LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JANUARY 23, 2018**

Members Present: Dr. Jon E. Zeagler, President; Dr. Michael Cavanaugh; Dr. Mark B. Kruse; Dr. Denise D. Rollette; Dr. Joseph E. Turk.

Members Absent: Dr. Ned J. Martello, Vice-President; Dr. R. Buckley VanBreemen, Secretary-Treasurer

Staff Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: David Jeddie Smith, Asst. Attorney General

Audience: Wilton Guillory, D.C., Alexandria, LA.

Meeting called to order at 8:55 a.m., Dr. Jon Zeagler, President.

The **minutes** of the 12/14/2017 meeting were emailed to all Board members. Motion made by Dr. Cavanaugh, seconded by Dr. Cavanaugh, to accept the minutes as prepared. With no objections, motion carries unanimously.

Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to amend the posted agenda to include the “integrity check” as discussed at the December, 2017 meeting. Roll call vote: Rollette: Yes; Cavanaugh – Yes; Kruse – Yes; Zeagler – Yes. With 5 yeas, 0 nays, agenda order is amended

“**Integrity Check**” Performance:

* Dr. Rollette states she received phone call from Dr. Daniel Goodman regarding his failure to renew his license by 12/31/2017.
* Dr. Rollette states she received phone call from Dr. Bambi Denais regarding her delinquent license renewal.
* Dr. Rollette states she received phone call from Dr. James Shoemaker regarding the amended test schedule due to state closure and weather
* Dr. Zeagler notes he received a phone call from Dr. Wilton Guillory regarding his failure to secure CE hours by 12/31/2017.
* Dr. Kruse notes he received phone call from Dr. James Shoemaker regarding the amended test schedule due to state closure and weather.
* Dr. Cavanaugh notes he received phone call from Dr. Kris Frankenberg regarding the amended test schedule due to state closure and weather.

**PUBLIC COMMENT:**

#### None.

**STANDING COMMITTEE REPORTS**

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

**Financial statement** for December 2017 was prepared by Ms. Oliver and provided to the Board. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to accept the **financial statement** as prepared. With no objections, motion carried unanimously.

Relative to **deposit trends**, Ms. Oliver updated the chart to reflect activity since the last Board meeting. This matter will be left on future agendas until further notice.

**CD report:**  Dr. VanBreemen no change since last meeting, however next activity will take place in February 2018.

All Board members present reviewed each **expense and expenditure reimbursement** paperwork since the July 27, 2017 Board meeting as well as all bank statements and further, all members signed the cover log sheet.

Relative to **administrative fees**, Ms. Oliver prepared a draft of proposed administrative fee increases. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to accept the administrative fee increase proposals as discussed. With no objections, motion carries unanimously.

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The **“Performance Indicator”** report of Board office activity since last Board meeting was provided to Board members for review as follows:

* 253 phone calls received
* 8 application packets mailed
* 18 seminars reviewed
* 0 x-ray certificates issued
* 2 licenses issued
* 0 complaints filed
* 309 license renewals processed
* 51 license renewals returned as “incomplete” or “missing CE”
* 0 x-ray renewals
* 77 license verifications processed
* 0 public records requests
* 0 subpoenas
* 25 CE locate requests received
* 5 lists requests processed
* 8 national licensee alerts received and logged
* 4 complaints received on new law/CE change
* 0 Peer Review Requests
* **PEER REVIEW COMMITTEE REPORT BY Dr. Martello**:

Dr. Martello notes the PR Committee met this morning at the Board office to discuss **PR 2017-01** and notes the report will be released as soon as possible.

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

Dr. Kruse notes a lot of activity by this committee since the last Board meeting. Relative to **Complaint # 1227**, an “informal hearing” was conducted regarding possible “testimonial advertising” and he is offering a $350.00 settlement agreement. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to accept the settlement agreement. With no objections, motion carries unanimously.

Relative to **Complaint # 1215**, an “informal hearing” was conducted regarding possible erroneous “records management” and he is offering a $3500.00 settlement agreement. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to accept the settlement agreement. With no objections, motion carries unanimously.

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

Dr. Turknotes no new activity or requests.

