LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JULY 20, 2023**

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

Secretary-Treasurer; Dr. Michael R. Cavanaugh.; Dr. Kelleigh A. Payne; Dr. Denise

Rollette; Peggy Anselmo, Consumer Member

Members Absent: None

Staff Present: Patricia A. Oliver, Executive Director, Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: Madeline Carbonette, Asst. Attorney General.

Audience: Tim Chittom, CAL; Debbie Moore, DC, Picayune, MS.; Morgan Pollard, Picayune, MS:

Jared Seigler, DC, Lake Charles, LA.

Meeting called to order at 8:50 a.m., Dr. Mark B. Kruse, President, presiding.

Formal hearing, **Docket 2022-01, Derrek Mart, DC**, has been continued without date, due to request from defendant’s counsel for time needed for preparation.

The draft version of the **minutes** of the 04/20/2023 meeting was emailed to all Board members for review. Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to approve the minutes and release to the public. With no objections, motion carries unanimously.

Dr. Kruse names Dr. Payne and himself to the “**minutes review committee**”, so that minutes’ draft will be sent to Dr. Kruse and Dr. Payne for review then minutes will be ratified before the full Board at the next meeting.

**PUBLIC COMMENT:** None received.

**INTEGRITY CHECK:** None.

**STANDING COMMITTEE REPORTS**

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

No specific complaint action to report at this time, however, Dr. Cavanaugh notes the large backlog of complaint work due to continuances granted, rescheduling, attorneys’ worklogs, etc. Ms. Oliver to gather other boards’ attorney info for utilization if needed in the future.

* **FINANCE COMMITTEE REPORT** **by Ms. Oliver and Dr. Traxler:**

**Financial statements** for April, May and June 2023 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.

**CD Report** discussed by Dr. Traxler and Ms. Oliver. Ms. Oliver notes that CD #26 was deposited to the Board’s checking account after direction from Dr. Traxler and Dr. Kruse. Bank statement reflects the deposit. This action was needed due to increased costs, legal fees, etc., to operate the Board office and conduct disciplinary action plus new expenses associated with technology updates.

Dr. Kruse notes that the Board’s rent has increased by 21%, the cost of postage has increased by 46%, the cost of tech support and equipment has increased by 60% and the “risk management/insurance costs” have increased by 134%.

**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 Dr. Martello, to accept the log as presented. With 6 yeas, 0 nays, motion carries.

Relative to the **‘deposit trends”** report, Ms**.** Oliver updated the chart since the last board meeting and provided a copy to all Board members.

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Relative to “**Financial Planning**”, Dr. Kruse provided estimated fee increases and has requested Ms. Oliver to prepare a chart with anticipated additional income from possible statutory fee increases as follows:

* Xray renewal: from $25.00 to $50.00
* Application fee: from $200.00 to $400.00
* Retake exam fee: from $75.00 to $100.00
* Delinquent renewal fee: from $250.00 to $350.00
* Xray Proficiency Certificate fee: from $75.00 to $100.00
* Inactive (retired) renewal fee: from $50.00 to $80.00
* Reciprocity License fee; from $200.00 to $300.00 OR from $200.00 to $400.00
* Regular License fee: from $150.00 to $200.00
* Active License Renewal fee: from $200.00 to $300.00 OR from $200.00 to $400.00
* Duplicate license fee: from $20.00 to $50.00
* Internship fee: from $100.00 - leave as is!

Also, relative to “**Financial Planning**”, Dr. Kruse provided estimated fee increases and has requested Ms. Oliver to prepare a chart with anticipated new income from possible administrative fee increases as follows:

* Lists: from $250.00 to $300.00
* New Licensee List – from $25.00 to $100.00
* Mailing Labels: from $250.00 to $500.00
* Seminar Review: Single date- from $75.00 to $150.00; multiple dates- from $100.00 to $200.00 and from $150.00 to $300.00
* Renewal Cards: from $20.00 to $40.00
* Dry Needling Certificate: from $20.00 to $40.00
* License verification reports: from $60.00 to $75.00 (webpage)
* License verification report; from $50.00 to $75.00 (mail)
* License verification report; from $55.00 to $75.00 (email
* Travel to Treat certificate: from $100.00 to $150.00
* Minutes’ subscription (annual): from $60.00 to $75.00
* Blue Book (law book subscription) $75.00 to $100.00 and also to $125.00
* **PEER REVIEW COMMITTEE REPORT by Dr. Martello:** No activity to report at this time.
* **STANDARDS & PRACTICES by Dr. Traxler:** No information to discuss.
* **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.
* 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.
* Ms. Oliver reminds all board members of new annual requirement which is **CYBER training**.
* Report by Dr. Rollette from the “**Preceptorship Review**” Committee. Dr. Rollette notes no info available, and please remove from future agendas.
* Continued discussion on “**Testimonials”** languageReview” Committee chaired by Dr. Rollette – she reports no new info but please leave the matter on the agenda for future discussion.
* Continued discussion on proposed legislation to be handled by Rep. Stefanski regarding “**board member terms”** and “**application eligibility notice”** did pass the Legislature and goes into effect August 2023.
* Discussion about “**functional medicine**” inclusion in the Specialty Register – Dr. Cavanaugh was contacted by the VA Hospital with questions on this topic. The “Institute for Functional Medicine” determines how & why illness occurs. Inclusion would be in the “Specialty Register” regulations at Section 320 and list the number of hours. It is now noted that “functional medicine” does not meet criteria of the “Specialty Register” as currently written. Dr. Kruse assigns this topic for research and report back to the Board to the Standards & Practices Committee. Keep item on future meeting agenda.
* Future proposed legislation change is at LSA R.S. 37:2805.B..e, delete the phrase “…*and that was based on at least four thousand resident classroom hours*” and only use the phrase “*CCE or its successor*”.

