LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JULY 16, 2020**

Members Present: Dr. Mark B. Kruse, President; Dr. Ned J. Martello, Vice-President; Dr. R. Buckley VanBreemen, Secretary-Treasurer; Dr. Michael Cavanaugh; Dr. Jon E. Zeagler.

Members Absent: Dr. Denise D. Rollette.

Staff Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: None.

Audience: Tim Chittom, CAL, Baton Rouge, LA.

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

The **minutes** of the 01/16/2020 meeting were mailed to all Board members. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to approve the minutes as prepared. With no objections, motion carries unanimously.

Ms. Oliver notes the scheduled 04/09/2020 meeting was cancelled due to COVID-19 outbreak in the US.

**PUBLIC COMMENT:**

#### None.

**INTEGRITY CHECK:**

* Dr. Cavanaugh noted he received lots of inquiries about the Board’s position on **“distance learning**” for CE requirements due to current pandemic and social distancing requirements.

Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to amend the order of the posted agenda to handle the Executive Session for “background check reviews”. Roll call vote: Kruse – Yes; Cavanaugh – Yes; Martello – Yes; Zeagler – Yes; VanBreemen – Yes. With 5 yeas, 0 nays, agenda order is amended.

Motion made by Dr. Martello, seconded by Dr. Cavanaugh to hold an “executive session” to review background check findings of Applicant P-1-S. Roll call vote: Kruse – Yes; Cavanaugh – Yes; Martello – Yes; Zeagler – Yes; VanBreemen – Yes. With 5 yeas, 0 nays, motion carries.

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

Motion made by Dr. Zeagler, seconded by Dr. Martello, to accept the application of **Applicant P-1-S**. With 5 yeas, 0 nays, motion carries.

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for January, February, March, April, May and June 2020 was prepared by Ms. Oliver and provided to the Board prior to the meeting. Motion made by Dr. Cavanaugh, 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. Zeagler, to accept the log as presented. With no objections, motion carries unanimously.

Ms. Oliver notes, relative to **deposit trends,** report is being continuously updated and will be presented, as requested, at future January and July meetings. The report is reviewed and accepted. Next review is January 2021 unless requested otherwise. Future agenda item will be labeled “**Financial Planning**”.

Ms. Oliver created a chart, at the request of Dr. Kruse, in an attempt to track revenues and source thereof. The chart is itemized by statutory-authorized funds, administrative costs, and disciplinary action fees collected. Discussion held on various column totals. This info will be utilized to assist the Board will future fee increase proposals.

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1. **FINANCE COMMITTEE REPORT** **by Ms. Oliver (Cont’d):**

**CD report:**  Dr. VanBreemen notes CDs which matured in February were re-invested at current interest rates available. More review to follow for future investments.

**Act 687 –AFR annual report** for close of 06/30/2020 fiscal yearwill be due by 09/2020**.**

Relative to Board’s **annual budget,** Dr. Kruse requests this matter re-labeled as “**financial planning**” for future agendas.

Ms. Oliver notes Legislative Auditor’s Office awarded Board’s **annual audit contract** to Michael Glover, CPA, for another 3 year term. Audit to begin mid-August and is due 09/28/2020.

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

No new requests received. Dr. Martello notes **Carol Beutler, D.C.** Lake Charles, LA, indicated she has retired - she will be contacted to discuss continuing participation on PR committee or should the Board be searching for a replacement. Ms. Oliver suggests PR Committee interest info could be included on license renewal paperwork.

1. **TESTING** **Committee Report** **by Ms. Oliver:**

Ms. Oliver reviews **testing procedures** utilized as result of pandemic requirements and restrictions for meetings and testing offerings, as crafted by Ms. Oliver and Dr. Kruse to coincide with statutory requirements.

Information received from **Johnathan Boudreaux, D.C**., Monroe, LA, that NBCE postponed Part III exam due to pandemic issues and he is requesting to sit for the LA exam pending Part III scores. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to allow Dr. Boudreaux to sit for the exam and hold issuance of license pending successful results of NBCE Part III exam. With no objections, motion carries unanimously.

