LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – December 14, 2023**

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

Secretary-Treasurer; Dr. Shay W. Corbin; Dr. Kelleigh A. Payne; Dr. Denise Rollette;

Ms. Peggy Anselmo, Consumer Member.

Members Absent: None.

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

Legal Counsel: Madeline Carbonette, Asst. Attorney General.

Audience: Debbie Moore, DC, Picayune, MS.; Robert Garrity, Esq., Harahan, LA; Celia Cangelosi,

Esq. Baton Rouge, LA.

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

**Docket # 2023-01** (Complaint # 1547), **Jay Perniciaro, D.C**., represented by Mr. Robert Garrity, Esq.,. with this matter relative to a Medicaid fraud conviction. Dr. Traxler requested a continuance for more time to review the case and asks for continuance to the January 18, 2024 meeting. Motion by Dr. Traxler, seconded by Dr. Martello, for Docket 2023-01 Perniciaro to be continued to 01/18/2024 meeting. With no objections, motion carries unanimously.

**Docket #2023-02** (Complaint # 1504 & # 1549**), Dustin Pelloquin, DC**, represented by Mr. Robert Garrity, Esq.., this matter regarding allegations of “sex with patients and sexual misconduct. Mr. Garrity and Ms. Cangelosi offer a “consent agreement” in this matter. The consent agreement states Dr. Pelloquin’s license will be suspended effective 01/01/2024 for a minimum of six months. After the details of the agreement have been satisfied relative to counseling, evaluation, ethics and boundaries assessment, payment of the costs totaling $8,482.09 and a fine in the amount of $10,000.00, the license will then be on probation for a minimum of one year. Motion made by Dr. Kruse, seconded by Dr. Rollette, to accept the consent agreement in Docket 2023-02. With no objections, motion carries unanimously.

**MINUTES REVIEW**: The draft version of the **minutes** of the 10/19/2023 meeting was emailed to all Board members for review. Motion made by Dr. Payne, seconded by Dr. Corbin, to approve the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:** None received.

**INTEGRITY CHECK:** None.

**STANDING COMMITTEE REPORTS**

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

Regarding **complaint # 1555**, Dr. Traxler offers an agreed settlement proposed of $250.00. Motion by Dr. Kruse, seconded by Dr. Traxler, to accept the agreed settlement. With no objections, motion carries unanimously.

Regarding **complaint # 1561**, Dr. Traxler offers an agreed settlement proposal of $500.00. Motion made by Dr. Traxler, seconded by Dr. Martello, to accept the agreed settlement. With no objections, motion carries unanimously.

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

**Financial statements** for October and November 2023 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 change to the CD’s and therefore no report necessary.

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

**MINUTES – 12/14/2023**

**PAGE 2**

Relative to “**financial planning**”, Dr. Kruse notes the Board will submit proposed legislation for fee increases as follows:

* Active annual license renewal: $350.00
* License application fee: $350.00
* Reciprocity license: $350.00
* Xray Annual Renewal: $50.00
* Retake exam fee: $100.00
* Delinquent renewal fee: $350.00
* Xray Certificate fee: $100.00
* Duplicate license fee: $50.00
* Inactive renewal fee: $75.00

Ms. Oliver notes the Board’s budget for 2024-2025 was prepared by Mr. Barry Delery, CPA, and provides a copy of the proposal. Motion made by Dr. Martello, seconded by Dr. Corbin, to amend the agenda to discuss the prepared budget. Roll call vote: Martello – Yes; Rollette – Yes; Payne – Yes; Anselmo - Yes; Traxler – Yes; Corbin – Yes; Kruse – Yes. With no objections, motion carries unanimously, and agenda is amended to discuss the **2024-25 budget draft.**  Ms. Oliver asked to request Mr. Delery to change income on page BC-5 to reflect administrative fee proposed increases.

Motion made by Dr. Payne, seconded by Dr. Martello, to adopt the **2024-25 budget**. With no objections, motion carries unanimously.

* **PEER REVIEW COMMITTEE REPORT:** No activity to report at this time.
* **STANDARDS & PRACTICES by Dr. Traxler:** Continueddiscussion held on “functional medicine”. Dr. Kruse will research and report info back to the Board at the next meeting. Matter to be left on the agenda as no new information presented today.
* **LAW & LEGISLATION:**
* Ms. Oliver to put all “training” requirements on the annual October meeting agenda. Ms. Oliver to put “financial disclosure” ethics requirements reminder on the annual January meeting.
* Continued discussion on “**Testimonials”** languageReview” Committee chaired by Dr. Rollette –no new info but please leave the matter on the agenda for future discussion.
* Ms. Oliver notes **Act 393** passed – regulative to the state law on hiring and employing employees with disabilities. Each board must prepare rules to conform with new law. Possibility that there are exemptions for certain boards, however, Ms. Carbonnette states we are not exempt. Matter to be left on agenda.
* Continued discussion regarding “**background check**” current Board policy is that every applicant must appear at a board meeting to discuss any background check info received before the application is approved or denied. Dr. Traxler, Dr. Kruse and Dr. Rollette will participate in a zoom telephone on 12/21/2023, 10:00 a.m., call to discuss different scenarios and levels of severity and possible criteria to streamline the background review process.

