

GEORGIA BOARD OF CHIROPRACTIC

Board Meeting

November 10, 2005

A meeting of the Georgia Board of Chiropractic was held on Thursday, November 10, 2005, at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

The following Board members were present:	Others Present:
James Anchors D. C., President Karen Mathiak, D. C. Jackson C. Patterson, D. C. Nora Pearce Patrick J. Sallarulo, D. C. David A. Wren, D. C.	Ajay Gohil, Board Attorney Anita O. Martin, Executive Director Eva Holmes, Board Secretary Eric C. Krohne, Georgia Chiropractic Association (GCA)

James Anchors established that a quorum was present and the meeting that was scheduled to begin at 10:00am was **called to order** at 10:00 a.m.

Request from Dr. Warren Jahn re: addition of College on Forensic Sciences to be added to diplomate listing in board rule 100-4-.01. Dr. Sallarulo motioned with Ms. Pearce as a second and the Board voted to post amendment to rule 100-4-.01 as follows:

100-4-.01 Advertising. Amended.

(1) Defined. Advertising shall mean any information communicated in a manner designed to attract public attention to the practice of the licensee or the chiropractic profession. Advertising shall include but not be limited to any communication which is published, displayed, printed, broadcast, or spoken including the use of newspapers and other publications, telephone directories, pamphlets, handouts, billboards, window displays, radio, television, telephone, computer, internet, fax or other telecommunication device or any other means or medium.

(2) A licensee shall not make any false, misleading, or deceptive communication in any form of advertising nor shall the licensee utilize any form of advertising which has the capacity or tendency to deceive, mislead, or confuse the recipient in any manner including but not limited to the following:

(a) Advertising which contains a misrepresentation of any fact or facts including advertising which has the capacity or tendency to mislead, deceive, or confuse any potential recipient either through false or misleading claims or by failing to disclose relevant or material facts;

(b) Advertising which conveys the impression of professional superiority or other superior attributes that cannot be substantiated. Licensees may not advertise that they have certifications or have attained diplomate status without having been conferred the title of diplomate or having received certifications by one or more of the following boards:

- (i) Diplomate American Chiropractic Board of Radiology (DACBR);
- (ii) Diplomate American Chiropractic Rehabilitation Board (DACRB);
- (iii) Diplomate American Chiropractic Board of Nutrition (DACBN);
- (iv) Diplomate American Board of Chiropractic Internists (DABCI);
- (v) Certification Chiropractic Sports Physicians (CCSP);
- (vi) Diplomate American Board of Chiropractic Orthopedics (DABCO);
- (vii) Diplomate American Chiropractic Academy of Neurology (DACAN);
- (ix) Certification American Chiropractic Board of Thermologists (CACBT)

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- (x) Diplomate American Board of Chiropractic Neurology (DABCN)
- (xi) Diplomate American Chiropractic Board of Sports Physicians (DACBSP);
- (xii) Diplomate American Chiropractic Board of Occupational Health (DACBOH);
- (xiii) Diplomate American Chiropractic Neurology Board (DACNB);
- (c) Advertising that has the capacity or tendency to create false or unjustified expectations of beneficial treatment or successful cures;
- (d) Advertising that contains any guarantee of the results of any services;
- (e) Advertising of services that the licensee is not licensed to perform in this state;
- (f) Advertising, including that place in a classified or telephone directory, under a heading which may foster confusion about the professional status of the chiropractor or under a professional heading in which the chiropractor is not licensed;
- (g) Advertising a transaction that is in itself illegal;
- (3) Chiropractors licensed under this chapter may only use the terms chiropractor, chiropractors, doctors(s) of chiropractic, and/or D.C. The use of the term Chiropractic Physicians is not authorized.
- (4) Licensees may advertise that they will perform designated chiropractic services free or at a discount if, in fact, no compensation in any form for such services will be requested from the patient, their insurer, or any third party subject to the following provisions:
 - (i) A detailed account of the advertised services being offered free or at a discount must be presented in writing to, and signed by, the patient, clearly explaining that **ANY FURTHER TREATMENT WILL BE PROVIDED AT RATES REGULARLY CHARGED BY THIS OFFICE**. A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01(h)(i) which requires that such records be retained for not less than seven (7) years from the date of service.
 - (ii) If a charge is made for any service rendered on the same day that an advertised free or discounted service is rendered, a detail account of those services offered for a fee must be provided in writing to, and signed by the patient, clearly explaining that these treatments are not a part of any offer of free or discounted services. A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01(h)(i) which requires that such records be retained for not less than seven (7) years from the date of services.
 - (iii) For the purpose of this Section, no separate charge shall be made for the professional evaluation of diagnostic tests or procedures which are provided without cost or at a discount whether such professional evaluation is made at the time of the initial office visit or at a later date.
- (5) Nothing in this Section shall be so interpreted as to interfere with or prohibit fee discounts or offers of discounted fees in connection with any managed care plan, group plan, Medicare, or similar entity.

