LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – DECEMBER 13, 2018**

Members Present: Dr. Mark B. Kruse, President;; Dr. R. Buckley VanBreemen, Secretary-Treasurer; Dr. Michael Cavanaugh; Dr. Denise D. Rollette; Dr. Jon E. Zeagler.

Members Absent: Dr. Ned J. Martello, Vice-President.

Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: David Jeddie Smith, Asst. Attorney General

Audience: None.

Meeting called to order at 8:37 a.m., Dr. Mark Kruse, President, presiding.

The **minutes** of the 10/18/2018 meeting were mailed to all Board members. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**INTEGRITY CHECK:**

Dr. Cavanaugh noted he was contacted by an applicant from Bossier City who has a request to the Board relative to education background inquiring if he needed to be present for the Board meeting. Ms. Oliver noted the applicant was given options about appearing in front of the Board and the Open Meetings law.

Dr. Rollette notes she recognized the name of an applicant listed on the agenda as being a resident of her locale.

**STANDING COMMITTEE REPORTS**

Dr. Kruse notes no changes to the current committee assignments.

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

**Financial statements** for September and October 2018 was prepared by Ms. Oliver and provided to the Board prior to the meeting. Motion made by Dr. Zeagler, 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 Dr. Zeagler, to accept the log as presented. With no objections, motion carries unanimously.

Relative to **deposit trends**, Ms. Oliver updated the chart to reflect activity since the last Board meeting. Dr. Kruse requests when available the November and December totals be added to the report, then the report made available only on a quarterly basis. Ms. Oliver will present the updated report to be at the January 2019 meeting.

**CD report:**  Dr. VanBreemen reports there is no new activity since the last meeting, however no further CD activity to report until February 2019.

* **PEER REVIEW COMMITTEE REPORT by Ms. Oliver** (due to absence of Dr. Martello):

No action to report.

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

**Applicant P1 Dedeaux** was invited to attend the Board meeting today, to discuss background check information, however, she stated she would be on vacation and would not be in attendance. Board directs Ms. Oliver to “re-invite” Applicant P1 Dedeaux via written correspondence for the January 2019 meeting and inform her if she does not present for the interview, she will not be allowed to sit for the January exam.

**Dr. Martello** and **Dr. Cavanaugh** participated in the NBCE’s Part IV Exam administration in November at Life University in Marietta, GA as “examiners”

* **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.

The **“Performance Indicator”** report of Board office activity from July 19 – October 17, 2018 was provided to Board members for review as follows:

* 200 phone calls received
* 2 application packets mailed
* 35 seminars reviewed
* 6 x-ray certificates issued
* 5 licenses issued
* 8 complaints filed
* 4 complaints closed
* 253 license renewal processed
* 39 license renewals returned as “incomplete” or “missing CE”
* 0 x-ray renewals
* 72 license verifications processed
* 0 public records requests
* 0 subpoenas
* 25 CE locate requests received
* 4 lists requests processed
* 15 national licensee alerts received and logged
* 0 complaints received on new law/CE change
* 0 Peer Review Requests

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

Dr. Cavanaugh notes complaint activity since the last meeting.

Dr. Cavanaugh notes an “informal hearing” is continued to this date.

Ms. Oliver notes still no response from “Health Greades.com” regarding an inquiry to the company as directed requesting info on where the advertising info is obtained. The declaratory statement adopted at the October meeting relative to **“testimonial advertising**” is in place. Ms. Oliver offers to issue a “**practice alert**” to the Board’s website of the new declaratory statement and include info that if a licensee has subscribed to the “Health Grades” program, the licensee will be liable for the advertising crafted by that company or any similar advertising vehicle.

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

More info on the **CBD oil** to be reported as it is obtained, however, FDA rules that CBD oil is not nutritional.

* **TESTING**:

Ms. Oliver notes applications are being mailed out for the January exam scheduled for 01/17/2019.

Dr. **Martello** and Dr. **Cavanaugh** will attend the NBCE’s Part IV Exam administration in May at Life College, Marietta, GA.

* **LAW & LEGISLATION:**

Continued announcement that required “**Ethics training**” for state employees and board members is due by 12/31/2018 deadline!

* **GENERAL CORRESPONDENCE**:

Ms. Oliver notes receipt of FCLB report from district meetings.

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

Ms. Oliver reports Dr. VanBreemen had reviewed 35 seminars since the last meeting and states 1 seminar require full Board review as follows:

Request received from TMR Seminars to review the seminar entitled “Master Dry Needling Level 1” seminar for 27 hours of Part I program as a speaker is not on “post grad faculty”. Motion made by Dr. VanBreemen, seconded Dr. Zeagler, to approve the seminar. With no objections, motion carries unanimously.

