LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – DECEMBER 15, 2022**

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

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

Members Absent: Peggy Anselmo, Consumer Member; Dr. Michael R. Cavanaugh.

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

Legal Counsel: Madeline Carbonette, Asst. Attorney General.

Audience: Debbie Moore, D.C., Picayune, MS; Morgan Pollock, CA, Picayune, MS; Tamara

Phelps, DC, Metairie, LA; Jon Zeagler, DC, Natchitoches, LA. Tim Chittom, CAL,

Baton Rouge, LA.

Meeting called to order at 8:46 a.m., Dr. Mark B. Kruse, President, presiding.

Formal hearing, **Docket 2022-01, Derrek Mart, DC**, 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 10/20/2022 meeting was emailed to all Board members for review. Motion made by Dr. Martello, seconded by Dr. Payne, to approve the minutes and release to the public. With no objections, motion carries unanimously.

**PUBLIC COMMENT:** None received.

**INTEGRITY CHECK:** None.

**STANDING COMMITTEE REPORTS**

* **COMPLAINT COMMITTEE REPORT by Dr. Rollette and Ms. Oliver**:

Relative to **Complaint # 1503** regarding an “2nd offense” advertising violation renewal, motion made by Dr. Rollette, second by Dr. Martello, for an “agreed settlement” of $350.00. With no objections, motion carries unanimously.

Relative to **Complaint # 1526** and a person not certified by the Board but possessing Radiologic Technologist standing, Ms. Oliver notes Dr. Cavanaugh secured an “agreed settlement” of 250.00. Motion by Dr. Kruse, seconded by Dr. Traxler to accept the agreed settlement. With no objections, motion carries unanimously.

Discussion of historical **fines** charged for various allegations and violations. Committee formed of Dr. Martello, Dr. Rollette, and Dr. Payne to review fees and report to the next meeting.

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

**Financial statements** for October and November 2022 were prepared by Ms. Oliver and provided to the Board. Motion made by Dr. Martello, seconded by Dr. Rollette, 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**.** It is requested Ms. Oliver remove the old CD activity from future monthly reports.

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

Ms. Oliver notes the **budget** for 2022-23 was prepared by Mr. Barry Delery, CPA, and presented to the Board for review. Motion by Dr. Martello, seconded by Dr. Rollette to accept the 2022-23 budget.

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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 **John Gudan, D.C**., Metairie, LA, to fill the vacancy on the PR Committee. Response to be sent to Dr. Gudan thanking him for his interest, will keep his information on file for future consideration however the vacancy has been filled.
* **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.

Dr. Kruse noted that **Declaratory Statement 2021-03** needed revision. Motion made by Dr. Traxler, seconded by Dr. Martello, to rescind Dec Statement 2021-03. With no objection, motion carries unanimously.

Dr. Kruse prepared a draft of revised “**telehealth**” declaratory statement as follows:

“*Telemedicine is the practice of health care delivery, diagnosis, consultation, treatment and transfer of medical data using interactive telecommunication technology that enables a chiropractic physician and a patient separated by distance to interact via 2-way video with audio transmission simultaneously. “*

Motion made by Dr. Traxler, seconded by Dr. Payne, to accept the new language as presented and discussed. With no objections, motion carries unanimously.

Dr. Kruse notes that the **Act 461** – **violence in the workplace** – which would apply to chiropractic clinics needs to be addressed at the next Board meeting.

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. Licensure exams are being administered on an individual basis as application procedures are finalized.

Regarding **NBCE Part IV,** Dr. Martello participated as “examiner” for the Part IV Exam held in Marietta, GA in November 2022.

* **ADMINISTRATIVE OVERSIGHT:**

Current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver** since the October 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. Martello, to accept the records as presented. With no objections, motion carries unanimously.

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* **OFFICE PERFORMANCE INDICATOR REPORT:** Office activity/work product 10/15/2022 – 12/09/2022:
* Phone calls received: 260
* Licensure Application packets requested & mailed: 11
* New Licenses Issued: 7
* Complaints Filed & Opened: 4
* Complaints closed: 4
* DC license renewals received & processed: 268
* DC license renewals returned as “incomplete” or “missing CE”: 28
* Delinquent license renewal fees paid: 1
* License verifications Requested/Reports Issued: 16
* License verifications processed: 68
* License verification ordered online: 97
* New X-ray certificates issued: 36
* X-ray certs renewed: -0-
* Public records requests: -0-
* Subpoenas received: -0-
* Seminars reviewed: 28
* CE locate requests received: 12
* List requests received and processed: 3
* National licensee alerts received and logged: -0-
* Peer Review Requests: -0-
* Dry Needling certificates issued: -0-
* Duplicate Licenses Issued: 2
* Duplicate Xray Certificates Issued: -0-
* License Renewal Cards Purchased: 36
* Blue Books purchased: -0-
* Minutes Subscriptions: 1
* “Travel to Treat” temporary licenses: -0-
* # of Emails Received: 672

* **GENERAL CORRESPONDENCE**:

None.

