LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JUNE 10, 2010**

Members Present: Dr. Michael Cavanaugh, President, Dr. Mark Kruse, Vice President; Dr. Ned Martello; Dr. R. Buckley VanBreemen; Dr. Jon Zeagler.

Members Absent: Dr. Kim Hardy, Secretary-Treasurer ;Dr. Wynn Harvey

Staff Present: Patricia A. Oliver, Executive Director.

Legal Counsel: Angelique Freel, Attorney General, Attorney General’s Office, Baton Rouge, LA.

Audience: Krystal Brignac, Baton Rouge, LA; Ross LeBlanc, Law Clerk, Attorney General’s Office, Baton Rouge, LA.

Meeting called to order at 09:01 a.m., Dr. Michael Cavanaugh, President, presiding.

The **minutes** of the 01/28/2010 meeting were mailed to all Board members. Motion made by Dr. Kruse, and seconded by Dr. Zeagler, to accept the minutes. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None

**STANDING COMMITTEE REPORTS**

1. **FINANCE COMMITTEE REPORT** **by Dr. Hardy:**

**Financial statements** for January 2010, February 2010, March 2010, and April 2010 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Zeagler, seconded by Dr. VanBreemen, to accept the statement. With no objections, motion carries unanimously.

**CD report** was given by Ms. Oliver, due to absence of Dr. Hardy, who noted no new action taken however 2 CD’s will be maturing in late June and July. Ms. Oliver & Dr. Hardy will investigate best rates available.

Ms. Oliver notifies board that it is time to renew the **QuickBooks subscription**. The cost is $275.00. Motion made by Dr. Kruse, seconded by Dr. Martello to continue the subscription renewal. With no objections, motion carries unanimously.

1. **PEER REVIEW COMMITTEE REPORT by Dr. Martello:**

No activity at this time.

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

 Ms. Oliver, due to the absence of Dr. Harvey, notes that Dr. Harvey requested the Board’s opinion on a scope inquiry relative to advertising /investigation on **“Treatment of Autism, ADD/ADHD, Weight Loss, Diabetes, Vertigo, Female Hormone, and Parkinson’s Disease.”** Dr. Harvey mailed info packets to each board member for review. After much discussion, the Board states that “treatment of interference of nerve transmission and expression such that it supports the treatment of the disease or symptomatic relief is within the chiropractic scope of practice”. Any advertisements should conform to this position.

 Dr. Harvey, in his absence, has requested Ms. Oliver offer agreed settlements. Relative to **Complaint # 927A**, an advertising violation, an agreement was offered to correct advertising and an agreed settlement of $350.00. Motion made by Dr. Martello, seconded by Dr. Zeagler, to accept the agreed settlement. With no objections, motion carries unanimously.

 Relative to **Complaint # 886**, regarding a complaint on continuing education and patient records based on an “employee/employer relationship”, an agreed settlement is offered to conform to all CE requirements and patient records requests. Ms. Oliver notes there is a pending civil matter relative to patient records which will be addressed if needed after the civil matter is finalized. Motion made by Dr. Zeagler, seconded by Dr. Kruse, to accept the agreed settlement. With no objections, motion carries unanimously.

* **STANDARDS & PRACTICES report by Dr. Kruse**:

 Nothing to report at this time.

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* **LAW & LEGISLATION REPORT by Dr. Zeagler:**

 Ms. Oliver notes several pieces of legislation of interest to boards and commissions, noting miscellaneous bills requiring financial disclosure, composition of boards and commissions, surplus funds, and specifically, the Board’s bill, SB 303 by Mr. Long. Relative to the ongoing discussion on the Board **buying/owning/building an office building,** Dr. Zeagler contacted Sen. Gerald Long who introduced SB 303 and Dr. Martello attended the legislative committee hearings in case testimony was needed. Currently, Ms. Oliver notes that SB 303 had passed successfully out of the House and Senate, and was sent to the Governor on 5/26/2010. She will check on current status.

 Ms. Freel prepared “**sexual misconduct**” proposed language based on information received from the ID Board. Ms. Freel is still working on the language for the Ethics Code. The Board is in agreement to do all promulgating of the language at the next meeting.

 Relative to proposed language on “**delinquent renewals**”, board suggested on renewal form that is mailed out, to state heavily laws pertaining to being delinquent on the license renewal. Ms. Oliver will provide Ms. Freel a copy of the current license renewal form utilized.

