LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JULY 25, 2019**

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

Members Absent: Dr. Michael Cavanaugh.

Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: None

Audience: Tim Chittom, CAL, Baton Rouge, LA; Peter R. Brosnan, DC, Lake Charles, LA; Jacob Martello, Denham Springs, LA.

Meeting called to order at 8:51 a.m., Dr. Mark Kruse, President, presiding.

The **minutes** of the 06/06/2019 meeting were mailed to all Board members. Motion made by Dr. VanBreemen, seconded by Dr. Martello, to approve the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**INTEGRITY CHECK:**

Dr. Zeagler notes he has received several inquiries from field practitioners about the Board’s action on the “hyperbaric chamber supervision” question. Dr. VanBreemen states Dr. Herring gave him a request for a “declaratory statement” however Dr. VanBreemen inadvertently failed to provide that material to the Board. Dr. Rollette notes comments by recent graduates of the Board’s cumbersome application procedure.

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for May and June 2019 was prepared by Ms. Oliver and provided to the Board prior to the meeting. Motion made by Dr. Zeagler, seconded by Dr. Martello, 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. Zeagler, seconded by Dr. Cavanaugh, to accept the log as presented. With no objections, motion carries unanimously.

Relative to **deposit trends** report, the updated report through June 2019 was presented to the Board as requested. For the future, Ms. Oliver asked to present updated report at the January and July meetings.

**CD report:**  Next CD to mature in August, 2019. Dr. VanBreemen will review current rates at that time.

**Act 687 –** The required Cash Management Review Report was prepared and issued to the Legislature by Ms. Oliver.

**Act 745 –** The Accounts Receivables report was prepared and issued by Ms. Oliver to the Legislature.

**Ms.** Oliver notes the required annual **AFR** report is being prepared and will be submitted on behalf of the Board.

Ms Oliver notes the required **annual audit** will commence in August.

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Motion made by Dr. Zeagler, seconded by Dr. Martello, to change the order of the posted agenda to discuss background check reports received. Roll call vote: Rollette – Yes; Martello - Yes; Zeagler – Yes; VanBreemen – Yes; Kruse – Yes. With 5 yeas, 0 nays, agenda order is amended.

Motion made by Dr. VanBreemen, seconded by Dr. Martello, to review background check reports in Executive Session. Roll call vote:Roll call vote: Rollette – Yes; Martello - Yes; Zeagler – Yes; VanBreemen – Yes; Kruse – Yes.

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

Motion made by Dr. Martello, seconded by Dr. VanBreemen, to allow Applicant P1H and Applicant P2C to sit for the licensure exam today. With no objections, motion carries unanimously.

Recess for testing: 9:13 a.m. Resume meeting at 9:54 a.m.

Dr. Kruse’s assignment from June meeting was for each board member and staff to suggest 2 ideas for income producing and 2 ideas for expenditure reduction. Ms Oliver compiled the info that was submitted. Many suggestions and ideas discussed relative to office expenses and income generating.

* **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 October exam scheduled for 10/10/2019.

* **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 continued regarding “**annual salary review**”. Dr. Kruse notes the “salary review” committee currently composed of Dr. Kruse, Dr. VanBreemen and Dr. Martello met since the June board meeting. Dr. VanBreemen, as “secretary-treasurer” chairs the committee, discusses suggestion of the committee of $600.00 for Ms. Hebert Schmidt and $1200.00 for Ms. Oliver. Dr. Zeagler notes salary increases which do not keep up with the “*cost of living*” rates result in a loss for employees. Motion made by Dr. VanBreemen, seconded by Dr. Martello to increase Ms. Oliver’s annual salary by $1200.00 and Ms. Hebert-Schmidt’s annual salary by $600.00. With 4 yeas, 1 nay, motion carries. The annual increase is calculated at 1.033% (.58 cents/hour) for Ms. Oliver and 1.044% ($.29cents/hour) for Ms. Hebert Schmidt.

**“Performance Indicator”** report -Board office activity/work product from 06/05/2019 – 07/24/2019:

* Phone calls received: 128
* Licensure Application packets mailed: 9
* DC license issued: 3 ($450.00)
* Complaints Filed & Opened: 1
* Complaints closed: 10 ($1450.00)
* DC license renewals received & processed: 0
* DC license renewals returned as “incomplete” or “missing CE”: 0
* Delinquent license renewal fees paid: 0
* License verifications processed: 65 ($3750.00)
* New X-ray certificates issued: 12 ($900.00)
* X-ray certs renewed: 122 $3350.00)
* Public records requests: 0
* Subpoenas received: 0
* Seminars reviewed: 31 (~$3000.00)
* CE locate requests received: 5
* List requests received and processed: ($550.00
* National licensee alerts received and logged: 5
* Peer Review Requests: 0
* Dry Needling certificates issued: 33 ($825.00)

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

Ms. Oliver reports Dr. VanBreemen had reviewed **31** seminars since the last meeting.

Dr. VanBreemen notes receipt of request for review of 2 seminars requiring full Board review as follows:

Request received from LWCC for review of seminar entitled “2019 LWCC Provider Conferences’ – The Future of Healthcare is Here” for 10 hours with speaker who is not on post grad faculty. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to approve the seminar for 8.75 hours CE credits. With no objections, motion carries unanimously.

