LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JUNE 6, 2019**

Members Present: Dr. Mark B. Kruse, President; 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: None.

Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: None

Audience: Tim Chittom, CAL, Baton Rouge, LA; Charles Herring, DC, Gonzales, LA, Paul Harch, MD, New Orleans, LA.

Meeting called to order at 9:07 a.m., Dr. Mark Kruse, President, presiding.

The **minutes** of the 04/11/2019 meeting were mailed to all Board members. Dr. VanBreemen notes minutes’ entry regarding the discussion of **Dr. Dennis Mutell’s** request for online CE to be edited to delete the phrase regarding the comment of “… *as well as the fear of decreased revenues to state associations*…” as this is not the concern of the Board. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to remove the phrase containing “decreased revenues” from the minutes. With no objections, motion carries unanimously. Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to approve the amended minutes. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**INTEGRITY CHECK:**

Nothing reported.

**STANDING COMMITTEE REPORTS**

Dr. Kruse comments that committee appointments still remain as previously announced.

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

**Financial statements** for March and April 2019 was prepared by Ms. Oliver and provided to the Board prior to the meeting. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to accept the **financial statements** as prepared. With no objections, motion carried unanimously. Dr. Kruse comments on reserve funds in Board’s accounts and comments the Board should start steps to do better monitoring of financial reserves for long term. For the next meeting, July, Dr. Kruse assigns each board member to prepare 2 suggestions for raising income and 2 suggestions for decreasing expenditures.

Ms. Oliver asked to send email to all board members of historical yearly expenditures and collections, raw and average amounts, of last 5 years.

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. Zeagler, seconded by Dr. Cavanaugh, to accept the log as presented. With no objections, motion carries unanimously.

Relative to **deposit trends** report, next report will be presented at the July meeting.

**CD report:**  No new activity, however, next CD to mature in August, 2019.

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

No requests received to report.

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

Ms. Oliver notes applications are being mailed out for the July exam scheduled for 07/25/2019.

Dr. **Martello** and Dr. **Cavanaugh** participated in the NBCE’s Part IV Exam administration in May 2019 at Life College, Marietta, GA.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. VanBreemen reviewed and approved the current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver,** and also the full Board present reviewed and approved the leave records of both employees as well as payroll info for all 3 employees.

Discussion of “**annual salary review**”. Dr. Kruse notes the “salary review” committee did not meet, however the committee, composed of Dr. VanBreemen, Dr. Zeagler and Dr. Kruse, will meet by teleconference before the July 25, 2019 meeting. He also notes salary action will be retroactive to July 1, 2019.

The **“Performance Indicator”** report of Board office activity from April 5 – June 4, 2019 was provided to Board members for review as follows:

* Phone calls received: 243
* Licensure Application packets mailed: 10
* DC license issued: 1
* Complaints Filed & Opened: 7
* Complaints closed: 12
* DC license renewals received & processed: 4
* DC license renewals returned as “incomplete” or “missing CE”: 0
* Delinquent license renewal fees paid: 4
* License verifications processed: 110
* New X-ray certificates issued: 28
* X-ray certs renewed: 192
* Public records requests: 0
* Subpoenas received: 0
* Seminars reviewed: 34
* CE locate requests received: 11
* List requests received and processed: 5
* National licensee alerts received and logged: 16
* Peer Review Requests: 0

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

Dr. Cavanaugh reports an agreed settlement of $250.00 each offered in **Complaint #1312, #1313, #1314 and #1329** relative to delinquent license renewals. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler to accept the agreed settlements of $250.00 each in #1312, #1313, #1314, and #1329. With no objections, motion carries unanimously,

Dr. Cavanaugh reports an agreed settlement of $350.00 offered in **Complaint #1299** for “free” advertising violation. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the “agreed settlement” offer in Complaint # 1299. With no objections, motion carries unanimously.

Ms. Oliver states receipt of current arrest activity being now received from LA State Police once a person has had initial application **background check** performed. Board notes the new info received will initiate the complaint process.

Ms. Oliver notes receipt of info from **medical malpractice carriers** relative to malpractice settlement awards. Board notes the complaint chairman should review and if the report indicates a “pattern of activity” or “repeat incident”, the complaint process will be initiated.

Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to amend the order of the posted agenda to allow Dr. Paul Harch to present requested info to the Board on “**hyperbaric chamber” supervision by DC’s**. Roll call vote: Rollette – Yes; Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; VanBreemen – Yes; Kruse – Yes, With 6 yeas, 0 nays, motion carries unanimously and order of the agenda is amended.

Dr. Paul Harch, New Orleans, LA, was requested to provide additional info on types of hyperbaric chambers, operating levels, and offers new draft language relative to scope inquiry of DC’s supervising use of “hyperbaric chamber”. The required course defines contraindications. It is noted that hyperbaric chambers are prescriptive devices. Any level over 1.3 atmosphere requires direct supervision. Dr. Zeagler will rewrite the draft and matter tabled to July 25 2019 meeting. Discussion about course parameters.

