LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – OCTOBER 20, 2022**

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

Martello, Secretary-Treasurer; Dr. Kelleigh A. Payne; Dr. Denise Rollette;

Dr. Michael Traxler; Ms. Peggy Anselmo.

Members Absent: None.

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

Legal Counsel: Madeline Carbonnette, Asst. Attorney General.

Audience: Debbie Moore, D.C., Picayune, MS; Sabrina Page, Marietta, GA – Life University

Intern; Dana Washington, Virginia; Tim Chittom, CAL, Baton Rouge, LA.

Meeting called to order at 8:36 a.m., Dr. Mark B. Kruse, President, presiding.

Formal hearing, **Docket 2022-01, Derrek Mart, DC**, which was set for today has been continued without date, due to request from defendant’s counsel for time needed for preparation.

The draft version of the **minutes** of the 07/21/2022 meeting was emailed to all Board members for review. Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to approve the minutes. With no objections, motion carries unanimously.

**PUBLIC COMMENT:** None received.

**INTEGRITY CHECK:** None.

**STANDING COMMITTEE REPORTS**

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

Relative to **Complaint # 1495** and a delinquent license renewal, Dr. Rollette notes the informal inquiry has produced info that the licensee was not in practice. Dr. Rollette has closed the complaint.

Relative to **Complaint # 1515** and a person not certified by the Board but possessing Radiologic Technologist standing. The Board determines that anyone employed to take x-rays in a chiropractic office must be certified by the Board. Dr. Rollette will telephone the person in question.

Relative to **Complaint # 1503** and a advertising testimonial violation, Dr. Rollette offers an “agreed settlement” for $250.00. Motion made by Dr. Rollette, seconded by Dr. Cavanaugh to accept the agreed settlement as discussed. With no objections, motion carries unanimously. Dr. Kruse indicates the “testimonial advertising” discussion initiated by Dr. Zeagler needs to be completed. Matter to be placed on January 2023 meeting agenda.

* **FINANCE COMMITTEE REPORT** **by Ms. Oliver and Dr. Martello:**

**Financial statements** for July, August and September 2022 were prepared by Ms. Oliver and provided to the Board. Motion made by Dr. Martello, seconded by Dr. Payne, to accept the **financial statements as** prepared. With no objections, motion carried unanimously.

**CD Report** discussed by Dr. Traxler and Ms. Oliver. No changes since last board meeting**.**

**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. Martello, to accept the log as presented. With no objections, motion carries unanimously.

Ms. Oliver notes the **Annual Financial Report (AFR**) will be due to the Division of Administration by November 1, 2022. The assigned auditor has been in process of preparation of the report for submission.

Ms. Oliver notes the required state reports were submitted in timely fashion:

* Act 587
* Act 12
* Act xx627
* Act 611
* RM Property Exposure Report

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Relative to the **‘deposit trends”** report, Ms**.** Oliver updated the chart since the last board meeting and provided a copy to all Board members.

Relative to “**Financial Planning**”, no new information from Dr. Kruse, but keep on the agenda.

* **PEER REVIEW COMMITTEE REPORT by Dr. Martello:** Dr. Martello and Ms. Oliver notes receipt of request from **Brandon Mahl, D.C**., Hammond, LA, to fill the vacancy on the PR Committee. Motion by Dr. Kruse, seconded by Dr. Martello, to have an “executive session” to consider the application of Dr. Mahl to the PR Committee. Roll call vote: Rollette – Yes; Anselmo – Yes; Martello – Yes; Traxler – Yes; Cavanaugh – Yes: Payne – Yes; Kruse – Yes. With 7 yeas, 0 nays, motion carries unanimously

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

Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to appoint Dr. Brandon Mahl the PR Committee. With 4 yeas, 2 nays and 1 recusal, the motion carries.

* **STANDARDS & PRACTICES by Dr. Traxler:** No information to discuss.
* **LAW & LEGISLATION:**

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

Ms. Oliver reminds all board members of new annual requirement which is CYBER training.

