

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting
December 14, 2006

A meeting of the Georgia Board of Chiropractic was held on Thursday, December 14, 2006, at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

The following Board members were present:	Others Present:
Karen Mathiak, D.C., President Gregory Baker, D.C. J. Chris Nelson, D.C. Patrick Sallarulo, D. C. David A. Wren, D.C.	Ajay Gohil, Board Attorney Anita O. Martin, Executive Director Eva Holmes, Board Secretary Samirah Stephens, Board Secretary

Karen Mathiak established that a quorum was present and the public hearing was **called to order** at 10:00am. No written or verbal comments were received. The public hearing was adjourned at 10:04.

Karen Mathiak established that a quorum was present and the meeting was **called to order** at 10:05am.

Review and approval of minutes from October 19, 2006 meeting. – Dr. Wren made a motion, Dr. Nelson seconded and the Board voted to **approve as amended**.

LICENSES TO RATIFY.

Dr. Sallarulo made the motion and Dr. Baker seconded and the Board voted to **approve**.

License#	Name	Profession	Status
CHIR008097	Maletich, Todd Andrew	Chiropractor	Active
CHIR008098	Torzewski, Erin M.	Chiropractor	Active
CHIR008099	Harrison, Kevin Neil	Chiropractor	Active
CHIR008100	Sarriera, Ivonne M.	Chiropractor	Active
CHIR008101	Headlee, Mike Wayne	Chiropractor	Active
CHIR008102	Marella-Luce, June Rachelle	Chiropractor	Active
CHIR008103	Peck, Marissa Shelton	Chiropractor	Active
CHIR008104	Qureshi, Ayesha Maryam	Chiropractor	Active
CHIR008105	Bennett, Jennifer Lynn	Chiropractor	Active
CHIR008106	Bray, Jodi Anne	Chiropractor	Active
CHIR008107	Mercer, Christopher B.	Chiropractor	Active
CHIR008108	Rudder, Amy Elaine	Chiropractor	Active
CHIR008109	Tavitian, Silva	Chiropractor	Active
CHIR008110	Maiorino, Michael A.	Chiropractor	Active
CHIR008111	Henderson, Stephen Andrew	Chiropractor	Active
CHIR008112	Eckles, Richard Charles	Chiropractor	Active
CHIR008113	Degliumberto, Annette Marie	Chiropractor	Active
CHIR008114	Hurst, Brady Fillmore	Chiropractor	Active
CHIR008115	Limbert, Denice Michelle	Chiropractor	Active
CHIR008116	Mink, Mitchell Scott	Chiropractor	Active
CHIR001453	Bill Overstreet	Chiropractor	Active
CHIR007496	Michael C. Landry	Chiropractor	Active

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Notice of non-compliance with child support order for Dr. Sean G. McWilliams – Dr. Baker motioned, Dr. Nelson seconded and the Board voted to suspend his license.

Consider repeal of Board Rule 100-2-.04- Dr. Baker motioned, Dr. Sallarulo seconded and the Board voted to repeal.

100-2-.04 Recording License. – Repealed.

~~A chiropractic license must be recorded with the clerk of superior court in each county where the licensee practices or resides.~~

The Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Chiropractic.

Records release correspondence from Al Reingold regarding Dr. Daniel Batchelor – *Board response:* send Dr. Batchelor a letter of concern about the issue and request that he discontinue contact with the former patient, also notify Mr. Reingold that GA law requires that Dr. Batchelor maintain his record for 10 years.

Draft Reinstatement Policy – *Board response:* Refer to the Rules Committee.

Correspondence from Dr. Sallarulo regarding MUA- *Board response:* Tabled until 2007.

Correspondence regarding whether the board has jurisdiction to restrict the rendering of professional opinion on an out-of-state patient- *Board response:* Refer to the Rules Committee.

Draft of Board Rule 100-2-.07 Endorsement - *Board response:* Refer to the Rules Committee.

Correspondence from Dr. Mathiak regarding ICA Diplomates and Certificates-*Board response:* Refer to the Rules Committee.

