LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – OCTOBER 18, 2018**

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

Members Absent: Dr. Denise D. Rollette.

Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: David Jeddie Smith, Asst. Attorney General

Audience: None.

Meeting called to order at 8:49 a.m., Dr. Mark Kruse, President, presiding.

The **minutes** of the 07/19/2018 meeting were mailed to all Board members. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to accept the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**INTEGRITY CHECK:**

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

Ms. Oliver notes **Dr. Joe Turk’s** Board appointment expired as of 08/15/2018 and due to recent legislation introduced by Senator Fred Mills, the next appointee must be a consumer. Information will be supplied from the Governor’s Office in the future however no date has been announced as of yet.

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for July and August 2018 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. Cavanaugh, seconded by Dr. Martello, 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. Updated info will be presented at the upcoming December meeting.

**CD report:**  Dr. VanBreemen notes a deposit of a CD, which matured in September, into the Board’s checking account. No further CD activity to report until February 2019. Dr. VanBreemen will stagger maturity dates of CDs as they mature.

**Ms.** Oliver notes receipt of the final report of the **annual audit** which was completed by the assigned auditor in September as required**.**

**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 for the report ending 06/30/2018.

**MINUTES – 10/18/2018**

**PAGE 2**

**Testing:** Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to recess for “Testing” of eligible applicants who are present. With no objections, motion carries unanimously.

(Testing --------------------------------------------------------------------)

Motion made by Dr. Martello, seconded by Dr. Zeagler, to hold an “Executive Session” to discuss background reports and application information received on **Applicant P1 Brown -Howard** who has applied for the exam today. Roll call vote: Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; VanBreemen – Yes; Kruse – Yes. With 5 yeas, 0 nays, the executive session is initiated.

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

Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to allow Applicant P1 Brown-Howard to sit for the exam today when the testing slot becomes available. With 5 yeas, 0 nays, motion carries unanimously.

Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to hold an “Executive Session” to discuss background reports and application information received on **Applicant P2 O’Hara** who is applying for the January 2019 exam. Roll call vote: Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; VanBreemen – Yes; Kruse – Yes. With 5 yeas, 0 nays, the executive session is initiated.

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

Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, after review of documents obtained and presented to allow Applicant P2 O’Hara to sit for the January 2019 exam. With 5 yeas, 0 nays, motion carries unanimously.

**STANDING COMMITTEE REPORTS - Continued**

The **“Performance Indicator”** report of Board office activity from July 19 – October 17, 2018 was provided to Board members for review as follows:

* 326 phone calls received
* 24 application packets mailed
* 29 seminars reviewed
* 29 x-ray certificates issued
* 11 licenses issued
* 2 complaints filed
* 7 complaints closed
* 87 license renewal processed
* 14 license renewals returned as “incomplete” or “missing CE”
* 63 x-ray renewals
* 213 license verifications processed
* 0 public records requests
* 0 subpoenas
* 27 CE locate requests received
* 8 lists requests processed
* 20 national licensee alerts received and logged
* 0 complaints received on new law/CE change
* 0 Peer Review Requests

**MINUTES – 10/18/2018**

**PAGE 3**

* **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. Cavanaugh notes **Complaint # 1265** and **Complaint # 1266** both relative to uncertified x-ray employee and offers an agreed settlement for each complaint of $350.00 per complaint. . Motion made by Dr. Martello, seconded by Dr. Zeagler, to accept the agreed settlement. With no objections, motion carries unanimously.

Dr. Cavanaugh notes **Complaint # 1280** relative to “free” ad has offered an agreed settlement of $350.00. Motion made by Dr. Zeagler, seconded by Dr. Martello, to approve the agreed settlement. With no objections, motion carries unanimously.

Dr. Cavanaugh notes **Complaint # 1282** and **Complaint # 1283** both relative to lack of patient records and offers an agreed settlement for each complaint of $500.00 per complaint. Motion made by Dr. Martello, seconded by Dr. Zeagler, to accept the agreed settlement. With 4 yeas, 1 nay, motion carries.

Ms. Oliver notes still no response from “Health Greades.com” regarding an inquiry to the company as directed requesting info on where the advertising info is obtained. Dr. Kruse is gathering info on “**testimonials**” to craft a declaratory statement draft to define “testimonials”. Dr. Kruse offers language relative to declaratory statement as follows: “*social media reviews that a chiropractor has no control over is not considered a testimonial*”. Motion made by Dr. Zeagler, seconded by Dr. VanBreemen, to accept the language proposed and issue the declaratory statement effective today. With no objections, motion carries unanimously. Ms. Oliver will prepare the statement for publication.

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

Dr. Kruse has assigned Dr. Zeagler to chair this committee.

* **TESTING**:

Ms. Oliver notes applications are being mailed out for the January exam scheduled for 01/17/2019.

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

* **LAW & LEGISLATION:**

Continued announcement that required “**Ethics training**” for state employees and board members is due by 12/31/2018 deadline!

* **GENERAL CORRESPONDENCE**:

Correspondence received from **LA State Property Control** of annual audit completed for this year!

* **ADMINISTRATIVE OVERSIGHT:**

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.

