LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – DECEMBER 17, 2020**

Members Present: Dr. Ned J. Martello, President; Dr. Mark B. Kruse, Vice-President; Dr. R. Buckley VanBreemen, Secretary-Treasurer; Dr. Michael Cavanaugh; Dr. Denise D. Rollette; Ms. Peggy Anselmo.

Members Absent: Dr. Jon E. Zeagler.

Staff Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: None.

Audience: Tim Chittom, CAL, Baton Rouge, LA

Celia R. Cangelosi, Attorney, Baton Rouge, LA

George Anthon, DC, Hammond, LA

Debbie Moore, DC, Picayune, MS

Meeting called to order at 8:34 a.m., Dr. Ned Martello, President, presiding.

Ms. Oliver welcomes new board member, **Ms. Peggy Anselmo**, Baton Rouge, LA, appointed to the vacant “consumer member” seat by Gov. Edwards recently. Ms. Oliver notes the date of the appointment was 10/30/2020 although no notice was received from the Governor’s.

Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to amend the order of the posted agenda, to allow Ms. Celia Cangelosi to discuss a hearing continuance request and an inquiry relative to complaint correspondence. Roll call vote: Kruse- Yes; Rollette – Yes; Cavanaugh – Yes; VanBreemen – Yes; Anselmo - Yes; Martello – Yes.

Ms Cangelosi has received a request for a continuance to **Docket 2020-01, Michael Goff, D.C**. due to his inability to attend on that date. Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to grant a continuance to 01/21/2021 in Docket 2020-01. With no objections, motion carries unanimously.

Correspondence received from **Michael Wainwright**, Attorney for CAL, if the language utilized in complaint letters sent to licensees can be changed to be less harsh and severe as it shocks and scares the licensees. Ms. Cangelosi reviewed the inquiry and the form letter utilized by the Board. She notes the LA Administrative Code outlines what must be contained in a complaint notice letter and that the letter utilized by the Board is in compliance with those requirements.

The **minutes** of the 10/15/2020 meeting were mailed to all Board members. Motion made by Dr. Kruse, seconded by Dr. VanBreemen, 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 a prospective licensure applicant relative to reciprocity requirements.

**STANDING COMMITTEE REPORTS**

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

Dr. Cavanaugh reports an agreed settlement totaling $700.00 offered for **Complaint #1424** for delinquent renewal issue. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to accept the agreed settlement of $700.00. With no objections, motion carries unanimously.

Ms. Oliver notes receipt of a letter from the **LA Massage Therapy Board** inquiring about a chiropractic employee performing massage without a massage therapy license. Dr. Kruse will craft a response relative to this inquiry stating proper parameters. Motion made by Dr. Kruse, seconded by Ms. Anselmo that he will craft response to be utilized. With 5 yeas, 1 nay, motion carries.

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

**Financial statements** for October and November, 2020 were prepared by Ms. Oliver and provided to the Board. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, 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.

Ms. Oliver notes, the **deposit trends** report is continuously updated with next presentation to be at January 2021 meeting.

Regarding “**Budget Review**”, none needed at this time. The 2021 fiscal year **budget** will be requested and available for the January 2021 meeting.

**CD report:**  Dr. VanBreemen is continuing to monitor the rates and renewal dates of the CD’s. He would like to stagger renewal dates. No action to consider until February 2021.

* **PEER REVIEW COMMITTEE REPORT by Dr. Martello:** No report to be given due to no activity or requests.

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.

* **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 07/11/2020 – 10/12/2020:

* Phone calls received: 328
* Licensure Application packets requested & mailed: 17
* New Licenses Issued: 2
* Complaints Filed & Opened: 3
* Complaints closed: 7
* DC license renewals received & processed: 391 (~$78000.00)
* DC license renewals returned as “incomplete” or “missing CE”: 49
* Delinquent license renewal fees paid: 2 (~$500.00)
* License verifications processed: 104 (~$5200.00)
* New X-ray certificates issued: 9 ($675.00)
* X-ray certs renewed: -0-
* Public records requests: 0
* Subpoenas received: -0-
* Seminars reviewed: 6 (~$600.00)
* CE locate requests received: 24
* List requests received and processed: 10 (~$2500.00)
* National licensee alerts received and logged: 2
* Peer Review Requests: -0-
* Dry Needling certificates issued: 5 ($125.00)
* Duplicate Licenses Issued: 7 ($140.00)
* Travel to Treat temporary license: -0-
* License Renewal Cards Purchased: 43 ($860.00)
* Seminars posted to webpage: 6
* Blue Books purchased: 3 ($225.00)

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

Ms. Oliver reports Dr. VanBreemen had reviewed **5** seminars since the last meeting; however no other seminars require full Board review.

