored for compliance with the Order, you will pay approximately \$400 an hour out of your pocket, it's your responsibility.
- Depending on the type of violation and the discipline imposed, you may lose provider status with insurance companies.

How much money can you save by simply following the law? Examples:

- Failing to complete CE or falsely reporting CE: Immediate suspension of license.
- Practicing while suspended: Restitution to patients for the full period of suspension.
- Improper billing: Monitoring, audits, and CE - \$2,500 and up and loss of provider status.
- Substance abuse evaluation: \$1,500 and up.
- Ethics examination: \$1,500

How to Survive a CE Audit

Three times each year, Board staff audits the continuing education of fifteen licensees. Chosen at random, each licensee is required to provide documentation of their compliance with the continuing education requirements for at least two calendar years. Unfortunately, not everyone makes it through the audit unscathed. Some cannot find their certificates and must contact the college for duplicates. Others find that their continuing education does not qualify for credit. While others still must disclose that they did not complete the required CE. Those who failed to complete qualifying continuing education, face a possible Board complaint and suspension of their license. Staff does not want to catch you in a CE audit. So, we have a few tips for you regarding CE.

1. Keep your CE certificates for at least five years. It's not just a good idea, it's the law.
2. Make sure your CE qualifies. Read and understand the rules and look at the CE information on our website to make certain that your CE makes the grade.
3. Topic matters. College sponsorship does not guarantee that a course qualifies for credit in Arizona. Refer to the list of allowable topics in law and rule or review the CE information on our website to ensure that the topic is allowable.
4. Don't lie. If you haven't taken your CE, do not submit your renewal application. After December 31, you will have to stop practicing and pay the late fee, but you will save yourself a complaint and license suspension later.

WHAT IF?

Here are some "what if" questions you may not have thought of before, but we have heard.....

WHAT SHOULD I DO IF.....

I HIRE A CHIROPRACTIC ASSISTANT?

1. Notify the Board within seven days using the Chiropractic Assistant Notification of Hire form available on our website.
2. Ensure they begin their training (in a Board approved course) within three months and complete it within one year of hire date.
3. Upon completion of training, register the assistant with the Board using the Chiropractic Assistant Registration form available on our website.

I TRANSFER A FRONT OFFICE STAFF MEMBER TO WORK AS A CHIROPRACTIC ASSISTANT?

Follow steps 1 through 3 above – without exception (the date of hire would be the day they begin working as an assistant).

I HIRE A CHIROPRACTIC ASSISTANT WHO IS ALREADY REGISTERED WITH THE BOARD?

Notify the Board using the Chiropractic Assistant Transfer Form available on our website.

I HIRE A CHIROPRACTIC ASSISTANT AS AN EXTERN?

The law does not provide for a CA externship in any form – you must follow the same steps when hiring any chiropractic assistant.

I RECEIVE A COMPLAINT AND SUBPOENA FROM THE BOARD?

1. READ the entire subpoena and complaint carefully.
2. Respond in a timely manner. This usually means within 10 business days of the day you signed for the certified mail. You may ask for an extension in writing prior to the due date.
3. Prepare a response to the complaint – explain your side of the story.
4. Make legible, quality copies of everything requested from the patient record.
5. Locate and copy your documentation of continuing education as indicated in the subpoena.
6. Double-check to see if the subpoena requires the x-rays and include them with the response.
7. Mail your response to the Board so that it arrives on or before the due date.

I RECEIVE NOTIFICATION MY LICENSE HAS BEEN ADMINISTRATIVELY SUSPENDED?

1. Stop practicing immediately.
2. Follow the instructions provided in the notice for reinstatement of your license.
3. Do not return to practice until the Board has reinstated your license.

Fiscal Year 2011
Regulatory Matters & Disciplinary Action Statistics

REGULATORY MATTERS

COMPLAINTS

Number before the Board	190	
Carried forward	62	
Filed current year	128	
Dismissed	18	
Advisory letter	30	
Voted to hearing or interview	34	
Carried to next fiscal year	103	
Other	5	
Average months to resolve w/o hearing or interview		8.2

HEARINGS AND FORMAL INTERVIEWS

Number before the Board	35	
Carried forward	11	
Opened current year	24	
Carried to next fiscal year	16	
Concluded	19	
Withdrawn or Terminated	1	
Consent Agreement	7	
Hearing	2	
Interview	8	
Deny	1	
Average number of months to hearing	3	
Average number of months to interview	3	
Average number of months to consent	2	

DISCIPLINARY ACTION

Probation	7	
Fines	2	
Suspension	1	
Revoke	2 with 1 stayed	
Surrender	2	
Censure	1	
Letter of Concern	1	
Non Disciplinary Order	4	
Advisory letter	3	
License denial	3	
Number of final Board actions taken:	68	
Percent resulting in disciplinary action:	16%	
Percent resulting in no disciplinary action:	84%	