LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – DECEMBER 15, 2016**

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

Members Absent: None.

Staff Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: Jeddie Smith, Asst. Attorney General.

Audience: Tim Chittom, Chiropractic Association of LA.

Meeting called to order at 8:42 a.m., Dr. Jon E. Zeagler, President, presiding.

The **minutes** of the 10/15/2016 meeting were mailed to all Board members. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to accept the minutes as preapred. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None.

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for October & November 2016 were prepared by Ms. Oliver and provided to the Board. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the statements as prepared. With no objections, motion carries unanimously.

**CD report:**  Dr. VanBreemen notes CDs will be maturing in February and he has noticed interest rates are increasing. More info will follow.

Ms. Oliver notes since the LA Legislative Auditor now performs the annual audit but not the Annual Financial Report (AFR), she had to engage the services of the CPA who is performing the AFR for other state boards. It was completed and submitted through the newly created State Accounting Portal.

Ms. Oliver notes all staff as well as most of the Board members have completed the “**on line ethics training**” as required by state law. Completion of this requirement is due December 31 annually.

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

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

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

Ms. Oliver notes one new PR request was recently received and records requests have been initiated. Otherwise, Dr. Martello notes no new activity since the last Board meeting.

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

Dr. Kruse notes the Complaints Committee is involved with several new complaints at this time.

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

**Dr. Turk** notes no new activity at this time.

* **LAW & LEGISLATION:**

Dr. Martello reports update on the recently created taskforce – **The Taskforce on Meaningful Oversigh**t – relative to the NC Dental Board’s antitrust lawsuit and how it may relate to regulatory boards across the country. The next meeting is scheduled for December 19, 2016 which will be the final meeting. The final report will be provided to the members and can be sent to the Board when received.

Ms. Oliver notes the 2017 Legislative Session convenes April 10, 2017 with adjournment no later than June 8, 2017.

Dr. Martello requests clarification on the discussion held by the Board at the 10/13/2016 meeting relative to the proposed change of **CE requirements**. Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to restructure the continuing education requirements to 15 hours every year with 3 of those hours being in “risk management” labeled as “ethics/risk management” by amending LSA 37:2810. With no objections, motion carries unanimously. Dr. Martello will contact his area legislator for assistance with this proposal.

Dr. VanBreemen requests the Seminar CE application form be modified relative to the breakdown/itemization of hours to add categories to the “risk management” section.

Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to modify the order of the posted agenda to hold the discussion by **Kurt Dichiara, DC**, Baton Rouge, LA, relative to his background check information. With no objections, the order of the agenda is amended.

Dr. Dichiara, had a “disturbing the peace” charge in 2014. He presented the Board details of the charge and legal documents. Motion made by Dr. Kruse, seconded by Dr. Martello, to accept Dr. Dichiara’s application to sit for the April exam. With 7 yeas, 0 nays, motion carries unanimously.

* **TESTING**:

Ms. Oliver notes the next licensure exam will be offered January 19, 2017.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. VanBreemen 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.

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* **GENERAL CORRESPONDENCE**:

None to discuss.

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

Ms. Oliver reports Dr. VanBreemen had reviewed 47 seminars since the last meeting; however 6 additional seminars require full Board review as follows:

Request from **Northwestern** to review the seminar entitled “Applying Functional Medicine in Clinical Practice” for 34 hours CE entitled which needs the full Board review due to “no post graduate faculty. Motion made by Dr. VanBreemen, seconded by Dr. Martello, to accept the seminar for CE. With no objections, motion carries unanimously.

Request from **CAL** for seminar entitled, “Creative Solutions for Daily Issues in the Chiropractic Practice”. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to approve the seminar for CE for 12 hours. With no objections, motion carries unanimously.

Request for “**Dr. Mai’s Dry Needling”** course for CE credits. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to approve the seminar for CE credits. With no objections, motion carries unanimously.

Request received from **TCA** for the seminar “Stress & Strains” for 18 hours for CE approval. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to approve the seminar for CE. With no objections, motion carries unanimously.

Request received from **TCA** for the seminar entitled “Dr. Jay Morgan’s Seminar Series”. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to approve the seminar for CE. With no objections, motion carries unanimously.

**OLD BUSINESS:**

Ms. Oliver notes **address change** info is not being provided in a timely manner to the Board. Dr. Kruse will research this and put item on the January agenda.

Ms. Oliver presents the “**online CE**” power poll information obtained through the FCLB’s state directory at the last meeting as well as national info from state to state. Board requests matter to be tabled until further notice.

The WV “**Prepayment plans**” info was obtained as requested. Dr. Kruse thinks there is not an issue because LA laws are already in place to handle this matter – he cites Insurance Directive 133. Ms. Oliver directed to add this info to the Board’s webpage at “Practice Alerts”.

Continued discussion held by Dr. Martello on the possible “**licensing of chiropractic facilities**”. Ms. Oliver notes the 2017 LR form requests the “clinic name” and “clinic owner” where the licensee is employed. Dr. Martello requests a “power poll” to be conducted on this topic. It is also noted that strict enforcement will be applied to the rule regarding **address change** requirement by licensees. Ms. Oliver states she includes this requirement in every year’s newsletter. Ms. Oliver also requested to post this at “**Practice Alerts**” on the Board’s website

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**NEW BUSINESS:**

Ms. Oliver reports the “Office of Risk Management” is conducting a “**drone survey**” on drone usage at our agency. Survey completed that we do not have a drone.

