LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – APRIL 15, 2021**

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

Dr. Michael Cavanaugh; Dr. Denise Rollette; Dr. Michael Traxler; Ms. Peggy Anselmo.

Members Absent: Dr. Mark B. Kruse, Vice-President.

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

Legal Counsel: David “Jeddie” Smith, Asst. Attorney General.

Audience: Tim Chittom, CAL, Baton Rouge, LA; Celia R. Cangelosi, Attorney, Baton Rouge, LA;

Debbie Moore, DC, Picayune, MS.

Meeting called to order at 8:44 a.m., Dr. Ned Martello, President, presiding.

Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to amend the order of the posted agenda to discuss the consent agreement offered in **Complaint # 1270** by Celia Cangelosi. Roll call vote; Rollette – Yes; Anselmo – Yes; Cavanaugh – Yes; VanBreemen – Yes; Traxler – Yes; Martello. With 6 yeas, 0 nays, agenda order is amended.

Celia Cangelosi presented the consent agreement proposal in **Complaint # 1270**.

Motion made by Dr. Cavanaugh, seconded by Ms. Anselmo, to amend the posted agenda to include the **contract** renewal of Ms. **Cangelosi**. Roll call vote: Rollette – Yes; Anselmo – Yes; Cavanaugh – Yes; VanBreemen – Yes; Traxler – Yes; Martello – Yes. With 6 yeas, 0 nays, the agenda is amended.

Request received from Ms. **Cangelosi** to renew her legal representation **contract**. Ms. Oliver notes nothing has changed with the contract except new start and stop dates of the contract. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to approve the contract as presented. With 6 yeas, 0 nays, motion carries unanimously.

The **minutes** of the 02/25/2021 meeting were mailed to all Board members. Motion made by Dr. Cavanaugh, seconded by Dr. Rollette, to approve the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:** None.

**INTEGRITY CHECK:** None.

**STANDING COMMITTEE REPORTS**

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

Dr. Cavanaugh reports an agreed settlement totaling $500.00 each offered for **Complaint #1389, Complaint # 1390 and Complaint # 1391** for uncertified x-ray employees in each complaint. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to accept the agreed settlement of $500.00 in each complaint noted. With no objections, motion carries unanimously.

Relative to possible address change violation in **Complaint # 1375**, motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to accept the agreed settlement of $350.00. With 6 yeas, 0 nays, motion carries unanimously.

Relative to delinquent license renewal, **Complaint # 1444**, motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to accept a consent agreement of $350.00. With 6 yeas, no nays, motion carries unanimously.

Relative to delinquent license renewal as contained in **Complaint # 1419**, motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to accept the agreed settlement of $350.00. With no objections, motion carries unanimously.

Relative to second offense delinquent license renewal violation as contained in **Complaint # 1421**, motion made by Dr. Cavanaugh, seconded by Dr. Traxler, to accept the agreed settlement of $750.00. With no objections, motion carries unanimously.

Relative to delinquent license renewal and advertising violations as contained in **Complaint # 1384**, motion made by Dr. Cavanaugh, seconded by Dr. Anselmo, to accept the agreed settlement of $2400.00. With no objections, motion carries unanimously.

**MINUTES – 04/15/2021**

**PAGE 2**

**COMPLAINT COMMITTEE REPORT– cont’d:**

Motion made by Dr. Cavanaugh, seconded to accept the proposed consent agreement in Complaint # 1270 as discussed. With 6 yeas, 0 nays, motion carries unanimously.

Relative to **Complaint # 1270** regarding conviction of domestic abuse and failure to report to the Board, motion made by Dr. Cavanaugh, sectioned by Dr. VanBreemen, for an agreed settlement totaling $7500.00 fine, repayment of costs totaling $5082.50, quarterly reports to the Board from approved counselor, psychiatric testing and a 3 year probation. A presentation of the settlement terms is given by Ms. Cangelosi. With 6 yeas, 0 nays, motion carries unanimously

Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to change the order of the posted agenda, to discuss the background report of **Candidate P-1-H**. Roll call vote: Rollette – Yes Anselmo – Yes; Cavanaugh – Yes; VanBreemen – Yes; Traxler – Yes; Martello – Yes. With 6 yeas, 0 nays, motion carries unanimously and agenda order is amended.

