LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – OCTOBER 3, 2013**

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

Members Absent: None.

Staff Present: Patricia A. Oliver, Executive Director

Shellie Hebert-Schmidt, Administrative Assistant

Legal Counsel: Angelique Freel, Assistant Attorney General.

Audience: None.

Meeting called to order at 8:38 a.m., Dr. R. Buckley VanBreemen, President, presiding.

The **minutes** of the 07/25/2013 meeting were mailed to all Board members. Motion made by Dr. Kruse, seconded by Dr. Barczyk, to accept the minutes as prepared. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None

**STANDING COMMITTEE REPORTS**

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

**Financial statements** for July and August 2013 were prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Zeagler, seconded by Dr. Kruse, to accept the statements. With no objections, motion carries unanimously. Ms. Oliver notes the Board’s copier, purchased in 12/28/2005, is becoming obsolete as it is becoming harder for the maintenance company to find parts if needed. Ms. Oliver directed to begin pricing new copier machines, trade-in value if any on our current machines, purchase versus leasing prices etc. Also, cost should be figured in to the upcoming budget.

**CD report** was given by Dr. Barczyk and Ms. Oliver. It is noted one CD matured in September and, after conference with Dr. Barczyk, Ms. Oliver renewed it at DOW LA FCU who offered the best interest rate. Perhaps the CD’s will be reviewed at the December meeting to check if money needs to be transferred to other Board accounts.

Relative to request for explanatory information on the “**unfunded liability**” of “post-retirement benefits” which is being recorded and reported in each year’s audit report, Ms. Oliver and Dr. Martello met with Mr. Rob Furman, CPA, who is the Board’s contracted auditor, to gather more info. Ms. Oliver discussed in detail what “post-retirement benefits” means. It is an actuarially based estimate of what the cost would be per employee when/if that employee retires and opts to continue state health insurance coverage. The actuarial estimations are not tied to or based on salary or wages but are calculated on inflation factors, health insurance costs, age of employee, life expectancy models, etc.

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

Dr. Martello informs the Board 3 cases were reviewed by the PR Committee on Oct 1, 2013. Committee will reconvene on October 7, 2013, to finalize the committee’s findings. Dr. Martello suggests making rules/guidelines to suggest timely patient records and documentation.

The Board calls a recess at 9:00 a.m. for “testing” and reconvenes at 10:10 a.m.

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

Dr. Harvey notes the Complaint Committee has been busy relative to “website advertising review”. Dr. Harvey has agreed settlements on several complaints related to advertising. Motion made by Dr. Zeagler, seconded by Dr. Martello, to accept the agreed settlements on Complaints # 1031, 1032, 1035, 1037, 1046, 1051, 1053, , 1054, 1056, 1057, 1058, 1062. With no objections, motion carries unanimously.

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

No current activity at this time.

* **LAW & LEGISLATION:**

Relative to the Board’s rules promulgation process, Ms. Oliver asked to notify CAL if a public hearing is requested or if any oversight committee requests info. A technical change is needed in the rules which were noticed: At § 601.A. – strike phrase “*all of”* & 601.C and §603.A and anywhere else in rule. Ms. Freel to check if this change needs any further notice.

* **TESTING**:

Ms. Oliver notes 6 candidates applied for the licensure exam. Those applicants sat for the exam today. Test results to be announced in approximately 7 days.

**Ms**. Oliver discusses background info supplied to the Board on one licensure applicant. Motion made by Dr. Zeagler, seconded by Dr. Kruse to allow the applicant to sit for the licensure exam. With no objections, motion carries unanimously.

* **ADMINISTRATIVE OVERSIGHT:**

Dr. Barczyk stated all leave records of **Ms. Oliver** and **Ms. Hebert-Schmidt** are in order.

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* **SEMINAR REVIEW by Dr. Barczyk:**

Ms. Oliver reports Dr. Barczyk reviewed 54 seminars since the last meeting, however, 7 seminars review request requires full Board review due to all speakers not on post graduate faculty as follows:

Request received from **Texas Chiropractic Association** to review the   
“Jay Morgan Seminar Series” for CE credits. Motion made by Dr. Barczyk, seconded by Dr. Kruse, to approve the seminar for 8 hours. With no objections, motion carries unanimously.