Ms. Oliver informs the Board that a board policy for the hiring and employment for persons relative to the “**American with Disabilities Act**” (ADA) is now a requirement. Ms. Oliver prepared the policy as guided by that department and presented the draft policy. Motion made by Dr. Cavanaugh, seconded by Dr. Rollette, to approve the ADA employment policy as presented. With no objections, motion carries unanimously.

Dr. Kruse note that **Declaratory Statement 2021-03** relative to “telehealth” needs revision. Dr. Kruse will research the matter and prepare a new draft for consideration by the Board.

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 as discussed with Dr. Kruse and Dr. Cavanaugh. Ms. Oliver notes new rolling test date procedure being utilized. Results to be provided at later date when finalized.

For the period of July 22, through 10/19/2022, 8 applicants were received, 7 were eligible, 3 licenses were issued, the balance of applicants are still in the application process and/or awaiting completion of the application requirements.

Regarding **NBCE Part IV,** Dr. Martello will participate as “examiner” for the Part IV Exam to be held in November, 2022.

Request from **Shelby Ness, D.C**., Haughton, LA, licensure applicant, t to waive the 30-day statutory requirement for testing. Ms. Oliver to inform Dr. Ness the matter is under consideration and possible a board policy will be issued on this matter, but no change to the statute at this time.

* **ADMINISTRATIVE OVERSIGHT:**

Current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver** since the July board meeting were reviewed and approved by Dr. Traxler**,** and the full Board present reviewed and approved the leave records of both employees as well as payroll info. Dr. Traxler notes all paperwork and leave records are in order and documented. Motion made by Dr. Traxler, seconded by Dr. Cavanaugh, to accept the records as presented. With no objections, motion carries unanimously.

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* **OFFICE PERFORMANCE INDICATOR REPORT:** Office activity/work product 07/13/2022 – 10/14/2022:
* Phone calls received: 463
* Licensure Application packets requested & mailed: 11
* New Licenses Issued: 8
* Complaints Filed & Opened: 40
* Complaints closed: 19
* DC license renewals received ed & processed: 176
* DC license renewals returned as “incomplete” or “missing CE”: 14
* Delinquent license renewal fees paid: 1
* License verifications processed: 68
* License verification ordered online: 75
* New X-ray certificates issued: 11
* X-ray certs renewed: 59
* Public records requests: -0-
* Subpoenas received: 1
* Seminars reviewed: 28
* CE locate requests received: 34
* List requests received and processed: 10
* National licensee alerts received and logged: 5
* Peer Review Requests: -0-
* Dry Needling certificates issued: -0-
* Duplicate Licenses Issued: 5
* Duplicate Xray Certificates Issued: 3
* License Renewal Cards Purchased: 27
* Seminars posted to webpage: NA
* Blue Books purchased: 1
* Minutes Subscriptions: 1
* “Travel to Treat” temporary licenses: 1
* # of Emails Received: 858

* **GENERAL CORRESPONDENCE**:

Request from CE Broker to allow demonstration of the product. General consensus of the Board is that

this service is not needed for the Board.

* **SEMINAR REVIEW by Dr. Traxler:**

Dr. Traxler reports he has reviewed 28 seminars since the last meeting. 2 seminars submitted require full board review at this time.

Request from International Board of Underseas Medicine to approve the “Hyperbaric Chamber Therapy” seminar. Motion made by Dr. Traxler, seconded by Dr. Martello, to approve the seminar. With no objections, motion carries unanimously.

Request from “Dr. Jay Morgan Seminars” for the seminar entitled, “Practice Management Guy”. Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to approve 13 hours of the program and exclude the “risk management” and “ethics” hours. With no objections, motion carries unanimously.

**OLD BUSINESS:**

Continued discussion on **chiropractic franchise** program in Walmart. With no new information received, matter to be removed from the agenda.

Request from **Michael Taylor, D.C**., Shreveport, LA, regarding collaboration between the chiropractors and the nurse practitioners. Discussion of draft of a declaratory statement. This matter is still under advisement per Dr. Kruse. Still no collaboration at this time, Dr. Kruse asks this matter be removed from the agenda.

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Update given by Dr. Kruse and Ms. Oliver on the “**real time verification process**”. More technical work is needed to complete this process. Ms. Oliver reports the stats through September on requests received.

