LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – DECEMBER 16, 2021**

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

Martello, Secretary-Treasurer; Dr. Kelleigh A. Payne; 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: None.

Audience: Debbie Moore, D.C., Picayune, MS; Gerald Barnes, D.C., Coppell, TX; R. Buckley

VanBreemen, D.C., Gonzales, LA; Tim Chittom, CAL, Baton Rouge, LA; Nick Moore,

Infomatics, Baton Rouge, LA.

Meeting called to order at 8:33 a.m., Dr. Mark B. Kruse, President, presiding.

The **minutes** of the 10/21/2021 meeting were mailed to all Board members. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to approve the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:** Dr. Gerald Barnes, D.C., Coppell, TX, a potential licensure applicant, would like to request the LA Board reconsider its position on “distance learning” and to allow “distance learning” for CE. His friend and colleague, Dr. Kelly Ryder, passed away from COVID which he feels was contracted attending an in person CE program. Dr. Barnes notes LA is the only state that does not allow “distance learning” CE.

**INTEGRITY CHECK:** None..

**STANDING COMMITTEE REPORTS**

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

Dr. Cavanaugh reports an agreed settlement totaling $250.00 offered for **Complaint #1478 relative** to delinquent license renewal**.** Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to accept the agreed settlement of $250.00. With no objections, motion carries unanimously.

Relative to professional misconduct regarding employee records, Dr. Cavanaugh offers an agreed settlement on **Complaint # 1476** in the amount of $250.00. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to accept the settlement offered. With no objections, motion carries unanimously.

Discussion held about possibility of **re-structuring the complaints committee**. Ms. Oliver notes different structures of the committee over the past years and the importance of maintain enough board members who would not be “tainted” if a complaint moved to “hearing” process, per Administrative Procedures Act rules. Matter to be kept on the agenda.

Dr. Rollette asks info on how **disciplinary fines** are structured. Dr. Cavanaugh and Ms. Oliver note consistency and guidelines utilized. Info to be provided to Dr. Rollette.

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

**Financial statements** for October and November 2021 were prepared by Ms. Oliver and provided to the Board. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to accept the **financial statements** as prepared. With no objections, motion carried unanimously.

**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:**  Dr. Martello would like to propose a strategy for combining the individual CD’s into one large CD. Ms. Oliver reports the historical info as to why the CD’s are staggered with different maturity dates and how some of the maturity dates are now in close proximity to each other. Dr. Kruse requests matter to be left on the agenda for the next meeting for further study.

Relative to the **‘deposit trends”** report, Ms**.** Oliver updated the chart with new info since the last board meeting and provided a copy to all Board members, however, the updated version was not discussed.

Relative to “**Financial Planning**”, no new information from Dr. Kruse.

Ms. Olver notes a legislative committee meeting will be held today at the State Capitol which the agenda would include the Board’s request to handle e-commerce transaction.

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* **PEER REVIEW COMMITTEE REPORT by Dr. Martello:** No new requests have been received.
* **STANDARDS & PRACTICES by Dr. Traxler:** Request from the **LA Pharmacy Board** regarding out of state DC’s and injectable nutritional supplements. Dr. Kruse asks Dr. Traxler to gather data on this subject and keep the data on file at the Board office, but to remove this item from the agenda.
* **LAW & LEGISLATION:**

Ms. Oliver *reminds* all board members and staff of the annual requirement to take the state **Ethics** course by 12/31 and to submit proof of completion to the Board. She reports 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 reports that all staff members have completed the training however all board member vouchers have not been received to date.

Continued discussion held by Ms. Oliver on requirements of “**background check**” suggestions from meetings with the FBI and other law enforcement agencies. Matter to be kept on the agenda. Dr. Kruse will speak to Rep. Joe Stagni about legislation about background checks on DC’s and CA’s.

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. Kruse and Dr. Cavanaugh. 7 applications were received for the October administration. Results to be provided at later date when finalized.

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

November, 2021.

* **ADMINISTRATIVE OVERSIGHT:**

Current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver** since last board meeting were reviewed and approved by Dr. Martello**,** and the full Board present reviewed and approved the leave records of both employees as well as payroll info. Dr. Martello notes all paperwork and leave records are in order and documented. Ms. Oliver will provide the written rules on leave time accrual from Civil Service for Dr. Martello’s review and understanding.

* **OFFICE PERFORMANCE INDICATOR REPORT:** Office activity/work product 10/21/2021 – 12/15/2021:
* Phone calls received: 269
* Licensure Application packets requested & mailed: 16
* New Licenses Issued: 5 ($1000.00)
* Complaints Filed & Opened: 2
* Complaints closed: 6
* DC license renewals received & processed: 437 (~$87000.00)
* DC license renewals returned as “incomplete” or “missing CE”: 26
* Delinquent license renewal fees paid: -0-
* License verifications processed: 62 (~$3100.00)
* New X-ray certificates issued: 2 ($150.00)
* X-ray certs renewed: -0-
* Public records requests: -0-1
* Subpoenas received: -0-
* Seminars reviewed: 19 (~$1425.00)
* CE locate requests received: 14
* List requests received and processed 10 (~$2000.00)
* National licensee alerts received and logged: 2
* Peer Review Requests: -0-
* Dry Needling certificates issued: 7
* Duplicate Licenses Issued: 4 ($100.00)
* Duplicate Xray Certificates Issued: -0-
* Travel to Treat temporary license: -0-
* License Renewal Cards Purchased: 35 ($700.00)
* Seminars posted to webpage: 15
* Blue Books purchased: 4
* “Travel to Treat” temporary licenses:
* # of Emails Received: 338

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* **GENERAL CORRESPONDENCE**:

None to discuss.

