

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting
April 17, 2008

A meeting of the Georgia Board of Chiropractic was held on Thursday, April 17, 2008, 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. | Graham Barron, Board Attorney Anita O. Martin, Executive Director Samirah Stephens, Board Secretary |

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

The public hearing was held-all written comments received were considered. Dr. Robert Alpert gave verbal comments.

Board Rule 100-5-.02, Approval of Educational Programs. Amended.- Written comments were received from:

1. James Eaton, D.C.
2. Christina Eaton-Welsh, D.C.
3. Bradford Pizza, D.C.
4. Gregory J. Krown, D.C.

Board Rule 100-7-.04, Standards of Practice.- No written or verbal comments were received.

Board Rule 100-7-.08, Private Review Agent Requirements to be Retitled Review Agents.- Dr. Robert Alpert provided verbal comments.

The public hearing was adjourned at 10:35 am.

Karen Mathiak established that a quorum was present and the meeting was **called to order** at 10:37 am.

Consider adoption of Board Rule 100-5-.02, Approval of Educational Programs.

Amended- Dr. Wren made a motion, Dr. Nelson seconded and the Board voted to adopt. Dr. Sallarulo voted in opposition to the adoption of this rule.

100-5-.02, Approval of Educational Programs. Amended.

(1) A chiropractor must obtain a minimum of twenty (20) hours of continuing education per annum. Of these twenty hours, fifteen (15) must be in chiropractic clinical science and must be on topic in compliance with the current scope of practice, four (4) hours must be in ethics or risk management, and one (1) hour must be in Georgia Laws and Rules jurisprudence (NOTE:

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting

April 17, 2008

non-resident chiropractors, licensed but not practicing in Georgia, may take an additional hour of continuing education in the chiropractic clinical sciences or risk management in lieu of the required hour in Georgia Laws and Rules).

(a) Approved areas of study to satisfy the fifteen (15) hours in chiropractic clinical science are:

1. Examination Procedures/Diagnoses
2. Adjustive Technique
3. Radiographic Technique/Safety
4. Diagnostic Imaging Interpretation
5. Nutrition
6. Research Trends
7. Physiological Therapeutics
8. Chiropractic Philosophy; a maximum of 3 hours credit in chiropractic philosophy will be considered by the Board for continuing education approval.

(b) Approved areas of study to satisfy the four (4) hours in ethics or risk management are:

1. Risk Management
2. Chiropractic Medical/Legal
3. Public Health Issues
4. Professional Conduct/Boundaries Issues
5. Scope of Practice.

~~(c) Approved areas of study to satisfy the one (1) hour in jurisprudence are:~~

- ~~1. Georgia Chiropractic Laws and Rules~~
- ~~2. Non-resident chiropractors, licensed but not practicing in Georgia, may take an additional hour of continuing education in the chiropractic clinical sciences or risk management in lieu of the required hour in Georgia Laws and Rules.~~

(d) Courses specifically excluded from continuing education approval include, but are not limited to the following:

1. Insurance Billing, Reporting, Coding and Procedures
2. Practice Management or Practice Building.
3. Courses which have content beyond the scope of practice as defined by Georgia law.

~~(2) The following organizations have been approved by the Board to conduct, sponsor, or co-sponsor continuing education coursework that is consistent with the chiropractic scope of practice in the State of Georgia and that is approved for continuing education per Rule 100-5-.02 (1)(a), (b), and (c):~~

- ~~(a) Chiropractic Associations in this State; or~~
- ~~(b) Chiropractic schools or colleges approved by the Council on Chiropractic Education (CCE) or a Board approved successor, and the Board as approved in Rule 100-12.01.~~

Courses must be those in which actual attendance by the licensee shall be required. However, distance based learning courses offered via audio/visual electronic media, such as the internet, may be approved by the Board if the course meets the following criteria:

- (a) The course must meet all of the requirements as cited in this Rule.
- (b) The program must be test and time monitored to insure active participation by the licensee.
- (c) No more than twenty (20) hours per biennial renewal period can be taken via audio/visual/electronic media, such as on-line/internet courses.

~~(3) Courses must be those in which actual attendance by the licensee shall be required. However, distance based learning courses offered via audio/visual electronic media, such as the internet, may be approved by the Board if the course meets the following criteria:~~

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting

April 17, 2008

(a) ~~The course must meet all of the requirements as cited in this Rule.~~

(b) ~~The program must be test and time monitored to insure active participation by the licensee.~~
Authority O.C.G.A. Secs. 43-1-25, 43-9-4, 43-9-6.1, 43-9-11.

