

**Board of Chiropractic Examiners
TELECONFERENCE MEETING MINUTES
Licensing & Continuing Education Committee
November 6, 2020**

Teleconference Meeting

Committee Members Present

Dionne McClain, D.C., Chair
Heather Dehn, D.C.
David Paris, D.C.

Staff Present

Robert Puleo, Executive Officer
Dixie Van Allen, Staff Services Manager I
Kristin Walker, Staff Services Manager I
Natalie Boyer, Continuing Education Analyst
Amanda Campbell, Continuing Education Analyst
Clay Jackson, Regulations Attorney III

1. Call to Order & Establishment of a Quorum

Dr. McClain called the meeting to order at 12:05 p.m.

Dr. Dehn called roll. All members were present. A quorum was established.

2. Approval of September 18, 2020, Meeting Minutes

MOTION: DR. DEHN MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 18th, 2020 LICENSING & CONTINUING EDUCATION COMMITTEE MEETING.

SECOND: DR. PARIS SECONDED THE MOTION.

Discussion: Dr. McClain provided a grammatical correction on the second page in the final sentence, the word “mandate” was misspelled.

Public Comment: There was none.

**VOTE: 3 - 0, (DR. PARIS – AYE, DR. MCCLAIN – AYE, DR. DEHN – AYE)
MOTION CARRIED.**

3. Discussion on Definitions to Classroom Courses and Distance Learning Courses

Ms. Boyer provided a synopsis of the Licensing & Continuing Education (CE) Committee's discussion from the September 18th Committee Meeting. The Committee had agreed that synchronous and asynchronous learning should both count as distance learning credit. Following this meeting the Department of Consumer Affairs (DCA) issued a waiver allowing chiropractic licensees to complete an additional 12 hours of distance learning credit, so long as the courses were offered through an interactive video conference platform. These new learning opportunities could potentially reframe what the Committee had previously determined.

Dr. Dehn inquired if it was appropriate for the Committee to decide if they wished to include the new interactive CE platforms as distance learning or classroom learning credit.

Ms. Boyer agreed that the Committee needed to make this determination and that some of the examples provided on page 22 of the Committee materials packet could assist them.

Dr. Dehn stated that the regulatory language provided from the Ohio State Chiropractic Board was most in line with her ideas surrounding distance learning CE.

Ms. Boyer shared that the proposed language changes to the definition stated that both synchronous and asynchronous learning, offered through any technology platform, would be considered as distance learning.

Dr. McClain clarified that these learning methods would not count as live classroom credit per the definition.

Ms. Boyer agreed.

Dr. Paris inquired if the Committee had settled on considering synchronous, two-way interaction as only distance learning and not a version of classroom credit. Dr. Paris could not recall if the Committee entertained the idea of allowing interactive video conference platforms as a method to classroom credit.

Ms. Boyer responded that she had interpreted from the previous Committee Meeting that it was the Committee's wish to have interactive video conferencing courses to only count as distance learning credit and participants would not receive in-person CE credit.

Dr. Dehn stated that with the new information available to the Committee, regarding the DCA waiver and the feedback from licensees, she felt the Committee needed to revisit the discussion.

Dr. Paris agreed and went on to state that he had the opportunity to participate in some interactive video conference courses and his opinions had evolved on the subject matter.

Dr. McClain asked the Committee, whether they consider interactive video conferences to be synchronous learning, such that it would be in the same category as face-to-face classroom courses.

Dr. Dehn agreed that interactive platforms would count as classroom learning, with the exception of adjustive technique, which should only be taught in live classroom courses.

Dr. McClain concurred.

Dr. Dehn stated that it would be important to distinguish if the regulation would allow only visual technology versus audio only learning platforms such as a teleconference calls.

Dr. Paris agreed that some examples in the Committee materials packet allowed for teleconference calls to be considered as in-person credit without the visual component. Dr. Paris went on to share his concerns over allowing audio calls as part of the in-person classroom credit category.

Dr. Dehn agreed that courses that did not include a live visual component could not be considered as part of the in-person classroom learning definition. She referred back to the Ohio licensing board's regulatory language as a good example, so long as the reference to teleconference courses was removed.

Dr. McClain agreed that Zoom type platforms would not count as classroom credit without the video component utilized during the course.

Dr. Paris shared that he was not in favor of participants emailing questions regarding the course to the instructor and then the instructor could, at some point in the future, respond back. He did not feel that that model should constitute as live classroom course credit, as it eliminates the immediate two-way communication.

