LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – APRIL 14, 2016**

Members Present: Dr. Ned J. Martello, President; Dr. Michael Cavanaugh, Vice-President; Dr. Jon E. Zeagler, Secretary-Treasurer; Dr. Wynn T. Harvey; Dr. Joseph E. Turk; Dr. R. Buckley VanBreemen: Dr. Mark B. Kruse.

Members Absent: None.

Staff Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: Jeddie Smith, Asst. Attorney General.

Audience: None.

Meeting called to order at 8:42 a.m., Dr. Ned J. Martello, President, presiding.

The **minutes** of the 01/21/2016 meeting were mailed to all Board members. Motion made by Dr. Harvey, 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 & Dr. Zeagler:**

**Financial statement** for January, February and March 2016 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Zeagler, seconded by Dr. VanBreemen, to accept the statements as prepared. With no objections, motion carries unanimously.

**License renewal stats** comparison chart prepared by Ms. Oliver as requested by Dr. Harvey and reviewed by the Board.

**CD report** Dr. Zeagler notes 4 CDs matured in February. Dr, Zeagler will try to stagger the CD maturity dates in the future.

All Board members present reviewed each **expense and expenditure reimbursement** paperwork since the January, 2016 Board meeting as well as all bank statements and signed the cover log sheet.

**“Performance Indicator”** report compiled with info since last Board meeting was provided to Board members for review.

**2016-17 budget draft** as prepared by Barry Delery, CPA, reviewed and discussed by the Board. Changes discussed with change to page BC 11 “total acquisitions” to change $646.00 to $2300.00 and possible copier purchase. Motion made by Dr. Zeagler, seconded by Dr. Kruse, to make changes as discussed relative to acquisitions and to include up to $10,000.00 for future copier purchase at “office equipment”, with total being “$12,300.00 . With no objections, motion carries unanimously.

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

Dr. Martello notes no new activity since the last Board meeting.

Dr. Martello notes receipt of a subpoena for his appearance in court relative to a case PR Committee reviewed. Mr. Smith is requesting a copy of the subpoena to review. More info to follow.

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

Dr. Harvey notes no complaint agreements at this time.

Dr. Harvey notes receipt of correspondence from LA Medical Examiners Board relative to the Board’s handling of complaints. Ms. Oliver compiled info from the Board’s complaint log and Dr. Harvey responded.

Ms. Oliver notes all applicants present for the licensure exam. Motion made by Dr. Zeagler, seconded by Dr. VanBreemen, to recess the Board meeting to administer the “State Statutes” licensure exam. With no objections, motion carries unanimously.

------------RECESS---------------------

Motion made by Dr. Harvey, seconded by Dr. Zeagler, to amend the agenda to hear presentation of **Hung Cao, D.C**., Chalmette, LA, relative to background report information. Roll call vote: Harvey – Yes; Kruse – Yes; Zeagler – Yes; Cavanaugh – Yes; Turk – yes; VanBreemen – Yes; Martello – Yes. With 7 yeas, 0 nays, agenda is amended.

Dr. Cao provides written information and explanation relative to background check info. His record was expunged but a technical mistake was made by his attorney which did not properly record the court action for expungement. Motion made by Dr. Zeagler, seconded by Dr. Kruse, to accept the information presented and explanation provided and to approve the issuance of Dr. Cao’s license. With no objections, motion carries unanimously. Ms. Oliver and Mr. Smith will review and study licensure application questions to possibly include a question about “expunged records”.

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

No report at this time.

* **LAW & LEGISLATION:**

Continued discussion by Dr. Martello on meetings he attended as Board representative to the **Physical Therapy Patient Access Review Committee** and the report which was a product of the committee which has been provided to the Legislature. Dr. Martello wishes to attend the Legislative Committee hearing in future to testify and provide information on his participation on the committee.

Relative to “**expungement of records**”, Ms. Freel pulled info relative to adding the Board to the public records laws. Mr. Smith to review.

Ms. Oliver is tracking various bills in the current Legislative Session which may impact the Board. These will be monitored.

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* **TESTING**:

Relative to **NBCE’s Part IV Exam,** it will be held across the country May 13-15, 2016. Dr. Martello and Dr. Cavanaugh plan on attending as LA’s Board representatives. Dr. Zeagler will be attending the NBCE test writing committee meeting in June.

