LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – july 28, 2011**

Members Present: Dr. Michael Cavanaugh, President Dr. Mark Kruse, Vice President; Dr. Wynn Harvey; Dr. David Barczyk.

Members Absent: Dr. R. Buckley VanBreemen, Dr. Jon E. Zeagler.

Staff Present: Patricia A. Oliver, Executive Director

Legal Counsel: Angelique Freel, Asst. Attorney General.

Audience: Bud Oliver, Baton Rouge, LA, Hayley Hall, Baton Rouge, LA, Matthew Cavanaugh, Lafayette, LA.

Meeting called to order at 08:30 a.m., Dr. Michael Cavanaugh, President, presiding.

The **minutes** of the 04/14/11 meeting were mailed to all Board members. . Motion made by Dr. Kruse, and seconded by Dr. Barczyk. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for March 2011, April 2011, May 2011, and June 2011 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Barczyk, seconded by Dr. Harvey, to accept the statements. With no objections, motion carries unanimously.

Ms. Oliver also informs the board that the **annual audit** is in progress and is due September 1, 2011.

**CD report** was given by Ms. Oliver, due to Dr. VanBreeman’s absence, reported that 1 CD has matured since our last meeting and that it was renewed for 18 months by the request of Dr. VanBreemen. The next CD’s due are August and September

Dr. Cavanaugh notes advertisement of “**interest bearing checking account”** being offered in the Lafayette, LA area – he will investigate and bring info to the Board.

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

Nothing to report at this time.

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

Dr. Harvey has entered into 3 agreed settlements on cases as follows: Relative to “ethical boundary issues” in the licensee’s office, **Complaint #957,** Dr. Harvey offers an “agreed settlement” of $2500.00. Motion made by Dr. Harvey, seconded by Dr. Kruse, to accept the “agreed settlement”. With no objections, motion carries.

Relative to **Complaint # 962** and possible “advertising violations”, Dr. Harvey has offered an “agreed settlement” of $350.00. Motion made by Dr. Harvey, seconded by Dr. Kruse, to accept the “agreed settlement”. With no objections, motion carries unanimously.

Relative to **Complaint # 963**, for possible “advertising violations”, Dr. Harvey has offered an “agreed settlement” of $350.00. Motion made by Dr. Harvey, seconded by Dr. Kruse, to accept the “agreed settlement”. With no objections, motion carries unanimously.

Dr. Kruse suggests the Board once again embark on “**website inspections**” of licensees in the near future.

Discussion held on possible “**background checks**” on new applicants. He has found an investigative firm to handle these request Motion made by Dr. Harvey, seconded by Dr. Kruse to implement backgrounds checks on all applicants and licensees for renewal pending legal review and approval and to secure other proposals. With no objections, motion carries unanimously. Dr. Barczyk inquires if other boards conduct background checks. Angelique Freel will research this matter. It is noted that the license application may need modification relative to adding a question and signature line concerning the applicant agreeing to consent to a background check if this procedure is implemented.

Ms. Freel asked if the Board could have more discussion in regards to the background checks. She thinks the board would need to get statutory authority to do this & pass the expense over to the applicants. The Board has requested she research the matter and report findings to Board at next meeting.

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

No current activity at this time.

* **LAW & LEGISLATION:**

Ms. Oliver also informs the board that we have not received any public comment for the rules that were published in the State Register “Notice of Intent”. Ms. Freel notes to the Board that entire rule making process takes about 4 months.

**RECESS AT 09:01 AM FOR LICENSURE EXAM**

**RE – CONVENE AT 10:27 AM**

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* **ADMINISTRATIVE OVERSIGHT:**

Due to Dr. VanBreemen absence, this report is postponed until the next board meeting.

* **GENERAL CORRESPONDENCE:**

**NBCE Part III Test Committee** – Ms. Oliver informed the Board that Dr. Zeagler attended the NBCE Part III Test Writing Committee meeting; however, due to his absence, his report will be given at the next board meeting.

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

Ms. Oliver informed the Board that Dr. VanBreemen reviewed 57 seminars since our last meeting. She also brought before the board 4 seminars at Dr. VanBreeman’s request due to his absence in that the programs need full Board review.