**OLD BUSINESS:**

Request and suggested language received in July from **Patrick Clawson, D.C**., Homer, LA, for the Board to issue a declaratory statement on chiropractors conducting DOT examinations. At the July meeting it was determined that adequate notice had not been received per the LA Administrative Code. After discussion of proposed language, it is determined that clarification is needed for phrases, “other testing services”, “non DOT”, “any private, local and state…”. Due to the unexpected “passing” of Kathy Chittom, Dr. Kruse suggests this matter be “tabled” until January meeting.

Relative to “**online renewals**”, Dr. Zeagler will secure information on this matter from companies able to assist with this project and the costs involved for future implementation of online renewals.

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Continued discussion on request and additional info received from **Nicholas DiGerolomo, D.C**., Metairie, LA, about delinquent license renewal fees due in that he was “disappointed” with earlier Board response. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, that Dr. DiGerolomo pay all fees due to renew his license. With no objections, motion carries unanimously. Ms. Oliver directed to send additional correspondence outlining all fees due noting that practicing without a license is a violation of state laws.

**NEW BUSINESS:**

Request received from **Steven Peyroux, D.C**., Canton, AL, for an appeal of the Board’s previous ruling on his delinquent waiver request of 2018. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, that delinquent fees are due and previous Board decision stands. With no objections, motion carries unanimously.

Dr. Cavanaugh notes problems with **record keeping and lack thereof** he has discovered in complaint work. Dr. Kruse will write language for an item to be listed in the Board’s webpage “**Practice Alerts**”.

Request received from **Anthony Palombo, D.C**., Lake Charles, LA , if he is allowed to renew as “inactive/retired” and supplying documentation of same. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, approving the inactive renewal based on info he supplied. With no objections, motion carries unanimously.

Request received from prospective applicant, **Dr. Kyle Wunnenberg**, Austin, TX, who has a chiropractic degree from the Welsh Institute of Chiropractic University of Glamorgan, Wales, which has been accredited by the CCE-Europe. Board directs Ms. Oliver to inform Dr. Wunnenberg he must pass all National Board exams and has to get written information from CCE about the curriculum and institute he attended in Wales.

Request received from prospective applicant, **Dr. Sally Norgate**, San Diego, CA, to accept her undergraduate education from University of Manitoba, Canada and the accreditation evaluation report. Motion made by Dr. Zeagler, seconded by Dr. Rollette, to approve the educational background. With no objections, motion carries unanimously.

Request received from **Paul Harch, MD**, Harch Hyberbarics, New Orleans, LA, requesting if the scope allows a dc to supervise use of a hyperbaric chamber. Response to be sent this is not within the scope for a licensed DC.

Request received from **Dennis Gregory, D.C**., Clark, MO, to be granted a “RM waiver” as he lives/works in a state where it is not required. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to waive the RM requirements for 2019. With no objections, motion carries unanimously. Ms. Oliver directed to send response of waiver and to include those future requirements will not be waived.

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Ms. Oliver reports a new **annual audit** is now required for all agencies that conduct “**background checks**”. Information was provided about our procedure and security measure for confidential information obtained through the background check process and we have completed the audit requirements for 2018.

Ms. Oliver notes receipt of announcement from **FCLB’s** president, Dr. Margaret Collucci, of a new recognition award created named the “Dr. Sylva Ashworth award” for outstanding women in chiropractic regulation. Dr. Zeagler nominates **Dr. Denise Rollette** as a colleague, ICA representative for LA, Board member and advocate for young people in practice. Ms. Oliver is directed to submit nomination and Dr. Rollette’s “vitae” to FCLB.

Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to amend the posted agenda to include items received after the agenda was posted. Roll call vote: Cavanaugh – Yes; Zeagler – Yes; Rollette – Yes; VanBreemen – Yes; Kruse – Yes.

Request received from **Kiara Wade**, Monroe, LA, to accept the education she obtained from McCann School of Business & Technology in x-ray radiology in order to obtain x-ray proficiency from LA. Motion made by Dr. Kruse, seconded by Dr. Zeagler, to approve the transcripts reviewed and issue the x-ray proficiency certificate. With no objections, motion carries unanimously.

**Upcoming Events:**

* Next Board Meeting, 01/17/2019, time to be announced.
* Annual license renewal deadline, 12/31/2018.

Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to adjourn. With no objections, meeting is adjourned at approximately 10:02 a.m.

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