LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JULY 25, 2013**

Members Present: President – Dr. Mark Kruse, Vice-President – Dr. Michael Cavanaugh, Secretary-Treasurer- Dr. Buckley R. VanBreemen, 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,

Audience: Hayley Hall, Baton Rouge LA; Jacob Martello, Baton Rouge.

Meeting called to order at 8:38 a.m., Dr. Mark B. Kruse, President, presiding.

The **minutes** of the 06/13/2013 meeting were mailed to all Board members. Ms. Oliver noted a correction on Page 2 relative to “internships” to read as follows:, “*A Louisiana licensed chiropractor must be in practice for at least 2 years in the State with no disciplinary action to be considered for a “supervisory chiropractor” in the internship program. If multiple disciplinary actions, 3 or more, have occurred within the past 10 years, then the licensee is not eligible for participation in the internship program as “supervisor”*. Motion made by Dr. Cavanaugh, and seconded by Dr. Zeagler to accept the minutes as read with corrections. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for June 2013 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Cavanaugh, and seconded by Dr. Zeagler, to accept the statement.. With no objections, motion carries unanimously.

**CD report** given by Dr. VanBreemen. He informs the Board there are no changes at this time.

**Audit Information:** Ms. Oliver informs the Board we are in the beginning stages of the required annual audit. The office is currently gathering all the items needed for this year’s audit.

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

Dr. Martello informs the Board there has been no activity of the committee since the last meeting, but we have just received 3 new requests. The staff will start the process to prepare the information for the PR Committee and schedule a meeting.

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

Dr. Harvey informs that Complaint Committee work has been very busy relative to “website advertising review” with approximately 40 new complaints. Ms. Oliver notes reviews were assigned to all Board members and completed by Dr. Cavanaugh and Dr. Harvey only.

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

No current activity at this time.

* **LAW & LEGISLATION:**

The Board discusses the 2014 proposed legislation “wish list” compiled by Ms.

Oliver:

* + - * **CE Requirements –** Dr. Kruse stated CAL felt 18 hours of CE should be required for each year to include “risk management”. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to change CE hours’ proposal of the 06/13/2013 Board meeting from 15 to 18 annually to include 3 hours of “RM” as part of the 18 hours. With no objections, the motion carries unanimously. It is noted, if the proposal becomes law, a policy statement will be issued to identify “RM” topics.
      * **Internship** – The Board wants to issue a policy statement in regards to supervisory requirement for internships. A potential supervisor should have been in practice for 2 0r more years and in “good standing”. He or she also must have not had 3 or more disciplinary actions in the past 10 years. The Board advises Ms. Oliver to put this information on the Board’s website.
      * **X-Ray Proficiency Certification Course Hours –** Discussion held on changing the number of hours needed. LSA R.S. 37:2828.A.1 must be amended from 36 hours to 30 hours. Ms. Freel will prepare proposed language draft for next meeting.
      * **Reciprocity** – The language submitted at last meeting is still intact for proposed legislation.
      * **Dry Needling Rule** – Dr. Kruse prepared language relative to “dry needling” which requires 50 hours of approved education, as follows: *“The purpose of this rule is to establish, as authorized by LSA R.S. 37:2804 – for the utilization of “dry needing” techniques: “Dry Needling” is a physical rehabilitation measure which requires specialized education and training. Prior to utilization of “dry needling” techniques, chiropractic physicians shall successfully complete a Louisiana Board of Chiropractic Examiners’ approved course of study consisting of no fewer than 50hours of face-to-face instruction in intramuscular “dry needling” treatment and safety. The practice of “dry needing” techniques without compliance of this educational requirement constitutes unprofessional conduct and subjects the licensee to appropriate discipline by the Board. A written informed consent shall be utilized for all patients for who “dry needling” is being considered.”* Everyone will review information and discuss at next meeting.

