



State of Arizona

Board of Chiropractic Examiners

Fall 2007

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

S. Steven Baker, D.C.
Vice Chairperson

William F. McDonald
Public Member

Susan Wenberg, D.C.
Professional Member

Evelyn Witherwax
Public Member

Upcoming Board Meetings

September 20, 2007
October 18, 2007
November 15, 2007
December 13, 2007

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

Examinations

Jurisprudence – 1st Friday of the month, 10:00 am
Application deadline – 1 month prior to the exam

Need to Contact the Board?

Phone: (602) 864-5088
Fax: (602) 864-5099
Website: www.azchiroboard.com

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



A Message from the Chairperson

It is an honor to have been chosen by my fellow Board members to serve as Chairperson. I appreciate their trust and support and will do my best to continue to provide the steady leadership, fairness and balance that the previous two chairmen demonstrated. My duties are made easier because of our professional and competent staff and counsel. The current professional members of the board serve well, bringing their chiropractic background and experience without political agendas. The public members of the Board are always prepared and reflect the concerns of the general public.

For those of you who do not know me, I am a native of Texas who transplanted to Arizona in the fall of 1985. My first memories of receiving chiropractic care are when I was twelve years old. However, my family tells me I began receiving care at a much younger age. My family's attitudes about chiropractic were shaped in no small part by my uncle, Louis Haydon, who was a graduate of Carver Chiropractic College. He practiced in Oklahoma and then the panhandle of Texas. He served his patients for forty years. Though he never practiced in the Houston area where I was raised, his knowledge and philosophy of health influenced my parents

greatly. As a child, if I was ill, I was taken first to the chiropractor before the family MD or DO. I continue to hold in high esteem the chiropractors of my childhood: Dr. Kunkle, Dr. Cobb and Dr. Fisher. Dr. Kunkle was 92 years old when I last visited him in Galena Park, Texas on the eve of my graduation from TCC. He still had an adjusting table in his back bedroom and neighbors knocking on his back door seeking treatment. Dr. Cobb treated my family and later was one of my instructors at TCC. While I was completing my undergraduate program at the University of Houston, Dr. Fisher talked me into going to chiropractic college. I have never regretted that decision and am proud of my profession and our place in the healthcare industry of this country.

I was fortunate to be able to participate in the preceptor/extern program which was newly established by the Arizona Legislature in the fall of 1985. After experiencing the beauty and grandeur of the desert southwest, I returned to Houston only long enough to graduate and collect my belongings. I returned to practice as an associate in Scottsdale and in less than a year moved to Prescott to open an office for my employer. Marriage to my husband, Bill Ekstrom, relocated me to Mohave County. I have lived in Kingman for almost 19 years. For the first twelve years, I practiced in Bullhead City. Only in the last 8 have I practiced fulltime in Kingman. Bill and I have two teenage children, Hillary and Haydon.

My practice emphasis is orthopedic in nature. I hold Diplomate status with the American Board of Chiropractic Orthopedists and the American College of Chiropractic Consultants. I currently see patients 4-5 days per week and have a busy, thriving, patient oriented practice. From 1994 until 2004 I also performed claims review and IMEs for third parties, both plaintiff and defense. This part of my practice never exceeded 1% of my total practice. I consider review by one's peers a valid and necessary part of the industry. Who among us enjoyed the years of being reviewed by nurses and MDs who had little or no knowledge of chiropractic?

The growth of our profession and changes in public attitude that I have witnessed over these last twenty years has been phenomenal. When my uncle Louis was in school, chiropractors were still being thrown in jail for practicing medicine without a license. In 1972 Medicare began paying for chiropractic manipulation. The year I opened my practice in Bullhead City, The Wilkes vs the AMA case was upheld in appeals court. Shortly thereafter, the barriers and attitudes that kept other healthcare professionals and the public fearful of our profession began to crumble. Today, our patients benefit from the ever increasing cooperation and referrals between their chiropractors and their medical providers.

