



# Board of Chiropractic Examiners

December 7, 2023 at 8:45 AM

7 Eagle Square, Concord NH 03301

## Attendance

### Members Present:

Dr. Tamara Lovelace (TL), Chair; Dr. Denise Pickowicz (DP), Secretary; Dr. Stephanie Ryan (SR); Dr. David Lundgren (DL); Lawrence Patten (LP)

### Staff Present:

Jeanne Webber, Board Administrator; Elizabeth Eaton, Esq., Board Counsel, *via Zoom*

#### I. Call to Order

Meeting was called to order at 8:47 a.m., with a quorum of the Board present.

#### II. Approval of Minutes

##### A. November 9, 2023

#### **Motion:**

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

#### III. Public Appearances - No Items

#### IV. OPLC/Board Administrator Updates - Informational

##### A. Newsletter

OPLC has determined it will send one Newsletter encompassing all Boards to all licensees at a future date. TL requested that Bethany Cottrell and Heather Kelley attend the January 4, 2024, meeting to discuss.

#### V. Tabled

##### A. Email to licensees discussion – Tabled to the January 4, 2024 meeting

#### VI. New Business

##### A. Inquiry

Currently Chiropractors are able to perform DOT Physicals. Where do we stand on performing Federal Aviation Administration BasicMed medical exams for private pilots? Gary Graham, DC

The Board of Chiropractic Examiners reviewed and determined that if the Federal Aviation Administration lists Chiropractors as approved for performing BasicMed

exams, there is nothing in the administrative rules or laws to prevent a New Hampshire Chiropractor from doing so.

VII. Old Business

- A. Board of Nursing Position Statement - Placeholder

VIII. Rules Review and Other Legislative Topics

- A. Plc 313 Update

TL questioned what safeguards are in place to ensure that Chiropractors who are licensed through endorsement will meet our requirements if there are changes to requirements in other jurisdictions. Attorney Eaton explained that the office is committed to monitoring these changes and encouraged the Board to bring any changes that they are aware of to the attention of the office. TL noted that she doesn't agree with OPLC staff approving licenses instead of the Board and questions confidence in LSR's ability to understand rules and laws.

- B. Legislative Update

- C. Rules Review - Tina Kelley 9:15 am

- 1. Ch 200 - Final Proposal

**Motion:**

Upon a motion by DL, with a second by LP, the Board voted to approve the Final Proposal Annotated as presented; motion passed.

- 2. Ch 405.01 Final Proposal - Filed with Administrative Rules on 11/9/2023  
Informational

- 3. Ch 500 - Initial Proposal Review and discussion

IX. Non-Public Session

On motion at 9:05 a.m. of SR, seconded by DP, 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].**

- X. Resume Public Session - Motion to come out of non-public at 9:30 a.m. was made by DL, and seconded by LP, by unanimous roll call vote.

- A. Seal Minutes from Non-Public Session

Upon the motion by DL, with a second by LP, 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.

XI. Licensure Approvals

A. Reinstatement

1. Hembree, Jeffrey

**Motion:**

Upon a motion by DP, with a second by LP, the Board voted to approve the application for reinstatement; motion passed. **Abstain:** DL

XII. Adjournment

At 9:59 a.m., upon motion by DL, with a second by SR, the Board voted unanimously via roll call vote to adjourn the meeting.