LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – OCTOBER 19, 2017**

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

Members Absent: Dr. Denise D. Rollette.

Staff Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: Jeddie Smith, Asst. Attorney General.

Audience: Tim Chittom, CAL.

Meeting called to order at 8:42 a.m., Dr. Jon Zeagler, President.

The **minutes** of the 07/27/2017 meeting were mailed to all Board members. Motion made by Dr. VanBreemen, seconded by Dr. Martello, to accept the minutes as prepared. With no objections, motion carries unanimously.

Dr. Martello and Ms. Oliver note an “**Integrity Check**” is performed at each board meeting they attend with the FCLB and suggests it be added to the Board’s proceedings. It provides all Board members present the opportunity to disclose or inform the rest of the Board if any person or organization has requested or discussed any potential board business or requested any attention given to a particular Board matter. Motion made by Dr. Martello, seconded by Dr. Kruse, to include “Integrity Check” on future agendas. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**STANDING COMMITTEE REPORTS**

1. **FINANCE COMMITTEE REPORT** **by Ms. Oliver & Dr. VanBreemen:**

**Financial statements** for July, August and September 2017 were prepared by Ms. Oliver and provided to the Board. Motion made by Dr. Cavanaugh, seconded by Dr. Turk to approve the financial statements. Substitute motion made by Dr. VanBreemen, as secretary-treasurer, to postpone the discussion of financial statements until he has had time to review all the info presented. Dr. Cavanaugh withdrew his motion. Roll call vote: Martello – Yes; Cavanaugh – Yes; Kruse – Yes; VanBreemen – Yes; Turk – Yes; Zeagler – Yes. Motion carries. With records reviewed, motion made by Dr. Martello, seconded by Dr. Cavanaugh, to accept the **financial statements** as prepared. With no objections, motion carried unanimously.

Relative to **deposit trends**, Ms. Oliver prepared a chart noting monthly deposit activity since 2015. Updated chart discussed and Ms. Oliver requested to present more updates to chart as available.

**CD report:**  Dr. VanBreemen notes two CD’s were renewed. The next CD activity will take place in February 2018.

All Board members present reviewed each **expense and expenditure reimbursement** paperwork since the July 27, 2017 Board meeting as well as all bank statements and further, all members signed the cover log sheet.

Relative to **annual audit**, Ms Oliver noted the 2016-17 audit was performed and the report furnished.

Relative to **administrative fees**, the matter will be on the December agenda and the Board will review administrative fees currently in place.

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The **“Performance Indicator”** report of Board office activity since last Board meeting was provided to Board members for review as follows:

* 353 phone calls received
* 23 application packets mailed
* 45 seminars reviewed
* 46 x-ray certificates issued
* 9 licenses issued
* 12 complaints filed
* 85 license renewals processed
* 10 license renewals returned as “incomplete” or “missing CE”
* 181 license verifications processed
* 110 CE locate requests received
* 13 lists requests processed
* 33 national licensee alerts received and logged
* 27 complaints received on new law/CE change
* 1 Peer Review request received
* **PEER REVIEW COMMITTEE REPORT BY Dr. Martello**:

Ms. Oliver notes receipt of one PR request and info gathering is in process.

Motion made by Dr. Zeagler, seconded by Dr. VanBreemen, to amend the order of the posted agenda to conduct the October licensure exam. Roll call vote: Martello – Yes; Kruse – Yes; Cavanaugh – Yes; Turk – Yes; VanBreemen – Yes; Zeagler – Yes. With 7 yeas, 0 nays, motion carries unanimously.

(9:17 a.m. ----------Testing-------------------------------------------10:11 a.m.

Motion made by Dr. Zeagler, seconded by Dr. Martello, to hold an “executive session” to discuss background report info received on three applicants - Applicant Doty, Applicant Murphy, Applicant Lizana and Applicant Doria. Roll call vote: Martello – Yes; Kruse – Yes; Cavanaugh – Yes; Turk – Yes; VanBreemen – Yes; Zeagler – Yes. With 7 yeas, 0 nays, motion carries unanimously.