Consider additional CE provider criteria- *Board response:* Refer to the Rules Committee.

Other Business

- Dr. Wren motioned, Dr. Nelson seconded and the Board voted to write letters to the GCA and GCC requesting that they add to their legislative agenda for the 2007 session to allow at the board's discretion consideration of a licensure avenue through endorsement, individuals who do not have the 2 years of undergraduate college as required in O.C.G.A. §43-9-7.
- Dr. Nelson motioned, Dr. Wren seconded and the Board requested that contact be made with Dr. McCauley at Life University about 2007 meeting dates and where to find meeting minutes.

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Compliance Issues –

- Dr. Michael Frady requesting probation termination. – Dr. Sallarulo motion, Dr. Wren seconded and the board voted to approve probation termination.
- Correspondence from Dr. A.G. requesting to terminate probation. - Dr. Baker motioned, Dr. Nelson seconded and the board voted to deny the request due to a pending complaint.
- Dr. Elliott Becker non-compliance with consent order. –Dr. Wren motioned, Dr. Baker seconded and the board voted to refer this matter to the Attorney General’s office for an amended consent order.
- Correspondence from Dr. R.W. requesting termination of probation. -Dr. Baker motioned, Dr. Nelson seconded and the board voted to deny the request due to a pending complaint.

Executive Director’s Report – Ms. Anita Martin

- Requested clarification from the board as to what format constitutes adequate documentation. Executive Director to request a FCLB Power Poll and query CCE for the criteria taught in schools. Will bring back to board.
- Letter from Carolyn Faulk re: release of billing records as part of the patient records – Send letter that the patient records law does not require release of billing records. Send copy of law with letter.
- Dr. Baker motioned, Dr. Nelson seconded and the board voted to post board rule 100-10-.01 as follows:

100-10-.01 Reasonable Care and Skill Defined. Amended.

In accordance with O.C.G.A. Sec. 43-9-12.1, the definition of reasonable care and skill shall include, but not be limited to, the following criteria:

(a) A doctor of chiropractic must bring to the exercise of his/her profession a reasonable degree of care and skill which shall include the determination of the need for chiropractic care as defined in Code Section 43-9-1(2).

1. The determination of the need for chiropractic care shall include only those methods of determining the need for chiropractic care, treatment, or referral which are taught by chiropractic schools or colleges accredited by the Council on Chiropractic Education or a board approved successor.

(b) The doctor of chiropractic has the responsibility as a primary healthcare provider to examine, establish a diagnosis/clinical impression, render treatment and/or referral, commensurate with his/ her findings.

1. Referral to an appropriate health care provider shall be considered by the Board to mean the direction of a patient to another licensed health care professional or institution for evaluation, consultation or care. Referrals may be made for the purposes of consultation, concurrent care, post-chiropractic care, the administration of diagnostic procedures, the evaluation of diagnostic findings, emergency care or because a clear determination has been, or should have been made on the part of the chiropractor that a patient condition is outside his/her scope of professional experience, training or practice.

(i) For the purposes of this chapter the Board shall define the term “licensed health care professional” to mean, but not be limited to mean, any healthcare practitioner appropriately licensed or certified in this or another state to practice one of the healthcare professions.

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(ii) For the purposes of this chapter the Board shall define the term “licensed healthcare institution” to mean any healthcare facility authorized or licensed by this or another state to provide treatment or evaluation and shall include, but not be limited to, hospitals, clinics, physical therapy or rehabilitation facilities or clinics, diagnostic imaging centers, or licensed clinical laboratories.

2. Any failure to refer a patient to an appropriate health care provider when it is clear that a chiropractor knows or should have known that a patient condition is outside his/her scope of professional experience, training or practice may be considered by the Board to constitute unprofessional conduct subject to the provisions of O.C.G.A. Sec. 43-9-12.

(c) A diagnosis/clinical impression must be established based on the correlation of the history and the examination into a logical and meaningful framework to determine the chiropractic care to be utilized.

(d) The doctor of chiropractic is expected to render adjustments in accordance with specific chiropractic methods when such treatment is indicated.

