LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JUNE 14, 2018**

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

Members Absent: None.

Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: David Jeddie Smith, Asst. Attorney General

Audience: None.

Meeting called to order at 8:46 a.m., Dr. Jon Zeagler, President, presiding.

The **minutes** of the 04/05/2018 meeting were mailed to all Board members. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the minutes with one change as noted regarding the motion seconded by “Dr. Cavanaugh” in the Testing discussion on Page 3 of 04/05/2018 to be changed to “Dr. Martello”. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**INTEGRITY CHECK:**

Dr. Zeagler announced the “integrity check” however, no issues were offered or noted by any Board members or staff.

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for March, April and May 2018 were prepared by Ms. Oliver and provided to the Board. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to accept the **financial statements** as prepared. With no objections, motion carried unanimously. Dr. VanBreemen requests the financial statements be emailed or faxed to him prior to the Board meeting so that he can adequately review them.

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. Martello, seconded by Dr. Turk, to accept the log as presented. With no objections, motion carries unanimously.

Relative to **deposit trends**, Ms. Oliver updated the chart to reflect activity since the last Board meeting but, as directed, will provide the chart after the close of the fiscal year.

**CD report:**  Dr. VanBreemen notes no new activity but one CD will mature in September.

Dr. VanBreemen states his employees were unhappy about being required to provide their entire social security number on the **renewal form for x-ray certificate holders**. Ms. Oliver suggests only requesting the last 4 digits on the renewal form. Motion made by Dr. VanBreemen, seconded by Dr. Turk, to only require the last 4 digits of the **x-ray certificate renewal** applicant’s SS# on renewal form. With no objections, motion carries unanimously.

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The **“Performance Indicator”** report of Board office activity since last Board meeting was provided to Board members for review as follows:

* 322 phone calls received
* 10 application packets mailed
* 36 seminars reviewed
* 26 x-ray certificates issued
* 10 licenses issued
* 7 complaints filed
* 19 complaints closed
* 1 license renewal processed
* 0 license renewals returned as “incomplete” or “missing CE”
* 202 x-ray renewals
* 159 license verifications processed
* 0 public records requests
* 0 subpoenas
* 7 CE locate requests received
* 8 lists requests processed
* 20 national licensee alerts received and logged
* 0 complaints received on new law/CE change
* 0 Peer Review Requests
* **PEER REVIEW COMMITTEE REPORT BY Dr. Martello**:

No action to report.

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

Dr. Cavanaugh provides chart of recent complaint activity since the last meeting. He notes 4 complaints involved advertising “physical therapy” referred to the Board from the LA Physical Therapy Board. Motion made by Dr. Kruse, seconded by Dr. Martello, to accept the $350.00 agreement settlement each on **Complaint # 1244**, **Complaint # 1269**, **Complaint # 1273** and **Complaint # 1274**. With 6 yeas, 1 nay, motion carries.

Dr. Cavanaugh notes 2 complaints relative to advertising “**testimonials**” without the required advertising criteria. Motion made by Dr. Martello, seconded by Dr. Turk, to accept the $350.00 agreed settlement each on **Complaint # 1260** and **Complaint # 1261**. With 6 yeas, 1 nay, motion carries.

Ms. Oliver asked to research the rationale in old Board minutes relative to **“testimonial advertising”** and discuss at next meeting. Further, Jeddie Smith asked to check with the LA Bar Association on advertising rules.

Dr. Cavanaugh notes 3 complaints dealt with not filing address changes to the Board. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the agreed settlement of $350.00 each on **Complaint # 1245**, **Complaint # 1251**, and **Complaint # 1252**. With no objections, motion carries unanimously.

Dr. Cavanaugh notes 5 complaints dealt with delinquent license renewals. Motion made by Dr. Martello, seconded by Dr. Turk, to accept the $200.00 agreed settlement on **Complaint # 1254**, a $250.00 agreed settlement each on **Complaint # 1256, Complaint # 1257, Complaint # 1258** and **Complaint # 1278**. With no objections, motion carries unanimously.

