LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – July 21, 2022**

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

Martello, Secretary-Treasurer; Dr. Kelleigh A. Payne; Dr. Denise Rollette;

Dr. Michael Traxler; Ms. Peggy Anselmo.

Members Absent: None.

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

Legal Counsel: Madeline Carbonnette, Asst. Attorney General.

Audience: Debbie Moore, D.C., Picayune, MS; Sabrina Page, Marietta, GA – Life University

Intern; Van Galjour, D.C., Atlanta, GA; Tim Chittom, CAL, Baton Rouge, LA.

Meeting called to order at 8:37 a.m., Dr. Mark B. Kruse, President, presiding.

The draft version of the **minutes** of the 04/21/2022 meeting were emailed to all Board members for review. Motion made by Dr. Martello, seconded by Dr. Traxler, to approve the minutes. With no objections, motion carries unanimously.

Discussion and clarification by Dr. Kruse and Ms. Oliver about new procedure for Board minutes’ review and release. The draft of the minutes will be emailed to the Board members for review and approval, then the approved minutes will be released to the public within 30 days. At the next Board meeting, those minutes will be ratified by the Board.

**PUBLIC COMMENT:** None received.

**INTEGRITY CHECK:** None..

**STANDING COMMITTEE REPORTS**

* **COMPLAINT COMMITTEE REPORT by Dr. Cavanaugh and Dr. Rollette**:

Relative to **Complaint # 1488** and a delinquent license renewal, Dr. Rollette offers an “agreed settlement” for $250.00. Motion made by Dr. Rollette, seconded by Dr. Cavanaugh to accept the agreed settlement as discussed. With no objections, motion carries unanimously.

Relative to **Complaint # 1492** and a delinquent license renewal, Dr. Rollette offers an “agreed settlement” for $250.00. Motion made by Dr. Rollette, seconded by Dr. Cavanaugh to accept the agreed settlement as discussed. With no objections, motion carries unanimously.

Relative to **Complaint # 1491** and a delinquent license renewal, Dr. Rollette offers an “agreed settlement” for $250.00. Motion made by Dr. Rollette, seconded by Dr. Cavanaugh to accept the agreed settlement as discussed. With no objections, motion carries unanimously.

Relative to **Complaint # 1493** and a delinquent license renewal, Dr. Rollette offers an “agreed settlement” for $250.00. Motion made by Dr. Rollette, seconded by Dr. Martello to accept the agreed settlement as discussed. With no objections, motion carries unanimously.

Relative to **Complaint # 1494** and a delinquent license renewal, Dr. Rollette offers an “agreed settlement” for $250.00. Motion made by Dr. Rollette, seconded by Dr. Cavanaugh to accept the agreed settlement as discussed. With no objections, motion carries unanimously.

Relative to **Complaint # 1496,** Dr. Rollette would like guidance on this matter involvingadelinquent license renewal. Dr. Rollette will do more investigation.

Relative to **Complaint # 1495**, Dr. Rollette will do more investigation.

Relative to **Complaint # 1487** and a delinquent license renewal, Dr. Cavanaugh offers an “agreed settlement” for $250.00. Motion made by Dr. Cavanaugh, seconded by Dr. Martello to accept the agreed settlement as discussed. With no objections, motion carries unanimously.

Relative to **Complaint # 1489** and a delinquent license renewal, Dr. Cavanaugh offers an “agreed settlement” for $250.00. Motion made by Dr. Cavanaugh, seconded by Dr. Martello to accept the agreed settlement as discussed. With no objections, motion carries unanimously.

Relative to **Complaint # 1490** and a delinquent license renewal, Dr. Cavanaugh offers an “agreed settlement” for $250.00. Motion made by Dr. Cavanaugh, seconded by Dr. Martello to accept the agreed settlement as discussed. With no objections, motion carries unanimously.

**MINUTES – 07/21/2022**

**PAGE 2**

* **FINANCE COMMITTEE REPORT** **by Ms. Oliver and Dr. Martello:**

**Financial statements** for April, May and June 2022 were prepared by Ms. Oliver and provided to the Board. Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to accept the **financial statement** of April as prepared. With no objections, motion carried unanimously.

