LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JANUARY 17, 2019**

Members Present: Dr. Mark B. Kruse, President; Dr. Ned J. Martello, Vice-President; Dr. R. Buckley VanBreemen, Secretary-Treasurer; Dr. Michael Cavanaugh; Dr. Denise D. Rollette; Dr. Jon E. Zeagler.

Members Absent: None.

Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: David Jeddie Smith, Asst. Attorney General

Audience: Jacob Martello, Denham Springs, LA.

Meeting called to order at 8:42 a.m., Dr. Mark Kruse, President, presiding.

The **minutes** of the 12/13/2018 meeting were mailed to all Board members. Motion made by Dr. Zeagler, seconded by Dr. Martello, to accept the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**INTEGRITY CHECK:**

Dr. Cavanaugh noted he was contacted about a possible complaint and he informed the person to contact the Board office.

Dr. Rollette notes she was contacted by an applicant/potential licensure about background check report.

**STANDING COMMITTEE REPORTS**

Dr. Kruse comments that committee appointments still remain as previously announced.

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

**Financial statements** for November and December 2018 was prepared by Ms. Oliver and provided to the Board prior to the meeting. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to accept the **financial statements** as prepared. With no objections, motion carried unanimously.

The **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 cover sheet for the log. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to accept the log as presented. With no objections, motion carries unanimously.

Relative to **deposit trends**, Ms. Oliver updated the chart to reflect activity since the last Board meeting. As previously requested by Dr. Kruse, the report will be presented on a quarterly basis in the future. Dr. VanBreemen and Ms. Oliver note the deposits chart for September is slightly skewed due to total reporting containing the money deposited from the matured CD, however it is planned to move the CD funds back to a new CD in the near future.

**CD report:**  Dr. VanBreemen reports there is upcoming activity in February since approximately 4 CD’s will mature in February. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to give authority to Dr. VanBreemen to renew CDs for terns as needed to more appropriately stagger maturity dates. With no objections, motion carries unanimously.

**Cash Management Review report for last quarter of 2018** as required by Act 587 of 2016 was prepared by Ms. Oliver and submitted to the State. Copy of the report was presented to the Board.

* **PEER REVIEW COMMITTEE REPORT by Dr, Martello** :

No action to report.

**MINUTES – 01/17/2019**

**PAGE 2**

1. **TESTING** **Committee Report** **by Ms. Oliver:**

Ms. Oliver notes applications are being mailed out for the April exam scheduled for 04/11/2019.

Dr. **Martello** and Dr. **Cavanaugh** will attend the NBCE’s Part IV Exam administration in May 2019 at Life College, Marietta, GA.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. VanBreemen reviewed and approved the current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver,** and also the full Board present reviewed and approved the leave records of both employees as well as payroll info for all 3 employees.

The **“Performance Indicator”** report of Board office activity from December 13, 2018 – January 16, 2019 was provided to Board members for review as follows:

* 176 phone calls received
* 4 application packets mailed
* 11 seminars reviewed
* 7 x-ray certificates issued
* 0 licenses issued
* 0 complaints filed
* 4 complaints closed
* 318 license renewals processed
* 46 license renewals returned as “incomplete” or “missing CE”
* 0 x-ray renewals
* 7 delinquent renewals paid
* 335 license verifications processed
* 0 public records requests
* 1 subpoenas
* 5 CE locate requests received
* 3 lists requests processed
* 4 national licensee alerts received and logged
* 0 Peer Review Requests
* **COMPLAINT COMMITTEE REPORT by Dr. Cavanaugh**:

Dr. Cavanaugh notes miscellaneous complaint activity since the last meeting.

Ms. Oliver notes still no response from “Health Grades.com” regarding an inquiry to the company as directed requesting info on where the advertising info is obtained. The declaratory statement adopted at the October meeting relative to **“testimonial advertising**” is in place. Ms. Oliver offers to issue a “**practice alert**” to the Board’s website of the new declaratory statement and include info that if a licensee has subscribed to the “Health Grades” program, the licensee will be liable for the advertising crafted by that company or any similar advertising vehicle.

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

No report at this time.

**MINUTES – 01/17/2019**

**PAGE 3**

* **LAW & LEGISLATION:**

Discussion held of upcoming legislative session held by Dr. Cavanaugh and Ms. Oliver. Review of statutory fees for possible increases and past action of the Board regarding fee increases. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to increase the **x-ray proficiency renewal fee** from $25.00 to $35.00. With 5 yeas, 1 nay, motion carries.

