

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting
August 14, 2008

A meeting of the Georgia Board of Chiropractic was held on Thursday, August 14, 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. Jeff Slocum, D. C. David A. Wren, D.C. Kathleen Bowen	Graham Barron, Board Attorney Anita O. Martin, Executive Director Samirah Stephens, Board Secretary Steve Welsh, D.C. Robert L. Alpert, D.C.

Karen Mathiak established that a quorum was present and the public hearing was **called to order** at 10:06 am.

The public hearing was held. Written comments received were considered. Dr. Steve Welsh and Dr. Robert Alpert gave verbal comments.

Board Rule 100-5-.02, Approval of Educational Programs- Written comments were received from Warren Jahn, D.C. Verbal comments were provided by Steve Welsh, D.C.

Board Rule 100-7-.04, Standards of Practice- Written comments were received from Mark Tilkin of State Farm Insurance Company, Warren Jahn, D.C., and Robert L. Alpert, D.C. Verbal comments were received from Robert L. Alpert, D.C. and Steve Welsh, D.C.

Board Rule 100-7-.08, Review Agents- Written comments were received from Mark Tilkin of State Farm Insurance Company, Warren Jahn, D.C., and Robert L. Alpert, D.C. Verbal comments were received from Steve Welsh, D.C. and Robert L. Alpert, D.C.

The public hearing was adjourned at 11:14 am.

Karen Mathiak established that a quorum was present and the meeting was **called to order** at 11:15 am.

Consider adoption of Board Rule 100-5-.02, Approval of Educational Programs- Dr. Wren made a motion, Dr. Baker seconded and the Board voted to adopt.

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 a 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 (NOTE: 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).

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting
August 14, 2008

(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.
9. Clinical documentation: a maximum of 4 hours credit in clinical documentation 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) 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) 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 the 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.

Authority O.C.G.A. §§ 43-1-25, 43-9-4, 43-9-6.1, and 43-9-11.

Consider adoption of Board Rule 100-7-.04, Standards of Practice- Dr. Baker motioned, Dr. Slocum seconded and the Board voted to adopt.

100-7-.04, Standards of Practice

(1) For the purposes of this Section, standards of practice shall include, but not be limited to, the following:

(a) Knowingly performing an act which in any way aids, assists, procures, advises, or encourages an unlicensed person to practice chiropractic;

1. Nothing in this Section shall prohibit the activities authorized in O.C.G.A. 43-9-7.2(3)(A) and (B).

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting
August 14, 2008

(b) failing to conform or comply with the minimum standards of acceptable and prevailing chiropractic care;

1. Chiropractic care shall include offering or rendering a professional chiropractic 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 identify themselves by name, degree designation, location of practice, and Georgia chiropractic license number.

(c) failing to release patient information to another healthcare professional or any other authorized person upon proper written authorization by the patient.

(d) It shall be considered unprofessional conduct to deny care for a covered condition or service by a review agent when there is a reasonable expectation for improvement or the patient is demonstrating a reasonable rate of improvement. A reasonable rate of improvement would be influenced by condition of chronicity, patient age, co-morbid factors, frequency of care and exposure to activities that would impede progress.

(e) It shall be considered unprofessional conduct to deny care for a covered condition or service by a review agent for care to prevent the deterioration of a condition once the patient has achieved maximum clinical improvement, if sufficient evidence exists demonstrating that reduction or withdrawal of care has and will continue to have a deleterious effect on the patient.

(f) It is considered unprofessional conduct for any chiropractor to enter into a financial contract which obligates a patient for care or payment for care using coercion, duress, fraud, over-reaching diagnosis, harassment, intimidation or undue influence.

(g) It is considered unprofessional conduct for any chiropractor to enter into a financial contract which would obligate a patient to pay for care to be rendered in the future unless a pre-arranged and agreed upon refund policy is in place at the time of the contracts execution.

(h) Any chiropractor who enters into a pre-payment financial contract with a patient shall determine and record the patient's clinical objective for which the pre-paid care is designed to achieve and provide the patient with a copy of this objective.

Authority O.C.G.A. §§ 31-33-1 through 31-33-3, 43-1-25, 43-9-4, 43-9-6.1, 43-9-12, 43-9-12.1 and 43-9-16.

Consider adoption of Board Rule 100-7-.08, Review Agents- Dr. Wren motioned, Dr. Baker seconded and the Board voted to adopt and post as amended.

100-7-.08, Private Review Agent Requirements.