1. **TESTING** **Committee Report:**

* Ms. Oliver notes **NBCE** held its **Part IV** administration in November, 2023. Dr. Martello and Dr. Cavanaugh participated as “examiners”.
* **Testing report** notes from 10/14/2023 to 11/30/2023, 8 applications requested, and 4 licenses issued. Also, 2 new applications received, 1 applicant ready for the exam, 4 applicants pending background reports, 1 application folder is incomplete and one license pending issuance for receipt of fee.

**MINUTES – 12/14/2023**

**PAGE 3**

* **ADMINISTRATIVE OVERSIGHT Committee:**

Current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver** since the July 2023 board meeting

were reviewed and approved by Dr. Traxler**,** and the full Board present reviewed and approved the leave and payroll records of all employees Dr. Traxler notes paperwork and leave records are in order and properly documented.

* **OFFICE PERFORMANCE INDICATOR REPORT:** Office activity/work product 10/14/2023 to 11/30/2023:
* Phone calls received: 157
* Licensure Application packets requested & mailed: 8
* New Applications Received w/Fee: 8
* New Applications Ready to Take Test: 1
* New Licenses Issued: 4
* Complaints Filed & Opened: 1
* Complaints closed: 15
* Complaints Pending: 53
* DC license renewals received & processed: 200
* DC license renewals returned as “incomplete” or “missing CE”: 12
* Delinquent license renewal fees paid: -0-
* License verifications Requested/Reports Issued Via Mail: -0-
* License verification ordered online: 103
* New X-ray certificates issued: 25
* X-ray certs renewed: -0-
* Public records requests: -0-
* Subpoenas received: -0-
* Seminars reviewed: 19
* CE locate requests received: 16
* List requests received and processed: 1
* National licensee alerts received and logged: -0-
* Peer Review Requests: -0-
* Dry Needling certificates issued: 1
* Duplicate Licenses Issued: 3
* Duplicate Xray Certificates Issued: -0-
* License Renewal Cards Purchased: 27
* Blue Books purchased: 1
* Minutes Subscriptions: 1
* “Travel to Treat” temporary licenses: -0-
* # of Emails Received: 793
* Xerox copies requested: -0-
* **GENERAL CORRESPONDENCE**:
* None to review.

**MINUTES – 12/14/2023**

**PAGE 4**

.

* **SEMINAR REVIEW by Dr. Payne:**

Dr. Payne reports she has reviewed 19 seminars since the last meeting.

**OLD BUSINESS:**

Continued discussion on “**real time license verification**” process. Ms. Oliver tracks the number of requests for comparison/budgeting information.

Board webpage portal progression/updates are still progressing.

Regarding review of “**internship eligibility**”, Dr. Kruse notes no new information however requests item to remain on the agenda.

**NEW BUSINESS:**

Ms. Oliver notes telephone inquiry from **Gerald Bell, D.C**., Baton Rouge, LA, regarding board’s position on **Hyperbaric chamber certification** guidelines and safety regarding allowable “atmospheric pressure”, however, no written request was received from Dr. Bell. Dr. Payne notes she also received a telephone inquiry from Dr. Bell. Ms. Oliver directed to leave on the agenda and assign this to Standards & Practices committee.

Request received from **Leah Humphries, D.C**., Broussard, LA, for an extension to obtain CE requirements. Motion made by Dr. Corbin, seconded by Dr. Martello, to grant a 90-day extension of time, hours due 03/31/2024. With no objections, motion carries unanimously.

Request received from **Marshall Harmon, D.C**., Kinder, LA, for an extension to obtain CE requirements. Motion made by Dr. Martello, seconded by Dr. Payne, to grant a 90-day extension of time, hours due 03/31/2024. With no objections, motion carries unanimously.

Request sent to Dr. Kruse from Dallas Humble, DC, Monroe, LA, regarding x-ray certification for **Ms. Angela Amos**. Ms. Oliver notes that no request and/or paperwork has been received for or from Ms. Amos.

Ms. Oliver notes some requests were received after the agenda was prepared and posted. Motion made by Dr. Corbin, seconded by. Dr. Martello, to amend the posted agenda to include the late receipt items. Roll call vote: Martello – Yes; Rollette – Yes; Payne – Yes; Anselmo – Yes; Traxler – Yes; Corbin – Yes; Kruse – Yes. With 7 eyas, 0 nays, agenda is amended.

Request received from **Cody Meyers, DC**, Hahnville, LA, for an extension of time to obtain CE. Motion made by Dr. Rollette, seconded by Dr. Martello, to grant a 90-day extension, hours due 03/31/2024, to obtain CE for 2024 renewal. With no objections, motion carries unanimously.

**Upcoming Events:**

* Next Board Meeting, 12/14/2023, time to be announced.
* Annual license renewal deadline: 12/31/2023.

Motion made by Dr. Martello, seconded by Ms. Anselmo, to adjourn. With no objections, the meeting is adjourned at approximately 10:18 a.m. With no objections, motion carries unanimously,

MEETING ADJOURNED 10:18 a.m.