Ms. Oliver notes **NBCE Part IV** testing was postponed from May to July due to COVID-19 pandemic travel and meeting restrictions. Ms. Oliver, Dr. Cavanaugh and Dr. Martello participated at Life College testing site in Marietta, GA.

* **ADMINISTRATIVE OVERSIGHT:**

Motion made by Dr. Zeagler, seconded by Dr. Martello, to change the order of the posted agenda to discuss **employees’ annual salary and wage review** as a later item on the agenda. Roll call vote: Kruse – Yes; Cavanaugh – Yes; Martello – Yes; VanBreemen – Yes; Zeagler – Yes. With no objections, motion carries and agenda order is amended.

* **PERFORMANCE INDICATOR REPORT:**

Board office activity/work product from 01/15/2020 – 07/10/2020:

* Phone calls received: 666
* Licensure Application packets requested & mailed: 27
* New Licenses Issued: 26
* Complaints Filed & Opened: 45
* Complaints closed: 23
* DC license renewals received & processed: 19 ($3800.00)
* DC license renewals returned as “incomplete” or “missing CE”: 0
* Delinquent license renewal fees paid: 10 (~$2500.00)
* License verifications processed: 624 (~$31,200.00)
* New X-ray certificates issued: 5 ($375.00)
* X-ray certs renewed: 239 ($5975.00)
* Public records requests: 0
* Subpoenas received: 2
* Seminars reviewed: 98 (~$7350.00)
* CE locate requests received: 20
* List requests received and processed: 24 (~$5000.00)
* National licensee alerts received and logged: 8
* Peer Review Requests: -0-
* Dry Needling certificates issued: 4 ($100.00)
* Duplicate Licenses Issued: 4 ($80.00)
* Travel to Treat temporary license: -0-
* License Renewal Cards Purchased: 6 ($30.00)
* Seminars posted to webpage: 87

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

Ms. Oliver reports Dr. VanBreemen had reviewed **98** seminars since the last meeting.

Request received from “Dr. Ma’s Integrative Dry Needling” group for seminar to be accepted for 32 hours. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to accept the program for CE. With no objections, motion carries unanimously.

Request from Michigan Association for its program “Spring 2020” to be approved for CE. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to approve the program. With no objections

Request for Mr. Jeddie Smith to check the term “board approval” as it relates to the “**dry needling**” rule contained at LAC XXVII.321 and report to the Board at the next meeting. It is noted that LSA R.S. 2801.1 defines “the Board”.

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

Dr. Cavanaugh notes an agreed settlement relative to failure to supply address change info, offered in **Complaint # 1379.** Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the agreed settlement of $350.00. With 4 yeas, 0 nays and 1 abstention, motion carries.

Dr. Cavanaugh reports an agreed settlement totaling $350.00 offered for **Complaint #1320** for delinquent renewal issue. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the agreed settlement of $350.00. With no objections, motion carries unanimously.

Dr. Cavanaugh reports an agreed settlement totaling $350.00 offered for **Complaint #1413** for delinquent renewal issue. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to accept the agreed settlement of $350.00. With no objections, motion carries unanimously.

Dr. Cavanaugh reports an agreed settlement in **Complaint # 1361,** relative to uncertified x-ray employee, totaling $350.00. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the settlement in noted. With no objections, motion carries unanimously.

Dr. Cavanaugh reports an agreed settlement in **Complaint # 1362,** relative to uncertified x-ray employee, totaling $500.00. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to accept the settlement in noted. With no objections, motion carries unanimously.

Dr. Cavanaugh reports an agreed settlement in **Complaint # 1388,** relative to uncertified x-ray employee, totaling $350.00. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the settlement in noted. With no objections, motion carries unanimously.

Dr, Cavanaugh reports an agreed settlement in **Complaint # 1387** of an uncertified employee of $500.00. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the settlement offered. With no objections, motion carries unanimously

* **STANDARDS & PRACTICES by Dr. Zeagler:**

No activity to report at this time.