(e) The doctor of chiropractic may utilize ancillary physiological therapeutic procedures in conjunction with adjustments of the spinal structures in accordance with Rule 100-9-.01.

(f) The doctor of chiropractic may utilize procedures, as may be authorized by statute, and as are necessary to provide a reasonable degree of care and skill in the rehabilitation of the patient.

(g) Records shall be maintained clearly showing the progression of the events under clinical review, diagnosis/clinical impressions, chiropractic care and case management. All records shall be available as provided in O.C.G.A. Title 31, Chapter 33.

(h) Original patient x-ray films or accurate copies shall be retained for not less than ~~three (3)~~ ten (10) years from the date of each x-ray exposure.

1. Except as provided in subparagraph (h), all other patient records, including radiological diagnosis and clinical impressions, shall be retained for not less than ~~seven (7)~~ ten (10) years from the date of the last examination or treatment by the doctor of chiropractic.

The Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General’s office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Chiropractic.

- Dr. Wren motioned, Dr. Nelson seconded and the board voted to expunge all advertising complaints and all documents in reference to these orders. (See attachment)
- Provided renewal numbers- as of 12/13/06- 1269 D.C.’s have renewed.
- Refer cases on M.K., D.C. and D.T., D.C. to the FBI.

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- Get with Ajay- What information do you want subpoenaed from W.J. P.?

Dr. Wren made a motion, Dr. Nelson 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 Dr. Baker. The Board concluded Executive Session in order to vote on the matters and to continue with the public session.

Investigative Interviews

CHIR060037 – G.E.P., D.C. – recommended to close with no violation

Appeal Appointments

J.M.E. – recommended approval of license.

M.E.B. – recommended approval of license.

Dr. Wren made the motion, Dr. Sallarulo seconded and the Board voted to **accept** the recommendations.

Applications

L.D.R. – Applicant requesting approval of licensure – recommended denial.

A.M.P. – Applicant with disciplinary actions requesting a license renewal – recommended approval.

G.A.L. – Applicant requesting approval for reinstatement of licensure – recommended approval with letter of concern about his resistance to meet criteria for reinstatement.

R.A.P. – Applicant requesting approval for licensure – recommended approval.

E.R.S. – Applicant requesting approval for licensure – recommended denial.

C.D.G. – Renewal applicant requesting extension for CE's- tabled until receipt of variance/waiver request.

Dr. Baker made the motion, Dr. Wren seconded and the Board voted to **accept** the recommendations.

Cognizant Reports

CHIR070017 – recommend to close-no violation.

CHIR070009 – recommend to close – no violation

CHIR070025 – recommend to schedule investigative interview.

CHIR070040 – recommend to schedule for investigative interview.

CHIR070010 – recommend to schedule for investigative interview.

CHIR070011 – recommend to schedule for investigative interview.

CHIR070041 – recommend to schedule for investigative interview.

CHIR070037 – recommend to schedule for investigative interview.

CHIR070034 – recommend to schedule for investigative interview.

CHIR070021 – recommend to schedule for investigative interview.

CHIR070008 – recommend to refer to enforcement.

CHIR070030 – recommend to schedule for investigative interview.

CHIR070035 – recommend to close-with letter of concern.

CHIR070007 – recommend to close-no violation.

CHIR070015 – recommend to schedule for investigative interview.

CHIR070016 – recommend to schedule for investigative interview.

Dr. Sallarulo motioned, Dr. Nelson seconded and the Board voted to **accept** the recommendations.

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Attorney General's Report- Mr. Gohil provided an update on the cases in his office.

- CHIR070003- Recommendation to have Ajay send Dr. M. an agreement not to practice until his criminal court matters are resolved.

Dr. Wren motioned, Dr. Baker seconded and the Board voted to **accept** the recommendations.

There being no further business to come before the Board, the meeting was adjourned at 4:45 pm on December 14, 2006.

Minutes prepared by: Samirah Stephens, Board Secretary

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

These minutes were approved on February 15, 2007.