LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – APRIL 2, 2015**

Members Present: Dr. Wynn T. Harvey, President; Dr. Ned J. Martello, Vice-President; Dr. Jon E. Zeagler, Secretary-Treasurer; Dr. Michael Cavanaugh, 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: Kathy Chittom, CAL.

Meeting called to order at 8:50 a.m., Dr. Wynn T. Harvey, President, presiding.

The **minutes** of the 01/29/2015 meeting were mailed to all Board members. Motion made by Dr. Cavanaugh, 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 January and February, 2015 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Kruse, seconded by Dr. Martello, to accept the statement as prepared. With no objections, motion carries unanimously.

**CD report** was given by Dr. Zeagler – three CD’s renewed since last meeting.

Dr. Zeagler reviewed the **expense and expenditure reimbursements** submitted by Ms. Oliver and notes all are in order and substantiated by receipts.

Ms. Oliver notes receipt of the preliminary **budget draft for 2015-16** which was provided to the Board members at the January 2015 meeting. The Board will review in the interim and discuss at the April meeting. After review and discussion, the following changes are required:

* At BC-8, “computer services” amount should be changed to “$2500.00”.
* At BC-8, “Peer Review” amount should be changed to “$600.00”.
* At BC-8, “Court Hearing” amount should be changed to “$10000.00.”
* At BC-11, “Acquisitions” should be changed to “$2500.00” for most likely near future replacement of an office computer.

Motion made by Dr. Zeagler, seconded by Dr. Kruse, to accept the budget as amended. With no objections, motion carries unanimously.

Dr. Harvey questioned the date of renewal of the **board office lease**. Ms. Oliver is directed to research info for a new **office building purchase** in the future.

**MINUTES – 04/02/2015**

**PAGE 2**

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

Dr. Martello discussed the report of PR 2015-01. Continued discussion held on the PR Committee vacancy. Motion made by Dr. Martello, seconded by Dr. Kruse, to name **Ron McMorris, D.C**., Walker, LA, With no objections, motion carries unanimously.

Angelique Freel discussed Dr. Harvey’s suggestion relative to alternate members to the **PR Committee**. She notes our laws and rules do not allow for “alternate members” , however, proposed language can be crafted for new legislation in the future to allow alternate members to the PR members.

Ms. Oliver notes. With recent increase in PR fees, the PR members can now be reimbursed.

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

Dr. Harvey notes 4 complaints, **#1132,** **#1139**, **#1136**, and **#1126**, are related to advertising violations. He has secured agreed settlements on each of these complaints for $350.00. Motion made by Dr. Harvey seconded by Dr. Kruse., to accept the settlements as offered. With no objections, motion carries unanimously.

Relative to **Complaint # 1095**, Dr. Harvey has secured an agreed settlement to include a $10,000.00 fine, $1400.00 legal costs. $358.07 administrative costs, 90 day in-house treatment plan, successful passage of the EBAS Assessment exam and, when and if reinstated, a 3 year probation. With no objections, motion carries unanimously.

Relative to **Complaint # 982**, Richard Guidry, D.C., which was initially referred to the Lafayette Parish District Attorney’s Office with unsuccessful resolution, then later referred to the LA Department of Justice Attorney General’s Office with Ms. Cangelosi’s assistance. The AG’s office was successful in the execution of video surveillance and a subsequent arrest which brought the case to trial in Lafayette. Ms. Oliver reported the outcome of the trial of this matter. The penalty assessed to Dr. Guidry was $100.00 fine and 6 months’ probation.

Continued discussion held on **delinquent renewals** and Ms. Cangelosi’s review of the Board’s proposed policy from last meeting on handling delinquent renewals**.**  Ms. Cangelosi noted the Board must utilize the administrative hearing procedures to impose suspensions, etc. regarding “delinquent renewals”. The Board will continue handling the delinquent renewals under the complaint process.

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

No report at this time.

**MINUTES – 04/02/2015**

**PAGE 3**

* **LAW & LEGISLATION:**

Relative to “**dry needling**” opinion request by the Board, Ms. Oliver notes the opinion was issued on March 19, 2015. Ms. Oliver and Dr. Kruse met with Ms. Emily Andrews to review the opinion draft before it was released.

Ms. Oliver notes she met with the **LA Physical Therapy Board** president and executive director at their request to discuss a proposed “study committee” to be created from Senate Concurrent Resolution #xxx to study the efficiency of allowing patients direct access to physical therapists. Dr. Harvey directs Ms. Oliver to invite the PT director and board president to attend the June meeting to discuss the proposed SCR.

