



Board of Chiropractic Examiners - Public

September 7, 2023 at 8:30 AM

7 Eagle Square, Concord NH 03301

Attendance

Members Present:

Dr. Tamara Lovelace (TL), Chair; Dr. Denise Pickowicz (DP), Secretary; Dr. David Lundgren (DL)

Members Absent:

Lawrence Patten

Dr. Stephanie Ryan

Staff Present:

Jeanne Webber, Board Administrator; Rahkiya Medley, Esq., Board Counsel

I. Call to Order

Meeting was called to order at 8:39 a.m., with a quorum of the Board present.

II. Approval of Minutes

A. July 13, 2023

Motion:

Upon a motion by DL, with a second by DP, the Board voted to approve the minutes as stated; motion passed.

III. Public Appearances - No Items

IV. OPLC/Board Administrator Updates - Informational

A. Fees – Updated licensing fees have been posted on the OPLC website.

B. 2024 Meeting Schedule

C. Press Releases - New process - Media will be notified of all emergency suspensions, suspensions, or revocations of licensure via a press release.

D. NBCE November 2023 Examiner Nominations – The Board will not have a representative at the November 2023 meeting.

E. Administrative Law Training - Refresher of training is available to Board Members.

V. Tabled – No items

VI. New Business

- A. Email to licensees discussion – The Board discussed sending an email to licensees regarding RSA 316-A:1 in response to the increase in complaints related to potential practice outside of the scope of practice. An email will be drafted for the Board’s review at the October meeting.

VII. Rules Review and Other Legislative Topics

- A. Legislation Update provided to the Board by Board Counsel

- 1. HB594

Relative to the licensure of out-of-state applicants to boards or commissions organized under the office of professional licensure and certification.

- B. Rules Review - Tina Kelley

- 1. Ch 200 - Initial Proposal Draft

Motion:

Upon a motion by DP second by DL, the Board voted to accept the initial proposal as amended and initiate rulemaking; motion passed.

- 2. Ch 405.01 - Initial Proposal public comment - Informational

- 3. Ch 500 - Discussion – The Board does not currently have Ch 500 Administrative Rules in place. Dr. Lovelace has volunteered to work with OPLC Rules Administrators to draft rules, reviewing ACA, ICA and the Board of Medicine’s rules regarding ethics.

VIII. Non-Public Session

On motion at 9:01 a.m. of DP, seconded by DL, the Board voted unanimously via roll call vote to conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3 II (e), RSA 91-A:5, IV, RSA 316-A:22, I, RSA 316-A:23-a, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board’s executive and deliberative privileges.

[Minutes kept separately].

- IX. Resume Public Session - Motion to come out of non-public at 9:22 a.m. was made by DL, and seconded by DP, by unanimous roll call vote.

- A. Seal Minutes from Non-Public Session

Upon the motion by DP, with a second by DL, the Board voted via roll call vote to withhold and seal the minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A: 3 III, that divulgence of the information likely would affect adversely the reputation of a person other than a Board member and to render the proposed action

ineffective. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present.

X. Adjournment

At 9:41 a.m., upon motion by DL, with a second by DP, the Board voted unanimously via roll call vote to adjourn the meeting.