LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – APRIL 11, 2019**

Members Present: Dr. Mark B. Kruse, President; Dr. Ned J. Martello, Vice-President; Dr. R. Buckley VanBreemen, Secretary-Treasurer; Dr. Denise D. Rollette; Dr. Jon E. Zeagler.

Members Absent: Dr. Michael Cavanaugh.

Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: David Jeddie Smith, Asst. Attorney General

Audience: Tim Chittom, CAL, Baton Rouge, LA

Meeting called to order at 8:34 a.m., Dr. Mark Kruse, President, presiding.

The **minutes** of the 01/17/2019 meeting were mailed to all Board members. Dr. Rollette questions the prior Board action noted in the minutes relative to “hyperbaric chamber supervision by DC”. Ms. Oliver checked minutes and confirms action taken by the Board. Motion made by Dr. Zeagler, seconded by Dr. VanBreemen, to accept the minutes as prepared and to discuss the “hyperbaric chamber supervision” issue later in meeting. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**INTEGRITY CHECK:**

Dr. Rollette and Dr. Martello note contact by Dr. Anthony Zuppardo relative to reciprocity licensure requirements for a potential employee.

Motion made by Dr. Kruse, seconded by Dr. Martello, to “table” the Finance Committee report and the Law & Legislation report until after “testing”. With no objections, motion carries unanimously.

**STANDING COMMITTEE REPORTS**

Dr. Kruse comments that committee appointments still remain as previously announced.

1. **FINANCE COMMITTEE REPORT** **by Ms. Oliver:**

**Financial statements** for January and February 2019 was prepared by Ms. Oliver and provided to the Board prior to the meeting. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to accept the **financial statements** as prepared. With no objections, motion carried unanimously.

The **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. Zeagler, seconded by Dr. Cavanaugh, to accept the log as presented. With no objections, motion carries unanimously.

Relative to **deposit trends** report, next report will be presented at the July meeting.

**CD report:**  Dr. VanBreemen notes 5 CD’s were renewed at maturity dates since last meeting.

* **PEER REVIEW COMMITTEE REPORT by Dr, Martello** :

No action to report.

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1. **TESTING** **Committee Report** **by Ms. Oliver:**

Ms. Oliver notes applications are being mailed out for the July exam scheduled for 07/25/2019.

Dr. **Martello** and Dr. **Cavanaugh** will attend the NBCE’s Part IV Exam administration in May 2019 at Life College, Marietta, GA.

Relative to the “**test writing committee**” meeting to be held in Greeley, CO at NBCE headquarters, Dr. Zeagler or Dr. Rollette are interested in attending.

Motion made by Dr. Zeagler, seconded by Dr. VanBreemen, to recess for “testing” of licensure applicants present. With no objections, motion carries unanimously. Candidates placed in testing center.

Motion made by Dr. VanBreemen, seconded by Dr. Martello, to hold “executive session” to allow **Applicant P1 Black** to address the Board relative to “back ground check report info”. Roll call vote: Rollette – Yes; Martello – Yes; VanBreemen – Yes Kruse – Yes; Zeagler – Yes. With 6 yeas, 0 nays, motion carries unanimously.

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

Motion made by Dr. Zeagler, seconded by Dr. Rollette, to allow **Applicant P1 Black** to sit for the licensure exam today. With no objections, motion carries unanimously.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. VanBreemen reviewed and approved the current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver,** and also the full Board present reviewed and approved the leave records of both employees as well as payroll info for all 3 employees.