**TESTING Committee Report:** **reported by Dr. VanBreemen**:

Ms. Oliver notes that April testing was held. Dr. VanBreemen officiated. Dr. VanBreemen reports that the April test went well, all applicants passed. He stated that he will be changing the test questions for the next upcoming test for July.

* **ADMINISTRATIVE OVERSIGHT COMMITTEE REPORT:**

Dr. Hardy reviewed and approved Ms. Oliver and Ms. Schmidt’s leave time sheets faxed to Board office due to her absence.

Relative to the board action taken in December, 2009, for additional **salary review** in June, 2010, Dr. Cavanaugh notes the additional hourly costs would be minimal for each employee and covered by the money budgeted in December 2009. Dr. Kruse suggests a 6% increase raise for all employees. Motion made by Dr. Zeagler, seconded by Dr. Kruse, for an 8% raise for all employees effective immediately. With no objections, motion carries unanimously.

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* **GENERAL CORRESPONDENCE:**

Ms. Oliver stated Dr. Cavanaugh will be traveling to the **NBCE’s Part IV** Test Writing Meeting in Greely, CO today for the meeting to be held June 11-13, 2010. Dr. Zeagler notes he would like to attend the NBCE Part IV exam in November at Logan College.

 Ms. Oliver stated **NBCE** is setting up a new building, invited Board to go and see it in November.

 Ms. Oliver noted receipt of correspondence from NYCC that they will be offering more courses for remediation of chiropractors.

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

Ms. Oliver informed the Board that Dr. Hardy has reviewed 65 seminars since the last meeting.

Dr. VanBreemen is asked to review a seminar which does not meet all review criteria in the absence of Dr. Hardy. Relative to a seminar by Alabama State Chiropractic Association entitled, “Best Practices in Chiropractic Wellness” wherein speaker is not on postgraduate faculty, motion made by Dr. Zeagler, seconded by Dr. Kruse, to approve. With no objections, motion carries unanimously.

**OLD BUSINESS**:

Continued discussion on request received from **ARP Wave LLC**, Apple Valley, MN, regarding the administration of a prescription by a chiropractor after reviewing a patient’s medical history submitted through a questionnaire by the patient without ever having physical contact with the patient. After much discussion, Dr. Kruse notes to send letter of response to state that a chiropractor must have a physician-patient relationship, which includes among other things, verifying the person’s identity and obtaining appropriate history and examination findings.

Request received from **Jeffrey Salczenko, D.C**., Bay City, TX, to address the Board relative to his “license status”. Ms. Oliver notes that faxed correspondence was received on 06/08/2010 from an attorney stating he was a “friend” and that Dr. Salczenko could not be present at “the hearing” and also requesting that we cancel “the hearing” and that Dr. Salczenko would contact the Board about a future appearance. Ms Oliver noted, after speaking with Dr. Cavanaugh via telephone, she responded of receipt of the information to the attorney as well as Dr. Salczenko, a “hearing” was not being held, but a general board meeting of which Dr. Salczenko’s request was on the agenda and that if he wished to be on any future agenda, he must send in a timely written request.

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**NEW BUSINESS**

Relative to his attendance at the **FCLB Convention**, Baltimore, MD, May 1-5, 2010, Dr. Martello reports that the discussion included the following topics: travel to treat, mobility and accountability of chiropractors, licensing of clinics which some states are currently requiring, CA certification, Federal laws regarding rehabilitation which may enable chiropractors to get their licenses back after revocation.

Request received from **Kimberly Melancon, D.C.,** Harvey, LA, to apply the application fee she submitted for the April exam to July exam. Motion made by Dr. Kruse, seconded by Dr. Zeagler, to apply the April fee to July exam. With no objections, motion carries unanimously.

Request received from **Joshua LeBlanc, D.C.**, Mandeville, LA, to have the application fee he submitted for the January exam to the April exam. Ms. Oliver notes that his request was received after the January meeting. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to apply the fee to April exam. With no objections, motion carries unanimously.

Request received from **Kelly Ryder, D.C.,** Abbeville, LA, to have the application fee transfer from the April exam to the July exam. Motion made by Dr. Kruse, seconded by Dr. Zeagler, to apply the fee to the July exam. With no objections, motion carries unanimously.

Request received from **William McClure, D.C**., Lake Charles, LA, to have the Board review his accident solicitation letter. Motion made by Dr. Zeagler, seconded by Dr. Martello, to approve the letter as submitted. With no objections, motion carries unanimously. Ms. Oliver is asked to also inform that the envelope utilized must conform to the accident solicitation rules also.