Consider adoption of Board Rule 100-7-.04, Standards of Practice. Board response: Refer to the Rules Committee for revision.

Consider adoption of Board Rule 100-7-.08, Private Review Agent Requirements to be Retitled Review Agents. Dr. Wren made a motion, Dr. Sallarulo seconded and the Board voted to post as amended.

100-7-.08, Private Review Agents Requirements. Amended.

~~(1) Chiropractors care shall include offering or rendering a professional chiropractic written or verbal opinion, which has the capacity or intent of affecting the frequency, duration, necessity, or outcome of chiropractic treatment or patient care. Any person rendering such a chiropractic opinion in Georgia must:~~ For purposes of this rule "Review Agent" means any person rendering a professional chiropractic written or verbal opinion, which has the capacity or intent of affecting the frequency, duration, necessity, or outcome of chiropractic treatment or patient care and who is being compensated by a 3rd party payer or other contractual parties.

~~(2) Chiropractic care shall include offering or rendering a professional chiropractic written or verbal opinion, which has the capacity or intent of affecting the frequency, duration, necessity, or outcome of chiropractic treatment or patient care. Any person practicing as a Review Agent in Georgia must:~~

~~(a) be registered with the Georgia Office of Insurance and Fire Safety Commissioner as a Private Review Agent as required under O.C.G.A. Title 33, Chapter 43~~ notify the Georgia Board of Chiropractic Examiners of his/her intent to act as a review agent. Such notification must include the individual's Georgia license number.

~~(b) possess a valid Georgia chiropractic license;~~

~~(c) have active, current certification by an agency approved by the board by policy~~ have completed a certification program totaling a minimum of 100 hours in performing utilization peer review;

~~(d) identify themselves by name, degree designation, location of practice, and Georgia chiropractic license number~~ if rendering an opinion on the appropriateness of physiotherapy modalities, must have the certification listed as a secondary license type on their Georgia license;

~~(e) have established not less than five (5) years of active private clinical practice in Georgia immediately prior to rendering such opinion~~ identify themselves by name, degree designation, location of practice, and Georgia chiropractic license number;

~~(f) have earned a minimum of seventy percent (70%) of chiropractic related income from the active treatment of patients in Georgia in each of the previous five (5) years; and~~ have established not less than five (5) years of active private clinical practice in Georgia immediately prior to rendering such opinion; and

~~(g) have not been disciplined by the Georgia Board or any other regulatory Board or agency.~~ have earned a minimum of seventy percent (70%) of chiropractic related income from the active treatment of patients in Georgia in each of the previous five (5) years.

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting

April 17, 2008

(3) Licensed chiropractors conducting peer review on behalf of a Georgia professional association, as approved by the board by policy, are exempt from this rule.

Authority O.C.G.A. Secs. 43-1-25, 43-9-4, 43-9-6.1, 43-9-12, 43-9-12.1, 43-9-16.

Consider statement concerning Animal Manipulation/Chiropractic in Georgia.- Board response: Viewed as informational.

Consider draft position statement concerning Scope of Practice.- Board response: Refer to Rules Committee.

LICENSES TO RATIFY.

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

| License # | Name | Profession | Status |
|------------|--------------------------|--------------|--------|
| CHIR008319 | Burke, Erick Stephen | Chiropractor | Active |
| CHIR008320 | Song, Yong Hyon | Chiropractor | Active |
| CHIR008321 | Marshall, David Louis | Chiropractor | Active |
| CHIR008322 | Pak, Shawn S. | Chiropractor | Active |
| CHIR008323 | Cox, Martin Glenn | Chiropractor | Active |
| CHIR008324 | Longobardo, Lisa Ann | Chiropractor | Active |
| CHIR008325 | Lee, Lamardra S. | Chiropractor | Active |
| CHIR008326 | Kang, Jung Hoon | Chiropractor | Active |
| CHIR008327 | Oliger, Karl Jeffrey | Chiropractor | Active |
| CHIR008328 | Tomes, George David, Sr. | Chiropractor | Active |
| CHIR008329 | Gerjoi, Roberto N. | Chiropractor | Active |
| CHIR008330 | Barit, Brian Michael | Chiropractor | Active |
| CHIR008331 | Kent Jr., John H. | Chiropractor | Active |
| CHIR008332 | Rowe, Keri Lynn | Chiropractor | Active |
| CHIR008333 | Cromer, Meaghan N. | Chiropractor | Active |
| CHIR008334 | Keresztesy, Mark Allen | Chiropractor | Active |
| CHIR008335 | Matthews, Roman A. | Chiropractor | Active |
| CHIR008336 | Rowe, Nicholas George | Chiropractor | Active |
| CHIR008337 | Banks, Rachel Dion | Chiropractor | Active |
| CHIR008338 | Davila, Nancy | Chiropractor | Active |
| CHIR005740 | Thomas, John N. | Chiropractor | Active |
| CHIR005888 | Davies, David M. | Chiropractor | Active |

Review and approval of minutes from February 21, 2008 board meeting.-Dr. Sallarulo made a motion, Dr. Nelson seconded and the Board voted to approve.