Western States submitted the program entitled, “ACASC 2011 Sports Science Symposium: Discovering Clinical Pearls in the Caribbean”. All speakers are not on post-graduate faculty. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse to accept the program for CE. With no objections, motion carries unanimously.

Texas Chiropractic Association submitted a program entitled, “Myofascial Release with Review of the Musculoskeletal Anatomy”. The instructor is not on post-graduate faculty. Motion made by Dr. Harvey, seconded by Dr. Barczyk, to accept the program for CE. With no objections, motion carries unanimously.

“Back Project” Seminars has submitted a program entitled, “The Active Therapeutic Movement (ATM2) Concept”. The instructors are not on post graduate faculty and no CCE approved chiropractic college is sponsoring it. Motion made by Dr. Barczyk, seconded by Dr. Kruse, to deny the program for CE. With no objections, motion carries.

National Educational Seminars and Texas Chiropractic Association have submitted a program entitled, “Personal Injury”. Motion made by Dr. Kruse, seconded by Dr. Harvey, to approve the program for CE. It does not contain any post graduate faculty or CCE school sponsorship. With no objections, motion carries unanimously.

**OLD BUSINESS:**

Dr. Harvey, Dr. Martello and she attended the **FCLB National Convention** in May. Dr. Martello notes the Board received the “outstanding chiropractic board” award. Dr. Harvey notes they also discussed the “**travel to treat**” provision. Motion made by Dr. Harvey, seconded by Dr. Kruse, to supply the “scope of practice” pages to each “travel to treat” applicant and to raise the fee from $25.00 to $50.00. With no objections, motion carries unanimously.

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**NEW BUSINESS:**

**Jeff Salczenko, D.C.,** Channelview, TX**,** notified Ms. Oliver that he would like the Board to send a “letter of good standing” on his behalf. The Board advised Ms. Oliver to inform him the Board’s position has not changed since his last Board meeting attendance. .

Discussion held on correspondence mailed out by the **LA Veterinary Board** about the **“collaborative practice”** of veterinarians and any unlicensed person treating animals. Dr. Anne Odenweller, Baton Rouge, LA, was present to discuss factors on chiropractors doing chiropractic work on animals and training she has obtained. Dr. Zeagler also provided printed material, in his absence, from a certification course he has attended. Dr. Zeagler penned a letter of introduction and information to the Vet Board, with Dr. Cavanaugh’s review and approval, to suggest holding a meeting with that Board to discuss this situation and provide information as to “animal chiropractic” and the certification programs and education associated with it. More information to follow.

Discussion initiated by Dr. Cavanaugh about licensees who have had multiple violations and who are wishing to participate in the **internship** program. The Board wishes to make policy that a licensee has multiple violations, that licensee will not be able to participate as a supervisory chiropractor in the internship program.

Dr. Harvey discusses with the Board possible implementation of some type of **electronic monitoring** for the CE seminars being held at the local associations, i.e. “fingerprint scanning”, “barcode scanning”, scanning of badges”, etc.. The Board advised Dr. Harvey to provide proposals from various companies that will be able to handle this. Also, Dr Martello will be providing info on a system that is called “palm venous scan”. Dr. Barczyk advised the Board he will let Kathy of CAL know the Board direction and to get her feedback on it.

**Dr. Michael Petrosky,** Abita Springs, LA**,** has requested the Board accept his certification of “Certified Chiropractic Extremity Practitioner” for inclusion in the “specialty registry”. The Board states what he has submitted does not qualify, however if he wishes to wait for the new rules to go into effect then it would be acceptable.

Request received from **Joseph Kulaga, D.C.,** Lake Charles, LA**,** to review a proposed advertisement containing a coupon and “future care”. The Board advises Dr. Kulaga to place a dollar value on the coupon to comply with current laws and rules. Relative to “future care”, any payment for any care not received must be refunded.

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Dr. Kruse informed the Board that a new law will be going into effect concerning **Workers Compensation** and new forms will need to be filled out when they are dealing with these types of cases in their clinics. Information is available on the Workers Compensation website.

