LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – April 20, 2023**

Members Present: Dr. Mark B. Kruse, President; Dr. Ned J. Martello, Vice-President; Dr. Michael Traxler,

Secretary-Treasurer; Dr. Michael R. Cavanaugh.; Dr. Kelleigh A. Payne; Dr. Denise

Rollette.

Members Absent: Peggy Anselmo, Consumer Member.

Staff Present: Patricia A. Oliver, Executive Director, Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: Madeline Carbonette, Asst. Attorney General.

Audience: Tim Chittom, CAL; Debbie Moore, DC, Picayune, MS.

Meeting called to order at 8:41 a.m., Dr. Mark B. Kruse, President, presiding.

Formal hearing, **Docket 2022-01, Derrek Mart, DC**, has been continued without date, due to request from defendant’s counsel for time needed for preparation.

The draft version of the **minutes** of the 01/26/2023 meeting was emailed to all Board members for review. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to approve the minutes and release to the public. With no objections, motion carries unanimously.

**PUBLIC COMMENT:** None received.

**INTEGRITY CHECK:** None.

**STANDING COMMITTEE REPORTS**

* **COMPLAINT COMMITTEE REPORT by Dr. Rollette and Dr. Cavanaugh**:

No specific complaint action to report at this time.

Dr. Kruse notes the “disciplinary fine committee” has been disbanded and no further action needed.

* **FINANCE COMMITTEE REPORT** **by Ms. Oliver and Dr. Traxler:**

**Financial statements** for January, February and March 2023 were prepared by Ms. Oliver and provided to the Board. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to accept the **financial statements as** prepared. With no objections, motion carried unanimously.

**CD Report** discussed by Dr. Traxler and Ms. Oliver. 3 CD’s were renewed in February. Ms. Oliver and Dr. Traxler will continue to monitor interest rates. Motion made by Dr. Traxler, seconded by Dr. Martello, to move money of the small CD’s to checking account. With 6 yeas, 0 nays, motion carries. Ms. Oliver notes that CD has the best interest rate and perhaps a lower interest rate CD should be utilized. Motion made by Dr. Traxler seconded by Dr. Martello, to rescind the previous motion because of difference of interest rates. With 6 yeas, 0 nays, motion carries unanimously.

**Financial Activity Log of Expense and Expenditures** was presented to and reviewed by the Board as well as all bank statements since the last meeting. All members signed the cover sheet for the log. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to accept the log as presented. With 6 yeas, 0 nays, motion carries.

Relative to the **‘deposit trends”** report, Ms**.** Oliver updated the chart since the last board meeting and provided a copy to all Board members. Motion made by Dr. Cavanaugh, seconded by Dr. Rollette, to review projected income info and modify the fees where needed. With 6 yeas, 0 nays, motion carries.

Relative to “**Financial Planning**”, Dr. Kruse, Dr. Traxler and Ms. Oliver will schedule a telephone conference to discuss trends in collections, new fees and expenses. Phone conference tentatively scheduled for May 2, 1:00 p.m..

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* **PEER REVIEW COMMITTEE REPORT by Dr. Martello:** No activity to report at this time. Thanks to

Dr. Butch Sonnier for volunteering to fill the next PR Committee vacancy.

* **STANDARDS & PRACTICES by Dr. Traxler:** No information to discuss.
* **LAW & LEGISLATION:**
* Ms. Oliver *reminds* all board members and staff of the annual requirement to take the state **Ethics** course by 12/31 and to submit proof of completion to the Board.
* Ms. Oliver *reminds* all board members and staff of annual requirement to take the state **Sexual Misconduct** course by 12/31 annually and to submit proof of completion to the Board.
* Ms. Oliver reminds all board members of new annual requirement which is **CYBER training**.
* Report by Dr. Rollette from the “**Preceptorship Review**” Committee. Dr. Rollette notes no info available, but please leave the matter on the agenda for future discussion.
* Dr. Rollette notes no information to report relative to “**internship eligibility**”– item to be removed from the agenda.
* Report by Dr. Rollette from the “**Testimonials Language** Review” Committee – Dr. Rollette notes no info available but please leave the matter on the agenda for future discussion.
* Continued discussion on **Act 461 (2022 Regular Legislative Session)** – **violence in the workplace**. Ms. Oliver directed to obtain proper signage example from the La Department of Health website. Dr. Kruse prepared proposed language to comply with the law in place as required as follows:

“Chiropractic physician offices, in which there are 5 or more healthcare professionals who treat patients, shall comply with Act 461 concerning health care workplace violence. These offices shall have signage and shall develop a workplace violence prevention program complaint with Act 461”.

Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to accept the proposed language presented by Dr. Kruse. With 6 yeas, 0 nays, motion carries.

* Continued discussion on proposed legislation to be handled by Rep. Stefanski regarding “**board member terms”** and “**application eligibility notice”** and it is noted that the words “his” or “her” should be utilized where appropriate.
* Discussion about “**functional medicine**” inclusion in the Specialty Register – Dr. Cavanaugh was contacted by the VA Hospital with questions on this topic. The “Institute for Functional Medicine” determines how & why illness occurs. Inclusion would be in the “Specialty Register” regulations at Section 320 and list the number of hours.
* Question about injection of “**botox**” as a chiropractor and it is not within the scope of practice.

