LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JANUARY 31, 2013**

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

Members Absent: Dr. David Barczyk.

Staff Present: Patricia A. Oliver, Executive Director

Legal Counsel: Angelique Freel, Asst. Attorney General

Audience: None.

Meeting called to order at 8:40 a.m. Dr. Mark B. Kruse, President, presiding.

The **minutes** of the 12/06/2012 meeting were prepared and mailed to all Board members. Motion made by Cavanaugh, and seconded by Dr. Harvey. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**STANDING COMMITTEE REPORTS**

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

**Financial statement** for December 2012 was prepared by Ms. Oliver and provided to Board members. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to accept the statements. With no objections, motion carries unanimously.

**CD report** was given by Dr. VanBreemen. He notes one CD was renewed last week and another one matures today. Ms. Oliver notes not many banks are offering CD investments due to extremely low interest rates available. Ms. Oliver is asked to investigate what early withdrawal penalty is on the CD’s in case funds are needed to facilitate the **office building purchase**.

Continued discussion about the “**unfunded liability**” noted in last several years audits as prepared by Mr. Rob Furman, contract auditor. At the Board’s request, Ms. Oliver contacted Mr. Rob Furman, contract auditor, to attend the Board meeting to explain and provide information, however, Ms. Oliver notes Mr. Furman stated he would charge the Board to attend the meeting. Ms. Oliver contacted the Legislative Auditor’s Office and was referred to a staff member, Mr. Bradley Cryer, who explained the matter to Ms. Oliver via telephone as follows: Approximately 4 years ago, a national governmental accounting commission/group instituted the accounting policy that state governments would calculate the “post-retirement benefits” for state employees on an annual actuarially accrued basis. The actuarial amount was a dollar figure derived on best guess basis what post-retirement health care costs would be per employee based on many factors: age, health, rising costs of health care, etc.. The actuarial dollar amount continues to be adjusted each year as more info is being utilized to more realistically calculate costs. Very few, if any, states have actually mandated the funding of the “post-retirement benefits”, therefore, the program has not been enacted by the State of LA. Agencies as well as boards and commissions across the board are accruing the liability which Mr. Cryer explains is not a “real dollar number” since the calculation and formula is new. Therefore, even though the accounting reporting policy is in place, the enactment of that funding has not been mandated and/or set up. The Board asks Ms. Oliver to get a written explanation of the matter for our files and for future reference.

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Review and discussion of 2013-14 budget draft as requested by the LA Division of Administration and prepared by Mr. Barry Delery, CPA. Board discusses the need for some changes in the budget draft. Motion made by Dr. Harvey, seconded by Dr. VanBreemen, to make the changes as discussed as followed: On page BC-9, increase “Celia Cangelosi – Legal fees” to $9000.00.

* On page BC-8, increase “bank fees” to $1300.00
* On page BC-8, increase “printing” to $2500.00
* On page BC-8, increase “office supplies” to $12000.00

With no objections, motion carries unanimously.

Board recesses for the biannual licensure exam @ 9:16 a.m.

* **PEER REVIEW COMMITTEE REPORT BY Dr. Martello**: Committee. Dr Martello notes no new activity since last board meeting. Dr. Martello notes he had no success in finding a new training CD/tool for PR members. Dr. Kruse will contact the American Board of Chiropractic Consultants regarding securing a training CD/DVD.

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

Dr. Harvey notes activity taken place however waiting to finalize several complaints.

Dr. Kruse notes he would like to continue to review **websites** and advertising of chiropractors and/or chiropractic businesses. Dr. Kruse wants to divide the website URLS between the board members to review.

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

No current activity at this time.

* **LAW & LEGISLATION:**

Relative to proposed “reciprocity” language from the 12/06/2012 meeting, Dr. Zeagler, after he contacts Dr. Barczyk, will contact Senator Long to request he introduce the legislation for the Board.

