LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JULY 22, 2021**

Members Present: Dr. Ned J. Martello, President; Dr. Mark B. Kruse, Vice-President Dr. R. Buckley

VanBreemen, Secretary-Treasurer; Dr. Michael Cavanaugh; Dr. Denise Rollette;

Dr. Michael Traxler; Ms. Peggy Anselmo.

Members Absent: None.

Staff 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; Harold Ehrenberg, D.C., Covington, LA.

Meeting called to order at 8:35 a.m., Dr. Ned Martello, President, presiding.

The **minutes** of the 04/15/2021 meeting were mailed to all Board members. Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to approve the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:** None.

**INTEGRITY CHECK:** Ms. Oliver notes being contacted by a licensee asking to consider a different licensure exam date in 2022 for a family member. Dr. Martello notes he received a similar request from the same license

**STANDING COMMITTEE REPORTS**

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

Dr. Cavanaugh reports an agreed settlement totaling $850.00 each offered for **Complaint #1447 and Complaint # 1448** for uncertified x-ray employees in each complaint. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the agreed settlement of $850.00. With no objections, motion carries unanimously.

Relative to possible uncertified employee taking x rays in **Complaint # 1457**, Dr. Cavanaugh offers an agreed settlement of $500.00. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the settlement agreement of $500.00. With no objections, motion carries unanimously.

Relative to possible uncertified employee taking x rays in **Complaint # 1457**, Dr. Cavanaugh offers an agreed settlement of $500.00. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the settlement agreement of $500.00. With no objections, motion carries unanimously.

Dr. Cavanaugh reports an agreed settlement totaling $850.00 each offered for **Complaint #1464 and Complaint # 1465** for uncertified x-ray employees in each complaint. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the agreed settlement of $850.00. With no objections, motion carries unanimously.

Relative to delinquent license renewal, **Complaint # 1481**, motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to accept a consent agreement of $500.00. With 6 yeas, no nays, motion carries unanimously.

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

**Financial statements** for April, May, and June 2021 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.

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. Cavanaugh, seconded by Ms. Anselmo, to accept the log as presented. With no objections, motion carries unanimously.

**CD report:**  No new activity.

Relative to the **‘deposit trends”** report, Ms**.** Oliver presented new info since the last board meeting.

Relative to “**Financial Planning**”, Dr. Kruse reported he has been working on numbers relative to board fees and should have some new information for the next meeting.

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* **PEER REVIEW COMMITTEE REPORT by Dr. Martello:** No activity to report.
* **STANDARDS & PRACTICES by Dr. Traxler:**  No activity to report.
* **LAW & LEGISLATION:**

Ms. Oliver *reminds* all board members and staff of annual requirement to take the state **Ethics** course by 12/31 annually and to submit proof of completion to the Board. She is happy to report that all Ethics certificates have been received.

Ms. Oliver *reminds* all board members and staff of annual requirement to take the state **Sexual Misconduct** course by 12/31 annually and to submit proof of completion to the Board. She currently reports one board member and all staff have completed the course.

Continued discussion held by Ms. Oliver on requirements of “**background check**” suggestions from meetings with the FBI and other law enforcement agencies. Ms. Oliver notes once a person is in the background check system, future reports should be submitted to any agency that has previously made a request. Major discussion held on pros and cons of requiring background checks on all licensees. The Board requests a “**power poll”** be conducted to determine what states are requiring background checks. Matter to remain on the agenda for further discussion.

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

Ms. Oliver notes **testing procedures** utilized as result of pandemic requirements and restrictions for meetings and testing offerings will continue to be utilized until further notice as discussed with Dr. Martello.

Dr. Martello and Dr. Cavanaugh will attend the **NBCE Part IV** test at Life College, Marietta, GA, in

May, 2021. Another offering should be held in November 2021. More info to follow.

* **ADMINISTRATIVE OVERSIGHT:**

Current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver** since last board meeting were reviewed and approved by Dr. VanBreemen**,** and 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 all paperwork and leave records are in order and documented.