Discussion continued regarding **NBCE** offering **online statutory examination** for each state. Ms. Oliver spoke with NBCE personnel, Dr. Bruce Shotts, who oversees this program. There is no charge to the state board for this service. A testing fee would be assessed to the applicant at point of testing (⁓$55.00). This would allow a licensee to take an **online jurisprudence** exam at any national testing center. Motion by Dr. Martello, seconded by Dr. Cavanaugh, to create and enter in a one-year contract with NBCE to produce the LA online state jurisprudence exam. With no objections, motion carries unanimously.

Ms. Oliver notes the **FCLB District 3 & 5 Training Conference** was cancelled due to hurricane weather activity. Meeting has been re-scheduled for 12/9-12/2022.

**NEW BUSINESS:**

Request for reinstatement of license from **Jack Methvin, D.C.,** Ponchatoula, LA. Motion by Dr. Traxler, seconded by Dr. Payne, to reinstate Dr. Methvin’s license once the background check report is received.

With 7 yeas, 0 nays, motion carries unanimously.

Scope inquiry received from **John Guillory, D.C**., Churchpoint, LA, relative to if the “endonasal balloon technique” is within the scope of practice in LA. Response to be sent that it is within the scope as long as the proper training has been received.

Discussion by Ms. Oliver relative to the Board’ current policy on “**internships**” and eligibility requirements for the supervisory licensee. Ms. Oliver to send to all board members for review and report recommendations at next meeting.

Request received from **Dan Wiegand, D.C**., West Monroe, LA, to waive his CE due to health issues. Motion made by Dr. Cavanaugh, seconded by Dr. Traxler, to waive the CE for Dr. Dan Wiegand. With no objections

Request received from **Reon Bailey, D.C**., San Antonio, TX. to accept his online CE he obtained for the 2023 license renewal. Motin made by Dr. Cavanaugh, seconded by Dr. Rollette, to deny the request. With no objections, motion carries unanimously.

Request received from **Damian Pratt, D.C**., San Diego, CA, to accept his online CE. Motion made by Dr. Traxler, seconded by Dr. Cavanaugh, to deny the request. With no objections, motion carries unanimously.

Dr. Kruse reports on the special meeting held online by the **NBCE Board** regarding recent changes to the NBCE Board membership. It is Dr. Kruse’s assessment that the delegate body does not want to make any changes in the current procedures.

Ms. Oliver notes items received after the agenda was prepared that require Board attention. Motion made by Dr. Kruse, seconded by Dr. Martello, to amend the agenda to include items received after agenda preparation. Roll call vote: Martello – Yes; Traxler – Yes; Cavanaugh – Yes; Payne – Yes; Rollette – Yes; Anselmo – Yes; Kruse – Yes. With7 yeas, 0 nays, motion carries unanimously, and agenda is amended.

Request from **Ronnie Haydel, D.C**., Ridgeland, MS, to reinstate his license with CE hours he obtained. Ms. Oliver notes he needs 54 more hours to satisfy the annual requirements. Motion made by Dr. Cavanagh, seconded by Dr. Martello, to reinstate the license contingent upon receipt of the balance of hours due. With 6 yeas, 1 nay, motion carries.

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Request received from **Brett Gschwend, D.C**., Sulphur, LA. to accept his online CE he obtained for the 2023 license renewal. Motion made by Dr. Kruse, seconded by Dr. Traxler, to deny the request. With no objections, motion carries unanimously.

Request received from **Asghar Mortag**i**, D.C**., Houston, TX, to waive his CE requirements the 2023 license renewal. Motion made by Dr. Traxler, seconded by Dr. Cavanaugh, to deny the request. With no objections, motion carries unanimously.

**Upcoming Events:**

* NBCE Part IV Testing, nationwide, 11/11-13/2022.
* Next Board Meeting, 12/15/2022, time to be announced.
* Annual license renewal deadline: 12/31/2022

Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to adjourn. With no objections, meeting is adjourned at approximately 11:35 a.m. With no objections, motion carries unanimously,

MEETING ADJOURNED 11:35 a.m.