Dr. VanBreemen notes there was previous discussion held about a necessity for a time clock. Ms. Oliver notes a time clock would not track different kinds of leave time accrual or use. Dr, Zeagler states the two full time employee are “salaried” and time clocks are generally not utilized for “salaried” employees. Dr. VanBreemen was of the opinion the Board’s 2 full time employees were paid by the hour. Ms. Oliver clarifies that only the one part time employee is hourly. Dr. Zeagler also notes many calls, texts and emails are handled before and after regular office hours by Ms. Oliver

The **“Performance Indicator”** report of Board office activity from January 17 – April 5, 2019 was provided to Board members for review as follows:

* 305 phone calls received
* 15 application packets mailed
* 54 seminars reviewed
* 5 x-ray certificates issued
* 12 licenses issued
* 40 complaints filed
* 9 complaints closed
* 14 license renewals processed
* 0 license renewals returned as “incomplete” or “missing CE”
* 0 x-ray renewals
* 12 delinquent renewals paid
* 204 license verifications processed
* 0 public records requests
* 0 subpoenas
* 25 CE locate requests received
* 13 lists requests processed
* 11 national licensee alerts received and logged
* 0 Peer Review Requests

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

In the absence of Dr. Cavanaugh, Ms. Oliver reports an agreed settlement made in **Complaint # 1271** relative to an uncertified x-ray employee. Motion made by Dr. Martello, seconded by Dr. Zeagler to accept the agreed settlement of $350.00 in Complaint # 1271. With no objections, motion carries unanimously,

Ms. Oliver notes approximately 25 new complaints were initiated by the Board relative to “delinquent license renewals”.

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

No report at this time.

* **LAW & LEGISLATION:**

Dr. Kruse reports he was contacted by Mr. Tim Chittom, CAL, at its last meeting, stating CAL voted to oppose the Board’s proposed legislation this year. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, for discussion on “pulling” the Board’s bill of prior Board action on January 17, 2019 meeting due to “lack of support” from CAL. CAL is of the opinion the Board does not need to increase the x-ray proficiency renewal fee from $25.00 to $45.00 and also does not need to increase the “x-ray proficiency certificate” fee” from $75,00 to $95.00 because the Board has money in savings and investment accounts. Ms. Oliver reports annual operating expenses and income of the Board and sound business model practices discussed.

* **GENERAL CORRESPONDENCE**:

None to report.

* **SEMINAR REVIEW by Dr. VanBreemen:**

Ms. Oliver reports Dr. VanBreemen had reviewed **54** seminars since the last meeting.

Dr. VanBreemen notes receipt of request for review of 3 seminars requiring full Board review as follows:

Request received from CAL for review of the seminar entitled “Mastering Chiropractic with Certainty” which contains 2 hours RM and 1 hour of Ethics totaling 15 hours, with speak who is not on post grad faculty. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to approve the seminar for CE credits. With no objections, motion carries unanimously.

Request received from University of Western States for review of the seminar entitled “Myovision”, as not all speakers are on post grad faculty. Motion made by Dr. Zeagler, seconded by Dr. Martello, to accept the seminar for 7 hours of CE. With no objections, motion carries unanimously.

Request received from Michigan Association of Chiropractors for review of the seminar entitled “MAC Spring 2019” for 38 hours as not all speakers are on post grad faculty. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to approve the seminar for CE credits. With no objections, motion carries unanimously.

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**OLD BUSINESS:**

Relative to “**online renewals**”, Dr. Zeagler notes no new information obtained. Ms. Oliver notes discussions held with Heuristics Solutions Inc. regarding upgrading and creating the Board’s website and creating the ability for Board to accept online payments, online renewals, etc. Heuristics submitted a proposal of promised services and costs to accomplish the job. The Board feels less features are needed than proposed – simply online forms and electronic payment methods. Ms Oliver notes she has served as the “webmaster” since approximately 2003 at the inception of the Board’s webpage however is requesting hiring a “webmaster” either in the near future or when the Board’s website is updated and modernized.