Correspondence from Bob Manna, D.C. regarding a physical therapist advising a patient not to see another healthcare professional.- Board response: Notify Dr. Manna that based on letter Board finds that physical therapist is practicing chiropractic without a license and if he provides the name of the physical therapist the board will open a complaint on the individual.

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting

April 17, 2008

Correspondence from Cynthia LoGatto regarding a chiropractor in Georgia performing Electrodiagnostic Procedures- *Board response:* Send No Legal Letter.

Correspondence from Fred Gerretzen, D.C. regarding approval for P.E.A.K. program at Life University- Dr. Wren made a motion, Dr. Nelson seconded and the Board voted to table.

Correspondence from Thomas Hourin, D.C. requesting that board expunge his consent order and disciplinary actions from his record.-Dr. Sallarulo made a motion, Dr. Wren seconded and the Board voted to deny.

Compliance Issues –

- Dr. Brett Greenberg, D.C. requesting to terminate probation.- Dr. Baker made a motion, Dr. Nelson seconded and the board voted to approve.
- Dr. David Nudelman, D.C. requesting to terminate probation.- Dr. Sallarulo made a motion, Dr. Baker seconded and the board voted to approve.

Executive Director's Report – Ms. Anita Martin

- Request from Mark Lentchner, D.C. to terminate his probation.- Dr. Wren made a motion, Dr. Nelson seconded and the board voted to approve.
- Discussed email, an open letter to past graduates of Life University 1992-1998.-Board response: Viewed as informational.
- The Board decided to move to electronic meetings. Staff will scan in all documents and burn to a C.D. In addition to board members using their laptops to view information, staff will have the items available at the meeting to view via the LCD projector.
- Request from John Markham, D.C. of Life University's PEAK Program to allow D.C.'s who have been licensed in Georgia for 3 years to work as PEAK qualified doctors.- Request approved.
- Dr. Wren made a motion, Dr. Baker seconded and the Board voted to implement a new Policy as follows:

Voluntary Cease & Desist Orders:

It is the policy of the Georgia Board of Chiropractic Examiners to accept all Voluntary Cease and Desist Orders upon receipt in the Board office and authorize the president/chairperson or his or her designee to execute the Order to authorize the Orders to be docketed and served. It is the intent of the Board that the Orders will be in effect upon docketing. The Georgia Board of Chiropractic Examiners will ratify the docketed Cease and Desist orders at its next board meeting after the date of docketing and include a list of the approved orders in the board minutes.

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting

April 17, 2008

Other Business

Inspector General Shawn LaGrua discussed the complaint process and the new Cease & Desist Order policy.

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, investigative committee 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.

Appeal Appointment

J.R.S. – recommended approval of licensure.

T.G.G. –recommended applicant contact Sherman University for accreditation documents before additional consideration of application.

J.T.B. –recommended reinstatement of licensure.

A.P.B. –recommended reactivation of licensure. Must pass the SPEC exam within one (1) year of licensure.

Dr. Wren made a motion, Dr. Nelson seconded and the Board voted to **accept** the recommendation on the appeal appointments.

Applications

L.A.T. – Reinstatement applicant, unlicensed practice.-Recommended approval of reinstatement. Reinstate under policy #5.

T.R.S. – Reinstatement applicant, retired from practice in 2005.- Recommended approval of reinstatement upon receipt of passing SPEC exam results..

J.A.R. – Applicant, tabled at last meeting pending final court disposition.- Tabled until board is in receipt of official court documents that need to be reviewed by Assistant Attorney General. When review is complete, schedule for an appointment.

G.I.B. – Reinstatement applicant, last practiced in 2004.- Recommended approval of reinstatement.

L.H.C. – Applicant, arrest/conviction, also requesting permission to take the SPEC.- Recommended denial.

U.S. – Applicant, requesting approval for licensure -Recommended approval of licensure.

