

# **MONTANA BOARD OF CHIROPRACTORS**

**MONTANA DEPARTMENT OF LABOR & INDUSTRY**

**BUSINESS STANDARDS DIVISION**

**HEALTH CARE LICENSING BUREAU**

**301 SOUTH PARK, 4<sup>TH</sup> FLOOR**

**P O BOX 200513**

**HELENA MT 59620-0513**

**(406) 841-2393**

**(406) 841-2305 FAX**

<http://www.discoveringmontana.com/dli/chi>

[dlibsdchi@state.mt.us](mailto:dlibsdchi@state.mt.us)

## **2002 NEWSLETTER**

### **ηη MEMBERS OF THE BOARD ηη**

**PRESIDENT**

GREGORY HOELL DC  
BOZEMAN MT  
TERM: 01/01/1998 - 01/01/2004

**VICE PRESIDENT**

PAMELA BLANCHARD DC  
GREAT FALLS MT  
TERM: 01/01/2000 - 01/01/2003

**SECRETARY**

JO AUSK, PUBLIC MEMBER  
TERRY MT 59349  
TERM: 01/01/2000 - 01/01/2003

**BOARD MEMBER**

DANIEL PRIDEAUX, D.C.  
MISSOULA MT  
TERM: 01/01/2002- 01/01/2005

**CONTACT PERSON: CHERYL SMITH BOARD ADMINISTRATOR**

**(406) 841-2393**

**E-MAIL [dlibsdchi@state.mt.us](mailto:dlibsdchi@state.mt.us)**



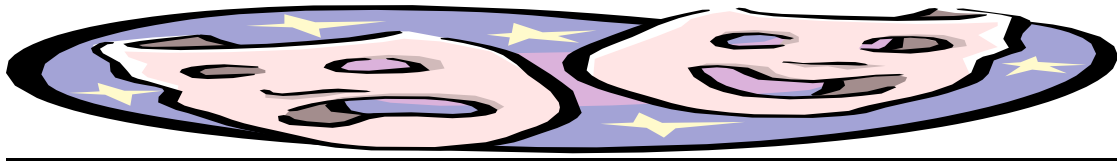
*ηη OVERVIEW ηη*

It is the duty of the Montana Board of Chiropractors to assure that chiropractic is practiced within the scope of Montana law and in a manner that does not harm the public. Therefore, the Board deals with statutory and regulatory issues such as scope of practice, licensing, and disciplinary action.

The Board consists of four individuals appointed by the Governor, three of whom are chiropractors and one public member. The terms are three years in duration and there is a limit of two consecutive terms. The Board administrator, who is an employee of the state of Montana, handles day-to-day activities of the Board.

The Montana Board takes its duties very seriously and welcomes your input.

*ηη CHANGING OF THE GUARD ηη*



The Board was sad to say goodbye to board member Dr. Patrick Montgomery. Dr. Montgomery served the Board from January 1, 1999 to December 31, 2001. The Board extends its thanks to Dr. Montgomery for the hard work and dedication with which he served to protect Montana citizens.

**THANKS DR. MONTGOMERY!**

With happier faces, the Board welcomes Dr. Daniel Prideaux. Governor Judy Martz appointed Dr. Prideaux to the Board for a term of three years, January 1, 2002 to January 1, 2005. Dr. Prideaux succeeds Dr. Montgomery.

Dr. Prideaux hails from the great city of Missoula where he owns his own chiropractic practice. Dr. Prideaux graduated summa cum laude from the Los Angeles College of Chiropractic in 1981. He is a certified chiropractic sports physician and has practiced in Missoula since 1982.

ηη **NEW DOC ORIENTATION** ηη

Board members Greg Hoell, Pamela Blanchard and Daniel Prideaux held a “New Doc Orientation” in conjunction with the MCA meeting in Kalispell, on May 7, 2002.

12 new doctors attended the orientation and from feedback of those in attendance the orientation was well received and very informative.

