LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – APRIL 18, 2024**

Members Present: Dr. Mark B. Kruse, President; Dr. Ned J. Martello, Vice-President; Dr. Michael Traxler,

 Secretary-Treasurer; Dr. Shay W. Corbin; Dr. Kelleigh A. Payne; Dr. Denise Rollette.

Members Absent: Ms. Peggy Anselmo, Consumer Member

Staff Present: Patricia A. Oliver, Executive Director, Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: Madeline Carbonette, Asst. Attorney General.

Audience: Debbie Moore, DC, Picayune, MS; Ms. Barbara Silveria, Slidell, LA; Bishop Currie, DC,

Denham Springs, LA; Ms. Colleen Perniciaro, Baton Rouge, LA; Celia Cangelosi,

Attorney, Baton Rouge, LA; Rodney Baum, Attorney, Baton Rouge, LA.

Meeting called to order at 8:38 a.m., Dr. Mark B. Kruse, President, presiding.

**PUBLIC COMMENT:** None received.

**MINUTES REVIEW**: The draft version of the **minutes** of the 01/18/2024 meeting was emailed to all Board members for review. Motion made by Dr. Martello, seconded by Dr. Corbin to ratify the minutes as prepared. With no objections, motion carries unanimously.

**INTEGRITY CHECK:** No information to report.

**STANDING COMMITTEE REPORTS**

* **COMPLAINT COMMITTEE REPORT by Dr. Traxler and Dr. Rollette**:
* **Complaint # 1562** regarding a delinquent license renewal. $500.00 agreed settlement offered by Dr. Traxler, seconded by Dr. Martello, to accept the agreed settlement. With no objections, motion carries unanimously.
* **Docket # 2023-01** (Complaint # 1547), **Jay Perniciaro, D.C**., represented by Mr. Rodney Baum Esq., with this matter relative to a Medicaid fraud conviction. This matter was deferred at the last meeting to today. Ms. Cangelosi notes a consent agreement has been offered. Mr. Rodney Baum is present. Ms. Cangelosi recaps the complaint and provides an update on the matter. The settlement offered is payment of board costs as tabulated totaling $11,493.23, probation of 3 years, suspension while incarcerated, required CE hours. Motion made by Dr. Martello, seconded by Dr. Rollette, to approve the consent agreement as prepared and presented. With no objections, motion carries unanimously.
* **FINANCE COMMITTEE REPORT** **by Ms. Oliver:**
* **Monthly financial Statement:** Ms. Oliver discusses reports of January, February and March 2024. Motion made by Dr. Martello, seconded by Dr. Corbin, to approve the reports as prepared and submitted. With no objections, motion carries unanimously.
* **CD Report** discussed by Dr. Traxler and Ms. Oliver. No change to report regarding the CD’s currently.
* **Financial Activity Log of Expense and Expenditures** was presented to and reviewed by the Board as well as all bank statements since the last meeting. All members signed the log cover sheet.
* **Audit contract:** Ms. Oliver reports the Legislative Auditor’s Office indicated a new auditor contract

will be rewarded for preparation of the upcoming report after the end of the fiscal year.

* **PEER REVIEW COMMITTEE REPORT:** Dr. Martello notes no activity to report currently.
* **STANDARDS & PRACTICES by Dr. Traxler:**

Continueddiscussion held on “**functional medicine**”. Dr. Kruse conducted some research on this topic and contacted National University for information. The matter to be left on the agenda as Dr. Kruse will follow up with his gathering of much information.

