

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting
September 24, 2009

A meeting of the Georgia Board of Chiropractic was held on Thursday, September 24, 2009, 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. David Wren, D.C. Jeffrey Slocum, D.C.	Anita Martin, Executive Director Graham Barron, Assistant Attorney General Carol White, Board Secretary Robert Alpert, D.C.

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

Review and approval of minutes from July 16, 2009 board meeting – Board response: Dr. Baker made a motion, Dr. Slocum seconded and the Board voted to approve.

Ratify License – Board response:

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

License Number	Name	License Type
CHIR008501	Miskus, Marcie Kathryn	Chiropractor
CHIR008502	Ziomek, Sherri Marie	Chiropractor
CHIR008503	Lundrigan, Daniel Joseph	Chiropractor
CHIR008504	Shreeve, Michael West	Chiropractor
CHIR008505	Pilsner, Ryan James	Chiropractor
CHIR008506	Yajima, Yoshiro	Chiropractor
CHIR008507	Schulman, Michael D	Chiropractor
CHIR008508	Darrow, Shannon Beth	Chiropractor
CHIR008509	Cohen, Austin Louis	Chiropractor
CHIR008510	Taylor, Cleve Roshawn	Chiropractor
CHIR008511	Greenfield, Carly Sara	Chiropractor
CHIR008512	Lin, Kevin Yen-Chen	Chiropractor
CHIR008513	Mills, Saglara B	Chiropractor
CHIR008514	Utlely, Brian Timone	Chiropractor
CHIR008515	Austin, Marsha Esther	Chiropractor
CHIR008516	Shiels, Jonathan Eric	Chiropractor
CHIR008517	Wright, Artour Demond	Chiropractor
CHIR008518	Lord, Michael Andrew	Chiropractor
CHIR008519	Wittgreen Negron, Jay	Chiropractor

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting
September 24, 2009

CHIR008520	Warhola, April E	Chiropractor
CHIR008521	Harmon, Melissa Loraine	Chiropractor
CHIR008522	Potter, Andrew Preston	Chiropractor
CHIR008523	Tabita, Randy Paul	Chiropractor
CHIR008524	Jones, Anthony D	Chiropractor
CHIR008525	Trotter, Tena Lee	Chiropractor
CHIR008526	Larkins, Drew C	Chiropractor
CHIR008527	Butler, Amoritta Rochelle	Chiropractor
CHIR008528	Donaldson, Abigail Austin	Chiropractor
CHIR008529	Kinsey, Anna Marcelle	Chiropractor
CHIR008530	Stiles, Anquonette Lekeisha	Chiropractor
CHIR008531	Tomlin, Krystal Nikia	Chiropractor
CHIR008532	Jahdai-Brown, Nya	Chiropractor
CHIR008533	Kolailat, Mohamad-Ali S	Chiropractor
CHIR008534	Scherer, Daniel Douglas	Chiropractor
CHIR008535	Malina, Whitney Rebecca	Chiropractor
CHIR008536	Waldvogel, Desiree	Chiropractor
CHIR008537	Geist, Patrick Jan	Chiropractor
CHIR008538	Holzapfel, Harold Paul	Chiropractor
CHIR008539	Smith, Lewis Morten	Chiropractor
CHIR008540	Meccia, Matthew Leone	Chiropractor
CHIR008541	Bense, LaDonna C	Chiropractor
CHIR008542	Scott, Camille K	Chiropractor
CHIR008543	Coffey, Trey	Chiropractor
CHIR008544	Shearer, Eric Adam	Chiropractor
CHIR008545	Case, Norman Arthur	Chiropractor
CHIR008546	Taylor, Jessica Noel	Chiropractor
CHIR008547	Miller, Mario Brent	Chiropractor
CHIR008548	Fraser, Bradley Ian	Chiropractor

Notice of Default on Student Loan on Stephanie M. O'Brien, D.C. – Dr. Solcum made a motion to suspend. Dr. Nelson seconded the motion and it carried unanimously.

Public Hearing 10:00 a.m.

1. Board Rule 100-5-.02 Approval of Education Programs – Public Hearing was held. No public comments were received.

Consideration for adoption of Board Rule 100-5-.02. – Dr. Nelson made a motion to adopt Board Rule 100-5-.02. Dr. Solcum seconded the motion and it carried unanimously.

