LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JANUARY 16, 2020**

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

Members Absent: Dr. Mark B. Kruse, President.

Staff Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: None.

Audience: Debbie Moore, DC, Picayune, MS; Patrick McNeil, DC, Covington, LA; Tim Chittom, CAL, Baton Rouge, LA.

Meeting called to order at 8:36 a.m., Dr. Mark Kruse, President, presiding.

The **minutes** of the 12/12/2019 meeting were mailed to all Board members. Motion made by Dr. Zeagler, seconded by Dr. Martello, to approve the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**INTEGRITY CHECK:**

* Dr. Cavanaugh noted he received a question from Dr. Jude Scott regarding CE hours.
* Ms. Oliver notes for the record that Board members are not privy to test materials.

**STANDING COMMITTEE REPORTS**

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

**Financial statement** for December 2019 was prepared by Ms. Oliver and provided to the Board prior to the meeting. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the **financial statement** as prepared. With no objections, motion carried unanimously.

The **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. Zeagler, to accept the log as presented. With no objections, motion carries unanimously.

Relative to **deposit trends** report is being continuously updated and will be presented, as requested, at future January and July meetings.

**CD report:**  Dr. VanBreemen notes no new activity, however next CD’s set to mature in February 2020. **Act 687 –** The 3rd quarter report was submitted by Ms. Oliver. **Ms.** Oliver notes the required annual **AFR** report was submitted on behalf of the Board.

Relative to the Board’s **annual budget,** Dr. Kruse requests this item be a “standing” agenda item, however in his absence, no discussion held.

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

No new requests received.

**MINUTES – 01/16/2020**

**PAGE 2**

1. **TESTING** **Committee Report** **by Ms. Oliver:**

Ms. Oliver notes background report received on a January 2020 candidate, Applicant P-1-F. Motion made by Dr. Zeagler, seconded by Dr. Rollette, to discuss the background check report in Executive Session and allow presentation by Applicant P-1-F Roll call vote:Rollette – Yes; Zeagler – Yes; Cavanaugh – Yes; VanBreemen – Yes; Martello – Yes. With 5 yeas, 0 nays, Motion carries.

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

Motion made by Dr. Zeagler, seconded by Dr. Martello, to allow Applicant P-1-F to sit for the licensure exam today. With no objections, motion carries unanimously.

Motion made by Dr. Zeagler, seconded by Dr. Rollette, to change the order of the posted agenda to hear request of **Patrick McNeil, D.C.,** Covington, LA, relative to CE requirements. Roll call vote: Rollette – Yes; Zeagler – Yes; Cavanaugh – Yes; Zeagler – Yes; Martello – Yes. With 5 yeas, 0 nays, agenda order is changed.

**Patrick McNeil, D.C**., Covington, LA, is requesting to utilize his teaching of chiropractic related courses as CE for the 2020 license renewal. Motion made by Dr. Zeagler, seconded by Dr. Rollette, to allow Dr. McNeil to utilize his teaching as CE for the 2020 renewal. With no objections, motion carries unanimously.

* **ADMINISTRATIVE OVERSIGHT:**

Current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver** since the last board meeting were reviewed and approved by Dr. VanBreemen**,** and also the full Board present reviewed and approved the leave records of both employees as well as payroll info for all 3 employees.

* **PERFORMANCE INDICATOR REPORT:**

Board office activity/work product from 12/11/2019 – 01/14/2020:

* Phone calls received: 330
* Licensure Application packets requested & mailed: 2
* New Licenses Issued: 1
* Complaints Filed & Opened: 1
* Complaints closed: 12
* DC license renewals received & processed: 401
* DC license renewals returned as “incomplete” or “missing CE”: 26
* Delinquent license renewal fees paid: 11
* License verifications processed: 70 (~$3500.00)
* New X-ray certificates issued: 2 ($150.00)
* X-ray certs renewed: 0
* Public records requests: 0
* Subpoenas received: 0
* Seminars reviewed: 27 (~$2700.00)
* CE locate requests received: 6
* List requests received and processed: 4 (~$1000.00)
* National licensee alerts received and logged: 7
* Peer Review Requests: 0
* Dry Needling certificates issued: 7 ($175.00)
* Duplicate Licenses Issued: 4 ($80.00)
* Travel to Treat temporary license: 1 ($100.00)
* License Renewal Cards Purchased: 29 ($580.00)