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* **LAW & LEGISLATION:**
* Continued discussion on “**Testimonials”** languageReview” Committee chaired by Dr. Rollette –no new info but please leave the matter on the agenda for future discussion.
* **2024 Legislature – Update:** The Board’s bill, SB 82, is moving through the legislative process.
* **Act 393, regarding** employees with disabilities**,** went into effect but due to number of licensees, this Board is below the minimum requirement**.**
* Continued discussion on **background check reports policy for applicant attendance at a board meeting:** Applicant must appear if:
1. The level of the arrest (misdemeanor or felony) is unknown or not stated in the

background report;

1. The arrest or conviction is for a felony
2. The arrest or conviction for a misdemeanor occurred 3 years or less;
3. If there are multiple misdemeanors.
* Discussion on the statutory authority of **the Board to initiate a complaint**: The laws and rules currently in force will be followed, which includes no acceptance of anonymous complaints. Ms. Oliver notes rule 511.A.1 is regarding anonymous complaints, rule 505 deals with initiation of a complaint; and rule 505.E notes the identity of all parties must be made known.
1. **TESTING** **Committee Report:**
* Ms. Oliver notes **NBCE** will hold its **Part IV** administration in May 2024. Dr. Martello will participate.
* **Testing report** notes from 01/01/2024 to 03/31/2024:
* 10 applications requested
* 5 licenses issued
* 9 new applications received
* -0- applicants ready for the exam
* 4 applicant pending background reports
* -0- background information rejected by State Police/FBI
* 2 application folders are incomplete
* 2 licenses pending issuances due to a lack of license fees paid.
* **Executive Order** issued requiring all boards to identify any costs associated with application or licensure of illegal aliens. Ms. Oliver notes no additional board funds is used to license illegal aliens because current application and licensure requirements include proof of citizenship.
* **Background check report review.**

Motion made by Dr. Kruse, seconded by Dr. Martello, to hold an executive session to discuss the background reports received on **Applicant P-1-G and Applicant P-1-J**. Roll call vote: Martello – Yes; Payne - Yes; Traxler - Yes; Corbin – Yes; Kruse - Yes. With 6 yeas, 0 nays, motion carries unanimously.

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

Motion made by Dr. Martello, seconded by Dr. Corbin, to accept the application of **Applicant P-1-G**. With no objections, motion carries unanimously.

Motion made by Dr. Martello, seconded by Dr. Corbin, to accept the application of **Applicant P-1-J**. With no objections, motion carries unanimously.

* **ADMINISTRATIVE OVERSIGHT Committee:**
* Current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver** since the January 2024 board meeting

were reviewed and approved by Dr. Traxler**,** and the full Board present reviewed and approved the leave and payroll records of all employees. Dr. Traxler notes paperwork and leave records are in order and properly documented.

* Ms. Oliver reports that part-time employee, **Phillip McKey**, gave “last day” notice on 4/17/2024 as he has accepted employment elsewhere.

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* **OFFICE PERFORMANCE INDICATOR REPORT:** Office activity/work product 01/01/2024 – 03/31/2024)
* Phone calls received: 380
* Licensure Application packets requested & mailed: 10
* New Applications Received w/Fee: 9
* New Applications Ready to Take Test: -0-
* New Licenses Issued: 5
* Complaints Filed & Opened: 6
* Complaints closed: 7
* Complaints Pending: 28
* DC license renewals received & processed: 190
* DC license renewals returned as “incomplete” or “missing CE”: -0-
* Delinquent license renewal fees paid: -0-
* License verifications Requested/Reports Issued Via Mail: -0-
* License verification ordered online: 434
* New X-ray certificates issued: 4
* X-ray certs renewed: -0-
* Public records requests: -0-
* Subpoenas received: -0-
* Seminars reviewed: 32
* CE locate requests received: 37
* List requests received and processed: 7
* National licensee alerts received and logged: -0-
* Peer Review Requests: -0-
* Dry Needling certificates issued: 3
* Duplicate Licenses Issued: 1
* Duplicate Xray Certificates Issued: 2
* License Renewal Cards Purchased: 2
* Blue Books purchased: -0-
* Minutes Subscriptions: -0-
* “Travel to Treat” temporary licenses: -0-
* # of Emails Received: 1259
* Xerox copies requested: -0-
* **GENERAL CORRESPONDENCE**:
* Ms. Oliver responded to the **US Bureau of the Census** for its annual request of employees and wages.
* **SEMINAR REVIEW by Dr. Payne:**

 Dr. Payne has reviewed 32 seminars since the last meeting.

**OLD BUSINESS:**

Continued discussion on **Board’s webpage** and its maintenance and development. Nick Moore presented new information for webpage proposal with new build and installation rate, new monthly rate and new hourly rate.

