LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – APRIL 3, 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. Mark B. Kruse, Dr. Jon E. Zeagler.

Members Absent: None.

Staff Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: Angelique Freel, Assistant Attorney General.

Audience: Kathy Chittom, CAL.

Meeting called to order at 8:48 a.m., Dr. R. Buckley VanBreemen, President, presiding.

The **minutes** of the 02/06/2014 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

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for January and February 2014 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the statements. With no objections, motion carries unanimously.

**CD report** was given by Dr. Barczyk and Ms. Oliver- a CD was renewed for 18 months.

* **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 has closed approximately 10 complaints. Dr. Harvey has agreed settlements on two complaints related to advertising. Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to accept the agreed settlements of $350.00 each on **Complaints # 1055 and 1064.**  With no objections, motion carries unanimously.

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

Continued discussion on the scientific validity of **AK** testing as it relates to **vitamin deficiency**. Dr. Zeagler prepared draft of position statement from information he gathered from the International College of Applied Kinesiology which states what “AK” is, what “AK” can be used, etc. and that “AK” is “not used to replace standard exam”. Correspondence will be sent to requestor relative to “AK” for exams. This matter will be placed on next agenda if whether or not a declaratory statement will be issued by Board.

Recess called at 9:10 a.m. for “testing” of 9 applicants. Session resumed at 10:02 a.m.

* **LAW & LEGISLATION:**

Continued discussion held on the Board’s rules promulgation process for “**dry needling**”. Ms. Oliver reports meeting held at request of Senator Heitmeier was attended by Dr. Kruse, Ms. Chittom and Ms. Oliver and the Medical Examiners Board. Dr. Kruse presented info on “Dry Needling” to the Senator. Dr. VanBreemen authorizes Dr. Kruse to attend the AG’s office meeting regarding an “attorney general opinion request” from LA Medical Examiners Board and perhaps Celia Cangelosi if needed. Ms. Freel explained the “opinion request” process and that Ms. Emily Andrews is the staff attorney assigned to the request. Ms. Chittom requests to be included in the meeting.

* **TESTING**:

Ms. Oliver notes **NBCE** has requested 2 examiners to attend the **Part IV** exam administration in May and further, that Dr. Cavanaugh and Dr. Martello will be participating.

Relative to “**background checks**”, Ms. Oliver notes issues on response time to get info to the Board from State Police. The Board will consider each background check report based on length of time elapsed since incident reported as well as the severity of the incident and if possible, any behavior trend.

* **ADMINISTRATIVE OVERSIGHT:**

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

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

Ms. Oliver reports Dr. Barczyk reviewed 44 seminars since the last meeting, however, 3 seminars review request requires full Board review due to all speakers not on post graduate faculty as follows:

Request received from **Michigan Association of Chiropractors** to review the seminar entitled, “Spring 2014 Convention” 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 **Contemporary Integrative Dry Needling** to review the “Contemporary Integrative Dry Needling” 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 **Neurokinetic Therapy Seminars** to review the   
“Neurokinetic Therapy Seminars Level 1” seminar for CE credits. Motion made by Dr. Barcyzk, seconded by Dr. Zeagler, to deny the seminar. 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. Harvey notes a few more websites to review. Dr. Kruse will finish up the review of the last remaining sites.

**NEW BUSINESS:**

Request received from **Asghar Mortaji, D.C**., Houston, TX, to waive the “RM” requirements for 2015 license renewal as he lives/works in TX where “RM” is not required. Motion made by Dr. Harvey, seconded by Dr. Cavanaugh, to waive the “RM” requirements for 2015. With no objections, motion carries with 5 yeas and 1 nay.

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Ms. Oliver notes requests received after agenda was prepared and posted. Motion made by Dr. Kruse, seconded by Dr. Harvey, to amend the posted agenda to include late requests. Roll call vote: Harvey – Yes; Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; Barczyk – Yes; Kruse – Yes; VanBreemen- Yes. With 7 yeas, 0 nays, agenda is amended.

Request received from **Jesse Thompson, Director, InforMD Solutions**, Baton Rouge, LA, whether a chiropractor can dispense “**over the counter” topical creams and patches to patients**. It is noted generally as long as the product is not a “medicine” or “drug”, however a letter will be sent to request more specific information.

Request received from **Pedro Lozano, D.C**., Galveston, TX, to obtain an extension to earn his CE credits to renew. Motion made by Dr. Harvey, seconded by Dr. Zeagler, to grant a 30 day extension beginning today. With no objections, motion carries unanimously.

Request received from **Ricky Melancon, D.C**., Houma, LA, to reduce the classroom hours from 36 to 30 relative to the “x-ray proficiency” certification class. Discussion held that there is not enough material to fill 36 hours and there is a lot of redundancy. Motion made by Dr. Zeagler, seconded by Harvey to change the class room hours from 36 to 30. With no objections, motion carries unanimously.

Request received from **Etage Manuel, D.C**., Mamou, LA, relative to course, “FMCSA Medical Examiner Training Course”, for review. Dr. Manuel will be informed she must submit the course for review for course content.

Ms. Oliver notes receipt of a poster from **J. Michael Flynn, D.C**., Houma, LA, containing a picture of a New Orleans Saints’ football player who is noting that chiropractic care is an important part of his game plan and show a picture of LA licensee, Robert Lizana, D.C., New Orleans, LA, as his chiropractor. The Board would like to thank Dr. Flynn for the poster.

Dr. Kruse notes he will not be able to attend the 2014 **Federation of Chiropractic Licensing Boards’** national conference as previously intended, however, Dr. VanBreemen has confirmed he will attend in Dr. Kruse’s place.

**Upcoming Events:**

* NBCE Part IV exam administration, 05/16-18/2014, nationwide test sites.
* Next Board meeting, 06/12/2014
* Biannual licensure exam, 07/31/2014, time to be announced.
* Annual x-ray certification renewal deadline, 07/31/2014.
* Annual license renewal deadline, 12/31/2014.

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

MEETING ADJOURNED AT APPROXIMATELY 11:25a.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.