(1) ~~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 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:

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting
August 14, 2008

- ~~(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.
- (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. §§ 43-1-25, 43-9-4, 43-9-6.1, 43-9-6.1, 43-9-12, 43-9-12.1, 43-9-16.

100-7-.08 Private Review Agent Requirements.

As per O.C.G.A. § 43-9-1 the practice of chiropractic shall also include peer review.

~~(1) 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 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) For purposes of this rule "Peer Review" includes the rendering of a professional chiropractic written or verbal opinion, regarding the frequency, duration, necessity, or outcome of chiropractic treatment or patient care.~~

~~(3) 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

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting
August 14, 2008

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.

(4) 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.

Review and approval of minutes from June 19, 2008 board meeting- Dr. Baker made a motion, Dr. Wren seconded and the Board voted to approve.

Review and approval of minutes from July 10, 2008 conference call meeting – Dr. Baker made a motion, Dr. Wren seconded and the Board voted to approve.

LICENSES TO RATIFY.

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

License #	Name	Profession	Status
CHIR008358	Schafer, Andrew J.	Chiropractor	Active
CHIR008359	Hornak, Beth Anne	Chiropractor	Active
CHIR008360	Chenevey, Leyla Tasmaz	Chiropractor	Active
CHIR008361	Stice, Niger Kaur	Chiropractor	Active
CHIR008362	Arndt, Lisa Anne	Chiropractor	Active
CHIR008363	King, Andrew Forrest	Chiropractor	Active
CHIR008364	Regis, Jason Alan	Chiropractor	Active
CHIR008365	Salari, Ali Reza	Chiropractor	Active
CHIR008366	Wages, Willshonda Claire	Chiropractor	Active
CHIR008367	Ziegler, Michael Anthony	Chiropractor	Active
CHIR008368	Alberty, James Rachaun	Chiropractor	Active
CHIR008369	Ferguson, Derek Douglas	Chiropractor	Active

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting
August 14, 2008

CHIR008370	LeBlanc, Kelley M.	Chiropractor	Active
CHIR008371	Feldman, Ashley Warren	Chiropractor	Active
CHIR008372	Hicks, Stephanie Marie	Chiropractor	Active
CHIR008373	Lowery, Joshua Shane	Chiropractor	Active
CHIR008374	Paxton, Jonathan David	Chiropractor	Active
CHIR008375	Redman, Ronald Scott	Chiropractor	Active
CHIR008376	Williams, Joseph Gerard	Chiropractor	Active
CHIR008377	Baird, Candace Reiser	Chiropractor	Active
CHIR008378	Anzalone, Nicole	Chiropractor	Active
CHIR008379	Hansen, Christopher Lynn	Chiropractor	Active
CHIR008380	Ellis, Melissa Marie	Chiropractor	Active
CHIR008381	Fano, Robert Richard	Chiropractor	Active
CHIR008382	Belle, Natalie Joy	Chiropractor	Active
CHIR008383	Bello, Rolando Jr.	Chiropractor	Active
CHIR008384	Broyles, Harry Charles	Chiropractor	Active
CHIR008385	Howard, Christopher Scott	Chiropractor	Active
CHIR008386	Friedhoff, Amanda Simone	Chiropractor	Active
CHIR008387	Meraz, Barak	Chiropractor	Active
CHIR008388	Campbell, Rebekah Leah	Chiropractor	Active
CHIR006364	Liebe, Alan J.	Chiropractor	Active
CHIR006385	Montecalvo, Nicolo	Chiropractor	Active
CHIR001816	Bowen, Robert B.	Chiropractor	Active
CHIR005877	Weinberg, Leah J.	Chiropractor	Active
CHIR002745	McKenzie, Janell	Chiropractor	Active
CHIR004934	Pashman, Albert	Chiropractor	Active

Notice of non-payment or default of federal education loan for Salih Abdul Baaith, D.C.-

Dr. Wren made a motion, Dr. Baker seconded and the Board voted to suspend Dr. Salih A. Baaith's license to practice as a chiropractor, License No. CHIR002928 effective 30 days from the date of the First Notice Letter of Suspension for nonpayment status or default or breach or repayment or service obligation for his/her federal educational loan, service conditional loan repayment program, or service conditional scholarship program. The board further voted that such suspension shall be STAYED pending an appearance before the board if a request for an appearance is timely received and that this suspension shall be lifted upon receipt of a written request from the licensee and a copy of the release from the federal agency that CHIR002928 is making payment on the loan, service conditional loan repayment program, or service conditional scholarship program satisfying the payment or service requirements in accordance with an agreement approved by the federal agency, or is not the person at issue

Additional information from Stacy Spagnardi requesting that her lapsed license be placed in an inactive status-

Dr. Wren made a motion, Dr. Slocum seconded and the Board voted to approve request for license to be retroactively placed in an inactive status.