Discussion held about earlier board action for fee increases. Previous Board action was to increase the initial **x-ray proficiency certificate** fee from $75.00 to $100.00. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to increase the **x-ray certificate** fee from $75.00 to $95.00. With no objections, motion carries unanimously.

Discussion held relative to “**inactive license renewal fee**”, motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to increase the “inactive” renewal fee from $50.00 to $100.00. With 2 yeas, 4 nays, motion fails.

Discussion held relative to “**delinquent license renewal annual fee**”, motion made by Dr. Martello, seconded by Dr. VanBreemen, to increase the fee from $250.00 to $300.00. With no objections, motion carries unanimously.

Dr. Kruse will request Dr. Joe Stagni, State Representative, to introduce these legislative changes for the Board. Dr. Martello will contact his senator as well.

Motion made by Dr. Zeagler, seconded by Dr. Martello, to hold “executive session” to discuss background report of applicant P1 **Dedeaux**. Roll call vote: Rollette – Yes; Martello – Yes; Zeagler – Yes; VanBreemen – Yes; Kruse – Yes; Cavanaugh – Yes. With 6 yeas, 0 nays, motion carries unanimously.

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

Motion made by Dr. Zeagler, second by Dr. Martello, to allow Applicant P 1 Dedeaux to sit for the exam. With no objections, motion carries unanimously.

Motion made by Dr. Kruse, seconded by Dr. Martello, to amend the posted order of the agenda to allow discussion by Dr. Paul Harch, M.D., Harch Hyperbarics, to discuss the 40 hour training course relative to **hyperbaric chamber operation and supervision** by DC’s. Roll call vote: Rollette – Yes; Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; VanBreemen – Yes; Kruse – Yes. With 6 yeas, 0 nays, agenda order is amended.

Dr. Paul Harch, Harch Hyperbarics, New Orleans, LA, is requesting scope of practice determination relative to DC’s being allowed to supervise hyperbaric chamber operation in absence of an MD. The Board notes this is within the scope if proper training by DC is achieved. Dr. Harch will get curriculum of the 40 hour course utilized for proper training. Dr. Zeagler will write a draft of the Board’s proposed ruling for the April meeting.

* **GENERAL CORRESPONDENCE**:

None to report.

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

Ms. Oliver reports Dr. VanBreemen had reviewed 11 seminars since the last meeting.

**MINUTES – 01/17/2019**

**PAGE 4**

**OLD BUSINESS:**

Continued discussion held on request and suggested language received in July 2018 from **Patrick Clawson, D.C**., Homer, LA, for the Board to issue a declaratory statement on chiropractors conducting DOT examinations. At the July meeting it was determined that adequate notice had not been received per the LA Administrative Code. Clarification on various phrases and terms was requested by Dr. Kruse. New proposed language prepared and received from Dr. Clawson as follows:

*It is within the scope of practice of a chiropractic physician to perform drug screenings or other testing services in accordance with the regulations for required DOT and non-DOT drug and alcohol testing published in the Federal register under 49 CFR Part 40 and any private local, state or federal agency. These tests may be performed, ordered and interpreted by the chiropractic physician who has completed the appropriate training and certification program required by the FMCSA (Federal Motor Carrier Safety Regulations), Federal Aviation Administration (FAA), Federal Railroad Administration (FRA), Federal Transit Administration (FTA), Pipeline and Hazardous Materials Safety Administration (PHMSA), and United States Coast Guard (USCG).*

Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to accept the proposed language as received for DOTD exams by DC’s. With no objections, motion carries unanimously. Ms. Oliver will prepare the new declaratory statement, then distribute and post it on the Board’s webpage as Declaratory Statement 2019-01.

Relative to “**online renewals**”, Dr. Zeagler will secure information for the April 2019 meeting on this matter relative to the project and the costs involved for future implementation of online renewals.

**NEW BUSINESS:**

Request received from **William Soileau,** D.C., New Orleans, LA, to waive the CE requirements for license renewal due to his health condition. Motion made by Dr. Zeagler, seconded by Dr. Martello to waive the CE requirements for the 2019 renewal. With no objections, motion carries unanimously.

Request received from **Justin Trosclair, D.C**., China, to accept the hours he obtained for license renewal as he lives/works in China. Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to accept his CE hours for the 2019 license renewal. With no objections, motion carries unanimously.

