LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – DECEMBER 12, 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: None

Audience: Debbie Moore, DC, Picayune, MS; Stephen Offenberger, DC, Austin, TX; Charles Herring, DC, Baton Rouge, LA, Tim Chittom, CAL, Baton Rouge, LA.

Meeting called to order at 8:31 a.m., Dr. Mark Kruse, President, presiding.

The **minutes** of the 10/10/2019 meeting were mailed to all Board members. Motion made by Dr. Zeagler, seconded by Dr. Martello, to approve the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### **Debbie Moore**, DC, Picayune, MS, provided several points and observations relative to the Board and its functions/rules/requirements as follows: would like acceptance of online CE’s, renewal requirements for new licensees, dry needling requirements, the Board’s website, opposed to certification of CA’s. Ms. Oliver responds to each comment and provides info on each as well as information provided by various board members.

**INTEGRITY CHECK:**

Dr. VanBreemen notes he had communication from David Barczyk, DC, Lafayette, LA, relative to procedure for getting approval for a course taken.

Ms. Oliver notes info from a January 2020 test applicant/candidate of participating in clinic observation with a board member.

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for September, October and November 2019 were prepared by Ms. Oliver and provided to the Board prior to the meeting. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, 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. Cavanaugh, seconded by Dr. Zeagler, to accept the log as presented. With no objections, motion carries unanimously.

Relative to **deposit trends** report is being continuously updated and will be presented, as requested, at future January and July meetings.

**CD report:**  Dr. VanBreemen notes no new activity, however next CD’s set to mature in February 2020.

**Act 687 –** The 3rd quarter report was submitted by Ms. Oliver. **Ms.** Oliver notes the required annual **AFR** report was submitted on behalf of the Board.

Relative to the Board’s **annual budget,** Dr. Kruse requests this item be a “standing” agenda item. Dr. Kruse reports he is working on presenting a financial snapshot which will assist the Board in future decisions regarding fees and expenditures

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

No new requests received to report. Dr. Martello discusses the letter he intends to issue regarding offering of the Board’s PR review services. Ms. Oliver requested to make inquiry with the State Ethics Board on the Board advertising its PR Committee services.

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

Ms. Oliver notes applications are being mailed out for the **January 16, 2020 exam**.

Ms. Oliver notes background report received on a January 2020 candidate, Applicant P-2-O. Motion made by Dr. Zeagler, seconded by Dr. Martello, to discuss the background check report in Executive Session and allow presentation by Applicant P-2-O. Roll call vote:Rollette – Yes; Martello - Yes; Zeagler – Yes; Cavanaugh – Yes; VanBreemen – Yes; Kruse – Yes.

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

Motion made by Dr. Zeagler, seconded by Dr. Martello, to allow Applicant P-2-O to sit for the licensure exam in January. With no objections, motion carries unanimously.

Ms. Oliver notes another candidate, **Applicant P-1**, did not respond to correspondence or appear at meeting for review.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. VanBreemen reviewed and approved the current leave records since the last meeting 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.

**“Performance Indicator”** report -Board office activity/work product from 10/10/2019 – 12/10/2019:

* Phone calls received: 312
* Licensure Application packets requested & mailed: 13
* New Licenses Issued: 8 ($1200.00)
* Complaints Filed & Opened: 11
* Complaints closed: 19 ($3500.00)
* DC license renewals received & processed: 346 ($69200.00)
* DC license renewals returned as “incomplete” or “missing CE”: 35
* Delinquent license renewal fees paid: 1 ($250.00)
* License verifications processed: 178 ($8900.00)
* New X-ray certificates issued: 10 ($750.00)
* X-ray certs renewed: 0 Public records requests: 0
* Subpoenas received: 0
* Seminars reviewed: 32 (~$3200.00)
* CE locate requests received: 29
* List requests received and processed: 8 (~$2000.00)
* National licensee alerts received and logged: 12
* Peer Review Requests: 0
* Dry Needling certificates issued: 11 ($275.00)
* Duplicate Licenses Issued: 9 ($180.00)
* Travel to Treat temporary license: 1 ($100.00)

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

Ms. Oliver reports Dr. VanBreemen had reviewed **31** seminars since the last meeting. Question discussed of CE method of “streaming” CE versus “simple online” CE.

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

Dr. Cavanaugh notes an agreed settlement relative a delinquent license renewal offered in **Complaint # 1337.** Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to accept the agreed settlement of $350.00. With no objections, motion carries unanimously.

Dr. Cavanaugh reports an agreed settlement totaling $850.00 offered for **Complaint #1343 and #1344,** relative to unlicensed x-ray proficiency employee employed by a licensee. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen to accept the agreed settlement of $850.00. With no objections, motion carries unanimously,

Dr. Cavanaugh reports an agreed settlement totaling $850.00 offered for **Complaint #1357 and #1358, #**relative to unlicensed x-ray proficiency employee employed by a licensee. Motion made by Dr. Cavanaugh, seconded by Dr. Martello to accept the agreed settlement of $850.00. With no objections, motion carries unanimously.

Dr. Cavanaugh reports an agreed settlement totaling $850.00 offered for **Complaint #1354, #1355 and #1359,** relative to unlicensed x-ray proficiency employees employed by a licensee. Motion made by Dr. Cavanaugh, seconded by Dr. Martello to accept the agreed settlement of $850.00. With no objections, motion carries unanimously.

