

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting
October 20, 2011
Professional Licensing Boards
237 Coliseum Drive
Macon, GA 31217
10:30 a.m.

The following Board members were present:	Others Present:
Karen Mathiak D.C. Greg Baker, D.C. Chris Nelson, D.C. David Wren, D.C.	Amy Morelli, Board Attorney Anita Martin, Executive Director Carol White Bob Alpert, D.C.

Dr. Mathiak established that a quorum was present and the meeting that was scheduled to begin at 10:30 a.m., was called to order at 10:35 a.m.

Open Session

Minutes from the August 18, 2011 Board meeting - Dr. Nelson made a motion to approve. Dr. Wren seconded the motion and it carried unanimously.

Ratify Licenses - Dr. Baker made a motion to approve the ratified license list. Dr. Wren seconded the motion and it carried unanimously.

License Number	Name	License Type
CHIR008854	McKenna, David Anthony	Chiropractor
CHIR008855	White, Victoria Lynn	Chiropractor
CHIR008856	Zebrowitz, Michele Ann	Chiropractor
CHIR008857	Hurd, Frank J	Chiropractor
CHIR008858	Stellfox, Stephen Andrew	Chiropractor
CHIR008859	Beck, Jenny Lynne	Chiropractor
CHIR008860	Drwencke, Krystal Marie	Chiropractor
CHIR008861	Cahill, Tod Robert	Chiropractor
CHIR008862	Maylor, Christopher Michael	Chiropractor
CHIR008863	Watkins, Vanessa Michelle	Chiropractor
CHIR008864	Casey, Alex Hunter	Chiropractor
CHIR008865	Okoro, Christian Agodi	Chiropractor
CHIR008866	Bell, Gus Wes	Chiropractor
CHIR008867	Mosure, Dana Crystal	Chiropractor
CHIR008868	Krupa, Halina	Chiropractor
CHIR008869	Breon, Christopher E	Chiropractor
CHIR008870	Klein, Michael Arthur	Chiropractor
CHIR008871	Free, Jerry Franklin, Jr	Chiropractor
CHIR008872	Smith, Stephanie Louise	Chiropractor

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CHIR008873	Stewart, Karen Danyelle	Chiropractor
CHIR008874	Lefranc, Andrew John	Chiropractor
CHIR008875	Bednar, Dana Ruthanne	Chiropractor
CHIR008876	Dority, Rodney	Chiropractor
CHIR008877	Nutty, Steve Kenneth	Chiropractor

REINSTATEMENTS

CHIR007519	Holas, Missy J	Chiropractor
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Request from Stephanie Kozol re: a request from Representative Joe Wilkinson’s secretary for an opinion from the AG’s office re: “Does one have to be a Chiropractor in order own and operate a Chiropractic clinic in Georgia?” – Dr. Wren made a motion to send a copy of Assistant Attorney General, Amy Morelli’s, correspondence on this matter to Ms. Kozol. Dr. Nelson seconded the motion and it carried unanimously.

Correspondence from Leigh Ryan and Danielle Berthe re: Review Agents –Dr. Baker motioned, Dr. Nelson seconded and the Board voted to refer to Attorney General Amy Morelli’s office for advice. The board will notify Ms. Ryan and Ms. Berthe once the board has received advice on this matter from the Attorney General’s office.

Correspondence from Charlie Weiss, D.C. re: Chiropractic Veterinarians – Dr. Baker made a motion to notify the DVM’s on the list received by the Board that they cannot use the term “chiropractic” as Georgia law states that term only applies to the human body. The Board states that the terms “animal manipulation,” “animal adjustment,” “animal joint mobilization,” “animal subluxation based care” can be used. Chiropractors can perform this type of care as long as they are not providing such care under his/her chiropractic license but as a veterinary assistant. Dr. Wren seconded the motion and it carried unanimously.

Consideration of posting Board Rules 100-4-.01 Advertising and Board Rule 100-4-.02 Diplomate Status/Certifications – Dr. Baker motion to post Board Rule 100-4-.01- Advertising and Board Rule 100-4-.02 – Diplomate Status/Certifications. Dr. Wren 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.

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(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: groups found in board rule 100-4-.02.

~~(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;

(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:

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(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. Secs. 43-1-25, 43-9-6.1, 43-6-12, and 43-6-16.

100-4-.02 Diplomate Status/Certifications.

