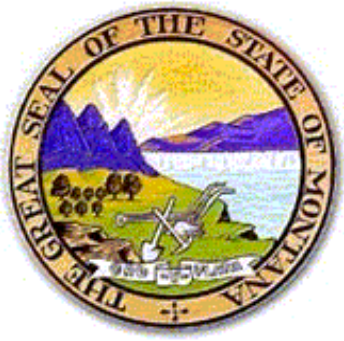


# NEWSLETTER





## The Regulatory Technique

Montana Department of Labor & Industry, Business Standards Division  
Health Care Licensing Bureau  
301 South Park 4th Floor, PO Box 200513  
Helena MT 59620-0513  
(406) 841-2393 (406) 841-2305 FAX  
<http://www.chiropractor.mt.gov>

### Program Specialist Cheryl Smith

## Special Interest Articles



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-  Annual Congress  
Report FCLB  
Page 4
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### Individual Highlights:

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Renewal - pg 3
- Dr. Fullerton Attends NBCE
- New State Board Member  
Orientation - pg 4
- New Doc Seminar - pg 5
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Board Statutes, Rules, applications, additional forms and approved continuing education are now on the Internet. Please take a minute to explore the Board's Website:  
<http://www.chiropractor.mt.gov>

### OVERVIEW

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.

## GREETINGS FROM THE BOARD'S PRESIDENT



Dr. Pamela Blanchard

The last five and one-half years on the Board of Chiropractors has been very educational and eye opening. Time passes much too swiftly and I really hope that in that time some progressive changes have been made.

I have had the opportunity to attend five National FCLB (Federation of Chiropractic Licensing Boards) meetings and five District meetings and have found them to be very informative. Issues around the nation are also the same issues here at home. The Board desires to be proactive rather than reactive, and the information gained at these meetings was of great benefit in achieving that goal.

First, since the Board does not "test" the new licensees anymore, which is due to the comprehensive testing by the

National Board, it was becoming apparent that contact between State Board Members and the new licensees was still needed. "New Doc" seminars have been developed by many of the states around the country including here in Montana. We as Board members have enjoyed getting to know the new doctors and have found that they feel the sessions are helpful as well. In fact, thanks to a suggestion by one of our "New Docs", the

*continued on page 7*

## PRIDEAUX REAPPOINTED TO BOARD

Governor Schweitzer reappointed Dr. Daniel Prideaux, DC to the Board Effective January 1, 2005. This is Dr. Prideaux's second three-year term on the board. Dr. Prideaux has been a great asset to the Board and it is to the State's benefit that he has been reappointed.

Dr. Prideaux is in private practice in Missoula, is married and has a daughter and a son.





## BOARD STATISTICS

**05/27/2004 TO 06/06/2005**

**Applications Received: 27**

**New Licenses issued: 26**

**Licenses Denied: 00**

**Chiropractic Intern Lic 00**

**Chiropractic Intern Lic 00**

**TOTAL LICENSEES 557**

**Inactive In-State: 24**

**Inactive Out-of State: 174**

**Inactive Probation 01**

**TOTAL INACTIVE: 199**

**Active In-State: 305**

**Active Out-of-State 49**

**Active Out of Country 02**

**Active Probation 01**

**TOTAL ACTIVE LICENSEES: 358**

### 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 Board's Website. Minutes that have been adopted from previous meetings can also be viewed in this section.

#### SCREENING PANEL MEETINGS

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

#### NEXT BOARD MEETING

The Board's next meeting is scheduled for October 21, 2005, in Helena. Watch the website for the meeting time and agenda.

### LIST OF NEW LISENSEES

#### Active Licensees

Deborah Ann Angersbach

Roger C. Barnes

Eric V. Boughton

Brenda R. Buckner

Robert Alan Dana

D. Scot Finley

Raymond Owen Giles

Megan E. Gordley

Donovan Kristopher Hayes

Jeffrey D. Heimensen

Bill N. Henderson

Krista J. Hersom

Trisha Jo Hughes

Michael Gregory Johnson

Robert A. Licata

Michael J. Matury

Michele Elise Quam

Nicholas R. Sams

Dale A. Speiser

Cade Taylor

Neil Matthew Thomas

Amy Denise Thomas

Jonathan M Wihelm

#### Inactive Licensees

Jeffrey Ameen

Robert J. Friedrichs

#### FY 2005 Complaints

Prior Year Complaints: 7  
New Complaints Received: 15  
Contested Cases: 3  
Investigations Assigned: 3  
Investigations Completed: 3