Motion made by Dr. Martello, seconded by Dr. Kruse, to accept the **financial statement** of May as prepared. With no objections, motion carried unanimously.

Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to accept the **financial statement** of June as prepared. With no objections, motion carried unanimously

**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. Martello, seconded by Dr. Cavanaugh, to accept the log as presented. With no objections, motion carries unanimously.

**CD report:**  No new activity.

Relative to the **‘deposit trends”** report, Ms**.** Oliver updated the chart since the last board meeting and provided a copy to all Board members.

Relative to “**Financial Planning**”, no new information from Dr. Kruse, but keep on the agenda.

* **PEER REVIEW COMMITTEE REPORT by Dr. Martello:** No new requests have been received.
* **STANDARDS & PRACTICES by Dr. Traxler:** No information to discuss.
* **LAW & LEGISLATION:**

Ms. Oliver *reminds* all board members and staff of the annual requirement to take the state **Ethics** course by 12/31 and to submit proof of completion to the Board.

Ms. Oliver *reminds* all board members and staff of annual requirement to take the state **Sexual Misconduct** course by 12/31 annually and to submit proof of completion to the Board.

Ms. Oliver reminds all board members of new annual requirement which is CYBER training.

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

Ms. Oliver notes **testing procedures** utilized as result of pandemic requirements and restrictions for meetings and testing offerings will continue to be utilized until further notice as discussed with Dr. Kruse and Dr. Cavanaugh. 6 applications were received for the July administration. Results to be provided at later date when finalized.

Regarding **NBCE Part IV,** Dr. Martello and Dr. Cavanaugh participated as “examiners” for the Part IV Exam held in May, 2022.

Ms. Oliver states one licensure application needs review due to background report information received. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to hold an “executive session” to discuss the background report of **Applicant P1-G-22290**. Roll call vote: Rollette – Yes; Anselmo – Yes; Martello – Yes; Traxler – Yes Cavanaugh – Yes; Payne – Yes; Kruse – Yes. With 7yeas, 0 nays, motion carries,

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

Motion made by Dr. Cavanaugh seconded by Dr. Traxler, to allow **Applicant P1-G-22290** to sit for the next available exam. With no objections, motion carries unanimously.

* **ADMINISTRATIVE OVERSIGHT:**

Current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver** since the April board meeting were reviewed and approved by Dr. Martello**,** and the full Board present reviewed and approved the leave records of both employees as well as payroll info. Dr. Martello notes all paperwork and leave records are in order and documented. Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to accept the records as presented. With no objections, motion carries unanimously.

**MINUTES – 07/21/2022**

**PAGE 3**

Annual meeting of the **Administrative Oversight Committee** was held with Dr. Kruse, Dr. Martello and Dr. Cavanaugh. Dr. Kruse notes he referenced Openthebooks.com for comparative salary information, that every job is worth a certain amount, there is really no black and white on what Ms. Oliver’s position should pay, due to the Board’s financial situation and current economic factors, two committee members suggested $2000.00 increase for the executive director and $1500.00 for the administrative assistant. One committee member suggested 10% raise across the Board. Dr. Traxler clarified the increases suggested would be “one time bonus”. Ms. Carbonnette stated that all state employees’ earnings are subject to state agency required payroll factors and rules, and she advised the Board against offering “one time bonus”. Motion made by Dr. Traxler, seconded by Dr. Kruse, to accept the majority’s decision on giving a one-time bonus of $2000.00 to the executive director and $1500.00 to the administrative assistant. With 2 yeas, 4 nays and one abstention, the motion fails. Motion made by Dr. Martello, seconded by Dr. Kruse, for 5% increase to both employees. Roll call vote: Rollette – Yes; Anselmo – No; Martello – Yes; Traxler – No; Cavanaugh – No; Payne – Yes; Kruse – Yes. Motion carries with 4 yeas, 3 nays.

