

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
September 12, 2014 * 10:00A.M

The Georgia Board of Chiropractic Examiners met on Friday, September 12, 2014. The following members were present:

Board Members Present

Dr. Karen Mathiak, Chairperson
Dr. Andrew Krantz
Dr. Chris Nelson
Dr. Mary Watkins
Dr. David Wren

Administrative Staff Present

Adrienne Price, Executive Director
Tamara Elliott, Board Support Specialist
Wanda Jaffe, Licensing Supervisor

Attorney General's Office

D. Williams-McNeely, Assistant Attorney General

Visitors Present

Timothy O'Conner
Kenneth Weil
Stephen Cooper
Hans Conser

Dr. Mathiak established a quorum and called the meeting to order at 10:06 a.m.

OPEN SESSION

Open Session Minutes

1. Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to approve the July 11, 2014 Board Meeting open session minutes.
2. Dr. Nelson motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to approve the August 14, 2014 Investigative Committee open session minutes.

Licenses to Ratify July 5, 2014 – September 5, 2014

Dr. Watkins motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to approve the licenses issued by application and by reinstatement that were issued in accordance with Board rules and policies between board meetings.

Correspondence from Carl Rhodes – Manipulation under Anesthesia (MUA)

Dr. Stephen Cooper addressed the Board on behalf of the author of the correspondence in reference to MUA and explained the process and procedures. He proffered that if the surgeon issues an order for MUA, schedules the procedure and sedates the patient then manipulation and adjustment of patients under anesthesia is within the scope of practice for a chiropractor. He noted that at one point the Board was working toward issuing a position statement on the issue; however, it was tabled and the Board's position is not known. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to table the discussion of this correspondence for further research which is to be presented at the next Board Meeting.

Correspondence from David Fiber – Veterinary Chiropractic Adjustments

Dr. Watkins motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to refer the writer to the Georgia State Board of Veterinary Medicine.

Correspondence from Dale Kelly – Biofeedback

Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to direct staff to notify the writer that no official opinion has been issued by the Board at this time.

Correspondence from Valerie Smith – Clarifying Modalities in Georgia

The Board accepts the correspondence in reference to clarifying modalities in Georgia and the response forwarded by staff as information.

Dr. Kenneth Weil addressed the Board regarding the requirements for obtaining certification to perform physiotherapy modalities and requested that the Board consider changing their opinion as to whether or not the notation of a licensee's certification may be retroactive and reflective of the date when the licensee completed the coursework for the designation so that licensees may prove to insurance companies that they have been qualified to perform those modalities. Dr. Wren informed Dr. Weil that the designation may only be applied at the time when the Board has received and reviewed that which is required in the rules. Dr. Wren recommended that Dr. Weil consult an attorney and have his counsel submit any response to the insurance companies. Ms. Williams-McNeely referred Dr. Weil to O.C.G.A. §43-9-16(b)(c) regarding the scope of practice of chiropractors.

Discussion – BR 100-2-.08 Inactive License

Dr. Nelson motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer BR 100-2-.08 as amended to the Attorney General's Office for memorandum of authority and if no objections, vote to post.

Discussion – BR 100-5-.01 Hours Required

Dr. Nelson motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to refer BR 100-5-.01 as amended to the Attorney General's Office for memorandum of authority and if no objections, vote to post.

Discussion – BR 100-5-.02

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
RULE FOR CHAPTER 100-5, CONTINUING EDUCATION, RULE 100-5-.02.**

Purpose: The purpose of this rule is to remove insurance billing/coding from the exclusion list and add into an acceptable category.

Main Features: The rule will allow Chiropractic Examiners to obtain continuing education in the area of insurance billing and coding.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE
GEORGIA BOARD OF CHIROPRACTIC EXAMINERS RULE FOR CHAPTER 100-5, CONTINUING
EDUCATION, RULE 100-5-.02.**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

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:

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 which includes insurance billing/reporting/coding and procedures; 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. 1. Practice Management or Practice Building.~~

~~3. 2. Courses which have content beyond the scope of practice as defined by Georgia law.~~ (e) Current members of the Georgia Board of Chiropractic Examiners shall receive four (4) hours of continuing education credit in ethics or risk management and one (1) hour of continuing education credit in Georgia laws and rules during each year that they serve on the Board.

(f) Licensees that assist with the administration of the National Board of Chiropractic Examiners National Board Examination shall receive fifteen (15) hours of clinical science continuing education credit per each examination administration, four (4) hours of continuing education credit in ethics or risk management and one (1) hour of continuing education credit in Georgia laws and rules.

g) Up to eight (8) hours of continuing education in clinical sciences may be obtained per year by teaching clinical or chiropractic sciences courses at any CCE-accredited college or school.