Request received from **Adam Roussell**, **DC**, Destrehan, LA, re scope inquiry on the use of lasers for cellulite reduction and cosmetic purposes. The Board states this is not allowed and not within the scope as it does not relate to the “functional integrity of the spine”.

Request received from a LA clinic owner who practices in TX, **Steve Mertz, DC**, relative to hiring a nurse practitioner to administer injections for a weight loss program. Board is requesting more info on this program relative to business association of clinic owner and employee, and further, he would need to consult with the Nursing Board regarding that scope of practice.

Scope inquiry received from **Cory LaPoint, DC**, Jennings, LA, relative to “finger prick test” titled, “Food Test 95”. Board notes this is a diagnostic test and is within the scope of practice.

Request received from **Richard Volgraf, D.C**., Newton, PA, to grant him an extension to receive his CE requirements for 2017. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to grant a 30 day extension with all requirements due 01/31/2017. With no objection, motion carries unanimously.

Request received form **Dennis Gregory, D.C**., Clark, MO to waive his RM requirements as he lives and works in MO where it is not required. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to waive the RM requirements for 2017. With no objections, motion carries unanimously.

Request received from **Michael Allen, D.C**., Bossier City, AL, to grant him an extension to receive his CE requirements for 2017 as he has been ill and has health problems. Motion made by Dr. VanBreemen, seconded by Dr. Turk, to grant a 30 day extension with all requirements due 01/31/2017. With no objection, motion carries unanimously.

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Inquiry from **Robert Pompella**, Parker University student, relative to the duties of a “chiropractic assistant” in LA, as follows, with the Board’s response following each enumerated item:

1*.) Give an office tour/educate on what chiropractic is?* **YES**

2.) *Prior to doctor doing exam sit down with patient and go over what the exam covers and its importance?* **YES**

3.) *Do any type of scans (CLA subluxation station) and explain what they mean?* **The test can be performed but the diagnosis cannot be rendered**

4.) *Do any type of rehab on the vibe plate (I have my certificate from NBCE showing I passed the PT portion)?* **YES**

5.) *Do any type of x-ray (I am not sure if our classes at Parker count or if I need more training)?* **An x-ray proficiency certificate from the Board would be required.**

6.) *Give any type of talk regarding chiropractic care and the importance (Obviously I couldn't state I was the doctor)?* **YES**

7.) *Go to a community event to screen for patients without the doctor being present?* **YES**

8.) *Can I go and do a financial close after the doctor does the exam and collect the payment from the patient?* **YES**

Request received from **Celine Lemieux, DC**, Harvey, LA, to receive CE waiver request due to recent health problems and surgery. Motion made by Dr. VanBreemen, seconded Dr. Cavanaugh, to grant a 30 day extension with all requirements due 01/31/2017. With no objections, motion carries unanimously.

A scope inquiry request received from **International Association of Forensic Nurses** relative to if the “**sexual assault examiner training**” program and providing care to “sexual assault victims” would be within the chiropractic scope in LA. The Board states it is not within the scope of practice as it does not relate to the “functional integrity of the spine”.

Correspondence received from **J. Michael Flynn, D.C**., Houma, LA, expressing gratitude to the Board for its service and also making recommendations about information in the Board’s newsletter. Board directs Ms. Oliver to send a thank you note for his continued interest.

Dr. Martello notes the **2017 FARB** conference will be held January 27-29, 2017, in San Antonio, TX. Those interested in attending should contact Ms. Oliver so that travel arrangements can be made in a timely manner.

Dr. Martello notes the **2017 FCLB** regulatory board training conference will be held May 4-7, 2017, Orlando, FL.

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Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to amend the agenda to discuss items received after the agenda was prepared. Roll call vote: Rollette: Yes; Martello: Yes; Kruse: Yes; Cavanaugh: Yes; Turk: Yes; VanBreemen: Yes; Zeagler: Yes.

Request received from **Jasmine Perez, D.C**., Deltona, FL, to obtain a CE extension request. Motion VanBreemen, seconded by Dr. Cavanaugh, to grant a 90 day extension, with all requirements due March 31, 2017. With no objections, motion carries unanimously.

Request received form **Andre Broussard, D.C**., Lubbock, TX to waive his RM requirements as he lives and works in TX where it is not required. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to waive the RM requirements for 2017. With 6 yeas, 1 nay, motion carries.

Request received from **Robert Meadows**, DC, Opelika, AL, who is the team chiropractor for Auburn University for a “travel to treat” request for the Sugar Bowl, to include dates 12/27/2016 to 01/03/2017. Ms. Oliver notes he has submitted all the required documentation and fees. Motion made by Dr. Martello, seconded by Dr. Kruse, to grant the “travel to treat” temporary license.

**Upcoming Events:**

* Annual license renewal deadline, 12/31/2016.
* Next Board Meeting, 01/19/2017, time to be announced.
* Biannual licensure exam, 01/19/2017, time to be announced
* NBCE’s Part IV Test Administration (nationwide), 05/19-21/2017.

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

MEETING ADJOURNED AT APPROXIMATELY 11:21 a.m.