LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – OCTOBER 11, 2012**

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

Members Absent: None.

Staff Present: Patricia A. Oliver, Executive Director

Legal Counsel: Angelique Freel, Asst. Attorney General

Audience: None.

Meeting called to order at 8:32 a.m. Dr. Mark B. Kruse, President, presiding.

The **minutes** of the 07/26/2012 meeting were prepared and mailed to all Board members. Motion made by Harvey, and seconded by Dr. Barczyk. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for July, August & September 2012 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Harvey, seconded by Dr. Martello, to accept the statements. With no objections, motion carries unanimously.

**CD report** was given by Dr. VanBreemen.

Pricing discussed for purchasing different types of partitions for use in the testing room, as requested by Dr. Barczyk. More investigation of other types of partitions will be obtained. More information to follow – and suggestion made of possibility of hiring a carpenter/cabinet maker to design and build partitions.

* **PEER REVIEW COMMITTEE REPORT BY Dr. Martello**: The Board received one new PR request on 10/02/2012. That request will be prepared ASAP and made ready for review by the PR Committee. Dr. Martello notes **Dr. James Rippel** has requested he be removed from the PR Committee. **Dr. Jeff Rippel** has expressed interest in the committee work. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to name **Dr. Jeff Rippel** to the PR Committee. With no objections, motion carries unanimously.

Dr. Martello notes the PR training video is antiquated. Dr. Kruse assigns Dr. Martello to investigate the costs of securing a new training video or education tool to be utilized by the PR Committee members.

 Dr. Martello asks that the December meeting agenda include the item “Documentation & Standards of Care” (under the PR committee discussion).

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

Dr. Harvey notes 6 “informal hearings” are scheduled to be held today.

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

 No current activity at this time.

* **LAW & LEGISLATION:**

Dr. Barczyk and Ms. Freel are still working on the language for reciprocity requirements. Ms. Freel sent a survey to board members as to what exactly is wanted for the new reciprocity requirements. She has various responses. Ms. Freel has prepared draft language of proposed reciprocity requirements relative to undergraduate degrees. Dr. Kruse would like to keep this on the agenda. It is suggested the reciprocity law be for those graduated before a certain year - Ms. Oliver to check effective dates of NBCE’s exams.

Ms. Oliver notes receipt of Act 276 requiring that each board and commission create and enact rules and regulations relative to licensure of spouses of military personnel. More info to follow.

* **ADMINISTRATIVE OVERSIGHT:**

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

* **GENERAL CORRESPONDENCE:**

Receipt of “thanks” for the interim newsletter from Dr. Glenn Manceaux, Houma, LA.

 CCE notes accreditation actions at its semi-annual council meeting, July 13-15, 2012, wherein University of Western States was “reaffirmed” for accreditation.

 Information received from “Online CE”, Wallingford, CT, of their newsletter on “distance learning” info for state licensing boards.

* **TESTING**:

Ms. Oliver notes new legislation requiring “background checks” and “fingerprinting” changes some application requirements. After obtaining information on the procedure to submit fingerprints and request background checks, Ms. Oliver notes that the application process will be lengthened. State Police estimates up to 8 weeks to process fingerprints and provide background checks info to the Board on applicants. Board notes that its policy will be that an applicant can sit for the exam without the State Police background and fingerprint report being received however the Board will not issue the license unless and until the State Police background and fingerprint report info is received.

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

Dr. VanBreemen informed the Board he has reviewed 34 seminars since the last meeting.

Request received from **New York Chiropractic College** for CE review of program entitled, “Inspire Symposium”. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to approve 11 hours. With no objections, motion carries unanimously.

Request received from “**Chiropractic Society of Texas**” for program entitled “Dr. Jay Moran Seminar Series”. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to approve. With no objections, motion carries unanimously.

Request received from **AL State Chiropractic Association** for their 18 hour program, “ASCA Super Seminar”. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to approve 12 hours only. With no objections, motion carries unanimously.

Request received from **Texas Chiropractic College** for program entitled, “Impacting Blood Chemistry with Whole Food Nutrition”. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to approve 12 hours of the seminar. With no objections, motion carries unanimously.

Request received from **Texas Chiropractic College** for program entitled, “Trekking the Hormone Jungle”. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to approve the program for 15 hours. With no objections, motion carries unanimously.

Request received from **Northwestern Health Sciences University** for a program entitled, “Wellness & Compliance”. Motion made by Dr. VanBreemen, seconded by Dr. Barczyk, to approve the program for 10 hours. With no objections, motion carries unanimously.

Request received from **National Educational Seminars** for the program entitled, “Personal Injury”. Motion made by Dr. Harvey, seconded by Dr. Martello, to approve 1 hour and deny 1 hour. With no objections, motion carries unanimously.

**Dr. Barczyk** would like info on procedure for a seminar speaker/presenter to earn CE credits. Ms. Oliver notes that written request is required.

**OLD BUSINESS:**

Continued discussion held on scanning**/CE attendance monitoring.**  Diverse comments given on the necessity or lack thereof for attendance monitoring at seminars. Dr. Kruse would like to discuss this matter at the next board meeting.

Relative to the “**purchase of the Board office building**”, Ms. Oliver notes delays encountered due to economic conditions. The prospective lending institution, due to stringent federal banking laws, is researching the Board’s financial holdings, budget and audit paperwork.

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Report of the **FCLB District Convention** attended by the Board. Dr. Cavanaugh notes more info gathered on the licensing or certification of “chiropractic assistants”, course offering, costs, criteria, etc. Dr. Martello notes info presented on CE course accreditation. Also other topics noted, such as “board member responsibilities and duties”, “ethics” as it relates to board activities, investigatory duties and responsibilities, licensure parameters; scope review; interjurisdictional mobility; regulatory information networking, etc.

