LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JUNE 15, 2017**

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

Members Absent: Dr. Joseph E. Turk.

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 8:43 a.m., Dr. Jon Zeagler, President.

The **minutes** of the 04/06/2017 meeting were mailed to all Board members. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the minutes as prepared and received. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**STANDING COMMITTEE REPORTS**

1. **FINANCE COMMITTEE REPORT** **by Ms. Oliver & Dr. VanBreemen:**

**Financial statements** for March and April 2017 were prepared by Ms. Oliver and provided to the Board. Motion made by Dr. Martello, seconded by Dr. Kruse, to accept the statements as prepared. With no objections, motion carries unanimously.

Relative to **deposit trends**, Ms. Oliver prepared a chart noting monthly deposit activity. The discussion was tabled at the April meeting until Dr. Kruse was present. Chart discussed however, Ms. Oliver asked to include deposit info from 2015.

**CD report:**  Dr. VanBreemen noted CD activity since the last Board meeting and again suggests transferring money back to replace a CD which was transferred to the Board’s checking account several years ago.

All Board members present reviewed each **expense and expenditure reimbursement** paperwork since the April 6, 2017 Board meeting as well as all bank statements and further, all members signed the cover log sheet.

Ms. Oliver notes receipt of a bid for office **janitorial service** which is $5.00 lower than the current service fee. Board states if the current service is satisfactory, then keep the contract for services in place.

The **“Performance Indicator”** report of Board office activity since last Board meeting was provided to Board members for review as follows:

* 278 phone calls received
* 10 application packets mailed
* 27 seminars reviewed
* 42 x-ray certificates issued
* 4 licenses issued
* 4 complaints filed
* 1 renewal processed
* 227 x-ray renewal processed
* 163 license verifications processed
* 1 subpoena duces tecum received and answered
* 20 CE locate requests received
* 7 lists requests processed

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

Ms. Oliver notes no new PR requests but did receive an inquiry from an insurance company.

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

Relative to **Complaint # 1192**, which pertained to an advertising violation, Dr. Kruse notes a $350.00 settlement offered. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to accept the “consent agreement”. With no objections, motion carries unanimously.

Relative to **Complaint # 1221**, which pertained to an out of state practitioner’s advertising, a “cease and desist” letter was issued.

Discussion held about “**ambulance chasing**” and “**accident solicitation**”. Mr. Jeddie Smith will research this matter.

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

Due to the absence of Dr. Turk, Ms. Olivernotes no new activity at this time.

* **TESTING**:

Ms. Oliver notes 11 applications were accepted for the July **licensure exam**.

Ms. Oliver requested to update the **Board’s webpage** to reflect future test dates.

Dr. Zeagler attended the **NBCE’s Part IV** Test Writing Committee in Greeley, CO.

* **LAW & LEGISLATION:**

Relative to the Board’s legislation, **SB 217**, sponsored by Sen. Dale Erdey, which changes **continuing education requirements** to 15 hours annually with 3 hours of “risk management” to contain one hour of “ethics”, Ms. Oliver notes it passed the Legislature and has an effective date of 08/01/2017. Ms. Oliver notes no “phase-in” date was written in by the Legislature and the requirements will apply therefore to the upcoming license renewal for 2018.

Relative to proposed legislation, **SB 75** by Senator Mills and its intent to change boards’ composition, boards’ functions, boards’ funds, boards’ disciplinary process, etc. Rep. **Joe Stagni** testified in Legislative Committee and presented information about Boards’ functions and processes. The bill did not make it through the legislative process.

Ms. Oliver requests the Board review the **FCLB’s “Model Practice Act**” for possible future reference for practice language.

Ms. Oliver provides new “**demographics**” info prepared on LA licensees. This info will be updated on the Board’s webpage.

* **GENERAL CORRESPONDENCE**:

None to discuss.

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* **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 4 employees. Dr. VanBreemen comments he still has issues with hand-written leave records and suggests perhaps a “time clock” is needed instead of daily sign-in/sign-out sheets for the employee so he could be sure the leave records were accurate. Ms. Oliver notes there are 2 full time employees and 1 part-time employee. All employees sign in and out at Ms. Oliver’s desk. Sign-in and sign-out records are spot-checked by the auditor annually to verify that leave records match sign-in/sign-out sheets, and further, the only records that are handwritten are the rough draft sheets utilized by Ms. Oliver, however the records are prepared for Board review on Excel spreadsheets for each Board meeting and maintained for historical information on the Board’s computer and in the Board personnel files.

Dr. Zeagler notes discussion is needed for the **annual salary and wage review** of employees. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to recess to review wage and salary info. With no objections, motion carries unanimously. Meeting is recess at 11:15 a.m. and reconvenes at 11:28 a.m.

Motion made by Dr. Zeagler, seconded by Dr. Martello, to grant a 2% raise to **Ms. Oliver** and **Ms. Hebert-Schmidt** and to increase **Ms. Boeneke** to $14.00 per hour. With no objections, motion carries unanimously.

