LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – june 13, 2013**

Members Present: President – Dr. Mark Kruse, Vice-President – Dr. Michael Cavanaugh, Secretary-Treasurer- Dr. Buckley R. VanBreemen, Dr. David Barczyk , Dr. Jon E. Zeagler, Dr. Wynn Harvey

Members Absent: Dr. Ned Martello

Staff Present: Patricia A. Oliver, Executive Director

Legal Counsel: Angelique Freel,

Audience: None

Meeting called to order at 8:36am, Dr. Mark B. Kruse, President, presiding.

The **minutes** of the 04/25/2013 meeting were mailed to all Board members. . Motion made by Dr. Barczyk, and seconded by Dr. Zeagler. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for April 2013 & May 2013 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Barczyk, and seconded by Dr. Harvey, to accept the statements. With no objections, motion carries unanimously.

Ms. Oliver also informs the Board the annual audit will begin soon, as required by law.

**CD report** given by Dr. VanBreeman. He informs the Board there are no changes at this time.

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

In Dr. Martello’s absence, Ms. Oliver reports the PR Committee has no review requests at this time.

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

Dr. Harvey petitions the Board to accept agreed settlements on two complaints.

Relative to Complaint #**1010,** and a Medicaid conviction, Dr. Harvey negotiated an agreed settlement of $10,000 fine, costs for legal expenses incurred by the Board, 3 years’ probation and additional RM CE courses. Motion made by Dr. Zeagler and seconded by Dr. Cavanaugh to accept the agreed settlement. With no objection, the motion carries unanimously.

Relative to Complaint #**1011** and an advertising violation, Dr. Harvey has negotiated an agreed settlement of $350.00 and for future ad to be corrected. Motion made by Dr. Cavanaugh and second by Dr. Barczyk, to accept the agreed settlement. With no objections, the motion carries unanimously.

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

No current activity at this time.

* **LAW & LEGISLATION:**

Ms. Oliver has compiled a list of 2014 Legislative proposals suggested by the Board, as follows:

* + - * **CE Requirements** – to change current # of CE’s taken on a yearly basis to 15 hours which would include 3 hours of risk management and documentation. The Board advises Angelique to draft the language for such changes and to bring back at the next meeting.
      * **Internship** – Board discusses LSA R.S. 37:2806 and LAC xxxx. 316 for the language on requirements for supervisory chiropractors for internships and to define term, “chiropractor”. Relative to the current policies on interns, internships, and supervisory chiropractors, the Board would like to change the policy to read…….xxxxxxxxxxxx They would like to amend the policy for such requirements to change to 3 or more disciplinary actions in the past 10 years. They also want to change the wording in the statute to multiple actions.
      * **X-Ray Hours** – The Board agrees to change LSA 37:2828.A.1 relative to number of hours needed to obtain x-ray certification from 36 hours to 30 hours.
      * **Delinquent Renewals** – The Board discussed possible changes to the delinquent fee, however, no changes will be made at this time.
      * **Reciprocity** – Board discusses amending the reciprocity statutes relative to undergraduate degree requirements. Discussion held on possibly of including a graduation date which would be the pivot point for requiring undergrad degree or not. Dr. Barcyzk will be re-writing this language.
      * **Declaratory Statement 98-1** – The Board would like to rescind the declaratory statement 98-1 relative to preceptors, interns and the unlicensed practice of chiropractic and draft language to issue a new declaratory statement. The new statement would delete the phrase, “but not limited to the taking of x-rays”. The Board wants the new one to state the requirement a preceptor must complete all x-ray courses required by their chiropractic college. Dr. VanBreemen will draft the language for it. The new language to be drafted, (Declaratory Statement 2013-01) should replace Declaratory Statement 98-1.
      * **Neuromuscular Skeletal System** diagnosis with treatment – Dr. Kruse will provide further information on this matter for next year’s legislation.

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* **TESTING**:

Ms. Oliver informs the board that we have 9 applications accepted for the upcoming exam on July 25, 2013 and 1 application rejected.

* **ADMINISTRATIVE OVERSIGHT:**

Relative to timesheets and leave records, Dr. VanBreemen stated that time records are in order for Ms. Oliver and Ms. Hebert-Schmidt.

