LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – DECEMBER 6, 2012**

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

Members Absent: None.

Staff Present: Patricia A. Oliver, Executive Director

Legal Counsel: Angelique Freel, Asst. Attorney General

Audience: Patrick McNeil, D.C., Mandeville, LA; Kathy Chittom, CAL, Baton Rouge, LA.

Meeting called to order at 8:35 a.m. Dr. Mark B. Kruse, President, presiding.

The **minutes** of the 10/11/2012 meeting were prepared and mailed to all Board members. Motion made by Cavanaugh, and seconded by Dr. Harvey. 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 2012 were prepared by Ms. Oliver and provided to Board members. Motion made by Dr. Harvey, seconded by Dr. Barczyk, to accept the statements. With no objections, motion carries unanimously.

Discussion and questions about the “unfunded liability” noted in last several years audits as prepared by Mr. Rob Furman, contract auditor. The Board is requesting Mr. Furman provide additional explanation and to give a projection of next 10 years relative to “unfunded liability”.

**CD report** was given by Dr. VanBreemen. He notes there is approximately 124K of CDs which will mature in January and February 2013. He & Ms. Oliver will research the best interest rates for investments. Dr. VanBreemen will rollover CD for short term investments until interest rates increase and also hold out down payment money for the board office purchase.

Discussion held on current fees charged for **administrative costs of services** provided by the Board. Proposed fee increases on administrative costs offered. Motion made by Dr. Zeagler, seconded by Dr. Harvey to accept the proposed administrative costs increases as presented. With no objections, motion carries unanimously. Notice will be sent out to all applicable parties.

* **PEER REVIEW COMMITTEE REPORT BY Dr. Martello**: Committee. Dr Martello notes no new activity since last board meeting.

Ms. Oliver notes last meeting’s discussion on obtaining a new training tool for PR members**. T**he “American Board of Chiropractic Consultants” should be a good contract to get new training tool for the Committee.

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

Dr. Harvey is referring a complaint to the PR Committee.

**Complaint # 985** is a complaint with allegations of advertising with no notation of “DC” or “chiropractor”. Dr. Harvey has negotiated an agreed settlement of $350.00. Motion made by Dr. Harvey, seconded y D. Dr. Zeagler to accept the $350.00 agreed settlement. With no objections, motion carries unanimously

**Complaint # 991** is a complaint relative to “delinquent license renewal”. Dr. Harvey notes this is a second offense. Motion by Dr. Harvey, seconded by Dr. Zeagler, to accept the $350.00 agreed settlement. With no objections, motion carries unanimously.

Dr. Kruse notes he would like to continue to review **websites** and advertising of chiropractors. He wants to conduct website reviews after first of 2013 after LR information is gathered. He suggests adding a request on next year’s LR form to provide website and “Facebook” info. It is noted only “public” Facebook info will be requested.

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

No current activity at this time.

* **LAW & LEGISLATION:**

Ms. Freel presents a “handout” on **reciprocity** proposal. She notes many directions of suggestions and requests from the board member survey. Ms. Oliver notes that NBCE Part IV was initiated in 1995. Proposed language to amend LSA R.S. 37:2805.B.1.d by adding a new paragraph (ii) as follows:

*(ii). The baccalaureate degree requirement shall not apply to an applicant for reciprocity licensure who, prior to July 1, 2011: completed at least sixty hours of course work at a college or university of liberal arts or science which, at the time of attendance thereof, was fully accredited by a nationally recognized accrediting agency; maintained a license for a minimum of five consecutive years immediately prior to July 1, 2011 in good standing; and continued to maintain a license and active practice in good standing for the years prior to his application for reciprocity license.*

Motion made by Dr. Barczyk, seconded by Dr. Zeagler, to approve Ms. Freel’s handout as proposed language. With no objections, motion carries unanimously.

The Legislature is mandating, through **Act 276**, each board and commission create and enact rules and regulations relative to licensure of spouses of military personnel. Ms. Freel asks for input from the Board. She notes other boards and commissions are attempting to “mirror” reciprocity laws. This matter to be kept on the agenda.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. VanBreemen has reviewed the time records for Ms. Oliver and Ms. Hebert-Schmidt and reports all records are in order.

