LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – July 31, 2014**

Members Present: Dr. R. Buckley VanBreemen, President; Dr. Ned J. Martello, Vice-President; Dr. David Barczyk – Secretary-Treasurer; Dr. Michael Cavanaugh, Dr. Wynn Harvey, Dr. Jon E. Zeagler.

Members Absent: Dr. Mark B. Kruse.

Staff Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: Angelique Freel, Asst. Attorney General.

Audience: Kathy Chittom, CAL.

Meeting called to order at 8:38 a.m., Dr. R. Buckley VanBreemen, President, presiding.

The **minutes** of the 06/12/2014 meeting were mailed to all Board members. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to accept the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

Ms. Freel notes she is involved in a court case for which she will be required to be present sometime this morning and will be necessary to leave as soon as possible. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to change the order of the posted agenda to discuss topics wherein Ms. Freel may be needed. Roll call vote: Harvey – Yes; Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; Barczyk – Yes; VanBreemen – Yes. With 6 yeas, 0 nays, motion carries unanimously and agenda order is amended.

**STANDING COMMITTEE REPORTS**

* **LAW & LEGISLATION:**

Relative to “**dry needling**” rules, inquiry is made to Ms. Freel regarding timetable on release of the AG’s opinion which was requested by the LA Medical Examiners Board. The Attorney General’s opinion should be released in near future. Ms. Freel notes she is not “attorney of record” relative to the opinion request since she is the Board’s attorney.

Relative to “**dry needling**” course attended and possible “certification roster”, Ms. Chittom gives copies of attendance vouchers for those licensees who attended “dry needling” classes in conjunction with CAL. Ms. Oliver requests a roster of those attended be given to the Board office in place of individual attendance vouchers.

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* **TESTING**:

Blinded background check paperwork is presented to the Board for review. Relative to **Applicant Smith**, motion made by Dr. Barczyk, seconded by Dr. Zeagler, to allow the applicant to sit for the upcoming licensure exam. With no objections, motion carries unanimously.

Relative to **Applicant Francis**, Ms. Oliver directed to request the applicant to submit the “formal pleading” to the Board regarding dismissal of charges in Texas. Motion made by Dr. Barczyk, seconded by Dr. Martello, with receipt of proper court records and successful passage of the licensure exam, the license can be issued. With no objections, motion carries unanimously.

Relative to **biannual licensure exam** to be administered to day, Ms. Oliver notes 18 candidates have applied. Registration for the exam scheduled to begin at 9:00 a.m.

The Board recesses for testing at 9:26 a.m.

The Board reconvenes the meeting at 10:35 a.m.

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

**Financial statement** for June 2014 was prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Zeagler, seconded by Dr. Barczyk, to accept the statements as prepared. With no objections, motion carries unanimously.

**CD report** was given by Ms. Oliver and Dr. Barczyk. No CD’s to renew at this time.

Ms. Oliver notes the **annual audit**, FY 2013-2014, has been scheduled by contract auditor, Robert Furman, to begin in August.

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

Dr. Martello reports a PR committee meeting was held 07/22/2014 to review **PR 2014-01**. PR Committee members in attendance were Dr. Martello (chairman), Dr. Jeff Ripple, Dr. Patrick Bourque, Dr. Carol Beutler and Dr. Robert Smith. The findings of the committee were recorded by Dr. Martello, Ms. Oliver prepared the report from Dr. Martello and the report was issued to all parties involved as well as the Board.

Dr. Martello notes he has had difficulty in securing a quorum to conduct PR business and recently reviewed attendance records of the **PR committee members**. To that end, he issued a letter to the committee members and is, at this time, requesting a possible new PR member be suggested and considered. Dr. Zeagler would like to nominate Dr. Tim Green, Farmerville, LA and/or Dr. Lyndon Carpenter, Farmerville, LA. Dr. Cavanaugh would like to nominate Dr. Matthew Cavanaugh, Lafayette, LA. Dr. Barczyk would like to nominate Dr. Ryan Vidrine, New Iberia, LA and Dr. Martello would like to nominate Dr. Ron McMorris, Walker, LA. Ms. Oliver directed to send a letter to **Dr. Brad Kirzner**, Alexandria, LA, thanking him for his service to the PR Committee.