For those of you who may not have been able to attend this orientation, and for those new doctors that are yet to be licensed in the State, the Board plans to hold more “New Doc” orientations in the future

For those of you who are “Old Docs” (already licensed) you too are welcome to attend any of the “New Doc” orientation presentations.

ηη **ON-LINE LICENSE RENEWAL** ηη

***IT’S FINALLY HERE! YOU CAN RENEW YOUR LICENSE ON LINE! HOORAY!***



TECHNOLOGY IS AWESOME!

Now you can renew your Chiropractic license when it’s convenient for you.

The Montana Department of Labor & Industry’s Business Standards Division makes it easy. All you need is your:

- License Number
- PIN
- Social Security Number

You can pay for and print your license from your home or office computer, 24 hours a day, 7 days a week. No additional charges will be assessed for renewing online. The Board has graciously agreed to absorb all costs associated with online renewal.

Your PIN number will be printed on your renewal form. Watch for your renewal form. Should something unforeseen happen to your renewal



A LION ATE MY RENEWAL FORM!

form you will be able to call the Board office to get your PIN.

**DEADLINE** for renewal online is midnight on September 1, 2002.

**DEADLINE** for renewal by mail is postmark of September 1, 2002.

**REMEMBER:** On September 1, 2002, if your license has not been renewed, your license is no longer valid.

Be sure you have received your renewed license before practicing on September 2, 2002.

After September 1, a license may still be renewed on line for a maximum of 90 days. After 90 days a license must be renewed by mail.

**? HOW SHOULD I ANSWER THE DISCIPLINARY QUESTION ON THE BOTTOM OF THE RENEWAL FORM?**

If you have ongoing legal actions against you, you need to check the answer **“YES”**.

If a final action has been taken against you, you need to check the answer **“YES”**

If any legal issue has been brought against you that might affect your license then you must check the answer **“YES”**.

If you have a complaint against you in the Screening Panel, you must check the answer “YES”.

## **ηη ONLINE LICENSEE LOOKUP ηη**

MORE GREAT TECHNOLOGY!

Have you ever needed to look up information on an individual who is licensed in Montana? Now it's easier than ever.

Visit the Department of Labor & Industry's Business Standards Division Licensee Lookup System. There you'll find information about any professional's:

- License type
- License status
- Disciplinary actions
- And more.....

Best of all – this valuable service is available at no cost to you. Visit the site today!

<http://www.app.discoveringmontana.com/bsding>

## **ηη FEDERATION OF CHIROPRACTIC LICENSING BOARDS 76<sup>TH</sup> ANNUAL CONVENTION ηη**

***Federation of Chiropractic Licensing Boards Annual Conference Focuses on Leadership, Bylaw Revisions and Expanded Involvement by Board Administrators***

The Montana Board of Chiropractors sent two board members and the board administrator to the 76<sup>th</sup> Annual Federation of Chiropractic Licensing Board's Congress in Chicago May 1- 5. One of the many purposes of the FCLB is to maintain high, uniform standards in the areas related to chiropractic licensure, regulation, discipline and education. The FCLB also serves as a clearing-house and forum for the discussion of important political issues. The annual conference provides an excellent opportunity for a healthy exchange of ideas and viewpoints,

as well as unified adoption of the resolutions protecting the professions examining regulatory standards and ultimately the consumer public.

Preceding the conference, the Federation convened a summit meeting of leaders in education, accreditation, testing and regulation. The 34 participants discussed new aspects of the CCE standards, international accreditation, varied licensing board requirements and changes in education, including alternative learning styles and resulting difficulties in complying with prescriptive language in board requirements.

Among the many interesting topics discussed were the Federation's emerging model for centralized continuing education (CE) approval. A number of chiropractic college officials responsible for postgraduate education participated in refinements to the program design. The current FCLB model under construction involves evaluating programs with the goal of granting recognition status to providers of CE for a three-year period. Individual state boards will be encouraged to accept CE from recognized providers in areas of study approved by the Federation. Recognition will ensure that course design, development methods, scientific rigor and attendance verification aspects are appropriate and in order. State boards will retain the option of continuing to approve CE programs individually.