Dr. Steven H. Senart, D.C. requesting to terminate probation- Board response:

Schedule Dr. Senart for an Investigative Interview.

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting
August 14, 2008

Rules Committee Report – David Wren, D.C.

- **Discussion of Board Rule 100-9-.01, Electrical Therapeutic Modalities. Amended-** Verbal comments were received from Dr. Steve Welsh. *Board response:* Table and refer back to the Rules Committee.

Executive Director's Report – Ms. Anita Martin

- Read thank you letter from Dr. Patrick Sallarulo to the board. The Executive Director will order a plaque for Dr. Sallarulo and a board member will present the plaque to him at an upcoming professional association meeting.
- Discussed the budget constraints briefly.

Other Business

- Dr. Wren brought information to the Board on the Maryland woman who is suing the Board in Maryland.
- Dr. Baker has drafted a statement concerning the issue of animal chiropractic that will be provided to the Executive Director to refer to the Attorney General's office for advice.

Dr. Wren made a motion, Dr. Baker 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

D.K.L., D.C.- recommendation to change to public consent order to private consent order, drop fine and add fifteen (15) additional hours of continuing education; eight (8) of the fifteen (15) additional hours must be in documentation. Accept order upon receipt.

Dr. Wren made a motion, Dr. Baker seconded and the Board voted to accept the recommendation on the appeal appointment.

Applications

M.S.W.- Applicant, arrest/conviction. -Recommended denial.

J.B.S.- Applicant, arrest/conviction. - Recommended approval of licensure.

C.L.W.- Applicant, arrest/conviction. -Recommended approval of licensure.

E.W.- Reinstatement applicant for reconsideration; received updated resume and additional documentation. - Recommended approval of reinstatement after applicant takes and passes the S.P.E.C. examination. Applicant must also provide documentation on her disability from her physician.

C.J.S.- Applicant, arrest/conviction. - Recommended approval of licensure.

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting
August 14, 2008

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

Investigative Report

R.R.-recommended to approve for licensure and require that all continuing education be taken on-site until December 2012.

CHIR080026- recommended closing with a letter of concern regarding alleged inappropriate billing practices.

CHIR080057- recommended to close with a mitigating circumstances letter, requiring that he send in advertising for next two (2) years and must take continuing education on-site until December 2012.

CHIR080062- recommendation is to refer to the Office of Inspector General for an investigation, subpoena information from licensee concerning the letterhead, subpoena information from the Bar Association as to the finding of their investigation, get a sworn statement from Beth Choate of Progressive Insurance concerning the issue and subpoena information from Curtis Jester as to the findings of their investigation.

CHIR080032- recommended closing with no violation.

CHIR070137-recommendation is to close with no violation and make a statement in the no violation letter that he attended the investigative interview.

CHIR080063-recommendation is to close with a letter of concern; remind licensee in the letter of concern to be careful and assure that the public understands that her spouse is not licensed to practice. Send disposition to the OIG that the case is being closed.

CHIR080058- recommendation is to close for insufficient evidence to prove a violation.

CHIR080023- recommendation is to change to a private consent order.

CHIR070068-recommendation is to change to a private order with four (4) hours of continuing education in proper documentation.

Dr. Slocum made a motion, Dr. Wren seconded and the Board voted to accept the recommendations on the investigative report.

Attorney General's Report- Graham Barron

- Schedule Respondent in complaint case CHIR080044 for an investigative interview.
- Recommendation is to close complaint case CHIR080013 and refer the matter to the Florida Board.
- Recommendation is to close complaint case CHIR070002.
- Recommendation is to accept consent order on Alan Bragman, D.C.

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting
August 14, 2008

- Recommendation is to accept consent order on Shawn G. Jones, D.C.
- Recommendation is to accept consent order on David J. Williams, D.C.
- Recommendation is to accept consent order on Leslie Tucker, D.C.
- Recommendation is to accept private consent orders on B.D., D.C., R.C., D.C. and A.V, D.C.

Ms. Bowen made a motion, Dr. Baker seconded and the Board voted to accept the recommendations from the Attorney General's Report.

There being no further business to come before the Board, the meeting was adjourned at 4:16 pm on August 14, 2008.

Minutes prepared by: Samirah Stephens, Board Secretary

Reviewed/Edited by: Anita Martin, Executive Director