LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – FEBRUARY 6, 2014**

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

Members Absent: Dr. Michael Cavanaugh.

Staff Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: Madeline Carbonette, Assistant Attorney General.

Audience: Kathy Chittom, CAL.

Meeting called to order at 8:40 a.m., Dr. R. Buckley VanBreemen, President, presiding.

Ms. Oliver notes for the record that the Board meeting was originally scheduled and notice posted for January 30, 2014, however due to in climate winter weather, state offices were closed and travel across major parts of the state was suspended. Therefore, Dr. VanBreemen rescheduled the “testing” and the Board meeting for February 6, 2014.

The **minutes** of the 12/12/2013 meeting were mailed to all Board members. Motion made by Dr. Zeagler, seconded by Dr. Kruse, to accept the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for November and December 2013 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Kruse, seconded by Dr. Zeagler, to accept the statements. With no objections, motion carries unanimously.

Continued discussion held on researching purchasing a “server” for the Board office. More info to follow.

**CD report** was given by Dr. Barczyk and Ms. Oliver- a CD matured today – interest rates will be gathered and CD will be handled accordingly.

**Continued discussion of annual budget** (2014-2015) draft as prepared by Mr. Barry Delery, CPA. On page BC-2, add $13000.00 at “acquisitions” to handle possible purchase of new copier, computer and server. Motion made by Dr. Harvey, seconded by Dr. Martello, to accept the changes as discussed on BC-2 and to approve the budget. With no objections, motion carries unanimously. Dr. Zeagler notes under “salaries”, since percentage is budgeted, can the Board make an increase without any further discussion. Dr. VanBreemen says no – salaries are reviewed and discussed each year. Dr. VanBreemen and Dr. Kruse note the budget area of “travel” for conferences could be an area to reduce spending. Dr. Martello says lots of pertinent and current information is presented at the conferences and is beneficial to the role of “board member” in his opinion.

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

None to report at this time.

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

Dr. Harvey notes the Complaint Committee remains busy relative to “website advertising review”. Dr. Harvey has agreed settlements on several complaints related to advertising. Motion made by Dr. Harvey, seconded by Dr. Martello, to accept the agreed settlements on **Complaints # 1038, 1045, 1060, 1061, 1063, 1067, 1050, 1073, 1083, 1082, 1087, 1091, 1074, 1084, and 1078**. With 6 yeas, 0 nays and 1 abstention, motion carries.

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

Continued discussion on the scientific validity of **AK** testing as it relates to **vitamin deficiency**. Dr. Kruse has researched the matter and reports if randomized info is taken into consideration, AK never works, but patients say it works. Dr. Harvey had suggested the Board create policy and/or opinion if this type of testing is accepted as a diagnostic tool. Dr. Kruse states, “*The standard of care for “vitamin deficiency testing” is serum and urinalysis testing*.” Dr. Kruse and Dr. Zeagler will craft a “draft” of the position statement for Board review before releasing the position statement.

* **LAW & LEGISLATION:**

Relative to the Board’s rules promulgation process for “**dry needling**”, Ms. Oliver notes receipt of two letters of opposition – one from the LA Medical Examiners Board and one from the LA Medical Society. Dr. Kruse prepared responses to the letters of opposition and presented those responses to the Board. Motion made by Dr. Barczyk, seconded by Dr. Zeagler, to prepare final responses as submitted by Dr. Kruse and mail out. With no objections, Motion carries unanimously.

Ms. Chittom is in process of scheduling classes and instructor/s for the “dry needling” technique. The number of classroom hours, classroom monitoring and supervision by the Board also discussed.

Ms. Freel notes new reporting requirements relative to “**rules promulgation”**. Each agency must post on its website when rule making is in process.

* **TESTING**:

Ms. Oliver notes 15 candidates were tested this morning and results will be available in approximately 7 days. The test was originally scheduled for January 30, however, testing was rescheduled for those needing to make travel rearrangements due to the in climate winter weather travel advisories.

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* **ADMINISTRATIVE OVERSIGHT:**

Dr. Barczyk stated all leave records of **Ms. Oliver** and **Ms. Hebert-Schmidt** are in order.

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

Ms. Oliver reports Dr. Barczyk reviewed 42 seminars since the last meeting, however, 5 seminars review request requires full Board review due to all speakers not on post graduate faculty as follows:

Request received from **NWHSU** to review the   
“Radiographic Considerations” seminar for CE credits. Motion made by Dr. Barczyk, seconded by Dr. Kruse, to approve the seminar. With no objections, motion carries unanimously.