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

The record will note in attendance in the audience:

* **Dr. Kris Frankenberger**, Lafayette, LA,
* **Celia Cangelosi**, Baton Rouge, LA,
* **Dr. Walter Creel**, Jena, LA,
* **Tim Chittom**, Baton Rouge, LA.
* **COMPLAINT COMMITTEE REPORT by Dr. Kruse**:

Dr. Kruse notes 30 complaints active complaints currently. 22 complaints are in the “informal inquiry” status and 6 are set for “informal hearings”.

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

Dr. Turknotes no new activity at this time, however, would like to report that he was refused **ordering an “MRI with contrast**”. Ms. Oliver notes 2011 Board response to a similar inquiry which stated the ordering of the MRS with contrast was within the scope of practice. Dr. Turk will provide the contact info so that correct info can be provided.

Dr. Turk and Dr. Kruse are still researching the **cannabidiol** and hemp oil questions as it relates to the chiropractic scope and state law. Currently all research shows it is a drug. Dr. Turk would like to invite the licensees to attend the December Board meeting to discuss this issue.

* **TESTING**:

Ms. Oliver notes 11 applications were accepted for the October **licensure exam to be held today**.

Ms. Oliver has updated the **Board’s webpage** to reflect future test dates, application dates and deadline dates. Ms. Oliver is asked to add info about test eligibility as it relates to NBCE Part IV scores to the webpage also and also perhaps a FAQ section.

* **LAW & LEGISLATION:**

Relative to the required “**Ethics training**” for state employees and state board members, Ms. Oliver is once again reminding all board members who have not yet completed the annual ethics training, to please do so on or before 12/31/2017 – this is mandatory!

* **GENERAL CORRESPONDENCE**:

None to discuss.

* **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.

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

Ms. Oliver reports Dr. VanBreemen had reviewed 45 seminars since the last meeting; and that 7 seminar require full Board review as follows:

Request received from KinetaCore to review the seminar “Functional Dry Needling- Level 1 & Level 2” for CE credits. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to approve for 39 hours total. With no objections, motion carries unanimously.

Dr. Kruse notes he will write draft language for a “declaratory statement” relative to “**dry needling**” to clarify course hours can’t be repeated to total 50 hours required hours.

Ms. Oliver notes the need for a “**certification registry**” for licensees utilizing **“dry needling”** in LA. Discussion held however the Board does not feel the need for maintaining a certification registry at this time.

Request received from FCA for the program entitled “SW Regional Convention & Expo 2017”. Motion made by Dr. VanBreemen, seconded Dr. Turk, to approve the course for CE. With no objections, motion carries unanimously.

Request received from TCA for the program entitled “TTAPS”. Motion made by Dr. VanBreemen, seconded Dr. Martello, to approve the course for CE. With no objections, motion carries unanimously.

Request received from LCS for the program entitled “Functional Movement Assessment”. Motion made by Dr. VanBreemen, seconded Dr. Martello, to approve the course for CE. With no objections, motion carries unanimously.

Request received from Arkansas Chiropractic Society for the program entitled “Topics of Interest for the Progressive”. Motion made by Dr. VanBreemen, seconded Dr. Turk, to approve the course for CE. With no objections, motion carries unanimously.

Request received from TCA for the program entitled “Texas Sports Chiropractic Conference”. Motion made by Dr. VanBreemen, seconded Dr. Martello, to approve the course for CE. With no objections, motion carries unanimously.

**OLD BUSINESS:**

Discussion by Dr. Martello, Dr. Kruse, Dr. Cavanaugh and Ms. Oliver on topics covered at recent **FCLB** Regulatory Board conference. Dr. Cavanaugh notes info given on **training** of CA’s and that CPT codes will be changing. Tim Chittom adds that physical modality codes will be changing January 1 of info from BCBS. Ms. Oliver notes “interjurisdictional mobility” highlighted as well.

Continued discussion on several inquiries received about parameters of the **internship** program and language contained in LSA R.S. 37:2805.A and 37:2806.B. Ms. Oliver asked to conduct a nationwide survey for internship parameters and guidelines through the FCLB and position of malpractice carriers. Jeddie Smith requested to conduct legal research on this matter and then perhaps an opinion will be requested from the AG’s office, then craft a declaratory statement to clarify “intern duties”.

