LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – OCTOBER 10, 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: Celia Cangelosi, Atty., Baton Rouge, LA; Jacob Martello, Denham Springs, LA.

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

The **minutes** of the 07/25/2019 meeting were mailed to all Board members. Motion made by Dr. Martello, seconded by Dr. Rollette, to approve the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**INTEGRITY CHECK:**

Dr. VanBreemen notes he had communication from Glenn Manceaux, DC, Houma, LA, relative to the “**hyperbaric chamber supervision”** declaratory statement. Dr Zeagler and Dr. Kruse also note communication from Dr. Manceaux on the same topic.

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for July and August 2019 were 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 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 has been updated and will be presented, as requested at future January and July meetings.

**CD report:**  CD that matured in August was renewed. Dr. VanBreemen maintain review of CD rates as needed.

**Act 687 –** The required Cash Management Review Report ending September 30, 2019 will be prepared and issued to the Legislature by Ms. Oliver as required by law.

**Ms.** Oliver notes the required annual **AFR** report was submitted on behalf of the Board.

Ms Oliver notes the required **annual audit** was completed and report issued. Auditor noted a **check, #15374**, issued to Dr. Ned Martello from 2016 is still outstanding. Dr. Martello notes this check was lost in the flood of his office in 2016. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to issue a new check to replace check # 15374. With 5 yeas, 0 nays and 1 abstention, motion carries.

Ms. Oliver notes Mr. Barry Delery, CPA, has prepared the budget for the Board as required by law. Budget provided to the Board. Motion made by Dr. Zeagler, seconded by Dr. VanBreemen, to accept the budget as prepared. With no objections, motion carries unanimously.

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

No new requests received to report. Dr. Martello will craft a letter to offer the PR Committee services to the PRO’s across the state.

Recess for testing: 9:04a.m. Resume meeting at 9:54 a.m.

Motion made by Dr. Zeagler, seconded by Dr. Martello, to discuss background check report received. Roll call vote: Rollette – Yes; Martello - Yes; Zeagler – Yes; Cavanaugh – Yes; VanBreemen – Yes; Kruse – Yes. With 6 yeas, 0 nays, agenda order is amended.

A background check report was received on Applicant P-1-D. Motion made by Dr. Zeagler, seconded by Dr. Martello, to discuss the background check report in Executive Session and allow presentation by Applicant P-1-D. Roll call vote:Roll call vote: Rollette – Yes; Martello - Yes; Zeagler – Yes; Cavanaugh – Yes; VanBreemen – Yes; Kruse – Yes.

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

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

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

Additional offering of the licensure exam held earlier today. Results to be released in approximately 7 days.

Ms. Oliver notes applications are being mailed out for the **January 16, 2020 exam**.

Ms. Oliver notes new info gathered at the last FCLB District meeting regarding a new testing tool offered by NBCE for *state jurisprudence exams*. The NBCE will create an online exam for any state interested at no cost to the state board. This will allow the applicant to visit a testing center to sit for the state’s statutes exam which would offer more ease and convenience to the applicants for licensure. Details are needed. Dr. Kruse creates a testing task force of Dr. Ned Martello and Dr. Denise Rollette to gather info on this matter.

* **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.

Ms. Oliver notes the hourly wage review for **Ms. Eddye Boeneke**, part-time employee, was not conducted by the Board at the July meeting. Dr. Martello notes this was an error and oversight. Ms. Boeneke respectfully declines any consideration for hourly wage increase at this time.

**“Performance Indicator”** report -Board office activity/work product from 07/25/2019 – 10/09/2019:

* Phone calls received: 325
* Licensure Application packets mailed: 21
* New Licenses Issued: 6 ($900.00)
* Complaints Filed & Opened: 32
* Complaints closed: 9 ($3750.00)
* 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: 213 ($10650.00)
* New X-ray certificates issued: 39 ($2925.00)
* X-ray certs renewed: 55 ($1375.00)
* Public records requests: 0
* Subpoenas received: 0
* Seminars reviewed: 32 (~$3200.00)
* CE locate requests received: 5
* List requests received and processed: 3 ($750.00
* National licensee alerts received and logged: 10
* Peer Review Requests: 0
* Dry Needling certificates issued: 7 ($250.00)

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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 4 seminars requiring full Board review as follows:

Request received from Clinical Nutrition Consultants for review of seminar entitled “Chiropractic Approach to Resolving the Simple to Complex Female Hormone Imbalance” for 16 hours, speaker not on post grad faculty. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to accept the program for 16 hours CE. With no objections, motion carries unanimously.

Request received from Michigan Association of Chiropractors– “Fall 2019 Convention” for 45 hours with speaker who is not on post grad faculty. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to approve the seminar for 36 hours approved and 6 hours in Philosophy denied. With no objections, motion carries unanimously.

Request received from TMR Seminars for review of the seminar entitled “Master Dry Needling – Level 2”, as speaker is not on post grad faculty. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to accept the seminar. With no objections, motion carries unanimously.

Request received from CAL Seminars for review of the seminar entitled “Entrapment Neuropathies of the Upper Extremities” for 15 hours, as speaker is not 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**:

Dr. Cavanaugh reports an agreed settlement of $1000.00 offered for **Complaint #1347, #1348, #1349, #1350, #1351, and #1352** relative to unlicensed x-ray proficiency employees employed by a licensee. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen to accept the agreed settlement of $1000.00. With no objections, motion carries unanimously,

Dr. Cavanaugh reports an agreed settlement in **Complaint #1295** relative to an uncertified xray employee. Motion made by DR. Cavanaugh, seconded by Dr. VanBreemen to accept the agreed settlement of $250.00. With no objections, motion carries unanimously.