Request received from **NWHSU** to review the   
“Clinical Mastery of Low Level Laser” seminar for CE credits. Motion made by Dr. Barczyk, seconded by Dr. Kruse, to approve the seminar. With no objections, motion carries unanimously.

Request received from **NWHSU** to review the   
“Cardio-metabolic Advanced Practice Module” seminar for CE credits. Motion made by Dr. Barczyk, seconded by Dr. Kruse, to approve the seminar. With no objections, motion carries unanimously.

Request received from **Chiropractic Association of LA** to review the   
“Xray Certification” seminar. Motion made by Dr. Barczyk, seconded by Dr. Kruse, to approve the course. With no objections, motion carries unanimously.

Request received from **Chiropractic Association of LA** to review the   
“ICD-10 Coding & Pathology Review” seminar (8 hours) for CE credits. Motion made by Dr. Barczyk, seconded by Dr. Harvey, to approve the seminar for 8 hours. With no objections, motion carries unanimously.

* GENERAL CORRESPONDENCE:

Correspondence received from FCLB and from NBCE.

**OLD BUSINESS:**

Relative to the ongoing “**web page advertising review**” of all licensees, Dr. Kruse has a few more websites to review. It is discussed that the website change noted should be provided to the Board within 60 days of the complaint investigation. Language to that effect should be added to the complaint “settlement agreement.”

Continued discussion on request received from **Adam Reeves, D.C**., Donaldsonville, LA, regarding if a chiropractor can perform a sports physical examination for high school students. Dr. Barczyk noted a meeting was held in September with LHSAA, however CAL has had “no luck” in getting DCs included in coverage of who is allowed to perform “sports physicals”. A letter will be submitted to the LHSAA and LA DHH requesting the addition or modification of the “sports physical form” to include chiropractors.

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**NEW BUSINESS:**

Use and purchase of a **computer server** is discussed. Motion made by Dr. Harvey, seconded by Dr. Barczyk, to limit of budget for $3000.00 allowing Ms. Oliver, when needed, to purchase a “server” with Dr. Kruse and Dr. VanBreemen’s approval.

Discussion initiated by Dr. Harvey relative to capturing “**clinic names**” for the Board’s database. Motion made by Dr. Harvey, seconded by Dr. Martello, to add a line on the annual license form beginning with 2015 form to include “name of clinic”. With 5 yeas and 1 nay, motion carries.

Request received from ALLSTATE , Metairie, LA, inquiring with enumerated questions relative to “**billing and coding**” in relation to treatment. After discussion, the Board responds:

* Question 1: “Do you need a licensed personnel to perform 97032, 97035, 97110, 97124, o9r 97140? If so, what kind of background or licensing is necessary to perform these therapies? Do the records need to reflect how may minutes were performed for these therapies.” Board responds : yes, a “doctor of chiropractic” is licensed and can delegate to an employee. Listed codes: 97032 – No; 97035 – no; 97110, no; 97124 – yes; 97140 – no. Time is reflected by appropriate use of CPA codes.
* Question 2: “How long should a chiropractor treat a person who is showing no improvement before they should be referred to another physician or the treatment should be changed?” The Board notes this is a “case by case” basis.
* Question 3: “How long is the maximum treatment a chiropractor should treat for before the person should be referred to another or released by the chiropractor – The Board notes to see answer to question 2.
* Question 4:“Should heat and ultrasound be done on the same day to the same areas and do these therapies serve the same purpose and should be considered duplicate therapies – Board notes “yes” regarding heat and ultrasound and that heat and therapy are used for different purposes.
* Question 5: Should electrical stimulation and massage be done on the same day to same areas – Board responds “yes”. “Do these therapies serve the same purpose and should be duplicate therapies?” – Board states no, therapies do not serve same purpose and no, are not considered duplicate therapies.

Request received from **Richard Frieden, D.C**., West Monroe, LA and **Lynette Frieden, D.C.,** to waive the delinquent license renewal fees due to a paperwork issue and as they were out of town from late December, 2013 to after January 1, 2014. Motion made by Dr. Harvey, seconded by Dr. Barczyk, to waive the delinquent renewal fees. With 5 yeas, 1 nay, motion carries.

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Request received from **Dane Owens, D.C**, Port Allen, LA, for an extension to complete his 2014 license renewal due to “hardship” issues. Motion made by Dr. Harvey, seconded by Dr. Barczyk, to grant a 90-day extension, due 03/31/2014. With no objections, motion carries unanimously.