Dr. Cavanaugh notes 5 complaints dealt with X-ray employees not certified by the Board as required by law. Motion made by Dr. Martello, seconded by Dr. Kruse, to accept the $350.00 agreed settlement each on **Complaint # 1246**, **Complaint # 1248, Complaint # 1263, Complaint # 1264**, and **Complaint # 1267**. With no objections, motion carries unanimously.

Dr. Cavanaugh notes one complaint dealt with an advertisement containing name of a deceased DC. Motion made by Dr. Kruse, seconded by Dr. Martello, to accept the agreed settlement of $200.00 on **Complaint # 1243**. With no objections, motion carries unanimously.

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Dr. Cavanaugh notes a very large amount of advertisement from “**Health Grades**.com” noting “specialties”, “certifications”, etc. on web advertising. It is noted that these ads are supposedly not generated by the licensee. A letter will be sent to Health Grades.com company requesting how their info is obtained. Further, a letter to the FTC and the FCC on this company may be sent in the future after response is received from Health Grades.com

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

Dr. Turknotes no new activity or requests.

* **TESTING**:

Ms. Oliver notes applications are being mailed out for the October exam. The July exam is scheduled for 07/26/2018.

Dr. **Zeagler** attended the NBCE’s Part IV Test Writing Committee meeting in early June in Greeley, CO as LA Board representative and Dr. **Martello** and Dr. **Cavanaugh** attended the NBCE’s Part IV Exam administration in May at Life College, Marietta, GA.

* **LAW & LEGISLATION:**

Relative to the required “**Ethics training**” for state employees and board members, Ms. Oliver stresses importance of completion of the state requirement for the 12/31/2018 deadline!

Ms. Oliver asked to investigate if “**acupuncture**” remains under the LA Medical Practice Act due to 2018 Act 93.

The Board’s bill, **HB 750** by Dr. Joe Stagni relative to “**licensing requirements relative to accreditation of foreign chiropractic colleges” and foreign colleges,** and the Board’s bill, **HB 781** by Dr. Joe Stagni, relative to allow the Board to be added to the list of agencies allowed to receive expunged records of criminal activity of licensure applicants were successfully passed and have effective date of 08/01/2018.

**SB 40** by Senator Mills, relative to changing the structure of all boards to include a **consumer member**, passed successfully. This bill will remove one DC member of the LA Board and be replaced by a consumer member.

Dr. Kruse notes the“**mechanical traction**” bill introduced on by CAL was passed successfully. Since Board staff had no knowledge of the introduction of this bill, no info to provide at this time, however, the new act and its language will be secured.

* **GENERAL CORRESPONDENCE**:

Ms. Oliver notes a congratulatory letter was sent to the Governor John Bel Edwards regarding the Board’s attendees at the FCLB regulatory conference.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. VanBreemen reviewed leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver,** and notes that all is in order and further, the full Board present reviewed and approved the leave records of both employees as well as payroll info for all 3 employees.

Ms. Oliver provides information gathered from LA Civil Service as to state regulatory board employee salaries. Motion made by Dr. Cavanaugh, seconded by Dr. Turk, to recess to facilitate discussion of employee salaries by the Administrative Oversight Committee. Roll call vote: Zeagler – Yes; Rollette – Yes; Martello – Yes; Kruse – Yes; Cavanaugh – Yes; Turk – Yes; VanBreemen - Yes. With 7 yeas, 0 nays, Board meeting is recessed.

(----------------------------RECESS---------------)

Dr. Zeagler states the AO Committee suggests a 2.7% salary increase for **Ms. Oliver** and **Ms. Hebert-Schmidt** based on the CPI info as offered by Dr. Kruse and a $0.50/hour wage increase for **Ms. Boeneke**. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to accept the AO Committee’s recommendations. With no objections, motion carries unanimously.