Dr. Dehn and Dr. McClain agreed that a CE model such as that would remain as traditional distance learning.

Dr. Dehn went on to point out that she liked how the Ohio State Chiropractic Board itemized the requirements for a traditional online course.

Dr. McClain affirmed her interest in requiring timed tracking of participants logging in and out and answering course questions to ensure participants were engaged.

Ms. Van Allen sought clarification, if a participant turned off their camera during a Zoom CE course, would that preclude them from receiving in-person classroom credit.

Dr. McClain and the Committee agreed with Ms. Van Allen's statement.

Dr. Paris wanted to ensure that the regulatory language didn't exclude CE courses that used both video platforms and telephone audio features from being included for classroom credit, as many software systems offered both during webinars.

Dr. McClain directed staff to utilize the Ohio State Chiropractic Board language as a model for further updating the definition language surrounding classroom courses and distance learning courses, including interactive video conference courses as part of the classroom course options.

Ms. Boyer added that an exemption would also be included to exclude adjustive technique from interactive video courses. Ms. Boyer went on to inquire if the Committee was interested in excluding this competency from traditional distance learning courses.

Dr. Dehn responded that the adjustive technique competency should only be approved as an in-person classroom course.

Dr. Paris wished to have a future conversation surrounding which competencies should be excluded from particular learning modalities.

Dr. McClain went on to suggest that competency exclusions should be included in this portion of the regulations or if it was determined to go elsewhere, then clear footnotes needed to be included so licensees understood what could and could not be taken under specific course types.

Ms. Boyer stated that she would review the full CE regulations document and determine which section would be most appropriate to include exclusions.

Dr. Paris inquired whether the Committee could move to Section 363 on page 23 of the Committee materials packet.

Ms. Boyer reviewed the definition for classroom CE courses, stating that the participants physical presence was a substantial piece of the definition.

Dr. Paris agreed that the definition was clear. Dr. Paris went on to inquire if additional language could be added to Section 363 (c), to substantiate that physical activities performed as part of a course must support the curricular objectives of the course but also support the learning environment.

Dr. Dehn inquired if Dr. Paris was referring to learning activities that could be distracting to the participant's learning.

Dr. Paris agreed, he was concerned that certain activities during a course, while they could meet the curricular objectives of the course, would not constitute as an environment for concentration and learning but instead be very distracting and interruptive.

Ms. Boyer shared a concern that the Committee would then have to define 'learning environment' for the regulations, which could be challenging as it was such a vague concept. The curricular objectives had already been itemized in the regulations as they were a part of the competency model set forth by the Council on Chiropractic Education (CCE).

Mr. Jackson joined the discussion and stated that in Section 363, he was concerned with the term 'physically present' as many higher education institutions were not currently offering

physically present classes and the Committee should not be too specific as it eliminated a lot of CE models.

Dr. Paris mentioned that the Committee had seen examples that could make a good argument that the physical activities conducted during class could relate to one of the curricular objectives but the learning environment, on the golf course for example, would be very disruptive and not conducive for learning. He went on to ask if it was problematic in Section 363 (c) to mention 'learning environment' in the language and not robustly define it.

Mr. Jackson agreed and suggested that "participatory" be included as part of the language to ensure participants were engaged in the learning.

Dr. Paris inquired if including 'learning environment' into the language would be legally problematic, or if by adding the language the Committee or staff could have discretion to identify physical activities that they didn't think were appropriate or supportive to a learning environment.

Mr. Jackson stated it was a regulatory issue, especially in the second sentence of Section 363 (c), as it was somewhat vague. The Office of Administrative Law (OAL) was very strict on clarity within regulations and as presently written that sentence was very subjective to identify what 'unrelated physical activities' meant.

Dr. Paris went on to state that an unrelated and disruptive physical activity for a CE course would be one that intermittently interrupted learning every 5 to 10 minutes for a new physical activity. It wouldn't necessarily be the physical activity that was incongruous with the learning objective but the environment itself.

Mr. Jackson responded with his concern regarding who would be the gatekeeper to determine the relationship between each physical activity and if it would be approved for CE.

Ms. Van Allen inquired how the regulations could stop providers from offering courses with physical activities when the course competency had no relation to it, such as running a marathon while learning about ethics and law.

Mr. Jackson felt that including 'participatory' within the language might be helpful to create a statement that a certain percentage of courses taken shall include participatory learning.