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

No activity to report at this time.

* **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.
* Regarding “**clinic closure guidelines**”, matter tabled. Dr. Kruse, Dr, Rollette and Dr. Zeagler will prepare draft language for presentation at the January 2021 meeting.
* **GENERAL CORRESPONDENCE**:

Receipt of FCLB’s district conference report.

Receipt of the State of LA’s information on COVID and social distancing regulations.

Motion made by Dr. Cavanaugh, seconded by Dr. Rollette, to hold an “executive session” to review background check reports on 2 candidates**, P-1-F** and **P-1-D**. Roll call vote: Kruse – Yes; Rollette – Yes; Cavanaugh – Yes; VanBreemen – Yes; Anselmo – Yes; Martello – Yes. 6 yeas, 0 nays, motion carries unanimously.

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

Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to allow candidates **P-1-F** and **P-1-D** to participate in the licensure exam process. With no objections, motion carries unanimously.

**OLD BUSINESS:**

Continued discussion on Dr. Zeagler’s request to address current language in place on “**testimonial**” advertising, however, due to his absence, matter tabled to the next meeting at the request of Dr. Martello.

Relative to **clinic/office closure guidelines** and the requests from **Tracy Richardson, D.C**., and Tina Romero, matter to be continued to the January meeting due to the absence of Dr. Zeagler who was formulating a proposal.

**NEW BUSINESS:**

Discussion requested by Dr. Kruse on possibility of Board providing “**real time license verifications**”. due of alleged inability of a hospital to verify a licensee over the weekend to order a diagnostic test. Much discussion held about the Board’s ability to offer “real time license verifications” with limited hardware, software and staffing. Dr. Kruse will investigate this matter.

Request received from **Ben Tekippe, D.C**., Metairie, LA, relative to use of CPT Code 97110 and therapy. Response to be prepared by Dr. Kruse that CA can assist but not perform. Dr. Kruse will craft response and utilize the appropriate declaratory statement and CPT language relative to therapy.

Request received from **Jeannie Hicks, D.C**. DeRidder, LA, if “spa services” are allowed under the scope of practice in LA. These services seem to fall outside the scope of chiropractic practice, LSA R.S. 37:2801.A.1, and it is suggested the LA Cosmetology Board be contacted.

Request received from **Gary Watts, D.C**., West Monroe, LA, relative to the use of “range of motion inclinometry” and if staff can be trained to perform it. Response to be provided that staff cannot be trained to perform it as it is not an “incidental procedure.

Request received from **Jenna Watson, D.C**., Shreveport, LA, can the “Dutch test” be utilized in LA chiropractic practice - it is a type of urinalysis test which measures estrogen, testosterone, etc.. Response will be sent that the scope allows use of diagnostic procedures to diagnose the functional integrity of the spine.

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Request received from **Chris Cormier, D.C**., Lafayette, LA, regarding hyperbaric chamber and different specifications. Dr. Martello requests this matter be tabled until the January 2021 meeting so that Dr. Zeagler is able to present information.

Request received from **Michael Taylor, D.C**., Shreveport, LA, regarding purchasing of diagnostic devices. Dr., Kurse will formulate the response to be utilized.

Request received from **Scott McCarty, D.C**., Gretna, LA, relative to a CE waiver and to accept the hours he completed as fulfilling his requirements. Motion made by Dr. Rollette, seconded by Dr. VanBreemen, to accept his CE as fulfilled. With 5 yeas, and 1 nay, motion carries.

Request received from **William Wilson, D.C**., New Orleans, LA, requesting a CE waiver for his 2021 license renewal. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to waive his license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **Sal Giangrosso, D.C**., Covington, LA, requesting a CE waiver for his 2021 license renewal. Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to waive his license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **David Swain, D.C**., Kinder, LA, requesting a CE waiver for his 2021 license renewal. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to waive his license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **Justin Trosclair, D.C**., Breaux Bridge, LA, requesting a CE waiver for his 2021 license renewal. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to waive his license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **Erik Moll, D.C**., San Antonio, TX, relative to a CE waiver and to accept the hours he completed as fulfilling his requirements. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to accept his CE as fulfilled. With no objections, motion carries unanimously.