Ms. Oliver notes a background report received on Candidate P-1-H. Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to hold an “executive session” to discuss the report and allow presentation by Candidates P-1-H. Roll call vote: Rollette – Yes; Anselmo – Yes; Cavanaugh – Yes; VanBreemen – Yes; Traxler – Yes; Martello – Yes. With 6 yeas, 0 nays, motion carries.

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

Motion made by Dr Cavanaugh, seconded by Dr. Traxler, to accept the application of **Candidate P-1-H** for licensure. With 6 yeas, 0 nays, motion carries unanimously.

Brief discussion on procedure relative to background check report review and the Board notes the procedure will remain the same relative to full review by the Board when a background report is received on any applicant.

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

**Financial statements** for February and March 2021 were prepared by Ms. Oliver and provided to the Board. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to accept the **financial statements** as prepared. With no objections, motion carried unanimously.

The **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. Motion made by Dr. Cavanaugh, seconded by Dr. Anselmo, to accept the log as presented. With no objections, motion carries unanimously.

**CD report:**  No new activity.

**Ms.** Oliver requests authority to compensate Dr. Jon Zeagler for his mileage to attend the February 2021 meeting. Motion made by Dr. Cavanaugh, seconded by Ms. Anselmo, to compensate Dr. Zeagler for his mileage based on state mileage chart. With 6 yeas, 0 nays, motion carries unanimously.

Ms. Oliver updated the “**deposit trends”** report.

* **PEER REVIEW COMMITTEE REPORT by Dr. Martello:** No activity to report.
* **STANDARDS & PRACTICES by Dr. Traxler:**  No activity to report.
* **LAW & LEGISLATION:**

Ms. Oliver *reminds* all board members and staff of annual requirement to take the state **Ethics** course by 12/31 annually and to submit proof of completion to the Board.

Ms. Oliver *reminds* all board members and staff of annual requirement to take the state **Sexual Misconduct** course by 12/31 annually and to submit proof of completion to the Board.

Continued discussion held by Ms. Oliver on requirements of “**background check**” suggestions from meetings with the FBI and other law enforcement agencies. Ms. Oliver instructed to research if future incidents would be reported to the Board on licensees with background check status. Matter is to remain on the agenda.

**MINUTES – 04/15/2021**

**PAGE 3**

1. **TESTING** **Committee Report** **by Ms. Oliver:**

Ms. Oliver notes **testing procedures** utilized as result of pandemic requirements and restrictions for meetings and testing offerings will continue to be utilized until further notice.

Dr. Martello and Dr. Cavanaugh will attend the **NBCE Part IV** test at Life College, Marietta, GA, in

May, 2021.

**NBCE** requested board member participation for the Test Writing Committee in Greeley, CO, in June, however, no volunteers for participation at this time.

**NBCE** will be supplying more info in the near future regarding new testing formats in **Part III** and **IV**.

* **ADMINISTRATIVE OVERSIGHT:**

Current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver** since last board meeting were reviewed and approved by Dr. VanBreemen**,** the full Board present reviewed and approved the leave records of both employees as well as payroll info for all 3 employees. Dr. VanBreemen notes all paperwork and records are in order.

Ms. Oliver notes **Ms. Eddye Boeneke**, part time employee, unexpectedly   
“passed away” on March 8, 2021. Ms. Boeneke, who was a rehired retiree’, was a devoted, dependable and responsible employee with the Board for approximately 8 years. She will be greatly missed.

Ms. Oliver has hired **Mr. Phillip McKee** for the part time position and provides background and credentials to the Board.