Effective January 7, 2008

A licensee may advertise the licensee's membership in any organization related to the practice of chiropractic, if the licensee's representations are not false, misleading, deceptive, or confusing; provided, however, that 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 International Chiropractic Pediatric Association (ICPA); Certified Sports and Fitness Chiropractor (CSFC);

(v) Certified Sports and Fitness Chiropractor (CSFC); Diplomate American Chiropractic Board of Radiology (DACBR)

(vi) Diplomate American Chiropractic Board of Radiology (DACBR); Diplomate American Chiropractic Rehabilitation Board (DACRB);

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- (vii) Diplomate American Chiropractic Rehabilitation Board (DACRB); ~~Diplomate American Chiropractic Board of Nutrition (DACBN);~~
- (viii) Diplomate American Chiropractic Board of Nutrition (DACBN); ~~Diplomate American Board of Chiropractic Internists (DABCI);~~
- (ix) Diplomate American Board of Chiropractic Internists (DABCI); ~~Certified Chiropractic Sports Physicians (CCSP);~~
- (x) Certified Chiropractic Sports Physicians (CCSP); ~~Diplomate American Board of Chiropractic Orthopedics (DABCO);~~
- (xi) Diplomate American Board of Chiropractic Orthopedics (DABCO); ~~Diplomate American Board of Forensic Professionals (DABFP);~~
- (xii) Diplomate American Board of Forensic Professionals (DABFP); ~~Diplomate American Chiropractic Academy of Neurology (DACAN);~~
- (xiii) Diplomate American Chiropractic Academy of Neurology (DACAN); ~~Certification American Chiropractic Board of Thermologists (CACBT);~~
- (xiv) Certification American Chiropractic Board of Thermologists (CACBT); ~~Diplomate American Board of Chiropractic Neurology (DABCN);~~
- (xv) Diplomate American Board of Chiropractic Neurology (DABCN); ~~Diplomate American Chiropractic Board of Sports Physicians (DACBSP);~~
- (xvi) Diplomate American Chiropractic Board of Sports Physicians (DACBSP); ~~Diplomate American Chiropractic Board of Occupational Health (DACBOH);~~
- (xvii) Diplomate American Chiropractic Board of Occupational Health (DACBOH); ~~Diplomate American Chiropractic Neurology Board (DACNB);~~
- (xviii) Diplomate American Chiropractic Neurology Board (DACNB); ~~Diplomate Applied Chiropractic Sciences (DACS);~~
- (xix) Diplomate Applied Chiropractic Sciences (DACS); ~~Diplomate in Chiropractic Imaging (DCCI);~~
- (xx) Diplomate in Chiropractic Imaging (DCCI); ~~Diplomate in Pediatrics (DICCP);~~
- (xxi) Diplomate in Pediatrics (DICCP); ~~Diplomate in Philosophical Chiropractic Standards (DPHCS);~~
- (xxii) Diplomate in Philosophical Chiropractic Standards (DPHCS); ~~Diplomate in Thermography (DICCT);~~
- (xxiii) Diplomate in Thermography (DICCT); ~~Diplomate of American Board of Chiropractic Consultants (DABCC).~~
- (xxiv) Diplomate of American Board of Chiropractic Consultants (DABCC). ~~Diplomate of Council on Extremity Adjusting (CEA)~~
- (xxv) Diplomate of Council on Extremity Adjusting (CEA) ~~Diplomate of American Board of Quality Assurance and Utilization Review Physicians (ABQAURP).~~

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(xxvi) Diplomate of American Board of Quality Assurance and Utilization Review Physicians (ABQAURP).~~Medical Provider Workers Compensation Professional (MPWCP).~~

(xxvii) Medical Provider Workers Compensation Professional (MPWCP).

Authority O.C.G.A. Secs. 43-1-25, 43-9-6.1, and 43-6-12.

Consideration of posting Board Rules 100-7-.04 Standards of Practice and new rule 100-7-.08 Contractual Pre-Payments for Services - Dr. Baker made a motion to post Board Rule 100-7-.04- Standards of Practice and Board Rule 100-7-.08 Contractual Pre-Payments for Services.

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 any 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).

(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 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~~

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~~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. Secs. 31-33-1, 31-33-32, 31-33-3, 43-1-25, 43-9-4, 43-9-6.1, 43-9-12, 43-9-12.1, 43-9-16100-7-.08 Contractual Pre-Payments for Services.~~

~~(1) 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.~~

~~(a) Any services provided prior to the signing of the contract must not be included in the contract.~~

~~(b) The patient must be given a permanent copy of the signed contract; and the contract must provide a clearly defined refund policy typed in not less than 12 point font. An initial line must be next to the refund policy and must be initialed by the patient.~~

~~(c) The contract must contain the statement "There is insufficient evidence to suggest that not receiving chiropractic care will lead to death, paralysis, disability or permanent harm." Said statement must be typed in not less than 12 point font.~~

~~(2) Any chiropractor who enters into a pre-payment financial contract with a patient must allow the patient 48 hours to sign and return the contract. During this 48-hour evaluation period from the time when a copy of the written contract is provided to the patient; no content of the contract can be changed.~~

~~(3) Any chiropractor who enters into a pre-paid financial contract with a patient shall determine and record the patient's clinical objective which the pre-paid care is designed to achieve and provide the patient with a copy of this objective.~~

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

Approval of minutes from the September 15, 2011 Chiropractic Conference Call –Dr.

Nelson made a motion to approve the minutes for the September 15, 2011 conference call. Dr. Wren seconded the motion and it carried unanimously.

Rules Waiver request for Brian Carver Re: Board Rules 100-11-.01(d) Fees and 100-3-

.02(e) Accompanying Documents. – Dr. Wren made a motion to deny the Rule Waiver Request. Dr. Nelson seconded the motion and it carried unanimously.

