

The Georgia Board of Chiropractic Examiners met on **January 9, 2003** at the Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia for the purpose of conducting business.

Members Present:

- ? Samuel J. Sparlin, D.C., Vice President
- ? Allen K. Arnold, Jr., D.C.
- ? Raoul Ilaw, Consumer Member
- ? Davis Kinney, D.C.
- ? 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 Miller
- ? Tom Huffman
- ? Chris Carver, D.C.
- ? Scott Moreland

Vice-President Sparlin established that a quorum was present, and called the meeting to order at 10:00 A.M.

Dr. Sparlin made a motion to nominate Dr. Davis Kinney as the new President of the Board. The motion was seconded by Dr. Singleton with all Board members voting in favor.

Dr. Kinney made a motion to nominate Dr. Sparlin as Vice President of the Board. The motion was seconded by Dr. Sallarulo with all Board members voting in favor.

Dr. Singleton moved, Dr. Sparlin 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, Ilaw, Sallarulo and Kinney.

EXECUTIVE SESSION:

The Board reviewed the following Endorsement application(s) submitted by:

- ? W.A.B.

The Board met with licensure applicant M.A.B.

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

OPEN SESSION:

W.A.B.: Dr. Sparlin made a motion to **deny** the Endorsement application. The motion was seconded by Mr. Ilaw and approved by the Board.

M.A.B.: Dr. Sallarulo made a motion to **approve** the application and issue the license. The motion was seconded by Dr. Singleton and approved by the Board.

Dr. Singleton made a motion to **approve** the minutes of the November 14, 2002 meeting as presented. The motion was seconded by Dr. Sallarulo and approved by the Board.

The Board considered the following correspondence and directed the staff to advise, or voted, if applicable, for the following:

New Jersey Board Report: Life University: Dr. Arnold made a motion to name a sub-committee to conduct a site visit to LUCC prior to the February 13, 2003 Board meeting. There was no second, and the motion was not approved.

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

C.E. Programs submitted by Gary Marshall, D.C.: Dr. Sallarulo made a motion to **approve** the programs submitted. Mr. Ilaw seconded the motion and it was approved by the Board.

E-mail submitted by Paul Blumsack: Dr. Sparlin made a motion to **advise** Mr. Blumsack that the Board is precluded from offering legal advice or opinions regarding the laws and rules. The motion was seconded by Dr. Singleton and approved by the Board.

Refund Request submitted by applicant G.F.: Mr. Ilaw made a motion to **deny** the applicant's request for a refund. The motion was seconded by Dr. Sallarulo and approved by the Board.

Request for preceptorship approval from Northwestern College of Chiropractic: Dr. Arnold made a motion to **deny** the request. The motion was seconded by Dr. Singleton and approved by the Board.

Samuel E. Milhous, D.C.: Reinstatement Request: Dr. Singleton made a motion to **approve** the request for reinstatement. The motion was seconded by Mr. Ilaw and approved by the Board.

Other Business to come before the Board:

E-mail from Richard Palermo, D.C.: Mr. Ilaw made a motion to **advise** Dr. Palermo that in order to be eligible for licensure in Georgia, he would need to take either the S.P.E.C. Exam, or take Parts I and II of the National Boards. The motion was seconded by Dr. Singleton and approved by the Board.

Reinstatement Request: Michele Alampi, D.C.: Dr. Sparlin made a motion to **deny** Dr. Alampi's request to reinstate by "re-applying". The motion was seconded by Dr. Singleton and approved by the Board, with Dr. Arnold opposing the motion.

January 7, 2003 Conference Call Minutes: Dr. Sallarulo made a motion to **approve** the minutes as amended. The motion was seconded by Mr. Ilaw and approved by the Board.

Dr. Sparlin made a motion to **adopt** a new Board Policy regarding insufficient continuing education, or C.E.'s not obtained in the correct year, at the time of renewal. The new policy should state that the licensee must submit proof of continuing education and pay a \$100.00 C.E. Penalty Fee before the late-renewal period of March 31st. Dr. Singleton seconded the motion and it was approved by the Board. (Attachment #2)

Dr. Sallarulo moved, Dr. Sparlin 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, Ilaw, Singleton and Kinney.

EXECUTIVE SESSION

The Board reviewed the applications for Licensure/Endorsement submitted by:

? D.L.G.; C.M.E.

The Board reviewed the applications for renewal submitted by:

? S.R.B.; S.T.M.; A.T.W.; A.J.T.; S.E.A.; M.N.S.; J.M.L.; M.M.G.; E.I.B.; T.N.; K.H.; W.A.N.; A.C.V.; C.A.R.; R.W.M.; J.E.J.; L.C.S.;

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

OPEN SESSION

D.L.G.: Dr. Sparlin made a motion to **table** the application until the G.C.I.C. results are received. The motion was seconded by Mr. Ilaw and approved by the Board.

C.M.E.: Dr. Singleton made a motion to approve the endorsement application. Dr. Arnold seconded the motion and it was approved by the Board.

S.R.B.: Dr. Sallarulo made a motion to **approve** the renewal. Dr. Singleton seconded the motion and it was approved by the Board.