Relative to “salary review” of current employees, Dr. Kruse opens the floor for discussion and states this discussion is a struggle every year. Dr. Barczyk states he is not comfortable discussing this matter in front of Ms. Oliver and Ms. Hebert-Schmidt. He does not believe it is right to have employees or members of the Board lobbying for each person. Ms. Oliver informs Dr. Barczyk this form of discussion has been utilized as the Board does not have a “human resources” or “personnel” department employee in place, and at one point, a committee was formed of the current president, past president, and secretary-treasurer to discuss these matters and to bring their suggestions to the Board meeting, however, that method has not been used for several years, and the open discussion has been the way of handling this matter each year. Dr. Kruse interjects it can become uncomfortable to speak freely since the employees are present and everyone has become such close friends, they would not want to hurt anyone’s feelings with the discussion being of public record. Ms. Oliver states all employee salaries of the state are public record. Angelique Freel interjects there is a website which contains all state board employees’ salaries. Motion made by Dr. Cavanaugh to have a recess so the committee could meet. With no second, the motion dies. Ms. Freel informs the Board if this committee wishes to meet, they have to give proper notice in writing to all parties involved, per the “Open Meetings’ Law” and since this was not done, the committee could not meet. Dr. Kruse stated he needed the employee salary figures. Ms. Oliver noted she had the information on hand and could get it immediately. Salary info on all employees was provided to the Board. It was decided the committee will meet in the future and bring information to the Board for further discussion at the next board meeting. Dr. Kruse instructs Ms. Oliver to gather salary info on all executive directors and administrative assistants of state boards and commissions for next meeting.

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

Ms. Oliver informs the board 18 seminars have been reviewed since the last meeting.

Dr. VanBreemen notes one seminar needs full Board review due to all instructors not on post grad faculty. The seminar sponsored by University of Bridgeport entitled “Glacier Fest Third Annual Symposium on Nutritional Medicine” is for 13 hours. Motion made by Dr. VanBreemen, seconded by Dr. Harvey, to accept the seminar. With no objections, the motion carries unanimously.

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* GENERAL CORRESPONDENCE:

None at this time.

* **OLD BUSINESS:**

Relative to the **purchase of the Board office,** Ms. Oliverinforms the Board the appraisal on the building has come in below the agreed price for purchase. She also lets the Board know the Bond Commission will not authorize the purchase since the appraisal is so much lower than the price of the building. Further, she informs the Board the office lease is coming due, and that she is already receiving calls from the state if we had the information for the new lease. Ms. Oliver instructed to contact the building owner regarding the price differential and also the possibility of a new lease.

Discussion held by Ms. Oliver and Dr. VanBreemen relative to topics discussed at the recent **FCLB Convention.** Both Dr. VanBreemen and Ms. Oliver were presenters.

Relative to “**webpage advertising review**” assignments that were made at the last meeting, Ms. Oliver notes that Dr. Cavanaugh is the only Board member who has turned in his completed websites advertising review assignment which has generated new complaints for the Complaints Committee.

Relative to prior discussions on “**telepractice**” and defining parameters of “telepractice”, due to Dr. Martello’s absence, the matter will be left on the agenda for the next meeting.

**NEW BUSINESS:**

**Relative to “records retention”** laws and rules**,** Dr. Kruse discussed a more definite and clear statement should be in place for the initiation of the time frame for the patient records being retained. He suggested the entire patient’s record to be kept 6 years since the last time patient is seen. Dr. Kruse will draft a declaratory statement for the next board meeting.

Ms. Oliver asked the Board members if they received, completed and returned the “**Ethics Board Annual Personal Financial Disclosure**” form. She has received notice from the Ethics Board of the deadline to file the form.

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Ms. Oliver notes additional items which were received after the agenda was prepared and mailed. Motion made by Dr. Kruse, seconded by Dr. Harvey, to amend the agenda to include additional items for discussion.

Roll call vote: Kruse – Yes; Cavanaugh – Yes; VanBreemen – Yes; Harvey – Yes; Barczyk – Yes; Zeagler – Yes. With 6 yeas, 0 nays, motion carries unanimously and agenda is amended.

Request received from **Francesca Marino, D.C**., Baton Rouge, LA, relative to inclusion in the “Specialty Register” for completion of the 180 hour Chiropractic Pediatrics certification course from the Academy of Chiropractic Family Practice’s Council on Chiropractic Pediatrics. Correspondence will be sent to Dr. Marino this course does not meet current “Specialty Register” criteria but does fall within guidelines for the “Certified Register” due to number of hours contained in the course.

Ms. Oliver has prepared the proposed **2014 license renewal form** and would like Board review and approval. She notes only changes made are appropriate dates. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the form as drafted. With no objections, motion carries unanimously.

Request received from **Richard Duplantis, D.C.,** Morgan City, LA, relative to reinstating his license to practice chiropractic in LA. Board notes that with receipt of fees, forms and hours, his license will be reinstated.

Ms. Oliver reminds the Board that **annual elections** are scheduled for the July meeting.

**Upcoming Events:**

* Next Board meeting, 07/25/2013, time to be announced.
* Next exam offering, 07/25/2013, time to be announced.
* X-ray proficiency certificate holders’ annual renewal deadline, 07/31/2013.
* FCLB District 3 & 5 Conference, 09/19-22/2013, Washington DC
* NBCE Part IV exam administration, 11/08/10/2013, nationwide test sites.
* Annual license renewal deadline, 12/31/2013.

Motion made by Dr. Barczyk, seconded by Dr. Cavanaugh, to adjourn. With no objections, meeting is adjourned.

MEETING ADJOURNED AT APPROXIMATELY 11:50 a.m.