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting
September 24, 2009

Rule Waiver request from James T. Willis for Board Rule 100-7-.08 – Dr. Baker made a motion to deny. Dr. Wren seconded the motion and it carried unanimously

Correspondence from Christopher J. Connelley re: practicing chiropractic without a license/acting as a review agent. - Dr. Baker made a motion to refer him to his State organization and/or the Office of the Insurance Commissioner. Based upon the information received, State Farm is not making a clinical decision about necessity – stating out of scope to sell/rent to patient. Dr. Nelson seconded the motion and it carried unanimously.

Correspondence from NBCE, Paul Townsend, Director of Practical Testing. – Dr. Mathiak will check her schedule and she will notify Dr. Townsend if available.

Request from Kevin G. Hearon, President Council on Extremity Adjusting, concerning Board Rule 100-4-.02 Diplomat Status/Certifications. - Dr. Baker made a motion to post an amendment to Board Rule 100-4-.02. Dr. Nelson seconded the motion and it carried unanimously.

100-4-.02 Diplomat Status/Certifications.

Effective January 7, 2008

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 and having active diplomate and/or certifications by one or more of the following boards:

- (i) Academy of Chiropractic Orthopedists (ACO);
- (ii) Certified in Chiropractic Spinal Trauma (CCST);
- (iii) Certified Chiropractic Wellness Practitioner (CCWP);
- (iv) Certified Sports and Fitness Chiropractor (CSFC);
- (v) Diplomate American Chiropractic Board of Radiology (DACBR);
- (vi) Diplomate American Chiropractic Rehabilitation Board (DACRB);
- (vii) Diplomate American Chiropractic Board of Nutrition (DACBN);
- (viii) Diplomate American Board of Chiropractic Internists (DABCI);
- (ix) Certified Chiropractic Sports Physicians (CCSP);
- (x) Diplomate American Board of Chiropractic Orthopedics (DABCO);
- (xi) Diplomate American Board of Forensic Professionals (DABFP);
- (xii) Diplomate American Chiropractic Academy of Neurology (DACAN);
- (xiii) Certification American Chiropractic Board of Thermologists (CACBT);
- (xiv) Diplomate American Board of Chiropractic Neurology (DABCN)
- (xv) Diplomate American Chiropractic Board of Sports Physicians (DACBSP);
- (xvi) Diplomate American Chiropractic Board of Occupational Health (DACBOH);
- (xvii) Diplomate American Chiropractic Neurology Board (DACNB);
- (xviii) Diplomate Applied Chiropractic Sciences (DACS);
- (xix) Diplomate in Chiropractic Imaging (DCCI);
- (xx) Diplomate in Pediatrics (DICCP);
- (xxi) Diplomate in Philosophical Chiropractic Standards (DPHCS);
- (xxii) Diplomate in Thermography (DICCT);
- (xxiii) Diplomate of American Board of Chiropractic Consultants (DABCC);
- (xxiv) Diplomate of Council on Extremity Adjusting (CEA)

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting
September 24, 2009

(xxv) Diplomate of American Board of Quality Assurance and Utilization Review Physicians (ABQAURP).

Authority O.C.G.A. §§ 43-1-25, 43-9-6.1, and 43-9-12.

Request from Renee Willoughby, ABQAURP, concerning Board Rule 100-4-.02 Diplomat Status/Certifications. – Dr. Baker made a motion to post an amendment to Board Rule 100-4-.02. Dr. Nelson seconded the motion and it carried unanimously.

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Effective January 7, 2008

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- (vii) Diplomate American Chiropractic Board of Nutrition (DACBN);
- (viii) Diplomate American Board of Chiropractic Internists (DABCI);
- (ix) Certified Chiropractic Sports Physicians (CCSP);
- (x) Diplomate American Board of Chiropractic Orthopedics (DABCO);
- (xi) Diplomate American Board of Forensic Professionals (DABFP);
- (xii) Diplomate American Chiropractic Academy of Neurology (DACAN);
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- (xx) Diplomate in Pediatrics (DICCP);
- (xxi) Diplomate in Philosophical Chiropractic Standards (DPHCS);
- (xxii) Diplomate in Thermography (DICCT);
- (xxiii) Diplomate of American Board of Chiropractic Consultants (DABCC);
- (xxiv) Diplomate of Council on Extremity Adjusting (CEA)
- (xxv) Diplomate of American Board of Quality Assurance and Utilization Review Physicians (ABQAURP).

Authority O.C.G.A. §§ 43-1-25, 43-9-6.1, and 43-9-12.