Relative to Act 276 and the licensure of spouses of military personnel, Ms. Freel will begin the rule making process as required by the Legislature.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. VanBreemen has reviewed the time records for Ms. Oliver and Ms. Hebert-Schmidt and reports all records are in order.

Dr. VanBreemen notes Ms. Oliver has accrued compensatory time for working in excess of 40 hours per week since the 12/06/2013 board meeting and feels that Ms. Oliver should delegate more of her duties to Ms. Hebert-Schmidt. Discussion held on factors involved with more compensatory time earned during the license renewal time of year as well as required “end of year” state and national reporting and paperwork. Dr. Kruse suggests perhaps prior years’s workloads be compared to exhibit time of year trends.

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* **GENERAL CORRESPONDENCE:**

Ms. Oliver has no “general correspondence” to report.

* **TESTING**:

Ms. Oliver notes 5 applicants for licensure were tested. Results of this exam will be released in 7 business days.

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

Dr. VanBreemen informed the Board he has reviewed 30 seminars since the last meeting.

Request received from **TCA** entitled “Medicare and Myofascial Release” which has no post grad faculty affiliation. Motion made by Dr. VanBreemen, seconded by Dr. Harvey, to accept the course for CE credits. With no objections, motion carries unanimously.

Request received from **CAL** for review and approval of its “X-ray Certification” course taught by Ricky Melancon, D.C. Dr. VanBreemen notes since this program was previously approved, no review is needed.

Request received from **GCA** for the “Georgia Annual Fall Conference” for review and approval. This program has no post grad faculty affiliation. Motion made by Dr. VanBreemen, seconded by Dr. Harvey, to approve. With no objections, motion carries unanimously.

Request received from **LACC** for review and approval of the course entitled, “The Obesity Epidemic”. This program has no post grad faculty affiliation. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to approve the course. With no objections, motion carries unanimously.

Request received from **Michigan Association of Chiropractic** for program entitled, “Medicare Part I” as not all presenters are on post grad faculty. Motion made by Dr. VanBremen, seconded by Dr. Zeagler, to approve the seminar. With no objections, motion carries unanimously.

Request received from **Texas Chiropractic College** for program entitled, “Impacting Blood Chemistry w/Whole Food Nutrition”. Motion made by Dr. Harvey, seconded by Dr. Martello, to approve the program. With no objections, motion carries unanimously.

Dr. Kruse wants to research, for next agenda, if there is still a need for **“risk management” continuing education.**

**OLD BUSINESS:**

Relative to the “**purchase of the Board office building**”, continued discussion about delays due to economic factors and lending institutions limitations on commercial loans. Board directs Ms. Oliver to inquire if the owner, Mr. Charles Cramer, will consider “owner financing”. Ms. Freel notes there may be prohibitions for the state being involved with “owner financed” loans. Ms. Oliver to contact Mr. David Henderson, attorney representing the LA Bond Commission to check on rules involving “owner financing”.

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Ms. Oliver notes the annual **Federation of Association of Regulatory Boards** was attended by Dr. Martello and her. Many interesting and applicable topics were discussed relative to “board regulation”, “investigations”, “disciplinary actions”. Ms. Oliver notes a “flash drive” was handed out and will make it available to any board member interested. Ms. Freel also attended from/as the LA Attorney General’s representative.

**NEW BUSINESS:**

Request received from **NBCE** to name the 2013 **delegate and alternate**. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to name Dr. Martello as “delegate” and Dr. VanBreemen as “alternate”.

Request received from **FCLB** to name the 2013 **delegate and alternate**. Motion was made by Dr. Zeagler, seconded by Dr. Harvey, to name Dr. VanBreemen as “delegate” and Dr. Martello as “alternate”. With 6 yeas, and 0 nays, motion carries unanimously. Ms. Oliver notes those interested in attending should voice their intentions by March 15 so that travel plans and registration can be made to take advantage of early bird discounts.

Request received from **Stewart White**, D.C., Houston, TX, to obtain CE hours for his role as “instructor” at numerous CE seminars. Motion made by Dr. Harvey, seconded by Dr. Martello, to approve the CE request. With no objections, the motion carries unanimously.