* **LAW & LEGISLATION:**
* Ms. Oliver asked to add to future **agendas** the topic “Ethics Tier 2.1 Reporting”.
* Ms Oliver notes the **Act 12** report and the **Act 655** report have been filed timely as required by law. Next reports are due in the next quarter.
* Relative to “**term limits” of board members,** Ms. Oliver notes no limits at this time**.**
* Ms. Oliver *reminds* all board members and staff of annual requirement to take the state **Ethics** course by 12/31t annually and to submit proof of completion to the Board.
* Dr. Zeagler would like to discuss “**testimonial**” advertising language currently in place. Dr. Zeagler is assigned to craft new language regarding “testimonials” and the definition of “testimonials and present that material at the next meeting.
* “**Telehealth**” statement crafted by Dr. Kruse and posted to website recently will be added to the Board’s Statutes and Rules at later date.
* Due to absence of Dr. Rollette, information on **pregnancy and birth** as related to chiropractic care will be tabled to the next meeting.

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* **GENERAL CORRESPONDENCE**:

None at this time.

**OLD BUSINESS:**

Prior request received from FCLB as to our Board’s position on “**telemedicine**” and the previous request from a licensee about “telemedicine” practice. Dr. Kruse presented a draft of a declaratory statement at the December 2019 meeting, as follows:

*“Telemedicine is within the scope of chiropractic*”. Dr. VanBreemen wanted more time to research. Matter was to be discussed at the April 2020 meeting, however, due to COVID-19 issues, that meeting was cancelled and discussion not held. This will be discussed later and the “telehealth” statement prepared by Dr. Kruse and added to the website will be added to the statutes and rules at a later date.

Continued discussion held of submission of proposed declaratory statement language at the April 2019 meeting by Dr. VanBreemen for **Charles Herring, D.C**., Gonzales, LA, relative to “**delegation of exercises**”. Dr. Kruse and Dr. Zeagler edited language for the proposed declaratory statement as follows:

*“It is the opinion of the Board under LA R.S.  37:2801 (3) (A), which defines the scope of chiropractic that, "a chiropractic physician may delegate the teaching and supervision of exercises to a chiropractic assistant, provided an order has been given by the chiropractic physician. Under no circumstances may a chiropractic assistant implement, teach or oversee a patient relative to exercises without a prescription provided by the treating chiropractic physician.”*

Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to approve the language proposed and discussed. With no objections, motion carries unanimously.

**NEW BUSINESS:**

Relative to the scheduled annual **FCLB conference**, it has been cancelled due to travel and meeting restrictions concerning the COVID-19 pandemic. More information will follow regarding possible district meetings in late 2020 and also possible virtual district meetings.

Request received from **Jonny Roberts, D.C**., Hawi, HI, to be allowed to utilize online hours as he lives/practices in HI and cannot travel without major restrictions, quarantine measurers, etc., relative to the extension he was originally granted for the 2020 renewal. Motion made by Dr. VanBreemen, seconded by Dr. Martello, to grant the request for Dr. Roberts. With no objections, motion carries unanimously.

Ms. Oliver directed to add the “ZOOM” meeting format, Live stream format, any distance learning formats to be considered for **CE requirements**, out of state resident practitioners possible waivers of classroom requirements only for the 2021 renewal due 12/31/2020.

Request received from **Jillian Farrell, Director of Continuing Education at Sherman College**, relative to if any exceptions have been made for online/distance learning due to COVID-19 issues. Response is to be given that the Board is taking the matter under review and plan to discuss it and create some guidelines for the next meeting

Request received from **Kaitlin Scully, National University of Health Sciences**, relative to consideration given to allowing “distance learning” or other electronic means for CE classes due to COVID-19 travel and gathering restrictions. Response is to be given that the Board is taking the matter under review and plan to discuss it and create some guidelines for the next meeting.

Request received from **Zeljka Kampel**, **National University of Health Sciences**, relative to consideration given to allowing “distance learning” or other electronic means for CE classes due to COVID-19 travel and gathering restrictions. Response is to be given that the Board is taking the matter under review and plan to discuss it and create some guidelines for the next meeting.

Request received from **Rhonda Benoit, D.C**., Jennings, LA, that Texas Chiropractic College homecoming CE program format has changed to all “virtual” due to pandemic and would this be accepted for CE. Response is to be given that the Board is taking the matter under review and plane to discuss it and create some guidelines for the next meeting

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Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to accept **CE** for the 2021 renewal due by 12/31/2020 as “in person” format or “electronic” distance learning format. With 3 yeas, 2 nays, motion carries.

