LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – January 18, 2024**

Members Present: Dr. Mark B. Kruse, President; Dr. Ned J. Martello, Vice-President; Dr. Michael Traxler,

Secretary-Treasurer; Dr. Shay W. Corbin; Dr. Kelleigh A. Payne; Dr. Denise Rollette.

Members Absent: Ms. Peggy Anselmo, Consumer Member

Staff Present: Patricia A. Oliver, Executive Director, Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: Madeline Carbonette, Asst. Attorney General.

Audience: Debbie Moore, DC, Picayune, MS.; Robert Garrity, Esq., Harahan, LA; Celia Cangelosi,

Esq. Baton Rouge, LA; Tim Chittom, CAL, Baton Rouge, LA.

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

**Docket # 2023-01** (Complaint # 1547), **Jay Perniciaro, D.C**., represented by Mr. Rodney Baum Esq.,. with this matter relative to a Medicaid fraud conviction. Ms. Cangelosi notes an agreed settlement is being considered and asks for a deferral. Motion made by Dr. Traxler, seconded by Dr. Corbin, to grant a deferral. With no objections, motion carries unanimously. Matter deferred.

**Docket # 2023-03** (Complaint # 1486) **Silas Jennings, D.C**., represented by Mr. Robert Garrity, Esq., with this matter relative to allegations of “home invasion”, “false imprisonment”, “domestic violence”. Ms. Cangelosi has negotiated a settlement for 3 months minimum license suspension effective 01/01/2024, psychological evaluation within first 30 days of suspension, license probation for 3.5 years, $10,000.00 fine, and reimbursement of costs to the Board of $8,301.08. Motion by Dr. Kruse, seconded by Dr. Rollette, to accept the proposed agreed settlement. With no objections, motion carries unanimously.

**Docket #2023-02** (Complaint # 1504 & # 1549**), Dustin Pelloquin, DC**, represented by Mr. Robert Garrity, Esq.., this matter regarding allegations of “sex with patients and sexual misconduct. Mr. Garrity and Ms. Cangelosi offer a “consent agreement” in this matter. The consent agreement states Dr. Pelloquin’s license will be suspended effective 01/01/2024 for a minimum of six months. After the details of the agreement have been satisfied relative to counseling, evaluation, ethics and boundaries assessment, payment of the costs totaling $8,482.09 and a fine in the amount of $10,000.00, the license will then be on probation for a minimum of one year. Motion made by Dr. Kruse, seconded by Dr. Rollette, to accept the consent agreement in Docket 2023-02. With no objections, motion carries unanimously.

Mr. Garrity asks for an opportunity to discuss a request from **Dustin Pelloquin, DC** regarding payment of income taxes. Motion made by Dr. Kruse, seconded by Dr. Martello, to amend the posted agenda to include Dr. Pelloquin’s request concerning payment of 2022 taxes. Roll call vote: Rollette – Yes; Martello- Yes; Payne – Yes; Traxler – Yes; Corbin – Yes; Kruse – Yes. With 6 yeas, 0 nays, motion carries unanimously.

Mr. Garrity wants Dr. Pelloquin to be able to pay the 2022 income taxes with funds from the business account for the tax returns prepared by Dr. Pelloquin’s CPA. Motion made by Dr. Payne, seconded by Dr. Corbin, to allow taxes to be paid with business account funds. With no objections, motion carries unanimously.

**MINUTES REVIEW**: The draft version of the **minutes** of the 12/14/2023 meeting was emailed to all Board members for review. Motion made by Dr. Martello, seconded by Dr. Corbin to correct the date of the next meeting on the minutes, then with that correction, the minutes be approved. With no objections, motion carries unanimously.

**PUBLIC COMMENT:** None received.

**INTEGRITY CHECK:** None.

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**STANDING COMMITTEE REPORTS**

Madeline Carbonette reminds the Board the “public” must be informed of any committee meetings to be held to be in compliance with “open meetings law” etc.

* **COMPLAINT COMMITTEE REPORT by Dr. Traxler and Dr. Rollette**:

Regarding **complaint # 1560**, relative to a “delinquent license renewal”, Dr. Traxler offers an agreed settlement proposed of $1000.00. Motion by Dr. Traxler, seconded by Dr. Kruse, to accept the agreed settlement. With no objections, motion carries unanimously.