One of the key components of the acceptance into the healthcare community is our acknowledgement as a profession that we must be regulated. The Legislatures of all fifty states have created licensing boards for this purpose. The State of Arizona, Board of Chiropractic Examiners is charged with protecting the health, welfare and safety of the public through the enforcement of the laws that govern chiropractic. The professional and public members of the AZBOCE have committed themselves to fulfilling their duties honorably and without political agenda. Yet there are certain members of our

profession who fear regulation of chiropractic physicians. They distribute propaganda with little more than half truths, misrepresented facts and personal opinion that seek to create an atmosphere of distrust regarding the activities of the AZBOCE. The people of Arizona, through their Legislators have insisted that the chiropractic profession be held to the same ethical and professional standards as other healthcare providers. The fear mongers discredit our profession and offend the citizens of the state of Arizona by pursuing this agenda of deception.

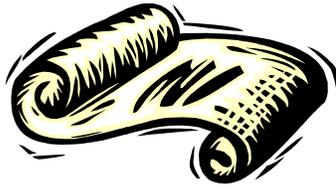
As Chairperson of the AZBOCE I welcome and invite all licensees, legislators and members of the public to attend our meetings and see firsthand the manner in which this state regulatory agency operates. In the future, I hope to be able to call upon individual members of the profession to assist the regulatory process by providing input and service on committees as they become necessary. I respect the need for all voices to be heard in areas where there may be disagreement among professionals. Our commonalities far outweigh our differences. Every Arizona licensed chiropractic physician attends a CCE accredited college, passes the same national competency examinations and the same state licensing examination. Regardless of our practice philosophies, we are all part of the same profession. Those who would try to fragment us and draw upon our differences to divide us will only harm our profession.

Sincerely,
P. Dianne Haydon, DC



***Do you know the whereabouts of your law book?
Is it a current edition?***

If your law book is a few years old, you may wish to order an updated copy. You may order a new law book by sending a written request and a \$10.00 check or money order to the Board office. You may also pick up a copy during business hours. Remember to bring a check or money order with you!



Statutes, Rules and Standards of the Profession

Board Policy on Practice Standards

The State of Arizona, Board of Chiropractic Examiners is that state agency charged with the duty to regulate the practice of chiropractic through enforcement of the statutes and rules that govern the practice of chiropractic in the State of Arizona. When enforcing laws, the Board looks to standards of the profession, rather than personal opinion, as is the responsibility of any body regulating a health care profession.

There has been some misinformation circulated stating that the Board is seeking to impose the Mercy and CCGPP guidelines on the chiropractic profession in Arizona. In reality, the Board has a published substantive policy statement that the Board will not use the practice guidelines developed by either the Mercy or Wyndham Conferences. In addition, the CCGPP guidelines have not been completed or published, and have not even been considered by the Board, much less adopted.

When considering standards, it is important to remember that the Board does not adhere to any one guideline. The Board looks at the literature and guidelines in light of the standards of practice that the CCE has determined will be taught in chiropractic colleges and the skill, knowledge and competencies that are measured by the National Board of Chiropractic Examiners in its four part testing process. It also looks at the consistency between the literature and guidelines among multiple sources. Sources that can be viewed for consistency include, but are not limited to, the Chiropractic Colleges, the National Board of Chiropractic Examiners, the Federations of Chiropractic Licensing Boards, standards and guidelines observed by chiropractic regulatory boards in the other states, guidelines published by professional associations, guidelines published by the U.S. Government, the Glenarin guidelines of Canada, guidelines of Australia and Great Britain, state laws that pertain to health care professionals as a whole, and the generally recognized current procedural terminology (CPT).

In addition to consistency and reliability, the Board considers whether the information relied on is, with reasonable professional diligence, known to and accessible by members of the chiropractic profession. An example would be that the CPT code is a source for billing standards that members of the profession are aware of and able to refer to when submitting bills for insurance reimbursement.