#### Complaints Closed Broken out by latest Board Decision

Default Order 00  
Dismissed (with prejudice) 11  
Dismissed (without prejudice) 04  
Probation 02  
Revocation 01  
**TOTAL CLOSED COMPLAINTS: 18**

### DISCIPLINARY ACTION

*Disciplinary action taken in previous years can be viewed on the Board's website in previous newsletters. Copies of disciplinary actions taken against licensees are available to the public upon written request to the Board.*

The Montana Board of Chiropractors took disciplinary action against the following licensees:

**YEAR      LICENSEE**

**2005      MARLA S. O'BRIEN      #846      RECIPROCAL PROBATION**  
**DOCKET NO. CC-05-0084-CHI Violation of §37-1-316 (7), MCA. Effective 04/01/05 and will run in conjunction with Minnesota's probationary period ending 09/16/06.** The Licensee's license was placed on reciprocal probation in accordance with disciplinary action taken by the State of Minnesota. The licensee violated a Minnesota rule prohibiting sexual involvement with a patient within two years after termination of the doctor/patient relationship in the state of Minnesota.

**2005      TRACY GABBERT      #361      PROBATION SATISFIED**  
**DOCKET NO. CC-03-0263-CHI Violation of 37-1-316(10), 37-1-316(18) MCA, and ARM 8.12.607(3)** License's probationary period was satisfied 03/23/2005

**2005      KELLE J. PLOTNER      #828      PROBATION**  
**DOCKET NO. CC-05-0085-CHI Violation of 37-1-316(18), MCA and ARM 24.126.2301 (1)(f) Probation is effective 04/01/05 to 04/01/07** Licensee committed billing procedure violations. Licensee's probation is for a two-year period and requires remedial education in billing practices and fraud avoidance.

**2005      PAUL F. VALENZUELA      #570      REVOKED**  
**DOCKET NO. CC-05-0083-CHI      EFFECTIVE 04/01/05** Licensee failed to comply with a Final order of the Board.

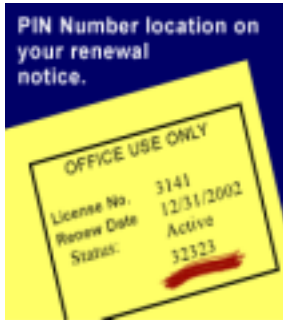
**2005      THOMAS DONAHUE      #734      REVOKED**  
**DOCKET NO. DV 03-1068      EFFECTIVE 6/15/05** The Montana 13th Judicial District Court, Yellowstone County, issued an Order affirming the Montana Board of Chiropractors revocation of Dr. Donahue's Chiropractic License.



### DOES THE BOARD HAVE YOUR CURRENT MAILING ADDRESS?

Renewal time is here! You should receive your license renewal form in the mail around the middle of July! If you don't receive it by the end of July call the Board office!

**RENEW YOUR LICENSE ONLINE!** It's simple, and the site is secure.



Your PIN Number is in the upper right hand corner of the renewal form, under the license status.

### ADVANTAGES OF RENEWING ONLINE

- ✓ Quick and easy!  
All questions have to be answered, so there are no mistakes that require a renewal to be sent back
- ✓ Renewal cannot get lost in the mail
- ✓ No postage (saves you a \$.37 stamp)

✓ You can print your license immediately – no chance of it getting lost in the mail

✓ You get an immediate confirmation your license is renewed. There is no doubt that you are legal to practice

✓ You can change your address

✓ Lost your renewal and don't have your PIN? Simply call the office I can look it up for you!

✓ You can renew online up to 45 days after the September 1 deadline (October 16, 2005).

✓ The online renewal automatically adds the late renewal fee beginning September 2nd.

### CHANGING LICENSE STATUS

Changing your license status active to inactive? **Call the office first.** The status can be changed in the database and then you can renew online.

Changing from inactive to active? **THIS CANNOT BE DONE ONLINE.** Mail your renewal form, reactivation form and proof of completed CE hours into the office. This cannot be done on-line. The forms for changing license status can be downloaded from the Board's Website and need to be submitted with the completed renewal form.

### DON'T WANT TO RENEW ONLINE?

Mail in your renewal form! Lost your renewal form? You can print a renewal form from the website.

("Select a Board Topic" then- "Additional Forms for Licensees" then "License Renewal Form.")

**REMEMBER:** *You have until midnight, September 1, 2005 to renew your license online without a penalty fee. You have until October 16th to renew with penalty. After midnight October 16th, DO NOT PRACTICE! YOU WILL NOT HAVE A VALID LICENSE!!!*

**DO NOT SEE PATIENTS UNLESS YOUR LICENSE IS IN YOUR POSSESSION!**

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

If you have ongoing legal actions against you, check "YES"

If a final action has been taken against you, check "YES"

If any legal issue has been brought against you that might affect your license check "YES"

If you have a complaint against you in the Screening Panel, check "YES".

