

# State of Arizona

## Board of Chiropractic Examiners

Fall 2008

### 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

**Susan Wenberg, D.C.**  
Professional Member

**Evelyn Gittinger**  
Public Member

**Vacant**  
Public Member

#### **Upcoming Board Meetings**

September 11, 2008  
October 23, 2008  
November 13, 2008  
December 11, 2008

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

#### **Examinations**

**Jurisprudence – 1<sup>st</sup> 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](http://www.azchiroboard.com)

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



#### **Legal Updates**

The Board has made significant changes to A.A.C. R4-7-101; R4-7-902; and R4-7-1102 thru 1103. These changes are available in the new edition of the laws and rules booklet and on the website, [www.azchiroboard.com](http://www.azchiroboard.com). Changes to look for include:

- R4-7-101: The terms “Adequate patient records,” “Controlled substance,” “Device,” “Dispense,” “Non-prescription drug,” “Nutrition,” “Prescribe,” “Prescription drug,” are now defined.
- R4-7-902: The contents of this rule have changed dramatically. Board staff suggests that all licensees make themselves familiar with the changes. A link to the complete text of this rule is available on our website.

- R4-7-1102: The number of acupuncture coursework hours for chiropractic assistants working under the supervision of a chiropractic physician certified in acupuncture changed from twelve (12) to two (2).
- R4-7-1102: Licensees are required to inform the Board, in writing, that they have employed a chiropractic assistant within seven days of hiring the C.A. by submitting the name of the C.A., the name and license number of the supervising chiropractor, the address and phone number where the C.A. is employed, and the initial date of hire.

To ensure that licensees provide all required information, the Board has created a form which is available on the website.

- R4-7-1103: This rule has been expanded to include a listing of some of the clinical duties that chiropractic assistants are allowed to perform or administer.

If you have any questions about the rule changes, please contact the Board office. If you wish to request an updated law book, please send a written request and a \$10.00 check or money order to 5060 North 19<sup>th</sup> Avenue, Suite 416, Phoenix, Arizona 85015.



### Newsflash!

The Board has 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.com/news.htm>.

## Don't Have an Identity Crisis

Each year there seems to be some sort of change to the license renewal requirements. Well, this year is no different. This year's addition to the renewal application was made in order for the Board to meet the requirements of Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and Arizona Revised Statutes § 1-501.

To comply with the act and statute, the Board must obtain a complete statement of citizenship or alien status from each license renewal applicant. The Board must also obtain documentation that demonstrates that the applicant is lawfully present in the United States. A citizenship statement form and list of acceptable evidence of U.S. citizenship will be sent to you with your renewal application.

You must return both the completed form and the documentation with your completed renewal application and fee. If you fail to submit the form and the appropriate documentation, your renewal will be returned to you as incomplete.

The only licensees exempt from this requirement are those living outside of the United States. Here are some tips meant to help you successfully complete the new requirements:

1. Start early! Even if you do not intend on submitting your renewal form right away, make sure that you have your documentation ready.
2. Read the list of acceptable documentation carefully to ensure that the document you are submitting is acceptable. Unacceptable documentation will cause your renewal application to be returned to you as incomplete.
3. If the documentation you wish to submit is not in your current legal name, you will need to submit documentation of your name change. The document(s) must clearly show the transition from your original name to your current name. A driver license is not sufficient.
4. If you intend to use a passport, make sure that it is signed. Unsigned passports are not acceptable.
5. DO NOT send original documents. Legible copies of documents are satisfactory

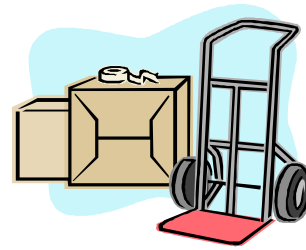
## **SCARE TACTICS!**

By Patrice A. Pritzl, Executive Director

Periodically, the Board reviews a case in which a doctor of chiropractic uses scare tactics to attract or retain patients. Rather than educate prospective patients on the benefits of chiropractic, the advertisement makes false claims intended to make the reader believe that seeking care with any other provider or continuing care under another provider, including another doctor of chiropractic, will cause harm to the patient. The practice of scare tactics is bad for the public. However, it is also bad for the profession since such a practice is a highly visible practice that makes the profession appear to be unprofessional.

The same use of scare tactics is used by members of the chiropractic profession who object to the Board of Chiropractic Examiners actually enforcing the laws that govern the practice of chiropractic and that protect the public. The end result is the same as the use of scare tactics in advertising. The use of scare tactics to produce fear in the profession regarding the enforcement of the Chiropractic Act is highly visible. It also presents the chiropractic profession as being unprofessional. How else could the public perceive the profession when statements are advertised that insist that the Board should ignore violations of law or hold doctors of chiropractic to a practice standard below that required in law and expected of other health care professionals?

