LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JUNE 16, 2016**

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

Members Absent: None.

Staff Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: Jeddie Smith, Asst. Attorney General.

Audience: Hung Doan, D.C., Marrero, LA.

Meeting called to order at 8:32 a.m., Dr. Ned J. Martello, President, presiding.

The **minutes** of the 04/14/2016 meeting were mailed to all Board members. Motion made by Dr. Harvey, seconded by Dr. Kruse, to accept the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**STANDING COMMITTEE REPORTS**

1. **FINANCE COMMITTEE REPORT** **by Ms. Oliver & Dr. Zeagler:**

**Financial statement** for March, April, May 2016 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Zeagler, seconded by Dr. VanBreemen, to accept the statements as prepared. With no objections, motion carries unanimously.

**CD report:**  Dr. Zeagler notes no new CD activity since the April meeting.

Ms. Oliver notes the annual audit has begun and the auditor team worked at the Board office last week for 2 days reviewing the year’s financials. Ms. Oliver read the audit questionnaire to be answered by the Board relative “financial interest” “compliance” and “ethics”.

All Board members present reviewed each **expense and expenditure reimbursement** paperwork since the April, 2016 Board meeting as well as all bank statements and signed the cover log sheet.

**“Performance Indicator”** report compiled with info since last Board meeting was provided to Board members for review.

Motion made by Dr. Zeagler, seconded by Dr. VanBreemen, to amend the posted agenda to allow for the presentation of **Hung Doan, D.C**., Marrero, LA, relative to “background check” report information.

Roll call vote: Harvey- Yes; Kruse – Yes; Zeagler – Yes; Cavanaugh – Yes; Turk – Yes; VanBreemen – Yes; Martello – Yes. With 7 yeas, 0 nays, the agenda is amended.

Presentation by Dr. Doan regarding info contained in his “background report” and if he eligible to sit for the July licensure exam. Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to accept Dr. Doan’s licensure application for the July 2016 exam. With no objections, motion carries unanimously.

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**OLD BUSINESS:**

Motion made by Dr. Zeagler, seconded by Dr. Kruse, to amend the posted agenda order to discuss “Old Business” and his upcoming attendance at the LA Veterinary Board’s meeting , “records expungement” and the AG’s legal contract correction. Roll call vote: Harvey- Yes; Kruse – Yes; Zeagler – Yes; Cavanaugh – Yes; Turk – Yes; VanBreemen – Yes; Martello – Yes. With 7 yeas, 0 nays, the agenda is amended.

Dr. Zeagler will attend the upcoming Vet Board meeting on July 28, 2016.

Relative to “**expungement of records**”, Jeddie Smith has researched this matter. Regarding a new law in the Code of Criminal Procedures, it permits a person to not disclose certain expunged records; however, records are removed from public access but are not destroyed. For the next available Legislative Session, legislation will be submitted to add the Board in the agencies who are entitled to receive or review expunged records.

Ms. Oliver notes the **AG’**s legal representation **contract** to the Board was approved at the 04/14/2016 meeting, however, Mr. Smith notes the contract had the incorrect hourly rate. The correct hourly rate, according to the AG’s approved hourly rate scale, is $225.00 per hour. Motion made by Dr. Cavanaugh, seconded by Dr. Harvey, to approve the contract to include the $225.00/hour rate. With no objections, motion carries unanimously.

Motion made by Dr. Harvey, seconded by Dr. Kruse, to change the order of the posted agenda to discuss “Law & Legislation”. Roll call vote: Harvey- Yes; Kruse – Yes; Zeagler – Yes; Cavanaugh – Yes; Turk – Yes; VanBreemen – Yes; Martello – Yes. With 7 yeas, 0 nays, the order of the agenda is amended.

Discussion held on receipt of notice from the Senate of the **SCR 65 Task Force Committee On Meaningful Oversight** recently created to review the existing laws to ensure compliance with the court’s decision in “*North Carolina State Board of Dental Examiners v. Federal Trade Commission*.” Each board and commission is required to have one board member as representative to the task force. The commission must convene before September 1, must meet at least once a month and conclude by December 31, 2016. Dr. Martello will attend the meetings are the “board member representative”.

Dr. Harvey initiates discussion on “**prepayment plans**”. He directs Ms. Oliver to request a “power poll” to be conducted by the FCLB as to what other states allow “prepayment plans”.

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

Dr. Martello notes no new activity since the last Board meeting.

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

Relative to **Complaint # 1131** concerning an advertising violation, Dr. Harvey offers an agreed settlement of $350.00. Motion made by Dr. Harvey, seconded by Dr. Kruse, to accept the settlement agreement. With no objections, motion carries unanimously.

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

No report at this time.

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* **LAW & LEGISLATION:**

Continued discussion by Dr. Martello on meetings he attended as Board representative to the **Physical Therapy Patient Access Review Committee,** the report which was provided to the Legislature, the legislative committee hearing he and Ms. Oliver attended, and the status of SB291 which is now law.

* **TESTING**:

Relative to **NBCE’s Part IV Exam** held across the country May 13-15, 2016. Dr. Martello and Dr. Cavanaugh attended as LA’s Board representatives. Dr. Zeagler attended the Part IV test writing committee meeting in Greeley, CO.