Dr. Martello and Ms. Oliver discuss the current **PR review fee**, $450.00, for review of each case. Ms. Oliver presented info on costs to review the last PR case which illustrates that the current PR fee does not cover costs of review and PR member compensation of per diem and mileage as noted in the PR rules which state “all costs of the PR committee will be paid for by fees generated by PR fees collected”. Motion made by Dr. Barczyk, seconded by Dr. Cavanaugh, to raise the PR fee to $1000.00 for each review to insure all costs incurred to conduct PR reviews be covered. With no objections, motion carries unanimously.

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

No report at this time.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. VanBreemen reviewed the leave records for the employees and stated all leave records of **Ms. Oliver** and **Ms. Hebert-Schmidt** are in order.

The annual **salary review** was “tabled” from the June meeting due to Dr. Barczyk’s absence and the lack of the ability of the AOC to review the salary info requested of Ms. Oliver. Currently, however, Dr. VanBreemen reports the “Administrative Oversight Committee” met and reviewed the salary info compiled by Ms. Oliver from Civil Service records as he requested. The AOC, composed of Dr. VanBreemen (Board President), Dr. Kruse (immediate past president) and Dr. Barczyk (Secretary-Treasurer) made recommendations to grant Ms. Hebert-Schmidt a 4% salary increase, to grant Ms. Oliver a 2% salary increase and to grant, Ms. Boeneke (part-time employee) a $.0.50/hour increase (approximately 4%). Motion made by Dr. Martello, seconded by Dr. Zeagler, to accept the recommendations of the AOC. With no objections, motion carries unanimously.

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

Dr. Harvey notes several new advertising complaints initiated as a result of the **website review**.

Dr. Harvey reports on **advertising** utilized by **multidisciplinary clinics** and discusses with whom the responsibility for the advertising rests. Dr. Harvey states it is his position if a DC name is on the advertising, then that DC is responsible but he has encountered responses such as “I’m just an employee of the clinic” and therefore “…not responsible for advertising”. Ms. Freel states a licensee cannot circumvent the law by “hiding” under another profession’s laws and rules.

* **SEMINAR REVIEW by Dr. Barczyk:**

Ms. Oliver reports Dr. Barczyk reviewed 35 seminars since the last meeting, however, 6 seminars review request requires full Board review due to all speakers not on post graduate faculty as follows:

Request from **CAL** to review the seminar entitled, “CAL Annual Convention”. Dr. Barczyk notes the speaker is not on post grad faculty. Motion made by Dr. Barczyk, seconded by Dr. Cavanaugh, to approve the seminar for CE credits. With no objections, motion carries unanimously.

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* **SEMINAR REVIEW (continued) by Dr. Barczyk:**

Request received from **Northwestern Health Sciences University** to review the seminar entitled, “Clinical Mastery of the Low Level Laser” seminar for CE credits. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to approve the seminar. With no objections, motion carries unanimously.

Request received from the **Integrative Dry Needling Institute** to approve a course entitled, “Integrative Dry Needling for Pain Management and Sports Rehabilitation” (27 hour course). Dr. Barczyk notes the speaker is not on post grad faculty. Motion made by Dr. Barczyk, seconded by Dr. Zeagler, to approve the seminar for CE credits. With no objections, motion carries unanimously.

Request received from the **Dr. Ma’s Systemic Dry Needling** to approve a course entitled, “Dr. Ma’s Systemic Dry Needling for Sports Performance”. Paperwork does not specifically state whether this is a 24 hour course or a 27 hour course. Board will require more information relative to if the course was “basic” or “advanced” course being taught.

Request received from **Northwestern Health Sciences University** to review the seminar entitled, “Light Up Your Practice” seminar for CE credits. Motion made by Dr. Barczyk, seconded by Dr. Cavanaugh, to approve the seminar. With no objections, motion carries unanimously.

Request received from **Standard Process** to review the “Healthy Woman” seminar for CE credits. Motion made by Dr. Barczyk, seconded by Dr. Zeagler, to approve the seminar. With no objections, motion carries unanimously.

* GENERAL CORRESPONDENCE:

None.

**OLD BUSINESS:**

Relative to the ongoing “**web page advertising review**” of all licensees, Ms. Oliver reports Dr. Harvey has completed review of the entire list generated.

Continued discussion relative to request received from **Irshan Chaudary, D.C**., Lake Charles, LA, if he can administer “vitamins, minerals, and/or herbs (anything natural) by IV” to a patient for a condition under the scope of chiropractic. Ms. Oliver notes Dr. Kruse requested, due to his absence, this matter be “tabled” until the next meeting. Dr. Kruse has contacted Dr. Chaudary and is gathering information.