Request received from **Angela Sonnier**, D.C., Baton Rouge, LA to grant an extension to obtain CE hours, Motion made by Dr. Harvey, seconded by Dr. Zeagler, to grant a 120 day extension from January 1, 2013, with LR and late fee paid to be finalized by 04/30/2013. With no objections, motion carries unanimously.

Request received from **Arthur McClelland**, D.C., Jennings, LA, to grant an extension to complete his CE for the 2013 license renewal. Motion made by Dr. Harvey, seconded by Dr. Cavanaugh, to grant 120 day extension from January, 2013, with LR to be finalized by 04/30/2013 and late fee due, and to waive the 6 hours of RM as he was initially licensed November 7, 2012. With no objections, motion carries unanimously. Ms. Oliver directed to include in correspondence explanation that additional hours will be required to complete his 2014 license renewal.

Request received from **Todd Litten,** D.C., Prairieville, LA, to obtain an extension to complete his CE for the2013 license renewal. Motion made by Dr. Harvey, seconded by Dr. Cavanaugh, to grant 120 day extension from January, 2013, with LR to be finalized by 04/30/2013 and late fee due. With no objections, motion carries unanimously.

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Request received from **Ryan Nobles,** D.C., New Orleans, LA, to obtain an extension to complete his CE for the2013 license renewal. Motion made by Dr. Harvey, seconded by Dr. Cavanaugh, to grant 120 day extension from January, 2013, with LR to be finalized by 04/30/2013 and late fee due. With no objections, motion carries unanimously.

Request received from **Andre Broussard**, D.C., Lubbock, TX, to waive his “risk management” requirements as he lives/works in TX. Motion made by Dr. Harvey, seconded by Dr. Cavanaugh, to waive the RM requirements for 2013. With 4 yeas, 1 nay, motion carries.

Request received from **Justin Trosclair**, D.C., Westminster, CO, to waive 2 hours of his “risk management requirements” as he lives/works in CO. Motion made by Dr. Harvey, seconded by Dr. VanBreemen, to waive the RM requirements for 2013. With no objections, motion carries unanimously.

Request received from **Robert Sizemore**, D.C., Fair Oaks, TX, to waive 1 hour of his “risk management requirements as he lives/works in TX. Motion made by Dr. Harvey, seconded by Dr. VanBreemen, to waive the RM requirements for 2013. With no objections, motion carries unanimously.

Request received from **Richard Myers**, D.C., Waynesboro, PA, to waive his “risk management requirements as he lives/works in PA. Motion made by Dr. Harvey, seconded by Dr. Martello, to waive the RM requirements for 2013. With no objections, motion carries unanimously.

Request received from **Anthony Bastecki**, D.C., Lexington, KY, to waive his “risk management” requirements as he lives/works in KY. Motion made by Dr. Harvey, seconded by Dr. Martello, to waive the RM requirements for 2013. With no objections, motion carries unanimously.

Request received from **James T. Bryant**, D.C., San Antonio, TX, to waive 2 hours of his “risk management” requirements as he lives/works in TX. Motion made by Dr. Harvey, seconded by Dr. Martello, to waive the RM requirements for 2013 with no delinquent fee due. With no objections, motion carries unanimously.

Request received from **Paul Tyler**, D.C., Baton Rouge, LA, to waive the delinquent renewal fee. Motion made by Dr. Harvey, seconded by Dr. Cavanaugh, to waive the delinquent fee. With 2 yeas, 4 nays, motion fails.

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Request received from **Lyndon Carpenter**, D.C., Farmerville, LA, to waive the delinquent fee. Motion made by Dr. Harvey, seconded by Dr. Zeagler, to waive the delinquent fee. With no objections, motion carries unanimously.