Dr. Kruse requests a reconsideration of the previous motion. Motion made by Dr. Kruse, seconded by Dr. Zeagler, to reconsider and rescind the previous motion on continuing education requirements for 2021 due 12/31/2020. With 3 yeas, 2 nays, motion carries.

Request received from **Gigi Martin, Texas Chiropractic Colleg**e, that the TCC homecoming program format has been changed to all “virtual” and will this be accepted for LR CE. Response is to be given that the Board is taking the matter under review and plan to discuss it and create some guidelines for the next meeting

Request received from **Asghar Mortaji, D.C**., Houston, TX, to consider changes to the CE requirements for the 2021 renewal due 12/31/2020 due to the pandemic issues. Response is to be given that the Board is taking the matter under review and plan to discuss it and create some guidelines for the next meeting.

Request received from **Scott Fournier, D.C**. , Lafayette, DC, if “online CE” is allowed. Current statutes don’t allow distance learning, Response is to be given that the Board is taking the matter under review and plan to discuss it and create some guidelines for the next meeting.

Request received from **Steven Kloster, D.C.,** Netherlands, to accept “distance learning” for CE for the 2021 renewal due 12/31/2020 due to travel restrictions relative to COVID-19. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to allow any out of state resident practitioner to utilize distance learning for approved CE course during the pandemic. With 1 yea, 4 nays, motion fails.

Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to allow any person who practices out of state and is living out of state that CE requirements be waived for the duration of the pandemic. With 2 yeas, 3 nays, the motion fails.

Ms. Oliver is to notify Dr. Kloster that this matter will be discussed at the Board’s next meeting.

Request from **Susan Hooper, D.C**., Gretna, LA, regarding lack of opportunity to renew her DOT certification through DOTD as only “distance learning” is being offered. Ms. Oliver will notify Dr. Hooper this matter will be discussed at the next meeting.

Request received from **Arthur McClelland, D.C**., Lake Charles, LA, relative to allowance of “distance learning” for CE this year due to COVID-19 travel and meeting restrictions. Ms. Oliver instructed to notify Dr. McClelland, this matter will be discussed at the next meeting.

Request received from **Tina Romero,** clinic owner, if there are any guidelines/protocol for closing of office as it relates to patient records and notifying the public. Rules for maintenance of patient records are to be followed. Ms. Oliver instructed to place “**development of office closure guidelines**” on the next meeting agenda.

Request received from **Debbie Moore, D.C**., Picayune, MS., to accept the hours she obtained hours in 2020 for the 2020 renewal which she did not complete by 12/31/2019 deadline. Ms. Oliver instructed to notify Dr. Moore hours must be submitted to the Board for review and approval before any consideration will be given.

Request from **Nicholas Turk, D.C**., Ville Platte, LA, to reinstate license requesting a reduction or waiver of hours due or an extension to obtain the hours needed. Motion made by Dr. Martello, seconded by Dr. Zeagler to grant an extension to 10/31/2020 to obtain hours with all appropriate fees due as well.

Information from **David Miller, D.C**., Lafayette, LA, relative to “hyperbaric chamber” training classes for 40 hours. Response to be supplied that 40 hours is not appropriate number of hours per the rules published by the Board.

Request received from **Cheryl Watson, D.C**., Kingston, NY, to waive the delinquent renewal fee for 2020 license renewal. Motion made by Martello, seconded by VanBreemen, to deny the request. With 5 yeas, and 0 nays, motion carries unanimously.

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Request received from **Brett Gschwend, D.C**., Sulphur, LA, to reinstate his license. Ms. Oliver noted receipt of documents and fees required. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to reinstate the license.

Request received from **Fred Rodrigue, D.C**, Greenwell Springs, LA, relative to advertisement of “**lipo laser**. Response to be supplied if the procedure is within the scope, the advertising rules must be adhered to as contained in the laws and rules.

