LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – DECEMBER 10, 2015**

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

Members Absent: None

Staff Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: Angelique Freel, Asst. Attorney General.

Audience: None.

Meeting called to order at 8:42 a.m., Dr. Ned J. Martello, President, presiding.

The **minutes** of the 10/15/2015 meeting were mailed to all Board members. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to accept the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for October and November, 2015 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Kruse, seconded by Dr. Harvey, to accept the statements as prepared. With no objections, motion carries unanimously.

**CD report** Dr. Zeagler notes no new activity since last Board meeting.

All Board members present reviewed each **expense and expenditure reimbursement** expense since the October 15, 2015 Board meeting as well as all bank statements and signed each cover sheet.

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

Dr. Martello notes no new activity since the last Board meeting.

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

Dr. Harvey notes Complaint **#1147,** related to a delinquent license renewal complaint, an informal hearing held and an agreed settlement offered of $1000.00. Motion made by Dr. Harvey seconded by Dr. Cavanaugh, to accept the settlement as offered. With no objections, motion carries unanimously.

Dr. Harvey notes Complaint #**1183 and Complaint # 1184,** both related to advertising complaints and an agreed settlement offered for a first time violation of $350.00. Motion made by Dr. Kruse seconded by Dr. Zeagler, to accept the settlements as offered. With no objections, motion carries unanimously.

Dr. Harvey notes **Complaint # 1186 and Complaint # 1187** related to a advertising violations, informal inquiry conducted, and agreed settlements of $700.00 offered for second violations. Motion made by Dr. Kruse, seconded by Dr. Zeagler, to accept the settlements as offered. With no objections, motion carries unanimously.

It is discussed and subsequently suggested that Dr. Harvey prepare a “**complaint fine schedule**” for future reference.

Ms. Oliver notes receipt of a complaint from the LA Physical Therapy Board relative possible advertising violation by a chiropractor licensee. Ms. Oliver directed to send to the PT Board requesting the advertisement in question.

It is noted there are exemptions in LA Statutes relative to use of the term “spinal manipulation”, LSA R.S. 37:2423.D, from 2010 legislation. The Board would like this info added to the “**blue book**” and provided to licensees in the next Board mail out.

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

No report at this time.

* **LAW & LEGISLATION:**

Dr. Zeagler has no new info to report at this time.

Continued report by Dr. Martello on meetings he attended as Board representative to the **Physical Therapy Patient Access Review Committee**. He shared a letter he sent to the Committee. The final report will be available on the committee’s website. It is noted if Dr. Martello cannot attend any future meetings, Ms. Oliver will attend in his place.

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* **TESTING**:

Relative to **NBCE’s Part IV Exam,** it was held across the country November 13-15, 2015. Dr. Martello and Dr. Cavanaugh attended as LA’s Board representatives.

Ms. Oliver notes receipt of “**background check**” info on one licensure applicant relative to a DWI which occurred in excess of 5 years ago as well as a complaint from a licensing board of unlicensed practice; however this info was not fully disclosed by the applicant on the application submitted. Additional info received from the candidate and licensing board. Motion made by Dr. Harvey, second by Dr. Zeagler, to accept the application of Carol Boyce, D.C., Scottsdale, AZ, with the additional information and explanation submitted. With no objections, motion carries unanimously.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. Zeagler notes review of Ms. Hebert-Schmidt and Ms. Oliver’s **leave records** and further, that the full Board present reviewed and approved the leave records of both employees as well as payroll info for all 3 employees.

* **SEMINAR REVIEW by Dr. Zeagler:**

Ms. Oliver reports Dr. Zeagler had reviewed 32 seminars since the last meeting; however 5 seminars require full Board review as follows:

Request from **Carrick Institute** to review the seminar entitled, “Neuro Orthopedic Rehab of the Spine” due to “no post grad faculty”. Motion made by Dr. Kruse, seconded by Dr. Harvey, to approve the seminar for CE credits. With no objections, motion carries unanimously.

Request from **DC Seminars** to review the seminar entitled, “Personal Injury, Coding & Compliance” due to “no post grad faculty”. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to approve the seminar for CE credits. With no objections, motion carries unanimously.

Request from **CAL** to review the seminar entitled, “RM for the Chiropractic Physician” due to “no post grad faculty”. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to approve the seminar for CE credits. With no objections, motion carries unanimously.

Request from **CAL** to review the seminar entitled, “Anatomy of a Personal Injury Case from a Legal, Chiropractic, and Medical Perspective” due to “no post grad faculty”. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to approve the seminar for CE credits. With no objections, motion carries unanimously.

Request from **Northwestern Health Sciences University** to review the seminar entitled, “2016 Homecoming & Winter Gathering” due to “no post grad faculty”. Motion made by Dr. Zeagler, seconded by Dr. Harvey, to approve the seminar for CE credits. With no objections, motion carries unanimously.