* **OFFICE PERFORMANCE INDICATOR REPORT:** Office activity/work product 04/13/2021 – 07/22/2021:
* Phone calls received: 395
* Licensure Application packets requested & mailed: 10
* New Licenses Issued: 5 ($1000.00)
* Complaints Filed & Opened: 8
* Complaints closed: 13
* DC license renewals received & processed: 1 (~$200.00)
* DC license renewals returned as “incomplete” or “missing CE”: -0-
* Delinquent license renewal fees paid: -0-
* License verifications processed: 437 (~$21850.00)
* New X-ray certificates issued: 30 ($2250.00)
* X-ray certs renewed: 289 ($7225.00)
* Public records requests: -0-
* Subpoenas received: -0-
* Seminars reviewed: 66 (~$4950.00)
* CE locate requests received: 24
* List requests received and processed: 18 (~$2500.00)
* National licensee alerts received and logged: 5
* Peer Review Requests: -0-
* Dry Needling certificates issued: -0-
* Duplicate Licenses Issued: 1 ($25.00)
* Travel to Treat temporary license: -0-
* License Renewal Cards Purchased: -0-
* Seminars posted to webpage: 66
* Blue Books purchased: -0-
* **GENERAL CORRESPONDENCE**:

None to discuss.

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

Dr. VanBreemen reports he has reviewed **66** seminars since the last meeting. 2 seminars submitted require full board review as follows:

Submission from “CAL” for program entitled “**Annual Convention”**– not all instructors on postgraduate faculty. Motion made by Dr. VanBreemen, seconded by Dr. Traxler, to approve the course for CE credit. With no objections, motion carries unanimously.

Submission of program for 16 hours entitled “**Intricate Spine & Body Solution – Intricate Art Lumbo Pelvic Dry Needling**” by CAL with instructor not on post grad. Dr. VanBreemen, notes the dry needling hours can only be utilized for CE. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to approve the course. With 4 yeas, 2 nays and 1 abstention, the motion carries.

**OLD BUSINESS:**

Discussion requested by Dr. Kruse, CAL and Quentin Briscoe, D.C., Lafayette, LA on possibility of Board providing “**real time license verifications**” to hospitals, due of alleged inability of a hospital to verify a licensee over a weekend to order a diagnostic test. Dr. Kruse this would facilitate medical referrals to chiropractors. Ms. Oliver and Dr. Kruse notes several vendors have been contacted and job quotes and services are being secured. Matter to remain on the agenda.

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Continued discussion on “**telemedicine**” is held. Dr. Kruse has Kansas telemedicine language and his handout. Motion made by Dr. Traxler, seconded by Dr. Rollette, to accept second option in handout which states,

*“Telehealth means a mode of delivery of healthcare services that utilizes information and communication technologies to enable the diagnosis, consultation, treatment, education, care management and self-management of patients at a distance from the healthcare provider. Telehealth includes asynchronous, store and forward transfer, and synchronous means of communication. Telehealth shall not include consultations provided by telephone audio only, but by email, text message, instant messaging conversation, website questionnaires or non-secure video conference and facsimile machine.*

Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to accept the position as a declaratory statement to go into effect today. With no objections, motion carries unanimously.

The continued discussion of “**telehealth practice and relative questions**” as requested by **LaKendria Hawkins, D.C**., Longville, LA, is held. These questions are regarding performance of a visual postural analysis or ROM and what is/are “prohibited activities” in regard to “telehealth” was researched by Dr. Kruse. Response to be sent to Dr. Hawkins that 1) YES, the chiropractic license covers the entire state of Louisiana in terms of practicing telehealth; 2) Dr. Hawkins can operate a telehealth practice only and refer patients to chiropractors in that patient’s area. “Anything that would require physical contact”; 3) Yes, there are specific CPT codes for telehealth visits; 4) Yes, she is are allowed to perform a visual postural analysis or ROM; and 5) she is not allowed to perform any thing that would require physical contact.