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* + - * **Declaratory Statement 98-1** – Dr. VanBreemen drafted new language to replace Declaratory Statement 98-1. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, for the new declaratory statement to include the taking of x-ray and not limited to diagnosing, adjusting, and manipulating. Interns must have completed x-ray course which were offered through the respective chiropractic college. With no objections, motion carries unanimously.
      * **Subpoena Authority –** Information provided by Ms. Freel which would grant the Board the authority for “subpoena power” in the investigative phase of complaints procedures. The Board requests Ms. Freel to draft proposed language for presentation at the next Board meeting.

The Board calls a recess sat 9:10 a.m. for “testing” and reconvenes at 10:15 a.m.

Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to amend the posted agenda to allow Mr. Patrick Henry, Attorney, to address the Board relative to his client, **Jeff Salczenko, D.C**., Channelview, TX, and his licensure application request attempts. Roll call vote: Harvey – Yes; Martello- Yes; Zeagler – Yes; Cavanaugh – Yes; Barczyk – Yes; VanBreemen – Yes; Kruse – Yes. With 7 yeas, 0 nays, motion carries unanimously.

Patrick Henry, Attorney at Law, addresses the Board relative to **Dr. Salczenko** needing a “letter of good standing” from the LA Board to Texas so Dr. Salczenko could obtain licensure there. Mr. Henry notes he is aware of the stipulations in place in regards to the agreement Dr. Salczenko accepted with the State of Louisiana and the Medicaid system in regards to repaying the debt. Mr. Henry states in order for Dr. Salczenko to repay this debt, Dr. Salczenko needs to practice chiropractic again instead of manual labor and further, De. Salczenko is on “disability”. Mr. Henry is requesting the Board grant Dr. Salczenko some form of reprieve and with this, submit a “letter of good standing” to the TX Board. The Board motes the “letter of good standing” is not an option since the Board is bound by the agreement Dr. Salczenko accepted and the court’s decision of financial obligation requirement. Dr. Kruse request Mr. Patrick Henry to have Dr. Salczenko provide, in writing, the status of his financial obligations, payment history, debt balances, and payment arrangements, if any. The Board will consider the information if provided.

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* **TESTING**: Ms. Oliver notes 9 candidates applied for the licensure exam. One application was rejected due to missing application information and 8 applications were accepted. Those applicants sat for the exam today. Test results to be announced in approximately 7 days.
* **ADMINISTRATIVE OVERSIGHT:**

Dr. VanBreemen stated all leave records of **Ms. Oliver** and **Ms. Hebert-Schmidt** are in order. He suggests the Board purchase a **time clock** as he feels it would be easier than creating hand-written sign in/sign out sheets. With detailed discussion, the Board decides a time clock is not needed at this time due to the size of staff – 2 full time employees and one part time employee – also Ms. Oliver notes the “time clock” would not differentiate between different types of leave time (annual, sick, comp) used/taken.

Relative to the **annual “salary review**” discussion from the 06/13/2013 Board meeting continued to today, Dr. Kruse informs the Board the Administrative Oversight Committee met prior to the Board meeting this morning and reviewed the information provided by Ms. Oliver as requested, relative to each employee’s “date of hire”, “current salary”, as well as the Board’s request for Civil Service listings on all state boards and commissions’ employees’ salary info, the AOC proposed the following:

* Relative to Ms. Oliver (employed 02/02/1987), to grant a 4% increase to her current salary of $76,440.00.
* Relative to Ms. Hebert-Schmidt (employed 08/28/2008), to grant a $5000.00 increase to her current salary of $30,958.20 (approximately 16%).
* Relative to Ms. Eddye Boeneke (employed 05/15/2012), to grant a $1.00/hour increase to her current hourly rate of $12.00 (approx. 8%).

Motion made by Dr. Zeagler, seconded by Dr. Harvey, to accept the AOC’s recommendations for salary increases. With no objections, motion carries unanimously. Dr. Barczyk suggests the Board put in place some type of salary cap on salaries. Dr. Kruse requested placing this topic n the next Board meeting agenda. Dr. Kruse also requests Ms. Oliver obtain salary information on all state chiropractic boards nationwide and info as to how each board is funded (self-funded, budget appropriated, federal funding/subsidy, etc.) and also how each board is set up (umbrella or individual, etc.)

