LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – FEBRUARY 25, 2021**

Members Present: Dr. Ned J. Martello, President; Dr. Mark B. Kruse, Vice-President; Dr. R. Buckley VanBreemen, Secretary-Treasurer; Dr. Michael Cavanaugh; 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: None.

Audience: Dr. Jon Zeagler, Natchitoches, LA

Tim Chittom, CAL, Baton Rouge, LA

 Celia R. Cangelosi, Attorney, Baton Rouge, LA

 Debbie Moore, DC, Picayune, MS

Meeting called to order at 8:30 a.m., Dr. Ned Martello, President, presiding.

Ms. Oliver welcomes new board member, **Dr. Michael Traxler,** Monroe, LA, appointed yesterday evening per letter received from the Governor’s Office. Ms. Oliver notes the date of the appointment was 02/24/2021 although the notice to the Board office was after hours on that day. Dr. Traxler replaces the expired position of **Dr. Jon Zeagler**.

The **minutes** of the 12/17/2020 meeting were mailed to all Board members. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to approve the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:** None.

**INTEGRITY CHECK:** Dr. Cavanaugh stated he received a phone call from the MT Board attorney relative to a MT in a DC practice versus a “spa setting”. Dr. Martello notes info obtained from a consumer relative to possible “future care” services by a chiropractor in the Hammond area. It is suggested perhaps a future discussion to be held on the rule relative to “future care” and possible revised language.

**STANDING COMMITTEE REPORTS**

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

Dr. Cavanaugh reports an agreed settlement totaling $1000.00 each offered for **Complaint #1442 and Complaint # 1441** for ad violation third offense issue in each complaint. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the agreed settlement of $1000.00 in each complaint noted. With no objections, motion carries unanimously.

Relative to **Complaint # 1445**, Dr. Cavanaugh reports an agreed settlement totaling $200.00 relative to “professional misconduct” in regards to a practitioner and staff not wearing masks in office setting. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the consent agreement offered. Roll call vote: Kruse – Yes; Anselmo – Yes; Rollette – No; Cavanaugh – Yes; VanBreemen – No; Traxler – Yes; Martello – Yes. Motion carries with 5 yeas and 2 nays.

Dr. Cavanaugh notes an ongoing investigation in **Complaint # 1270** relative to “domestic abuse” allegations. More information to follow.

Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to change the order of the posted agenda, to allow Ms. Celia Cangelosi to discuss **Docket # 2020-01, Michael Goff, D.C**. Roll call vote: Kruse- Yes; Anselmo – Yes; Rollette – Yes; Cavanaugh – Yes; VanBreemen – Yes; Traxler - Yes; Martello – Yes. With 7 yeas, 0 nays, agenda order is changed. Ms. Cangelosi notes details of the agreement offered. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to accept the consent agreement presented by Celia Cangelosi in **Docket 2020-01**. With 6 yeas, 0 nays and 1 recusal, agreement is accepted.

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

**Financial statements** for December 2020 and January 2021 were prepared by Ms. Oliver and provided to the Board. Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to accept the **financial statements** as prepared. With no objections, motion carried unanimously.

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

**CD report:**  Dr. VanBreemen reports 2 CD’s were recently renewed with current interest rates posted.

The 2021 fiscal year **budget** draft has been prepared by Mr. Barry Delery, CPA, as required by state law. On page BC-2, change “travel” amount to $13225.00 under operating expenses

On page BC-2, under “professional services”, change amount to $15000.00

On page BC-2, under “professional services” at “legal fees”, increase fee to $20,000.00.

Motion made by Dr. Kruse, seconded by Ms. Anselmo, to approve the budget draft with changes made as earlier motioned. With no objections, motion carries unanimously.

Ms. Oliver presented the current updated “**deposit trends”** report and details regarding money collections.

* **PEER REVIEW COMMITTEE REPORT by Dr. Martello:** No report to be given due to no activity or requests; however Dr. Martello notes complaints which were provided to the Complaints Committee as a result of PR Committee findings should be handled in a timely manner. Dr. Cavanaugh will proceed in this matter and the Board grants authority to Dr. Cavanaugh to expend money needed to enlist expert reviewer/s.
* **STANDARDS & PRACTICES by Ms. Oliver:**

 No activity to report at this time. Dr. Martello assigns Dr. Traxler as “committee chair”.

