LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JUNE 12, 2014**

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

Members Absent: Dr. David Barczyk – Secretary-Treasurer.

Staff Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: None.

Audience: Kathy Chittom, CAL.

Meeting called to order at 8:42 a.m., Dr. R. Buckley VanBreemen, President, presiding.

The **minutes** of the 04/03/2014 meeting were mailed to all Board members. Motion made by Dr. Kruse, seconded by Dr. Zeagler, 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 March, April, May 2014 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Kruse, seconded by Dr. Harvey, to accept the statements with corrections noted. With no objections, motion carries unanimously.

**CD report** was given by Ms. Oliver. No CD’s to renew at this time.

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

Ms. Oliver notes a new case has been received, paperwork has been blinded and Dr. Martello will set a meeting date ASAP.

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

Dr. Harvey notes the Complaint Committee has been busy. Dr. Harvey has agreed settlements on two complaints related to advertising. Relative to **Complaint # 1093**, Dr. Harvey recommends a $350.00 agreed settlement relative to advertising “free”. Motion made by Dr. Cavanaugh, seconded by Zeagler, to accept the agreed settlement. With no objections, motion carries unanimously.

Relative to **Complaint # 1085**, Dr. Harvey recommends a $350.00 agreed settlement relative to advertising “free”. Motion made by Dr. Cavanaugh, seconded by Zeagler, to accept the agreed settlement. With no objections, motion carries unanimously.

Request received from Ms. Kim Segura Landry, attorney for Dr. James Leger, Gonzales, LA, to reduce the 3 year probation period previously agreed to relative to **Complaint # 969**. Dr. Harvey recommends keeping the terms of the “agreed settlement” intact. Motion made by Dr. Harvey, seconded by Dr Cavanaugh, to leave the terms of the “agreed settlement” intact. With no objections, motion carries unanimously.

Relative to Complaint # **982**, **Richard Guidry, D.C**., Ms. Oliver notes communication from Mr. Jeff Traylor, Asst. Attorney General, Criminal Division prosecutor, who stated the defense attorney requested a continuance of the trial to December 12, 2014, 8:30 a.m.

Dr. Harvey notes a complaint received from a constituent in New Orleans areas of a “massage therapist” performing chiropractic manipulation. The Board recommends referring this matter to the Attorney General’s Criminal Division and to alert the LA Massage Therapy Board.

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

Continued discussion on the scientific validity of **AK** testing as it relates to **vitamin deficiency**. Dr. Zeagler prepared draft of position statement from information he gathered from the International College of Applied Kinesiology which states what “AK” is, what “AK” can be used, etc. and that “AK” is “not used to replace standard exam”. Dr. Kruse to prepare a draft of correspondence to answer the inquiry made earlier.

* **LAW & LEGISLATION:**

Relative to “**dry needling**”, rules are in effect. The Attorney General’s opinion should be released in near future.

Dr. Cavanaugh notes the possible need for “**certification roster**” for “dry needling”. Ms. Oliver suggests creation and maintenance of “certification roster” with a minimal fee to register in order to having tracking ability of those licensees to perform “dry needling” should public inquiry be made. Majority of the Board does not feel a “certification roster” is necessary because “dry needling” is a modality. Ms. Chittom states she will provide a list to the Board of those licensees in attendance of CAL course. Board requests an article in October **newsletter** to request proof of attendance of a “Board approved” course be submitted to the Board office.

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* **TESTING**:

Ms. Oliver notes **Dr. Cavanaugh and Dr. Martello** participated as “examiners” in the NBCE’s Part IV exam administered in May at Life University.

Ms. Oliver notes approximately 15 applications have been received and completed for the upcoming **July licensure exam** and perhaps a few more applications will be received before the deadline. Ms. Oliver asks for more test material to be generated. Dr. Kruse will prepare new test material.

* **ADMINISTRATIVE OVERSIGHT:**

In Dr. Barczyk’s absence, Dr. VanBreemen reviewed the leave records for the employees and stated all leave records of **Ms. Oliver** and **Ms. Hebert-Schmidt** are in order.

Dr. VanBreemen requested the **annual salary review** to be placed on the agenda and for Ms. Oliver to compile salary info, but noted the “administrative oversight committee” did not have an opportunity to review the material and would like to hold this discussion at the July meeting.

* **SEMINAR REVIEW by Dr. Barczyk:**

Ms. Oliver reports Dr. Barczyk reviewed 40 seminars since the last meeting, however, 3 seminars review request requires full Board review due to all speakers not on post graduate faculty as follows:

Request received from **Northwestern Health Sciences University** to review the seminar entitled, “Applying Functional Medicine in Clinical Practice” seminar for CE credits. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to approve the seminar. With no objections, motion carries unanimously.

Request received from **Contemporary Integrative Dry Needling** to review the “Contemporary IDN” seminar for CE credits. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to approve the seminar. With no objections, motion carries unanimously.

Request received from **National Educational Seminars** to review the   
“Personal Injury” seminar of 18 hours for CE credits. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to approve the seminar. With no objections, motion carries unanimously.

