LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JULY 28, 2016**

Members Present: Dr. Ned J. Martello, President; Dr. Michael Cavanaugh, Vice-President; Dr. Jon E. Zeagler, Secretary-Treasurer; Dr. Wynn T. Harvey; Dr. Joseph E. Turk; Dr. Mark B. Kruse.

Members Absent: Dr. R. Buckley VanBreemen.

Staff Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: Jeddie Smith, Asst. Attorney General.

Audience: None.

Meeting called to order at 8:32 a.m., Dr. Ned J. Martello, President, presiding.

The **minutes** of the 06/16/2016 meeting were mailed to all Board members. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**STANDING COMMITTEE REPORTS**

1. **FINANCE COMMITTEE REPORT** **by Ms. Oliver & Dr. Zeagler:**

**Financial statement** for June 2016 was prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Cavanaugh, seconded by Dr. Harvey, to accept the statements as prepared. With no objections, motion carries unanimously.

**CD report:**  Dr. Zeagler notes a CD will mature in September for approximately $33000.00. We will be checking current rates and terms.

Ms. Oliver notes the annual audit has begun and the auditor team worked at the Board office last week for 2 days reviewing the year’s financials. Ms. Oliver read the audit questionnaire to be answered by the Board relative “financial interest” “compliance” and “ethics”.

All Board members present reviewed each **expense and expenditure reimbursement** paperwork since the June, 2016 Board meeting as well as all bank statements and signed the cover log sheet.

**“Performance Indicator”** report compiled with info since last Board meeting was provided to Board members for review.

* **PEER REVIEW COMMITTEE REPORT BY Dr. Martello**:

Dr. Martello notes no new activity since the last Board meeting.

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* **COMPLAINT COMMITTEE REPORT by Dr. Harvey**:

Relative to **Complaint # 1206** concerning a “free” advertising violation, Dr. Harvey offers an agreed settlement of $350.00. Motion made by Dr. Harvey, seconded by Dr. Kruse, to accept the settlement agreement. With no objections, motion carries unanimously.

Relative to **Complaint # 1207** concerning a “free” advertising violation, Dr. Harvey offers an agreed settlement of $700.00 as this is a 2nd violation. Motion made by Dr. Harvey, seconded by Dr. Cavanaugh, to accept the settlement agreement. With no objections, motion carries unanimously.

Relative to **Complaint # 1198, Complaint # 1199, & Complaint # 1200** concerning a “free” advertising violation, Dr. Harvey offers an agreed settlement of $350.00 for each complaint. Motion made by Dr. Harvey, seconded by Dr. Cavanaugh, to accept the settlement agreement. With no objections, motion carries unanimously.

* **STANDARDS & PRACTICES by Dr. Kruse:**

No report at this time.

* **LAW & LEGISLATION:**

More info on the recently created taskforce – **The Taskforce on Meaningful Oversigh**t – relative to the NC Dental Board’s antitrust lawsuit and how it may relate to regulatory boards across the country. The taskforce was created by SCR 65 at the recent Legislative Session. Dr. Martello is the Board’s representative. The Taskforce will initially meet on August 26, 2016 in Baton Rouge. Dr. Martello requests either Ms. Oliver or Mr. Jeddie Smith to assist him with this project and attend as well. More information will be provided.

* **TESTING**:

Relative to **NBCE’s Part IV test writing committee,** Dr. Zeagler attended and provided info on that participation and further, he encourages everyone to get involved with this test writing and testing process.

Board will recess to administer the biannual licensure exam at 9:04 a.m.

Board meeting resumes at 9:48 a.m.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. Zeagler notes review of Ms. Hebert-Schmidt and Ms. Oliver’s **leave records** and further, the full Board present reviewed and approved the leave records of both employees as well as payroll info for all 4 employees.

**Annual salary review** of employees was re-scheduled to today’s meeting, and after having received salary info as requested by Dr. Harvey, the AOC recommends a 2% salary increase for **Ms. Oliver and Ms. Hebert-Schmidt**. **Ms. Boeneke** has declined any hourly increase due to earning limit rules with State Retirement as she is a rehired “state retiree”. **Ms. Sanchez** was re-employed in January to assist with Ms. Hebert-Schmidt’s’ job duties when she was out on sick leave, and further, to assist with the “complaints log” project, therefore her hourly rate will remain “as is” and is subject to review in future. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to grant the salary increase. With no objections, motion carries unanimously.

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* GENERAL CORRESPONDENCE:

None to report.

* **SEMINAR REVIEW by Dr. Zeagler:**

Ms. Oliver reports Dr. Zeagler had reviewed 21 seminars since the last meeting; however 1 additional seminar requires full Board review as follows:

Request from **SNA Biotech** to review the seminar for 6 hours CE entitled “Systemic Neural Adaptation” which needs full Board review due to “no post graduate faculty. Motion made by Dr. Kruse, seconded by Dr. Harvey, to accept the seminar for CE after reviewing additional info submitted. Letter of approval will note that the treatment must be relative to the functional integrity of the spine, advertising of program must conform to current advertising rules and regulations and performance of these procedures by a LA-licensed DC should comply with the LA scope of practice. With no objections, motion carries unanimously.