* **LAW & LEGISLATION:**

Ms. Oliver *reminds* all board members and staff of annual requirement to take the state **Ethics** course by 12/31 annually 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 notes “background check” suggestions from meetings with the FBI and other law enforcement agencies wherein they suggest background checks should be performed on established licensees, not just initial applicants. Matter to be left on the agenda.

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.

Dr. Martello and Dr. Cavanaugh attended the **NBCE Part IV** test administered at Life College, Marietta, GA, in November, 2020. NBCE has informed state boards that national testing schedule will be as posted unless otherwise noted.

Ms. Oliver notes one background check report was received on a licensure applicant and needs review by the Board. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to hold an “executive session” to review background check reports on 1 candidate**, P-1-S**. Roll call vote: Kruse – Yes; Anselmo – Yes; Rollette – Yes; Cavanaugh – Yes; VanBreemen – Yes; Traxler – Yes; Martello – Yes. 7 yeas, 0 nays, motion carries unanimously.

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

Motion made by Dr. Kruse, seconded by Dr. Traxler, to allow candidate **P-1-S** to participate in the licensure exam process. With no objections, motion carries unanimously.

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* **ADMINISTRATIVE OVERSIGHT:** Current leave records of **Ms. Hebert-Schmidt** and **Ms. Oliver** since last board meeting were reviewed and approved by Dr. VanBreemen**,** the full Board present reviewed and approved the leave records of both employees as well as payroll info for all 3 employees. Dr. VanBreemen notes all paperwork and records are in order.
* **PERFORMANCE INDICATOR REPORT:**

Board office activity/work product from 12/12/2020 – 02/19/2021:

* Phone calls received: 413
* Licensure Application packets requested & mailed: 6
* New Licenses Issued: 6 ($1200.00)
* Complaints Filed & Opened: 4
* Complaints closed: 1
* DC license renewals received & processed: 363 (~$72,000.00)
* DC license renewals returned as “incomplete” or “missing CE”: 27
* Delinquent license renewal fees paid: 1 ($250.00)
* License verifications processed: 212 (~$10600.00)
* New X-ray certificates issued: 6 ($450.00)
* X-ray certs renewed: -0-
* Public records requests: 0
* Subpoenas received: 1
* Seminars reviewed: 46 (~$3450.00)
* CE locate requests received: 11
* List requests received and processed: 7 (~$1400.00)
* National licensee alerts received and logged: -0-
* Peer Review Requests: -0-
* Dry Needling certificates issued: 5 ($125.00)
* Duplicate Licenses Issued: 9 ($180.00)
* Travel to Treat temporary license: -0-
* License Renewal Cards Purchased: 44 ($880.00)
* Seminars posted to webpage: 33
* Blue Books purchased: 9 ($675.00)
* **GENERAL CORRESPONDENCE**:

None to report.

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

Ms. Oliver reports Dr. VanBreemen had reviewed **46** seminars since the last meeting. 4 seminars submitted require full board review as follows:

Submission from “Structure & Function Education” for program entitled “**Foundations in Dry Needling for Orthopedic Rehab & Sports Performance**” for 25 hours – not all instructors on postgraduate faculty. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to approve the course for CE credit but not to be utilized toward “dry needling” certification. With 6 yeas,1 nay, motion carries.

Submission of program entitled “**Improving Patient Outcomes through Postural Assessment & Laser Therapy**” by CAL with instructor not on post grad faculty. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to approve the program for CE. With 7 yeas, 0 nays, motion carries unanimously.

Submission of program by TCA entitled “**Mid-Winter Conference**” with not all instructors on post graduate faculty. Motion made by Dr. VanBreemen, seconded by Dr. Kruse to accept the course for CE. With 7 yeas, 0 nays, motion carries unanimously.

Submission of program by University of Western States entitled “**CCSP Emergency Procedures in Sports**” with an instructor not on post grad faculty. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to approve the program for CE. With 7 yeas, 0 nays, motion carries unanimously.

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**OLD BUSINESS:**

Continued discussion on Dr. Zeagler’s request to address current language in place on “**testimonial**” advertising, Dr. Zeagler presents information and provides a handout of draft language, as follows: *“Testimonials may be used if the words “****Individual Patient Results May Vary****” in letters of the same type size* ***as*** *the largest text of the testimonial* ***and*** *appears directly* ***below*** *the testimonial. The doctor is responsible for any false, deceptive or misleading statements in the testimonial”.*  Motion made by Dr. Kruse, seconded by Ms. Anselmo, to approve proposed language. With 7 yeas, 0 nays, motion carries unanimously.