Regarding review of “**internship eligibility**”, Dr. Rollette and Dr. Corbin note no new information to report at this time, however item to remain on the agenda.

**NEW BUSINESS:**

Discussion on **delinquent renewals** by Dr. Kruse. Question on whether the Board will open new complaints on last year’s delinquent renewals. Matter to be placed on the next meeting’s agenda for further discussion.

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Request for attorney representation current **contract extension/amendment** for Celia Cangelosi as the contract limits have been exceeded. Motion made by Dr. Martello, seconded by Dr. Payne, to amend the contract through 06/30/2024 at the $225.00 hourly rate. With 6 yeas, 1 nay, motion carries unanimously.

Proposed **contract renewal** for Celia Cangelosi beginning July 1, 2024 to June 30, 2025, from Celia Cangelosi shows new hourly rate approved by the LA Department of Justice for legal work of $350.00 per hour and a cap of $15,000.00. Motion made by Dr. Corbin, seconded by Dr. Kruse, to negotiate terms of a new contract for $15,000.00 cap for $300.00 hourly rate. With 6 yeas, 0 nays, motion carries unanimously.

Request received from **Kristen DeDeaux, D.C**., Hammond, LA, for license reinstatement. Dr. DeDeaux has presented CE hours and fees due for reinstatement. Motion made by Dr. Payne, seconded by Dr. Kruse, to reinstate the license of Dr. DeDeaux upon receipt of completed CE hours attendance vouchers. With no objections motion carries unanimously

Request received from **John Bishop Currie, D.C**., Denham Springs, LA, for license reinstatement. Dr. Currie has presented CE hours and fees due for reinstatement. Motion made by Dr. Kruse, seconded by Dr. Corbin, to reinstate the license of Dr. Currie upon receipt of completed CE hours attendance vouchers, fees and background check report. With no objections motion carries unanimously

Request received from **Gary Mertz, D.C**., Lake Charles, LA, to convert his “inactive” license to “active” status. Ms. Oliver notes Dr. Mertz is in the process of obtaining and submitting sufficient CE hours for the conversion to active status. Motion made by Dr. Payne, seconded by Dr. Corbin, that upon receipt of all required hours and fees, the license will be converted to “active” status.

Correspondence received from **Jennifer Sever, D.C**., Metairie, LA, regarding “**preceptorships”, “internships**”, and suggestion for legislation changes on those topics. Dr. Corbin will contact Dr. Sever to discuss the issue and to obtain info from Keiser University in Florida. Matter to be put on the agenda for the July meeting.

Email request received from **Caroline Joyco,** regarding “soft tissue mobilization technique and education requirements. Ms. Joyco is collecting info nationwide. Dr. Kruse will contact Ms. Joyco for specifics regarding her communication to the Board. Matter to be kept on the agenda.

Dr. Kruse notes he will place review of “Board Policies” on the next agenda and attempt to review a few policies at each meeting.

Ms. Oliver requests to discuss a few items not on the agenda. Motion made by Dr. Martello, seconded by Dr. Payne, to include discussion of items not on the agenda at time of posting. Roll call vote: Martello – Yes; Payne - Yes; Corbin – Yes; Kruse -0 Yes. With 5 yeas, 0 nays. Motin carries unanimously and agenda is amended.

Ms. Oliver notes a quote was received to repair the Board office sign with 3 options - $725.00 to clean and repair the current sign; $1000.00 for installation of a metal sign; $450.00 for installation of a double sided, sand-blasted sign. Motion made by Dr. Martello, second by Dr. Corbin, to clean and repair the existing sign for $725.00.

**Upcoming Events:**

* Next Board Meeting, 07/25/2024, time to be announced.
* Annual Xray proficiency certificate renewal due 07/31/2024.
* Proposed next meeting date: 10/17/2024, time to be announced.

Motion made by Dr. Martello, seconded by Dr. Payne, to adjourn. With no objections, the meeting is adjourned at approximately 11:22 a.m.

**MEETING ADJOURNED 11:22 a.m.**