S.T.M.: Dr. Singleton made a motion to **approve** the renewal **upon** receipt of the C.E. certificates and the \$100.00 C.E. Penalty Fee. The motion was seconded by Dr. Arnold and approved by the Board.

A.T.W.: Mr. Ilaw made a motion to **table** the renewal and schedule A.T.W. a meeting with the Board on February 13, 2003. The motion was seconded by Dr. Sallarulo and approved by the Board.

- A.J.T.:** Dr. Singleton made a motion to **approve** the renewal with a letter of concern. The motion was seconded by Dr. Sparlin and approved by the Board.
- S.E.A.:** Mr. Ilaw made a motion to **renew** the license under a consent order to mirror the Alabama consent order. The motion was seconded by Dr. Arnold and approved by the Board.
- M.N.S.:** Dr. Sparlin made a motion to **table** this item until the next meeting when more information would be available. Dr. Singleton seconded the motion and it was approved by the Board.
- J.M.L.:** Dr. Sallarulo made a motion to **renew** the license with a letter of concern. The motion was seconded by Dr. Sparlin and approved by the Board.
- M.M.G.:** Dr. Singleton made a motion to **table** the renewal and schedule M.M.G. to meet with the Board in February. The motion was seconded by Mr. Ilaw and approved by the Board.
- E.I.B.:** Dr. Sparlin made a motion to **approve** the renewal **upon** receipt of the appropriate C.E. certificates and the \$100.00 C.E. Penalty Fee. The motion was seconded by Dr. Arnold and approved by the Board.
- T.N.:** Mr. Ilaw made a motion to **renew** the license with a letter of concern. The motion was seconded by Dr. Singleton and approved by the Board.
- K.H.:** Dr. Singleton made a motion to **table** the renewal until more information is received from K.H. The motion was seconded by Dr. Sparlin and approved by the Board.
- W.A.N.:** Dr. Sallarulo made a motion to **renew** the license with a letter of concern. The motion was seconded by Dr. Arnold and approved by the Board.
- A.C.V.:** Dr. Sparlin made a motion to **renew** the license and **open** a complaint on A.C.V. and schedule an Investigative Interview. The motion was seconded by Dr. Singleton and approved by the Board.
- C.A.R.:** Mr. Ilaw made a motion to **renew** the license **upon** receipt of the appropriate C.E. certificates and the \$100.00 C.E. Penalty Fee. The motion was seconded by Dr. Sallarulo and approved by the Board.
- R.W.M.:** Dr. Singleton made a motion to **renew** the license **upon** receipt of the appropriate C.E. certificates and the \$100.00 C.E. Penalty Fee. Dr. Sparlin seconded the motion and it was approved by the Board.
- J.E.J.:** Dr. Arnold made a motion to **renew** the license **upon** receipt of the appropriate C.E. certificates and the \$100.00 C.E. Penalty Fee. The motion was seconded by Dr. Sallarulo and approved by the Board.
- L.C.S.:** Dr. Sparlin made a motion to **table** the renewal and schedule L.C.S. a meeting with the Board in February. The motion was seconded by Mr. Ilaw and approved by the Board.

Reinstatement Request: David T. Gadsden, D.C.: Dr. Sparlin made a motion to **approve** the reinstatement **upon** receipt of the remaining 8 hours of C.E. in Risk Management and the remaining 2 hours of C.E. in laws and rules. The motion was seconded by Mr. Ilaw and approved by the Board.

Reinstatement Request: Thomas Brissey, D.C.: Dr. Singleton made a motion to **deny** the request for reinstatement. The motion was seconded by Dr. Sallarulo and approved by the Board.

Reinstatement Request: Gerald H. Achenback, D.C.: Mr. Ilaw made a motion to **approve** the reinstatement request. The motion was seconded by Dr. Sparlin and approved by the Board.

Request from Shelly West, D.C.: Dr. Arnold made a motion to approve the request to terminate Dr. West's probation from her consent order. Mr. Ilaw seconded the motion and it was approved by the Board.

A Board Review Hearing on the matter of Andrew Hartpence, D.C. was called to order by Reviewing Officer Elizabeth F. Thompson at 2:07 PM. The Board voted unanimously to uphold the recommendations of Administrative Law Judge Randall K. Coggin, listed in the Initial Decision, Docket No. OSAH-PLBD, CHIRO-0300938-126-RC.

The Review Hearing was adjourned at 3:50 PM.

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

- ? Informed the Board of the parking situation during construction.
- ? Informed the Board that the minutes, once approved, will be available on the website.
- ? Informed the Board of pending budget cuts.
- ? Updated the Board of the status of renewals—2258 renewed.
- ? Updated the Board on the rule posing of 100-12-.01

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, Sallarulo and Ilaw.

EXECUTIVE SESSION:

REPORTS

✍ **Kathy Harvey, Enforcement Section**

- ? Reported on cases #03-016; #03-018; #03-041; #01-042; #01-057

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

- ✍ Reported/updated on 30 cases in the A.G.'s office.
- ✍ Presented a private consent order signed by R.L.S.
- ✍ Presented the counter-offer from J.A.H.