Consideration to post Board Rule 100-5-.04. – Dr. Nelson made a motion to post Board Rule 100-5-.04. Dr. Slocum seconded the motion and it carried unanimously.

100-5-.04 Application for Approval and Responsibilities of Providers.

- (1) Chiropractic Colleges and/or schools accredited by the Commission on Chiropractic

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting
September 24, 2009

Education are awarded blanket approval to provide continuing education programs on topics which fall within the current scope of practice in Georgia.

(2) Professional associations (Georgia Chiropractic Association and Georgia Council on Chiropractic or their subsequent organizations) in Georgia are awarded blanket approval to provide continuing education programs on topics which fall within the current scope of practice in Georgia.

(3) All continuing education providers must assure that the courses taught are on a topic in compliance with the current scope of practice

(4) All other continuing education providers must apply for approval by the Georgia Board and must provide the following information to the board for consideration:

1. Each sponsor or provider shall have an administrator whose responsibility is to maintain the criteria for quality in programming.
2. Providers shall use qualified personnel to develop and present the programs, which shall utilize appropriate instructional materials and resources.
3. Providers shall provide to the Board adequate advanced promotional information, material about target audiences, program content, and faculty credentials.
4. Providers shall provide a means of registration of the participants at each program and maintain a record of attendance for a period of three years from the date of the program.

5. Providers shall develop policies and procedures for the management of grievances.

(5) All continuing education providers seeking approval of the continuing education program by the Georgia Board of Chiropractic Examiners shall submit a Program Approval Form for each program presented. These forms should be submitted 60 days in advance of the program to be considered for approval.

(6) Providers shall provide each participant with adequate documentation of his/her successful completion of the program. The documentation shall include but is not limited to:

- (i) Name and license number of participant;
- (ii) Name of provider;
- (iii) Name and title of program;
- (iv) Hours/CEU's completed;
- (v) Date of completion; ~~and~~
- (vi) Authorizing signature; and
- (vii) Board issued program approval number.

(7) Per O.C.G.A. § 43-9-11, the Georgia Board of Chiropractic Examiners reserves the right to audit and/or deny any continuing education provider who does not meet the criteria, laws, rules and regulations of the board pertaining to continuing education.

(8) The Board reserves the right for its representative to attend or conduct any on-sight audit of any continuing education program. Any fees associated with such audit must be waived by the provider. No continuing education credit would be awarded for such participation.

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

Request from Dr. James Eaton, Assistant Professor & Faculty Clinician, Campus Ctr. For Health & Optimum Performance re: Continuing Education. – Dr. Mathiak will contact the administration at LU to query how many contact hours qualify for full time faculty status.

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting
September 24, 2009

Dr. Mathiak will also contact the FCLB to see if other state boards allow CE hours for faculty status. The classes taught would have to be within the scope of practice. The Board will be willing to consider an amendment to Board Rule 100-5-.02 allowing 15 hours of clinical sciences for CE credit.

Consideration to post Board Rule 100-4-.01. – Dr. Baker made a motion to post Board Rule 100-4-.01. Dr. Nelson seconded the motion and it carried unanimously.

100-4-.01 Advertising.

(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 Board of Forensic Professionals (DABFP);~~

~~(viii) Diplomate American Chiropractic Academy of Neurology (DACAN);~~

~~(ix) Certification American Chiropractic Board of Thermologists (CACBT)~~

~~(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;

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting
September 24, 2009

(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.

Authority O.C.G.A. §§ 43-1-25, 43-9-6.1, 43-9-12 and 43-9-16.

Executive Director's Open Session – Ms. Anita Martin

- Ms. Martin shared with the Board the question from Dr. Garland E. Pendergraph re: D.C.'s ordering clinical laboratory test. Dr. Nelson made a motion to send a no legal letter. Dr. Baker seconded the motion and it carried unanimously.
- Ms. Martin shared with the Board a discussion of school/DOT physicals – Dr. Mathiak reported on the FCLB's interest in investigating a Georgia D.C.'s disallowance by the Pike County School System to perform physicals for bus drivers. Federal Law allows D.C.'s to conduct DOT physicals. This D.C. has been in touch with the Georgia Department of Education. The Board finds Georgia law allows physicals by D.C.'s. Dr. Mathiak will contact the FCLB and notify them that the Board does not find this to be a Board/Consumer protection issue.