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

Ms. Oliver reports Dr. VanBreemen had reviewed 36 seminars since the last meeting and Dr. VanBreemen states 2 seminars require full Board review as follows:

Request received from CAL to review the seminar entitled “Digestion and Related Spinal Pain & New Government Compliance Challenges and Solutions”, “as speaker is not on post grad faculty. Motion made by Dr. Kruse, seconded Dr. Cavanaugh, to approve. With no objections, motion carries unanimously.

Request received from Structure and Function Education to review the seminar “Foundations in Dry Needling for Orthopedic Rehab & Sports Performance” for 25 hours as the instructor is not on post grad faculty. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to approve. With no objections, motion carries unanimously.

**OLD BUSINESS:**

Dr. Cavanaugh, Ms. Oliver and Dr. Martello attended the **FCLB** regulatory training conference in Dallas, TX, in May. Report of the highlights of the conference were given. Ms. Oliver notes Dr. Martello and Ms. Oliver attended at no conference costs to the Board.

Dr. Cavanaugh suggests a clearer definition of “**internship**” is needed. Discussion held that an intern can practice under the supervisory chiropractor but cannot advertise until licensed by the Board.

Motion made by Dr. Cavanaugh, second by Dr. Kruse, to amend the agenda to discuss “**FCLB Alerts**”. Roll call vote: Rollette – Yes; Martello – Yes; Kruse – Yes; Cavanaugh – Yes; Turk – Yes; VanBreemen – Yes; Zeagler – Yes. With no objections, agenda is amended.

Ms. Oliver provided the updated list of “**FCLB Alerts**” as gathered by FCLB nationwide on chiropractic licensees. Ms. Oliver notes the list is updated and maintained as alerts are received from FCLB

**NEW BUSINESS:**

Request received from **Derrek Mart, D.C**., Lake Charles, LA, to renew his license. Ms. Oliver notes public records received from Celia Cangelosi on Dr. Mart and Ms. Cangelosi has advised the Board to postpone action on his request until more info is received from Dr. Mart through the complaints process which has been initiated. Dr. VanBreemen offers info regarding Dr. Mart being his nephew and a family member has stated Dr. Mart has health problems and is “doing better” regarding lifestyle decisions. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to table Dr. Mart’s request. With 6 yeas, 0 nays and 1 recusal (VanBreemen), the motion carries.

Request received from **George Putnam, D.C**., New Orleans, LA, relative to scope inquiry and the offering of **CBD oil** products to patients. Dr. Kruse will research the topic and create language for the next meeting relative to the possibility of declaratory statement to be issued.

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Request received from **Kristie Giardina, D.C**., Gretna, LA, relative to scope inquiry regarding “hyperbaric chamber treatment”. Board responds to enumerated questions as follows:

1. *Can I prescribe this type of therapy to my patients?  YES*
2. *Can a hyperbaric certified employee administer the treatment?  This depends on the size of equipment – See applicable laws regarding requirements.*
3. *Do I have to be in the building while it's being administered? YES*
4. *There are several different varieties of the machines (soft shell, hard shell, single person, double person, etc...).  Does the type I purchase matter?  As long as you can relate the use of the machine to the functional integrity of the spine.  Check the OSHA specs on each machine*.

Preparation and proposal by Ms. Oliver for the **2019 license renewal** form to be utilized. Motion made by Dr. Martello, second by Dr. Rollette to adopt the new version of the form with the questions crafted as suggested by Ms. Cangelosi relative to arrests and convictions. With no objections, motion carries unanimously.

Ms. Oliver asked to investigate the costs, etc. offering the option of **online license renewal options** to licensees and provide the info as it is gathered to the Board.

**Upcoming Events:**

* Next Board Meeting, 07/26/2018, time to be announced.
* Biannual licensure exam, 07/26/2018, time to be announced.
* X-Ray Proficiency Certificate Holder annual renewal deadline, 07/31/2018.
* Annual license renewal deadline, 12/31/2018.

Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to adjourn. With no objections, meeting is adjourned at approximately 11:39 a.m.

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