Regarding subscription renewal of “**Professional Licensing Report**”, motion made by Dr. Harvey, seconded by Dr. Barczyk, to drop the Board’s subscription. With no objections, motion carries unanimously.

Request received from **Stuart White, D.C**., Houston, TX, to waive his 2014 CE requirements since he is a lecture/speaker for teaching & seminars. Motion made by Dr. Zeagler, seconded by Dr. Harvey, to waive the 2014 requirement but in future, he will be required to take CE hours outside of lecture materials/lecture circuit. With no objections, motion carries unanimously.

Request received from **Michael Huff, D.C**, Mansfield, LA, for an extension to complete his 2014 license renewal due to “hardship” issues. Motion made by Dr. Harvey, seconded by Dr. Kruse, to grant a 90-day extension, due 04/01/2014, and to impose the delinquent fee. With no objections, motion carries unanimously

Request received from **Shane Henry, D.C**, New Orleans, LA, for an extension to complete his 2014 license renewal due to “hardship” issues. Motion made by Dr. Harvey, seconded by Dr. Barczyk, to grant a 90-day extension, due 04/01/2014, and to impose the delinquent fee. With no objections, motion carries unanimously.

Discussion of “**inactive license renewal status**”, however, Board notes no action but may discuss this at later date in the future.

Motion made by Dr. Kruse, seconded by Dr. Zeager, to amend the agenda to discuss requests received after the agenda was prepared and posted. Roll call vote: Harvey – Yes; Martello – Yes; Zeagler – Yes; Barczyk – Yes; Kruse – Yes; VanBreemen – Yes. With 6 yeas, 0 nays, motion carries unanimously and the agenda is amended.

Request received from **Brandon Racca, D.C**, New Orleans, LA, for an extension to complete his 2014 license renewal due to “hardship” issues. Motion made by Dr. Harvey, seconded by Dr. Barczyk, to grant a 90-day extension, due 04/01/2014, and to impose the delinquent fee. With no objections, motion carries unanimously

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Dr. Martello notes the 2014 **Federation of Chiropractic Licensing Boards’**  national Conference will be held in Myrtle beach, NC, April 30 – May, 4, 2014. Dr. Kruse, Dr. VanBreemen, Dr. Martello, Dr. Harvey are interested in attending. Record will note for FCLB delegate and alternate, Dr. Kruse will be “delegate” and Dr. Harvey “alternate”.

Relative to **NBCE delegate and alternate**, Dr. Kruse will be “delegate” and Dr. Harvey will be “alternate”.

Ms. Oliver notes information was placed in board members’ packets on **Jeff Salczenko, D.C**., as his wife requested his application for license be reconsidered, however, Ms. Oliver note Dr. Salczenko did not appear.

Report given by Dr. Martello and Ms. Oliver on recent **FARB** conference held in Austin, TX, which included presentations on “advertising”, “credentialing”, “background checks”, “and Board self evaluations”.

Review of a blinded “**background check**” by the Board for future licensure candidate. Motion made by Dr Martello, seconded by Dr. Barczyk, to accept the candidate’s application.

Ms. Chittom notes **CAL’s** annual convention will be held at the Crowne Plaza on last weekend in September.

**Upcoming Events:**

* Next Board meeting, 04/03/2014
* Biannual licensure exam, 04/03/2014, time to be announced.
* NBCE Part IV exam administration, 05/16-18/2014, nationwide test sites.
* Annual x-ray certification renewal deadline, 07/31/2014.
* Annual license renewal deadline, 12/31/2014.

Motion made by Dr. Kruse, seconded by Dr. Martello to adjourn. With no objections, meeting is adjourned.

MEETING ADJOURNED AT APPROXIMATELY 12:01 p.m.

Request received from **Jeffrey Salczenko, D.C**., Channelview, TX, relative to license reinstatement, license application, etc. Ms. Oliver directed to inform Dr. Salczenko to contact the Board after he has gathered the information requested in writing on debts, payment schedule, etc, and then he will be scheduled for the next available meeting agenda.

Request received from **Richard Duplantis, D.C**., Morgan City, LA, to watch 2 hours of the LUCP CE class for the balance of hours needed for license reinstatement as he attempted to attend a different seminar program whose location had been changed and he was not notified. Motion made by Dr. Cavanaugh, seconded by Dr. Harvey, to allow Dr. Duplantis to view the seminar at the Board office. With 4 yeas, 3 nays, motion passes.

Dr. Martello asks for update on “**dry needling**” rules. Ms. Freel states the “notice of intent” was published in the September “LA Register”.

**Annual Board Elections**:

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

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