To recap, Dr. Paul Harch, Harch Hyperbarics, New Orleans, LA, requested a scope of practice determination relative to DC’s being allowed to **supervise hyperbaric chamber operation** in absence of an MD. The Board noted, at the January 17, 2019, this is within the scope if proper training by DC is achieved. Dr. Harch provided Dr. Zeagler with the 40-hour course curriculum utilized for proper training. Dr. Zeagler was assigned to create a draft of the Board’s proposed ruling, as follows:

# *“Hyperbaric Oxygen Therapy Training Requirements*

*The scope of chiropractic as defined in the Louisiana Statutes (Chapter 36 S 2801 3a) does allow licensed chiropractic physicians to administer Hyperbaric Oxygen Therapy to patients. In order for this therapy to be performed the chiropractic physician must complete a 40 hour on site course and pass the final examination to become certified in Hyperbaric Oxygen Therapy. The patient must be referred by a medical or osteopathic physician who has received advanced training in Hyperbaric Oxygen Therapy. The referring physician is also required to have General Supervision through the performance of the procedure. General Supervision is defined as: the service is performed under the supervisory practitioner’s overall direction and control but his or her presence is not required during the performance of the procedure. It is also recommended, however not required that the chiropractic physician also become certified in CPR and AED training, both are two year certifications.”*

Currently, Dr. Rollette is requesting clarification to the Board’s prior action in this matter. Ms. Oliver instructed to invite Dr. Harch to the next Board meeting. Motion made by Dr. Zeagler, seconded by Dr. Martello, to approve the draft presented pending amounts noted. With 5 yeas, 1 nay, motion carries. Dr. Zeagler will secure statistics on percentage of risk involved. Ms. Oliver inquires if registration will be required. Motion made by Dr. Zeagler, seconded by Dr. VanBreemen, to require registration of those DC’s supervising hyperbaric chamber operation. With 4 yeas, 1 nay, motion carries.

Ms. Oliver notes the need for a “**dry needling registry**”. Motion made by Dr. VanBreemen, seconded by Dr. Martello, to require “dry needling” practitioners to register with the Board. With no objections, motion carries unanimously. Ms. Oliver also requests to offer an optional certificate suitable for framing to each licensee for a fee, possibly $25.00. This offer to be placed on Board’s webpage.

**NEW BUSINESS:**

Request received from **Gary Mertz**, D.C., Lake Charles, LA, to change his license status from “inactive” to “active” as he has submitted the necessary CE hours and fees. Motion made by Dr. Zeagler, seconded by Dr. Rollette to convert the license from “inactive” to “active”. With no objections, motion carries unanimously.

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Inquiry received from **Dennis Mutell,** D.C., Covington, LA, for the Board to consider allowing “**on line” “distance learning**” for CE license renewal credits. Board notes due to attendance monitoring issues and concerns as well as the fear of decreased revenues to state associati8ons, the Board is not considering allowance of “on line” “distance learning” CE for license renewal.

Ms. Oliver notes upcoming **x-ray proficiency certification renewal** is approaching and she anticipates providing renewal forms by May 1st to all certificate holders. She is requesting resending board policy relative to exception for renewal to those certificate holders with issuance date after February 1 annually thus making all certificate holders required to renew annually on or by July 31st annually. Motion made by Dr. Martello, seconded by Dr. Zeagler, to require all certificates be renewed annually regardless of issuance date. With no objections, motion carries unanimously.

Request received from **Matt Jones,** D.C., Greenville, NC, to apply for licensure without meeting all statutory requirements. Ms. Oliver has been in contact with him via phone and email and has informed him the Board does not have authority to waive any statutory requirement.

Request received from **Derek Bruner,** D.C., Keller, TX, to grant him an extension to renew his LA license. Motion made by Dr. Zeagler, seconded by Dr. Rollette, to grant a 60 day extension, with fees and hours due by June 10, 2019. With no objections, motion carries unanimously.

Request received from **Kourtni Brown Howard**, D.C., Houston, TX, to waive the delinquent renewal fees for her 2019 license renewal. Motion made by Dr. Martello, seconded by Dr. Kruse to deny the request. With 4 ayes, 1 nay, motion carries.

Request received from **William Wilson**, D.C., New Orleans, LA, to waive the delinquent renewal fees for his 2019 license renewal and to reinstate license as of 01/01/2019 showing no lapse in license. Motion made by Dr. Zeagler, seconded by Dr. VanBreemen, to deny the request. With no objections, motion carries unanimously.

Ms. Oliver notes Dr. VanBreemen, Dr. Kruse, Dr. Martello and Ms. Oliver will attend the upcoming **FCLB** Regulatory Education Conference, San Diego, CA.