Request received from **Texas Chiropractic Association** to review the “DC Seminar Series”. Motion made by Dr. Barczyk, seconded by Dr. Cavanaugh, to approve the seminar. With no objections, motion carries unanimously.

Request received from **Northwestern Health Sciences University** to review the “Radiographic Considerations in Special Populations”. Motion made by Dr. Barczyk, seconded by Dr. Cavanaugh, to approve the seminar. With no objections, motion carries unanimously.

Request received from **Georgia Chiropractic Association** to review the “101st Annual Fall Conference & Trade Show”. Motion made by Dr. Barczyk, seconded by Dr. Cavanaugh, to approve the seminar. With no objections, motion carries unanimously.

Request received from **ACA Council on Pediatrics** to review the “Pediatrics Fall Convention”. Motion made by Dr. Barczyk, seconded by Dr. Cavanaugh, to approve the seminar. With no objections, motion carries unanimously.

Request received from **Logan College** to review the “Fascial Distortion Model Technique – Lower Region”. Motion made by Dr. Barczyk, seconded by Dr. Cavanaugh, to deny the seminar. With 5 yeas, 2 nays, motion carries.

Request received from **Michigan Association of Chiropractic** to review the “MAC Fall 2013 Convention”. Motion made by Dr. Kruse, seconded by Dr. Zeagler, to approve the seminar. With no objections, motion carries unanimously.

Request received from **ICPA** to review the “Pediatric Series”. Motion made by Dr. Barczyk, seconded by Dr. Harvey, to approve the seminar. With no objections, motion carries unanimously.

* GENERAL CORRESPONDENCE:

Invitation received from NBCE to attend Mr. Horace Elliot’s retirement cocktail party to be held 11/01/2013. Ms. Oliver directed to send a congratulatory card from the Board.

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**OLD BUSINESS:**

Relative to the ongoing “**web page advertising review**” of all licensees, Ms. Oliver notes some assignments have not been not completed and/or provided to the Board office & complaint committee. Dr. Kruse will wrap up his reviews, Dr. Harvey will take Dr. Barczyk’s assignments and Dr. Kruse will take Dr. Martello’s assignments.

Continued discussion held on “**telepractice**” by Dr. Martello. Dr. Martello says out of state practitioners are reviewing in state claims. Dr. Martello has no new information.

**NEW BUSINESS:**

Ms. Oliver notes the LA **State Property** Assistance conducted the Board’s state agency review. We passed the review and will not be scheduled for another review until 3 years.

Ms. Oliver prepared a draft of the proposed **board newsletter**. It will be mailed out along with license renewal materials.

Dr. Harvey has questions about the scientific validity of **AK** testing as it relates to vitamin deficiency. Dr. Harvey suggests the Board create policy and/or opinion if this type of testing is accepted as a diagnostic tool. Dr. Kruse will research this and report back to the Board at the next meeting.

Request received from **Darcy Pope, D.C**., New Orleans, LA, to apply the application fee she remitted for October exam to the January 2014 exam. Motion made by Dr. Barczyk, seconded by Dr Zeagler, to apply the fee previously submitted to the January exam. With no objection, motion carries unanimously.

Request received from **Gerald Bell, D.C**., Baton Rouge, LA, whether or not a chiropractor can order MRI under sedation without contrast? Dr. Kruse states the MRI can be ordered with or without contrast, however the DC cannot order the medication.

Relative to “**good faith**” payment towards purchase of the **Board office building**, Ms. Oliver notes Mr. Cramer returned the payment since the purchase of the building did not take place.

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Request received from **Adam Reeves, D.C**., Donaldsonville, LA, regarding if a chiropractor can perform a sports physical examination for high school students. Ms. Chittom notes the LHSAA has a policy that medical exams be performed by a MD, DO, or PT, etc., but that DC’s are not on the list. CAL has been attempting to get policy changed by the LHSAA. Ms. Oliver notes this there was prior discussion by the Board on this matter and she feels correspondence was sent out. She is asked to research this and if so, please provide CAL with correspondence.

Request received from **NBCE** for examiners to participate in the **Part IV** exam administration November 7-10, 2013. Dr. Cavanaugh and Dr. Martello will be participating as LA Board representatives at Life College – Atlanta, GA test site.