J.M. – Applicant, arrest/conviction-Recommended approval of licensure.

L.J.W.– Reinstatement applicant, arrest/conviction. – Recommended approval.

A.M.K. –Reinstatement applicant, ULP and arrest/conviction.- Recommended denial.

A.C.V. –Applicant, arrest/conviction.- Recommended denial.

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

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting

April 17, 2008

Investigative Report

CHIR080023—recommend to refer to the Attorney General’s office for a Public Consent Order. The terms of the consent order are \$500 fine; no on-line continuing education for duration of probation; take and pass Ethics and Boundaries within one (1) year; one (1) year probation.

CHIR080003- recommend to close with a mitigating circumstances letter; request chiropractors provide documentation of completion of the record-keeping classes they have recently attended and provide a written plan of modifications planned for patient records.

CHIR070008-recommend closing the complaint against G.I., D.C. with a mitigating circumstances letter. Request that G.I., D.C. submit documentation of completion of an additional six (6) hours of on-site continuing education in Diagnosis & Treatment Planning. Recommend to refer D.W., D.C. to the Attorney General’s office for a Public Consent Order. The terms of the consent order are \$500 fine; pass Ethics & Boundaries within one (1) year; six (6) additional hours of on-site continuing education in Diagnosis & Treatment Planning; one (1) year probation; no on-line continuing education for duration of probation.

CHIR080048-recommend to refer to the Attorney General’s office for an Order of Mental Physical Evaluation and Agreement not to practice until Board receives evaluation results. Upon receipt of results of evaluation, if the Board lifts practice restriction- do so under a Public Consent Order with one hundred-twenty (120) days suspension; Five (5) years probation; no on-line continuing education during period of probation; during period of probation, require attendant in the room when treating minor female patients; \$3000 fine; Pass Ethics & Boundaries within one (1) year.

CHIR070003- recommend to refer to the Attorney General’s office for a Public Consent Order. The terms of the consent order are requiring an attendant to be in the room when treating minor patients; following conditions of the criminal bond requirement and notifying the Board with the disposition of the criminal case within ten (10) days.

CHIR070068-recommend to refer to the Attorney General’s office for a Public Consent Order. The terms of the consent order are \$1000 fine; Three (3) years probation; pass Ethics & Boundaries within one (1) year; no on-line continuing education during period of probation; additional four (4) hours continuing education in documentation and restrict physiotherapy practice until receipt of proper coursework and certification on license.

CHIR070087- recommendation is to uphold decision not to seek disciplinary action in this matter.

CHIR070136- recommend to refer to the Attorney General’s office for a Public Consent Order. The terms of the consent order are \$500 fine; Three (3) years probation; on-site additional twelve (12) hours of continuing education in radiographs; no on-line continuing education during period of probation.

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

Rules Committee Report – Dr. David Wren, D.C.

- **Recommendation to post Board Rule 100-4-01, Advertising.**- Recommendation to approve and **post**.
- **Recommended posting Board Rule 100-7-.04, Standards of Practice.**- Board response: Table and refer back to Rules Committee.

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting

April 17, 2008

- **Recommendation to post Board Rule 100-7-.06, Incompetence, Board Sanctions and Felony Convictions Retitled Incompetence, Board Sanctions, Professional Reporting Obligation and Felony Convictions.**-Recommendation denied.
- **Recommended posting Board Rule 100-7-.09, Fee Splitting.**-Recommendation to approve and **post**.
- **Correspondence from Dr. Christopher J. Connelly, D.C.**- Viewed as informational.

Dr. Sallarulo motioned, Dr. Nelson seconded and the Board voted to **accept** the recommendations on the rules committee report.

Attorney General's Report- Graham Barron

- Reported on fourteen (14) cases in his office.
- Request to close complaint case CHIR070147.
- Recommendation to accept consent order on Scott Bertrand, D.C.
- Recommendation to accept consent order on Michael Macaluso, D.C.

Dr. Nelson motioned, Dr. Wren seconded and the Board voted to **accept** the recommendations from the AG's Report.

Office of Inspector General Report- Lynn Eason

- Close complaint case CHIR080051 and accept Cease & Desist order on Lon Lynch.
- CHIR070063- Refer to Investigative Committee.

Dr. Wren motioned, Dr. Sallarulo seconded and the Board voted to **accept** the recommendations from the Office of Inspector General Report.

There being no further business to come before the Board, the meeting was adjourned at 4:37 pm on April 17, 2008.

Minutes prepared by: Samirah Stephens, Board Secretary

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

These minutes were approved on June 19, 2008.