Dr. McClain stated that the regulations needed to provide staff with the tools necessary to properly review courses, to prevent any meagre courses from being approved and doing a disservice to licensees. Dr. McClain went on to suggest presenting this topic to the full Board to allow them to provide their feedback on language that would distinguish the learning environment without defining it too much and hemming the regulations in.

Dr. McClain inquired if Mr. Jackson could explore ideas of how the Committee could regulate the learning environment of CE courses, without being overly strict, and present findings at a later meeting.

Dr. Paris added that he was very supportive of alternative classroom environments that engage learners, but the boundaries of alternative classrooms needed to be defined in the regulations to ensure quality CE was being offered.

Mr. Jackson responded that in Section 361 (g), it might be possible to state which competencies were acceptable in what manner of education setting.

Ms. Boyer added that she had a sense of what the Committee wished to accomplish and suggested returning to this topic at a later date.

Dr. McClain agreed.

Public Comment: Dr. Marcus Strutz, chiropractor and continuing education provider with Back to Chiropractic Seminars, shared his support for interactive video conferences, his experience with his Zoom courses have been very effective at engaging participants. He mentioned that he disagreed that adjustive technique be excluded from distance learning models as participants were able to see his actions far clearer and up close than in a traditional classroom setting. He went on to urge the Committee to reconsider that opinion. Dr. Strutz also shared his experiences with tracking participant attendance and engagement in the Zoom platform, supporting the decision to only allow credit for participants who maintain their video connection throughout the course.

Public Comment: Ms. Dawn Benton, Executive Director of CalChiro, shared her concern with the decision that participants would need to maintain video connection during a course, presently CalChiro did not have the ability to track whether participants kept their cameras on for the duration of the CE course.

4. Review, Discussion and Possible Action to Section 364 (e): Medical Waiver

Ms. Boyer moved to the following agenda item and shared that during the summer of 2020 the Board experienced an influx in licensees requesting medical waivers per Section 364 (e). Once the DCA waiver 20-63 was issued the requests severely dropped, as licensees had another route to complete all their CE requirements online. Section 364 (f) had been changed during the September 6th Committee Meeting, giving the Board the authority to waive or change the CE requirements during a federal or local state of emergency. Ms. Boyer opened the discussion up to the Committee to see if they wished for more to be done to restrict potential CE exemptions in the regulations.

Dr. Dehn inquired if there was a need to include an exemption for medical reasons, now that the Committee agreed to include interactive video courses as a pathway to in-person classroom CE credit.

Ms. Boyer agreed, in light of the Committee's recent decision there might not be a need to create strict parameters for a medical exemption.

Dr. McClain suggested someone with severe head trauma, with concentration issues, could benefit from these provisions in the regulations.

Dr. Dehn inquired about the process for individuals requesting exemptions.

Ms. Boyer responded that under the current model, staff were only able to approve licensees taking 24 hours of online CE credit. Ms. Boyer went on to state that in the proposed changes to 364 (f), the Board would be authorized to waive the CE credit for the entire renewal period, such as in the instance of severe fire damage to a county.

Dr. McClain found benefit in including an exemption such as the one featured in 364 (f), even if there would be limited opportunity for individuals to utilize it, considering the changes the Committee recently proposed to in-person classroom requirements.

Dr. Paris agreed with the Committee's determination, he went on to inquire if the Committee could have a further discussion on the exemptions in Sections 364 (b-d) and whether those individuals should still be required to complete mandatory CE hours.

Dr. McClain responded that she was not as concerned with requiring all mandated CE competencies, as she was for specific ones like ethics and cardiopulmonary resuscitation.

Dr. Paris suggested the Committee revisit this topic at a later date to determine which competencies every licensee should be required to take.

Public Comment: Dr. Strutz shared that he knew several chiropractors with light and technology sensitivity that had requested paper handouts for seminars and that might be another example of someone requesting a medical waiver.

5. Public Comment on Items Not on the Agenda

Public Comment: Dr. Strutz requested that the Committee review the amount of hours needed for adjustive technique, he suggested requiring six to eight hours rather than four hours as the requirement.

6. Future Agenda Items

Public Comment: Dr. Strutz would like the Committee to revisit the decision of allowing licensees to earn 12 hours of CE in one day, he strongly recommended reducing that to six hours of CE in a day.

7. Adjournment

Dr. McClain adjourned the meeting at 1:49 p.m.