Relative to “**CE hour requirements**”, the Board requests this matter be placed on the next meeting’s agenda for discussion.

Relative to “**RM CE requirements**”, the Board requests this matter be placed on the next meeting’s agenda for discussion.

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* GENERAL CORRESPONDENCE:

None to discuss.

**OLD BUSINESS:**

Continued discussion on FCLB’s “**PACE**” program which is relative to CE programs. More info was received as requested from FCLB; however, the Board would like specific info on the credentialing process for instructors and further what is the duration of the PACE certification once obtained. Ms. Oliver will request the information.

Continued discussion on the Board’s “**CE Seminar Application form**” as edited at the 10/15/2015 meeting. Ms. Oliver prepared the edited form and Dr. Zeagler requested the full Board’s review before utilization of the form. Question #10 should read as follows, “*Is instructor/s performing practical treatment as defined by LA Statutes or Regulations? YES NO* “

Dr. Zeagler also wanted approval/clarification on the $75.00 “**travel to treat**” fee requirement as previously discussed. Motion made by Dr. Kruse, seconded by Dr. Zeagler, to accept the form as amended and prepared. With no objections, motion carries unanimously.

Continued discussion on amended “**licensure application form**”. Questions 19, 20 and 23 were edited as follows: *Have you ever been arrested or convicted of a felony? YES NO . If yes, explain and attach documentation. Have you ever been arrested or convicted of a misdemeanor? YES NO . If yes, explain and attach documentation. Have you ever been convicted of a criminal offense other than a minor traffic violation? YES NO If yes, explain and attach documentation. Do you have an impairment, which, even with reasonable accommodation, would interfere with your ability to provide care according to accepted standards of professional performance, or would pose a threat to patient health and safety? YES NO If yes, explain. Are you now, or have you ever been an active or habitual user of any mind or mood-altering substance including, but not limited to, alcohol, narcotics, barbiturates, hypnotics, amphetamines, cocaine, benzodiazepines, controlled or illegal substances, which would interfere with your ability to provide professional services? YES NO If yes, explain.*

Relative to the upcoming “**Federation of Association of Regulatory Boards’** conference, January 28-31, 2016, Dr. Kruse notes he would like to attend. Ms. Oliver will make all travel plans and registration.

**NEW BUSINESS:**

Ms. Oliver notes receipt of **contract renewal** paperwork for LA Department of Justice & **Angelique Freel,** attorney, as the Board’s legal counsel, at state approved rate. Motion made by Dr. Kruse, seconded by Dr. Zeagler to accept the two year contract. With no objections, motion carries unanimously.

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Relative to the Board’s recording equipment, Dr. Martello requested Ms. Oliver secure information on **digital recording equipment** in order to upgrade the meeting recording equipment. Three different types/price ranges of equipment was gathered and presented to the Board. Motion made by Dr. Harvey, seconded by Dr. Cavanaugh, to research the digital equipment systems available and to approve a maximum budget of $1200.00 to purchase the appropriate equipment. With no objections, motion carries unanimously.

Ms. Oliver notes receipt of letter from **LA Office of Student Financial Assistance** of licensees with delinquent student loan status and that the Board cannot process license renewals for those individuals. Notices have been sent to those licenses by Ms. Oliver

Ms. Oliver notes items received for Board review which were not include on the posted agenda due to late receipt of items. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to amend the posted agenda to include those items. Roll call vote: Kruse – Yes;; Cavanaugh – Yes; Zeagler – Yes; VanBreemen – Yes; Harvey – Yes; Turk – Yes; Martello – Yes. With 7 yeas, 0 nays, agenda is amended.

Request received from **Amy Arton, D.C**., Lydia, LA, to obtain an extension to renew her license due to economic hardship issues as she is not practicing. Motion made by Dr. Harvey, seconded by Dr. Zeagler, to deny her request for an extension. With no objections, motion carries unanimously. The Board directs Ms. Oliver to include that Dr. Arton can renew as “inactive” (retired) before the 12/31/2015 deadline to avoid any penalties.

Request received from **Brian Peters, D.C**., New Orleans, LA, to apply the application fee he submitted for the October exam to the upcoming January 2016 exam. Motion made by Dr. Kruse, seconded by Dr. Zeagler, to allow the fee to be utilized for the January 2016 exam. With no objections, motion carries unanimously.

Ms. Oliver notes receipt of **FCLB** annual dues’ notice. Motion made by Dr. Cavanaugh, seconded by Dr. Harvey, to remit the annual dues. With no objections, motion carries unanimously.

Dr. Martello presents Dr. Harvey with a plaque of recognition as “Board president” from July 2015-2016.

**Upcoming Events:**

* Annual license renewal deadline, 12/31/2015.
* Next Board Meeting, 01/21/2016.
* Biannual licensure exam, 01/21/2016, time to be announced

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

MEETING ADJOURNED AT APPROXIMATELY 11:03 a.m.