Continued discussion on request from **Chris Cormier, D.C.**, Lafayette, LA, relative to “Hyperbaric Chamber” specifications and presentation made by Dr. Jon Zeagler. Motion made by Dr. Kruse, seconded by Dr. VanBreemen to rescind the Declaratory Statement 2019-03 and issue a new declaratory statement with new specifications changed from 1.3 to 1.5 ATM as discussed. With no objections, motion carries unanimously.

Relative to **clinic/office closure guidelines** and the requests from **Tracy Richardson, D.C**., and Tina Romero, Dr. Zeagler has formulated closure guidelines, but due to unannounced Governor’s replacement, Dr. Zeagler presented his draft language and Dr. Martello reassigned the matter to Dr. Traxler. Dr. Traxler will continue to research and contact the MO Board of Medical Examiners to obtain language utilized and present findings at next meeting.

Continued discussion requested by Dr. Kruse, CAL and Quentin Briscoe, D.C., Lafayette, LA on possibility of Board providing “**real time license verifications**” to hospitals, due of alleged inability of a hospital to verify a licensee over a weekend to order a diagnostic test. Dr. Kruse asked that this matter be left on the agenda for future meeting.

**NEW BUSINESS:**

Request received from **NBCE** for **delegate** and **alternate** designations for 2021 conference. Dr. Martello names himself as “delegate” and Ms Oliver as “alternate” since they will be attending as FCLB BOD members.

Request received from **FCLB** for **delegate** and **alternate** designations for 2021 conference. Dr. Martello names himself as “delegate” and Ms. Oliver as “alternate” since they will be attending as FCLB BOD members.

Ms Oliver discusses **2022 renewal form** draft as prepared. Dr. Cavanaugh would like to add word “renewal disciplinary fine”. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to amend the form to read “renewal disciplinary fine”. With 6 yeas, 1 nay, motion carries.

Request received from **James Keith Currie, D.C**., Conway, AR, for license reinstatement. Ms. Oliver notes fees, forms and CE hours needed have been received. Motion made by Dr. Cavanaugh, seconded by Ms. Anselmo, to reinstate the license effective today. With no objections, motion carries unanimously.

Continued discussion held by Dr. Kruse relative to “**telemedicine**”. Dr. Kruse will continue his research on the matter – is board policy sufficient or does this need to part of the rulemaking process. Matter is to be kept on the agenda.

Request received from **LaKendria Hawkins, D.C**., Longville, LA, regarding “telehealth practice and relative questions. Responses to be provided as “yes” the chiropractic license covers the entire state of LA regarding “telehealth”, “yes”, she can have a telehealth practice and refer to DC’s in area of patient, “yes”, there are specific CPT codes for telehealth visits. Regarding other questions posed by Dr. Hawkins, regarding performance of a visual postural analysis or ROM and what is/are “prohibited activities” in regard to “telehealth”, Dr. Kruse will be researching this matter further and report to the Board at the next meeting.

Request received from **Hong Lee, D.C**., Metairie, LA, relative to a scope inquiry on practice location. Board notes he can treat patients from home as defined by the scope of practice.

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Correspondence received from **Sal Giangrosso, D.C**., Covington, LA, regarding acceptance of “distance learning” for CE, reasons for acceptance, state and national trends, safety to public and licensees, etc.. Ms. Oliver directed to thank Dr. Giangrosso for his input and inform him that the Board is waiving requirements for any one with risk issues.

Request received from **James McCue, D.C**., Mandeville, LA, regarding acceptance of “distance learning”. Ms. Oliver directed to respond to him that still no distance learning is accepted, but if requested, waiver is available.

Request received from **Kelly Ryder, D.C**., Baton Rouge, LA, to waive the delinquent renewal fee for 2021 renewal. Motion made by Dr. Kruse, seconded by Dr. Rollette, to waive CE requirements but the delinquent fee is due. Roll call vote: Kruse – No; Anselmo – Yes; Rollette – Yes; Cavanaugh – Yes; VanBreemen – Yes; Traxler – No; Martello – Yes. With 5 yeas, 2 nays, motion carries.