Dr. Martello notes some of the **office equipment** is “slow” and needs updating, such as the fax machine and printers. Ms. Oliver states she does not replace equipment unless and until it breaks. He suggests we gather prices on office equipment and services for possible future purchase to include:

* time clock
* digital recording machine
* faster fax machine
* faster printer/s
* webpage reconstruction and webmaster
* **SEMINAR REVIEW by Dr. VanBreemen:**

Ms. Oliver reports Dr. VanBreemen had reviewed 27 seminars since the last meeting; however no seminars additional seminars require full Board review.

The list of **approved instructors**, as requested by Dr. VanBreemen, has been created for the Board’s internal use in reviewing CE seminar applications and is on file for use as needed.

Inquiry made by Dr. Cavanaugh relative to **PACE** and LA’s utilization of it.

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Motion made by Dr. Martello, seconded by Dr. Kruse, to change the posted order of the agenda to allow **Robert Johnson, D.C**., to make his presentation. Roll call vote: Rollette – Yes; Martello – Yes; Kruse – Yes; Cavanaugh – Yes; VanBreemen – Yes; Zeagler – Yes. 6 yeas, 0 nays, agenda order is changed.

Dr. **Robert Johnson**, Lake Charles, LA, requests his LA DC license which lapsed in 2002, be reinstated. Since his license lapsed, he has obtained a nursing degree and is pursuing a “master’s degree in nursing” as well. The Board will accept 124 hours from his nursing school degree. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse to reinstate Dr. Johnson’s license with reinstatement fees received and contingent upon receipt of proof of attendance of at least 60 additional hours of approved CE and the completed background report information. With no objections, motion carries unanimously.

**OLD BUSINESS:**

Dr. Martello, Dr. Kruse and Ms. Oliver attended the **2017 FCLB** regulatory board training conference, May 4-7, 2017, Orlando, FL. Topics covered included credentials, public protection, fraudulent activities, model practice act, interjurisdictional mobility.

**NEW BUSINESS:**

Ms. Oliver notes the subscription for the “**Professional Licensing Report**” will be expiring. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to renew the subscription for period of 4 years for best rate. With no objections, motion carries unanimously.

Request received from **Jonny Roberts, D.C**., Hawii, HI, to reinstate his LA license. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to reinstate his license upon receipt of the necessary CE hours, background check report and fees due. With no objection, motion carries unanimously.

Ms. Oliver notes requests **Megan Deedy D.C.**, Shreveport, LA, who submitted the application fee however could not sit for the April exam due to an incomplete application folder. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to apply the application fee of **Megan Deedy, DC**, to the upcoming exam in July. With no objections, motion carries unanimously

Request received from **Justin Trosclair, D.C**., who is living/practicing in the Yunnan Province, China, to accept the CE hours he obtained for his 2018 license renewal. Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to accept the CE presented and to waive his “RM” requirements. With no objections, motion carries unanimously.

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Request received from **Mike Keogh, D.C.,** Baton Rouge, LA, for a scope inquiry relative if infusions of B-12, Vitamin C, etc., are within the scope of practice. The Board will respond that “**infusions**” are not within the scope.

Inquiry raised by Dr. Rollette as to what an “intern” can and cannot do in a licensed chiropractor’s office and “**internships**”. Specifically, can an “**intern**” practice? Dr. Kruse notes that physician level services are not allowed by unlicensed physician. Dr. Rollette notes “extern” is terminology utilizes by malpractice carriers she has researched. Ms. Oliver states the term “extern” is not utilized in LA statutes and also not defined. Declaratory Statement 2013-01 discusses “internships” and “preceptorships”. Dr. Rollette will draft new language for a declaratory statement for review at the next Board meeting.

Ms. Oliver notes receipt of a few items not included on the agenda. Motion made by Dr. VanBreemen, seconded by Dr. Martello, to amend the posted agenda to include any other items. Roll call vote: Rollette – Yes; Martello – Yes; Kruse – Yes; Cavanaugh – Yes; VanBreemen – Yes; Zeagler – Yes. With 6 yeas, 0 nays, agenda is amended.

Ms. Oliver notes receipt of request from **Tim Levin, D.C**., Shreveport, LA, relative to accept CE hours he obtained in 2017 for his 2017 license renewal. Motion made by VanBreemen, seconded by Dr. Kruse, to accept his hours and upon payment of all fees, fines and hours due, the license will be renewed. With no objections, motion carries unanimously.

Ms. Oliver is once again providing a “friendly reminder” to all Board members to complete the “**on line ethics training**” which is required by state law for 2017. Completion of this requirement is due December 31 annually and Ms. Oliver reminds everyone that this annual requirement can be completed at any time until 12/31 for the 2017 current requirement.

**Upcoming Events:**

* NBCE’s Part IV Test Administration (nationwide), 11/10-12/2017.
* Next Board Meeting, 07/27/2017, time to be announced.
* Annual Board Elections, 07/27/2017.
* Biannual licensure exam, 07/27/2017, time to be announced.
* Annual X-ray Proficiency Certificate Holder renewal deadline, 07/31/2017.
* FCLB District Meeting, 09/13-14/2017. Quebec City, CANADA
* Annual license renewal deadline, 12/31/2017.

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

MEETING ADJOURNED AT APPROXIMATELY 12:19 p.m.