1. **TESTING** **Committee Report:**

* Ms. Oliver notes new rolling test date procedure being utilized and is very well received by applicants. Licensure exams are being administered on an individual basis as application procedures are finalized.
* **Dr. Martello** will participate in **Part IV** administration in May 2023.
* **Dr. Payne** will participate in the test writing committee meeting for **Part IV** with NBCE.
* Motion made by Dr. Martello second by Dr. Cavanaugh to hold “executive session” to discuss application of Applicant P:1-B-SEPT200220022320, Applicant P-1-M-DEC20222334 and Applicant P-1-T-DEC20222328 individually, Roll call vote: Dr. Rollette – Yes; Martello – Yes; Traxler – Yes; Cavanaugh – Yes; Payne – Yes; Kruse – Yes. With 6 yeas, 0 nays, motion carries.

(Executive Session ---------------------------)

Motion made by Dr. Kruse, seconded by Dr. Traxler, to accept the application of Applicant P:1-B-SEPT200220022320 . With 6 yeas, 0 nays, motion carries.

Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to accept the application of Applicant P-1-M-DEC20222334. With 6 yeas, 0 nays, motion carries.

Motion made by Dr. Martello, seconded by Dr. Rollette, to accept the application of Applicant P-1-T-DEC20222328. With 6 yeas, 0 nays, motion carries.

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* **ADMINISTRATIVE OVERSIGHT:**

Current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver** since the January 2023 board meeting

were reviewed and approved by Dr. Traxler**,** and the full Board present reviewed and approved the leave and payroll records of all employees Dr. Traxler notes all paperwork and leave records are in order and properly documented.

* **OFFICE PERFORMANCE INDICATOR REPORT:** Office activity/work product 01/21/2023 to 04/14/2023:
* Phone calls received: 321
* Licensure Application packets requested & mailed: 11
* New Applications Received w/Fee: 9
* New Applications Ready to Take Test: 3
* New Licenses Issued: 6
* Complaints Filed & Opened: 3
* Complaints closed: 4
* Complaints Pending: 56
* DC license renewals received & processed: 18
* DC license renewals returned as “incomplete” or “missing CE”: -0-
* Delinquent license renewal fees paid: 9
* License verifications Requested/Reports Issued: 24
* License verification ordered online: 424
* New X-ray certificates issued: 37
* X-ray certs renewed: -0-
* Public records requests: 1
* Subpoenas received: -0-
* Seminars reviewed: 52
* CE locate requests received: 18
* List requests received and processed: 7
* National licensee alerts received and logged: 6
* Peer Review Requests: -0-
* Dry Needling certificates issued: 1
* Duplicate Licenses Issued: -0-
* Duplicate Xray Certificates Issued: -0-
* License Renewal Cards Purchased: 1
* Blue Books purchased: -0-
* Minutes Subscriptions: -0-
* “Travel to Treat” temporary licenses: -0-
* # of Emails Received: 724
* **GENERAL CORRESPONDENCE**:
* NBCE regarding test writing committee meeting
* FCLB regarding district meeting info.

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* **SEMINAR REVIEW by Dr. Traxler:**

Dr. Traxler reports he has reviewed 17 seminars since the last meeting.

**OLD BUSINESS:**

Continued discussion on “real time license verification” process. Ms. Oliver notes still the electronic format for the process is not complete. Dr. Kruse is communicating with the tech company to work out the problems.

**NEW BUSINESS:**

Request received from **Cole Wilkinson, D.C**., Lake Charles, LA, to retroactively reinstate his license due to his delinquent license renewal. This matter must be researched by the Board’s attorney before this request can be addressed.

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Request received from **Heath Matherne, D.C**., Raceland, LA, is “nasal specific adjustment technique” is within the scope of practice. Response to be provided that if the condition is associated with the functional integrity of the spine, then it is allowed.

Request received from **Robert Addington, D.C**., Amite, LA, if referral of an MRI with anesthesia is within the scope of practice. Response to be provided that it is within the scope of practice to order the MRI with anesthesia.

Ms. Oliver notes some items received after the agenda was prepared and released. A motion is made by Dr. Martello, seconded by Dr. Traxler, to amend the posted agenda. Roll call vote: Rollette – Yes; Martello – Yes; Traxler – Yes; Cavanaugh – Yes; Payne – Yes; Kruse – Yes. With 6 yeas, 0 nays, agenda is amended.

Request from **Amber Bloom, D.C**., New Orleans, LA, regarding questions about refusing service to a patient and providing a referral. Response to be provided that a practitioner can refuse service and provide a referral, however, regarding business practices, her attorney would need to review the contract language.

Request from **Mark Mathis, D.C**., Lewisville, TX, requesting a waiver of the delinquent license renewal fee. Motion made by Dr. Traxler, seconded by Dr. Cavanaugh, to deny the delinquent waiver request but that license can be reinstated if the delinquent fee is paid and CE hours and form are received. With 6 yeas, 0 nays, motion carries.

**Upcoming Events:**

* NBCE Part IV Testing, nationwide, 05/20-22/2023.
* Next Board Meeting, 07/20/2023, time to be announced.
* Xray Proficiency Certificate renewal deadline, 07/31/2023
* Annual license renewal deadline: 12/31/2023

Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to adjourn. With no objections, the meeting is adjourned at approximately 11:13 a.m. With no objections, motion carries unanimously,

MEETING ADJOURNED 11:13 a.m..