LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – april 14, 2011**

Members Present: Dr. Michael Cavanaugh, President, Dr. Mark Kruse, Vice President; Dr. Wynn Harvey; Dr. Jon Zeagler; Dr. David Barczyk ; Note: Dr. Ned Martello

Members Absent: Dr. R. Buckley VanBreemen

Staff Present: Patricia A. Oliver, Executive Director

Legal Counsel: Emily Boyce, Attorney General, Attorney General’s Office, Baton Rouge, LA.

Audience: Dawn Matthews, Office Manager of Dr. Wynn Harvey’s Chiropractic Clinic; Rob Furman, CPA

Meeting called to order at 08:35 a.m., Dr. Michael Cavanaugh, President, presiding.

The **minutes** of the o4/14/2011 meeting were mailed to all Board members. Dr. Kruse wishes to have a change on page 4, Motion made by Dr. Barczyk, and seconded by Dr. Zeagler. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for January 2011 and February 2011 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Kruse, seconded by Dr. Barczyk, to accept the statements. With no objections, motion carries unanimously.

**Rob Furman, CPA,** to bepresent at the Boards request to answerquestions they had on the Audit Report from 2009-2010 that was furnished by his company.

**RECESS AT 09:03 AM FOR LICENSURE EXAM**

**BACK IN SESSION AT 10:16 AM**

**CD report** was given by Ms. Oliver, due to Dr. VanBreeman’s absence, reported that 3 CD’s have matured since our last meeting and that they were renewed for 12 to 18 months by the request of Dr. VanBreeman.

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

Nothing to report at this time.

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

Dr. Harvey addressed the Board for their opinion on event bonus. He is currently working on a complaint that involves this situation. It is the Board’s opinion that this falls under “Patient Referrals: which is currently on the website as a practice alert.

Dr. Harvey also motioned the Board to start doing background checks on all incoming new applicants and those that may need to re-apply; with a 2nd by Dr. Zeagler for more discussion. The board decided to have Dr. Kruse and Dr. Zeagler to prepare the proper language and get into law. Motion made by Dr. Kruse and seconded by Dr. Zeagler, with all ayes’s the motion carries.

Dr. Harvey has settled three complaint cases since the last meeting. For complaint #960 he has made a settlement agreement for $350.00 due to advertisement violation. He motions the board to accept; with a second by Dr. Kruse and no objections the motion is carried. The second complaint #961, Dr. Harvey has reported that he reached an agreement with the licensee to relinquished their license, and have them pay a fine of $5000 fine when he is released out of jail, and that he could re-apply for licensure. Dr. Kruse seconded and no objections were made the motion was carried.

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

No current activity at this time.

* **LAW & LEGISLATION:**

100 Hour Certification & 300 Hour Specialty Register Rules changes were prepared by Dr. Kruse. Ms Freel also finishes preparing the rule language for Ethics & Sexual Conduct. A motion to accept rules by Dr. Kruse to publish, and begin rule process, and with a second by Dr. Harvey and no objections the motion was carried.

* **ADMINISTRATIVE OVERSIGHT:**

Due to Dr. VanBreeman’s absence this has been post-pone for the next meeting in June for him to give his report.

* **GENERAL CORRESPONDENCE:**

**NBCE Ethics & Boundaries Exam** – Ms. Oliver informed the Board that the NBCE sent out correspondence letting all the boards know that they will be changing the format for the test processing.

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**NBCE Part III Test Committee** – Dr. Zeagler discussed with the Board his time at the meeting. He explained how the whole testing process is developed. He also stated that it is very high tech and organized.

**Affiliated Monitors, Inc. Impaired Physicians Program** – They wanted to let the Board know that they are still offering their services.

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

Ms. Oliver informed the board that Dr. VanBreeman reviewed 50 seminars since our last meeting. She also brought before the board 3 seminars by Dr. VanBreeman’s request due to his absence, that they needed full board approval. The first one is “New Mexico Chiropractic Association 2011 Annual Convention” which is sponsored through New Mexico Chiropractic Association. This one is being brought to the board attention due to all speakers were not on post-graduate faculty. Motion made by Dr. Kruse to accept and seconded by Dr. Harvey, with no objections the motion carries. The second one is “Technique & Case Mgmt for the Pediatric Patient” which is sponsored by CAL. This one is being brought to the board attention because the instructor is not on post-graduate faculty. Motion made by Dr. Kruse to accept and seconded by Dr. Barczyk, with no objections the motion carries. The third one is “Ergonomics Assessment Certification Workshop” which is sponsored by Back School of Atlanta. This one is being brought to the board attention because the instructors are not on the post graduate faculty. Motion made by Dr. Kruse and seconded by Dr. Barczyk, with no objections the motion carries.