Correspondence from the Fernandez Law Firm re: a Pain Management Business. – The

Board stated to send a No Legal Letter to the Fernandez Law Firm.

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Correspondence from Leanne Cupon, D.C. re: Animal Chiropractic – The Board stated to send a letter to Life and copy Dr. Cupon stating that under Georgia Law 43-9-7.2 the practice of animal chiropractic is allowed at the school. However, those who complete the course cannot use the certification name in advertising. They cannot use the term “chiropractic” as Georgia law states that that term only applies to the human body. The Board further states that the terms “animal manipulation,” “animal adjustment,” “animal joint mobilization,” “animal subluxation based care” are allowed. Lastly, the Board requested that this information be posted to the its website.

Request for Termination of Probation from Public Consent Order, Docket number 2009-2108 from Virginia L. Leonard, D.C. – Dr. Nelson made a motion to approve the request. Dr. Wren seconded the motion and it carried unanimously.

Request for Termination of Probation from Public Consent Order, Docket number 2008-0116 from Danuta Graj-Watkins, D.C. – Dr. Wren made a motion to deny the request as Dr. Graj-Watkins must petition pursuant to the requirements in the consent order. Dr. Wren seconded the motion and it carried unanimously.

Consideration of Student Loan Default Robert C. Bracy, D.C. CHIR002803 – Dr. Nelson made a motion to suspend. Dr. Baker seconded the motion and it carried unanimously.

Executive Director’s Open Session – Ms. Anita Martin

- Ms. Martin stated she will send a list to the board of the chiropractors that have not renewed their license.

Miscellaneous

- Dr. Alpert queried the Board on a status of a complaint. Executive Director, Anita Martin, informed Dr. Alpert that the complaint is an ongoing case.
- Dr. Alpert shared with the Board that he has talked at several SIU/Insurance Company Conferences and that they state they do not know how to file complaints with the Board. The Board advised Dr. Alpert the insurance companies need to file complaints with the Board utilizing the website complaint form.
- Ms. Martin will send correspondence to ActiveHealthCare and advise them if there are queries from the organization, please submit them to the Board in writing.

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- Dr. Baker made a motion to post Board Rule 100-5-.02 – Approval of Educational Programs. Dr. Nelson seconded the motion and it carried unanimously.

100-5-.02 Approval of Educational Programs.

(1) A chiropractor must obtain a minimum of twenty (20) hours of continuing education per annum. Of these twenty (20) 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).

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

9. Clinical documentation to include coding; a maximum of four (4) hours credit in clinical documentation and coding will be considered by the Board for continuing education approval

Executive Session

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), 43-11-47(h) and §43-1-2(k) to deliberate on applications and enforcement matters and to receive information on applications, investigative reports and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Dr. Nelson. The Board concluded the **Executive Session** in order to vote on these matters and continue with the public session.

Correspondence from Mr. Horace Elliott, NBCE regarding J.B.H., D.C. examination record. – The Board recommended scheduling an appointment with this applicant.

11:00 a.m. – Legal Staff Attorney Report – Ms. Sonya Williams

- Ms. Williams presented requests for amendments to a reinstatement consent order on C.C. The Board recommended: approval of the revision of the findings of fact and to allow an additional 20 hours of CE in place of E & B examination. The 20 hours must be in person and are in addition to the required CE. The Board states the additional 20 hours must be 15 in clinical, 4 in risk management and 1 in Georgia Law. The Board states the additional hours must be taken within 1 year of the docketed order. The Board recommended accepting the Consent Order upon receipt.

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Applications/Licensure:

1. S.G.W. – Reinstatement Applicant – The Board recommended reinstatement under Board policy and ask an OIG agent to check to assure he is not practicing.
2. R.M.N. – Applicant – The Board recommended having the applicant submit an Illinois background check and be scheduled for the December 2011 meeting.
3. S.A.L. – Reinstatement Applicant – The Board recommended scheduling an appointment for the December 2011 board meeting.

Attorney General’s Report – Ms. Amy Morelli

- Ms. Morelli discussed that a Notice of Hearing has been docketed for the December 2011 board meeting for Dr. Kuhlman.
- Ms. Morelli updated the board on the cases in her office.
- Ms. Morelli presented for acceptance upon receipt a consent order on J.B. The Board recommended acceptance of the order upon receipt and track to assure a copy of the order is provided to the complainant in this case.

Open Session

Dr. Nelson motioned, Dr. Baker seconded and the Board voted to approve the recommendations made in Executive Session.

The Board meeting adjourned at 2:37 p.m.

Minutes recorded by:

Carol White, Board Support Specialist

Minutes reviewed and edited by:

Anita O. Martin, Executive Director

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Dr. Nelson motioned, Dr. Baker seconded and the Board voted to approve the recommendations made in Executive Session.

The Board meeting adjourned at 5:27p.m.

Minutes recorded by:

Carol White, Board Support Specialist

Minutes reviewed and edited by:

Anita O. Martin, Executive Director