The **biannual licensure exam** was held earlier today with 7 applicants. Results will be available in approximately one week.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. Zeagler notes review of Ms. Hebert-Schmidt and Ms. Oliver’s **leave records** and further, the full Board present reviewed and approved the leave records of both employees as well as payroll info for all 4 employees.

* GENERAL CORRESPONDENCE:

NBCE will be sending transcripts electronically to all state boards in the near future.

* **SEMINAR REVIEW by Dr. Zeagler:**

Ms. Oliver reports Dr. Zeagler had reviewed 59 seminars since the last meeting; however 4 additional seminars require full Board review as follows:

Request from **Barczyk Biomechanics Institute/CAL** to review the seminar entitled “Crash Biomechanics Conference” due to “no post graduate faculty. Motion made by Dr. Zeagler, seconded by Dr. Harvey, to approve the seminar for CE credits for 16 hours only and denied 1.5 hours of “practice management”. With no objections, motion carries unanimously.

Request from **University of Western States and Dr. Tim Ramos** to review the seminars entitled, “Dry Needling for MusculoSkeletal Conditions” due to “no post grad faculty”. Motion made by Dr. Zeagler, seconded by Dr. Kruse, to approve the seminars for CE credits. With no objections, motion carries unanimously.

Request from **CAL** to review the seminar entitled, “Physiologic Models of Nerve Interference –the Science that Validates the Theory” due to “no post grad faculty”. Motion made by Dr. Martello, seconded by Dr. VanBreemen, to approve the seminar. With no objections, motion carries unanimously.

Relative to “**CE hour vouchers**”, the discussion is continued from last meeting. No action will be taken at this time.

**OLD BUSINESS:**

Continued discussion on **FCLB’s “PACE**” program which is relative to CE program providers. The info requested from FCLB relative to fees utilized was provided by the FCLB staff. It is noted there is no cost to the Board and further, the Board still reserves authority to review each course submitted. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to accept PACE program. With no objections, motion carries unanimously.

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Motion made by Dr. Zeagler, seconded by Kruse, to amend the order of the posted agenda to allow **Alvin Jauffre, DC**., Baton Rouge, LA, to present info to the Board relative to “**animal chiropractic**” and a letter he received from the LA Vet Board. Roll call vote: Harvey – Yes; Zeagler – Yes; Kruse – Yes; Cavanaugh – Yes; Turk – Yes; VanBreemen – Yes; Martello – Yes. 7 yeas, 0 nays, agenda order is amended.

Dr. Jauffre received a letter from the LA Vet Board regarding his chiropractic treatment of animals. Dr. Zeagler notes he will attend an upcoming state Vet Board meeting to discuss the treatment of animals.

**NEW BUSINESS:**

**CE requirements** discussion held. The proposal for next year’s renewal requirements are 15 hours annually with 3 of those 15 being in “risk management”. This will have to be a legislative change to the state statutes for next year.

Discussion of creating an **Applicant background check** review policy. Ms. Oliver notes the problem which arises when a background check report comes in with reported offense/s. Board advises that the person be “invited” to the next meeting for information gathering purposes.

Request received from **Irshan Chaudary, D.C**., Lake Charles, LA, if “darkfield microscopy” is within the scope of practice to assist in making nutritional recommendations. Ms. Oliver directed to respond that the Board would advise that any the use of “darkfield microscopy” must adhere to the appropriate phlebotomy guidelines and standards.

Request received from LA Department of Justice, Attorney General’s Office, to renew the **legal representation contract**. Motion made by Dr. Harvey, seconded by Dr. Kruse, to accept the new contract for renewal. With no objections, motion carries unanimously.

Request received from ICA’s Council on Chiropractic Pediatrics requesting approval for the **DICCP specialty** council credential by the Board. Information will be provided that we no longer have a specialty council list. This program would be acceptable as long as the requirements as outlined by LAC XXVII.320 are fulfilled.

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Relative to upcoming **FCLB** national conference, April 25 – May 1, 2016, , Dr. Kruse, Dr. VanBreemen and Dr., Harvey will be attending. Dr. Martello and Ms. Oliver will be attending in FCLB capacity.

