LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – October 21, 2021**

Members Present: Dr. Mark B. Kruse, President; Dr. Michael R. Cavanaugh, Vice-President Dr. Ned J.

Martello, Secretary-Treasurer; Dr. Kelleigh A. Payne; Dr. Denise Rollette;

Dr. Michael Traxler; Ms. Peggy Anselmo. (late arrival due to court-required

testimony/attendance).

Members Absent: None

Staff Present: Patricia A. Oliver, Executive Director; Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: None.

Audience: Debbie Moore, D.C., Picayune, MS; Tim Chittom, CAL, Baton Rouge, LA;

Michael Taylor, DC., Shreveport, LA; Mrs. Karen Taylor, Shreveport, LA; Robert

Smith, DC, Baton Rouge, LA; Marilyn J. Panger, D.C., River Ridge, LA.

Meeting called to order at 8:31 a.m., Dr. Mark B. Kruse, President, presiding.

The **minutes** of the 07/22/2021 meeting were mailed to all Board members. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to approve the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:** None.

**INTEGRITY CHECK:** Dr. Traxler was contacted by a licensee under complaint review with the Board seeking guidance on what he could do to “make it go away”. The general complaint process was reviewed.

**STANDING COMMITTEE REPORTS**

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

Dr. Cavanaugh reports an agreed settlement totaling $200.00 offered for **Complaint #1474 relative** to delinquent license renewal**.** Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to accept the agreed settlement of $200.00. With no objections, motion carries unanimously.

Relative to delinquent renewal and NSF check submitted to the Board, Dr. Cavanaugh offers an agreed settlement on **Complaint # 1480** in the amount of $250.00. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to accept the settlement offered. With no objections, motion carries unanimously.

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

**Financial statements** for July, August, and September 2021 were prepared by Ms. Oliver and provided to the Board. Motion made by Dr. Cavanaugh, seconded by Dr. Rollette, 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 Ms. Anselmo, to accept the log as presented. With no objections, motion carries unanimously.

**CD report:**  Dr. Martello notes a CD will be maturing in February 2022. Board would like the maturity dates to be staggered in the future.

Relative to the **‘deposit trends”** report, Ms**.** Oliver updated the chart with new info since the last board meeting, however, the updated version was not discussed.

Relative to “**Financial Planning**”, no new information from Dr. Kruse.

* **PEER REVIEW COMMITTEE REPORT by Dr. Martello:** A PR request was received, the records were requested and redacted then provided to the PR Committee members who met on 10/14/2021. The committee’s findings, in report form, are to be released when the report is finalized.

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* **STANDARDS & PRACTICES by Dr. Traxler:**  No activity to report.
* **LAW & LEGISLATION:**

Ms. Oliver *reminds* all board members and staff of annual requirement to take the state **Ethics** course by 12/31 annually and to submit proof of completion to the Board. She is happy to report that all Ethics certificates have been received.

Ms. Oliver *reminds* all board members and staff of annual requirement to take the state **Sexual Misconduct** course by 12/31 annually and to submit proof of completion to the Board. She reports that all staff members and three board members have completed the course to date.

Continued discussion held by Ms. Oliver on requirements of “**background check**” suggestions from meetings with the FBI and other law enforcement agencies. Ms. Oliver researched and reported that, due to state law which went into effect on 01/01/2013, only 224 licenses out of 803 have had background check process performed prior to obtaining a LA license. The 579 licensees issued prior to 01/01/2013 which represents 72%, were not required to provide background report info for licensure and therefore have not been background checked. Motion made by Dr. Cavanaugh, seconded by Dr. Rollette, to have background checks performed on all licensees who hold a LA licensee. Dr. Cavanaugh amended the motion to have background checks performed on only those current licensees licensed before January 2013 which is the date the requirement went into effect. Roll call vote: Payne - Yes; Rollette – Yes; Cavanaugh – Yes; Kruse – No; Traxler – No; Martello – No. With 3 yeas, 3 nays, motion ties and fails. Dr. Cavanaugh requests matter to remain on the agenda for further discussion.

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

Ms. Oliver notes **testing procedures** utilized as result of pandemic requirements and restrictions for meetings and testing offerings will continue to be utilized until further notice as discussed with Dr. Kruse and Dr. Cavanaugh.

Dr. Martello and Dr. Cavanaugh will attend the **NBCE Part IV** test at Life College, Marietta, GA, in

November, 2021.

* **ADMINISTRATIVE OVERSIGHT:**

Current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver** since last board meeting were reviewed and approved by Dr. Martello**,** and the full Board present reviewed and approved the leave records of both employees as well as payroll info for all 3 employees. Dr. Martello notes all paperwork and leave records are in order and documented.