Relative to CAL’s **scope of practice** changes, Dr. Martello offers a copy of SB 56 by Senator Yvonne Dorsey, given to him by Ms. Chittom, which contains language changes relative to the scope of practice and the use of x-ray by DC’s.

Discussion of **NC Dental Board** lawsuit issues on “antitrust” activity.

* **TESTING**:

Relative to **NBCE’s Part IV Exam**, the NBCE has made a petition for 2 board members to participate as “examiners”. Upcoming test dates are May 15-17, November 13-15. Dr. Martello and Dr. Cavanaugh will attend the May exam. Test writing committee meeting date is June 12-13, 2015 and Dr. Zeagler is interested in attending.

Relative to the **additional offering of the licensure exam**, Ms. Oliver notes there are 7 applicants. Motion made by Dr. Martello, seconded by VanBreemen, to recess for testing.

With no objections, motion carries unanimously. Testing begins at 9:09 a.m.

------------------Recess

Testing completed and recess concluded at 9:56 a.m. for the licensure exam to be held today.

Dr. Cavanaugh will write new questions to supplement the **test question pool**.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. Zeagler reviewed the leave records for the employees and stated all leave records of **Ms. Oliver** and **Ms. Hebert-Schmidt** are in order.

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

Ms. Oliver reports Dr. Zeagler reviewed 36 seminars since the last meeting, however, 12 seminars review requests require full Board review due to all speakers not on post graduate faculty as follows:

Request from **CAL** to review the seminar entitled, “ICD-10 Coding”. Motion made by Dr. Zeagler, seconded by Dr. Turk, to approve the seminar for CE credits. With no objections, motion carries unanimously.

Request from **NWHSU** to review the seminar entitled, “IFM’s 1015 Annual International Conference”. Dr. Zeagler notes the speaker is not on post grad faculty. Motion made by Dr. Zeagler, seconded by Dr. Turk, to approve the seminar for CE credits. With no objections, motion carries unanimously.

**MINUTES – 04/02/2015**

**PAGE 4**

* **SEMINAR REVIEW by Dr. Zeagler (Cont’d.):**

Request received from **Michigan Association of Chiropractors** to review the seminar entitled, “Spring 2015” which contains 65 hours. Dr. Zeagler notes the speaker is not on post grad faculty. Motion made by Dr. Zeagler, seconded by Dr. Kruse, approve 53 hours of the seminar. With no objections, motion carries unanimously. The 12 hours of “practice management” are not approved.

Request received from **Arkansas Chiropractic Society** to review the seminar entitled, “ICD-10 Boot Camp”. Dr. Zeagler notes the speaker is not on post grad faculty. Motion made by Dr. Zeagler, seconded by Dr. Turk, approve the seminar. With no objections, motion carries unanimously.

Request received from **Mississippi Chiropractic Association** to review the seminar entitled, “Prospectors Chiropractic Practice”. Dr. Zeagler notes the speaker is not on post grad faculty. Motion made by Dr. Zeagler, seconded by Dr. Turk, approve the seminar. With no objections, motion carries unanimously.

Request received from **Mississippi Chiropractic Association** to review the seminar entitled, “ICD-10 Documentation and Coding”. Dr. Zeagler notes the speaker is not on post grad faculty. Motion made by Dr. Zeagler, seconded by Dr. Turk, approve the seminar. With no objections, motion carries unanimously.

Request received from **University of Western States** to review the seminar entitled, “Graston Technique”. Dr. Zeagler notes the speaker is not on post grad faculty. Motion made by Dr. Zeagler, seconded by Dr. Turk, approve the seminar. With no objections, motion carries unanimously.

Request from **National Health Sciences University** to review the seminar entitled, “The Getaway”. Dr. Zeagler notes the speaker is not on post grad faculty. Motion made by Dr. Zeagler, seconded by Dr. Turk, to approve the seminar for CE credits. With no objections, motion carries unanimously.

Request from **University of Western States** to review the seminar entitled, “Traumatic Lumbar Motion”. Dr. Zeagler notes the speaker is not on post grad faculty. Motion made by Dr. Zeagler, seconded by Dr. Turk, to approve the seminar for CE credits. With no objections, motion carries unanimously.

Request from **Carrick Institute** to review the seminar entitled, “275 Gait”. Dr. Zeagler notes the speaker is not on post grad faculty. Motion made by Dr. Zeagler, seconded by Dr. Kruse, to approve the seminar for CE credits. With no objections, motion carries unanimously.

