

The Georgia Board of Chiropractic Examiners met on **March 13, 2003** at the Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia for the purpose of conducting business.

Members Present:

- ? Davis L. Kinney, D.C., President
- ? Samuel J. Sparlin, D.C., Vice President
- ? Allen K. Arnold, Jr., D.C.
- ? Raoul Ilaw
- ? Patrick J. Sallarulo, D.C.
- ? Connie Singleton, D.C.

Others Present:

- ? Ajay Gohil, Assistant Attorney General
- ? Anita O. Martin, Executive Director
- ? Lea F. Williams, Board Secretary
- ? Chris Carver, D.C.

President Kinney established that a quorum was present, and called the meeting to order and in **OPEN SESSION** at 10:00 A.M.

February 13, 2003 Minutes: Dr. Sallarulo made a motion to **approve** the minutes of the February 13, 2003 meeting as presented. The motion was seconded by Dr. Sparlin and approved by the Board.

Roster of New Licensees: Dr. Singleton made a motion to **approve** the list. The motion was seconded by Mr. Ilaw and approved by the Board. (Attachment #1)

David Henshaw, D.C., Reinstatement Request: Dr. Sparlin made a motion to **approve** the reinstatement request as is, but to advise Dr. Henshaw that if he withdraws his application, and wishes to reapply at a later date, he will be required to resubmit all items. Dr. Arnold seconded the motion and it was approved by the Board.

Request of Michele Alampi, D.C.: Mr. Ilaw made a motion to **deny** Dr. Alampi's request, and advise her that the Board's previous vote stands. The motion was seconded by Dr. Singleton and approved by the Board.

Palmer College: Request for Preceptorship approval: Dr. Sallarulo made a motion to **deny** the request, as the D.C. does not meet the Board's requirements of Rule 100-8-5(a). The motion was seconded by Dr. Sparlin and approved by the Board.

Reinstatement Application: Dr. Arnold made a motion to **approve** the application for use with reinstatement candidates. The motion was seconded by Dr. Singleton and approved by the Board.

CE Program Info. from FCLB: The Board **designated** Dr. Singleton to review the PACE regulations and compare with the Board's CE rules, and report back to the Board at the next meeting.

Letter from Dr. Krohne of the GCA: re: Parker College Acupuncture Seminar: Dr. Sallarulo made a motion to **advise** Dr. Krohne that Georgia licensed D.C.'s will not receive continuing education credit for the seminar. The motion was seconded by Dr. Arnold and approved by the Board. The Board also directed the Executive Director to contact Parker College of this decision.

Letter from Representative Earl Ehrhart: Mr. Ilaw made a motion to invite Representative Ehrhart to the Board's next meeting. The motion was seconded by Dr. Sparlin and approved by the Board.

Letter from Chris Carver, D.C.: Viewed as information.

E-mail from Robert Paltjon, D.C.: Dr. Sallarulo made a motion to **advise** Dr. Paltjon that the Board is precluded from offering legal advice or interpretations of the laws or rules, but to suggest he research the Court Appeals case Siegrist v. Iwuagwa. Dr. Arnold seconded the motion and it was approved by the Board.

Dr. Sparlin moved, Dr. Singleton seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §43-1-2(k) to deliberate on applications. Voting in favor of the motion were those present who included Board members Arnold, Sallarulo, Ilaw and Kinney.

EXECUTIVE SESSION:

The Board reviewed the Endorsement and Licensure applications submitted by **N.H.G., D.L.B., W.P.B., G.C.W., M.D.M.**

The Board reviewed renewal applications submitted by **K.H. and P.A.C.**

The Board met with applicants **T.E.B., D.G.P., E.M.F., W.A.B., D.L.G.**

The Board returned to **OPEN SESSION** to discuss/vote on the following:

OPEN SESSION:

N.H.G.: Dr. Sparlin made a motion to **deny** the Licensure application. The motion was seconded by Mr. Ilaw and approved by the Board.

D.L.B.: Dr. Sallarulo made a motion to **deny** the Licensure application. The motion was seconded by Dr. Arnold and approved by the Board.

W.P.B.: Dr. Singleton made a motion to **approve** the Endorsement application. The motion was seconded by Mr. Ilaw and approved by the Board.

G.C.W.: Dr. Sallarulo made a motion to **approve** the Endorsement application. Dr. Sparlin seconded the motion and it was approved by the Board.