* **OFFICE PERFORMANCE INDICATOR REPORT:** Office activity/work product 07/22/2021 – 10/10/2021:
* Phone calls received: 400
* Licensure Application packets requested & mailed: 18
* New Licenses Issued: 3 ($600.00)
* Complaints Filed & Opened: 1
* Complaints closed: 10
* DC license renewals received & processed: 115 (~$23,000.00)
* DC license renewals returned as “incomplete” or “missing CE”: 14
* Delinquent license renewal fees paid: 1
* License verifications processed: 157 (~$7850.00)
* New X-ray certificates issued: 28 ($2100.00)
* X-ray certs renewed: 83 ($2075.00)
* Public records requests: 1
* Subpoenas received: -0-
* Seminars reviewed: 20 (~$1500.00)
* CE locate requests received: 28
* List requests received and processed: 8 (~$1600.00)
* National licensee alerts received and logged: -0-
* Peer Review Requests: 1
* Dry Needling certificates issued: -0-
* Duplicate Licenses Issued: 1 ($25.00)
* Duplicate Xray Certificates Issued: 1 ($25.00)
* Travel to Treat temporary license: 1
* License Renewal Cards Purchased: 10 ($200.00)
* Seminars posted to webpage: 20
* Blue Books purchased: 1

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* **GENERAL CORRESPONDENCE**:

None to discuss.

* **SEMINAR REVIEW by Dr. Martello:**

Dr. Martello reports he has reviewed **20** seminars since the last meeting. 1 seminar submitted requires full board review as follows:

Submission from “OCCUPRO” for program– not all instructors on postgraduate faculty. Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to approve the course for CE credit. With no objections, motion carries unanimously.

Robert Smith, D.C., Baton Rouge, LA , presented info to the Board relative to possible formulation of a CE course. More info to follow.

**OLD BUSINESS:**

Discussion requested by Dr. Kruse, CAL and Quentin Briscoe, D.C., Lafayette, LA on possibility of Board providing “**real time license verifications**” to hospitals, due of inability of a hospital to verify a licensee electronically over a weekend to order a diagnostic test. Dr. Kruse noted this would facilitate medical referrals to chiropractors. Dr. Kruse notes a “button” to click on the Board’s webpage where a licensee’s information could be accessed. Similar system utilized by some other state licensing boards. Perhaps moving the current licensee list to the “home page” of the Board’s website would be more “user-friendly” and easier to access. Matter to remain on the agenda.

Continued discussion on previous correspondence received from CAL and J. Steven Caraway, D.C., Lake Charles, LA, President of CAL, requesting a “**declaratory statement**” relative to the ability of DC’s for diagnosis and perform or order test that involves conditions associated with the functional integrity of the spine. Dr. Kruse notes the required information was provided to him by CAL. It is regarding the ability to order, diagnose and perform certain tests. He presents a draft of proposed language as follows:

*“It is the opinion of the Louisiana Board of Chiropractic Examiners that the statute authorizes the chiropractic physician to diagnose and order such diagnostic tests as necessary for determining “Conditions Associated with the Functional Integrity of the Spine” to determine the appropriateness of chiropractic methods for treatment of either the spinal condition, associated condition, or both and to refer to another sub-specialty for management or co-management of the patient’s condition(s).”*

Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to approve the proposed language. With 7 yeas, 0 nays, motion carries unanimously.

Relative to **electronic upgrades to the Board’s equipment**, webpage, etc., Ms. Oliver has secured 7 bids for the proposed work. Dr. Kruse notes he should have the finalized the decision and will present it at the next meeting.

Mis Oliver notes the 2 new computers have been installed and new software is in working order.

Ms. Oliver notes **license renewal forms** were mailed to all licensees in the first week of October.

Ms. Oliver notes she attended the **Federation Association of Regulatory Boards** Conference representing LA. Legal topics covered, settlement language suggestions, investigative methods discussed, background check requirements, etc.

Dr. Martello, Ms. Anselmo and Ms. Oliver an attended the **FCLB’s** District 3 & 5 annual meeting. Topics discussed and reports presented by those attendees. Ms. Anselmo was welcomed by the FCLB and it was noted the importance of participation by consumer members. LUCP President, Dr. Marilyn Panger, attended the meeting detailing LA’s chiropractic history and further, Ms. Oliver was presented with the LUCP’s “Leroy J. Stagni service award”.

**NEW BUSINESS:**

**Michael Taylor, D.C**., Shreveport, LA, presented information to the Board regarding the ordering of certain legend devices and provided additional new information.

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Scope inquiry received from FCLB regarding if the LA scope allows for administration of “**Platelet rich plasma therapy**” Response to be provided that injectables of pharmaceuticals are not within the LA scope of practice.

Request from **Shawn Johnston, D.C**, Carencro, LA, if administering of “oxygen-ozone mixture intramuscularly and intra-articularly through a syringe is part of the scope of practice. Response to be provided this is not currently part of the scope of practice in LA.

Request received from **Brock Brunson, D.C**., West Monroe, LA, if DC’s can write school excuses/athletic restrictions for injuries sustained or or off the playing field, and for fevers, headaches, body aches, cough, etc. Further, can DC’s write an excuse for own children and/or immediate family member for high fever, cough chills, body aches. . Response to be provided as “Yes” for athletic restrictions as well as fevers, headaches etc.. This is not allowed for immediate family members as a “DC”, but can provide info as the “parent”.