**OLD BUSINESS:**

Continued discussion held by Dr. Martello on “claims review”. Info was gathered by FCLB’s “power poll” service regarding “claims review” and if a state license is needed for a DC to conduct a “claims review”. Dr. Kruse notes that “LSA R.S. 37:2801.3.A discusses “the business of” chiropractic.

Continued discussion held by Dr. Harvey on “**prepayment plans**”. Ms. Oliver collected info through FCLB “power poll”. It is discussed that LAC XXVII.309 needs to be rewritten similar to the AL Board’s rule. Dr. Harvey will contact the AL Board to discuss their rule on “prepayment plans” and he requests this matter to be left on agenda for the next meeting.

**NEW BUSINESS:**

Request received from **Marie Alvarez,** chiropractic student in France, requesting if her course work at the Institut Franco-European de Chiropraxie in France, which was accepted by Southern California University as the prerequisite to integrate to SCUHS would be accepted for licensure in LA after she completes the NBCE exams. Board requests that she be sent the licensure application requirements.

Continued discussion held on “**licensing of chiropractic facilities”**. Dr. Harvey supports gathering clinic names. Criticism of licensing facilities is the extra fees and the extra red tape. It is noted the Board does not know who the practicing/treating DC is at each location. It is suggested that the Board’s newsletter state we will be collecting the name of each clinic and the name of each licensee who works at that clinic. Mr. Jeddie Smith will research statutes to see if we can request a listing of the DC’s at each location. Perhaps the Board can require the clinic owner to inform the Board when a DC is hired and also when/if terminated. Mr. Smith is also requested to investigate whether or not the Board can regulate a corporation which is not a chiropractic corporation. Dr. Kruse has proposed language on corporations to add to LSA R.S. 37:2816.A.11 relative to “clinic registration”. Matter to be kept on the agenda for the next meeting. The Board requests Mr. Smith to research LSA R.S. 37:2816(11) regarding promoting the unlicensed practice of chiropractic by a unlicensed practitioner as it relates to “clinic ownership”

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Regarding “online CE” for licensing renewal, Dr. Harvey requests that Ms. Oliver ask FCLB to conduct a “power poll” relative to how many states accept/allow **“online CE**” for license renewal.

Motion made by Dr. Kruse, seconded by Dr. Harvey, to amend the posted agenda to include “LA Worker’s Comp’s “dry needling” list request and any other specialties. Roll call vote: Harvey – Yes; Kruse – Yes; Cavanaugh – Yes; Turk –Yes; Martello – Yes. With 5 yeas, 0 nays, agenda is amended.

Dr. Kruse discusses having a list of DC’s who utilize “**dry needling”.** Motion made by Dr. Harvey, seconded by Dr. Kruse, to create a list of duly certified “**dry needling**” licensees. Ms. Oliver notes she created a list and maintains it. The “dry needling” credentials should also be placed on each licensee’s license verification report and in the specialty register log.

Request received from **Celia Cangelosi**, Attorney, to renew her legal representation contract. Motion made by Dr. Kruse, seconded by Dr. Harvey, to renew Ms. Cangelosi’s contract. With no objections, motion carries unanimously.

Dr. Martello notes the “**Annual Board Elections**” will be held today. He opens the office of “Secretary-Treasurer” for nominations. Dr. Cavanaugh nominates Dr. VanBreemen for “Secretary-Treasurer”. Having called for any other nominations three times and hearing none, Dr. Martello announces **Dr. VanBreemen** is “Secretary-Treasurer” by acclamation.

Dr. Martello opens the nominations for office of “Vice President”. Dr. Cavanaugh nominates **Dr. Martello** to “Vice President”. Having called for any other nominations three times and hearing none, Dr. Martello is the “Vice President” by acclamation.

Dr. Martello opens the nominations for office of “President”. Dr. Harvey nominates **Dr. Zeagler** to “President”. Having called for any other nominations three times and hearing none, Dr. Martello announces Dr. Zeagler is “President” by acclamation.

**Upcoming Events:**

* X-Ray Proficiency Certificate holders’ annual renewal deadline, 07/31/2016.
* Next Board Meeting, 10/13/2016.
* Additional offering of licensure exam, 10/13/2016, time to be announced
* NBCE’s Part IV Test Administration (nationwide), 11/11-13/2016.
* Annual license renewal deadline, 12/31/2016.

Motion made by Dr. Cavanagh, seconded by Dr. Harvey, to adjourn. With no objections, motion carries unanimously.

MEETING ADJOURNED AT APPROXIMATELY 11:37 a.m.