* **TESTING**:

Ms. Oliver notes the licensure exam was originally scheduled for January 18, 2018 and offered on that date, even in light of State of LA office closures due to inclement weather. Ms. Oliver, Dr. Cavanaugh and Ms. Hebert-Schmidt administered the exam to those applicants who were able to travel to the Board office. Further, in order to accommodate those remaining applicants, an additional offering of the exam will be given today. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to recess for “licensure testing”. With no objection, motion carries unanimously

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* **LAW & LEGISLATION:**

Relative to the required “**Ethics training**” for state employees and state board members, Ms. Oliver notes she is not certain if all Board members completed the required Ethics training. Report to follow at a later date. She states as a reminder the website is now open for any board member or staff member who wants to complete this requirement early so that it will be finished before the 12/31/2108 deadline!

Continued discussion held on “**licensing requirements relative to accreditation of foreign chiropractic colleges” and foreign colleges.** Dr. Zeagler stated he will request Senator Long to author a bill for the Board with language necessary to address this situation. Dr. Rollette will write up the language needed and also will include the fee increase language as earlier discussed and board action.

Continued discussion held on request from **Chloe Horwood-Little, D.C**., Victoria, Australia, licensure applicant who graduated from Royal Melbourne Institute of Technology and interpretation of LA statutes. Dr. Zeagler notes Dr. Little will be allowed to sit for the April exam but will not be eligible for licensure unless and until the licensing requirements are changed with the proposed legislation successful passage in the 2018 LA Legislative Session.

Discussion by Dr. Kruse on “specialty advertising” because of new Supreme Court ruling on “**restraint of trade**” he read in a recent issue of the “Professional Licensing Report” regarding the NC Dental Board. Ms. Oliver asked to forward the info to Mr. Jeddie Smith for review.

* **GENERAL CORRESPONDENCE**:

None at this time.

* **ADMINISTRATIVE OVERSIGHT:**

In the absence of Dr. VanBreemen, Dr. Zeagler reviewed leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver,** and notes that all is in order and further, the full Board present reviewed and approved the leave records of both employees as well as payroll info for all 3 employees.

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

Ms. Oliver reports Dr. VanBreemen had reviewed 20 seminars since the last meeting; and that Dr. Zeagler, in the abosence of Dr. VanBreemen, states 4 seminars require full Board review as follows:

Request received from Parker College to review the seminar entitled “McKenzie Institute Technique Series 2018” for CE credits. Motion made by Dr. Zeagler, seconded by Dr. Kruse, to approve for 52 hours. With no objections, motion carries unanimously.

Request received from TCA to review the seminar “Mid-Winter Conference 2017” for CE credits for last year. Motion made by Dr. Zeagler, seconded by Dr. Kruse, to approve for 16 hours. With no objections, motion carries unanimously.

Request received from Northwestern University of Health Sciences to review the seminar entitled “Applying Functional Medicine in Clinical Practice” for 34 hours.

Request received from TCA to review the seminar “Dr, Jay Morgan Seminar Series” for CE credits for last year. Motion made by Dr. Zeagler, seconded by Dr. Kruse, to approve for 8 hours. With no objections, motion carries unanimously.

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**OLD BUSINESS:**

Regarding parameters of the **internship** program and language contained in LSA R.S. 37:2805.A and 37:2806.B, Ms. Oliver notes no information received yet on this survey. This matter pending until all info is received from national state survey.

Relative to the revision of **licensure application**, questions 19, and 20, at the December 2017 meeting, the Board voted to amend # 19 and #20 and create a new question, # 21, relative to “records expungement”. Ms. Oliver drafted the revised questions and also crafted the new #21 and provided those to Jeddie Smith as directed. Mr. Smith notes this Board is not included in the statutory provision which allows certain boards to ask for any prior expungement info. Therefore, at this time the application will only be amended relative to Questions #19 and #20. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to add to our legislative package the inclusion of the “LA Board of Chiropractic Examiners” to the appropriate statute. With no objections, motion carries unanimously.

**NEW BUSINESS:**

Request received from **Wilton Guillory, D.C**.,, Alexandria, LA, for an extension to obtain CE hours for his 2018 license renewal as he did not supply information previously requested regarding IRS paperwork, forensic CPA report, and license renewal paperwork to fulfill the Board’s directive from the 12/11/2017 meeting. Dr. Guillory noted personal health issues, an ongoing investigation regarding his previous office manager who misappropriated funds, and subsequent IRS issues, etc. Motion made by Dr. Kruse, seconded by Dr. Turk, to grant an extension to March 1, 2018 to obtain hours and also to provide a “records release”. With no objections, motion carries unanimously.

