LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – July 26, 2012**

Members Present: Dr. Mark Kruse, President; Dr. Michael Cavanaugh, Vice President; Dr. R. Buckley VanBreemen, Secretary-Treasurer; Dr. David Barczyk; Dr. Ned Martello; Dr. Jon E. Zeagler

Members Absent: Dr. Wynn Harvey;

Staff Present: Patricia A. Oliver, Executive Director

Legal Counsel: Angelique Freel, Asst. Attorney General

Audience: None.

Meeting called to order at 8:37 a.m. Dr. Mark B. Kruse, President, presiding.

The **minutes** of the 06/14/2012 meeting were prepared and mailed to all Board members. Motion made by Cavanaugh, and seconded by Dr. VanBreemen. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for May 2012 & June 2012 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Barczyk, seconded by Dr. Zeagler, to accept the statements. With no objections, motion carries unanimously.

**CD report** was given by Dr. VanBreemen. The CD moved to the checking account will be evident on the July 2012 financial report.

The Board discusses the draft of the **2012-13 budget** as prepared by Barry Delery, CPA. Changes are to be made as follows: Relative to purchasing of the Board office - Maintenance - $2000.00, Repairs - $5000.00. Also, relative to the request of Dr. Barczyk for testing partitions to replace those currently in use at the Board office, the budget to be amended to include: Testing Equipment- $2000.00. Also Dr. Barczyk would like to receive the price information for upgrading the partitions in the testing room.

* **PEER REVIEW COMMITTEE REPORT BY Dr. Martello**: The Board received one new PR request on 07/25/2012. That request will be prepared ASAP and made ready for review by the PR Committee.

Motion made by Dr. Kruse, seconded by Dr. Zeagler, to recess for Licensure Exam @ 9:08 am with no objections, the meeting is recessed.

(Recess --------- Meeting called back in session at 9:43 am.)

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

In Dr. Harvey’s absence, Ms. Oliver presents 3 “agreed settlements” as follows:

Relative to Complaint # **1002**, concerning an “ad violation”,   
Dr. Harvey is offering an “agreed settlement” of $350.00 fine and to correct future ads. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to accept the “agreed settlement”. With no objections, the motion carries unanimously.

Relative to **Complaint # 984**, concerning an advertising violation”, Dr. Harvey is offering an “agreed settlement” of $350.00 fine and to correct future ads. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the “agreed settlement”. With no objections, the motion carries unanimously.

Relative to **Complaint #969**, relative to a conviction of possession and distribution of marijuana, Dr. Harvey is offering an “agreed settlement” to include addiction evaluation plus $2000.00 fine and Board costs and attorney fees of $2439.75 equaling $4429.00, as well as 3 year probation, random drug screens and attendance of an approved “ethics & boundaries” course at the expense of the licensee. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to accept the agreed settlement. Motion carries with 4 yeas, 0 nays and 1 abstention.

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

No current activity at this time.

* **LAW & LEGISLATION:**

Dr. Barczyk and Ms. Freel are still working on the language for undergraduate degree requirements. Dr. Kruse would like to keep this on the agenda.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. VanBreemen has reviewed the time records for Ms. Oliver and Ms. Hebert-Schmidt and reports all records are in order.

* **GENERAL CORRESPONDENCE:**

Relative to the State **Office of Student Financial Assistance**, Ms. Oliver informs the Board the “Sallie Mae” federal agency will be processing all student loan status reports on the required checking of new licensure applicants and license renewal applicants with the State of LA.

Relative to **CCE**, Ms. Oliver has received info of newly elected officers.

Relative to **University of Bridgeport**, Ms. Oliver has received info it has appointed a new “Dean”.

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* **SEMINAR REVIEW by Dr. VanBreemen:**

Dr. VanBreemen informed the Board he has reviewed 28 seminars since the last meeting. No seminars need full Board review at this time.

**OLD BUSINESS:**

Continued discussion held on scanning**/CE attendance monitoring.**  Ms. Oliver presented to the Board the research requested at the last meeting pertaining to the CCE chiropractic colleges, associations, and organization’s process of tracking/monitoring chiropractors attending CE courses. Continued discussion on what could be a more concrete way of monitoring the chiropractors. Dr. Kruse requests Ms. Freel to report at the next Board meeting the process in place utilized by the Bar Association for attorney CE attendance monitoring and to secure a copy or example of the “attestation sheets” utilized at Bar Association seminars. Matter is to be kept on the agenda for the next meeting.

Relative to the “**purchase of the Board office building**”, Ms. Oliver informs the Board she recently had a meeting with David Henderson, Attorney with the State Bond Commission and Capital One Bank. She is currently waiting on paperwork from the Bank to move forward.

Review of the second draft of the “**additional newsletter**” to be sent to all licensees with the changes of the June meeting incorporated. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to accept as written and to be mailed out by September 1, 2012.

Relative to the **annual newsletter** and **the license renewal form**, Dr. Kruse wants to add the information that the Board “Has the right to run background checks.” Motion is made by Dr. Cavanaugh, seconded by Dr. Zeagler, to initiate **background checks** on January 1, 2013 applicable to new licensure applications for the April 2013 exam. With no objections, motion carries unanimously. The Board directs Ms. Oliver to contact the State Police and any other appropriate agency to establish the procedure to contact the background checks.

Dr. Kruse sets September 1, 2012 as deadline for submission of **newsletter** articles to Ms. Oliver.

Regarding the published **LA** **Veterinary Board rule,** Dr. Zeagler informs the Board his sources say the Vet Board informed all vets of the requirement for direct supervision from the vet if the animal is being adjusted by a chiropractor. Angelique Freel said unless the Board wants to challenge the rules promulgation process utilized by the Vet Board, the rule is in effect.