Ms. Oliver would like to note that **“circumventing the Board**/Board office” relative to dissemination of statutory information is not suggested and should not be performed by any Board member. It is the standing policy of the Board to instruct any licensee or consumer to contact the Board office for information or clarification.

Mr. Jeddie Smith notes the annual **Ethics Financial Disclosure** reporting required of all board members across the state is due May 15, 2019 – Tier 2.1 reporting.

Mr. Jeddie Smith notes **SB 187** by Senator Milkovich, which would change the investigation and hearing process done by boards and commissions and would amend LSA R.S. 37:21.1, 23.2. Ms. Oliver will secure a copy of that proposed legislation.

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Motion made by Dr. VanBreemen, seconded by Dr. Martello, to discuss items received after the posted agenda was prepared. Roll call vote: Rollette – Yes; Martello – Yes; Zeagler – Yes; VanBreemen – Yes; Kruse – Yes. Agenda is amended.

Request received from **Richard McElveen**, D.C., Lake Charles, LA, to waive the delinquent renewal fees for his license renewal. Motion made by Dr. Martello, to deny the request. Motion dies for “lack of a second”. Additional discussion held. Motion made by Dr. Martello, seconded by Dr. VanBreemen, to deny the request. With 3 yeas, 2 nays, motion carries.

Request received from **Kyle Daigle, D.C**., Lake Charles, LA, re scope inquiry if the offering of injectable umbilical cord stem cells to the patient is within the LA scope of practice. Discussion held if the injection is a pharmaceutical prescription. It is determined more information is needed, i.e., the specific content of the injection, the purpose of the injection, and if a NP, RN, PA or other certified employee is administering the injection – who can refer or direct the NP, PN, PA etc. the educational background of the individual who would be injecting the stem cells.

Request from **David Duhon,** D.C., Lake Charles, LA, regarding “telemedicine” practice is he considering opening. Board currently does not have a policy on “telemedicine”. We will gather information from other states on this topic. Ms. Oliver will secure a copy of Act 630 of 2016 Legislative Session for the next Board meeting.

Request received from **Sam Gamble**, D.C., Atlanta, GA, to apply for licensure by reciprocity without meeting all statutory requirements. Ms. Oliver notes she has spoken with Dr. Gamble via phone and also by email relative to licensure requirements.

Request received from **Nathan Hamer**, D.C., Bossier City, LA, regarding “**future medical care**” as scope inquiry. Board notes this is within the scope.

Handout received from Dr. Kruse relative to the use of **CBD oil** in LA chiropractic practice and the necessity of the Board’s position change due to the recently released Federal Agricultural Act of 2019, (Farm Bill) which legalized hemp. This material will be posted as a “**practice alert**” on the Board’s website and included in the annual mail out.

Dr. VanBreemen recalls his work years ago on the Board’s Ethics code and was asked by his employee, **Dr. Charles Herring**, to present suggestions for future declaratory statements. Drafts include statements on “pain management”, ordering of braces and durable medical equipment, ordering of advanced imaging of extremities, spinal joint manipulation under local joint anesthesia, delegation of duties to CA’s, treating of pathologies that may affect functional integrity of spine, and performance of functional capacity evaluations. Ms. Oliver states there is a statutory time requirement for submitting declaratory statement requests, however, after review, Ms. Oliver states the drafts presented seem to be scope inquiries and as such, Dr. Herring should make the scope inquiries to the Board. Dr. Kruse asked that the drafts be sent to Standards & Practices and Dr. Zeagler for review.

**Upcoming Events:**

* Nationwide NBCE Part IV exam offering, 05/17-19/2019
* Next Board Meeting, 06/06/2019, time to be announced.
* Biannual Licensure Exam, 07/11/2019
* X-ray Proficiency Renewal, 07/31/2019
* Annual license renewal deadline, 12/31/2019.

Motion made by Dr. Martello, seconded by Dr. VanBreemen, to adjourn. With no objections, meeting is adjourned at approximately 12:41 p.m.

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