**Annual salary** review of **Ms. Oliver** and **Ms. Hebert-Schmidt**. It is noted the AOC has not met for prior discussion to review current salary and CPI info. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to hold an “executive session” for salary review discussion. Roll call vote: Rollette: Yes; Anselmo: Yes; VanBreemen – Yes; Cavanaugh – Yes; Traxler – Yes; Martello – Yes. With 6 yeas, 0 nays, motion carries unanimously. Jeddie Smith notes possible procedural question on reasons for “executive session”. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to rescind his previous motion. With no objections, motion carries unanimously.

RECESS called at 10:17 a.m. for the Administrative Oversight Committee to briefly meet to discuss salary review information. Due to absence of Dr. Kruse, AOC will be composed of Dr. Martello, Dr. VanBreemen and Dr. Cavanaugh. Meeting re-convened at 10:47 a.m.

Motion made by Dr. VanBreemen, seconded by Dr. Martello, to recommend $1000.00 for Ms Hebert-Schmidt and $1500.00 for Ms. Oliver as increases to each employee’s annual salary. Dr. Traxler noted he did not have enough information to vote. Roll call vote: Rollette – Yes; Anselmo – No; Cavanaugh – Yes; VanBreemen – Yes; Traxler – Abstain; Martello – Yes. With 4 yeas, 1 nay and 1 abstention, motion carries. For Civil Service reporting purposes, Ms. Oliver calculates % increase of approximately 2.3% for Ms. Hebert Schmidt and approximately 1.595% for Ms. Oliver.

* **OFFICE PERFORMANCE INDICATOR REPORT:** Office activity/work product 02/20/2021 – 04/12/2021:
* Phone calls received: 232
* Licensure Application packets requested & mailed: 12
* New Licenses Issued: 2 ($400.00)
* Complaints Filed & Opened: 25
* Complaints closed: 3
* DC license renewals received & processed: 12 (~$2400.00)
* DC license renewals returned as “incomplete” or “missing CE”: 0
* Delinquent license renewal fees paid: 8 ($2000.00)
* License verifications processed: 160 (~$8000.00)
* New X-ray certificates issued: 25 ($625.00)
* X-ray certs renewed: -0-
* Public records requests: 2
* Subpoenas received: -0-
* Seminars reviewed: 17 (~$850.00)
* CE locate requests received: 6
* List requests received and processed: 2 (~$500.00)
* National licensee alerts received and logged: 6
* Peer Review Requests: -0-
* Dry Needling certificates issued: 1 ($25.00)
* Duplicate Licenses Issued: 1 ($25.00)
* Travel to Treat temporary license: -0-
* License Renewal Cards Purchased: -0-
* Seminars posted to webpage: 10
* Blue Books purchased: -0-

**MINUTES – 04/15/2021**

**PAGE 4**

* **GENERAL CORRESPONDENCE**:

New York Chiropractic College will change its name officially to “Northeast College of Health Sciences”.

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

Dr. VanBreemen reports he has reviewed **17** seminars since the last meeting. 2 seminars submitted require full board review as follows:

Submission from “Northwestern Health Sciences University” for program entitled “**Radiology in the Chiropractic Practice- Considerations, Conditions & Case Studies**” for 6 hours – not all instructors on postgraduate faculty. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to approve the course for CE credit. With 6 yeas,0 nay, motion carries unanimously.

Submission of program for 15 hours entitled “**Personal Injury Seminar – Insurance Strategies & Your Solution**” by CAL with instructor not on post grad faculty. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to approve the program for CE. With 6 yeas, 0 nays, motion carries unanimously.

**OLD BUSINESS:**

Continued discussion by Dr. Traxler relative to **clinic/office closure guidelines** and the requests from **Tracy Richardson, D.C**., and Tina Romero, Dr. Traxler secured information from the American Academy of Family Physicians and presented it to the Board entitled, “Closing Your Practice Checklist”. Ms. Oliver instructed to make the information available to anyone who inquires and also to put on the Board’s website.

