LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – December 8, 2011**

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

Members Absent: Dr. David Barczyk.

Staff Present: Patricia A. Oliver, Executive Director

Legal Counsel: Angelique Freel, Asst. Attorney General.

Audience: Kathy Chit tom, CAL.

Meeting called to order at 08:37 a.m., Dr. Mark Kruse, President, presiding.

The **minutes** of the 10/14/2011 meeting were mailed to all Board members. . Motion made by Dr. Cavanaugh, and seconded by Dr. Zeagler. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for September, October, and November 2011 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Zeagler, seconded by Dr. Martello, to accept the statements. With no objections, motion carries unanimously.

**CD report** was given by Dr. VanBreemen. He reported CD’s will be maturing in February, 2012. Interest rates continue to be low.

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

Dr. Martello notes 6 PR requests have been recently received. Preparation of records will be done and a PR Committee meeting will be scheduled.

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

Due to absence of Dr. Harvey, Ms. Oliver reports the following Complaint Committee work:

Relative to **Complaint #968** pertaining to a possible professional misconduct, Dr. Harvey has secured an “agreed settlement” wherein the licensee agrees to take the NBCE’s “Ethics & Boundaries” exam at his expense. Motion made by Dr. Wynn, seconded by Dr. Zeagler, to accept the “agreed settlement”. With no objections, motion carries.

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Relative to **Complaint #964** pertaining to a prior insurance fraud conviction, Dr. Harvey has offered an “agreed settlement” of $5000.00 in 60 days. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the “agreed settlement”. With no objections, motion carries.

Continued discussion held on possible “**background checks**” on new applicants. Dr. Harvey thinks this is a much needed tool for the Board to utilize. Ms. Freel will draft language for next meeting.

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

No current activity at this time.

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* **LAW & LEGISLATION:**

Discussion held on new 4 year undergraduate degree requirement for license application. Numerous reciprocity applicants are not eligible for licensure due to new requirement for undergrad degree. Ms Oliver notes as th*e* law is written, the requirement applies also to reciprocity applicants.Dr. Kruse asks this matter to be placed on next meeting’s agenda.

**RECESS AT 09:00 A.M. FOR LICENSURE EXAM.**

**RE – CONVENE AT 10:20 AM.**

**TESTING:** 11 applications received and 11 applicants presented for the exam. The results are to be released in approximately 7 days.

* **ADMINISTRATIVE OVERSIGHT by Dr. VanBreemen:**

Dr. VanBreemen has reviewed the leave records of Ms. Oliver and Ms. Schmidt and notes that all is in order.

* **GENERAL CORRESPONDENCE:**

Ms. Oliver notes info received from CCE requesting applicants for the Site Team Visitors.

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

Ms. Oliver informed the Board that Dr. VanBreemen reviewed 40 seminars since our last meeting. Dr. VanBreemen has 5 program requests that require Board review as follows:

**DC Seminars** submitted the program entitled, “Coding, Compliance & Documentation in the Chiropractic Practice”. 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.

**Mississippi Chiropractic Association** submitted a program entitled, “Clinical Lessons from the Trenches”. The instructor is not on post-graduate faculty. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to accept the program for CE. With no objections, motion carries unanimously.

**Chiropractic Association of LA** submitted a program entitled, “Annual Convention”. The instructor is not on post graduate faculty and no CCE approved chiropractic college is sponsoring it. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to accept the program for CE. With no objections, motion carries.

**University of Bridgeport** has submitted a program entitled, “Breakthrough Coaching” for 6 hours. Motion made by Dr. VanBreemen, seconded by Dr. Barczyk, to approve the program for 2 hours only. Dr. VanBreemen notes remainder of hours is “practice building” material. With no objections, motion carries unanimously.

**LWCC** has submitted a program for 8.5 hours entitled, “”LWCC Provider Partnership Conference – Navigating LA’s Treatment”. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh to approve the seminar. With no objections, motion carries unanimously.

**OLD BUSINESS:**

Continued discussion relative to “**internships**” and **“supervisory chiropractors”,** the Board would like to make Board policy. A Louisiana licensed chiropractor must be in practice for at least 2 years in the State with no disciplinary action within the past 2 years to be considered for a “supervisory chiropractor” in the internship program. If multiple offenses, 5 or more, have occurred over the lifetime of the license/licensee, then the licensee is not eligible for participation in the internship program as “supervisor”.