If you have had a complaint brought against you that the Screening Panel dismissed, check "NO"

## NEW CHANGES TO LICENSE RENEWAL PROCESS

### RENEWALS ARE PROCESSED DAILY MONDAY-FRIDAY

If it has been more than two weeks since your renewal was mailed be sure to call the office to see if it was received!

Occasionally mail gets lost in transit. **DON'T ASSUME your renewal has been received!**

**CHECK!!!!  
RENEW  
ONLINE  
NO WORRY!**

### IMPAIRMENT EVALUATORS

**THIS LICENSE DOES NOT HAVE TO BE RENEWED THIS YEAR.**

**Impairment Evaluator will print on your chiropractic license if your IE license is active. The next renewal date for the IE License is Sept. 1, 2008.**



## FEDERATION OF CHIROPRACTIC LICENSING BOARDS ANNUAL CONGRESS REPORT

### **FCLB Marks 79th Annual Congress in Montréal** - *by Dr. Daniel Prideaux*

The Montana Board of Chiropractors sent two members and the Board Administrator to the 79th Annual Congress of the Federation of Chiropractic Licensing Boards held in Montréal, Quebec, Canada May 4<sup>th</sup> through the 8<sup>th</sup>. Over 190 people attended the conference from throughout the world. In addition to regulatory board members and executive staff, a significant representation came from the chiropractic colleges, as well as Australia, Canada, Puerto Rico, and the United States.

True to the conference theme “Regulation without Borders”, issues concerning development of chiropractic regulation in other countries and inter-jurisdictional mobility, both nationally and internationally, were discussed. “Not only does public protection require the elimination of geographical and geopolitical borders,” said Dr. N. Edwin Weathersby, newly elected FCLB president. “It also demands that we break the constraints of traditional thinking to recommit – with energy and innovation – to what’s best for the patient.”

Educational sessions over the three days touched on the complexities of “gray” cases, developing stronger partnerships with federal agencies, including the FBI, to combat fraud, and multiple sessions on the FCLB PACE program for uniform approval standards for CE used for relicensure credit.

In addition, credentialing issues relating to practitioner mobility, minimum qualifications to safely perform spinal manipulation, and “What Happens after the DC Degree - Board Recognition of Post-professional Education and Credentials” were all marked by spirited discussion and lively exchange between panelists and attendees.

Boards also explored the differences, similarities, and appropriate applications of best practices vs. practice guidelines, two models under development in the US and Canada.

Breakout sessions included a preview of the new board member training program, an overview of New York’s on-line Practice Alerts, evolving educational models and accreditation standards, and an open forum to discuss current regulatory challenges.

Outside the formal agenda, several additional programs were also offered. A day long educational meeting of the chiropractic board executive administrators preceded the opening of the conference, where our own administrator, Cheryl Smith was re-elected to a second term as president of The Association of Chiropractic Board Administrators. The ACBA is comprised of administrators and other personnel of chiropractic regulatory agencies in the United States, Canada, Puerto Rico, Virgin Islands, and other jurisdictions. Also, the Canadian Federation of Chiropractic Regulatory Boards and the Council on Chiropractic Guidelines and Practice Parameters held concurrent meetings.

### **DR. FULLERTON ATTENDS NBCE’S 1ST “NEW STATE BOARD MEMBER ORIENTATION”**

On February 26, 2005, Dr. Thomas Fullerton was invited to Greeley, CO, for the first of it’s kind “New State Board Member Orientation”.

There were six new Board members in attendance from around the region, including North and South Dakota, Idaho, and Nebraska. We were given an overview of the various aspects of the whole operation of the National Board, from the procedure of writing and validating a test question, to the packing of the tests and materials in locked crates and sending them to the various test sites.

I realized that a tremendous amount of time, energy and “pure heart” goes into the function of the NBCE, and I went away from the conference knowing that these doctors and men and women of the NBCE do it right and they do it for the right reasons. They also rely on the doctors in the field to help write questions and proctor the exams when and where they are given. I gained a respect and admiration for the men and women of our profession who are working to keep the new doctors who are entering the field at the top of their game.





## APPROVED CONTINUING EDUCATION COURSES

You can now review all of the approved continuing education courses on-line. Just go to the Board's website. Using the drop down arrow by Select a Board Topic, choose Approved Continuing Education. Here you can search four different ways for the course you are wondering about. Search by Sponsor, Course date, Name or Location. Simply put in the first letter of the course name, sponsor or location, and the database will pull up everything that begins with that letter. When searching by date and you don't know the exact date but know the month you can put in **04/%/04** and it will pull all of the seminars being held in April of '04. Call the office if you have questions.

