LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – APRIL 25, 2013**

Members Present: Dr. Mark Kruse, President; Dr. Michael Cavanaugh, Vice President; Dr. R. Buckley VanBreemen, Secretary-Treasurer; 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, Asst. Attorney General

Audience: Jessica Thornhill, Asst. Attorney General

Meeting called to order at 8:37 a.m. Dr. Mark B. Kruse, President, presiding.

The **minutes** of the 12/06/2012 meeting were prepared and mailed to all Board members. Motion made by Cavanaugh, and seconded by Dr. Harvey. With no objections, motion carries unanimously.

**PUBLIC COMMENT:** None.

Motion made by Dr. Cavanaugh, seconded by Dr. Harvey, to change the order of the posted agenda to discuss complaints procedures, proposed rules and proposed legislation. Roll call vote: Harvey – Yes; Martello – Yes; Zeagler – Yes; VanBreemen – Yes; Barczyk – Yes; Cavanaugh – Yes; Kruse – Yes; With 7 yeas, 0 nays, agenda order is changed.

Ms. Freel discussed the processing of complaints, providing the complaint letter to the licensee if requested, the disclosing of license renewal status for those individuals with delinquent renewals.

Relative to **Act 276** and licensure of **military personnel and spouses**, Ms. Freel drafted languages for rules promulgation but needed approval on including the language “certificate or permit” for clarification to the rules already approved by the Board. Motion made by Dr. Barczyk, seconded by Dr. Zeagler, to accept the inclusion of the new language. With no objections, motion carries unanimously.

Relative to **proposed legislation**, discussion held on delinquent renewals and reporting of status of license, Dr. Cavanaugh and Ms. Freel will be working together on drafting new language for the 2014 legislation.

Ms. Oliver asked to maintain a “wish list” for **2014 legislation proposals** to include the reciprocity language clarification, the CE requirements changes to 15 hours per year, delinquent fee increase and rule making list to include “dry needling” and “internship/supervisor” language changes.

**STANDING COMMITTEE REPORTS**

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

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

**CD report** given by Dr. VanBreemen. No activity since January 2013 meeting.

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Board recesses for the biannual licensure exam @ 9:16 a.m.

* **PEER REVIEW COMMITTEE REPORT BY Dr. Martello**: Committee. Dr Martello notes no new activity since last board meeting.

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

Dr. Harvey notes complaints work as follows:

Complaint # **1029**, motion made by Dr. Harvey, seconded by Dr. Martello, relative to a Medicaid fraud conviction, to accept the settlement agreement for payment of $10000.00, 3 years’ probation, additional CE and RM requirements for license renewal. With no objections, motion carries unanimously.

Complaint # **990**, relative to a delinquent license renewal matter, motion made by Dr. Harvey, seconded by Dr. Zeagler, to accept the settlement agreement for payment of $350.00. With no objections, motion carries unanimously.

Dr. Kruse requests the “**delinquent fee**” relative to “delinquent renewals” be kept on agenda for further discussion.

Relative to reviewing licensee **websites**, Dr. Kruse reports he reviewed his assigned and found advertising violations, further, he will review Dr. VanBreemen’s assigned list. Ms. Oliver asks each board member to return the assigned list and note on each listing if a possible violation is present so hard copy of the webpage can be printed.

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

No current activity at this time.

* **LAW & LEGISLATION:**

Relative to proposed “**reciprocity**” language from the 12/06/2012 meeting, this proposal will be placed on the list of proposed legislation to be drafted for the **2014** Legislative Session.

Relative to proposed **rules** package, Dr. Kruse will instruct Ms. Freel to include “**dry needling**” language.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. VanBreemen has reviewed the time records for **Ms. Oliver** and **Ms. Hebert-Schmidt** and reports all records are in order.

* **GENERAL CORRESPONDENCE:**

Ms. Oliver reports information and services offered received from “Independent Monitors” company who assist in monitoring licensees in the clinic setting.

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* **TESTING**:

Ms. Oliver notes 5 applicants for licensure were tested. Results of this exam will be released in 7 business days.

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

Dr. VanBreemen informed the Board he has reviewed 70 seminars since the last meeting. Seminars needing full Board review are as follows:

* Request received from **CAL** for review and approval of its “Integrating Meridian Therapy in Chiropractic Practice” course to be taught by Dr. Tim Green, who has no post graduate faculty affiliation. Motion made by Dr. VanBreemen, seconded by Dr. Harvey, to accept the course for CE credits. With no objections, motion carries unanimously.
* Request received from **TCA** entitled “Documentation, Coding, Medicare” which has no post grad faculty affiliation. Motion made by Dr. VanBreemen, seconded by Dr. Harvey, to accept the course for CE credits. With no objections, motion carries unanimously.
* Request received from **New Mexico Chiropractic Association** for review and approval of its course entitled, “Annual Convention” where not all speakers have post graduate faculty status. Dr. VanBreemen notes 17 hours are acceptable for CE in LA. Motion made by Dr. Zeagler, seconded by Dr. Harvey, to accept the course for 17 CE credits. With no objections, motion carries unanimously.
* Request received from **Oklahoma Chiropractic Association** for review and approval of its course entitled, “Spring 2013 Relicensing Seminar” where not all speakers have post graduate faculty status. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the course for CE credits. With no objections, motion carries unanimously.
* Request received from **Mississippi Chiropractic Association** for review and approval of its course entitled, “Supercharge Your Practice with Active Rehab Care” where not all speakers have post graduate faculty status. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to accept the course for CE credits. With no objections, motion carries unanimously.
* Request from **Michigan Chiropractic Association** for review and approval of its course entitled, “MAC Spring Convention” where not all speakers have post grad faculty status. Motion made by VanBreemen, seconded by Dr. Zeagler, to accept the course for CE credits. With no objections, motion carries unanimously.

