LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – DECEMBER 14, 2017**

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.

Staff Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: Madeline Carbonette, Asst. Attorney General & Lauren Suddeth, Asst. Attorney General.

Audience: Kris Frankenberg, D.C., Lafayette, LA; Tim Chittom, CAL, Baton Rouge, LA; Chloe Harwood-Little, D.C., Victoria, Australia.

Meeting called to order at 8:48 a.m., Dr. Jon Zeagler, President.

The **minutes** of the 10/19/2017 meeting were mailed to all Board members. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to accept the minutes as prepared. With no objections, motion carries unanimously.

Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to amend the posted agenda to include the “integrity check” as discussed at the October 20127 meeting. Roll call vote: Rollette: Yes; Martello – Yes; Cavanaugh – Yes; Kruse – Yes; VanBreemen – Yes; Zeagler – Yes. With 7 yeas, 0 nays, agenda order is amended

“**Integrity Check**” Performance:

* Dr. Rollette notes she co-hosted a “welcome” reception at her home for any new local practitioners and further, she sent a “letter of introduction” as a LA practitioner to prior new licensees.
* Dr. Zeagler notes he received phone calls from family member and family friend regarding a potential licensure applicant’s background report.
* Dr. Kruse notes he was asked to participate in fraud review by an insurance company however declined the request.
* Dr. Cavanaugh notes he was asked to participate in fraud review by an area insurance company however provided info for the appropriate party to contact, further, Dr. Cavanaugh received a phone call from a licensee relative to a CE RM waiver request.
* Dr. VanBreemen notes he was contacted by a licensee relative to a CE RM waiver and also was contacted via email regarding an applicant’s licensure application status.

**PUBLIC COMMENT:**

#### None.

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for October and November 2017 were prepared by Ms. Oliver and provided to the Board. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the **financial statements** as prepared. With no objections, motion carried unanimously.

Relative to **deposit trends**, Ms. Oliver has updated the chart to reflect activity since the last Board meeting. This matter will be left on future agendas until further notice.

**CD report:**  Dr. VanBreemen no change since last meeting, however next activity will take place in February 2018.

All Board members present reviewed each **expense and expenditure reimbursement** paperwork since the July 27, 2017 Board meeting as well as all bank statements and further, all members signed the cover log sheet.

Relative to **administrative fees**, the matter will be on the January 2018 agenda in order to allow the Board members to review the current administrative fees.

Ms. Oliver provided a copy of the **2017-18 budget** draft as prepared by Mr. Barry Delery, CPA. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to approve the budget as prepared. 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:

* 304 phone calls received
* 15 application packets mailed
* 25 seminars reviewed
* 5 x-ray certificates issued
* 7 licenses issued
* 9 complaints filed
* 307 license renewals processed
* 56 license renewals returned as “incomplete” or “missing CE”
* 120 license verifications processed
* 52 CE locate requests received
* 6 lists requests processed
* 6 national licensee alerts received and logged
* 10 complaints received on new law/CE change
* **PEER REVIEW COMMITTEE REPORT BY Dr. Martello**:

Dr. Martello notes the PR Committee met this morning at the Board office to discuss **PR 2017-01** and notes the report will be released as soon as possible.

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

Dr. Kruse notes a lot of activity by this committee since the last Board meeting. Relative to **Complaint # 1227**, an “informal hearing” was conducted regarding possible “testimonial advertising” and he is offering a $350.00 settlement agreement. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to accept the settlement agreement. With no objections, motion carries unanimously.

Relative to **Complaint # 1215**, an “informal hearing” was conducted regarding possible erroneous “records management” and he is offering a $3500.00 settlement agreement. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to accept the settlement agreement. With no objections, motion carries unanimously.

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

Dr. Turknotes no new activity or requests.

* **TESTING**:

No activity.

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* **LAW & LEGISLATION:**

Relative to the required “**Ethics training**” for state employees and state board members, Ms. Oliver is again reminding all board members who have not yet completed the annual ethics training, to please do so on or before 12/31/2017.

Presentation made by Dr. Kruse of a draft of the **declaratory statement** on the **“dry needling”** clarification. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the draft as prepared by Dr. Kruse. With no objections, motion carries unanimously.

Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to amend the order of the posted agenda to address “**licensing requirements relative to accreditation of foreign chiropractic colleges”**. Roll call vote: Rollette: Yes; Martello – Yes; Cavanaugh – Yes; Kruse – Yes; VanBreemen – Yes; Zeagler – Yes. With 7 yeas, 0 nays, agenda order is amended.

Request from **Chloe Horwood-Little, D.C**., Victoria, Australia, licensure applicant who graduated from Royal Melbourne Institute of Technology and interpretation of LA statutes. The Board is waiting on info from CCE and USDE regarding her undergraduate degree earned in Australia. The Board discusses possibility of amending the statutes to add “foreign equivalency” to apply to undergraduate education. Dr. Zeagler will contact Senator Long.

* **GENERAL CORRESPONDENCE**:

Ms Oliver notes receipt of the “**Professional Licensing Report**” and also “Blue Cross Blue Shield” coding information from Tim Chittom, CAL.

* **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 notes Ms. Boeneke, part time employee, has been out of the office on sick leave due to recent surgery, but is expected to return soon.

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

Ms. Oliver reports Dr. VanBreemen had reviewed 25 seminars since the last meeting; and that 2 seminars require full Board review as follows:

Request received from FCA to review the seminar “NW Regional Convention co-sponsored with TCC for CE credits. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to approve for 67 hours. With no objections, motion carries unanimously.