When you see or hear the fear inducing statements, such as claims that the Board of Chiropractic Examiners sanctions doctors of chiropractic for minor records keeping errors, use your head, and the public record, to arrive at the facts for yourself. Use the above as an example. Ask the person who has told you the Board sanctions doctors for minor record keeping errors for the name of a doctor who has had disciplinary action for minor record keeping errors. If the person making the allegation cannot give you a name, use your good judgment as to what that means. If you are given a name, go to the Board's web site to look up the Order, and read the Order. You will find that the Board has issued no disciplinary action for minor recordkeeping errors. Please refer to the Board's Newsflash link on its website for more examples of unsupported rumors, and guidance to the public record that will allow you to think for yourself, for the benefit of both the profession and the public.



**Have you moved?**

**Have you updated your address with the Board?**

**Failing to notify the Board of a change of address could cost you.**

**Avoid a \$50.00 fine –**

**Update your address and telephone number!**

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## **SCARE TACTICS, THE SEQUEL!**

By Patrice A. Pritzl, Executive Director

Current scare tactics are not limited to attempts to intimidate the Board from enforcing the laws that govern the practice of chiropractic, they are also used to try to create friction between the Board and the profession, and within the profession. Once again, it is a practice that harms the profession. There is, however, no rule that requires a regulatory board and a professional association to be enemies. As a matter of fact, it is the norm with most professions for the regulatory board and the professional association to form a positive working relationship. Look at it this way. The mission of regulatory board is to protect the health, welfare and safety of the public. The mission of the professional association is to protect and promote the profession. While the mission of each may be different, in reality, the goals are often the same. What is good for the public is good for the profession, and what is good for the profession is good for the public. Standards of practice are good for the profession and public. Professional education is good for the profession and the public. Access to third party payment for health care is good for the profession and the public. The regulatory board and the professional association may frequently oppose one another when goals are not the same, and support one another when they are. This is called "professionalism". The Arizona Board of Chiropractic Examiners welcomes the professionalism of the Arizona Association of Chiropractic. As a result, the two agencies frequently work together as problem solvers. One excellent

example is the amendments to the rules regarding chiropractic assistants. The Arizona Association of Chiropractic had made suggestions for changes to proposed rule language regarding chiropractic assistants that addressed concerns of the profession. Those suggestions were appreciated and integrated into the rulemaking before false information was disseminated to the profession that the rule amendment would result in payment for services performed by chiropractic assistant being denied. The rule amendment has been in effect for approximately six months, with positive feedback received by the Board. The invitation is also there for you to take pride in your profession, as well as the standards and the regulation that make it a profession.



## Disciplinary Actions

Licenses that have had a disciplinary action imposed by the Board from August 1, 2007 to July 29, 2008 include:

Jesus Bernal, D.C. #2007-008  
John J. Bolte, D.C. #2007-014  
Torrance A. Brooks, D.C. #2006-149  
Brete L. Carlsen, D.C. #2004-089, 90, 91  
Douglas B. Chandler, D.C. #2007-091  
Christopher C. Cox, D.C. #2007-075  
Milo J. Fencil, D.C. #2007-111  
Howard D. Fern, D.C. #2007-060  
Jason C. Gauthier, D.C. #2006-097  
Harry W. Hargett, D.C. #2006-136  
Michael W. Hoffmann, D.C. #2007-031  
Herbert E. Hoversen, D.C. #07-177-CEA  
Robert G. Jursek, D.C. #2008-044  
Jeffrey A. Lowy, D.C. #2007-061  
Thomas G. Maday, D.C. #2005-093  
Timothy J. O'Connor, D.C. #2007-017  
William P. Ornelas, D.C. #2007-040 & 47  
Roy A. Ottinger, D.C. #2004-006  
Mark S. Palazzo, D.C. #2006-160  
Thomas T. Panchesin, D.C. #2007-101  
Tracy B. Peruch, D.C. #2007-054  
Paul W. Pratt, D.C. #2005-108  
Derek P. Pruni, D.C. #2008-061

James Ramaglino, D.C. #2006-143  
Gary D. Ranney, D.C. #2007-084  
Erik J. Rosseland, D.C. #2007-108  
Leonard Rudnick, D.C. #2006-096  
M. Michael Saif, D.C. #2007-086  
Janine E. Secord, D.C. #2007-010  
Karen L. Shewmaker, D.C. #2007-070  
James E. Stubbs, D.C. #2008-041  
David C. Swan, D.C. #06F-123-CEA & 07F-022-CEA  
Daniel W. Talley, D.C. #2007-099  
Jason L. Tilson, D.C. #2006-072 & 2007-046  
Sean Toner, D.C. #2006-162  
Michael A. Watts, D.C. #07-048-CEA & 08-038-CEA  
Dennis White, D.C. #2006-098  
Christopher Wood, D.C. #2007-015

You may review disciplinary actions on our web site,  
[www.azchiroboard.com](http://www.azchiroboard.com).