Request received from Ms. Ellen Jagneaux, daughter of **Willie Jagneaux, D.C**, Lake Charles, LA, to reinstate Dr. Jagneaux’s license as he did not renew it in a timely manner due to illness and hospitalization. Motion made by Dr. Harvey, seconded by Dr. Cavanaugh, to reinstate Dr. Jagneaux’s license. With no objections, motion carries unanimously.

Request received from **Amber Polson, D.C., New Orleans, LA**, to accept the CE she received in 2016 for her 2016 renewal as she is a recent licensee and did not obtain CE hours in 2015. Motion made by Dr. Zeagler, second by Dr. Kruse, to accept the 2016 hours she earned toward her 2016 license renewal. With no objections, motion carries unanimously.

Request received from **Robert Zahn Jr., D.C**., Frisco, TX, to waive the delinquent fee he was assessed due to late receipt of his renewal and to accept the CE hours he earned in 2016. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to deny the request to waive the delinquent fee and to accept the CE hours earned in 2016. With no objections, motion carries unanimously.

Request received from **Shane Russell, D.C**., Monroe, LA, for an extension to obtain his CE hours. Motion made by Dr. Harvey, seconded by Dr. Cavanaugh, to offer a 30-day extension. With no objections, motion carries unanimously.

Request received from **Lance Baye, D.C**., Lockport, LA, who was unable to receive a CE voucher due to voucher broker which was utilized by CE sponsor was not reachable before 12/31, is requesting a waiver of the delinquent fee. Motion made by Dr. Zeagler, seconded by Dr. VanBreemen to waive the delinquent fee. With no objections, motion passes unanimously.

Request received from **Daniel Steffins, D.C**., West Monroe, LA, to accept a “dry needling” course originally approved that he will take in November which was originally rescheduled due to personal family emergency. Motion made by Dr. Harvey, second by Dr. Kruse, to accept the course. With no objections, motion carries unanimously.

Request received from **Paul Bean, D.C**., New Orleans, LA, to accept his experience as CE instructor for his 2017 “RM” CE requirements. Motion made by Dr. Harvey, seconded by Dr. Martello, to accept his teaching experience for his 2017 RM CE requirements, however next applicable year, he must take a RM course or teach a different course to get credit. With no objections, motion carries unanimously.

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Request received from **Asghar Mortaji, D.C**., Houston, TX, to waive his “RM” requirements for 2017 renewal as he lives and works in a state which does not have “RM” requirements for license renewal. Motion made by Dr. Harvey, seconded by Dr. Turk, to waive his 2017 RM requirement. With 6 yeas, 1 nay, motion carries.

Request received from **Justin Trosclair, D.C**., China, to accept a CE online course/credits as he lives and works in China. Motion made by Dr. Kruse, second by Dr. Zeagler, to accept his CE online course work as approve CE for his 2017 license renewal. With no objections, motion carries unanimously.

Request from Next Health, Dallas, TX , relative to a scope inquiry about if **cancer** **screening** tests, **carrier screening** tests and **pharmacogenetics screening** can be ordered by LA chiropractors. Response to be sent by Ms. Oliver those screenings are allowed if the screenings are associated with the functional integrity of the spine.

Request from **Andre’ Broussard, D.C**., Lubbock, TX, if LA chiropractors have “physician” status. Ms. Oliver notes she provided Dr. Broussard with that info prior to the meeting. Dr. Harvey suggests Dr. Broussard be sent a copy of the applicable law.

Request received from **Tim Cunningham, D.C**., Frisco, TX, if LA DC’s can perform “minor surgery”. Response to be provided that “surgery” is not allowed but reduction or relocation of a dislocated joint is allowed if it is associated with the functional integrity of the spine.

**Upcoming Events:**

* Next Board Meeting, 06/16/2016.
* Additional offering of licensure exam, 07/28/2016, time to be announced
* X-Ray Proficiency Certificate holders’ annual renewal deadline, 07/31/2016.
* Annual license renewal deadline, 12/31/2016.

Motion made by Dr. Harvey, seconded by Dr. Cavanaugh, to adjourn. With no objections, motion carries unanimously.

MEETING ADJOURNED AT APPROXIMATELY 12:22 p.m.