Request received from **NBCE** for the Board’s 2018 delegate and alternate information. Dr. Zeagler names Dr. Cavanaugh as “delegate” and Dr. Martello as “alternate”. Further, Dr. Zeagler would like to attend the Test Writing Committee meeting in June and the Part IV Test administration at Logan College in May.

Request received from **FCLB** for the Board’s 2018 delegate and alternate information. Dr. Zeagler names Dr. Martello as “delegate” and himself as “alternate”.

Request received from **Susan Schoonmaker, D.C**., Clearwater, FL, to waive her 1 hour of “RM” CE as she lives/practices in FL. Motion made by Dr. Turk, seconded by Dr. Kruse, to grant the waiver. With no objections, motion carries unanimously.

Request received from **Candace Fairchild, D.C**., Denham Springs, LA, to accept the CE hours she obtained in 2018 for her 2018 renewal and to waive the delinquent fee. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the CE she obtained and to deny the delinquent waiver request. With no objections, motion carries unanimously.

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Request received from **Daniel Goodman, D.C**., New Orleans, LA, to grant him an extension to obtain his CE hours for 2018 and to waive the delinquent fee. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to grant the extension to March 1, 2018 to obtain the necessary CE for 2018 renewal and impose the delinquent renewal fee. With no objections, motion carries unanimously.

Request received from **Kristin Smith, D.C**., Slidell, LA, to waive the delinquent license renewal fee as she mismarked her application answers but initially was postmarked prior to 12/31/2017 Motion made by Dr. Kruse, seconded by Dr. Turk, to waive the delinquent fee. With no objection, motion carries unanimously.

Request received from **Richard Myers, D.C**., Chambersburg, PA, to accept the hours he obtained for license renewal. Motion by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the CE hours he obtained. With no objections, motion carries unanimously.

Request received from **Bambi DeNais, D.C**., Lafayette, LA, to waive the delinquent license renewal fee as she moved and her mail was not forwarded. Motion made by Dr. Cavanaugh, seconded by Dr. Rollette, to waive the delinquent fee. With no objection, motion carries unanimously.

Request received from **Charles Guarisco, D.C**., Morgan City, LA, who is renewing as “Inactive/Retired” to waive the delinquent license renewal fee as he had issues with the post office delivery of his mail to his office. Motion made by Dr. Rollette, seconded by Dr. Cavanaugh, to waive the delinquent fee. With no objection, motion carries unanimously.

Motion made by Dr. Kruse, seconded by Dr. Zeagler, to amend the posted agenda to address items received after agenda was prepared and mailed. Roll call vote: Rollette - Yes; Cavanaugh – Yes; Kruse – Yes; Turk – Yes; Zeagler – Yes. With 5 yeas, 0 nays, agenda is amended.

Request received from **Anthony Palombo, D.C.**, Lake Charles, LA, to waive the delinquent penalty. Ms. Oliver notes statements made in Dr. Palombo’s correspondence which indicates he is not eligible to renew as “inactive/retired”. Motion made by Dr. Kruse, seconded by Dr. Cavanugh, directing Ms. Oliver to issue a “Cease & Desist” letter to Dr. Palombo.

Request received from **Rebecca Zeagler, D.C**., Trout, LA, requesting what licensure reinstatement requirement will be in approximately 10 years as she is not renewing her license as she will not practice until her young children are raised. Ms. Oliver directed to send response that we cannot foresee what licensure or reinstatement requirements will be in 10 years but she can periodically check with the Board office.

Request received from **Daniel Comeaux, D.C**., Monroe, LA, requesting a waiver of the delinquent fee. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to deny the delinquent fee waiver request. With no objections, motion carries unanimously.

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**Upcoming Events:**

* Next Board Meeting, 04/05/2018, time to be announced.
* FCLB Annual National Conference, 05/02-06/2018, Dallas, TX
* NBCE’s Part IV Test Administration (nationwide), 05/18-20/2018.
* Annual license renewal deadline, 12/31/2018.

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

MEETING ADJOURNED AT APPROXIMATELY 12:22 p.m.

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