Looking for online courses only?  
Online courses can be searched by "Location" and type in "Online".

## NEW DOC SEMINAR

The Board once again offered the "New Doc Seminar" at the MCA Convention at Fairmont, May 13-15, 2005, and will again offer it in conjunction with the Board's next scheduled meeting, October 21, 2005, in Helena.

# CONTINUING EDUCATION

## CONTINUING EDUCATION REQUIREMENTS

12 continuing education credits are required for renewal. Be sure that the continuing education course or seminar has been pre-approved by the Board.

Typically, a course or seminar must be sponsored or co-sponsored by an accredited college or university to be board approved.

Unless already approved as a CE provider by PACE, each provider of continuing education courses must apply to the Board for approval. Each course is given a Course ID Number and if the course has been approved the provider will be able to give you this number.

What if a provider has not requested approval? Inform them that the application form is on the Board's Website and they must have the course approved.

*NEED A FEW EXTRA HOURS?  
Attend the Board's meetings and  
earn 2.0 hours per meeting*

## CONTINUING EDUCATION AUDIT (CE must be taken between 9/1/04 and 8/30/05)

After renewal, generally around the end of September, the Board randomly audits 10% of the active licensees to verify compliance with the continuing education requirements. The computer randomly chooses the licensees and if your name is one of those selected you will receive an audit letter from the Board.

**THE FOLLOWING PROCEDURES AND DISCIPLINARY ACTIONS MAY BE IMPOSED WHEN THE RANDOM AUDIT SHOWS A LICENSEE DID NOT HAVE THE REQUIRED CE.**

A Board-generated complaint will be filed. The licensee will have the opportunity to respond. If the licensee cannot produce proof of the required CE, the licensee will be Noticed for disciplinary action. The Board may impose one of the sanctions or combinations thereof as set out in 37-1-312, MCA.

## !! WARNING !!

**DO NOT SUBMIT YOUR LICENSE RENEWAL UNTIL YOU HAVE TAKEN YOUR REQUIRED CE.**

**CE must have been taken between 09/01/2004 and 08/30/2005 to be eligible for this renewal period.**

**To avoid any problems, place your license on inactive status and pay the renewal fee before the 1<sup>st</sup> of September if you have not been able to get the required hours.**

**By placing your license on inactive status by 9/1/05, you won't have to pay the late fee and it will give you extra time to get the required hours.**

**Just remember that while your license is on inactive status you cannot practice.**



## AVOIDING SCRUTINY IN TODAY'S ENVIRONMENT

BY Karl Krieger, CFE, AHFI

Even in Montana, health insurance fraud is estimated to be a multi-million dollar problem. Nationally, conservative estimates on fraudulent claims could exceed \$50 billion dollars per year - with other estimates as high as \$170 billion. Unfortunately, any amount of fraud translates into higher premiums (or reduced benefits) for employers and individuals, higher taxes, and higher insurance co-payments for insured patients. This is why insurers have stepped up efforts to identify and deter fraud, legislators have worked to strengthen insurance fraud laws and penalties, and law enforcement agencies have increased their efforts to investigate and prosecute the people committing this crime.

The Federation of State Medical Boards recently released their 2004 summary documenting that medical boards are taking more disciplinary actions than ever before. Disciplinary actions increased nearly 20% between 2003 and 2004 - with a total of 6,265 disciplinary actions in 2004.

BCBSMT knows the vast majority of providers are honest and ethical, and make every effort possible to protect their practice from any appearance of impropriety. The BCBSMT Special Investigations Unit (SIU) also knows that dishonest providers are not the only ones committing fraud. The SIU's current caseload also includes patients, agents, groups, billing agencies, and office managers.

The easiest way to avoid trouble is to use common sense, and the following list identifies easy ways to avoid a possible fraud investigation. As easy as most of these are to follow, they are also some of the most common reasons BCBSMT opens an investigation.

- ◆ Bill for the actual services rendered, and do not bill based on what the insurance will pay.
- ◆ Document the patient's medical records as completely, accurately, and legibly as possible.
- ◆ Bill under the provider who actually rendered treatment.
- ◆ Bill under the correct patient name and insurance ID number.
- ◆ Use procedure codes that accurately represent the service not higher level codes that will pay more.
- ◆ Use diagnosis codes that accurately represent the patient's condition, not codes that may increase compensation.
- ◆ Do not misrepresent non-covered treatments as medically necessary covered treatments for the purpose of obtaining compensation.
- ◆ Avoid dual fee schedules (insured patients are billed higher charges than non-insured or cash-paying patients).
- ◆ Avoid advertising free or discounted medical treatments and then bill normal charges to insured patients.