- M.D.M.:** Mr. Ilaw made a motion to **approve** the Endorsement application. The motion was seconded by Dr. Arnold and approved by the Board.
- K.H.:** Dr. Singleton made a motion to **renew** the license, and open as a complaint, and schedule an Investigative Interview. Dr. Arnold seconded the motion and it was approved by the Board.
- P.A.C.:** Dr. Sparlin made a motion to **renew** the license. The motion was seconded by Dr. Sallarulo and approved by the Board.
- T.E.B.:** Dr. Arnold made a motion to **deny** T.E.B.'s appeal for licensure. The motion was seconded by Mr. Ilaw and approved by the Board.
- D.G.P.:** The Board **tabled** their decision until D.G.P. provided further documentation, and will revisit the issue at the next meeting.
- E.M.F.:** Dr. Sparlin made a motion to **deny** E.M.F.'s appeal for licensure by Endorsement. The motion was seconded by Dr. Sallarulo and approved by the Board, with Dr. Arnold opposing the motion.
- W.A.B.:** Dr. Singleton made a motion to **deny** W.A.B.'s appeal for licensure by Endorsement. The motion was seconded by Mr. Ilaw and approved by the Board.
- D.L.G.:** Dr. Arnold made a motion to **approve** D.L.G.'s appeal, and issue a license. The motion was seconded by Dr. Sparlin and approved by the Board.

✍ **Anita O. Martin, Executive Director's Report:**

- ? Reported on the Federal Student Loan Default Rule.
- ? Discussed complaint process.
- ? Reported on renewals—2698 have been renewed.
- ? Presented a letter from Gary Boraks, D.C., asking for an extension to pay his fine. *The Board tabled this issue.*

Dr. Singleton moved, Dr. Sparlin seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §43-1-19(h)(2) to deliberate on disciplinary matters, and to receive information on investigative reports. Voting in favor of the motion were those present who included Board members Arnold, Ilaw, Sallarulo and Kinney.

EXECUTIVE SESSION:

REPORTS

✍ **Ajay Gohil, Attorney General's office:**

- ✍ Updated the Board on cases presently in his office.
- ✍ Presented a faxed copy of a consent order signed by Eric Baty, D.C.
- ✍ Reported on L.C.S.

✍ **Cognizant Reports:**

✍ Cognizant Board members reported on their cases and made their recommendations.

✍ **Enforcement Report:**

✍ Kathy Harvey reported on one case.

The Board returned to **OPEN SESSION** to vote on the following:

OPEN SESSION:

#03-065: Dr. Singleton made a recommendation to **dismiss** the case. Dr. Sallarulo made a motion to **accept** the recommendation and dismiss the case. The motion was seconded by Dr. Arnold and approved by the Board.

#03-063: Dr. Singleton recommended to **dismiss** the case, as no violation was found. Dr. Arnold made a motion to **accept** the recommendation dismiss the case. The motion was seconded by Mr. Ilaw and approved by the Board.

#03-067: Dr. Sparlin recommended to **dismiss** the case, as no violation was found. Dr. Singleton made a motion to **accept** the recommendation and dismiss. The motion was seconded by Dr. Sallarulo and approved by the Board.

#02-10 & 11: Dr. Sparlin recommended to **schedule** to schedule an investigative interview with both respondents. Mr. Ilaw made a motion to **accept** the recommendation and schedule the interviews. The motion was seconded by Dr. Arnold and approved by the Board.

#03-060: Dr. Sallarulo made a recommendation to **send** to the A.G.'s office for a Summary Suspension. Dr. Singleton made a motion to **accept** the recommendation and send to the A.G.'s office. Dr. Arnold seconded the motion and it was approved by the Board.

#03-068: Dr. Sallarulo made a recommendation to **schedule** an investigative interview. Dr. Sparlin made a motion to **accept** the recommendation and schedule the interview. Dr. Singleton seconded the motion and it was approved by the Board.

#03-69, 70, 71: Dr. Sallarulo recommended to **schedule** investigative interviews with all three respondents. Dr. Arnold made a motion to **accept** the recommendation and schedule the interviews. The motion was seconded by Mr. Ilaw and approved by the Board.

#03-056: Dr. Arnold recommended to **close** the case with a letter of concern. Dr. Singleton made a motion to **accept** the recommendation and close the case with a letter of concern. The motion was seconded by Dr. Sparlin and approved by the Board.