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* **GENERAL CORRESPONDENCE:**

Invitation received from Dr. Jenny Perry, LCS President, inviting the Board and staff to the **LCS** Convention.

Correspondence received from Professional Boundaries relative to upcoming course availability.

* **TESTING**:

Ms. Oliver notes that “fingerprinting” and “background checks” are being conducted by LA State Police on licensure applicants. Board’s policy is that findings on each applicant will be reviewed on a “case by case” basis. Mis Oliver notes one applicant has history of “simple battery” . Motion made by Dr. Zeagler, seconded by Dr. Martello, to approve the applicant in question. With no objection, motion carries unanimously.

Further discussion held on different types of **partitions** for use in the testing room, as requested by Dr. Barczyk. Ms. Oliver has made contact with a cabinet maker/carpenter who will give estimate on augmenting the existing partitions originally built by Ms. Oliver’s father.

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

Dr. VanBreemen informed the Board he has reviewed 78 seminars since the last meeting.

Request received from **Advanced Clinical Education** for CE review of program entitled, “Rehab Across Lifetime” which has no post grad faculty affiliation. Motion made by Dr. Harvey, seconded by Dr. Martello, to accept the 16 hour course. With no objections, motion carries unanimously.

Request received from “**TCC**” for program entitled “Current Concept in Sports Chiropractic”. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to approve 12 hours. With no objections, motion carries unanimously.

Request received from **Sherman College** for their program, “Regional Synchronization - McArthur Method” which has no post grad faculty affiliation. Motion made by Dr. Harvey, seconded by Dr. Zeagler, to accept the course. With no objections, motion carries unanimously.

Request received from **Michigan Association of Chiropractic** for program entitled, “MAC 2012 Seminar” as not all presenters are on post grad faculty. Motion made by Dr. Harvey, seconded by Dr. Martello, to approve the seminar. With no objections, motion carries unanimously.

Request received from **Texas Chiropractic College** for program entitled, “Impacting Blood Chemistry w/Whole Food Nutrition”. Motion made by Dr. Harvey, seconded by Dr. Martello, to approve the program. With no objections, motion carries unanimously.

Request received from **DC Seminars** for program entitled, “Coding Compliance in the Chiropractic Practice”. Motion made by Dr. Harvey, seconded by Dr. Zeagler, to approve the program. With no objections, motion carries unanimously.

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**OLD BUSINESS:**

Continued discussion held on scanning**/CE attendance monitoring.**  Dr. Kruse suggests perhaps LR form should include an affidavit that licensee would sign attesting to his/her attendance. Dr. Harvey feels that is redundant – the form already has an attestation area. General consensus is that unless and until action is needed, the current procedure of the licensee submitting an attendance voucher will be the only evidence needed for CE attendance.

Relative to the “**purchase of the Board office building**”, Ms. Oliver notes delays encountered due to economic conditions. The prospective lending institution, due to stringent federal banking laws, is researching the Board’s financial holdings, budget and audit paperwork. Dr. Harvey personally met with the Bancorp South representative, Mr. Alletag. He suggests a larger down payment, approximately 100K, and also possibility of transferring some of the Board’s investments to Bancorp South. Dr. Martello will contact Business First Bank – also Ms. Oliver will check with Mr. Cramer, building owner, regarding “owner financing”.

Continued discussion held on request from **Stewart Fresh, D.C.,** Mandeville, LA**,** if **“dry needling**” is within the scope of practice in LA. 15 other states have “dry needling” in their scope now. Dr. Kruse asks for matter to be “tabled” until July 2013.

**NEW BUSINESS:**

Request received from Patrick Clawson, D.C., Homer, LA, to obtain CE hours for his role as “instructor” at a CAL seminar. Motion made by Dr Barczyk, seconded by Dr. Zeagler, to approve the CE request. With no objections, the motion carries unanimously.