While this list does not encompass all issues that can trigger an investigation, these are the primary indicators. Incorporating these points into your practice will help you avoid a fraud investigation. If you're aware of someone who may be committing insurance fraud, be a part of the solution and report it to the appropriate insurer or law enforcement agency. You can contact the BCBSMT SIU at 1-406-444-8211, or access our website at [www.stopfraud.bcbsmt.com](http://www.stopfraud.bcbsmt.com).

*Karl Kreiger currently serves as a BCBSMT Special Investigator; is a Certified Fraud Examiner, and an Accredited Health Care Fraud Investigator. Karl has been employed by BCBSMT for over 15 years, has received the DPHHS Inspector General's Integrity Award for his work in health care fraud, and currently serves as Vice-President on the Board of Directors for the Big Sky Chapter of the Association of Certified Fraud Examiners. Karl can be reached at 1-800-447-7828, extension 8211 or by email at [kkreiger@bcbsmt.com](mailto:kkreiger@bcbsmt.com). For more information, refer to the BCBSMT anti-fraud website at [www.stopfraud.bcbsmt.com](http://www.stopfraud.bcbsmt.com)*



**GREETINGS FROM THE PRESIDENT**  
*continued from page 1*

Board has proposed a change to the rules to allow new licensees to fulfill their first year of continuing education requirements by attending its 2 hour “New Doc” seminar. The Board is offering this seminar free of charge, in conjunction with its spring and fall meetings and at the MCA’s Annual Convention. Other issues thoroughly discussed over this period have been inter-jurisdictional mobility, (doctors moving state-to-state), clinical competency, and a nationalized way of handling the approval of continuing education courses through the Policies & Procedures Criteria for Quality Continuing Education (PACE) program.

Some technological changes that have taken place under this Board’s purview are online renewal of your license, the ability to download the jurisprudence exam from the Board’s website, helping the new applicant get his/her license more quickly, and online continuing education courses that have shown to be of benefit when suddenly a doctor realizes that September 1 is approaching and getting to a seminar is not possible.

The Board’s rules are constantly under review to be certain they are up to date and clear in their meaning. This is a reminder to

everyone that it is your responsibility as a licensed professional to know, understand, and abide by the statutes and rules for chiropractic in the State of Montana.

Concerns that I see coming down the pike are unethical practices and fraud. Practice according to what you were taught in the chiropractic college’s curriculum! Be cautious of seminars that teach you differently! Be cautious of things that seem to deviate from standard of care or treatment guidelines. **DO NOT** bill for services you did not perform! **DO NOT** put your name on services performed that you personally did not do! **DO NOT** manipulate claim information in order to get paid more! The investigators are out there and they are trained to recognize fraudulent claims. They will and have been launching investigations on suspicious claims.

On that note, I want to share that I am proud of my profession here in Montana. My job over the last five and one-half years has been to protect the public and I am happy to say that the number of complaints before the Board at this time is very low. The way I see it, to protect the public, you must treat your patients as you were taught, follow recognized standards of care, and document and file insurance claims properly. This will keep our patients happy, the insurance companies happy and deliver quality chiropractic care to our patients that need us and trust us as Doctors of Chiropractic.



**ASSOCIATION OF CHIROPRACTIC BOARD ADMINISTRATORS**

The Board’s Administrator Cheryl Smith attended the Association of Chiropractic Board Administrators annual meeting while in Montreal.

The Association’s meeting covered such topics as The Pace Program, Inter-jurisdictional mobility, monitoring board imposed sanctions, and a panel discussion regarding CCE/CCEI.

The administrators also shared each state’s best practices and problems areas, which evolved into great discussions.

**PROVIDERS BILLING UNDER ANOTHER PROVIDER**

Information received from BCBSMT sheds some light for doctors questioning whether or not they can bill under another doctor’s license.

BCBSMT’s policy regarding the billing of a provider name on a claim is fairly simple: **The provider actually rendering services to the patient - even if the patient typically sees the other provider - is the provider who should be billed on the claim.**

Claims billed with an incorrect provider name (and/or ID number) may be considered fraudulent under Montana Code Annotated 33-1-1202 if the incorrect information results in a material benefit that would not have been available under the correct provider name. This could for example, result if one provider participates with BCBSMT and the other doesn’t.

The BCBSMT provider manual also addresses this subject and can be accessed on its website [www.bcbsmt.com](http://www.bcbsmt.com).



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6506