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Relative to “**risk management waivers**”, Dr. Zeagler wanted to create certain guidelines for the numerous risk management waiver requests received each year. Dr. Kruse requests matter to be kept on the agenda for next meeting so they can finalize a board policy for this matter. The Board will want to add this information to the newsletter that goes out next year.

**Steward Fresh, D.C.,** Mandeville, LA**,** submitted a request if **“dry needling**” is within the scope of practice in LA. Dr. Kruse would like to gather more information and prepare draft language for the next meeting.

**OLD BUSINESS:**

Request received from **Richard McElveen, D.C.,** Lake Charles, LA**,** due to financial hardship, to have fees waived for his license to be reinstated. Motion made by Dr. Zeagler, seconded by Dr. VanBreemen for further discussion. Motion made by Dr. Zeagler, seconded by Dr. Barczyk, that Dr. McElveen is to obtain his CE hours and pay the 2012 LR fee and waive the fees and CE hours for 2011. Motion is withdrawn by Dr. Zeagler.

Motion made by Dr. Barczyk, seconded by Dr. Zeagler, that all requirements are needed for the year in which Dr. McElveen wants to practice, and all fees and hours for lapsed years be waived. With no objections, motion carries unanimously.

A request was received from John Liggio, Executive Director, LA Board of Wholesale Drug Distributors relative to chiropractors purchasing “**legend devices**”. Ms. Oliver directed to send response that the chiropractic scope does not address “legend devices”.

Ms. Oliver notes receipt of a new law, SCR 107, from Civil Service which informs the Board all state employees be required to complete a **“sexual harassment” training course**. The State will provide the course to take on line or in a class-style forum. More information to follow.

Ms. Oliver notes receipt of information relative to the upcoming FCLB Convention, September 13 – 16, 2012, Charleston, SC.

Ms. Oliver informs the Board it is time to consider contract renewal of Attorney **Celia Cangelosi** for the Board’s “legal counsel”. Details of the proposed contract have not changed since last contract renewal. Motion made by Dr. Cavanaugh, seconded by Dr. Barczyk to accept Ms. Cangelosi’s contract as submitted. With no objections, the motion carries unanimously.

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**Annual Elections:**

Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler to nominate Dr. VanBreemen for the position of **Secretary/Treasurer**. Hearing no other nominations, Dr. Kruse closes the nominations. With no other nominations, Dr. VanBreemen is re-elected by acclamation.

Motion made by Dr. Martello, seconded by Dr. Zeagler to nominate Dr. Cavanaugh for the position of **Vice President**. Hearing no other nominations, Dr. Kruse closes the nominations. With no other nominations, Dr. Cavanaugh is re-elected by acclamation.

Motion made by Dr. Cavanaugh, seconded by Dr. Barczyk to nominate Dr. Kruse for the position of **President**. Hearing no other nominations, Dr. Kruse closes the nominations. With no other nominations, Dr. Kruse is re-elected by acclamation.

Motion made by Dr. VanBreemen, seconded by Dr. Barczyk, to adjourn. The motion was withdrawn after Ms. Oliver noted the scheduled formal hearing at 1:30 pm, Docket 2012-01, State v. Thompson, which the Board will be in attendance acting as “hearing officer”.

Meeting recessed at 11:37 p.m.

Meeting resumed at 1:30 pm for the hearing, Docket 2012-01, State v. Thompson, noting the Board’s attorney of record, Celia Cangelosi, and the Board’s general counsel, Angelique Freel, Asst. Attorney General, Ellen Tanner, Court Reporter; Dr. Michael Cavanaugh, Vice President;, Dr. Jon Zeagler, Dr. Ned Martello, Dr. David Barczyk, Patricia Oliver, Executive Director; Shellie Hebert-Schmidt, Administrative Assistant, Eddye Boeneke, Clerical Assistant, Dr. John Thompson, and Mrs. John Thompson in attendance.

(Please note: The court reporter’s transcript of the hearing, Docket 2012-01, State v. Thompson, is available upon request from the Board.)

Motion made by Dr. Zeagler, seconded by Dr. Barczyk, to hold an “Executive Session” to discuss hearing information. Roll call vote: Cavanaugh – Yes; Martello – Yes; Zeagler – Yes; Barczyk – Yes. 4 yeas, 0 nays, motion carries.

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

Motion made by Dr. Barczyk, seconded by Dr. Zeagler, to resume the “open meeting” session at 2:47 pm. With no objections, the motion carries unanimously.

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Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to amend the proposed order to have **Dr. John Thompson**’s license revoked and order him to pay $7500.00 fine and all costs associated with these proceedings and legal expenses incurred by the Board and said costs to be paid to the Board immediately. With no objections, motion carries unanimously. The record will note Dr. John Thompson appeared at the onset of the hearing; however he left in the middle of proceedings due to not having legal representation. The Board determined that Dr. John Thompson was adequately given notice of today’s proceedings.

**Upcoming Events:**

* X-Ray Certificate Holders annual renewal deadline, 07/31/2012.
* FCLB District 3 & 5 Convention, 09/13-16/2012, Charleston, SC
* Next Board meeting, 10/11/2012, time to be announced.
* Next exam offering, 10/11/2012, time to be announced.
* NBCE Part IV exam administration, 11/10-13/2012, nationwide test sites.
* Annual license renewal deadline, 12/31/2012.

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

MEETING ADJOURNED AT APPROXIMATELY 2:53 p.m.