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**NEW BUSINESS:**

Request received from **Robert Meadows, D.C**., Opelika, AL, for a “travel to treat” temporary license for the event entitled, “LSU v. Auburn football game on 10/13-14/2017”. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to grant the temporary license. With 7 yeas, 0 nays, motion carries unanimously.

Request received from **Jeffrey Tucker, D.C**., Los Angeles, CA, for a “travel to treat” temporary license for the event entitled, “LCS CE Seminar”. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to grant the temporary license. With 7 yeas, 0 nays, motion carries unanimously.

Correspondence received from **Patty Bray, D.C**., Lake Charles, LA, about the need for allowing “on line CE” courses to be utilized for license renewal. The Board would like a letter sent to Dr. Bray thanking her for her information and concern and will take the info under consideration.

Dr. Martello notes he had received a letter from the **State Ethics Commission** relative to the annual reporting of “financial disclosure” which is sent to all board members across the state and must be reported annually. Ms. Oliver notes this is an annual requirement from the Ethics Board.

Correspondence received from LA State Board of Massage Therapy relative to **Miguel Ridgely Lewis, D.C.,** Harvey, LA, regarding her business entitled, “Massage Addict”. The MT Board has questions regarding offering of and use of therapeutic massage techniques which do not relate to chiropractic practice. Specific questions involve offering of “facials”, “couple’s massage” and other massage spa services. The Board notes services are allowed as long as they relate to the functional integrity of the spine. Further the MT Board inquires if these services are allowed by a chiropractic licensee if offered from a separate location that is not a chiropractic office. The Board notes the chiropractic license does not affect the ability to own a different business, but the business must be licensed by the appropriate authority. The MT Board inquires if the licensed chiropractor can employ unlicensed individuals to provide massage services at any location. The Board notes this is not allowed. Further the MT Board inquires as to which agency has authority over a chiropractor operating a massage therapy spa. The Board notes this would be the jurisdiction of the MT Board.

Request made by Dr. VanBreemen that he utilize a “**signature rubber stamp**” on license renewal cards. Motion made by Dr. VanBreemen, seconded by Dr. Martello, to utilize the rubber stamp only on license renewal cards.

Discussion of receipt of info from the FCLB regarding chiropractors being included in the **FAA** Basic Med Flight Physical Program.

Discussion initiated by Dr. Martello regarding the upcoming **FARB** training conference to be held in January 2018. Motion made by Dr. Martello, second by Dr. Kruse, he and Ms. Oliver attend the FARB conference. With no objections, motion carries unanimously.

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Ms. Oliver notes she and Ms. Schmidt attended the **LA Department of Insurance’s Healthcare Conferenc**e in Baton Rouge. Info given on current nationwide opioid epidemic and the need for “impaired practitioner” programs.

Ms. Oliver notes a few items which were received after the agenda was prepared and posted. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to discuss items received after the agenda was posted. Roll call vote: Martello – Yes; Kruse – Yes; Cavanaugh – Yes; Turk – Yes; VanBreemen – Yes; Zeagler – Yes. With 7 yeas, 0 nays, motion carries unanimously.

Dr. Zeagler invites Dr. **Kris Frankenburger**, D.C., Lafayette, LA, who is in the audience, to address the Board. Dr. Frankenberger was attempting to make application to the Board for the October licensure exam held today and to apply for an internship before his application folder is completed. The Board informs him he is not eligible to sit for the October exam or any another exam as well as not eligible for an internship until the application folder is complete with all required documents and information received, per Louisiana statutes.

Request received from Alexa Manochi, Trazer Global Ltd., if chiropractors in LA can **assess patients for concussion** and make a “**return to play” determination**. Board notes this is within the scope of practice; however, other laws can be involved.

Request received from **Derek Stratton, DC**, Luling, LA, inquiring if writing “**prescriptions for medical massage**” is in the scope of practice. The Board is requesting the definition of “medical massage” as contained in Dr. Stratton’s inquiry.

**Upcoming Events:**

* FCLB District Meeting, 09/14-17/2017. Quebec City, CANADA
* Next Board Meeting, 12/14/2017, time to be announced.
* NBCE’s Part IV Test Administration (nationwide), 11/10-12/2017.
* Annual license renewal deadline, 12/31/2017.

Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to adjourn. With no objections, motion carries unanimously.

MEETING ADJOURNED AT APPROXIMATELY 1:12 p.m.