Request received from **National University** that they will be changing the name of the “doctor of chiropractic” degree to “doctor of chiropractic medicine” and if this action would be in conflict with our current law to accept a degree named “doctor of chiropractic medicine”. The Board advised Ms. Oliver to send letter of correspondence of no conflict.

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Request received from **Asghar Mortaji, D.C**., Houston, TX, to waive his “risk management” CE requirements for 2011 license renewal. . Motion made by Dr. Kruse, seconded by Dr. Martello, to waive the 2011 “RM” CE requirements. With no objections, motion carries unanimously

Request received from **Edmund O’Neal, D.C**., Bossier City, LA, as to a scope inquiry relative to if DOT physicals and drug testing are within the scope of practice. Board advised Ms. Oliver to send letter of correspondence that examinations are within our scope and drug and alcohol testing is included.

Request received from **David Fishkin, D.C.,** for a scope inquiry relative to “**myofascial trigger point dry needling**”. Dr. Kruse notes the language in our scope that states the use of “other physical rehabilitation measures”… and that he would like to do further research and report information at next meeting.

Request received from **La Pharmacy Board**, if a chiropractor can prescribe a vitamin product and requesting clarity on the “prescriptive authority for chiropractors”. Board advised Ms. Oliver to send response to the LA Pharmacy Board that the Chiropractic scope, LSA R.S. 37:2801.3.C, does not prohibit a chiropractor from prescribing orthotic devices, vitamin, mineral, and nutritional supplements, therapeutic devices, postural modification exercise equipment, or homeopathic remedies.

Request received from **Joseph Bowles, D.C.,** Prairieville, LA, to have his license converted to “active” status. A motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to allow change of status to “active”. With no objections, motion carries unanimously.

Request received from **Corey Markham, D.C.,** Bossier, City, LA, to have his license reinstated. A motion made by Dr. Zeagler to reinstate, seconded by Dr. Kruse. With no objections, motion carries unanimously.

Request received from **Jonathan Boudreaux, D.C.,** Houma, LA, to have the board approve his new clinic name, “Boudreaux Spine Clinic, LLC”. A motion made to accept, and to let Dr. Boudreaux know in the letter we mail to him that he must have D.C. in all of his advertisement to the public, by Dr. Kruse, seconded by Dr. Martello. With no objections, motion carries unanimously.

Request received from **Hanover Insurance,** as to a scope inquiry of D.C.’s referring patients to attorneys in injury cases, whether DC’s can refer patients to an attorney and also if a DC can provide “guidance to a patient as to how to handle a personal injury claim”. Board advised Ms. Oliver to send response that DC’s can make referrals and secondly, guidance is allowed as long as it is not considered the unauthorized practice of law – the LA State Bar Association would have jurisdiction over that determination.

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Request received from **Wilton Guillory, D.C.,** Alexandria, LA, as to a scope inquiry. He wanted to know if chiropractors could prescribe nutritional products. The Board advised Ms. Oliver to send response according to the chiropractic scope of practice, there is no prohibition to prescribe nutritional products.

Survey received from **CCE,** as to CCE organization changes. Board notes no response needed.

Ms. Oliver requests to amend agenda with additional new business received since the agenda was prepared and posted. Motion made by Dr. Martello, seconded by Zeagler, to amend the posted agenda. Roll call vote: Cavanaugh – Yes; Kruse – Yes; Martello – Yes; Zeagler –Yes; VanBreemen –– Yes. With 5 yeas, no nays, agenda is amended.

 Request received from **Tammy Gibson, D.C.**., Belle Chasse, LA, to convert her license status from “inactive” to “active”. Motion made by Dr. Kruse, seconded by Dr. Zeagler, to convert license to “active” effective upon receiving the proper form and fee. With no objections, motion carries unanimously.

Request received from **David Trueblood, D.C.,** Shreveport, LA, to accept his hours for his 2010 renewal that he took in 2010. A motion made by Dr. Martello to accept hours, seconded by Dr. Zeagler. With no objections, motion carries unanimously.

Motion made by Dr. Zeagler, seconded by Dr. VanBreemen, to adjourn at approximately 12:27pm. With no objections, motion carries unanimously.

**Upcoming Events:**

* Next Board meeting, 07/29/2010, time to be announced.
* Next exam offering, 07/29/2010, time to be announced.
* X-Ray certificate holders annual renewal deadline, 07/31/2010
* Annual license renewal deadline, 12/31/2010.

MEETING ADJOURNED AT APPROXIMATELY 12:27p.m.