* **OLD BUSINESS:**

Upcoming FCLB Convention – Ms. Oliver informs the board that Dr. Harvey, Dr. Martello and herself will be attending the convention in May.

Ms. Oliver requests the board to make a motion for her to be able to read a statement that she received from Dr. Salzenko that was received since the last meeting. Motion made by Dr. Harvey and seconded by Dr. Zeagler, with no objections the motion carries. No public comment. Dr. Salzenko would like permission to apply for other states licensure. The board advised Ms. Oliver to send him a letter in response stating that they

do not have any jurisdiction over the other states. That he will have to contact each board and find out their requirements for licensure.

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* **NEW BUSINESS:**

**LA PT BD** sent in a request for the board to take a look at the advertisement of “Physical Therapy” & “Physiotherapy”. The board advises Ms. Oliver to send letter for them to look at the previous letter that was sent by the board in regards to this subject matter.

**LA Dept. of Insurance**, Annual Health Care Conference – Ms. Oliver informed the board that their conference is coming up and they are looking for someone to attend. The board agreed to let Ms. Oliver attend.

**Stewart Fresh, D.C.** sent in a scope inquiry for “Dry Needling”. The board instructed Ms. Oliver to send him a letter that it does not fall in the scope of a chiropractic practice, and that he should consider speaking to his state association in regards to getting changed in the laws.

**Advanced Imaging of Lafayette** submitted a request for a scope inquiry if chiropractors can order MRI’s with or without contrast injections. The board advised Ms. Oliver to send a letter letting them know that it is within the scope for a chiropractor to order the test either way.

**Jerrilynn Primeaux, D.**C. – sent in a request if the certification course she took in Kineso Taping meets the criteria for a Specialty Register. The board advised Ms. Oliver to send a letter letting her know that at this time it does not meet the criteria; however they are in the process of changing the rules on the criteria for a Specialty Register and that if she can wait until then the course would qualify.

**Brad Grizzaffi, D.C**. – submitted a request if he could use “I-Lipo Laser System”. Based on the information received was not enough for the board to make a decision at this time. They decided to move it over to the Standards & Practices committee for further research.

**Bax Aura System** – Dr. Cavanaugh received a phone call inquiring if the use of

The “Bax Aura System” is something that would be relative to the scope of chiropractic. The board moved this to the standards & practices committee for further research and to be discussed at the next meeting.

**Paul Tassin, D.C. –** submitted request to the board if DOT physical exams are within the scope of practice for a chiropractor.

**Richard McElveen, D.C.** – sent in request to have his delinquent license renewal fee waived. Motion made by Dr. Harvey deny the request for the waiver, but the late fee of $250.00 be made within 30 days. With a second by Dr. Kruse and no objections the motion carries.

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Kerry O’Neil, D.C. – submitted request to have his RM requirements waived for the 2011 licensure. Motion made by Dr. Martello to accept. With a second by Dr. Harvey and no objection the motion carries.

Motion made by Dr. Kruse to amend the Agenda for items that came in after the Agenda was posted. Seconded by Dr. Zeagler, with no objections the motion carries.

Members Present: Dr. Michael Cavanaugh, President, Dr. Mark Kruse, Vice President; Dr. Ned Martello; Dr.Wynn Harvey ; Dr.Jon Zeagler; Dr. David Barczyk

Members Absent: Dr. R. Buckley VanBreemen

Staff Present: Patricia A. Oliver, Executive Director

Legal Counsel: Emily Boyce, Attorney with the Attorney General’s Office, Baton Rouge, LA.

Audience: Dawn Matthews, Office Manager of Dr. Wynn Harvey’s Chiropractic Clinic

**Nancy Gravel, D.C**. – sent in request if equipment is allowed to be used for chiropractic care. The board advised Ms. Oliver to send letter stating that yes you can use it; however she will need to check with the appropriate sources for CPT codes to use.

**Michael Fontenot, D.C**. – sent in request if he could transfer his application fee from the January exam to the April exam. Motion made by Dr. Harvey to allow. With a second by Dr. Martello and no objections the motion carries.

Dr. Harvey brought to the boards attention that he has been made aware of some attendance issues through a complaint at some of our local associations. He would like the board to come up with some recommendations or policy on how this should be handled. After discussion, the board advised Ms. Oliver to send a letter to all the local associations that they have been recently made aware of some fraudulent activity on proper use of the sign in and sign out sheets for the continuing educational seminars. The board is now requiring you to submit all sign in/sign out sheets after each seminar that is held. The board also advised that Ms. Oliver to send to each doctor that is involved in the possible fraudulent behavior to bring forward any information in regards to this matter, and that if found in violation that their license will be revoked.

Ms. Oliver informs everyone that the next Board Meeting is June 14, 2011

Motion made to adjourned meeting by Dr. Harvey, and seconded by Dr. Kruse with no objections the meeting is adjourned at approximately 12:08pm