Continued discussion is held by Dr. Zeagler relative to “**RM” requirements** in other statesandthe Board’s current **RM waivers** procedure. After reviewing info gathered on states nationwide and “RM” requirements, Dr. Zeagler suggests leaving the “RM” waiver process as it is, since the latest nationwide survey shows very few states have “RM” requirements. Board recommends that a letter be sent to all licensees, seminar providers, and chiropractic colleges as to what the Board’s policy is relative to RM waivers. It is suggested the Board’s website should note on CE list if RM hours are included in programs. Ms. Oliver clarifies that the CE seminar list does contain notations on each seminar listing if that program contains “documentation & coding” and “risk management” hours. Dr. VanBreemen is assigned to create a bulleted list of what topics are included in “RM’’ topic.

Continued discussion held on request from **Stewart Fresh, D.C.,** Mandeville, LA**,** if **“dry needling**” is within the scope of practice in LA. Dr. Kruse will obtain “physical therapy” language. Ms. Oliver asked to collect other states’ laws & rules on “dry needling”. Ms. Kathy Chittom asked to collect information also. Dr. Kruse notes this topic will be kept on the agenda for the next board meeting.

Ms. Oliver notes receipt of correspondence from **John Thompson, D.C.,** relative to **Docket 2012-01**, State v. Thompson, wherein Dr. Thompson is displeased with the Board for its action in Docket 2012-01. It is noted that no response is needed to this letter.

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**NEW BUSINESS:**

Faxed request received from **Ron Haydel, D.C.,** Houma, LA, relative to Medicare patients, treatment of minors etc. Dr. Haydel specifically asks if a chiropractor has to accept Medicare patients. The Board response is “no”. Secondly, Dr. Haydel inquires if he is treating a patient that is a minor, does the minor’s parents have to be present at each appointment if the parental consent to treat has already been given? The Board responds whether or not the parent need to present each appointment depends on the type of consent form utilized. Thirdly, at an outside event, if a minor child wants to have a screening performed, does the parent or guardian have to be present. Board responds “yes”, the parent or guardian should be present unless a consent agreement is already on file for the minor as the minor is an existing patient.

Request received from Liberty Mutual Agency Corporation, Special Investigations Unit, Los Angeles, CA. Specifically,

* Who can own a chiropractic clinic in LA. Board responds anyone can own a clinic – please consult the laws on line relative to clinic ownership.
* What percentage of time does a doctor have to be present at the clinic. Board responds whenever he wants – there is no law relative to a percentage required to be present at clinic.
* Can a doctor work at multiple clinics and if so, do they have to file anything with the Board. Board responds yes a DC can work at multiple clinics, however, only the mailing address is needed to be filed.
* Can a MD and a DC provide the same type of therapy treatment and also, what about an RPT? Board responds that each profession’s scope would determine what could be performed.
* Can a DC direct their staff (non-doctors) to provide therapy treatment? Board directs the response to the “delegation of authority” declaratory statement.
* Can a DC direct an MD on what treatment to provide? Yes, whatever is appropriate under the MD’s scope of practice.
* Can a DC’s treatment be all “passive therapy”? Yes, whatever is appropriate for the condition.
* Can a patient receive treatment prior to being examined? Yes, if the person is an established patient.

Request received from **Jonny Roberts, D.C**., Lacombe, LA, relative to transferring the application fee he submitted for the July exam, to be utilized for the October 2012 exam. Motion made by Dr. Martello, seconded by Dr. Zeagler, to approve the acceptance of application fee for the October exam. With no objections, motion carries unanimously.

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Ms. Oliver notes the agenda requires amendment if the Board would like to entertain additional correspondence received after the posted agenda was prepared. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to add the additional items noted on the agenda. Roll call vote: Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; Barczyk – Yes; VanBreemen – yes; Kruse – Yes; Harvey – temporarily absent (informal hearing). With 6 yeas, 0 nays , 1 absentee, motion passes unanimously. Agenda is amended.

 Request received from **Eric Harroun, D.C.,** Lake Charles, LA, about being involved with “weight loss” in his practice. Specifically, can a chiropractor in LA utilize a compound injection of adenosine monophosphate and B12 to help people lose weight? Board notes that “weight control”, as long as it is associated with the “functional integrity of the spine”, is allowed. Relative to “injections”, this topic is currently under consideration by the Board.

 Request received from **Eric Snow,** D.C. Lake Charles, LA, relative whether or not chiropractors can prescribe “colon hydrotherapy (colonics)”. Board notes this is allowed as long as this is associated with the “functional integrity of the spine”.

 Request received from **Dwight Hart, D.C**., Shreveport, LA, whether “trigger point dry needling” is an approved procedure which he can perform? Board to respond that this procedure is under consideration.

 Request received from **David Barczyk, D.C**., Lafayette, LA, if the Board will accept his seminar teaching preparation and course presentation as 12 hours of CE. Motion made by Dr. Harvey, seconded by Dr. Cavanaugh, to accept the course preparation and presentation as 6 hours of CE for 2013 license renewal. With no objections, motion carries unanimously.

Ms. Freel notes a requirement that board meeting agendas and minutes are now required to be posted on the LA Division of Administration’s website, in accordance with the “**Open Meetings Law**”.

**Upcoming Events:**

* NBCE Part IV exam administration, 11/10-13/2012, nationwide test sites.
* Next Board meeting, 12/06/2012, time to be announced.
* Annual license renewal deadline, 12/31/2012.
* Next exam offering, 01/31/2013, time to be announced.

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

MEETING ADJOURNED AT APPROXIMATELY 11:31 a.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.