Ms. Oliver notes parttime employee **Phillip McKee** needs payroll review also. His current rate of pay is $12.00 per hour. Motion made by Dr. Martello, seconded by Dr. Kruse, to offer 5% increase (60 cents/hour) for Mr. McKee. Roll call vote: Rollette – No; Anselmo – No; Martello – No; Traxler – Yes; Cavanaugh – No; Payne – No; Kruse – Yes. Motion fails with 2 yeas, 5 nays.

Motion made by Dr. Martello, seconded by Dr. Rollette, to increase Mr. McKee’s hourly rate by $1.00 ($13.00/hour). With 7 yeas, 0 nays, motion carries unanimously.

* **OFFICE PERFORMANCE INDICATOR REPORT:** Office activity/work product 04/07/2022 – 07/12/2022:
* Phone calls received: 442
* Licensure Application packets requested & mailed: 25
* New Licenses Issued: 8
* Complaints Filed & Opened: 2
* Complaints closed: 2
* DC license renewals received & processed: 3 ($600.00)
* DC license renewals returned as “incomplete” or “missing CE”: 1
* Delinquent license renewal fees paid: 3
* License verifications processed: 311 (⁓$15,550.00)
* License verification ordered online: 20 ($1200.00)
* New X-ray certificates issued: 13 ($975.00)
* X-ray certs renewed: 257 ($6425.00)
* Public records requests: -0-
* Subpoenas received: -0-
* Seminars reviewed: 45 (~$3375.00)
* CE locate requests received: 22
* List requests received and processed: 12
* National licensee alerts received and logged: -0-
* Peer Review Requests: -0-
* Dry Needling certificates issued: -0-
* Duplicate Licenses Issued: 1
* Duplicate Xray Certificates Issued: -0-
* License Renewal Cards Purchased: -0-
* Seminars posted to webpage: 15
* Blue Books purchased: -0-
* “Travel to Treat” temporary licenses: -0-
* # of Emails Received: 582

**MINUTES 0721/2022**

**PAGE 4**

* **GENERAL CORRESPONDENCE**:

Ms. Olver notes receiving information from Palmer that its FLA campus is closing in near future.

* **SEMINAR REVIEW by Dr. Traxler:**

Dr. Traxler reports he has reviewed 45 seminars since the last meeting. 2 seminars submitted require full board review at this time.

Request from International Board of Underseas Medicine to approve the “Hyperbaric Chamber Therapy” seminar. Motion made by Dr. Traxler, seconded by Dr. Martello, to approve the seminar. With no objections, motion carries unanimously.

Request from “Dr. Jay Morgan Seminars” for the seminar entitled, “Practice Management Guy”. Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to approve 13 hours of the program and exclude the “risk management” and “ethics” hours. With no objections, motion carries unanimously.

**OLD BUSINESS:**

Attendance of the **FCLB Annual Conference** by Dr. Payne, Dr. Martello, Dr. Kruse and Ms. Oliver. Dr. Payne felt this was a very informative meeting. Tim Chittom requests info on total travel expense for that conference. Ms. Oliver instructed to provide that info when available.

Continued discussion on **chiropractic franchise** program in Walmart. Walmart/Chiropractic franchise – Ms Oiver asked to conduct a power poll through FCLB about this matter.

Request from **Michael Taylor, D.C**., Shreveport, LA, regarding collaboration between the chiropractors and the nurse practitioners. Discussion of draft of a declaratory statement. This matter is under advisement per Dr. Kruse. Still no collaboration at this time, but Dr. Kruse asks this matter be kept on the agenda.

Update given by Dr. Kruse and Ms. Oliver on the “**real time verification process**”. Ms. Oliver reports the stats through June on requests received.

Dr. Kruse notes he received a petition for a declaratory statement from CAL regarding **“treatment and manipulation of infants and small children**” and that BCBS will not reimburse for those services. Dr. Kruse presents draft of declaratory statement which states:

*It is the opinion of the board that under LA R.S. 37:28901.3.a, which defines the scope of chiropractic that “treatment of infants and children” are within the scope of practice in Louisiana.*

Motion made by Dr. Cavanaugh, seconded by Dr. Rollette, to accept the proposed language for the declaratory statement as presented. With 7 yeas, 0 nays, motion carries unanimously.