The Board wants another explanation for the “**unfunded liability**” amount now require to be reported on the annual audit and budget. Dr. Barczyk states since this is tied to salaries, more explanation is needed. Ms. Oliver states salaries have no bearing on the “unfunded liability” calculation; it is, however calculated o health care/insurance costs and is the actuarial calculation of what post-retirement health care costs may be for each retired employee. Ms. Oliver further states the explanation was provided to all Board members from telephone information and correspondence referred to our Board by our contract auditor, Mr. Rob Furman, however, she will contact Mr. Furman again about this matter.

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

Ms. Oliver reports Dr. VanBreemen has reviewed 30 seminars since the last meeting, however, one seminar review request requires full Board review due to all speakers not on post graduate faculty as follows:

Request received from **CAL** to accept the seminar entitled, “Annual Convention” for CE credits. Motion made by Dr. VanBreemen, seconded by Dr. Harvey, to approve the program for CE credits. With no objections, motion carries unanimously.

* GENERAL CORRESPONDENCE:

None at this time.

**OLD BUSINESS:**

Ms. Oliver informs the Board Mr. Cramer (Board office owner) has offered to renew our **office lease** for 3 years, beginning October 1, 2013 with a $97.00 per month increase from the existing lease which will expire September 30, 2013. Motion made by Dr. Martello, seconded by Dr. Harvey, to accept lease. With no objections, motion carries unanimously.

The Board also inquires about the “**good faith payment**” which was given to Mr. Charles Cramer, Board office building owner, when negotiations were in progress towards **purchasing the Board office**. Ms. Oliver directed to contact Mr. Cramer as to when the money will be refunded since the sale of the office building was not completed due to the lending institution’s low appraisal of the building.

Relative to **“website review**”, Ms. Oliver reports some **websites** have been reviewed – as received from Dr. Cavanaugh and Dr. Harvey only. Those reviews have generated some complaints. Dr. Barczyk and Dr. Zeagler request another copy of their assigned lists.

Continued discussion held on “**telepractice**” by Dr. Martello. Dr. Martello discusses the information he has on this type of practice. The Board requests he formulate questions he can present at the next meeting which will be used to conduct a nationwide survey amongst state chiropractic boards.

Continued discussion initiated by Dr. Kruse regarding interpretation of the **“records retention**” law contained in LSA R.S. 37:2817.C.1 &2. Dr. Kruse notes some confusion reported to him from licensees relative to when the “time” starts for “records retention”. Dr. Kruse suggests amending LSA R.S. 37:2817.C.1 & 2 to clarify the language on retention and disposal of patient records. Dr. Kruse notes the term “records” refers to the entire patient chart. The Board policy/interpretation will be that “patient records” as used in LSA R.S. 37:2917.C.1 & 2 shall mean “the entire patient record from the initial date of service through the last date of service”.

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**NEW BUSINESS:**

Ms. Oliver informs the Board it is the time of the year to prepare the annual **newsletter**. Dr. Kruse requests each committee chairman and board members prepare an article for the newsletter and suggested that each article submitted by “fresh and interesting” material.

The Board would like to make sure that we have information in the **Board website** on policies made throughout the year and also common mistakes and oversights which result in complaints.

Ms. Oliver motes receipt of a contract renewal from **Ms. Celia Cangelosi** for legal representation to the Board. The contract will expire soon and will require renewal if she is to continue providing legal representation to the Board. Ms. Oliver notes no changes have been made to the contract other than new dates of service. Motion made by Dr. Cavanaugh, seconded by Dr. Harvey, to renew Celia Cangelosi’s contract as submitted. With no objections, motion carries unanimously.