**MINUTES – 01/16/2020**

**PAGE 3**

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

Ms. Oliver reports Dr. VanBreemen had reviewed **29** seminars since the last meeting.

Request received from HDP Whiplash Group for seminar “Whiplash”. Full Board review since this program did not have an instructor on post grad faculty. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to accept 19.2 hours and deny 4.25 hours of “practice management”. With no objections, motion carries unanimously.

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

Dr. Cavanaugh notes an agreed settlement relative to failure to supply address change info, offered in **Complaint # 1376.** Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the agreed settlement of $350.00. With no objections, motion carries unanimously.

Dr. Cavanaugh reports an agreed settlement totaling $250.00 offered for **Complaint #1321** for delinquent renewal issue. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the agreed settlement of $250.00. With no objections, motion carries unanimously.

Dr. Cavanaugh reports an agreed settlement in **Complaint # 1346, #1369 and #1372** relative to uncertified x-ray employee, each totaling $350.00. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the settlements in each complaint noted. With no objections, motion carries unanimously.

Dr, Cavanaugh reports an agreed settlement in **Complaint # 1373** of an uncertified employee of $500.00. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to accept the settlement offered. With no objections, motion carries unanimously

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

No activity to report at this time.

* **LAW & LEGISLATION:**

Ms Oliver notes the **Act 12** report and the **Act 655** report have been filed timely as required by law. Next reports are due in the next quarter.

Ms. Oliver asked to research “**term limits” of board members** and provide info at the next meeting**.**

Ms. Oliver reminds all board members and board staff of annual requirement to take the state **Ethics** course by December 31st annually and to submit proof of completion to the Board – this requirement is still in place and must be completed by 12/31/2020.

Continued discussion held on “**delegation of exercises**”.

Ms. Oliver provided program guidelines to the Board of **FCLB’s CCCA** program. This program already in place, there is a handbook, then test. Test can be taken at the licensee’s office (online course 90 minutes for 100 question test. Test components are 15% documentation, 15% ethics & boundaries, 40% patient safety, and 30 % foundation. 11 states are currently utilizing it with TN leading the way. Every two years, the certificate is renewable. Is supervision required? Is there a public protection issue? The Board assigned to read all the materials for the next meeting. More discussion will follow.

.

* **GENERAL CORRESPONDENCE**:

None at this time.

**MINUTES – 01/16/2020**

**PAGE 4**

**OLD BUSINESS:**

Prior request received from FCLB as to our Board’s position on “**telemedicine**” and the previous request from a licensee about “telemedicine” practice. Dr. Kruse presented a draft a declaratory statement at the December 2019 meeting, as follows:

*“Telemedicine is within the scope of chiropractic*”. Dr. VanBreemen wanted more time to research. Matter is to be held for April 2020 meeting due to absence of Dr. Kruse.

Continued discussion held relative to submission at the April 2019 meeting of miscellaneous proposed declaratory statements language by Dr. VanBreemen for **Charles Herring, D.C**., Gonzales, LA, relative to “delegation of exercises”. Dr. Zeagler notes the CCCA program of the FCLB is already in place. He requests the entire Board review the information on the CCCA program to discuss at next meeting.

**NEW BUSINESS:**

Ms. Oliver notes information received of incorrect info being disseminated to FCLB members boards from unknown source relative to **pregnancy and birth** as related to chiropractic care. Dr. Rollette will provide additional information from the ICPA – matter to be left on the agenda for the next meeting.