**NEW BUSINESS:**

Request from **Celia Cangelosi**, attorney, to amend her current contract to add additional money. Motion made by Dr Martello, seconded by Dr. Cavanaugh, to accept the amended contract for Celia Cangelosi. With 7 yeas, 0 nays, motion carries unanimously.

Request received from **Justin Trosclair, D.C**., Breaux Bridge, LA, to accept the online course he took for CE for license renewal. Motion made by Dr. Traxler, seconded by Dr. Rollette, to decline the request to accept the CE. With no objections, motion carries unanimously.

**MINUTES 07/21/2022**

**PAGE 5**

Request from **Carissa Hamilton Toups, D.C**., Crowley, LA, relative to scope inquiry and acne treatment. Ms. Oliver instructed to put this matter on next agenda. Dr. Kruse will research this matter for next meeting. Topic to be researched by the Standards & Practice Committee Chairman, Dr. Traxler.

Request from **Kelleigh Payne, D.C**., New Orleans, LA, relative to “nutritional infusions” such as B-12. Chiropractors can make recommendations for dosage amount however cannot administer it.

**Upcoming FARB** Training offered – Ms. Oliver to secure the curriculum for next meeting.

Presentation of proposed **2023 license renewal form**. Dr. Rollette requests that exclamation points be removed from the form because the young licensees consider that to indicate “yelling”. Motion made by Dr. Rollette, seconded by Dr. Traxler, to approve the form as edited. With 7 yeas, 0 nays, motion carries unanimously.

Ms. Oliver notes items received after the agenda was prepared that require Board attention. Motion made by Dr. Traxler, seconded by Dr. Martello, to amend the agenda to include items received after agenda preparation. Roll call vote: Martello – Yes; Traxler – Yes; Cavanaugh – Yes; Payne – Yes; Rollette – Yes; Anselmo – Yes; Kruse – Yes. With7 yeas, 0 nays, motion carries unanimously, and agenda is amended.

Request from **Michael Fontenot, D.C**., Lafayette, LA, to waive CE requirements due to health issues. Motion made by Dr. Cavanaugh, seconded by Dr. Traxler, to waive the CE requirements with receipt of medical information. With no objections, motion carries unanimously.

Request from **Greg Nelson, D.C**., Baton Rouge, LA, to waive CE or grant an extension to obtain CE for the 2023 renewal year due to health issues. Motion made by Dr. Cavanaugh, seconded by Dr. Traxler, to waive the CE with verification of medical information. With no objections, motion carries unanimously.

Correspondence from Katie Snow, wife of **Eric Snow, D.C**., Lake Charles, LA, regarding test applicant, internship and licensure process.

**Annual Board Elections:**

Dr. Kruse call for nominations for the office of Secretary-Treasurer: Dr. Martello nominates Dr. Traxler. Dr. Kruse calls 3 times for any other nominations. With none heard, Dr. Traxler is “secretary-treasurer” by acclamation.

Dr. Kruse calls for nominations for the office of Vice President. Dr. Traxler nominates Dr. Martello. Dr. Kruse calls 3 times for any other nominations. With nnoe heard, Dr. Martello is “vice president” by acclamation.

Dr. Martello calls for nominations for the office of President. Dr. Cavanaugh nominates Dr. Mark Kruse as “president”. Dr. Martello calls 3 times for any other nominations. Hearing none, Dr. Kruse is “president” by acclamation.

**Upcoming Events:**

* Xray Proficiency Certificate Holder annual renewal deadline: 07/31/2022
* Next Board Meeting, 10/20/2022, time to be announced.
* Board Licensure Exam: 10/20/2022 (additional offering)
* NBCE Part IV Testing, nationwide, 11/11-13/2022.
* Annual license renewal deadline: 12/31/2022

Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to adjourn. With no objections, meeting is adjourned at approximately 12:13 p.m.. With no objections, motion carries unanimously,

MEETING ADJOURNED 12:13 p.m.