**MINUTES 10/18/2018**

**PAGE 4**

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

Ms. Oliver reports Dr. VanBreemen had reviewed 29 seminars since the last meeting and states 2 seminars require full Board review as follows:

Request received from CAL to review the seminar entitled “The Most Expensive Documentation & Coding Mistakes Chiros Make & RM, Ethics for the Chiro Office”. as a speaker is not on “post grad faculty”. Motion made by Dr. Zeagler, seconded Dr. Martello, to approve the seminar and add Dr. Charles Herring to the Board’s approved speakers list. With no objections, motion carries unanimously.

Request received from Michigan Chiropractic Association and University of Bridgeport as co-sponsor, to review the seminar entitled, “Fall 2018 Convention” for 49 hours as some of the instructors are not on “post grad faculty”. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to approve. With no objections, motion carries unanimously.

Request received from Parker College to review the program entitled, “Digital Motion X-ray Certification Class” for 12 hours as some of the instructors are not on “post grad faculty”. Motion made by Dr. VanBreemen, seconded by Dr. Martello, to approve the seminar. With no objections, motion carries unanimously.

**OLD BUSINESS:**

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 and only professionals with prescription rights can dispense it. He notes that perhaps a federal law will emerge next year which would allow it. Dr. Kruse also has acquired info from WebMD and WebMD. The Board will issue a response that the FDA does not consider it a nutritional supplement at this time.

Request and suggested language received in July from **Patrick Clawson, D.C**., Homer, LA, for the Board to issue a declaratory statement on chiropractors conducting DOT examinations. At the July meeting it was determined that adequate notice had not been received per the LA Administrative Code. After discussion of proposed language, it is determined that clarification is needed for phrases, “other testing services”, “non DOT”, “any private, local and state…”. Dr. Zeagler recommends Dr. Clawson, Dr. Herring and Ms. Chittom present the info to the Board at the next meeting.

Relative to “**online renewals**”, Ms. Oliver is still researching this and searching for companies to assist with this project.

**NEW BUSINESS:**

Ms. Oliver notes the **licensure application** needs updating. Suggestions offered to remove the sections that are not utilized due to new requirements and forms. She will make the necessary changes.

Report given by Dr. Martello from **FCLB District Meeting** attended. Discussion and info provided on the growing opioid epidemic, Kaiser University now has included a DC program, animal chiropractic info, addictionology programs.

**MINUTES 10/18/2018**

**PAGE 5**

Dr. Cavanaugh notes problems with **record keeping and lack thereof** he has discovered in complaint work. Dr. Kruse will write language for an item to be listed in the Board’s webpage “**Practice Alerts**”.

Dr. Cavanaugh notes request from **Sam Liscum, D.C**., Lake Charles, LA, regarding CPT coding/billing issues involved with use of the “massage chair”. Dr. Cavanaugh will contact Dr. Liscum.

Ms. Oliver notes the **LA Department of Insurance** will be hosting its “**Health Forum**” in Baton Rouge next week. Ms. Oliver and Ms. Hebert-Schmidt will attend free of charge for all state employees who register.

Dr. Martello notes the upcoming **FARB** Forum will be held in January 2019 in New Orleans, LA. Dr. VanBreemen recommends limiting the attendance to 2 people. Dr. Martello and Ms. Oliver will attend.

Request received from **Kyle Nix, D.C., Flower Mound, TX**, relative to if “**on site sports coverage”** is within the scope of practice in LA. Response will be supplied that it is within the scope.

Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to amend the agenda to address request by **Nicholas DiGerolamo, D.C**., Metairie, LA, relative to delinquent license renewal fee request. Roll call vote: Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; VanBreemen – Yes; Kruse – Yes. With 5 yeas, 0 nays, the posted agenda is amended.

Request received from Nicholas DiGerolamo, D.C., to waive delinquent renewal fees due to health issues at time of renewal. Ms. Oliver provides license report and info regarding attempts to contact Dr. DiGerolamo regarding the delinquent renewal. Motion made by Dr. Martello, seconded by Dr. Cavanaugh to deny the request. With no objections, motion carries unanimously.

Ms. Oliver notes contact from FDA regarding info that a LA licensee is involved with “**stem cell injections**” however the stem cells utilized are “dead”. Paperwork will be provided with which records can be obtained. Ms. Oliver directed to obtain the information.

**Dr. Martello** notes he is requesting reimbursement for his travel to San Diego, CA for the FARB forum held in January which he did not submit. Ms. Oliver notes she will speak to the auditor about reimbursement since this is more than 90 days past due.

Ms. Oliver presents the proposed budget as prepared by Barry Delery, CPA. Board notes on page BC-8, computer services should be changed to $2500.00 for computer repairs. Motion made by Dr. Zeagler, seconded by Dr. Martello, to accept the budget as prepared with change noted. With no objections, motion carries unanimously.

**Upcoming Events:**

* Next Board Meeting, 12/13/2018, time to be announced.
* Annual license renewal deadline, 12/31/2018.

Motion made by Dr. Martello, seconded by Dr. Zeagler, to adjourn. With no objections, meeting is adjourned at approximately 12:24 p.m.

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