- ✍ Recommended closing the cases on R.B. and T.B.
- ✍ Recommended re-assigning the case on G.J. and scheduling an Investigative Interview.

✍ **Dr. Sparlin-Cognizant Report:**

- ✍ Reported on the following cases: **#01-062; #03-033; #03-044.**

✍ **Dr. Kinney-Cognizant Report:**

- ✍ Reported on the following cases: **#03-049; #03-045; #03-038; #03-013; #03-023; #03-050 and #03-001.**

✍ **Dr. Arnold-Cognizant Report:**

- ✍ Reported on the following cases: **#03-052; #03-047 and #03-041**

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

OPEN SESSION:

Regarding Enforcement report:

- #03-016:** Dr. Sallarulo recommended **tabling** this case pending outcome the of companion case.
- #03-018:** Dr. Singleton made a motion to **dismiss** this case. Dr. Arnold seconded the motion and was approved by the Board.
- #01-042:** Dr. Arnold recommended **scheduling** this case for an Investigative Interview.
- #01-057:** Mr. Ilaw recommended **tabling** this case until the cognizant can review the investigative file.

Regarding Ajay Gohil's report:

- R.L.S.:** Dr. Sparlin made a motion to **accept** the signed Private Consent Order and issue R.L.S. a license. The motion was seconded by Mr. Ilaw and approved by the Board.
- J.A.H.:** Dr. Singleton made a motion to **deny** J.A.H.'s counteroffer. The motion was seconded by Dr. Arnold and approved by the Board. Dr. Sallarulo recused himself from the vote.
- R.B. & T.B.:** Mr. Ilaw made a motion to **close** the cases as recommended. The motion was seconded by Dr. Sparlin and approved by the Board.
- G.J.:** Dr. Sallarulo made a motion to **reassign** the case to Dr. Kinney and **schedule** an Investigative Interview. The motion was seconded by Dr. Singleton and approved by the Board.

Regarding Dr. Sparlin's Report:

- #01-062: Dr. Sparlin made a recommendation to **dismiss** the case, as no violation was found. Mr. Ilaw made a motion to **accept** the recommendation and dismiss the case. The motion was seconded by Dr. Singleton and approved by the Board.
- #03-033: Dr. Sparlin 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.
- #03-044: 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.

Regarding Dr. Kinney's report:

- #03-049: Dr. Kinney recommended to **dismiss** the case. Dr. Sparlin made a motion to **accept** the recommendation and dismiss the case. The motion was seconded by Mr. Ilaw and approved by the Board.
- #03-045: Dr. Kinney made a recommendation to **schedule** an Investigative Interview. Dr. Singleton made a motion to **accept** the recommendation and schedule the interview. Dr. Sallarulo seconded the motion and it was approved by the Board.
- #03-038: Dr. Kinney made a recommendation to **dismiss** the case. Mr. Ilaw made a motion to **accept** the recommendation and dismiss the case. Dr. Singleton seconded the motion and it was approved by the Board.
- #03-013: Dr. Kinney recommended to **refer** the case back to Enforcement for a Cease and Desist Order to be served. Dr. Sallarulo made a motion to **accept** the recommendation and refer the case back to Enforcement for a Cease and Desist Order. The motion was seconded by Dr. Sparlin and approved by the Board.
- #03-023: Dr. Kinney recommended to **refer** the case to the A.G.'s office for a public consent order, including a public reprimand and a \$500.00 fine. Mr. Ilaw made a motion to **accept** the recommendation and refer the case to the A.G.'s office. The motion was seconded by Dr. Arnold and approved by the Board.
- #03-050: Dr. Kinney recommended to **send** the case to Enforcement. Dr. Sallarulo made a motion to send the case to Enforcement. The motion was seconded by Dr. Singleton and approved by the Board.
- #03-001: Dr. Kinney recommended to **dismiss** the case. Dr. Sparlin made a motion to dismiss the case. The motion was seconded by Mr. Ilaw and approved by the Board.

Regarding Dr. Arnold's report:

#03-052: Dr. Arnold recommended to **dismiss** the case. Dr. Singleton made a motion to **accept** the recommendation and dismiss the case. The motion was seconded by Dr. Sallarulo and approved by the Board.

#03-047: Dr. Arnold recommended to **schedule** an Investigative Interview. Mr. Ilaw made a motion to **accept** the recommendation and schedule the interview. Dr. Sparlin seconded the motion and it was approved by the Board.

#03-041: Dr. Arnold recommended to **refer** the case to the A.G.'s office for a reinstatement consent order. Dr. Singleton made a motion to **accept** the recommendation and send the case to the A.G.'s office. The motion was seconded by Dr. Sparlin and approved by the Board.

There being no further business to come before the Board, the meeting was adjourned at 6:00 P.M. on January 9, 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 ***Sam Sparlin, 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 ***January 9, 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.

Samuel Sparlin, D.C.

(Presiding Officer)

Sworn and subscribed before me,

This **9th** day of **January, 2003**.

Regina F. Thompson

Notary Public