Relative to **Complaint # 1333** regarding a DWI, Dr. Cavanaugh has secured an agreed settlement of $350.00. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the agreed settlement. With no objections, motion carries unanimously.

Dr. Cavanaugh reports an agreed settlement of $700.00 offered in **Complaint #1338** relative to a DWI. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the “agreed settlement”. With no objections, motion carries unanimously.

Relative to **Complaint # 1360** regarding a failure to provide a timely address change, Dr. Cavanaugh has secured an agreed settlement of $350.00. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the agreed settlement. With no objections, motion carries unanimously.

Relative to **Complaint # 1343 and Complaint # 1344,** relative to unlicensed x-ray employee, Dr. Cavanaugh will offer an agreed settlement of $850.00. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the agreed settlement. With no objections, motion carries unanimously.

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

No report at this time.

* **LAW & LEGISLATION:**

Ms Oliver notes the **Act 12** report and the **Act 655** report were both filed timely as required.

* **GENERAL CORRESPONDENCE**:

None to report.

**OLD BUSINESS:**

Ms. Oliver notes earlier receipt of contract renewal for **legal representation** from LA AG’s office. Ms. Oliver reports the Board’s counter offer of $175.00 per hour was not accepted as this is the hourly rate posted by the AG’s office. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to accept the contract as presented. With no objections, motion carries unanimously.

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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. Numerous drafts presented and edited individually as follows:

Relative to ordering advanced imaging of extremities, *“It is the opinion of the board that under LA R.S.  37:2801 (3) (A), which defines the scope of chiropractic that, "it is within the scope of practice of the chiropractic physician to order advanced imaging of the extremities to determine the need for chiropractic care or referral to another physician. The chiropractic physician may order the advanced imaging even if the suspected extremity condition is not ultimately found to be related to the functional integrity of the spine”.*

Relative to ordering of imaging, “*It is the opinion of the board that under LA R.S.  37:2801 (3) (A), which defines the scope of chiropractic that, "a chiropractic physician may order any test or imaging that will assist in the determination*

*1) that the patient’s condition is treatable by chiropractic methods,*

*2) that the patient requires further testing, or requires referral to another physician*

*3) of a diagnosis”.*

Relative to “treatment of pathologies”, *“It is the opinion of the board that under LA R.S.  37:2801 (3) (A), which defines the scope of chiropractic that, "a chiropractic physician may treat patients with pathologies that may affect the functional integrity of the spine. The treatment may address the pathology itself, its effects on function of joints directly or indirectly, or those that may have developed in response to physical deterioration or alteration of hard and soft tissues of the body.”*

Relative to “reading imaging or test results”, “*It is the opinion of the board that under LA R.S.  37:2801 (3) (A), which defines the scope of chiropractic that, "a chiropractic physician may read images or other tests results to interpret the test in correlation with their clinical findings to efficiently manage a patient’s condition. A chiropractic physician who is a diplomate in a subspecialty may interpret advanced imaging, neurologic tests, or other tests and may serve as a physician who initially reads the imaging, or other tests, for any clinician who ordered said tests.”*

Relative to“order of braces and other durable medical equipment*”, “It is the opinion of the board that under LA R.S.  37:2801 (3) (A), which defines the scope of chiropractic that, "the ordering of braces, and other durable medical equipment, is within the scope of practice in Louisiana.”*

Relative to “functional capacity evaluations*”, “It is the opinion of the board that under LA R.S.  37:2801 (3) (A), which defines the scope of chiropractic that, "it is within the scope or practice of a chiropractic physician to perform functional capacity evaluations, functional performance evaluations, physical rehabilitation, work conditioning and work hardening.”*

Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to approve the declaratory statements noted above. With no objections, motion carries unanimously.

Discussion on **FCLB’s CCCA** program. Ms. Oliver asked to secure the FCLB’s program guidelines for December meeting.

Request received from **Glenn Manceaux, D.C**., Houma, LA, for the Board to consider a “grandfather clause” period relative to the required education for those practitioners who are already utilizing hyperbaric chambers. It is discussed that proof of completion of the required education must be submitted to the Board office by 04/01/2020.

Request received from **Celia Cangelosi,** attorney, to renew her contract with the Board. No changes have been made to the contract terms. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to renew the contract. With no objections, motion carries unanimously.

Request received from **Justin Trosclair**, China, to waive the 3 hours of RM as he lives/works in China. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to waive the RM requirements for Dr. Trosclair for 2020 renewal. With no objections, motion carries unanimously.

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Request received from **Patty Bray Ward, D.C**., Lake Charles, LA, for the Board to accept online CE due to convenience factors. Board states its position has not changed relative to online CE for renewal requirements.

**NEW BUSINESS:**

Request received from **John Thompson, D.C.,** Haughton, LA, for license reinstatement request. Motion made by Dr. Martello, seconded by Dr. Zeagler, to not consider the reinstatement request until requirements of **Docket 2012-01** are fulfilled (from hearing held 07/26/2012 and the 09/11/2012 order issued). Ms. Cangelosi who was attorney of record in this matter will send draft response to Dr. Thompson.

Request received from FCLB as to our Board’s position on “**telemedicine**” and the previous request from a licensee about “telemedicine” practice. Dr. Kruse will draft a declaratory statement to address this topic and present to the Board at the 12/12/2019 meeting.

**Upcoming Events:**

* Nationwide NBCE Part IV exam offering, 11/15-17/2019
* Next Board Meeting, 12/12/2019, time to be announced.
* Annual license renewal deadline, 12/31/2019.
* Biannual licensure exam, 01/16/2020

Motion made by Dr. Cavanagh, seconded by Dr. Martello, to adjourn. With no objections, meeting is adjourned at approximately 12:36 p.m.