Request received from Parker College for review of the seminar entitled “Parker Seminar Dallas 2019”, as not all speakers are on post grad faculty. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to accept the seminar. With no objections, motion carries unanimously.

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

In the absence of Dr. Cavanaugh, Ms. Oliver reports an agreed settlement of $350.00 each offered in **Complaint #1324, #1325, and #1326** relative to unlicensed x-ray proficiency employees. Motion made by Dr. Zeagler, seconded by Dr. VanBreemen to accept the agreed settlements of $350.00 each in #1324, #1325, and #1326. With no objections, motion carries unanimously,

In the absence of Dr. Cavanaugh, Ms. Oliver reports an agreed settlement of $350.00 offered in **Complaint #1297** for “free” advertising violation. Motion made by Dr. Zeagler, seconded by Dr. VanBreemen, to accept the “agreed settlement” offer in Complaint # 1297. With no objections, motion carries unanimously.

In the absence of Dr. Cavanaugh, Ms. Oliver reports an agreed settlement of $250.00 offered in **Complaint #1311** for “delinquent license renewal” violation. Motion made by Dr. Zeagler, seconded by Dr. Martello, to accept the “agreed settlement” offer in Complaint # 1311. With no objections, motion carries unanimously.

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

No report at this time.

* **LAW & LEGISLATION:**

Laws now in effect relative to CBD oil selling. Guidelines are determined by the LA Department of Agriculture and the LA Department of Public Safety.

Physical Therapy guidelines received from Glenn Manceaux, D.C., Houma, LA. Now consistent with our “**dry needling rules**”

* **GENERAL CORRESPONDENCE**:

None to report.

**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. Dr. VanBreemen states Dr. Herring provided the proper written requests for issuance of declaratory statements to Dr. VanBreemen after the June meeting; however, Dr. VanBreemen submitted the requests today. Dr. Kruse notes administrative procedure guidelines for request of declaratory statement must be followed.

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**, Mr. Chittom notes he has spoken to him. This item is to be removed from agenda.

Continued discussion on request 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. It is noted that LSA R.S, 37:1271.B.6 discusses telemedicine. Advise Dr. Duhon the Board is in the process of developing guidelines. Ms. Oliver asked to conduct “power poll” among other states regarding “telemedicine guidelines” in place.

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Continued discussion held of scope inquiry request made by Dr. Paul Harch, regarding chiropractors **supervising a hyperbaric chamber**. Dr. Zeagler has prepared a declaratory statement draft, as follows:

*“The scope of chiropractic as defined in the Louisiana Statutes (Chapter 37:2801.3.a) does allow licensed chiropractic physicians to administer Hyperbaric Oxygen Therapy to patients. In order for this therapy to be performed the chiropractic physician must complete a 40-hour on site course and pass the final examination to become certified in Hyperbaric Oxygen Therapy. Treatment of hyperbaric oxygen therapy below 1.3 ATM may be performed by a chiropractic physician for conditions associated with functional integrity of the spine. Any treatment of hyperbaric oxygen therapy above 1.3 ATM can only be performed under direct supervision of a medical or osteopathic physician who has received advanced training in hyperbaric oxygen therapy. It is also recommended, however not required, that the chiropractic physician also become certified in CPR and AED training, both are two year certifications.”*

Motion made by Dr. Zeagler, second by Dr. VanBreemen to issue the declaratory statement in regard to hyperbaric chamber supervision and utilization draft by Dr. Zeagler with changes as noted in the meeting. With 4 yeas,1 nay, motion carries.

Ms. Oliver secured the FCLB’s “**Model Practice Act**” as directed at the June meeting. A copy of it was provided to each Board member

**NEW BUSINESS:**

Request received from **Paul Roger, D.C**.., Lafayette, LA, if “treatment and diagnosis” of concussion are within scope. Response to be given to Dr. Roger it is within the scope.

Request from **Lauren Kelly**, Broussard, LA, wife of Brennan Kelly, D.C., , if she can receive x-ray proficiency certification without attendance at entire course due to prior family commitment. Motion by Dr. VanBreemen, seconded by Dr. Rollette, if she can pass the exam associated with the course, it will be allowed. With 3 yeas, 2 nays, motion carries.

Ms. Oliver notes receipt of contract renewal for **legal representation** from LA AG’s office. No terms have changed. It is suggested the Board offer a counter offer of 175.00 per hour with negotiation authority given to Ms. Oliver. Also, it is requested the work requests and meeting attendance be controlled.

**Annual Board Elections:**

Dr. Kruse opens the nominations for office of “secretary-treasurer”. Dr. Martello nominates Dr. VanBreemen for “secretary-treasurer”. Hearing no other nominations, Dr. VanBreemen is “secretary-treasurer” by acclamation.

Dr. Kruse opens the nominations for office of “vice president”. Dr. Kruse nominates Dr. Martello for “vice president”. Hearing no other nominations, Dr. Martello is “vice president” by acclamation.

Dr. Martello opens the nominations for office of “president”. Dr. VanBreemen nominates Dr. Kruse for “president”. Hearing no other nominations, Dr. Kruse is “president” by acclamation.

**Upcoming Events:**

* Next Board Meeting, 10/10/2019, time to be announced.
* Additional offering of Licensure Exam, 10/10/2019
* 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. Martello, seconded by Dr. VanBreemen, to adjourn. With no objections, meeting is adjourned at approximately 12:57 p.m.