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Continued discussion held on correspondence mailed out by the **LA Veterinary Board** about the **“collaborative practice”** of veterinarians and any unlicensed person treating animals. The Board sent a letter to the Veterinary Board requesting the opportunity to provide information relative to the chiropractic treatment of animals and the educational programs involved. Dr. Zeagler notes later speaking with the Vet Board’s attorney, Mr. Michael Tomino, who said the Vet Board is open to drafting laws and rules to allow chiropractic treatment of animals with some direct supervision guidelines. Ms. Freel will check their board meeting agendas and the State Register for possible rule promulgation on this topic.

Continued discussion held on “**continuing education monitoring**” at CE seminars. Various ideas and methods are offered. No finalization of the plan at this time.

The record notes **Jeff Salczenko, D.C**., Channelview, TX and Mr. Patrick Henry, Attorney, are in the audience. Motion made by Dr. Zeagler, seconded by Dr. Barczyk, to change the order of the posted agenda to allow Dr. Salczenko and his legal representative to address the Board relative to Dr. Salczenko’s desire to obtain LA chiropractic licensure again. Roll call vote: Martello: Yes; Zeagler – Yes; Cavanaugh – Yes; Barczyk – Yes; VanBreemen – Yes; Kruse – Yes. With 7 yeas and 0 nays, motion carries unanimously and the agenda order is changed.

Dr. Jeff Salczenko has hired Mr. Patrick Henry, Attorney, to represent and assist him in getting the information needed to satisfy any requirements to obtain his chiropractic license again. Information discussed with Dr. Salczenko noted again relative to information needed and court disciplinary guidelines.

**NEW BUSINESS:**

Discussion initiated by Dr. Kruse relative to a review of the “**scope of practice”**. Dr. Kruse is interested in helping to interpret the scope through rule making process relative to the words, “administer”, “prescribe” “physical rehabilitative measures”, and “therapeutics devices”. Also discussion held on the possibility of changing “functional integrity of the spine” verbiage to “neuromuscular skeletal system”. More information to follow.

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Discussion of request received Attorney Craig LeJeune, Baton Rouge, LA, relative to if there are any “declarations” or “recommendations” issued by the Board relating to various therapies if used on a healthy patient of appropriate weight with complaints of low back pain and neck pain as follows: “oxygen therapy”, “brain based therapies”, Visual/audio stimulation”, “caloric”, “ergometer”, “weekly meal plan, menu, grocery list”, and “nutrition counseling”. Board notes there are no “declarations” or “recommendations” issued. Declaratory Statement 89-1 speaks to ordering, receiving and interpreting reports. Also, Mr. LeJeune requests a brief explanation of difference between a “chiropractor” and a “chiropractic neurologist” and if a “chiropractic neurologist” can interpret an MRI. Dr. Zeagler notes the Carrick Institute offers a definition of “chiropractic neurologist” on its website.

Relative to upcoming **FARB** Conference, after review of the proposed agenda and program meetings offered, Dr. Martello and Ms. Oliver will be attending. It will be held in Sarasota, FL, in late January, 2012. More information to follow.

Discussion held on possibility of purchasing the **Board office building**. Ms. Oliver has received information from Mr. Charles Cramer, building owner, who has noted that he is interested in selling the board office building to the Board. Specific information is presented. Ms. Oliver is directed to contact the appropriate people/entities to obtain real estate, appraisal and inspection info. Matter will be kept on agenda for next meeting.

Request received from **Sylvi Beaumont, D.C.,** New Orleans, LA requesting course approval for certification program she attended. Ms. Oliver directed to inform Dr. Beaumont to have program sponsor/s submit the program for the CE Seminar approval process.

Request received from **Paul Tassin, D.C**., Kenner, LA, if he is able to employ a person to draw blood to send to a lab for interpretation. The Board notes that this is permitted as long as the prospective employee is certified and OSHA requirements are followed.

Ms. Oliver notes receipt of **subscription** renewal information for **“The Chiropractic Report**”. Ms. Oliver directed to renew the Board’s subscription for 2 years.

Request received from **Tim Levin, D.C**., Shreveport, LA, if there are any initiatives to expand the scope of practice and additionally that he would be willing to become involved with the Board. Ms Oliver directed to inform Dr. Levin that discussion is being held on the scope of practice. Further, the Board thanks Dr. Levin for his generous offer to become involved and we will keep him in mind for any future committee work.

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Ms. Oliver noted that the **annual state property inventory** was completed and submitted by the deadline to the Division of Administration in late September.

**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.

**Upcoming Events:**

* NBCE Part IV exam administration, 11/10-13/2011, nationwide test sites.
* Next Board meeting, 12/08/2011, time to be announced.
* Annual license renewal deadline, 12/31/2011.
* Next exam offering, 01/19/2012, time to be announced.

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

MEETING ADJOURNED AT APPROXIMATELY 11:15 a.m.