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1. **TESTING** **Committee Report:**

* **Dr. Martello** participated in NBCE **Part IV** administration this past May 2023.
* **Dr. Payne** participated in the NBCE test writing committee meeting for **Part IV** with NBCE in June and enjoyed the experience.
* Motion made by Dr. Martello seconded by Dr. Cavanaugh to hold “executive session” to discuss application of Applicant P:1-S-20223340. Roll call vote: Dr. Rollette – Yes; Anselmo – Yes; Martello – Yes; Traxler – Yes; Cavanaugh – Yes; Payne – Yes; Kruse – Yes. With 7 yeas, 0 nays, motion carries.

(Executive Session ---------------------------)

Motion made by Dr. Martello, seconded by Ms. Anselmo, to accept the application of Applicant P:1-S-20223340 . With 7 yeas, 0 nays, motion carries unanimously.

* Ms. Oliver notes **NBCE** will hold its **Part IV** administration in November, 2023. Names should be submitted for LA Board participants soon.
* **ADMINISTRATIVE OVERSIGHT Committee:**

Current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver** since the April 2023 board meeting

were reviewed and approved by Dr. Traxler**,** and the full Board present reviewed and approved the leave and payroll records of all employees Dr. Traxler notes paperwork and leave records are in order and properly documented.

Annual salary review discussion to be held. Motion made by Dr. Martello, seconded by Dr. Payne to hold an “executive session” to discuss “salary review”. Roll call vote: Rollette – Yes; Anselmo – Yes; Martello – Yes; Traxler – Yes; Cavanaugh – Yes; Payne – Yes; Kruse – Yes. With 7 yeas, 0 nays, motion carries unanimously. Employees asked to not be in the “executive session, however, employees wished to remain. Executive Session cancelled.

Dr. Kruse notes the “Administrative Committee Oversight Committee is composed of the president, immediate past president and secretary-treasurer traditionally. Discussion was held earlier regarding Board’s finances, decreasing revenues, increasing expenses and salary amounts.

Motion made by Dr. Kruse, seconded by Dr. Traxler, to grant no increase to the hourly pay rate for **Phillip McKee.** With 6 yeas, 1 nay, motion carries.

Motion made by Dr. Kruse, seconded by Dr. Martello, to grant no increase to the salary pay rate for **Shellie Hebert-Schmidt** at this time. Discussion held and Dr. Cavanaugh suggests 8.75% increase to follow the inflation rate. Dr. Traxler notes the Board recently deposited a certificate of deposit to the checking account due to the low account balance in the operating account. With 6 yeas, 1 nay, motion carries.

Motion made by Dr. Kruse, seconded by Dr. Traxler, to grant no increase to the salary pay rate at this time for **Patricia Oliver**. Discussion held and Dr. Cavanagh again suggests 8.75% increase to follow the inflation rate. With 5 yeas, 2 nays, motion carries.

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* **OFFICE PERFORMANCE INDICATOR REPORT:** Office activity/work product 04/15/2023 to 07/14/2023:
* Phone calls received: 245
* Licensure Application packets requested & mailed: 17
* New Applications Received w/Fee: 13
* New Applications Ready to Take Test: -0-
* New Licenses Issued: 8
* Complaints Filed & Opened: 3
* Complaints closed: -0-
* Complaints Pending: 623
* DC license renewals received & processed: 3
* DC license renewals returned as “incomplete” or “missing CE”: -0-
* Delinquent license renewal fees paid: 3
* License verifications Requested/Reports Issued Via Mail: 10
* License verification ordered online: 207
* New X-ray certificates issued: 3
* X-ray certs renewed: 299
* Public records requests: -0-
* Subpoenas received: -0-
* Seminars reviewed: 39
* CE locate requests received: 10
* List requests received and processed: 2
* National licensee alerts received and logged: 4
* Peer Review Requests: -0-
* Dry Needling certificates issued: -0-
* Duplicate Licenses Issued: -0-
* Duplicate Xray Certificates Issued: -0-
* License Renewal Cards Purchased: -0-
* Blue Books purchased: -0-
* Minutes Subscriptions: -0-
* “Travel to Treat” temporary licenses: -0-
* # of Emails Received: 674
* **GENERAL CORRESPONDENCE**:
* NBCE regarding test writing committee meeting
* Info from FCLB regarding district meeting/training held in April in West Palm Beach, FL wherein Dr. Kruse, Dr. Martello and Ms. Oliver attended.