Request received from Rock Tape for the program entitled “Functional Movement Techniques”. Motion made by Dr. VanBreemen, seconded Dr. Turk, to approve the course for CE. With no objections, motion carries unanimously.

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**OLD BUSINESS:**

Continued discussion on several inquiries received about parameters of the **internship** program and language contained in LSA R.S. 37:2805.A and 37:2806.B. Ms. Oliver asked to conduct a nationwide survey for internship parameters and guidelines through the FCLB and position of malpractice carriers. Jeddie Smith requested to conduct legal research on this matter and then perhaps an opinion will be requested from the AG’s office, then craft a declaratory statement to clarify “intern duties”. This matter pending until all info is received from national state survey.

Continued discussion held on the request from LA Massage Therapy Board relative to chiropractic businesses offering “**massages**”.

**NEW BUSINESS:**

Request received from **Richard Duplantis, D.C**., Lafayette, LA, if chiropractors can perform “EKG’s” in the chiropractic office. The Board notes this procedure can be performed.

Record will note **Shay Corbin, D.C.,** Baton Rouge, LA, is in the audience.

Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to amend the posted agenda to address items received after agenda was prepared and mailed. “”. Roll call vote: Rollette: Yes; Martello – Yes; Cavanaugh – Yes; Kruse – Yes; VanBreemen – Yes; Zeagler – Yes. With 7 yeas, 0 nays, agenda is amended.

Request received form **Teresa DeJournette, DC**, South Lake Tahoe, NV, to waive the “inactive” license renewal fee and the notary fee due to financial hardships. Motion by Dr. Kruse, seconded by Dr. VanBreemen, to waive the “inactive” renewal fee, but will require the notary fee. With no objections, motion carries unanimously.

Request received from **Andre’ Broussard, D.C.,** Houston, TX, to be granted a “RM” waiver and to accept the hours he attended put on by TCA which contained RM. Motion made by Dr.

Request received from **Gail Letterle, D.C**., Lafayette, LA, for an extension to obtain the additional 3 hours of RM. Motion made by Dr. VanBreemen, seconded by Dr. Turk to grant a 90-day extension to obtain the proper CE hours. With no objections, motion carries unanimously.

Request received from **Wilton Guillory, D.C.,** Alexandria, LA, for an extension to obtain the required 15 hours of CE as he encountered personal hardship as explained in his letter to the Board. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to grant a 90 day extension contingent upon receiving proof of circumstances described with IRS, clerical staff, report from the “forensic CPA” and documentation from child’s medical doctor regarding circumstances described in Dr. Guillory’s request with all to be received before the 12/31/2017 renewal deadline. With 5 years, 1 nay, motion carries.

PowerPoll request received from **FCLB** regarding if Bio-Electric-Energy-Regulation (**BEMER**) is within the scope of practice. The Board notes this is within the scope.

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Dr. Kruse notes an article in the “**Professional Licensing Report**” regarding the US Court of Appeals 5th circuit ruling on the **specialty advertising** of dentists. Dr. Kruse would like to discuss this at the next meeting.

**Kris Frankenberg, D.C**., Lafayette, LA, request a “reciprocity certificate” from the Board. It is noted there is no such item and that Dr. Frankenberg was mailed a “letter of eligibility” for the January 2018 exam.

Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to amend the order of the posted agenda to address “**background check reports received**”. Roll call vote: Rollette: Yes; Martello – Yes; Cavanaugh – Yes; Kruse – Yes; VanBreemen – Yes; Zeagler – Yes. With 7 yeas, 0 nays, agenda order is amended.

Ms. Oliver provides redacted copies of background reports received on 4 licensure applicants. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to hold an “executive session” to discuss “background reports” and to interview candidates relative to background report info. Roll call vote: Rollette: Yes; Martello – Yes; Cavanaugh – Yes; Kruse – Yes; VanBreemen – Yes; Zeagler – Yes. With 7 yeas, 0 nays, “executive session” is initiated.

(-------- EXECUTIVE SESSION--------------------)

Motion made by Dr. Kruse, seconded by Dr. Martello, to accept the application of P1 Applicant Kelly. With no objections, motion carries unanimously.

Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the application of P2 Applicant Williams. With no objections, motion carries unanimously.

Motion made by Dr. Martello, seconded by Dr. Turk, to accept the application of P3 Applicant Howard. With no objections, motion carries unanimously.

Motion made by Dr. VanBreemen, seconded by Dr. Martello, to accept the application of P4 Applicant Duncan. With no objections, motion carries unanimously.

Relative to the licensure application, questions 19, and 20, motion by Dr. Martello to revise questions 19 & 20 to simplify the questions. Motion fails for “lack of a second”. More discussion noted that the questions will be revised as follows and a new question 21 relative to records expungement will be crafted and approved by Mr. Smith:

*(19) Have you ever been arrested? Yes No If yes, explain and attach documentation.*

*(20) Have you ever been convicted? Yes No If yes, explain and attach documentation.*

*(21) Has there ever been any expungement of records relating to you? Yes No If yes, explain and attach documentation.*

**Upcoming Events:**

* Annual license renewal deadline, 12/31/2017.
* Next Board Meeting, 01/18/2018, time to be announced.
* FCLB Annual National Conference, 05/02-06/2018, Dallas, TX
* NBCE’s Part IV Test Administration (nationwide), 05/18-20/2018.

Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to adjourn. With no objections, motion carries unanimously.

MEETING ADJOURNED AT APPROXIMATELY 12:02 p.m.