Request received from **Celia Cangelosi**, attorney, to renew the **legal contract** with the Board. Ms. Oliver notes no changes except dates of the contract. Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to renew the contract. With no objections, motion carries unanimously.

Request received from **Debbie Drozdov, D.C**., Baton Rouge, LA, to waive the delinquent renewal fee due to postal service issues. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to waive the late fee. With no objections, motion carries unanimously. License effective date is 02/27 /2020.

Request received from **Chris Faler, D.C**., Mandeville, LA, to grant an extension to obtain hours needed for license reinstatement since COVID-19 chaos with travel restrictions, etc. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to grant the 10/31/2020 extension. With no objections, motion carries unanimously.

Request received from **Beau LeJeune, D.C**., Opelousas, LA, re Ce requirements due to COVID-19 pandemic.

Response is to be given that the Board is taking the matter under review and plan to discuss it and create some guidelines for the next meeting

Request received from **Richard Duplantis, D.C**., Lafayette, LA, relative to CE requirements due to COVID-19 pandemic. Response is to be given that the Board is taking the matter under review and plan to discuss it and create some guidelines for the next meeting

Request received from **Daniel Goodman, D.C**., New Orleans, LA, relative to CE requirements due to COVID-19 pandemic. Response is to be given that the Board is taking the matter under review and plan to discuss it and create some guidelines for the next meeting

Request received from **Damien Pratt, D.C**., San Diego, CA, relative to CE requirements due to COVID-19 pandemic. Response is to be given that the Board is taking the matter under review and plan to discuss it and create some guidelines for the next meeting

Request received from **Jennifer Irwin, D.C**., Slidell, LA, relative to CE requirements due to COVID-19 pandemic. Response is to be given that the Board is taking the matter under review and plan to discuss it and create some guidelines for the next meeting

Reuqest received from **Christi Zambuto, NYCC**, relative to if LA will accept “distance learning” or other electronic formats for CE due to restrictions of travel because of COVID-19. Ms. Oliver instructed to respond not currently accepted however, this will be discussed at the next meeting,

Request received from **David Bodoff, D.C**., Philadelphia, PA, relative to CE requirements due to COVID-19 pandemic. Response is to be given that the Board is taking the matter under review and plan to discuss it and create some guidelines for the next meeting.

Request received from **Scott Abramson, D.C**., Lake Oswego, OR, a PACE-approved CE provider, if any exceptions have been made to CE requirements due to COVID-19 pandemic. Response is to be given that the Board is taking the matter under review and plan to discuss it and create some guidelines for the next meeting

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**Administrative Oversight Committee report:**

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.

Annual Salary Review discussion held. Clarification requested on the composition of the AOC committee. It is comprised of the current president, the past president and the Secretary Treasurer. Dr. Kruse reports the AOC Committee discussed current salary info on each employee and makes recommendation to the Board of 3% increase to each employee. Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to grant 3% increase to each employee. With no objections, motion carries unanimously.

**Annual Board Elections:**

Dr. Kruse calls for nominations for the office of “secretary treasurer”. Dr. Martello nominates Dr. VanBreemen to “secretary-treasurer”. After calling for other nominations and hearing none, by acclamation, **Dr. VanBreemen** is “secretary-treasurer”.

Dr. Kruse calls for nominations for the office of “vice president”. Dr. Martello nominates Dr. Kruse to “vice president”. After calling for other nominations and hearing none, by acclamation, **Dr. Kruse** is “vice president”.

Dr. Kruse calls for nominations for the office of president. Dr. Kruse nominates Dr. Martello to “president”. After calling for other nominations and hearing none, by acclamation, **Dr. Martello** is “president”.

Ms. Oliver notes a formal hearing to be held on 09/10/2020 or 09/24/2020. More information will follow as soon as schedule is formulated by attorneys involved.

**Upcoming Events:**

* X-ray Proficiency Certificate Holder Renewal deadline, 07/31/2020.
* Biannual licensure exam, 10/15/2020, time to be announced.
* Annual license renewal deadline, 12/31/2020.

Motion made by Dr. Cavanagh, seconded by Dr. Kruse, to adjourn. With no objections, meeting is adjourned at approximately 12:29 p.m.