Regarding **complaint # 1562**, regarding a “delinquent license renewal”, Dr. Traxler offers an agreed settlement proposal of $500.00. Motion made by Dr. Martello, seconded by Dr. Corbin, to accept the agreed settlement. With no objections, motion carries unanimously.

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

**Ms. Oliver notes no monthly financial statement available due to date of meeting.**

**CD Report** discussed by Dr. Traxler and Ms. Oliver. No change to the CD’s.

**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.

**Financial Planning** – Dr. Kruse requests this matter be removed from the agenda. He notes a possible legislative bill will be introduced by the Board regarding proposed fee increases.

* **PEER REVIEW COMMITTEE REPORT:** Dr. Martello notes no activity to report currently.
* **STANDARDS & PRACTICES by Dr. Traxler:**

Continueddiscussion held on “**functional medicine**”. Dr. Kruse conducted some research on this topic and contacted National University for information. Matter to be left on the agenda.

Request received from **Ron McMorris, DC**, Livingston, LA, relative to “hyperbaric chamber guidelines” as contained in the Declaratory statement 2019-03 and specific questions about “direct supervision”, if prescription requirements and onsite requirements. Response to be provided that “direct supervision” is only needed if 1.5 ATM is utilized; a prescription by a medical doctor is not needed, and the CMS guidelines should be followed regarding “onsite” requirements. Motion made by Dr. Kruse, seconded by Dr. Traxler, to rescind Declaratory Statement 2019-03 due to change in atmospheric pressure limits. With no objections, motion carries unanimously. It is noted that Declaratory Statement 2021-02 states 1.5 atmospheric pressure as guideline.

* **LAW & LEGISLATION:**
* Ms. Oliver to put all “training” requirements on the annual October meeting agenda. Ms. Oliver to put “financial disclosure” ethics requirements reminder on the annual January meeting.
* Continued discussion on “**Testimonials”** languageReview” Committee chaired by Dr. Rollette –no new info but please leave the matter on the agenda for future discussion.
* Ms. Oliver notes **Act 393** passed – regulative to the state law on hiring and employing employees with disabilities. Each board must prepare rules to conform with new law. Possibility that there are exemptions for certain boards, however, Ms. Carbonnette states we are not exempt. Matter to be left on agenda.
* Continued discussion regarding “**background check**” current Board policy is that every applicant must appear at a board meeting to discuss any background check info received before the application is approved or denied. Dr. Traxler, Dr. Kruse and Dr. Rollette will participate in a zoom telephone on 12/21/2023, 10:00 a.m., call to discuss different scenarios and levels of severity and possible criteria to streamline the background review process.

1. **TESTING** **Committee Report:**

* Ms. Oliver notes **NBCE** will hold its **Part IV** administration in May 2024.
* **Testing report** notes from 12/01/2023 to 12/31/2023: 3 applications requested, and -0- licenses issued. Also, 2 new applications received, -0- applicants ready for the exam, 1 applicant pending background reports, 1 background information rejected by State Police/FBI, 2 application folders are incomplete, and no licensees are pending receipt of fees.

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* **ADMINISTRATIVE OVERSIGHT Committee:**

Current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver** since the December 2023 board meeting

were reviewed and approved by Dr. Traxler**,** and the full Board present reviewed and approved the leave and payroll records of all employees. Dr. Traxler notes paperwork and leave records are in order and properly documented.