Continued discussion on previous correspondence received from CAL and J. Steven Caraway, D.C., Lake Charles, LA, President of CAL, requesting a “**declaratory statement**” relative to the ability of DC’s for diagnosis and perform or order test that involves conditions associated with the functional integrity of the spine. Ms. Oliver notes no receipt of any proposed language. Mr. Chittom will submit language to the Board and matter to be discussed at the next meeting.

Electronic and technology **update of office equipment** discussion continued. Information provided by Ms. Oliver regarding the board’s webpage, the board’s computer equipment, E-commerce, and electronic updating of office equipment. Presentation made by Mr. Bob White, Essential Computer, regarding updating the systems. Motion made by Dr. Traxler, seconded by Dr. Rollette, to allow Ms. Oliver and Dr. Kruse to make decision regarding equipment procurement together. With no objections, motion carries unanimously.

**NEW BUSINESS:**

Presentation of **2022 license renewal form** draft by Ms. Oliver. Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to add the phrase, “even if those………” the renewal form as well as the licensure application form and further, to bold the word “**OR**” relative to arrests and convictions questions. With no objections, motion carries unanimously.

Relative to the “**staffing of the Board office**”, request and discussion from Ms. Oliver to petition LA Department of Civil Service to allow the Board another part-time employee position. Currently, the Board has 2 full time positions and one part time position. Necessity of another parttime employee discussed and some dialog about if another part time employee is needed since the Board office equipment will be updated. Motion made by Dr. VanBreemen, seconded by Dr Martello to seek approval for another parttime employee position from Civil Service.

Request received from **Teresa Cardwell, D.C**., Sunny Isles, FL, for a waiver of CE hours. Motion made by Dr. Cavanaugh, seconded by Dr. Rollette, to waive the hours. With no objections, motion carries unanimously.

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Ms. Oliver notes the **Board office lease** will expire 09/30/2021. The building owner, Mr. Charles Cramer, has offered a new lease of $2600.00/month with a possible 5% CPI rate factor. Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to accept the lease presented with request to remove the 5% CPI factor but if he does not agree, to accept the lease as presented.

Receipt of registration information for the upcoming **Federation Association of Regulatory Board**s regulatory law conference to be held in Nashville, TN, 10/01-03/2021. Discussion to allow only one person, Dr. Martello, to attend. Dr. Martello states he can lodge with a family relative if the Board will pay the registration fee. Motion made by Dr. Kruse, seconded by Dr. Traxler, to allow Ms. Oliver and Dr. Martelo to attend, only paying the registration fee for Dr. Martello his lodging will not be an expense. With no objections, motion carries unanimously.

Discussion about “**automation of office**” by Dr. Martello. He would like to suggest use of a postage meter machine and also purchase of new signs for the office door. Ms. Oliver notes the **postage meter machine** must be leased. Ms. Oliver to purchase **new signs** to replace the ones previously made by Ms. Hebert-Schmidt on the computer at the Board office.

**Annual Board Elections:**

Dr. Martello opens the elections for nomination to the office of “**president**”. Dr. VanBreemen nominates Dr. Kruse. Hearing no other nominations, Dr. Martello declares Dr. **Kruse** as “president” by acclamation.

Dr. Kruse opens elections for nomination to the office of “**vice president**”. Dr. Martello nominates Dr. Cavanagh for office of “vice president”. Hearing no other nominations, Dr. Cavanagh is declared “vice president” by acclamation.

Dr. Kruse opens the elections for nominations to the office of “**secretary-treasurer**”. Dr. VanBreemen nominates Dr. Martello for office of “secretary-treasurer”. Dr. Kruse nominates Dr. Traxler to office of “secretary-treasurer”. Dr. Traxler respectfully declines the nomination. Hearing no other nominations, **Dr. Martello** is declared “secretary-treasurer” by acclamation.

**Upcoming Events:**

* X-ray proficiency certification renewal deadline, 07/31/2021.
* NBCE Part IV Testing, nationwide, 11/12-14/2021.
* Next Board Meeting, 10/21/2021, time to be announced.
* Annual license renewal deadline, 12/31/2021.

Motion made by Dr. Cavanagh, seconded by Dr. VanBreemen, to adjourn. With no objections, meeting is adjourned at approximately 12:15 p.m.