Discussion held on request received from **Jessie Hodges, D.C**., Rayne, LA, relative to allowing him to sit for the October licensure exam pending receipt of jis NBCE Part II retake exam scores. Motion made by Dr. Barczyk, seconded by Dr. Harvey, to allow him to sit for the October exam and that issuance of license will be held until the Board is in receipt of his NBCE Part II scores. With no objections, motion carries unanimously.

Ms. Oliver prepared the rough draft of the **2014 license renewal form**. Dr. Harvey would like to add and/or amend questions on the form. Motion made by Dr. Harvey, seconded by Dr. Cavanaugh, to add the following questions to the form, “*Have you ever been arrested for a misdemeanor or felony*?” and “*Have you ever been convicted or a misdemeanor or felony?”* With 4 yeas and 3 nays, the motion carries.

Request received from **Jeff Scheuermann, D.C**., Slidell, LA for a “declaratory statement” in regards to chiropractors **administering nutritional drugs as Vitamin C drip bags**. The Board notes the current scope would not prohibit this. Further, Dr. **Scheuermann** inquires if “**ozone injections**” are within the scope. Board notes this is not within the scope.

Request received from **Craig Thiry, D.C.,** Houston, TX, for license reinstatement. He has petitioned the Board to accept the 16 hours of CE he submitted in lieu of the 18 hours required. Motion made by Dr. Harvey, seconded by Dr. Barczyk, to accept the hours he has completed and to require the applicable reinstatement and delinquent fees. With no objections, motion carries unanimously.

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Request received from **Steven Kloster, D.C**., Baton Rouge, LA for license reinstatement and for waiver of fees due because of “financial hardship”. Motion made by Dr. Barczyk, seconded by Dr. Harvey, to reinstate the license upon receipt of all fees and forms due. With no objections, motion carries unanimously.

Ms. Oliver notes one request was received after the meeting agenda was prepared and mailed. Motion made by Dr. Cavanaugh, seconded by Dr. Harvey, to amend the posted agenda to include other request received. Roll call vote: Kruse – Yes; Cavanaugh – Yes; VanBreemen – Yes; Barczyk – Yes; Harvey – Yes; Zeagler – Yes; Martello – Yes. With 7 yeas, 0 nays, agenda is amended.

Scope inquiry received form **Katy Klump-Richard, D.C**., Crowley, LA, if “glucose finger prick test” is part of the chiropractic scope of practice. The Board notes it is and will send appropriate correspondence to Dr. Klump.

Ms. Oliver notes the annual District meeting of **FCLB** will be held 09/19-22/2013 in Washington DC. Those interested in attending should contact Ms. Oliver relative to travel plans.

**Annual Board Elections**:

Dr. Kruse requests nominations for the office of “**secretary-treasurer**”. Dr. Cavanaugh nominates Dr. Barczyk. Hearing no other nominations, Dr. Kruse closes the nominations and announces Dr. Barczyk is “secretary-treasurer” by acclamation.

Dr. Kruse requests nominations for the office of “**vice president**”. Dr. VanBreemen nominates Dr. Martello. Hearing no other nominations, Dr. Kruse closes the nominations and announces Dr. Martello is “vice president” by acclamation.

Dr. Martello, as Vice President, requests nominations for office of “**president**”. Dr. Martello nominates Dr. VanBreemen to be the President. Hearing no other nominations, Dr. Martello closes the nominations and announces Dr. VanBreemen is “president” by acclamation.

**Upcoming Events:**

* X-ray proficiency certificate holders’ annual renewal deadline, 07/31/2013.
* FCLB District 3 & 5 Conference, 09/19-22/2013, Washington DC
* Next Board meeting, 10/03/2013, time to be announced.
* Next exam offering, 10/03/2013, time to be announced.
* NBCE Part IV exam administration, 11/08/10/2013, nationwide test sites.
* Annual license renewal deadline, 12/31/2013.

Motion made by Dr. VanBreemen, seconded by Dr. Kruse to adjourn. With no objections, meeting is adjourned.

MEETING ADJOURNED AT APPROXIMATELY 12:12 p.m.