Request from the **LA Pharmacy Board** regarding out of state DC’s and injectable nutritional supplements. Dr. Kruse assigned this topic to the Standards and Practice Committee/Dr. Traxler as chairman and has requested Dr. Rollette and Dr. Traxler will **partner in this research.**

Scope change suggestion from **Michael Taylor, D.C**., Shreveport, LA, Information presented from NM Board, OK Board, OR Board and MO Board and the scopes associated with each Board.

Request from **Chris Faler, D.C**., Mandeville, LA, who does his chiropractic license “fall under” if practicing outside state waters in the Gulf. It is suggested that Dr. Faler utilize a private attorney to research this info.

Request received from **Sal Giangrosso, D.C**., Covington, LA, to waive his CE requirements due to health issues and COVID-19. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to waive the CE requirements. With no objections, motion carries unanimously.

Request received from **Asghar Mortaji, D.C**., Houston, TX, to waive his CE requirements due to health issues and COVID-19. Motion made by Dr. Cavanaugh, seconded by Ms. Anselmo, to waive the CE requirements. With no objections, motion carries unanimously.

Request received from **Marc Deodata, D.C**., Ambler, PA, to waive his CE requirements due to COVID-19 issues. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to waive the CE requirements. With no objections, motion carries unanimously.

Request received from **Richard Duplantis, D,C**., Lafayette, to waive the CE requirements due to COVID-19 concerns. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to waive. With no objections, motion carries unanimously.

Request received from **Sydney Mitton, D.C**., Thibodaux, LA, to waive her CE requirements due to health issues and COVID-19. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to waive the CE requirements. With no objections, motion carries unanimously.

Request received from **Peter Brosnan, D.C**., Lake Charles, LA, to waive his CE requirements due to health issues of he and wife and COVID-19 concerns. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to waive the CE requirements. With no objections, motion carries unanimously.

Request received from **Derek Hacke, D.C.,** San Diego, CA, to waive his CE requirements due to health issues and COVID-19. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to waive the CE requirements. With no objections, motion carries unanimously.

Request from Ms. Oliver for a monthly allowance for use of her **personal cell phone** for board business before, during and after office hours. She suggests possible $10.00 or $20.00 per month. Dr. Martello requests printout of the last few months’ bills to determine how much her personal cell phone is being utilized for board business. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to authorize purchase of a cellphone package with unlimited usage for Ms. Oliver. With 5 yeas, 2 nays, motion carries. Ms. Oliver notes this is generous offer but not really what is needed due to cost of a new cell phone and unlimited usage package. Motion made by Dr. Martello, seconded by Dr. Kruse, to rescind the previous Board action. Request withdrawn by Ms. Oliver withdraw due to the financial burden this may place on the Board.

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Ms. Oliver notes **Marilyn Panger, D.C**., River Ridge, LA, LUCP President, is in the audience.

Ms. Oliver notes the lease on the office **copier** will expire soon and the new lease has been offered. Motion made by Dr. Traxler, seconded by Dr. Cavanaugh, to accept the new lease. With no objections, motion carries unanimously.

Ms. Oliver notes receipt of items after agenda was prepared which require Board attention. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to amend the posted agenda to include those late requests. Roll call vote: Rollette, Yes; Anselmo – Yes; Martello – Yes; Traxler – Yes; Cavanaugh – Yes; Payne – Yes; Kruse – Yes. With 7 yeas, 0 nays, agenda is amended.

Contract renewal paperwork received for **Celia Cangelosi** for period of 08/01/2021 to 07/31/2022. No changes to the contract noted. Motion made by Dr. Cavanaugh, seconded by Ms. Anselmo, to renew the contract. With no objections, motion carries unanimously.

Request from **Tim Levin, D.C**., Shreveport, LA, for license reinstatement. Ms. Oliver notes fees and hours due have been received. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to accept the paperwork, hours and fees, and reinstate the license effective today. With no objections, motion carries unanimously.

Request from **Bradley Kirzner**, **D.C**., Alexandria, LA, if it is legal to hire a physician of a different degree as an employee or contract employee. . Response to be sent that the statutes and rules to not address this matter and it is strongly suggested that his personal attorney be contacted to research this question.

Request from **Dennis Gregory, D.C**., Clark, MO, to obtain a CE waiver. Motion made by Dr. Cavanaugh, seconded by Dr. Payne, to grant a waiver to Dr. Gregory. With no objections, motion carries unanimously.

Request received from **Richard Chura, D.C**., Alpena, MI, to waive his CE requirements. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to waive the CE requirements. With no objections, motion carries unanimously.

Dr. Traxler notes some **CE online courses** are advertising that all 50 states are accepting the courses. Ms.. Oliver notes that letters have been sent out before in this same situation and she requests he provide the info to her so that she issue correspondence clarifying LA’s position on not accepting online CE.

**Upcoming Events:**

* NBCE Part IV Testing, nationwide, 11/12-14/2021.
* Next Board Meeting, 12/16/2021, time to be announced.
* Annual license renewal deadline, 12/31/2021
* Board Licensure Exam – 01/20/2022

Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to adjourn. With no objections, meeting is adjourned at approximately 10:57 a.m..