* **OFFICE PERFORMANCE INDICATOR REPORT:** Office activity/work product 12/01/2023 – 12/31/2023:
* Phone calls received: 200
* Licensure Application packets requested & mailed: 3
* New Applications Received w/Fee: 2
* New Applications Ready to Take Test: -0-
* New Licenses Issued: -0-
* Complaints Filed & Opened: 2
* Complaints closed: 12
* Complaints Pending: 40
* DC license renewals received & processed: 226
* DC license renewals returned as “incomplete” or “missing CE”: 31
* Delinquent license renewal fees paid: -0-
* License verifications Requested/Reports Issued Via Mail: -0-
* License verification ordered online: 65
* New X-ray certificates issued: 2
* X-ray certs renewed: -0-
* Public records requests: -0-
* Subpoenas received: -0-
* Seminars reviewed: 17
* CE locate requests received: 9
* List requests received and processed: 2
* National licensee alerts received and logged: -0-
* Peer Review Requests: -0-
* Dry Needling certificates issued: 3
* Duplicate Licenses Issued: 1
* Duplicate Xray Certificates Issued: -0-
* License Renewal Cards Purchased: 30
* Blue Books purchased: 1
* Minutes Subscriptions: -0-
* “Travel to Treat” temporary licenses: -0-
* # of Emails Received: 861
* Xerox copies requested: -0-
* **GENERAL CORRESPONDENCE**:
* None to review.
* **SEMINAR REVIEW by Dr. Payne:**

Dr. Payne reports she has reviewed 17 seminars since the last meeting.

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**OLD BUSINESS:**

Continued discussion on “**real time license verification**” process. Some minor glitches addressed by the managing company.

Continued discussion on **Board’s webpage** and its maintenance and development. Ms. Oliver to review old material submitted regarding webpage maintenance and fees. Also, Ms. Oliver directed to secure new info on Board webpage development. It is noted the webpage calendar, and the seminar list are not current. This matter will be re-addressed with the webpage company.

Motion made by Dr. Martello, seconded by Dr. Traxler, to amend the order of the posted agenda to discuss a background check report. Roll call vote: Martello – Yes; Rollette – Yes; Payne – Yes; Traxler – Yes; Corbin – Yes; Kruse – Yes. With 6 yeas, 0 nays, agenda order is amended.

Motion made by Dr. Martello, seconded by Dr. Corbin, to hold an “executive session” to review the background check report of **Applicant P-1-D**.

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

Motion made by Dr. Payne, seconded by Dr. Martello, to accept **Applicant P-1-D** for licensure application. With 6 yeas, 0 nays, motion carries unanimously.

Regarding review of “**internship eligibility**”, Dr. Rollette notes no new information, however requests item to remain on the agenda and Dr. Corbin to be added to the study committee.

**NEW BUSINESS:**

Request for attorney representation **contract renewal** for LA Department of Justice. Ms. Oliver notes no change to the terms of the contract except the dates 01/18/2024 to 06/30/2024. Motion made by Dr. Corbin, seconded by Dr. Rollette, to renew the presented contract. With 6 yeas, 0 nays, motion carries unanimously.

Request received from **Cornel LeBlanc, D.C**., Amarillo, TX, for an extension to complete the 2024 license renewal. Motion made by Dr. Kruse, seconded by Dr. Payne, to grant a 90-day extension to Dr. LeBlanc. With no objections, motion carries unanimously.

Request received from **Heaven Londot, D.C**., Ft. Worth, TX, for an extension to obtain necessary CE for the 2024 license renewal. Motion made by Dr. Payne, seconded by Dr. Traxler, to grant a 90 day extension to Dr. Londot. With no objections, motion carries unanimously.

Request received from **Glenn Manceaux, D.C**., Houma, LA, to waive the delinquent fee for **Todd Arcement, DC, Greg Pizzolato, DC,** and himself and to make the activation date of each license 01-01-2024. Motion made by Dr. Martello, seconded by Dr. Traxler, to waive the delinquent fees for Dr. Manceaux, Dr. Arcement and Dr. Pizzolato with effective date of 01-01-2024. With no objections, motion carries unanimously.

Request received from **Ryan Pollard, D.C**., Birmingham, AL, to waive the delinquent fee. Motion by Dr. Corbin, seconded by Dr. Traxler, to waive the delinquent fee. With no objections, motion carries unanimously.

**Upcoming Events:**

* Next Board Meeting, 04/18/2024, time to be announced.

Motion made by Dr. Corbin, seconded by Dr. Traxler, to adjourn. With no objections, the meeting is adjourned at approximately 10:50 a.m. With no objections, motion carries unanimously,

MEETING ADJOURNED 10:50 a.m.