No one published guideline addresses ALL aspects of practice. Subsequently, the Board looks at the totality of the knowledge base when reviewing each case. Conversely, it is not logical,

ethical or professionally responsible to infer that because there is no one perfect set of guidelines, that no standards of the profession exist for the purpose of patient welfare and safety. It is true for any health care profession that the first duty is to do no harm. By reviewing the spectrum of guidelines that do exist and identifying consistency, the Board is able to perform its duty to ensure the health, welfare and safety of the public while also recognizing and respecting the many facets of the chiropractic profession.

Have you visited the Board's website recently?

The Board now provides online access to Board meeting agendas! The agendas are in PDF format and may be printed or downloaded without charge. You may find the agendas under the "Meetings" heading.



Warning! **There be rule changes ahead!**

- Amendments to A.R.S. § 32-924 (E) and (F) give the Board the authority to issue a non-disciplinary order for continuing education and a disciplinary order for continuing education without imposing probation. The amendments will take effect on September 19, 2007.
- The Board amended A.A.C. R4-7-501 to state that a licensee must display the license issued to them by the Board at all locations where the licensee engages in the practice of chiropractic, including mobile practices.

If you are in need of a duplicate license, please send a \$20.00 check or money order and a written request to the Board office. Please note that the ordering process may take up to 90 days.

- A.A.C. R4-7-503 (8) now requires that all licensees attest to their compliance with continuing education requirements by writing the attendance dates, course topic and name of the course sponsor or course identification number on their renewal form. The Board will not allow licensees to attach a separate sheet of paper or submit a copy of their continuing education attendance voucher.

- The Board amended A.A.C. R4-7-801 (C) to include chiropractic record keeping, ethics and sexual boundaries as continuing education course topics.
- The Board, in accordance with A.A.C. R4-7-802 (E), now has the authority to suspend a license if the licensee fails to demonstrate compliance with continuing education requirements. Therefore, if the Board audits your compliance with continuing education requirements and you are unable to provide proof of qualifying continuing education, the Board will suspend your license. You will then be required to reinstate the license and pay a \$100.00 reinstatement fee.
- The Board has changed the timeframe for amending a motion for rehearing or review listed in A.A.C. R4-7-305 (B) from any time before the date set for the Board to rule on the motion to no later than eight days before the date set for the Board to rule on the motion.

If you have any questions regarding these changes, please contact the Board.



Do Not Stray Off Course!

Each year hundreds of licensees stray off course when submitting their license renewal applications. Most of these licensees fail to properly complete their applications. Board staff then returns the applications for corrections. Unfortunately, some licensees do not receive their returned renewals in time to resubmit them before the December 31 deadline and are required to pay a \$100.00 penalty.

You can easily avoid this predicament! Consider the following directions your map and compass. If you heed their warnings, your license renewal submission should be successful.

- ✓ Do not procrastinate! Submit your renewal application early on in the renewal period. If your renewal is returned, you will have time to resubmit it.
- ✓ Write legibly and use laymen's terms. If we cannot read your writing or do not understand your terminology we will return your renewal for clarification.

- ✓ Make sure to provide a physical address. We will gladly use a post office box as your mailing address. However, you must also provide a physical address.
- ✓ Completely answer each question. Entering a check mark, an X or N/A **is not acceptable**.
- ✓ Enter all required CE information including: the date completed, the subjects (topics) covered by the course, and the qualifying instructor or sponsor.
- ✓ If the Board approved the CE course, write the course identification number on the renewal form. Course ID numbers are not the number assigned to the course by the course provider. Approved course identification numbers should begin with "azce."
- ✓ Make sure your check is for the proper amount. We cannot accept a check or money order written for the incorrect amount. We will return your entire license renewal application with the check or money order.
- ✓ Sign your renewal form!

If your compass malfunctions or the map is not clear, the Board office is a call or a click away. Call us or send us an email, we are here to help!