Request from **Palmer** to review the seminar entitled “Sacro Occipital Research Society”. Motion made by Dr. Zeagler, seconded by Dr. Kruse, to approve the seminar for CE credits. With no objections, motion carries unanimously.

Request from **TCC** to review the seminar entitled “2015 Annual Convention”. Motion made by Dr. Zeagler, seconded by Dr. Turk, to approve the seminar for CE credits. With no objections, motion carries unanimously.

**MINUTES – 04/02/2015**

**PAGE 5**

* GENERAL CORRESPONDENCE:

None to discuss.

**OLD BUSINESS:**

Re-visitation of the earlier request received from **Tim Levin, D.C**., Shreveport, LA, for a delinquent waiver request and extension to obtain CE hours. At the Board’s order, Ms. Oliver issued a “cease and desist” letter in January to Dr. Levin until he produced an attendance voucher for his CE. After conversation with Dr. Levin, it was noted the hours he obtained and presented were earned in 2013 and therefore, not applicable for the 2015 renewal. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, as soon as late fees and attendance vouchers for 18 hours in approved CE seminars are received, the license will be reinstated and renewed. With no objections, motion carries unanimously.

**NEW BUSINESS:**

Report from Dr. Kruse on advertising he observed from the “American Wellness Center” wherein Mr. **John Moreno**, DCh, is advertising “**doctor of chiropathy**”. Dr. Kruse contacted Mr. Moreno who said DCh is a religious degree earned from his church. Dr. Kruse will contact him to request he cease use of the “doctor of chiropathy” term. Dr. Kruse will report his findings at next meeting.

Request received from **Heath Matherne, D.C**., Lockport, LA, relative to   
prolozone injections” and if legal to administer under the LA scope of practice. Dr. Kruse feels the word “administer” needs to be defined. He will secure other state laws that discuss “injectibles”. Ms. Oliver directed to send written response to Dr. Matherne that “prolozone therapy”, as described in the information submitted, is not within the LA chiropractic scope of practice.

Request received from **Jonny Roberts, D.C**., Hawaii, for an extension to receive his CE because he moved to HI, had financial hardship with relocating and securing a seminar for renewal. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to grant a 60 day extension. With no objections, motion carries unanimously.

Telephone request from **Gerald Logan, D.C**., New Orleans, LA and license renewal paperwork received for an extension to obtain CE credits. To date, Ms. Oliver notes no written request has been received. Board states that before any consideration will be given, a written request must be received.

**MINUTES – 04/02/2015**

**PAGE 6**

Request received from **Eric Snow, D.C**., Lake Charles, LA, relative to   
**“cranial fascial release technique**” is within the LA scope of practice. Ms. Oliver directed to send written response to Dr. Snow that “cranial fascial release technique”, as described in the information submitted, is not within the LA chiropractic scope of practice.

Request received from **Eric Snow, D.C**., Lake Charles, LA, relative to   
advertising and if **“certified reviews**” is considered testimonials. Board notes “certified reviews” are testimonials and therefore must be identified as such.

Ms. Oliver notes late receipt of several items which were not included on the posted agenda. Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to amend the posted agenda to include those items noted. Roll call vote: Kruse – Yes; Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; VanBreemen – Yes; Harvey – Yes. With 6 yeas, 0 nays, agenda is amended.

Review of proposed draft of the 2016 **license renewal form**. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to approve the form. With no objections, motion carries unanimously.

Review of proposed draft of the 2015-16 **x-ray proficiency certificate holder renewal form**. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to approve the form. With no objections, motion carries unanimously.

Request received from **Linda Pham, D.C**., New Orleans, LA, relative to use of   
**“Lipovite**” and “**B-12” injections** and if same is within the LA scope of practice. Ms. Oliver directed to send written response to Dr. Pham that “Lipovite and B-12” injections are not allowed as described in the information submitted, and not within the LA chiropractic scope of practice.

Request from **Violet Long, D.C**., Lake Charles, LA, who has retired but wishes to obtain an x-ray proficiency certificate from the Board utilizing her chiropractic education. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to issue the x-ray certificate to Dr. Long. With no objections, motion carries unanimously.

Ms. Oliver notes the **FCLB** National Congress will be held May 6-10, New Orleans, LA. Reservations and registration will be processed in the near future.

**Upcoming Events:**

* FCLB National Congress, New Orleans, LA , May 6-10, 2015
* Next Board Meeting, 06/04/2015
* Biannual licensure exam, 7/30/2015, time to be announced
* X-Ray Proficiency Certificate renewal, 07/31/2015
* Annual license renewal deadline, 12/31/2015.

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

MEETING ADJOURNED AT APPROXIMATELY 12:45 p.m.