Minutes from the September 8, 2005 meeting: Dr. Patterson made a motion, and Dr. Mathiak seconded and the Board voted to **approve** the minutes.

Request for information from Michael J. Malloy, D.C. re: Scope of Practice. The Board requests that a copy of the new policy be sent.

Reviewed information from John Maltby, D.C., President, International Chiropractor Association re: Katrina Disaster – No action taken – viewed as informational.

Discussed any legislative activity that may come up during 2006 Legislative Session. – The Board member and Board staff will monitor changes to O.C.G.A. §§ 43-9-11, 43-9-16 & 43-9-19

Considered for Adoption, a Position Statement re: Scope of Practice and Procedure Codes. – Amended and adopted into policy as follows:

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**Position Statement Concerning
Scope of Practice & Procedure Codes
Georgia Board of Chiropractic Examiners**

At the November 10, 2005 meeting of the Georgia Board of Chiropractic Examiners, the Board voted that the following Procedure Codes are within the scope of practice and are appropriate for chiropractic services performed by a duly licensed doctor of chiropractic.

Procedure Code	97110
Procedure Code	97112
Procedure Code	97530

The Board also encourages all licensed chiropractors in Georgia to be familiar with Georgia law, O.C.G.A. § 43-9-1(2) which defines the scope of practice in Georgia.

The laws and rules governing the practice of Chiropractic can be found on the board's web-site at www.sos.state.ga.us.

Insurance company reimbursement issues should be brought to the attention of:

The Georgia Insurance Commissioners Office
7th Floor, West Tower
2 Martin Luther King, Jr., Dr.
Atlanta, GA 30334
(404) 656-2056
<http://www.inscomm.state.ga.us>

Request from Anthony Brooks, D.C. to lift probation from consent order – docket #2004-1429. Dr. Mathiak motioned, Dr. Sallarulo seconded and the Board voted to **approve** request.

Request for interpretation of scope of practice from Janine Goodheart, D.C. – Dr. Wren motioned and Dr. Mathiak seconded. The Board **voted** that a copy of the new policy be sent.

Reviewed results of FCLB Power Poll re: Continuing Education. – No action taken - viewed as informational. – Dr. Anchors appointed a committee to develop a method to monitor attendance @ CE programs. Dr. Eric Krohne of the GCA participated in this discussion. The committee consists of Dr. Eric Krohne of the GCA, Dr. John Downs, of Life University, Dr. Steve Walsh of the GCC and Pat Sallarulo as the Board's representative.

Reviewed results of FCLB Power Poll re: Collaborative Practice. – No action taken – viewed as informational.

Reviewed request from Deborah Marsh, D.C. – Dr. Wren motioned, Ms. Pearce seconded and the Board voted to send the “no legal letter.”

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Reviewed draft revisions to Board rules. – Tabled

- 100-1-.01 Organization of Board
- 100-1-.02 Rules of Procedure
- 100-2-.01 Writing of Examination
- 100-2-.02 License Renewal
- 100-2-.03 Change of Address
- 100-2-.04 Recording of License
- 100-2-.08 Inactive License
- 100-5-.02 Approval of Educational Programs

Reviewed letter from James J. Gaudet re: Manipulation Under Anesthesia – Board requested the Dr. Gaudet be notified that the Board does not consider the procedure as described in his letter to fall within the scope of practice in Georgia. Also notify him that a temporary permit request would not be granted.

Considered to ratify list of administratively issue licenses. Dr. Mathiak motioned, Dr. Patterson seconded and the Board voted to Approve.