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

No report at this time.

* **LAW & LEGISLATION:**

HB 540 relative to CBD oil has passed the LA Legislature as well as other CBD oil bills. Matter to be kept on the agenda for update and info from the Legislature as to effective date of CBD oil new laws.

* **GENERAL CORRESPONDENCE**:

None to report.

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

Ms. Oliver reports Dr. VanBreemen had reviewed **35** seminars since the last meeting.

Dr. VanBreemen notes receipt of request for review of 3 seminars requiring full Board review as follows:

Request received from CAL for review of the seminar entitled “Legal, Medical and Chiropractic- Understanding Everyone’s Role in the Treatment of the Patient” which totaling 12 hours, with speaker who is not on post grad faculty. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to approve the seminar for CE credits. With no objections, motion carries unanimously.

Request received from TCA for review of the seminar entitled “Chiro Texpo 2019”, as not all speakers are on post grad faculty for 57.5 hours. Dr. VanBreemen notes 1 hour is in Philosophy and 1.5 hours in “practice management” Motion made by Dr. Zeagler, seconded by Dr. Martello, to accept the seminar for 55 hours of CE. With no objections, motion carries unanimously.

**OLD BUSINESS:**

Continued discussion relative to submission at the April 2019 meeting of miscellaneous proposed declaratory statements language by Dr. VanBreemen for **Charles Herring, D.C**., Gonzales, LA. Drafts’ topics included statements on “pain management”, ordering of braces and durable medical equipment, ordering of advanced imaging of extremities, spinal joint manipulation under local joint anesthesia, delegation of duties to CA’s, treating of pathologies that may affect functional integrity of spine, and performance of functional capacity evaluations. Lengthy presentation is given by Dr. Herring on reasons why he would like the Board to consider issuing new declaratory statements and scope clarifications in attempting to assist field practitioners with scope and practice issues and in conjunction with the book Dr. Herring has written. Ms. Oliver notes the administrative rules on page 31 of “blue book” relative to declaratory statement requests and petitions must be followed and these requests are procedurally “out of order” as no petition was filed. Dr. Kruse asks Dr. Herring to submit the requests by proper procedure outlined in the Administrative Procedures Act so that the Board may properly consider and issue the statements as warranted.

Report by Dr. Kruse, Dr. VanBreemen, Dr. Martello and Ms. Oliver, about attendance at the recent **FCLB national conference** and topics discussed**.**

As a follow-up to the earlier request by **Dennis Mutell, D.C**., Covington, LA, and his request for consideration of **online renewals for CE credits**, Ms. Oliver notes he is requesting to present at the July meeting.

Relative to “**online renewals**”, Dr. Zeagler notes no new information obtained. The Board feels this is not necessary at this time. Item will be removed from the agenda until further notice.

Relative to the “**dry needling registry**” and the offering of the optional dry needling farmable **certificate**, Ms. Oliver presents proposed certificate she created – notices will be mailed to all licensees who have submitted “dry needling” course completion information.

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**NEW BUSINESS:**

Declaratory statement request received from **Harold Ehrenberg, D.C**., Metairie, LA, relative to “**causation determination** is within the scope of practice. Declaratory statement to be issued that it is within the scope of practice that under LSA R.S. 37:2801 et seq, determination of the nature of causation is within the scope of practice. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to issue the declaratory statement as discussed. Roll call vote: Rollette – Yes; Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; VanBreemen – Yes; Kruse – Yes. With 6 yeas, 0 nays, motion carries unanimously.

Ms. Oliver is happy to announce info received from **Logan** College that it has entered into a partnership with Grambling University in LA which will enable undergraduate Biology majors from Grambling State to become a DC in just six years.

Motion made by Dr. VanBreemen, seconded by Dr. Martello, to discuss items received after the posted agenda was prepared. Roll call vote: Rollette – Yes; Martello – Yes; Zeagler – Yes; VanBreemen – Yes; Kruse – Yes. Agenda is amended.

Continued discussion on from **David Duhon,** D.C., Lake Charles, LA, regarding “telemedicine” practice is he considering opening. Board currently does not have a policy on “telemedicine”. Ms. Oliver secured a copy of **Act 630 of 2016** Legislative Session. Board will review and discuss at July meeting.

Dr. Rollette has noted an advertising New Orleans by a massage therapist of “atlas balancing”. More info to follow.

It is noted the MD’s and PT’s have a “**code of conduct**”. Ms. Oliver asked to obtain a copy of the FCLB’s “Model Practice Act” relative to “ethics” for next meeting.

**Upcoming Events:**

* Next Board Meeting, 07/25/2019, time to be announced.
* Biannual Licensure Exam, 07/25/2019
* X-ray Proficiency Renewal, 07/31/2019
* Nationwide NBCE Part IV exam offering, 11/15-17/2019
* Annual license renewal deadline, 12/31/2019.

Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to adjourn. With no objections, meeting is adjourned at approximately 11:30 a.m.

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