Due to absence of Dr. Kruse, “**real time license verifications**” discussion to be “tabled” until further notice.

Discussion requested by Dr. Kruse, CAL and Quentin Briscoe, D.C., Lafayette, LA on possibility of Board providing “**real time license verifications**” to hospitals, due of alleged inability of a hospital to verify a licensee over a weekend to order a diagnostic test. Dr. Kruse asked that this matter be left on the agenda for future meeting.

Due to absence of Dr. Kruse, the continued discussion of “**telemedicine**” is to be “tabled” until the next meeting.

Due to absence of Dr. Kruse, the continued discussion of “**telehealth practice and relative questions**” as requested by **LaKendria Hawkins, D.C**., Longville, LA, will be “tabled” until the next meeting. These questions are regarding performance of a visual postural analysis or ROM and what is/are “prohibited activities” in regard to “telehealth”, Dr. Kruse will be researching this matter further and report to the Board at the next meeting.

**NEW BUSINESS:**

Ms. Oliver has prepared the **x-ray proficiency certificate renewal form** draft for the upcoming renewal due 07/31/2021. Motion made by Dr. Traxler, seconded by Dr. Cavanaugh, to approve the form. With no objections, motion carries unanimously. Ms. Oliver notes the forms will be mailed on or before 05/01/2021.

Correspondence received from CAL and J. Steven Caraway, D.C., Lake Charles, LA, President of CAL, requesting a “**declaratory statement**” relative to the ability of DC’s for diagnosis and perform or order test that involves conditions associated with the functional integrity of the spine. Ms. Oliver notes the request is dated 03/29/2021 and was received on 03/29/2021 (via fax) and therefore, cannot be acted upon by the Board at this meeting. Matter to be placed on the next meeting’s agenda.

Request received from **Albert Doria, D.C**., New Orleans, LA, to accept the license renewal form and fee pending completion of the required CE. Motion made by Dr. Martello, seconded by Dr. Traxler, to renew Dr. Doria’s license pending receipt of approved CE. With no objections, motion carries unanimously.

**MINUTES – 04/15/2021**

**PAGE 5**

Request received from **Celia Cangelosi, Attorney,** to amend her current contract which expires 07/312021 for legal representation to the Board as the contract monetary limits have been exceeded, from $15,000.00 to $20,000.00. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to amend the current contract to $20,000.00. With no objections, motion carries unanimously.

Request received from **Celia Cangelosi**, Attorney, to submit a new contract for the upcoming period of 08/01/2021 to 07/31/2022, with a $15,000.00 limit with the same hourly rate. Motion made by Dr. Cavanaugh, seconded by Dr. Rollette, to approve the new contract. With no objections, motion carries unanimously.

Request received from **Kimberly Thai**, Albany, LA, to accept her education for issuance of the x-ray proficiency certificate. Motion made by Dr. Traxler, seconded by Dr. VanBreemen, to approve issuance of the x-ray certificate. With no objections, motion carries unanimously.

Ms. Oliver notes correspondence received from the **LA Board of Legend Drugs and Devices** requesting clarification of previous correspondence relative to request of **Dr. Michael Taylor**, Shreveport, LA, regarding purchasing of equipment.

Request from **Ben Tekippe, D.C**., Metairie, LA – regarding CPT code 97110 and billing questions. Dr. Kruse is investigating and requests matter left on the agenda.

**Upcoming Events:**

* NBCE Part IV Testing, nationwide, 05/21-23/2021.
* Biannual licensure exam, 07/22/2021, time to be announced.
* Next Board Meeting, 07/22/2021, time to be announced.
* X-ray proficiency certification renewal deadline, 07/31/2021.
* Annual license renewal deadline, 12/31/2021.

Motion made by Dr. Cavanagh, seconded by Dr. Traxler, to adjourn. With no objections, meeting is adjourned at approximately 11:46 a.m.