32 Chiropractors

License#	Name	Profession	Status	Issue Date
CHIR007905	Blue, James Malcolm	Chiropractor	Active	8/26/2005
CHIR007906	Gibson, Todd Jackson	Chiropractor	Active	8/29/2005
CHIR007907	Collin, Richard Lee	Chiropractor	Active	8/29/2005
CHIR007908	Hilliard, Louis Charles	Chiropractor	Active	8/29/2005
CHIR007909	Ventimiglia, Steven Ruben	Chiropractor	Active	9/6/2005
CHIR007910	Desaulniers, Brigitte Louise	Chiropractor	Active	9/7/2005
CHIR007911	Riggi, Keith R	Chiropractor	Active	9/8/2005
CHIR007912	Cagen, Steven Ford	Chiropractor	Active	9/8/2005
CHIR007913	Pepper, Wesley Scott	Chiropractor	Active	9/9/2005
CHIR007914	Thigpen, Beau Edwin	Chiropractor	Active	9/9/2005
CHIR007915	Kompothecras, Gary G	Chiropractor	Active	9/9/2005
CHIR007916	Davidson, Robert Todd	Chiropractor	Active	9/9/2005
CHIR007917	Travis, Christopher Robert	Chiropractor	Active	9/9/2005
CHIR007918	Harwell, Meredith Lynn	Chiropractor	Active	9/9/2005
CHIR007919	Jajal, Juthika Marie	Chiropractor	Active	9/12/2005
CHIR007920	Kim, Namyong	Chiropractor	Active	9/19/2005
CHIR007921	Jump, Andrea Nichole	Chiropractor	Active	9/20/2005
CHIR007922	Kim, Jung Bum	Chiropractor	Active	9/20/2005
CHIR007923	Smith, Peter A	Chiropractor	Active	9/26/2005
CHIR007924	Taylor, Charles W	Chiropractor	Active	9/27/2005
CHIR007925	Waller, Bianca Nicole	Chiropractor	Active	9/27/2005
CHIR007926	Trakhtengerts, Greg	Chiropractor	Active	9/28/2005
CHIR007927	Forbes, Kevin Michael	Chiropractor	Active	9/28/2005
CHIR007928	Grice, Jamie Annette	Chiropractor	Active	9/28/2005
CHIR007929	Manger, Erica Katherine	Chiropractor	Active	10/7/2005
CHIR007930	Linaker, Kathleen Linda	Chiropractor	Active	10/14/2005
CHIR007931	Mall, Robert B	Chiropractor	Active	10/14/2005
CHIR007932	Ruano, Robert Stewart	Chiropractor	Active	10/17/2005

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CHIR007933	Grimm, Gregory Gordon	Chiropractor	Active	10/17/2005
CHIR007934	Smith, Kevin R.	Chiropractor	Active	10/25/2005
CHIR007935	D'Angelo, Denise Ann	Chiropractor	Active	10/25/2005
CHIR007936	Casanova, Janet L	Chiropractor	Active	10/25/2005

14 Reinstatements

(license #5530) – Dr. Laura A. Hanson
(license #2184) – Dr. Barry Belgard
(license #2604) – Dr. Joanne L. Jezequel
(license #1449) – Dr. Dennis A. Tidwell
(license #7085) – Dr. Andrew Factor
(license #2745) – Dr. Janell McKenzie
(license #2031) – Dr. Patrick Gentempo, Jr.
(license #5863) – Dr. Timothy R. Price
(license #6257) – Dr. Kevin Crowder
(license #2596) – Dr. Michael J. Duckett
(license #7660) – Dr. Shelia T. Payton
(license #2273) – Dr. Brian J. Ackermann
(license #1382) – Dr. Charles W. Secor
(license #4949) – Dr. David B. Towery

1 Reactivation

(license #5814) – Dr. Melissa Bauch-Murphy

Considered for approval CE plan for Brian J. Ackermann, D. C. – Dr. Mathiak motioned, Dr. Patterson seconded and the Board voted to **approve** the CE plan – Board also requested that Dr. Ackerman be notified that he must submit proof of completion by 02-28-06.

Considered request from Alan Wolkow, D.C. to expunge consent order. – Ms. Pearce motioned, Dr. Wren seconded and the request was **approved** by the Board.

Other Business

Discussed CE program sponsored by Dr. Guy Annunziata – The Board reviewed the information and requested that Dr. Annunziata be notified that they have concern re: possible misrepresentation of advertisement.

Dr. Sallarulo requested that the minutes reflect that he was unaware of all of the facts surrounding the vote to reinstate Dr. David Towery in the September 8, 2005 meeting.

The Board requested that the MD/DC practice draft rule be placed on the February 2006 meeting agenda.

The Board requested that a draft policy restricting a denied reinstatement applicant's ability to reapply for one year from the date of initial denial be placed on the February 2006 meeting agenda.

Board requested that Board Rule 100-5-.01 be placed on the February 2006 meeting agenda.