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Dr. Kruse wants to research, for next agenda, if there is still a need for **“risk management” continuing education.** Further, discussion held about what defines a “CE hour”. It is noted that a 50 minute hour conforms to educational standards. Discussion held regarding current CE requirements. Motion made by Dr. Zeagler, seconded by Dr. Martello, to change the **DC CE requirements** to 15 hours annually. With no objections, motion carries unanimously. This will be a legislative proposal for 2014. Additional discussion held regarding course hours for **x-ray proficiency**. Proposal of changing the course hours from 36 to 30 hours total which would be 2 – 12 hour classes and 6 hours review. The relative statutes and rules will be checked for consistency.

**OLD BUSINESS:**

Relative to the continued discussion of the “**purchase of the Board office building**”, Ms. Oliver reports the Board has secured a “lender” – Bancorp South – for the purchase. Currently, we are waiting on direction from Mr. Henderson regarding next available agenda of the State Bond Commission. Ms. Oliver notes that “commitment letter” had to be edited regarding financing and re-financing after 5 year period. Motion made by Dr. Zeagler, seconded by Dr. Barczyk, to accept the “commitment letter” as edited. With no objections, motion carries unanimously. Ms. Oliver directed to inquire regarding “early payoff” rules.

Relative to the upcoming **FCLB** national conference to be held in San Francisco, CA, Dr. VanBreemen, Dr. Martello and Ms. Oliver will be attending.

**NEW BUSINESS:**

Discussion initiated by Dr. Harvey relative to reviewing the current “**internship**” rules, regulations, and Board policies. Suggestion is that a rule is needed to define “supervisor” and “supervision” and also to make language in the statute, rule and Board policy consistent.

Discussion initiated by Dr. Martello relative to “**telepractice**”. Dr. Martello would like to define parameters for practitioners “rendering opinions”, “liability” and not being licensed to practice in the state. More information to follow.

Request from **Ted Barnowski,** D.C., Ontario, Canada for a “letter of clarification” if it is within the current scope of practice to interpret of OSHA MEQ relative to his specialty in the field of MEQ interpretation and Respiration Protection knowledge and experience and DOT physicals. The Board reviewed the material submitted and stated it was within the scope of practice.

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Request received from **Jay Liebman** D.C., Hollandale, FL, to waive the delinquent renewal fee. Motion made by Dr. Barczyk, seconded by Dr. Zeagler, to waive the delinquent fee. With 7 yeas and 0 nays, motion carries unanimously.

Request received from **Lance Jackson** D.C., Pearland, TX, to waive the delinquent renewal fee. More information was provided by Dr. Jackson since the last Board meeting. Motion made by Dr. Martello, seconded by Dr. Zeagler, to waive the delinquent fee. With 7 yeas and 0 nays, motion carries unanimously.

Request received from **Brian Stoynoff**, D.C., Mattawan, MI, to accept the hours he submitted for his RM CE. Motion made by Dr. Harvey, Seconded by Dr. Martello, to accept the hours. With 5 yeas, 1 nay, motion carries.

Request from Leah McNeely, attorney, inquiring whether or not chiropractors are allowed to prescribe “prescription devices”. Board requests letter to be sent to Ms. McNeely for definition of “**prescription device” or “legend devices”.**

Request received from **Arthur Luttig,** D.C., Richland Center, WI, to waive the delinquent renewal fee. Motion made by Dr. Harvey, seconded by Dr. Martello, to waive the delinquent fee. With 5 yeas and 2 nays, motion carries.

Motion made by Dr. Cavanaugh, seconded by Dr. Harvey, to amend the agenda to include requests and inquiries received after the agenda was prepared, to include **Gabrielle Williams, Office of Motor Vehicles, Melissa Hoffman, D.C.,**  Roll call vote: Harvey – Yes; Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; VanBreemen – Yes; Kruse – Yes. 6 yeas, 0 nays. Agenda is amended.

Request received from **Gabrielle Williams**, D.C., Katy, TX, to apply the application fee she submitted for the April exam to the July exam. Motion Made by Dr. Zeagler, seconded by Dr. Barczyk, to accept the initial application fee. With no objections, motion carries unanimously.

Request received from **LA Department of Motor Vehicles** to post a notification and information letter on our website relative to guidelines to obtain certification and to be listed by the Federal Motor Carrier Safety Administration on the National Registry of Certified Medical Examiners. Motion made by Dr. Zeagler, seconded by Dr. Barczyk to post the guidelines and info as submitted by OMV. With no objections, motion carries unanimously.

Request received from **Melissa Hoffman**, D.C., Mandeville, LA, relative to “on premise” regulations, who can perform a “functional capacity test”, scope inquiry regarding aquatic therapy performance, etc. The Board directs Ms. Oliver to prepare response as discussed.

Dr. Kruse asks that discussion of “**records retention**” be placed on next meeting’s agenda.

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**Upcoming Events:**

* Next Board meeting, 06/13/2013, time to be announced.
* Next exam offering, 07/25/2013, time to be announced.
* X-ray proficiency certificate holders’ annual renewal deadline, 07/31/2013.
* FCLB District 3 & 5 Conference, 09/19-22/2013, Washington DC
* NBCE Part IV exam administration, 11/08/10/2013, nationwide test sites.
* Annual license renewal deadline, 12/31/2013.

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

MEETING ADJOURNED AT APPROXIMATELY 11:55 a.m.