Also discussed, was maintaining a roster of completed CE hours for practitioners on the Federation's expanded CIN-BAD (Chiropractic Information Network / Board Action Database) database, which now lists the license status of all licensed practitioners via internet-access. This concept would be a significant benefit to field chiropractors and regulatory boards alike, allowing doctors easy access to quality programs and by assisting them in maintaining records of their CE credentials.

Complete conference agenda and program resources are available on the Federations website at [www.fclb.org](http://www.fclb.org).

## *ηη* **BOARD STATISTICS** *ηη*

### **07/01/2001 TO 06/03/2002**

Applications Received	46	New Licenses issued:	38
Non-Renewed License:	36	Licenses Denied	0
Active In-State Licenses:	285	Inactive In-State:	20
Active Probation Licenses:	03	Inactive Out-of State:	<u>180</u>
Out-of-State Active Licenses:	<u>50</u>		
TOTAL ACTIVE LICENSEES	338	TOTAL INACTIVE	200
<b>TOTAL LICENSEES</b>		<b>538</b>	

**COMPLAINTS: FY 2002 - July 1, 2001 to June 30, 2002**

<b>FY '01 COMPLAINTS:</b>	PRIOR YEAR COMPLAINTS	07
	NEW COMPLAINTS RECEIVED	13
	CONTESTED CASES	2
	INVESTIGATIONS ASSIGNED	2
	INVESTIGATIONS COMPLETED	7

**COMPLAINTS CLOSED: (BROKEN OUT BY LATEST BOARD DECISION)**

DISMISSED (with prejudice)	
DISMISSED (without prejudice)	4
LETTER OF REPRIMAND	
NOTICED FOR MULTIPLE SANCTIONS	2
PROBATION	
RESTRICTION ON PRACTICE	
<b>TOTAL CLOSED COMPLAINTS</b>	<b>6</b>

**ηη INTERNET ηη**

Board statutes, rules, applications and additional forms are now on the Internet.

Please take a minute to look at the Board's Website:

*<http://www.discoveringmontana.com/dli/chi>*

**APPROVED CE ON THE INTERNET**

In the past, if you have visited the Website to look at the continuing education courses that were available you may have found the information hard to search.

This has been improved! Now, if you know the first letter of the name of the course, or the first letter of the name of the sponsor you can quickly find whether or not a course has been approved. You can also look at the details of the course and sponsor by simply clicking on the name of the course.

When you can't find a course on the Website, contact the **sponsor** to find out if they have submitted a request for approval. If not, ask them to do so. They should be able to give you a Course ID number if they have submitted the information to the Board and if it has been approved.

Web site: <http://www.discoveringmontana.com/dli/chi>

.ηη **DISCIPLINARY ACTION** ηη

*The Montana Board of Chiropractors has taken disciplinary action against the following:*

<u>YEAR</u>	<u>LICENSEE</u>	<u>DATE OF FINAL ORDER</u>
-------------	-----------------	----------------------------

1999	<b>MARTIN RODGERS, DC</b> DOCKET NO. CC-98-240-CHI Violations of MCA §37-1-316 (2), (3), (5), MCA §37-1-317 and MCA §37-12-301. License was placed on Probation for a two-year period beginning 08/10/1999 and ending 08/10/2001. A \$1500 fine was assessed and 12 additional hours of continuing education were required.	<b>08/12/1999</b>
------	--	-------------------

	<b>GARY LAMBERT, DC</b> DOCKET NO. CC-99-415-CHI Violation of MCA §37-1-316 (5), and ARM §8.12.607 (1) License was placed on probation for a one-year period beginning on 05/14/1999 and ending on 05/14/2000. Licensee must immediately cease the use of the phrase "board certified" in all advertisements and any other printed materials.	<b>05/14/1999</b>
--	--	-------------------