Dr. Cavanaugh reports an agreed settlement totaling $850.00 offered for **Complaint #1363 and #1364,** relative to unlicensed x-ray proficiency employee employed by a licensee. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler to accept the agreed settlement of $850.00. With no objections, motion carries unanimously.

Dr. Cavanaugh reports an agreed settlement totaling $850.00 offered for **Complaint #1367, and #1368,** relative to unlicensed x-ray proficiency employees employed by a licensee. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler to accept the agreed settlement of $850.00. With no objections, motion carries unanimously.

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

No report at this time.

* **LAW & LEGISLATION:**

Ms Oliver notes the **Act 12** report and the **Act 655** report were both filed timely as required.

Continued discussion held on **FCLB’s CCCA** program. Ms. Oliver provided program guidelines to the

Board. Dr. Kruse notes he requests the Board review the **CCCA** program guidelines and be prepared for

discussion at the upcoming January 2020 meeting.

* **GENERAL CORRESPONDENCE**:

None at this time.

**OLD BUSINESS:**

Prior request received from FCLB as to our Board’s position on “**telemedicine**” and the previous request from a licensee about “telemedicine” practice. Dr. Kruse presents a draft a declaratory statement as follows:

*“Telemedicine is within the scope of chiropractic*”. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to accept the draft as presented and to issue the declaratory statement. Dr. VanBreemen notes he would like more time to study the information. With 3 yeas, 3 nays, motion is tied. Dr. Kruse withdraws his motion. The matter will be kept on the agenda for the January 2020 meeting.

Ms. Oliver notes earlier acceptance of contract renewal for **legal representation** from LA AG’s office, however, the AG’s office notes a change on page 8 of the contract about “contract cancellation” terms in that either party can terminate the contract at any time. Motion made by Dr. Zeagler, seconded by Dr. Martello, to accept the contract as presented. With no objections, motion carries unanimously.

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Continued discussion relative to submission at the April 2019 meeting of miscellaneous proposed declaratory statements language by Dr. VanBreemen for **Charles Herring, D.C**., Gonzales, LA. Drafts edited as follows:

Relative to “cognitive behavioral therapy*”, ““It is the opinion of the Board under LA R.S.  37:2801 (3) (A), which defines the scope of chiropractic that, "the chiropractic physician is practicing within the scope when performing cognitive behavioral therapy/cognitive restructuring in conjunction with conditions that are associated with the functional integrity of the spine.”.*

Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to approve the declaratory statement noted above. With no objections, motion carries unanimously.

Relative to “delegation of exercises”, this matter will be tabled until the January 2020 meeting. Dr. Zeagler will prepare a draft for presentation to the full Board.

**NEW BUSINESS:**

Info received from FCLB of a scam mail-out and email being sent stating the state licensing board is demanding money etc. Info will be shared with the state associations and also placed on the Board’s website.

Request received from **Arthur Chatellier, D.C**., DeKalb, IL, who has completed in excess of hours needed, however one hour short in risk management. Motion made by Dr. VanBreemen, seconded by Dr. Martello, to waive the 1 hour for 2020. With no objections, motion carries unanimously.

Request received from **John Thompson, D.C.,** Haughton, LA, for license reinstatement request. Motion made by Dr. Martello, seconded by Dr. Zeagler, to not consider the reinstatement request until requirements of **Docket 2012-01** are fulfilled (from hearing held 07/26/2012 and the 09/11/2012 order issued). Ms. Cangelosi who was attorney of record in this matter will send draft response to Dr. Thompson.

Presentation of information received from **IGOV Solutions**, a webpage and data management company, and their proposal relative to overhauling the Board’s webpage and database. Ms. Oliver directed to secure info relative to other DC board clients. Dr. Martello will contact the MS Board to obtain info about their website and database management.

Correspondence received from **Austin Fontenot, D.C**., Mandeville, LA, requesting the Board consider allowing online CE for renewal. Ms. Oliver requested to send response thanking Dr. Fontenot for his input and that research of this matter is ongoing.

Ms. Oliver reminds all board members and board staff of annual requirement to take the state **Ethics** course by December 31st and to submit proof of completion to the Board – this requirement is still in place and must be completed by 12/31/2019.

Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to amend the posted agenda to include items received after agenda was prepared. Roll call vote: Rollette – Yes; Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; VanBreemen – Yes; Kruse – yes. With 6 yeas, 0 nays, agenda is amended.

Request received from **William, Soileau, D.C**., New Orleans, LA, to waive his 2020 license renewal requirements due to health condition and treatment. Motion made by DR. Zeagler, seconded by Dr. VanBreemen, to waive the CE requirements for 2020 for Dr. Soileau. With no objections, motion carries unanimously.

Dr. Martello notes the **FARB** annual conference will be held January 23 – 26, 2020, Colorado Springs, CO. Dr. Martello and Ms. Oliver will attend.

Ms. Oliver directed to place state **CBD oil guidelines** on the Board’s website.

**Upcoming Events:**

* Annual license renewal deadline, 12/31/2019.
* Next Board Meeting, 01/16/2020, time to be announced.
* Biannual licensure exam, 01/16/2020
* Nationwide NBCE Part IV exam offering, 05/14-17/2020

Motion made by Dr. Cavanagh, seconded by Dr. Martello, to adjourn. With no objections, meeting is adjourned at approximately 11:04 a.m.