Ms. Oliver requests the Board to amend the agenda to allow Dr.   
Anne Odenweller, Baton Rouge, LA, to address the board in regards to some coding issues for which she is seeking assistance from the Board. Motion made by Dr. Martello, seconded by Dr. Harvey to amend the agenda. Roll call vote: Harvey – Yes; Martello – Yes; Kruse – Yes; Barczyk – Yes; Cavanaugh – Yes. With 5 yeas, 0 nays, motion carries unanimously.

**Dr. Odenweller** requested some guidance and information on a billing code issue. Dr. Kruse notes that the Board’s mission is to enforce laws & rules; that this matter is not in the Board’s jurisdiction, and that she should contact her state association.

Ms. Oliver informed the Board the **FCLB District 3 & 5 Meeting** that the meeting has been moved up from October to September 8-11. Dr. Martello, Dr. Cavanaugh, Dr. Harvey and Ms. Oliver will be attending the meeting.

Request received from **John Murphy, D.C.,** Monroe, LA, to have part of his risk management requirements waived for this year due to a family emergency. Dr. Kruse asked the Board if this matter could be “tabled” until further discussion with Dr. Murphy to let him know of the required requirements for this year’s renewal period.

Ms. Oliver informed the Board the time of year is approaching to prepare the **annual Board newsletter** and she will need all articles turned in for the newsletter. Also if the Board wishes to have anything else put in the newsletter she will need that info as well. Dr. Harvey suggested that we talk about change of rules, specialty registry requirements and new ethics laws.

Ms. Oliver noted that the **annual state property inventory** will be due to the Division of Administration in late September.

Ms. Oliver informs the board that she has items that need discussing that were not on the agenda to include Ronald McMorris, D.C., Celia Cangelosi’s legal contract renewal, and Matthew Mang, law student. Motion made by Dr. Kruse, seconded by Dr. Martello to amend the posted agenda. Roll call vote: Harvey – Yes; Martello – Yes; Kruse – Yes; Barczyk – Yes; Cavanaugh – Yes. With 5 yeas, 0 nays, motion carries unanimously.

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**Dr. Ronald McMorris**: He submitted a request inquiring about employing certified athletic trainer to be used as a “physician extender”. Dr. Martello requested the board to table for further discussion. He will contact Dr. McMorris to get a better understanding on what he is seeking from the board.

Paperwork received from **Celia Cangelosi, Attorney** relative to her contractfor **legal representation** for the Board in that the contract is about to expire. Board approval is required. The contract is reviewed by the Board. Motion made by Dr. Kruse, seconded by Dr. Barczyk to accept the contract as prepared. With no objections, motion carries unanimously.

Request received from **Matthew Mang**, New Orleans, LA, a Loyola Law School student in reference to a research project on solicitation and referrals by chiropractors. Statutes and rules in place applicable to this matter will be supplied to Mr. Mang.

**Annual Board Elections**:

The presiding president, Dr. Cavanaugh opened the floor for nominations for Secretary/Treasurer. Dr. Martello nominated Dr. VanBreemen. With no other nominations heard, by acclamation Dr. VanBreemen is elected as Secretary/Treasurer.

Dr. Cavanaugh requests nominations for Vice President. Dr. Martello nominates Dr. Cavanaugh. With no other nominations heard, by acclamation Dr. Cavanaugh is elected as Vice President.

Dr. Cavanaugh requests nominations for the office of President. Dr. Martello nominates Dr. Kruse. With no other nominations heard, by acclamation Dr. Kruse is elected as President.

**Upcoming Events:**

* X-Ray certificate holders annual renewal deadline, 07/31/2011
* FCLB District Convention, 09/07-11/2011, Halifax, Nova Scotia
* Next Board meeting, 10/13/2011, time to be announced.
* Next exam offering, 10/13/2011, time to be announced.
* NBCE Part IV exam administration, 11/10-13/2011, nationwide test sites
* Annual license renewal deadline, 12/31/2011.

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

MEETING ADJOURNED AT APPROXIMATELY 12:33 p.m.