Correspondence from Dr. Christopher Topel, regarding healthcare fraud. Viewed as informational. Board requested that Dr. Topel be notified of the requirement to notify the board of felony convictions as cited in OCGA § 43-1-27.

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Request for termination of probation for Dr. Robert Murgatroyd. Dr. Mathiak motioned, Dr. Patterson seconded and the motion was **denied** by the Board.

Request to have consent order expunged from Dr. Gary S. Martin. Dr. Sallarullo motioned, Ms. Pearce seconded and the request was **approved** by the Board.

Request from Dr. Barbara Middleton regarding inability to obtain CE – Dr. Patterson motioned and Dr. Mathiak seconded and the board voted to **deny** request as OCGA § 43-9-11 will not allow.

Request from Dr. Vincent Erario re: Request to waive of the regular license application requirement for Dr. John Sayers when applying for a temporary license. Motion was made by Dr. Wren, seconded by Ms. Peace and voted to approve by the Board.

Dr. Patterson made a motion, Dr. Wren seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. § 43-1-19(h)(2) and § 43-1-2(k) to deliberate and receive information on applications, cognizant reports, and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Ms. Pearce, Dr. Mathiak, and Dr. Sallarullo. The Board concluded Executive Session in order to vote on the matters and to continue with the public session.

Executive Session

Appeal of denial of application for J. C.: Recommend approval.

Appeal of denial of application for R.S.R.: Recommend denial.

Appeal of denial for application for R.A.N.: Recommend approval.

Appeal of denial of reinstatement application for A.R.A.: Recommend denial.

Request for licensure from J.A.B. – Recommended to approve.

Request for licensure from J.K.C. – Recommended to approve.

Letter from T.N., D.C. requesting extension to take NBCE Ethics and Boundaries examination. – The Board recommended to deny.

Request for licensure for H.N.E. – Recommended to approve.

Variance request from Endorsement applicant B.D.N. –No action taken as request had been withdrawn.

Request for reinstatement from P.S.G. – Recommended to deny.

Request for licensure from K.M.A. – Recommended to deny.

Request to waive reinstatement fee from applicant G.J.I. – Recommended to deny.

Reinstatement request from G.R.B. – Recommended to deny.

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Cognizant Reports

- CHIRO050081 Recommend to close with Letter of Concern
Review request to re-open CHIRO060002 – Recommend to notify complainant that Board upholds previous decision.
- CHIRO050085 Recommend to table
0110036 Recommend to schedule Investigative Interview and request that D.C. bring original complete patient record to interview.
- CHIRO050028 Recommend to close – License not active – Flag reinstatement in L2K
CHIRO050069 Recommend to close with Letter of Concern
CHIRO040058 Recommend to close with Letter of Concern
CHIRO040062 Recommend to close with Letter of Concern
CHIRO040060 Recommend to close with Letter of Concern
CHIRO050068 Recommend to close with Letter of Concern
CHIRO050062 Recommend Public Consent Order for inappropriate use of the term “physician”, inappropriate solicitation of patients, \$1000 fine, 3 years Probation, take FCLB Ethics and Boundaries course within 1 year.
- CHIRO050045 & CHIRO040061 – Recommend Public Consent Order for improper use of term “physician” and Aiding and Abetting unlicensed practice, \$1000 fine, 3 years Probation, send in copies of all advertising for 1 year, take FCLB Ethics and Boundaries course within 1 year.
- CHIRO060003 Recommend to close
CHIRO060018 Request that D.C. provide letters - additional information to be provided to Dr. Sallarulo. If ok – Recommend to close
- CHIRO060001 Recommend to close
CHIRO040029 Recommend Public Consent order for inappropriate use of the term “physician”, Failure to release patient records, failure to designate “DC”, \$3500 fine, 5 years Probation, take FCLB Ethics and Boundaries course within 1 year.
- CHIRO060039 Recommend acceptance of C&D order on Robert P. Burdette

AG’s Report

- Board recommend denial of the request to delay filing the Notice of Hearing for E.D.B., D.C.
Board gave authority to AG to negotiate a consent order as follows:
\$4500 fine
90 day suspension
Public Order
Ethics & Boundaries test within 90 days of docketing of order
5 years probation

Ms. Pearce made a motion and Dr. Mathiak seconded and the Board voted to **approve** the recommendations made in Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 7:00pm on November 10, 2005.

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Minutes prepared by: Eva Holmes, Board Secretary

Reviewed/Edited by: Anita O. Martin, Executive Director

These minutes were approved on February 16, 2006.