Inquiry initiated by several board members as to the legality of receiving CE credits when participating as “examiners”/contract employees for the NBCE testing. Ms. Oliver states since each examiner’s travel and lodging is reimbursed and an honorarium is given also, CE credits cannot be received for license renewal, as noted by the Ethics Commission. Ms. Oliver directed to invite an **Ethics Commission** representative to attend a future meeting.

Ms. Oliver created a grid illustrating the deadlines and test dates involved for future **testing** dates. It will be provided to all applicants in the application packet and also it will be placed on the Board’s website.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. Zeagler notes review of Ms. Hebert-Schmidt and Ms. Oliver’s **leave records** and further, the full Board present reviewed and approved the leave records of both employees as well as payroll info for all 4 employees.

**Annual salary review** of employees is schedule for today, however, the Board is not prepared to discuss because the Executive Committee has not had the opportunity for discussion. Dr. Harvey requests Ms. Oliver provide the last 3 years’ salary history on each employee then the discussion to be held at the July meeting.

* GENERAL CORRESPONDENCE:

FCLB has submitted a letter to the Governor’s office relative to the board members who participated as speakers and attendees at the recent national conference.

LA Civil Service noted the “public servants recognition week” statewide.

* **SEMINAR REVIEW by Dr. Zeagler:**

Ms. Oliver reports Dr. Zeagler had reviewed 28 seminars since the last meeting; however 1 additional seminar requires full Board review as follows:

Request from **SNA Biotech** to review the seminar for 6 hours CE entitled “Systemic Neural Adaptation” which needs full Board review due to “no post graduate faculty. Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to deny the seminar for CE credits due to no post graduate faculty and no references provided. With no objections, motion carries unanimously.

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**NEW BUSINESS:**

Ms. Oliver notes she has received the paperwork from the LA Division of Administration on the Board’s **office lease** as it will be expiring in September. Mr. Charles Cramer, building owner, has offered some lease options as follows: 3 years or 5 year lease with varying monthly rent prices. Motion made by Dr. Zeagler, seconded by Dr. VanBreemen to renew the lease for 5 year period. With no objections, motion carries unanimously

Request received from **Ryan Pollard, D.C**., Chicago, IL, to transfer his application fee submitted for the April exam to the July exam. Motion made by Dr. Harvey, seconded by Dr. Kruse, to transfer the fee as requested. With no objections, motion carries unanimously.

Ms. Oliver notes the subscription for the “**Professional Licensing Report**” will expire soon. Motion made by Dr. Zeagler, seconded by Dr. VanBreemen, to renew the subscription for 1 year. With 6 yeas, 1 nay, motion carries.

Request received from **Thomas Dupont, D.C**., Lafayette, LA, relative to delegation of duty regarding “nutritional evaluation services as it relates to “on premises” rules. All non-physician level services can be delegated to your staff in your absence. Reviewing outside lab reports are a “physician level service” and should be performed by the licensee.

Request received from **Damian Chaisson, D.C**., Lafayette, LA, relative to scope inquiries regarding “home care” for patients and if any extra training or education is required to conduct a “boot camp style body weight class”. Dr. Kruse notes that “home care” is within the scope of practice and that the same level of care provided to in office patients should be provided to “home care” patients. The “boot camp style body weight class” would not involve any extra requirements.

Ms. Oliver notes some requests received after the agenda was prepared. Motion made by Dr. VanBreemen, seconded by Dr. Harvey, to amend the agenda. Roll call vote: Harvey – Yes; Kruse – Yes; Zeagler - Yes; Cavanaugh – Yes; Turk – Yes; VanBreemen – Yes Martello – Yes. With 7 yeas, 0 nays, motion carries unanimously.

Discussion held of amending the “**license renewal form**” and “**application form**”. A blank will be added on both forms to request info on “name and address of clinic” and “clinic owner name”. Motion made by Dr. Harvey, seconded by Dr. Zeagler, to amend the forms as discussed. With no objections, motion carries unanimously.

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Request received from **Daniel Steffins, D.C**., West Monroe, LA, to review a banner he plans to utilize in the mall for scoliosis screenings. Dr. Steffins had telephoned the Board office about this matter and Ms. Oliver discussed advertising laws and rules and informed him the banner is a form of communication to the public and therefore has to comply with advertising laws and rules. Dr. Steffins placed his request in writing for full Board review as he felt the banner did not mention chiropractic care but did note the clinic name. The Board concurs with her direction to Dr. Steffins.

Request received from **Bambi DeNais, D.C**., Lafayette, LA, to be included in the “specialty register” for ICPA “chiropractic pediatrics”. This specialty meets the specialty register requirements and was reviewed at the April meeting.

Discussion held on “**claims review**” work performed by out of state practitioners and if a license is required to perform such work in LA. Ms. Oliver requested a “power poll” to be conducted by FCLB and those results were provided. If the reviewer is commenting on the appropriateness of care, that action is deemed practicing chiropractic and therefore a license is required.

**Upcoming Events:**

* Next Board Meeting, 07/28/2016.
* Additional offering of licensure exam, 07/28/2016, time to be announced
* X-Ray Proficiency Certificate holders’ annual renewal deadline, 07/31/2016.
* Annual license renewal deadline, 12/31/2016.

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

MEETING ADJOURNED AT APPROXIMATELY 11:47 p.m.