Ms. Oliver notes approximately 60 **x-ray certificate holders** did not renew their x-ray certification for the August 1, 2013 – July 31, 2014 period. Appropriate letters have been issued.

Dr. VanBreemen notes CAL has received a request relative to the **PEAK** Program regarding allowing students to participate in **preceptorship** programs in LA chiropractic offices. Board notes participation is allowed with the exception of performance of “spinal manipulation” by the students. Dr. VanBreemen asks for this matter be placed on the December meeting agenda.

Ms. Oliver notes some other requests received after the agenda was prepared and mailed. Motion made by Dr. Harvey, seconded by Dr. Martello to amend the posted agenda to include other requests received. Roll call vote: Harvey – Yes; Martello – Yes; Zeagler – Yes; Cavanaugh – Yes; Barczyk – Yes; Kruse – Yes; VanBreemen – Yes. With 7 yeas, 0 nays, agenda is amended.

Ms. Oliver notes receipt of the subscription renewal for “**The Chiropractic Report**”. Motion made by Dr. Zeagler, seconded by Dr. Harvey, to renew the subscription. With no objections, motion carries unanimously.

Request received from Medical Institute of the American Heart Association whether **CPR** is required in LA. It is noted there is nothing in the LA practice act relative to CPR as a requirement.

Request received from **Denise Florane, D.C**., Mandeville, LA, if LA chiropractors are “functional medicine doctors”? Ms. Oliver to send correspondence that if a person is not “certified”, the term cannot be utilized.

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Request received from **Jeffrey Salczenko, D.C**., Channelview, TX, relative to license reinstatement, license application, etc. Ms. Oliver directed to inform Dr. Salczenko to contact the Board after he has gathered the information requested in writing on debts, payment schedule, etc, and then he will be scheduled for the next available meeting agenda.

Request received from **Richard Duplantis, D.C**., Morgan City, LA, to watch 2 hours of the LUCP CE class for the balance of hours needed for license reinstatement as he attempted to attend a different seminar program whose location had been changed and he was not notified. Motion made by Dr. Cavanaugh, seconded by Dr. Harvey, to allow Dr. Duplantis to view the seminar at the Board office. With 4 yeas, 3 nays, motion passes.

Dr. Martello asks for update on “**dry needling**” rules. Ms. Freel states the “notice of intent” was published in the September “LA Register”.

Ms. Chittom would like to share information that starting in May 2014, any class of providers must be certified to take the **DOT examination** course, then sit for the exam in 1 of 5 cities. Ms. Chittom requests that a free **license verification** letter be given to each DC to use for this purpose. Motion made by Dr. Kruse, seconded by Dr. Martello, to waive the LV fee for the DOT credentialing. With no objections, motion carries unanimously.

Request received from **Denise Florane, D.C**., Mandeville, LA, if LA chiropractors are “functional medicine doctors”? Ms. Oliver to send correspondence that if a person is not “certified”, the term cannot be utilized.

**Upcoming Events:**

* NBCE Part IV exam administration, 11/08/10/2013, nationwide test sites.
* Next Board meeting, 12/12/2013, time to be announced.
* Biannual licensure exam, 01/30/2014, time to be announced.
* Annual license renewal deadline, 12/31/2013.

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

MEETING ADJOURNED AT APPROXIMATELY 11:54 a.m.

**Annual Board Elections**:

Dr. Kruse requests nominations for the office of “**secretary-treasurer**”. Dr. Cavanaugh nominates Dr. Barczyk. Hearing no other nominations, Dr. Kruse closes the nominations and announces Dr. Barczyk is “secretary-treasurer” by acclamation.

Dr. Kruse requests nominations for the office of “**vice president**”. Dr. VanBreemen nominates Dr. Martello. Hearing no other nominations, Dr. Kruse closes the nominations and announces Dr. Martello is “vice president” by acclamation.

Dr. Martello, as Vice President, requests nominations for office of “**president**”. Dr. Martello nominates Dr. VanBreemen to be the President. Hearing no other nominations, Dr. Martello closes the nominations and announces Dr. VanBreemen is “president” by acclamation.