Motion made by Dr. Cavanaugh, seconded by Dr. Harvey, to amend the agenda to include license renewal requests received after the agenda was prepared, to include **Dr. Troy Beaucoudray, Dr. Patrick Price, Dr. Lance Jackson, Dr. Edward Group, and Dr. Richard McElveen**. Roll call vote: Harvey – Yes; Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; VanBreemen – Yes; Kruse – Yes. 6 yeas, 0 nays. Agenda is amended.

Request received from **Troy Beaucoudray**, D.C., M.D., Metairie, LA, to accept his neurology certification hours in lieu of his CE requirements. Motion Made by Dr. Kruse, seconded by Dr. Harvey, to waive his CE hours. With 5 yeas, 1 nay, motion carries.

Request received from **Patrick Price**, D.C., Houston, TX, to grant an extension to obtain his CE for license renewal. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to grant a 120 day extension to obtain approved CE hours and to impose the delinquent fee. With 5 yeas, 1 nay, motion carries.

Request received from **Lance Jackson**, D.C., Pearland, TX, to waive the delinquent fee for license renewal as he submitted his LR without CE hours. Motion made by Dr. Zeagler, seconded by Dr. Kruse, to impose the delinquent fee. With no objections, motion carries unanimously.

Request received from **Edward Group**, D.C., Houston, TX, to accept the CE hours he submitted. Motion made by Dr. VanBreemen, seconded by Dr. Harvey, to accept the hours submitted. With no objections, motion carries unanimously.

Request received from **Richard McElveen**, D.C., Lake Charles, LA to reinstate his license. Ms. Oliver provides history on Dr. McElveen’s license which expired on 12/31/2011. Ms. Oliver directed to inform Dr. McElveen his license has lapsed, that 18 hours are due for the 2013 renewal as well as 2013 renewal fee of $200.00 and the delinquent fee of $250.00.

Ms. Oliver notes a “power poll” from FCLB has been received regarding hormones and their relationship to “nutritional supplements”. Dr. Kruse asks this matter to be placed on next meeting’s agenda.

Dr. Martello asks that the practice of “**telemedicine**” relative to reading x-rays in another state which the radiologist is not licensed to be placed on next meeting’s agenda.

**Upcoming Events:**

* Next Board meeting, 04/25/2013, time to be announced.
* Next exam offering, 04/25/2013, time to be announced.
* FCLB Annual Conference, 05/01-05/2013, San Francisco, CA
* NBCE Part IV exam administration, 05/17-19/2013, nationwide test sites.
* X-ray proficiency certificate holders’ annual renewal deadline, 07/31/2013.
* Annual license renewal deadline, 12/31/2013.

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

MEETING ADJOURNED AT APPROXIMATELY 12:12 p.m.

Motion made by Dr. VanBreemen, seconded by Dr. Barczyk, to adjourn. The motion was withdrawn after Ms. Oliver noted the scheduled formal hearing at 1:30 pm, Docket 2012-01, State v. Thompson, which the Board will be in attendance acting as “hearing officer”.

Meeting recessed at 11:37 p.m.

(Please note: The court reporter’s transcript of the hearing, Docket 2012-01, State v. Thompson, is available upon request from the Board.)

Motion made by Dr. Zeagler, seconded by Dr. Barczyk, to hold an “Executive Session” to discuss hearing information. Roll call vote: Cavanaugh – Yes; Martello – Yes; Zeagler – Yes; Barczyk – Yes. 4 yeas, 0 nays, motion carries.

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

Motion made by Dr. Barczyk, seconded by Dr. Zeagler, to resume the “open meeting” session at 2:47 pm. With no objections, the motion carries unanimously.

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Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to amend the proposed order to have **Dr. John Thompson**’s license revoked and order him to pay $7500.00 fine and all costs associated with these proceedings and legal expenses incurred by the Board and said costs to be paid to the Board immediately. With no objections, motion carries unanimously. The record will note Dr. John Thompson appeared at the onset of the hearing; however he left in the middle of proceedings due to not having legal representation. The Board determined that Dr. John Thompson was adequately given notice of today’s proceedings.