Request received from **Susan Schoonmaker, D.C**., Clearwater, FL, requesting a CE waiver for her 2021 license renewal. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to waive her license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **Dennis Gregory, D.C**., Clark, MO, requesting a CE waiver for his 2021 license renewal. Motion made by Dr. VanBreemen, seconded by Dr. Cavanaugh, to waive his license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **Paul Tyler, D.C**., Baton Rouge, LA, requesting a CE waiver for his 2021 license renewal due to his health condition. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to waive his license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **Michael Johnsey, D.C**., Katy, TX, requesting a CE waiver for his 2021 license renewal. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to waive his license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **Denise Florane, D.C**., Folsom, LA, requesting a CE waiver for her 2021 license renewal. Motion made by Dr. Cavanaugh, seconded by Ms. Anselmo, to waive her license renewal requirements for 2021. With no objections, motion carries unanimously.

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Request received from **LaBentria Ford, D.C**., Independence, LA, to requesting a CE waiver for her 2021 license renewal. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to waive her license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **Asghar Mortaji, D.C**., Houston, TX, requesting a CE waiver for his 2021 license renewal. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to waive his license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **Madeline Washington, D.C**., Houston, TX, requesting a CE waiver for her 2021 license renewal. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to waive her license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **Gerald Bell, D.C**., Baton Rouge, LA, requesting a CE waiver for his 2021 license renewal. Ms. Oliver notes information relative to Dr. Bell’s CE voucher issued by CAL for a prior CE program. Motion made by Dr. Martello, second by Ms. Anselmo, to hold an Executive Session to discuss CE vouchers issued by CAL. Roll call vote: Kruse – Yes; Rollette – Yes; Cavanaugh – Abstain, VanBreemen – Yes Anselmo –Yes; Martello – Yes. With 5 yeas, 0 nays and 1 abstention, motion carries.

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

Motion made by Dr. Kruse, seconded by Ms. Anselmo, to deny the CE waiver request of Dr. Bell. With 4 yeas, 2 nays, motion carries.

Request received from **Darrell Richards, D,C**., New Orleans, LA, requesting a CE waiver for his 2021 license renewal. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to waive his license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **Wesley McAlister, D.C**., Inman, SC, requesting a CE waiver for his 2021 license renewal. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to waive his license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **Cory Mayon, D.C**., Pasadena, TX, requesting a CE waiver for his 2021 license renewal. Motion made b Dr. Kruse, seconded by Dr. Cavanaugh, to waive his license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **Ken Pace, D.C**., New Orleans, LA, requesting a CE waiver for his 2021 license renewal. Ms. Oliver notes Dr. Pace has since withdrawn his request for waiver. No action needed.

Request received from **Matthew Cavanaugh, D.C**., Lafayette, LA, requesting a CE waiver for his 2021 license renewal. Motion made by Dr. Kruse, seconded by Dr. VanBreemen, to waive the CE requirements for 2021. With 5 yeas, 0 nays and 1 abstention, motion carries.

Request received from **Michael Cavanagh, D.C**., Lafayette, LA, requesting a CE waiver for his 2021 license renewal due to health and age reasons. Motion made by Dr. VanBreemen, seconded by Dr. Kruse, to waive his license renewal requirements for 2021. With 5 yeas, 0 nays and 1 abstention, motion carries.

Request received from **Stephen Offenberger, D.C**., San Antonio, TX, requesting a CE waiver for his 2021 license renewal. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to waive his license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **Cheryl Watson, D.C**., Kingston NY, requesting a CE waiver for her 2021 license renewal. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to waive her license renewal requirements for 2021. With no objections, motion carries unanimously.

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Request received from **Breanne Kelley, D.C**. San Antonio, TX, requesting a CE waiver for her 2021 license renewal. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to waive her license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **Terry Thoroughman, D.C**., Nicholasville, KY, requesting a CE waiver for his 2021 license renewal. Motion made by Dr. Cavanaugh, seconded by Dr. Rollette, to waive his license renewal requirements for 2021. With no objections, motion carries unanimously.

Request received from **Damian Pratt, D.C**., San Diego, CA, requesting a 90-day extension to obtain CE for 2021 renewal. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to grant a 90 day extension. With no objections, motion carries unanimously.

Request received from **Jim Dinh, D.C**., Houston, TX, requesting a CE waiver for his 2021 license renewal. Ms. Oliver notes Dr. Dinh has since withdrawn his request for waiver. No action needed.