Motion made by Dr. Cavanaugh, seconded by Dr. Harvey, to amend the agenda to include the request of **Pat McNeil**, DC Mandeville, LA, relative to license reinstatement. Dr. McNeil states he has not been able to obtain CE due to his rigid teaching schedule. Ms. Oliver notes he needs 30 hours and $1650.00 to reinstate license immediately. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to reinstate license today with his teaching experience as 30 hour of “CE”. With no objections, motion carries unanimously. License is reinstated today and in effect until 12/31/2012. Motion made by Dr. Cavanaugh, seconded by Dr. Barczyk, to accept the 18 hours for Dr. **McNeil’s** CE requirements for 2013 renewal and acceptance of his payment for the 2013 LR fee. With no objections, motion carries unanimously.

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Dr. Kruse notes that some guidelines or policy is needed relative to **granting CE for teaching experience**. Dr. Barczyk suggests 2 hours course preparation is equivalent to 1 hour of CE credit and the type of hours requested should be similar for those requested. Also proof from the college or institution is needed regarding what course is being taught and/or what preparation for the teaching is needed/required.

Relative to “**Risk Management” CE** hours, Dr. VanBreemen provides “bullet items” to include documentation/coding, insurance reporting, ethics, boundaries and patient safety. Board advises Ms. Oliver to send out notice to all colleges and associations that CE vouchers must be itemized into categories.

Ms. Oliver note the annual **Federation of Association of Regulatory Boards** will be meeting in San Diego, CA, late January, 2013. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to send Ms. Oliver and 1 board member. With 4 yeas, 3 nays, motion carries.

Ms. Oliver notes the agenda requires amendment if the Board would like to entertain additional correspondence received after the posted agenda was prepared. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to add the additional items noted on the agenda. Roll call vote: Harvey – Yes; Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; Barczyk – Yes; VanBreemen – yes; Kruse – Yes; With 7 yeas, 0 nays, motion passes unanimously. Agenda is amended.

Request received from **Dennis Gregory**, D.C., Clark, MO, to waive his RM CE requirements as he lives/works in a state with no RM requirements. Motion made by Dr. Harvey, seconded by Dr. Martello to waive the RM requirements for Dr. Gregory. With 6 yeas, 1 nay, motion carries.

Ms. Oliver notes receipt of request from the LA Division of Administration for the **2013-14 budget**. The CPA, Mr. Barry Delery, will prepare paperwork and submit to the Board for the January 2013 meeting.

**Upcoming Events:**

* Annual license renewal deadline, 12/31/2012.
* Next Board meeting, 01/31/2013, time to be announced.
* Next exam offering, 01/31/2013, time to be announced.
* NBCE Part IV exam administration, xxxx05/17-19/2013xxx, nationwide test sites.
* X-ray proficiency certificate holders’ annual renewal deadline, 07/31/2013.

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

MEETING ADJOURNED AT APPROXIMATELY 10:41 a.m.

Motion made by Dr. VanBreemen, seconded by Dr. Barczyk, to adjourn. The motion was withdrawn after Ms. Oliver noted the scheduled formal hearing at 1:30 pm, Docket 2012-01, State v. Thompson, which the Board will be in attendance acting as “hearing officer”.

Meeting recessed at 11:37 p.m.

(Please note: The court reporter’s transcript of the hearing, Docket 2012-01, State v. Thompson, is available upon request from the Board.)

Motion made by Dr. Zeagler, seconded by Dr. Barczyk, to hold an “Executive Session” to discuss hearing information. Roll call vote: Cavanaugh – Yes; Martello – Yes; Zeagler – Yes; Barczyk – Yes. 4 yeas, 0 nays, motion carries.

(------------------Executive Session----------)

Motion made by Dr. Barczyk, seconded by Dr. Zeagler, to resume the “open meeting” session at 2:47 pm. With no objections, the motion carries unanimously.

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Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to amend the proposed order to have **Dr. John Thompson**’s license revoked and order him to pay $7500.00 fine and all costs associated with these proceedings and legal expenses incurred by the Board and said costs to be paid to the Board immediately. With no objections, motion carries unanimously. The record will note Dr. John Thompson appeared at the onset of the hearing; however he left in the middle of proceedings due to not having legal representation. The Board determined that Dr. John Thompson was adequately given notice of today’s proceedings.