* GENERAL CORRESPONDENCE:

Correspondence received from FCLB re upcoming conference and from NBCE relative to educational grants awarded.

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**OLD BUSINESS:**

Relative to the ongoing “**web page advertising review**” of all licensees, Dr. Harvey notes a few more websites to review.

Continued discussion on reinstatement request of **Kent Plambeck, D.C**., Arlington, TX. The Board posed questions to Dr. Plambeck relative to his residence, other licenses held, etc. Dr. Plambeck supplied info. Dr. Harvey requests Dr. Plambeck request each state licensing regulatory authority to submit “license verification” on his behalf to the Board before reinstatement will be considered.

**NEW BUSINESS:**

Informal presentation made by Mr. Patrick Henry, Attorney, representing **Jeff Salczenko, D.C**., Channelview, TX, regarding his license reinstatement. Mr. Henry notes Dr. Salczenko will be making a formal request for reinstatement “in a few weeks”, however he wanted to find out what info the Board needs before the request is made. He noted Dr. Salczenko still owes Federal and State government funds for which Mr. Henry is attempting to work out a “payment plan”. Board notes the “payment plans” need to be sent to the Board.

Correspondence received from **Richie Roth, D.C**., Denham Springs, LA, regarding ASHN and their “medical necessity review form”. It appears ASHN’s claims reviewer is practicing chiropractic without a license. The Board request a complaint number be assigned and Dr. Harvey to draft a “Cease and desist letter” to be sent to R. McPherson, D.C., and copied to ASHN regarding unlicensed practice of chiropractic in LA as well as a letter to Dr. Roth of Board’s action.

Request received from **Adam Reeves, D.C**., Donaldsonville, LA, relative to the advertising of “certified in Chiropractic Kinesio Taping”. The Board notes he can utilize the technique but he cannot advertise “certified in” according to rules currently in place because it is not a 100 or 300 hour course.

Request received from **Carissa Hamilton-Toups, D.C**., Crowley, LA, if she can advertise if she is “certified in Dry Needling. The Board notes she can utilize “dry needling” but because it is only a 50 hour course, she cannot advertise “certified in”.

Request received from **Irshan Chaudary, D.C**., Lake Charles, LA, if he can administer “vitamins, minerals, and/or herbs (anything natural) by IV” to a patient for a condition under the scope of chiropractic. Board notes this issue should be addressed through the “declaratory statement” process and word “administer” can be defined. Dr. Kruse will prepare a draft for the next meeting. Ms. Oliver notes this the Minutes reflect Dr. Jeff Scheuermann, Slidell, LA, had made similar inquiry in July 2013. Dr. Kruse will telephone Dr. Scheuermann.

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Request received from **Justin Trosclair, D.C**., China, for a “risk management” waiver and to approve the CE course available to him since he’s living in China. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to grant the RM waiver and to accept the CE course. With no objections, motion carries unanimously.

Ms. Oliver notes requests received after agenda was prepared and posted. Motion made by Dr. VanBreemen, seconded by Dr. Harvey, to amend the posted agenda to include late requests. Roll call vote: Harvey – Yes; Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; Kruse – Yes; VanBreemen- Yes. With 6 yeas, 0 nays, agenda is amended.

Legal representation contract renewal received from **Celia Cangelosi** as her contract will expire in July. Ms. Oliver notes no changes to contract terms. Motion made by Dr. Cavanaugh, seconded by Harvey, to renew the contract. With no objections, motion carries unanimously.

Ms. Oliver notes info from “Professional Licensing Report” relative to **licensure application questions** regarding mental competency. Board reviews the question #21 on our application and notes no change needed at this time.

Ms. Oliver notes **FCLB** has conducted a “power poll” about “medical marijuana” card and possible improper use of it by licensees. Ms. Oliver notes we have not had any instances or info on this subject as of yet.

Request received from **Adam Reeves, D.C**., Donaldsonville, LA, relative to the advertising of “certified in DOT examinations”. The Board notes he can perform the exams but he cannot advertise “certified in” according to rules currently in place because it is not a 100 or 300 hour course.

Request from **Jana Rosenburg, D.C**., Kinder, LA, new applicant for licensure if she can advertise and utilize her “animal chiropractor” certification. Dr. Zeagler is aware this course is a 100+ hour course.

Ms. Oliver distributes an email received from **Don Daniels, D.C**., Austin, TX, complaining and criticizing the Board relative to a licensee listed on the Board’s website as “licensed”. Ms. Oliver notes Dr. Daniels is a former LA licensee who is/was an employee of the clinic in TX owned by the licensee.

**Upcoming Events:**

* Next Board meeting, 07/31/2014
* Biannual licensure exam, 07/31/2014, time to be announced.
* Annual x-ray certification renewal deadline, 07/31/2014.
* NBCE Part IV exam administration, 11/xx-xx/2014, nationwide test sites.
* Annual license renewal deadline, 12/31/2014.

Motion made by Dr. Cavanaugh, seconded by Dr. Kruse to adjourn. With no objections, meeting is adjourned.

MEETING ADJOURNED AT APPROXIMATELY 11:28a.m.