LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – OCTOBER 15, 2015**

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

Members Absent: Dr. Joseph E. Turk.

Staff Present: Patricia A. Oliver, Executive Director

 Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: Angelique Freel, Asst. Attorney General.

Audience: None.

Meeting called to order at 8:38 a.m., Dr. Ned J. Martello, President, presiding.

The **minutes** of the 07/30/2015 meeting were mailed to all Board members. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, 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:**

**Financial statements** for July, August and September, 2015 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Kruse, seconded by Dr. Harvey, to accept the statements as prepared. With no objections, motion carries unanimously.

**CD report** was given by Dr. Zeagler – one CD was renewed in September at best rate available.

Ms. Oliver notes the **annual audit** work was finalized by the Legislative Auditor’s Office employees recently. A rough draft of the audit report was provided to the Board. Ms. Oliver discusses the two findings: “insufficient segregation of duties by employees” and “3 itemized receipts missing” regarding meal reimbursements”. The “insufficient segregation of duties by employees” is a recurring finding due to limited staff of 2.5 people. Auditor notes this is understandable due to size of Board/office, but suggests more involvement by Board members in reviewing each reimbursement and expense as well as anticipation of income for each month. The missing itemized meal receipts were for meals attended by the Board on board meeting days after the meeting was held. Ms. Oliver notes the monthly financial statements illustrate detailed expenses and income; however the auditors suggest more rigorous review of each by the Board members at each meeting. All Board members present reviewed and signed each **expense and expenditure reimbursement** expense as of July 1, 2015 to present as well as all bank statements. It is suggested by the Board for future review instead of signing each voucher and invoice, Ms. Oliver prepare a cover sheet with a log of each category of expenses with the itemized expenses attached to the cover sheet for the next meeting.

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

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

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

Dr. Harvey notes Complaint **#1160,** related to a delinquent license renewal and an agreed settlement offered of $500.00. Motion made by Dr. Harvey seconded by Dr. Kruse, to accept the settlement as offered. With no objections, motion carries unanimously.

Dr. Harvey notes Complaint #**1164,** related to a delinquent license renewal and an agreed settlement offered of $500.00. Motion made by Dr. Harvey seconded by Dr. VanBreemen, to accept the settlement as offered. With no objections, motion carries unanimously.

Dr. Harvey notes **Complaint # 1178** related to a “dry needling” allegation regarding certification and an agreed settlement of $350.00 offered. Motion made by Dr. Harvey, seconded by Dr. Kruse, to accept the settlement as offered. With no objections, motion carries unanimously.

Dr. Harvey notes **Complaint #** **1185** is regarding an advertising violation regarding “testimonials”. He is offering an agreed settlement of $350.00. Motion made by Dr. Harvey, seconded by Dr. Kruse. With no objections, motion carries unanimously.

Dr. Kruse notes an “informal hearing” will be held later today on **Complaint # 1147** relative to “delinquent license renewal”. More info to report later.

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

No report at this time.

* **LAW & LEGISLATION:**

 Dr. Zeagler has no new info to report at this time.

 Dr. Martello reported he has attended 3 meetings of the **Physical Therapy Patient Access Review Committee**. He discussed the composition of the committee and information presented to date.

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* **TESTING**:

Relative to **NBCE’s Part IV Exam,** it will be held across the country November 13-15, 2015. Dr. Martello and Dr. Cavanaugh will be attending as LA’s Board representatives.

Relative to the **additional offering of the licensure exam**, Ms. Oliver notes there are 7 applicants. Motion made by Dr. Harvey, seconded by Dr. Cavanaugh, to recess for testing.

With no objections, motion carries unanimously. Testing begins at 9:05 a.m.

------------------Recess

Testing completed and recess concluded at 9:50 a.m. for the licensure exam which was held today.

Ms. Oliver notes receipt of “**background check**” info on one licensure applicant relative to a DWI which occurred in excess of 5 years ago; however it was not disclosed by the applicant on the application submitted. Ms. Oliver instructed to set up “informal hearing” paperwork relative to application filed. Motion made by Dr. Kruse, seconded by Dr. Zeagler, to issue the license if the applicant passes, then set up “informal hearing” to assess the application information. With no objections, motion carries unanimously.

* **ADMINISTRATIVE OVERSIGHT:**

 Dr. Zeagler notes review of Ms. Hebert-Schmidt and Ms. Oliver’s **leave records** and further, that the full Board present reviewed and approved the leave records of both employees as well as payroll info for all 3 employees.

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

Ms. Oliver reports Dr. Zeagler had reviewed 49 seminars since the last meeting; however 2 seminars require full Board review as follows:

Request from **Northwestern Health Sciences University** to review the seminar entitled, “Cognitive Behavior Therapy” due to “no post grad faculty”. Motion made by Dr. Zeagler, seconded by Dr. Kruse, to approve the seminar for CE credits. With no objections, motion carries unanimously.

Request received from Dr. Zeagler and the AVCA to review and approve the upcoming seminar to be sponsored by the **American Veterinary Chiropractic Association**. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to approve the seminar for CE credits pending receipt of proper CE application and fee. With no objections, motion carries unanimously.