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Continued discussion on reinstatement request of **Kent Plambeck, D.C**., Arlington, TX. Ms. Oliver notes Dr. Plambeck has responded to the Board’s inquiry and has requested each state licensing board where he holds or has held chiropractic licenses to supply LV info to the Board. She notes all states have responded except CA, and she has presented a chart she prepared listing each state and his license status. Motion made by Dr. Zeagler, seconded by Dr. Barczyk, to accept the responses and info supplied relative to Dr. Plambeck’s license reinstatement and, upon receipt of the CA information, reinstate the license. With no objections, motion carries unanimously.

Ms. Oliver notes recent receipt of email correspondence from Mr. Patrick Henry, attorney representing **Jeff Salczenko, D.C**. Motion made by Dr. Zeagler, second by Dr. Harvey, to amend the agenda to consider the correspondence from Dr. Salczenko’s attorney as well as complaint info on multidisciplinary clinics from Dr. Harvey. Roll call vote: Harvey - Yes; Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; Barczyk – Yes; VanBreemen – Yes. With 6 yeas, 0 nays, agenda is amended.

Ms. Oliver notes receipt of an email yesterday from Mr. Patrick Henry, attorney for Jeff Salczenko, D.C., which she has shared with the Board and Ms. Freel as the content of the letter does not seem to accurately reflect the Board’s position from the 06/12/2014 meeting. Ms. Freel notes there seems to be a pattern of submission of requests in that the requests are usually sent to the Board less than 24 hours prior to a Board meeting. Ms. Oliver instructed to provide a copy of the 06/12/2014 Board Minutes to Mr. Henry. Further, Dr. Zeagler would like Ms. Oliver to review the board meeting audio tape to confirm discussion of Board and Mr. Henry since there are differing opinions.

**NEW BUSINESS:**

Ms. Oliver notes she is in the process of creating the annual Board **newsletter** and is requesting the information from each board member to be submitted ASAP. Assignments as follows: Peer Review article – Martello; Law &Legislation – Zeagler; Testing – Cavanaugh; Seminar – Zeagler; Past President letter – VanBreemen.

Ms. Oliver notes the **FCLB District 3 and 5** conference is scheduled for September 4-7, 2014. Those interested in attending should make intentions known soon so best possible travel rates are secured. Board members interested in attending are Dr. Cavanaugh, Dr. Martello, Dr. Harvey, and Dr. Kruse.

Request received from **Ryan Pollard, D.C**., Marietta, GA, relative to the applying the application fee he submitted for the July exam be applied to the October exam. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to allow the fee to be utilized for the October exam. With no objections, motion carries unanimously.

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Ms. Oliver notes the current **licensure renewal form** should be reviewed. It is noted this will be discussed at the next meeting. The question, “A*re you practicing “dry needling?”* will be included on the next renewal form.

Relative to the “**blue book**” (laws and rules statutes book compiled by the Board), Ms. Oliver would like to change the format to the double columnar format for coincide with the Administrative Code’s format. The Board approves this change.

Request received from **Adam Hebert**, D.C., Pineville, LA, for an advertisement review. Several issues are discussed and it is agreed that Dr. Harvey will review the advertisement with Dr. Hebert.

Ms. Oliver notes **David Duhon**, D.C., Lake Charles, LA, is in attendance at the Board meeting.

**Annual Board Elections**:

Dr. VanBreemen requests nominations for the office of “**secretary-treasurer**”. Dr. Harvey nominates Dr. Zeagler. Hearing no other nominations, Dr. VanBreemen closes the nominations and announces Dr. Zeagler is “secretary-treasurer” by acclamation.

Dr. VanBreemen requests nominations for the office of “**vice president**”. Dr. Cavanaugh nominates Dr. Martello. Hearing no other nominations, Dr. VanBreemen closes the nominations and announces Dr. Martello is “vice president” by acclamation.

Dr. Martello, as Vice President, requests nominations for office of “**president**”. Dr. Martello nominates Dr. Harvey for the office of President. Hearing no other nominations, Dr. Martello closes the nominations and announces Dr. Harvey is “president” by acclamation.

**Upcoming Events:**

* Next Board meeting, 10/09/2014
* Additional licensure exam offering, 10/09/2014, time to be announced.
* NBCE Part IV exam administration, 11/14-16/2014, nationwide test sites.
* Annual license renewal deadline, 12/31/2014.

Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen to adjourn. With no objections, meeting is adjourned.

MEETING ADJOURNED AT APPROXIMATELY 12:10 p.m.