Request received from **Brian Coleman, D.C**., Monroe, LA, to waive the delinquent fee for his 2021 renewal. Dr. Coleman maintains that post office issues were responsible for receiving the returned renewal on 12/31/2020. Motion made by Dr. Kruse, seconded by Dr. Traxler, to impose the delinquent penalty unless the envelope in question can be produced from Dr. Coleman’s office. With 6 yeas, 0 nays, and 1 abstention, motion carries.

Request received from **Yasmin Cosey, D.C**., , Baton Rouge, LA, to waive the CE requirements due to COVID-19 restrictions. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to waive the CE hours. With no objections, motion carries unanimously.

Request received from **Jonny Roberts, D.C.**, Hawi, HI, to waive CE requirements due to HI’s travel restrictions and quarantine requirements still in place. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to waive CE requirements.

Request received from **Michael Goff, D.C**., Baton Rouge, LA, to waive the CE requirements relative to COVID risks. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to waive the CE requirements. With no objections, motion carries unanimously.

Request received from **Kenneth Bull, D.C**., Gulfport, MS, to waive the CE requirements relative to COVID risks and lack of availability of approved in-person classes. Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to waive CE requirements.

Request received from **Reon Baily, D.C.**, San Antonio, TX, to accept the CE hours he submittied for his 2021 renewal. Motion made by Dr. Kruse, seconded by Dr. Traxler, to accept the CE hour submitted. With no objections, motion carries unanimously.

Request received from **Brett Gschwend, D.C**., Sulphur, LA, to waive the CE requirements relative to COVID risks and lack of availability of approved in-person classes. Motion made by Dr. Kruse, seconded by Dr. Traxler, to waive CE requirements.

Request received from **Neisha Thomas Koen, D.C**., Slidell, LA, to waive the RM CE requirements lack of availability of approved in-person classes. Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to waive RM CE requirements.

Ms. Oliver acknowledges receipt of information from FCLB relative to “**interstate compact**” licensure creation. More information to follow.

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Ms. Oliver notes other items received after the agenda was prepared and posted. Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to amend the posted agenda. Roll call vote: Kruse – Yes; Anselmo – Yes; Rollete – Yes; Cavanaugh – Yes, VanBreemen – Yes; Traxler – Yes; Martello – Yes. With 7 yeas, 0 nay, agenda is amended.

 Request received from **Patrick Price, DC**, Houston, TX, to waive CE requirements due to COVID restrictions. Motion made by Dr. Kruse, seconded by Dr. Traxler, to waive the CE requirements.

 Request received from **Damian Pratt, DC**, San Diego, CA, to waive CE requirements due to COVID restrictions and travel restrictions. Motion made by Dr. Kruse, seconded by Dr. Traxler, to waive the CE requirements.

 Correspondence received from **Marilyn Panger, D.C**., LUCP, Kenner, LA, discussing CE issues due to COVID restrictions and possible temporary solutions and suggestions. Ms. Oliver directed to thank Dr. Panger and the LUCP for the information and note that waivers are available upon request for those licensees who have the need for assistance.

 Request received from **Darrell Richards, D.C**., New Orleans, LA, to accept the CE hours due to health issues and waive the late fee. Motion made by Dr. Cavanaugh, seconded by Dr Traxler, to waive the delinquent and accept the CE submitted. With no objections, motion carries unanimously.

 Request from **Debbie Moore, D.C., Picayune, MS**, to discuss the Open Meetings’ Law and her continued desire to attend Board meetings. She feels she has been met with “resistance” about attending the Board’s meetings. Ms. Oliver notes she has been given all info about meeting dates and also the current Executive Order in place regarding “public meetings” and “attendance regulations” as well as attended numerous meetings prior to today. Ms. Oliver also notes that the Board has followed all regulations about posting meeting notices and meeting minutes on the Internet as required by law.

 Request from **Ben Tekippe, D.C**., Metairie, LA – regarding CPT code 97110 and billing questions. Dr. Kruse is investigating and requests matter left on the agenda.

**Upcoming Events:**

* Biannual licensure exam, 04/15/2021, time to be announced.
* Next Board Meeting, 04/15/2021, time to be announced.
* NBCE Part IV Testing, nationwide, 05/21-23/2021.
* X-ray proficiency certification renewal deadline, 07/31/2021.
* Annual license renewal deadline, 12/31/2021.

Motion made by Dr. Cavanagh, seconded by Dr. VanBreemen, to adjourn. With no objections, meeting is adjourned at approximately 1:18 p.m.