Request received from **FCLB** for the Board’s delegate and alternate for 2019. **Dr. VanBreemen** is named as “delegate” and **Ms. Oliver** is named as “alternate”.

Request received from **NBCE** for the Board’s delegate and alternate for 2019. **Dr. Kruse** is named as “delegate” and **Dr. VanBreemen** is the “alternate”.

**MINUTES – 01/17/2019**

**PAGE 5**

Ms. Oliver notes some requests received after the agenda was prepared and posted. Motion made by Dr. Martello, seconded by Dr. VanBreemen, to amend the posted agenda to discuss the late requests. Roll call vote: Rollette – Yes; Martello – Yes; Zeagler – Yes; VanBreemen – Yes; Kruse – Yes. Agenda is amended to handle the additional requests.

Request received from **Richard Myers, D.C**., Waynesboro, PA, to waive the CE requirements as he lives/works in PA. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to waive the requirements. With no objections, motion carries unanimously.

Request received from **Robert McLuckie, D.C**., Livingston, LA, to waive the delinquent fee due to his health problems and hospitalization. Motion made by Dr. Martello, seconded by Dr. Zeagler to waive the delinquent fee for 2019. With no objections, motion carries unanimously.

Request received from **Ashley LaBorde, D.C**., Youngsville, LA, to waive the delinquent fee due to surgery of husband. Motion made by Dr. Zeagler, seconded by Dr. Martello, to deny the delinquent waiver request. With 4 yeas, 0 nays, motion carries.

Information received from LA Office of Child Support Enforcement relative to delinquency of **Steven Tramuta,** D.C, Kenner, LA, Ms. Oliver notes that law requires the Board suspend the license based on guidelines of the law. Ms. Oliver notes his license to be suspended beginning 01/28/2019 and will be reinstated upon notice from that agency of his compliance.

Request received from **Debrah O’Hara**, DC. Lawrenceville, GA, who will received her bachelor’s degree from Excelsior College, NY which the commencement date will be February 15, 2019, after the April 2019 exam deadline. Ms. Oliver notes info received from the college that she has completed the educational requirements. Board states she is available to sit for the exam.

**Self-evaluation report** request from LA Governor’s Office was randomly sent to various boards across the state. Ms. Oliver notes we did not receive the request this year, but she will monitor the request process in anticipation of a future request.

Request received from **Peggy Allen, D.C**., New Iberia, LA, if she is able to “**family nutritional counseling**”. Response will be sent that this is within the scope of practice.

Ms. Oliver notes receipt of a “subpoena duces tecum” to produce all records on **Edward Levin, D.C**., Bastrop, LA, from a law firm. Information was supplied as required.

Certification by the Board of “**dry needling**” practitioners again discussed by Ms. Oliver requesting the Board issue a “certificate” to each licensee who meets the statutory requirement to perform “dry needling” and to charge a nominal fee to record and issue the certificate, suitable for framing. Board general consensus is that this is not necessary.

Handout from Dr. Kruse relative to the use of **CBD oil** in LA chiropractic practice and the necessity of the Board’s position change due to the recently released Federal Agricultural Act of 2019, (Farm Bill) which legalized hemp. This material will be posted as a “practice alert” on the Board’s website and included in the annual mail out.

Ms. Oliver notes a new requirement, per **Act 655** of 2018, to place info on all communication to the public as well as licensees which gives info on how to file a complaint against state boards. Ms. Oliver has edited the necessary paperwork to comply with the requirement and further, has submitted the required quarterly report.

Ms. Oliver notes the 2019 Board **Calendar** was prepared and provided to all Board members.

Motion made by Cavanaugh, seconded by Zeagler, to hold an executive session to discuss possible federal investigation relative to “stem cell injections” and possible allegations of activities outside the scope of practice. Roll call vote: Rollette – Yes; Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; VanBreemen – Yes; Kruse – Yes. With 6 yeas, 0 nays, motion carries unanimously.

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

**MINUTES – 01/17/2019**

**PAGE 6**

**Upcoming Events:**

* Next Board Meeting, 04/11/2019, time to be announced.
* Next Licensure Exam offering, 04/11/2019, time to be announced.
* Nationwide NBCE Part IV exam offering, 05/17-19/2019
* Biannual Licensure Exam, 07/11/2019
* X-ray Proficiency Renewal, 07/31/2019
* Annual license renewal deadline, 12/31/2019.

Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to adjourn. With no objections, meeting is adjourned at approximately 12:16 p.m.

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