- #03-061:** Dr. Arnold recommended to **request a response** from the respondent. Dr. Sallarulo made a motion to **accept** the recommendation and request a response from the respondent. The motion was seconded by Mr. Ilaw and approved by the Board.
- #03-043:** Dr. Arnold recommended to **close** the case with a letter of concern. Dr. Sparlin made a motion to **accept** the recommendation and close the case with a letter of concern. Dr. Singleton seconded the motion and it was approved by the Board.
- #03-052:** Dr. Arnold recommended to **dismiss** the case. Mr. Ilaw made a motion to **accept** the recommendation and dismiss the case. The motion was seconded by Dr. Sallarulo and approved by the Board.
- #01-024:** Dr. Arnold recommended to **close** the case, and flag the licensee's record reflecting the unresolved case, if reinstatement is ever requested. Dr. Sparlin made a motion to **accept** the recommendation to close the case and flag the record. The motion was seconded by Dr. Singleton and approved by the Board.
- #03-026:** Mr. Ilaw recommended to **send** the case to Enforcement. Dr. Sallarulo made a motion to **accept** the recommendation and send the case to Enforcement. The motion was seconded by Dr. Arnold and approved by the Board.
- #03-058:** Mr. Ilaw recommended to **close** the case with a letter of concern. Dr. Sparlin made a motion to **accept** the recommendation and close the case with a letter of concern. Dr. Sallarulo seconded the motion and it was approved by the Board.
- #03-042:** Dr. Arnold made a motion to **accept** the signed Cease and Desist Order signed by Deborah Armenti, and **close** the case. The motion was seconded by Mr. Ilaw and approved by the Board.
- Eric Baty:** Dr. Sallarulo made a motion to **accept** the signed consent order upon receipt of the original. The motion was seconded by Dr. Singleton and approved by the Board.
- L.C.S.:** Dr. Singleton made a motion to **accept** the signed Private Consent Order **upon receipt**. The motion was seconded by Dr. Sallarulo and approved by the Board.

There being no further business to come before the Board, the meeting was adjourned at 4:25 P.M. on March 13, 2003.

Minutes prepared by Lea F. Williams, Board Secretary.

Minutes reviewed by Anita O. Martin, Executive Director.

**State of Georgia
County of Bibb**

**Affidavit Supporting Closing
Of Public Meeting**

The Georgia Open Meetings Act, O.C.G.A. 50-14-1 et seq., requires that all meetings of an entity covered by the statute must be open to the public unless there is some specific statutory exception which permits the closing of the meeting. If such a meeting is to be closed, the law requires that the presiding person execute a sworn affidavit stating that the subject matter of the meeting or the closed portion thereof was devoted to matters within the statutory exceptions and identifying those specific exceptions relied upon. O.C.G.A. 50-14-4(b). A copy of this affidavit must be filed with the minutes of the meeting in question:

Comes now ***Davis L. Kinney, D.C.***, the presiding officer identified below and, before an official duly authorized to administer oaths, makes this affidavit in satisfaction of the statutory requirements outlined above.

1. I am the presiding officer of the ***Georgia Board of Chiropractic Examiners.***
2. I am over the age of 18 and in all other aspects competent to make this sworn statement. I acknowledge that I am giving this statement under oath and penalty of perjury and that I have read the contents of this affidavit prior to signing it.
3. On ***March 13, 2003***, this entity, which is subject to the Open Meetings Act, met. A majority of the quorum of the members present voted to close the meeting or a portion thereof for the following indicated reason(s). I hereby certify that during the closed portion of the meeting, only those subjects indicated below were discussed. I also certify that I have reviewed the exceptions provided under the Open Meetings Act that may permit the closing of a meeting and that, to the best of my knowledge, the reasons I have described in detail below meet the requirements for closing this public meeting.
4. The legal authority for the closure of this meeting was §§ 43-1-2(k) and 43-1-19(h).

5. The subject(s) discussed and the underlying facts supporting the closing of this meeting are:

Receive and review disciplinary /complaint files and reports; review applications; meet with applicants.

Further the affiant sayeth not.

Davis L. Kinney, D.C.

(Presiding Officer)

Sworn and subscribed before me,

This **13th** day of **March, 2003**.

Regina F. Thompson

Notary Public