Request received from **NBCE** for the **delegate** and **alternate** for the upcoming national convention. Ms. Oliver named “delegate” and Dr. Martello named “alternate”. Dr. VanBreemen may attend also. Ms. Oliver notes a grant is available for legal counsel to attend the FCLB meeting and is instructed to speak to with Jeddie Smith regarding attending if his schedule permits.

Request received from **FCLB** for the **delegate** and **alternate** for the upcoming national convention. Dr. Martello named “delegate” and Ms. Oliver as “alternate”.

Request received from **Jay Liebman, D.C**., Hollandale, FL, to waive the delinquent license renewal fee. Motion made by Dr. Zeagler, seconded by Dr. VanBreemen to waive the delinquent license renewal fee and to grant an extension to March 31, 2020. With no objections, motion carries unanimously.

Request received from **Tim Levin, D.C**., Shreveport, LA, to waive the delinquent license renewal fee. Motion made by Dr. Martello, seconded by letter to Dr. Cavanaugh, to deny the request. Amendment made by Dr. Zeagler, seconded by Dr. VanBreemen, to amend the motion to issue an official “cease & desist” letter. With no objections, motion carries unanimously. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to initiate a complaint and issue a C & D letter to Dr. Levin. With no objections, motion carries unanimously.

Request received from **Jasmine Scott, D.C**., Westwego, LA, requesting an extension to 03/01/2020 to obtain her CE requirements for 2020. Motion made by D. Zeagler, seconded by Dr. Cavanaugh, to grant an extension to 03/01/2020. With no objections, motion carries unanimously. Ms. Oliver directed to reiterate license renewal requirement for new licensees.

Request received from **Terry Thoroughman, D.C**., Nicholasville, KY, requesting an extension to obtain his CE requirements. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to grant extension to April 1, 2020 and waive the late fee. With no objections, motion carries unanimously.

Request received from **Teresa Cardwell, D.C**., Sunny Isles, FL, requesting an extension to obtain her CE requirements. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to grant extension to April 1, 2020 and waive the late fee. With no objections, motion carries unanimously.

**MINUTES – 01/16/2020**

**PAGE 5**

Request from **Wynn Harvey, D.C**., Pineville, LA, relative to HIPAA and patient records disclosures. He will be instructed to check with the Office of Workers’ Comp for guidelines.

Motion made by Dr. Zeagler, seconded by Dr. Martello, to amend the posted agenda to include items received after the agenda was prepared and mailed. Roll call vote: Rollette – Yes; Zeagler – Yes; Cavanaugh – Yes; VanBreemen – Yes. With 5 yeas, 0 nays, agenda is amended.

Request received from **Eliah Globke, D.C**., Monroe, LA, regarding the use of digital EEG for diagnostic testing purposes.

Request received from **Henry Fitch, D.C.,** Lillian, AL, requesting a waiver of the delinquent renewal fee. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to waive the fee. With no objections, motion carries unanimously.

Request received from **Jonny Roberts, D.C**., Hawi, HI, to utilize his online CE hours obtained for renewal. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to deny the use of the online CE hours, to grant an extension to April 30, 2020 obtain approved CE hours and to waive the delinquent fee. With all yeas, motion carries unanimously.

**Upcoming Events:**

* Next Board Meeting, 04/09/2020, time to be announced.
* Additional licensure exam offering, 04/09/2020, time to be announced.
* Annual FCLB conference, Denver, CO, 04/23-26, 2020.
* Nationwide NBCE Part IV exam offering, 05/14-17/2020
* End of Fiscal Year, 06/30/2020
* Biannual licensure exam, 07/16/2020, time to be announced.
* X-ray Proficiency Certificate Holder Renewal deadline, 07/31/2020.
* Annual license renewal deadline, 12/31/2020.

Motion made by Dr. Cavanagh, seconded by Dr. Zeagler, to adjourn. With no objections, meeting is adjourned at approximately 12:08 p.m.