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* **SEMINAR REVIEW by Dr. Traxler:**

Dr. Traxler reports he has reviewed 39 seminars since the last meeting.

**OLD BUSINESS:**

Continued discussion on “**real time license verification**” process. Dr. Kruse has been in contact with Mr. Nick Moore regarding a solution for the tech problems encountered with the webpage and the LV process and he will be obtaining a business proposal from Mr. Moore for this work.

Regarding review of “**internship process**”, Dr. Kruse notes no new information and requests item removed from the agenda.

**NEW BUSINESS:**

Request received from **Yasmin Cosey, D.C**., Long Island, NY, for an additional extension of time to obtain approved CE hours. Motion made by Dr. Martello, seconded by Dr. Traxler, to grant an additional 90 days to Dr. Cosey. With 7 yeas, 0 nays, motion carries unanimously.

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Request received from **Celia Cangelosi,** attorney, to renew the contract to provide legal services for the Board. Ms. Oliver notes no changes besides new dates in the contract. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to renew Ms. Cangelosi’s contract as received. With 7 yeas, 0 nays, motion carries.

Report given by Dr. Kruse, Dr. Martello and Ms. Oliver on attendance as LA Board’s representatives at the **FCLB’s meeting** held April 2023.

Discussion initiated by Dr. Cavanaugh on “**physical modality advertising**” and that the Board is receiving complaints of chiropractic physicians advertising “physical therapy” etc from the LA Physical Therapy Board. It is noted that statutes in the “physical therapy act” limits working used to advertise physical modalities. Dr. Kruse suggests a list of acceptable terms which could be utilized in advertising be created, however, no changes are made at this time. It is noted the Board will continue to send a “cease and desist” letter to any chiropractic licensee who is advertising “physical modalities”.

Review of the **2024 license renewal form** presented by Ms. Oliver. Dr. Rollette requests all quotation marks be deleted. Ms. Oliver instructed Madeline Carbonette, Asst. Attorney and Board general counsel, relative to administrative fees listed on the renewal form. Motion made by Dr. Rollette, seconded by Dr. Traxler, to approve the form with punctuation changes. With no objections, motion carries unanimously.

Regarding additional administrative fees to be collected, motion made by Dr. Payne, seconded by Dr. Traxler, to approve the entire form pending instruction from general counsel. With no objections, motion carries unanimously.

Motion made by DR. Cavanaugh, seconded by Dr. Traxler, to amend the agenda order to revisit “Old Business”. Roll call vote: Rollette – Yes; Anselmo – Yes; Martello – Yes; Traxler – Yes; Cavanaugh – Yes; Payne – Yes; Kruse – Yes. With 7 yeas, 0 nays, agenda order is modified.

**Old Business** (Continued) – Request from **Cole Wilkinson, D.C**., Roanoke, LA, to adjust the date of his license reinstatement back to 01/01/2023. Ms. Oliver instructed to send response the date of his license renewal will not be adjusted back to 01/01/2023.

Inquiry received from chiropractic assistant **Yarimel Nevarez, Laplace**, LA, can she perform “manual therapy” on chiropractic patients and is that considered “massage therapy” as her employer is instructing her to perform “manual therapy”. Response to be provided that it is not “massage therapy” if she is utilizing manual therapy to treat a condition diagnosed by the chiropractic physician.

Annual **Board Elections** are scheduled today as follows:

Dr. Kruse calls for any nominations for office of “**Secretary-Treasurer**”. Dr. Martello nominates Dr. Mike Traxler as “secretary-treasurer”. Hearing no other nominations after 3 calls, Dr. Kruse reports **Dr. Traxler** is “secretary-treasurer” by acclamation.

Dr. Kruse calls for any nominations for office of “**Vice President**”. Dr. Cavanaugh nominates Dr. Ned Martello as “vice president”. Hearing no other nominations after 3 calls, Dr. Kruse reports **Dr. Martello** is “vice presidnet” by acclamation.

Dr. Martello, as newly elected vice president, calls for any nominations for office of “**president”**. Dr. Traxler nominates Dr. Mark Kruse as “president”. Hearing no other nominations after 3 calls, Dr. Marelle reports **Dr. Kruse** is re-elected as “president” by acclamation.

**Upcoming Events:**

* Xray Proficiency Certificate renewal deadline, 07/31/2023
* Next Board Meeting, 10/19/2023, time to be announced
* NBCE Part IV Testing, nationwide, 11/11-12/2023.
* Annual license renewal deadline: 12/31/2023

Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to adjourn. With no objections, the meeting is adjourned at approximately 12:11 p.m. With no objections, motion carries unanimously,

MEETING ADJOURNED 12:11 p.m.