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

Dr. Traxler reports he has reviewed 28 seminars since the last meeting.

**OLD BUSINESS:**

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 195 requests received and processed since inception.

Continued discussion regarding **NBCE** offering **online statutory jurisprudence 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.

Ms. Oliver notes the **FCLB District 3 & 5 Training Conference** was rescheduled and held in early December in Miami, FL. Ms. Oliver and Dr. Martello attended. Discussions held included internship policy, disciplinary action tracking, license verification process, reciprocity parameters, etc.

Continued discussion relative to the Board’ current policy on “**internships**” and eligibility requirements for the supervisory licensee. Ms. Oliver notes no comments were received from the Board since the October meeting on this topic. Further discussion on “internship eligibility” acceptance policy. General consensus is that the internship language needs to be re-written. Matter to be placed on next meeting’s agenda. Dr. Rollette and Dr. Kruse will create new language and email to the Board office before the next meeting.

Discussion held on “**preceptorships**” in Louisiana. Ms. Oliver notes a prior declaratory mentions that ‘preceptorships” are part of student curriculum and not addressed in LA statutes. Statutes needs to be addressed to incorporate “preceptorships”.

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Request received from **Damian Pratt**, D.C., San Diego, CA, to waive CE requirements for 2023 due to health condition of his minor child. Motion made by Dr. Kruse, seconded by Dr. Traxler, to waive the 2023 CE requirements for Dr. Pratt. With no objections, motion carries unanimously.

**NEW BUSINESS:**

Ms. Oliver notes information received from the International Academy of Neuromusculoskeletal Medicine regarding the now obsolete “**DABCO**” designation and also noting new criteria to maintain that designation and advertising of same. Ms. Oliver will put that info on the board website at “practice alerts”.

Request received from **Asghar Mortagi, DC**., Houston, TX, for a waiver of 2023 CE requirements. Motion made by Dr. Kruse, seconded by Dr. Rollette, to waive CE requirements for 2023. With 2 yeas, 3 nays, motion fails.

Request received from **Dennis Gregory, D.C**., Clark, MO, for a waiver of 2023 CE requirements due to health issues. Motion made by Dr. Kruse, seconded by Dr. Traxler, with receipt of medical documentation consistent with Dr. Gregory’s request, the hours will be waived. With no objections, motion carries unanimously.

Request received from **Bobbi Wiegand, West Monroe,** for a waiver of 2023 CE requirements due to health issues of her husband. Motion made by Dr. Traxler, seconded by Dr. Payne, to waive the CE requirements for 2023**.**  With no objections, motion carries unanimously.

Discussion of communication received from **Bradley Kirzner, D.C**., Alexandria, LA, regarding suggestions about changing the date of license renewal for DC’s, certificate renewal for x-ray proficiency certificate holders, etc. Response to be sent thanking him for his input.

Ms. Oliver notes items requiring board attention and/or action were received after the agenda was prepared, posted and mailed. Motion made by Dr. Martello, seconded by Dr. Kruse, to amend the posted agenda to include those items. Roll call vote: Rollette – Yes; Martello – Yes; Traxler – Yes; Payne – Yes; Kruse – Yes. With 5 yeas, 0 nays, agenda is amended.

Request received from **Cheryl Watson**, D.C., Virginia Beach, VA, for an extension of time to complete her CE requirements. Motion made by Dr. Traxler, seconded by Dr. Martello, to grant a 90-day extension of time to complete the requirements. With no objections, motion carries unanimously.

Request received from **Jay Miller, D.C**., Hammond, LA, for an extension of time to complete his CE requirements. Motion made by Dr. Traxler, seconded by Dr. Payne, to grant a 90-day extension of time to complete the requirements. With 4 yeas, 0 nays and one recusal (Rollette), motion carries .

Request received from **Jonathan Karnes, D.C**., Natchitoches, LA, for an extension of time to complete his CE requirements. Motion made by Dr. Traxler, seconded by Dr. Payne, to grant a 90-day extension of time to complete the requirements. With no objections, motion carries unanimously.

**Testimonial advertising** discussed relative to the “MD” advertising rules reviewed. Dr. Rollette, Dr. Traxler and Dr. Kruse will comprise a committee to review the advertising rules and report back to the Board for the mid-Spring meeting.

**Upcoming Events:**

* Annual license renewal deadline: 12/31/2022
* NBCE Part IV Testing, nationwide, 11/11-13/2022.
* Next Board Meeting, 01/26/2023, time to be announced.

Motion made by Dr. Martello, seconded by Dr. Traxler, to adjourn. With no objections, meeting is adjourned at approximately 10:35 a.m. With no objections, motion carries unanimously,

MEETING ADJOURNED 10:35 a.m..