Request received from **Patrick Price, D.C**., Houston, TX, requesting a 90-day extension to obtain CE for 2021 renewal. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to grant a 90 day extension. With no objections, motion carries unanimously.

Request received from **Lyle Burkhardt, D.C**., Pensacola, FL, requesting a 90-day extension to obtain CE for 2021 renewal. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to grant a 90 day extension. With no objections, motion carries unanimously.

Request received from **Teresa DeJournette, D.C**., Wellington, NV, TX, requesting waiver of requirement to get “inactive” renewal statement notarized. Motion made by Dr Cavanaugh, seconded by Dr. VanBreemen, to accept her renewal without the notary signature. With no ojbections, motion carries unanimously.

Ms. Oliver notes request from **Don Oliva, CE Brokers**, to make a presentation to the full Board at a future meeting. Currently, consensus is that the Board does not need a presentation made.

Ms. Oliver notes miscellaneous items received after the agenda was prepared, mailed and posted. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to amend the posted agenda. Roll call vote: Kruse – Yes; Rollette – Yes; Cavanaugh – Yes VanBreemen – Yes; Anselmo – Yes; Martello – Yes. With 6 yeas, 0 nays, agenda is amended.

Request received from **Angela Fix-Ortiz, D.C**., Keller, TX, to waive the CE requirement for the 2021 renewal. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to waive the requirements. With no objections, motion carries unanimously.

Request received from **Ashley Blanche, D.C**., Baton Rouge, LA, requesting a 90-day extension to obtain CE for 2021 renewal. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to grant a 90 day extension. With no objections, motion carries unanimously.

Request received from **Landon Christy, D.C**., Shady Shores, TX, to waive the CE requirement for the 2021 renewal. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to waive the requirements. With no objections, motion carries unanimously.

Request received from **Tina Theriot, D.C.,** New Iberia, LA, to waive the RM CE requirement for the 2021 renewal. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to waive the requirements. With no objections, motion carries unanimously.

Request received from **Kelvie Culpepper, D.C**., Poplarville , MS, to waive the CE requirement for the 2021 renewal. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to waive the requirements. With no objections, motion carries unanimously.

Request received from **William Wilson, D.C**., New Orleans, LA, to waive the CE requirement for the 2021 renewal. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to waive the requirements. With no objections, motion carries unanimously.

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Request received from **Kim Hardy, D.C**., Gretna, LA, to waive the 3.25 hours of CE requirement due to illness for the 2021 renewal. Motion made by Dr. Cavanaugh, seconded by Dr. Rollette, to waive the requirements. With no objections, motion carries unanimously.

Request received from **Don Cassidy, D.C**., Magnolia, AR, to waive the CE requirement for the 2021 renewal. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to waive the requirements. With no objections, motion carries unanimously.

Request received from **Derek Hacke, D.C**., San Diego, CA, to waive the CE requirement for the 2021 renewal. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to waive the requirements. With no objections, motion carries unanimously.

Request received from **Chris Riedel, D.C**., Baton Rouge, LA, to waive the CE requirement for the 2021 renewal. Motion made by Dr. Cavanaugh, seconded by Dr. Rollette, to waive the requirements. With no objections, motion carries unanimously.

Request received from **John Currie, D.C**., Denham Springs, LA, to waive the CE requirement for the 2021 renewal. Motion made by Dr. Cavanaugh, seconded by Dr. VanBreemen, to waive the requirements. With no objections, motion carries unanimously.

Request received from **Andrea Madhere, D.C.**, Baton Rouge, LA, to waive the CE requirement for the 2021 renewal. Motion made by Dr. Kruse, seconded by Dr. Cavanaugh, to waive the requirements. With no objections, motion carries unanimously.

Request received from **Jon Zeagler, D,C**,, Natchitoches, LA, to grant a waiver of the onsite requirement for hyperbaric supervision training he obtained. Motion made by Dr. Cavanaugh, seconded by Dr. Kruse, to grant the waiver. With no objections, motion carries unanimously.

Request received from **Quentin Brisco, D.C**., Lafayette, LA, , related to “real time license verifications”. Response to be sent to Dr. Briscoe that Board is investigating this matter.

Ms. Oliver notes the 2021 **Board calendar** is being prepared and will be provided to all Board members as well as will be posted on the Board’s website.

**Upcoming Events:**

* Annual license renewal deadline, 12/31/2020.
* Biannual licensure exam, 01/21/2021, time to be announced.

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