	<b>EDWARD LEVIN, JR., DC</b> DOCKET NO. CC-00-031-CHI Violation of MCA §37-1-316 (2), §37-1-317 and 37-12-301 License was placed on probation for a one-year period from 12/05/1999 to 12/05/2000. A \$500 fine was assessed and additional 12 credits of continuing education were required.	<b>12/05/1999</b>
--	--	-------------------

	<b>BRIAN JENSEN, DC</b> DOCKET NO. CC-98-240-CHI Violation of MCA §37-1-316 (2), §37-1-317 AND 37-12-301 DOCKET NO. CC-00-031-CHI Violation of MCA §37-1-316 (2), §37-1-317 and 37-12-301 License was placed on probation for a one-year period from 12/05/1999 to 12/05/2000. A \$500 fine was assessed and additional 12 credits of continuing education were required.	<b>12/05/1999</b>
--	--	-------------------

<u>YEAR</u>	<u>LICENSEE</u>	<u>DATE OF FINAL ORDER</u>
-------------	-----------------	----------------------------

2000	<b>NO DISCIPLINARY ACTION WAS TAKEN AGAINST A LICENSEE IN FY-2000</b>	
------	---	--

<u>YEAR</u>	<u>LICENSEE</u>	<u>DATE OF FINAL ORDER</u>
-------------	-----------------	----------------------------

2001	<b>RANDY ROOP, DC</b> DOCKET NO. CC-01-149-CHI Violation of ARM §8.12.607 (2) License was placed on probation for a two-year period beginning 12/06/2000 and ending 12/06/2002. A public letter of reprimand has been placed in the Licensee's file for the two year period and the licensee must provide the Board with proof of 4 hours of additional continuing education credits which are specifically related to professional boundaries for each year of probation.	<b>12/06/2000</b>
------	---	-------------------



**MARTIN RODGERS** 05/10/2001  
DOCKET NO. 01-153-CHI Violation of ARM §8.12.607 (1) (c). A public letter of reprimand will be placed in the Licensee's public record file for a period of one year from 05/10/2001 to 05/10/2002. A \$100 fine was assessed.

**GARY LAMBERT** 05/10/2001  
DOCKET NO. CC-01-150-CHI Violation MCA §37-1-316 (18), ARM §(3), (10), and (11). A public letter of reprimand will be placed in the Licensee's public record file for a period of one-year, 05/10/2001 to 05/10/2002. Licensee must acquire additional 18 credits of continuing education. Six hours of record keeping and patient evaluation and 12 hours of x-ray technique.

**RICHARD BARTLETT** 05/10/2001  
DOCKET NO. CC-00-030-CHI Violation of §37-1-316 (2), §37-1-317, §37-12-301, and ARM §8.12.607(15) License was placed on probation for a one-year period beginning 05/10/2001 and ending 05/10/2002. A \$100 fine was assessed.

**BRUCE NELSON** 05/10/2001  
DOCKET NO. CC-99-095-CHI Violation of MCA §37-1-316(5), 37-1-316 (18), and ARM §8.12.607(1) Licensee shall not engage in the practice of applied kinesiology until such time as he has completed the necessary educational requirements. Licensee shall not advertise in any media, which states that Licensee practices applied kinesiology.