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting
September 24, 2009

- Ms. Martin presented the Board with the 2010 Board Meeting Calendar for consideration. The dates presented for consideration are as follows:

Board Meetings

January 21, 2010

March 25, 2010

May 20, 2010

July 22, 2010

September 16, 2010

November 18, 2010

Investigative Committee Meetings

February 25, 2010

April 15, 2010

June 17, 2010

August 19, 2010

October 21, 2010

Dr. Wren motioned, Dr. Slocum seconded and the Board voted to approve the dates presented for the year 2010.

Miscellaneous:

- Dr. Baker made a motion to repeal Board Rule 100-7-.08 and post a new rule that contains the text of the former 100-7-.08 along with an addition of a new subsection #4 Effective from the effective date of this rule amendment through January 31, 2020, the Board will consider request from doctors of chiropractic in Georgia to be grandfathered as Peer Review Agents. Dr. Nelson seconded the motion and it carried unanimously. Dr. Baker will develop a form that will be posted on the website that can be submitted by D.C.'s seeking grandfathering as Peer Reviewers. (Basic minimum criteria – 10 years practice/10 reviews per year for the last 10 years)

EXECUTIVE SESSION

Dr. Nelson made a motion, Dr. Slocum 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 and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Dr. Wren, and Dr. Baker. The Board concluded Executive Session in order to vote on the matters and to continue with the public session.

Appointments:

J.N.C. Chiropractic Applicant – Tabled

D.M. – Reinstatement applicant – Dr. Baker made a motion to allow reinstatement under a Public Consent Order citing the period of unlicensed practice with 2 year probation.

Applications/Licensure:

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting

September 24, 2009

1. RKH – Applicant – Dr. Nelson made a motion to schedule for an interview and for RKH to bring AA sponsor and documentation of attendance at AA meeting. Dr. Baker seconded the motion and it carried unanimously.
2. HAO– Applicant – Dr. Wren made a motion to approve. Dr. Baker seconded the motion and it carried unanimously.
3. VEW –Applicant – Dr. Baker made a motion to approve. Dr. Nelson seconded the motion and it carried unanimously.
4. REM– Applicant - Dr. Wren made a motion to issue a C & D and to reinstate under a Consent Order, policy #5. Dr. Baker seconded the motion and it carried unanimously.
5. J.T – Applicant – Dr. Baker made a motion to approve. Dr. Wren seconded the motion and it carried unanimously
6. DRJ – Reactivation applicant – Dr. Wren made a motion to approve. Dr. Baker seconded the motion and it carried unanimously.
7. ESD – Reinstatement application – Dr. Baker made a motion to approve. Dr. Wren seconded the motion and it carried unanimously.
8. SDW – Applicant – Dr. Wren made a motion to approve. Dr. Nelson seconded the motion and it carried unanimously.
9. EZJ – Reinstatement application – Dr. Wren made a motion to approve. Dr. Nelson seconded the motion and it carried unanimously.
10. SPB – Applicant – Dr. Baker made a motion to approve. Dr. Nelson seconded the motion and it carried unanimously.

Cognizant/Investigative Reports:

- Chiropractic Investigative Report – Approved.
CHIR080036 – Additional Investigation needed.
CHIR090016 – Allow an additional 30 days to receive information from complainant or pursue for failure to maintain patient records.

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

IC requests referrals to Rules Committee

- Consider revision of rule (under unprofessional conduct rule) to require compliance with requests to board.
- Utilization of Chiropractic in trade names/advertising complaints submitted by competitors, D.C. – See cases CHIR090059, CHIR090031 and CHIR090038.

Attorney General’s Report – Mr. Graham Barron

- Mr. Barron provided for acceptance of Consent Order from Virginia Leonard, D.C. Dr. Slocum made a motion to accept, Dr. Wren seconded and the Board voted to accept the Consent Order. Dr. Baker recused from vote on this matter.
- Mr. Barron provided an update on the 2 cases in his office.
- CHIR080062 – Provide that if D.C. has not complied with OMPE Mr. Barron will proceed with Summary Suspension and file Notice of Hearing for Revocation.

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting
September 24, 2009

- Mr. Barron discussed the issue of pending case in DeKalb County compelling the Board to provide copies of application records, etc.; request that had been denied by the board.

There being no further business to come before the Board, the meeting was adjourned at 4:45 p.m. on September 24, 2009.

Minutes prepared by: Carol White, Board Secretary

Reviewed/Edited by: Anita Martin, Executive Director