LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JULY 19, 2018**

Members Present: Dr. Jon E. Zeagler, President; Dr. Ned J. Martello, Vice-President; Dr. Michael Cavanaugh; Dr. Mark B. Kruse; Dr. Denise D. Rollette; Dr. Joseph E. Turk.

Members Absent: Dr. R. Buckley VanBreemen, Secretary-Treasurer.

Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: David Jeddie Smith, Asst. Attorney General

Audience: Peter Brosnan, D.C., Lake Charles, LA.

Meeting called to order at 8:46 a.m., Dr. Jon Zeagler, President, presiding.

The **minutes** of the 06/14/2018 meeting were mailed to all Board members. Motion made by Dr. Kruse, seconded by Dr. Turk, to accept the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**INTEGRITY CHECK:**

Dr. Zeagler announced the “integrity check” however; no issues were offered or noted by any Board members or staff.

**STANDING COMMITTEE REPORTS**

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

**Financial statement** for June 2018 was prepared by Ms. Oliver and provided to the Board prior to the meeting. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the **financial statements** 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. Turk, to accept the log as presented. With no objections, motion carries unanimously.

Relative to **deposit trends**, Ms. Oliver updated the chart to reflect activity since the last Board meeting. Board asks for new info at the upcoming December meeting.

**CD report:**  Ms. Oliver, in Dr. VanBreemen’s absence, notes no new activity but one CD will mature in September.

**Ms.** Oliver notes the annual audit is underway, documents are being gathered and records provided to the auditor as requested. More info will follow.

**Ms.** Oliver notes the required “**Cash Management Review Board** report” was prepared and submitted to the committee as required by law. Dr. VanBreemen was provided a copy prior to the meeting and the full Board is provided a copy at today’s meeting.

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The **“Performance Indicator”** report of Board office activity from June 14 – July 18, 2018 was provided to Board members for review as follows:

* 89 phone calls received
* 5 application packets mailed
* 12 seminars reviewed
* 7 x-ray certificates issued
* 0 licenses issued
* 1 complaints filed
* 4 complaints closed
* 1 license renewal processed
* 0 license renewals returned as “incomplete” or “missing CE”
* 101 x-ray renewals
* 72 license verifications processed
* 0 public records requests
* 0 subpoenas
* 5 CE locate requests received
* 1 lists requests processed
* 9 national licensee alerts received and logged
* 0 complaints received on new law/CE change
* 0 Peer Review Requests
* **PEER REVIEW COMMITTEE REPORT BY Dr. Martello**:

No action to report.

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

Dr. Cavanaugh provides chart of recent complaint activity since the last meeting.

Dr. Kruse reviewed **Complaint # 1235** relative to “testimonial advertising” and issued a letter of information on advertising rules. Motion made by Dr. Cavanaugh, seconded by Dr. Turk, to accept the action by Dr. Kruse. With no objections, motion carries unanimously.

Dr. Cavanaugh notes **Complaint # 1272** relative to “improper filing of insurance records” has offered an agreed settlement which institutes a partial refund to the patient. Motion made by Dr. Kruse, seconded by Dr. Turk, to approve the agreed settlement. With no objections, motion carries unanimously.

Dr. Cavanaugh notes 3 complaints relative to advertising “**testimonials**” in the newspaper without the required advertising criteria. Motion made by Dr. Kruse, seconded by Dr. Martello to accept the $700.00 agreed settlement on **Complaint # 1277.** With no objections, motion carries unanimously. Relative to **Complaint # 1276**, motion made by Dr. Kruse, seconded by Dr. Martello, to accept the agreed settlement of $1000.00. With no objections, motion carries unanimously. Relative to **Complaint # 1279**, motion made by Dr. Martello, seconded by Dr. Turk, to accept the agreed settlement of $350.00 as “first offense”. With no objections, motion carries unanimously.

Dr. Cavanaugh notes 1 complaint dealt with delinquent license renewal. Motion made by Dr. Kruse, seconded by Dr. Martello, to accept the $500.00 agreed settlement on **Complaint # 1281.** Withno objections, motion carries unanimously.

Dr. Cavanaugh informs the Board an “informal hearing” was held 07/17/2018 on **Complaint # 1224** and with the assistance of Celia Cangelosi, attorney, an agreed settlement is being secured.

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Continued discussion on advertising created by “**Health Grades.com**”. Ms. Oliver issued an inquiry to the company as directed requesting info on where the advertising info is obtained. No response as of this date. Dr. Kruse is gathering info on “**testimonials**” to craft a declaratory statement draft to define “testimonials”.

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

Dr. Turknotes no new activity or requests.

* **TESTING**:

Ms. Oliver notes applications are being mailed out for the October exam. The July exam is scheduled for 07/26/2018.

Dr. **Zeagler** attended the NBCE’s Part IV Test Writing Committee meeting in early June in Greeley, CO as LA Board representative and Dr. **Martello** and Dr. **Cavanaugh** attended the NBCE’s Part IV Exam administration in May at Life College, Marietta, GA.

* **LAW & LEGISLATION:**

Relative to the required “**Ethics training**” for state employees and board members, Ms. Oliver stresses importance of completion of the state requirement for the 12/31/2018 deadline! Ms. Oliver asked to investigate with the Ethics Boards as to mechanism to inform board members statewide of the annual reporting requirements.

Mr. Jeddie Smith reported that “**acupuncture**” is still a part of the LA Medical Practice Act; however, parameters of supervision have changed.