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.

Disciplinary Actions

You may now review disciplinary actions on our web site, www.azchiroboard.com. Licensees that have had a disciplinary action imposed by the Board from August 1, 2006 to July 31, 2007 include:

Due to the fact that misleading information regarding Board actions has been circulated, the Board encourages you to review the Board Orders. The Findings of Fact and Conclusions of Law will identify those actions and violations that constituted cause for disciplinary action. You will not find an Order imposing discipline solely for a minor recordkeeping error because no such action has been taken.

Carmen N. Brodeur, D.C. #6042

2006-128 – Censure, Probation

Marc A. Brodeur, D.C. #6010

2006-129 – Censure, Probation

Torrance A. Brooks, D.C. #5901

2006-149 – Censure, Probation

Michael J. Castrichini, D.C. #5338

2005-115 – Probation

Eric M. Davenport, D.C. #7700

2006-165 – Letter of Concern, Probation

John D. Eldridge, D.C. #916

2006-044 – Probation

Russell W. Erhardt, D.C. #3809

2006-101, 102, 104 & 114- Letter of Concern, Probation

Milo J. Fencil, D.C. #3031

2006-093 – Censure, Probation

Scott M. Gedye, D.C. #5369

2006-055R – Revoked

Arthur D. Goldberg, D.C. #883

2006-043 – Fine, Letter of Concern, Probation

Frank A. Gulino, D.C. #5647

2006-140 – Fine, Letter of Concern, Probation

William F. Johnson, D.C. #4425

2006-121 & 171 – Censure, Probation

Paul C. Kim, D.C. #8016

2006-078 – Censure

Murray J. Lawson, D.C. #5122

2004-085 & 2006-059 – Surrendered

Alan R. Lundeen, D.C. #7575

2006-138 – Fine, Letter of Concern, Probation

Shaun M. Malone, D.C. #6028

2006-126 – Fine, Letter of Concern, Probation

Adrian M. Marnell, D.C. #2064

07F-023-CEA – Revoked

James Martell, D.C. #5273

2006-077 – Probation

James J. McCready, D.C. #7829

2007-081 – Fine, Probation

N. Mike Moriearty, D.C. #7660

2007-073 – Surrendered

Roger H. Muller, D.C. #5098

2006-052 – Fine, Letter of Concern, Probation

Robert D. Nielson, D.C. #7788

2007-044 – Probation

Brian E. Palevac, D.C. #7756

2007-011 – Probation

Caron C. Pederson, D.C. #5882

2006-116 – Fine, Probation

Derek C. Price, D.C. #7259

2006-100, 103, 105 & 115 – Letter of Concern, Probation

Radman Rahiminejad, D.C. #7150

2006-045 & 2007-003 – Censure, Probation

Yasmin Rahiminejad, D.C. #7099

2006-124 – Letter of Concern, Probation

James Ramaglino, D.C. #7623

2006-143 – Letter of Concern

Craig P. Rinaldi, D.C. #5802

2006-053 & 056 – Probation

Ty S. Ruddell, D.C. #6023

2006-079 – Letter of Concern, Probation

Roderick R. Russell, D.C. #2073

04F-021-CEA, 04F-062-CEA, 04F-068-CEA – Revoked

Janine E. Secord, D.C. #7765

2007-010 – Probation

2007-010a – Summary Suspension

James H. Shorten, D.C. #4382

2006-090 – Cease and Desist and Fine

Benjamin B. Tiede, D.C. #7498

06F-139-CEA – Revoked

Wendy A. Weisflog, D.C.

2006-158 – Cease and Desist, Fine

Scott A. Young, D.C. #5005

2006-081 – Letter of Concern, Probation

Paul J. Zloto, D.C. #3789

2005-114 – Cease and Desist

STATE of ARIZONA
BOARD of CHIROPRACTIC EXAMINERS
5060 North 19th Avenue, Suite 416
Phoenix, AZ 85015