Relative to ASH holding **live webinars** and accepting those for CE credits, Ms. Oliver was instructed to contact ASH if a Board member or staff could attend to observe the seminar delivery and attendance verification method. Contact was made but no response as of this date.

* GENERAL CORRESPONDENCE:

None to discuss.

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**OLD BUSINESS:**

Continued discussion held relative to include info in the Board’s newsletter and/or the Board’s website about **The Patriot Project** relative to chiropractic treatment of veterans, wounded warriors, etc., if approved by Ms. Freel. Ms. Freel reports she did some investigation into The Patriot Project and noted some participants in the program are being monetarily compensated for chiropractic services, therefore would not advise the Board to utilize state funds to advertise this program in its newsletter or website.

Ms. Oliver notes the district **FCLB** meeting for District 3 and 5 was held September 17-19 in Providence, RI. Dr. Kruse, Dr. Cavanaugh, Dr. Harvey attended as state Board representatives. Dr. Martello and Ms. Oliver attended in duel capacity (state board and board of directors for FCLB). Dr. VanBreemen cancelled due to illness. Topics of discussion included “travel to treat” temporary licenses, PACE CE accreditation program, licensee substance abuse issues, Board directs Ms. Oliver to send a letter to the FCLB stating the Board feels too much conference time was spent on “sales pitch” type presentations for FCLB programs and not enough time dedicated to regulatory topics of substance and also breakout sessions dealing regulatory issues.

**NEW BUSINESS:**

Ms. Oliver notes receipt of **contract renewal** paperwork for LA Department of Justice & **Angelique Freel,** attorney, as the Board’s legal counsel, at state approved rate of $120.00 per hour. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse to accept the contract. With no objections, motion carries unanimously.

From information presented and discussed at the recent FCLB conference, Dr. Cavanaugh suggests the Board consider including a question on the Board’s **CE Seminar Application Review form** which would ask if any practical demonstration by the instructor/s would occur or be utilized at/during the seminar. If so, the instructor/s would need to complete the “**travel to treat temporary license**” application and submit the required documents and fee so that a “temporary license” could be issued for the seminar. Ms. Oliver is instructed to amend the form to include the appropriate questions to accomplish this task.

Ms. Oliver presents draft of amended **licensure application form** to change wording on questions #19 & 20 which currently read, “*Have you ever been arrested or convicted of a felony”*, and “*Have you ever been arrested or convicted of a misdemeanor*?” due to evidence that applicants are misinterpreting the questions. Discussion held about utilizing language such as “even if expunged or set aside”. Suggestions made to combine statements to read,
*“Have you ever been arrested of a misdemeanor or a felony*?” and “*Have you ever been convicted of a misdemeanor or felony?*”. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh to amend the application as discussed. With no objections, motion carries unanimously.

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Ms. Oliver notes subscription renewal request received from ***The Chiropractic Report***. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to renew for 2 year rate. With no objections, motion carries unanimously.

Ms. Oliver notes items received for Board review which were not include on the posted agenda due to late receipt of items. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to amend the posted agenda to include those items. Roll call vote: Kruse – Yes; Martello – Yes; Cavanaugh – Yes; Zeagler – Yes; VanBreemen – Yes; Harvey – Yes. With 6 yeas, 0 nays, agenda is amended.

 Request and proper documentation and fee received from Robert Meadows, DC, Opelika, AL, a “**travel to treat temporary license**” as team doctor for the **“SEC football game – LSU & Auburn – 09/18-20/2015.** Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to issue the “travel to treat” license.

Request from **Richard Volgraf, D.C**., Newton, PA, to apply the application fee he submitted for the October exam to the January, 2016 exam. Motion made by Dr. Harvey, seconded by Dr. Kruse, to apply the fee to the January 2016 exam. With no objections, motion carries unanimously.

Ms. Oliver reports she has reformatted the “rules” section of the “blue book” to be in two-columnar format to save paper, postage costs for mailing, etc. It is suggested by Dr. Martello to also “two-side” the pages as well.

Discussion initiated by Dr. Martello on “**chiropractic clinic registration**”. Ms. Oliver gathered info from FCLB’s “power polls” conducted a few years ago on this issue. After comments aired, it is the general consensus there is no need for “clinic registration” at this time.

Dr. Martello notes the annual “**Federation of Association of Regulatory Board**s” annual conference will be held January 28-31, 2016, in Clearwater, FL. Proposed conference agenda provided to the Board members present. Currently, Ms. Oliver and Dr. Martello will attend. Matter will be included on next meeting’s agenda as well for any other board members interested in attending to state intentions.

Dr. Martello notes a request from FCLB for LA to endorse the **PACE program**. Matter to be placed on next meeting’s agenda. Ms. Oliver directed to secure the PACE program’s credentialing criteria for the next meeting.

**Upcoming Events:**

* NBCE’s Part IV Exam administration, 11/13-15/2015.
* Next Board Meeting, 12/10/2015.
* Annual license renewal deadline, 12/31/2015.
* Biannual licensure exam, 01/21/2016, time to be announced

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

MEETING ADJOURNED AT APPROXIMATELY 12:07 p.m.