YEAR                      LICENSEE    DATE OF FINAL ORDER

2002                      **BENJAMIN H. CLACK**    03/28/2002  
*DOCKET NO. CC-02-0144-CHI Violation of MCA § 37-1-316 (18) , and ARM § 8.12.606 (2). Licensee's license will be placed on probation for a one-year period beginning 03/28/2002 and ending 03/28/2003. A \$500 fine was assessed and a public letter of reprimand was sent to the Licensee for failure to provide the Board of Chiropractors confirmation of continuing education hours between the periods of September 2000 through September 2001.*

**MARTIN W. RODGERS**    03/28/2002  
*Docket No. 01-152-CHI Violation MCA § 37-1-316 (18) and ARM §8.12.607 (8) AND (10). Licensee's license will be placed on probation for a one-year period beginning 03/28/2002 and ending 03/28/2003. A \$500 fine was assessed and the Licensee shall make all files, records, x-rays, correspondence or any other documents in possession of the Licensee available immediately upon the demand of any member of the Board of Chiropractors Investigative Unit, through periodic unannounced on-site inspections throughout the period of probation.*

ηη **BOARD MEETINGS** ηη

**BOARD MEETINGS ARE OPEN TO THE PUBLIC**

The Board will continue to meet at least two times per year. It will call other meetings as the need arises. Meeting dates and times can be found on the following Website: <http://www.discoveringmontana.com/dli/bsd/>

Unless the Board President determines that a person's right to privacy outweighs the public's right to know meetings of the full Board are open to the public.

When it is determined that a privacy issue exists, the Board President closes the meeting to the public and only the involved parties, their legal counsel, Board Members, Board Counsel and Administrative staff, are allowed to take part in the proceedings.

**SCREENING PANEL MEETINGS:**

The Screening Panel of the Board meets quarterly to review complaints. The date and time for these meetings are posted on the Website.

**OPEN SESSION:**

Open session is generally held at the beginning of the meeting, to consider complaints where licensees' have waived their right to privacy,

**EXECUTIVE SESSION:**

When a licensee has not waived their right to privacy, the Board President must make a determination whether the individual's right to privacy outweighs the public's right to know and the Screening Panel meeting is moved into executive session.

**WHO & WHAT IS THE SCREENING PANEL?**

The Screening Panel is made up of two members of the Board. These members review complaints that have been submitted to the Board. At these meetings the Panel determines whether or not there is reasonable cause to believe that a violation(s) of the Board's statutes or rules has been violated. The Panel then makes the determination on how to proceed.

**COMPLAINT PROCESS:**

**No violation:** the complaint is dismissed.

**Reasonable cause to believe a violation has occurred:**

The complaint is assigned for investigation if more information is needed to make the determination if a possible violation has occurred, or a Notice for Disciplinary Action, Opportunity for Hearing and Final Order is sent to the licensee and or their legal council.

**When does it become public information that a complaint exists against a licensee?**

When the Notice has been mailed to a licensee the complaint becomes public information.

**WHO & WHAT IS THE ADJUDICATION PANEL?**

In the case of the Montana Chiropractic Board, the two remaining Board members are the members of the Adjudication Panel. To this point they have not had privilege to the information regarding the complaint.

If the Adjudication Panel rejects a proposed Stipulation Agreement it is sent back to the Screening Panel with the Adjudication Panel's recommendations, and the process begins again.

**What if the licensee does not formally request a hearing?**

The Notice sets out a specific time frame wherein the licensee must request a hearing or enter into negotiations with the Board's legal council.

If the licensee fails to do either one of these an Entry of Default is filed and the Final Order goes to the Adjudication Panel.

**HIPDB: (Health-care Integrity and Protection Data Bank)**

The Board continues to report all disciplinary action to CIN-Bad and they in turn send it on to the HIPDB.

HIPDB is a national data bank to which all-medical organizations and professions must report all final disciplinary actions. It works in conjunction with the NPDB (National Practitioners Data Bank). More information can be found at the Internet address: [www.hrsa.gov/bhpr/dqa](http://www.hrsa.gov/bhpr/dqa)

**ηη REMEMBER ηη**



You are always welcome to stop by, call, e-mail or write, the Board office in Helena if you have questions or just to say HI!

ηηηηηηηηηηηηηηηη

MONTANA BOARD OF CHIROPRACTORS  
P O BOX 200513  
HELENA MT 59620-0513  
CLASS

6506  
FIRST

ADDRESS SERVICE REQUESTED