* **SEMINAR REVIEW by Dr. Martello:**

Dr. Martello reports he has reviewed 19 seminars since the last meeting. 1 seminar submitted requires full board review as follows:

Submission from “Western States” for program– not all instructors on postgraduate faculty. Motion made by Dr. Kruse, seconded by Dr. Martello, to approve the course for CE credit. With no objections, motion carries unanimously.

Regarding the CE Review Application form, modification discussed to specifically state item “F” to note “Online and Item G “Other” relative to course format It is suggested that the Xray Radiologists website be viewed for examples.

Dr. Kruse suggest that **requirements for CE review** be re-visited at next meeting.

**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 inability of a hospital to verify a licensee electronically over a weekend to order a diagnostic test. Mr. Nick Moore, Infomatics, Baton Rouge, LA makes presentation on moving forward with Board project, web design, ecommerce capabilities, server versus platform hosting, etc. Relative to “webpage design”, Motion made by Dr. Traxler, seconded by Dr. Martello, to give authority to Dr. Kruse to make the decision on webpage design and update. Matter to remain on the agenda.

**NEW BUSINESS:**

Request from **Ryan Savoie, D.C**., Lake Charles, LA, if all supplement recommendations need to be related to the “functional integrity of the spine”, can a chiropractor collect a blood sample by venipuncture and send that sample to a lab for testing/reporting, and is a chiropractor allowed to collect blood spot samples in the office OR is it acceptable for the patient to perform the finger-stick. Response to be provided that supplement recommendations must be related to the “functional integrity of the spine”, yes, a chiropractor can collect a blood sample by venipuncture and must follow all OSHA guidelines, and yes, the chiropractor can collect a blood spot sample and must follow all OSHA guidelines.

Request received from **Justin Trosclair, D.C**., Breaux Bridge, LA, to waive CE requirements due to COVID restrictions. Motion made by Dr. Cavanaugh, seconded by Dr. Rollette, to waive the CE requirements. With 7 yeas, 0 nays, motion carries unanimously.

Request received from **Tanner Hebert, D.C**., Churchpoint, LA, to waive the CE requirements due to inability to obtain CE classroom hours due to COVID restrictions. Motion made by Dr. Cavanaugh, however motion dies for “lack of a second”. Motion made by Dr. Traxler, seconded by Dr. Payne, to grant a 6-month extension to obtain CE hours needed. With 7 yeas, 0 nays, motion carries unanimously.

Request received from **J. Keith Currie, D.C**., Conway, AR, of inability to obtain the 3 hours of RM due to COVID restrictions. Motion made by Dr, Martello, seconded by Dr. Kruse, to waive the 3 hours RM requirements. With 7 yeas, 0 nays, motion carries unanimously.

Request received from **Angela Fix-Ortiz, D.C**., Keller, TX, to waive CE requirements due to COVID restrictions. Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to waive the CE requirements. With 7 yeas, 0 nays, motion carries unanimously.

Request received from **Cheryl Watson, D.C.**, Virginia Beach, VA, to waive CE requirements due to COVID restrictions or grant an extension request. Motion made by Dr. Martello, seconded by Dr. Kruse, to grant a 6-month extension with no delinquent penalty to secure CE requirements. With 7 yeas, 0 nays, motion carries unanimously.

Request received from **Mark Paz, D.C.**, Natchitoches LA, to waive CE requirements due to COVID restrictions or grant an extension request. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to grant a 6-month extension with no delinquent penalty to secure CE requirements. With 7 yeas, 0 nays, motion carries unanimously.

Request from **Debbie Moore, D.C**., Picayune, MS, to issue “dry needling” certification for the hours she obtained in miscellaneous acupuncture courses which were not submitted to the Board for review/approval. Dr. Kruse will check with Dr. Tim Green about course content and relativity to “dry needling” and report back to the Board.

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Discussion by Dr. Martello to lease a “**postage meter”** for the Board office because use of postage stamps does not look professional and the liability of staff to drive to post office to purchase postage. Ms. Oliver has researched costs associated with utilizing a postage meter. Also, she notes packages and mail weighing 13 ounces or more must be physically brought to the post office since the daily carriers are not allowed to collect mail 13 ounces or more and further, postage is bought from post office approximately every 2-3 months. Motion made by Dr. Traxler, seconded by Dr. Cavanaugh, to keep current procedure in place regarding postage. With 5 yeas, 2 nays, motion carries.

Discussion initiated by Dr. Martello to utilize a **digital recorder** for recording board meetings. Ms. Oliver notes taped proceedings are housed in a media cabinet in file room.

Ms. Oliver notes receipt of items after agenda was prepared which require Board attention. Motion made by Dr. Kruse, seconded by Dr. Traxler, to amend the posted agenda to include those late requests. Roll call vote: Rollette, Yes; Anselmo – Yes; Martello – Yes; Traxler – Yes; Cavanaugh – Yes; Payne – Yes; Kruse – Yes. With 7 yeas, 0 nays, agenda is amended.

Contract needed to hire an **investigator** to assist with a complaint which Celia Cangelosi is currently handling. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to approve the hiring of the investigator. With 7 yeas, 0 nays, motion carries unanimously.

Request from **Gary Rubenstein D.C**., Otis, LA, for waiver of CE requirements due to health issues and hospitalization. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse to waive CE requirements. With no objections, motion carries unanimously.

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**Upcoming Events:**

* Annual license renewal deadline, 12/31/2021
* Next Board Meeting, 01/20/2022, time to be announced.
* Board Licensure Exam – 01/20/2022
* NBCE Part IV Testing, nationwide, 05/13-15/2022.

Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to adjourn. With no objections, meeting is adjourned at approximately 10:28 a.m..