Ms. Oliver notes receipt of information from the Governor’s Office on SCR 83 relative to requirements for ease of licensure for **military & spouse of military personnel** and to provide a link on the website for info on this. As webpage administrator, Ms. Oliver will complete this requirement.

* **GENERAL CORRESPONDENCE**:

A report was received from **NBCE**’s District V director, Dr. John McGinnis, of NBCE activities and upcoming projects and the digitalizing the Part IV x-ray exam.

Correspondence received from **LA State Property Control** of annual audit deadline date, September 28, 2018.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. Zeagler, in the absence of 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 3 employees.

* **SEMINAR REVIEW by Dr. Zeagler:**

Ms. Oliver reports Dr. VanBreemen had reviewed 36 seminars since the last meeting and Dr. Zeagler states 2 seminars require full Board review as follows:

Request received from CAL to review the seminar entitled “Digestion and Related Spinal Pain & New Government Compliance Challenges and Solutions”, as speaker is not on “post grad faculty”. Motion made by Dr. Kruse, seconded Dr. Cavanaugh, to approve. With no objections, motion carries unanimously.

Request received from Structure and Function Education to review the seminar “Foundations in Dry Needling for Orthopedic Rehab & Sports Performance” for 25 hours as the instructor is not on “post grad faculty”. Motion made by Dr. Zeagler, seconded by Dr. Kruse, to approve. With no objections, motion carries unanimously.

Request, paperwork and fee received from CAL to issue a “travel to treat” temporary license to Mitch Mally, D.C., for an upcoming CAL seminar. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to grant the temporary license. With no objections, motion carries unanimously.

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**OLD BUSINESS:**

Dr. Cavanaugh requested more discussion on parameters of “**internship**” as discussed at the last meeting. No Board position change at this time.

Continued matter from the June meeting relative to the request from **Derrek Mart, D.C**., Lake Charles, LA, to renew his license- this was tabled at the June meeting. Dr. Cavanaugh notes there is a complaint involved and this matter must be resolved before the renewal request can be entertained.

Continued discussion held on request received from **George Putnam, D.C**., New Orleans, LA, relative to scope inquiry and the offering of **CBD oil** products to patients. Dr. Kruse obtained info from the FDA which states CBD oil is a drug and not a dietary supplement. More info to follow.

Ms. Oliver contacted Philip D’Antonio, D’Antonio Technology, regarding the Board’s interest in offering option for **online license renewal** to licensees and will provide the info as it is gathered to the Board. Mr. D’Antonio states this will be a long process but can be taken in steps for implementation. First, the renewal forms can be offered on-line for ease of access. The online option should be available by the renewal for 2020. It is suggested by the Board perhaps hiring an additional employee to assist in the transition to online license renewal options.

Dr. Martello would like to discuss the **Board’s office equipment**, specifically the fax machine. He suggests updating the office equipment. Ms. Oliver notes the fax machine is in operating condition and does not need replacement and the Board’s policy is to replace equipment that is broken OR not reparable.

**NEW BUSINESS:**

Ms. Oliver notes it is time to submit info for the **annual Board newsletter**. She anticipates mailing out the newsletter with the license renewal info during the first week of October.

Request and suggested language received from **Patrick Clawson, D.C**., Homer, LA, for the Board to issue a declaratory statement on chiropractors conducting DOT examinations. Ms. Oliver notes the rules for declaratory statement as contained in LAC 49:507.A.2, states the request must be received at least 21 days prior to the Board meeting. This matter will be placed on the agenda for the next meeting, scheduled for October 18, 2018.

Faxed request received from **Nashawna Joseph, D.C**., with various questions relative to practicing in LA before graduation from chiropractic college, supervision of unlicensed person, scope inquiry, etc, and providing integrative and functional medicine care without being licensed in LA. The response to be provided that a licensure applicant must qualify for an “internship” before consideration to practice in LA without a license, and that the unlicensed person cannot render a diagnosis or treatment.

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Discussion of 2019 **license renewal form** draft with questions relative to “conviction” and “arrest”. Ms. Cangelosi suggests language relative to “since your last renewal”. Ms. Oliver has prepared the form. The Board accepts the revised form.

Dr. Rollette notes she will be absent for the October meeting and testing.

Dr. Zeagler calls for **annual board elections**:

Dr. Zeagler calls for any nominations for the office of secretary-treasurer. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to nominate Dr. VanBreemen for re-election as secretary-treasurer. Hearing no other nominations, Dr. Zeagler closes the nominations. With no objections, motion carries unanimously. Dr. VanBreemen is re-elected as “secretary-treasurer”.

Dr. Zeagler calls for any nominations for the office of Vice President. Motion made by Dr. Zeagler, seconded by Dr. Kruse, to nominate Dr. Martello for re-election as vice president. Hearing no other nominations, Dr. Zeagler closes the nominations. With no objections, motion carries unanimously. Dr. Martello is re-elected as “vice president”.

Dr. Martello as newly elected vice president opens the nominations for office of President. Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to nominate Dr. Kruse for president. Hearing no other nominations, Dr. Martello closes the nominations. With no objections, Dr. Kruse is elected president.

**Upcoming Events:**

* X-Ray Proficiency Certificate Holder annual renewal deadline, 07/31/2018.
* Next Board Meeting, 10/18/2018, time to be announced.
* Additional offering of licensure exam, 10/18/2018, time to be announced.
* Annual license renewal deadline, 12/31/2018.

Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to adjourn. With no objections, meeting is adjourned at approximately 11:10 a.m.

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