These hours shall be awarded in writing by the course director/dean at the college or school. (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 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.

Authority: O.C.G.A. §§ 43-1-24, 43-1-25, 43-9-4, 43-9-6.1 and 43-8-11

No Public Comments were received or offered by those in attendance.

Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to adopt the 100-5-.02 proposed amendment as presented.

Dr. Nelson motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion 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.

Discussion – BR 100-9-.01 Electrical Therapeutic Modalities

Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer BR 100-9-.01 and BR 100-15-.01 to the Rules Committee for further review.

Discussion – FCLB CIN-BAD Reporting Database

Dr. Krantz motioned, Dr. Nelson seconded and the Board voted unanimously in favor of the motion to add a new Policy #16 which allows staff to administratively report all public board actions to the Federation of Chiropractic Licensing Boards Chiropractic Information Network/Board Action Databank (FCLB CIN-BAD).

Discussion – FCLB Member Board Report

The Board provided responses to the FCLB Member Board Report regarding the challenges that they would like help addressing to include the development of a standard for documentation of care, development methods to address those practitioners who are involved with "runners," drafting of legislation & rules addressing manipulation under anesthesia (MUA), and information on what issues the FCLB is seeing with ICD10s and which states are giving CE credits for training on the subject. The Board also instructed staff to report legislative change to OCGA 33-24-53 relevant to runners and standard of care concerns and express the Board's appreciation for the FCLB's continued efforts to solicit their input in spite of the fact that the Board is not an official member at this time. It is the spirit of the Board to continue to work with FCLB to promote excellence in chiropractic regulation.

Dr. Mathiak instructed the Executive Director to submit a letter from the Board to the Division Director and Secretary Kemp regarding the value of membership with FCLB as Georgia is the only state that is not currently participating..

Discussion – Patient Records in the Event of Incapacitation, Death of Doctor

Dr. Nelson motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to refer the discussion in reference to patient records in the event of incapacitation to the Rules Committee for further review.

Discussion – Reciprocity with the State of Arizona

Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to request a memorandum of advice from Legal Services regarding whether or not the statutory licensure requirements for the states of Arizona are equal to those outlined in O.C.G.A. §43-9.

Discussion - Unprofessional Conduct – Taking Care of Family Members – BR 700-7

The Board accepts the correspondence in reference to unprofessional conduct as information.

Discussion – Wall Street Journal – State Licensing Boards Under Fire

The Board accepts the correspondence in reference to whether or not licensing boards staffed with business owners and professional regulate their own markets without oversight from government employees as information.

Correspondence from Alana Reisinger – Discounted X-Rays

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to send a response letter and refer Ms. Reisinger to Board Rule 100-4-.01 (4)(i)

Correspondence from Dr. Tim O’Conner – Reciprocity with Massachusetts

Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to send a response letter to Professional Credential Services indicating that applicants who graduated between January 1, 1988 and January 1, 1998, are required to have passed Parts I, II, and III of the National Board Examination. Applicants who graduated prior to January 1, 1988, are required to have passed Parts I and II. Refer the service to Board Rules 100-2-.07 and 100-3-.02 and copy Dr. O’Conner on the response.

Rule Variance Request – Donald Pritt

Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to grant the rule variance request of BR 100-2-.08

Board President’s Report – Dr. Mathiak

Dr. Mathiak posed the question as to who can own a chiropractic office/business as it is not specifically addressed in the Board Rules and she is wondering if it should be clarified in the rules. At the request of Dr. Mathiak, Executive Director Price researched information relevant to the statutes from chiropractic boards in the surrounding states to include FL, AL, TN, SC and NC. In the response that was provided, the majority of the surrounding states required that a chiropractor either own the practice or the practice be controlled by entities which are owned by or in partnership with chiropractors. Dr. Mathiak asked the members present to consider if it is the desire of the Board to include language in the rules to clarify the Board’s position on chiropractic offices/businesses for discussion during the next meeting.

Dr. Mathiak asked Dr. Krantz if he desired to address his concerns about chiropractors and chiropractic students providing services at state fairs without performing an assessment or gathering historical information on the client. Dr. Krantz indicated that he was informed that Chiropractors at state fairs and open forums were adjusting onsite for demonstration and as far as he could tell, it was being done without any assessment or collection of historical data on the client. Dr. Krantz stated that it is his feeling that this could be a standard of care issue and he felt it was being used as a method for solicitation of clients even though the chiropractors did not appear to be charging for the service. It is the consensus of the Board that if the chiropractor is touching a client in order to adjust, then the patient-doctor relationship is established and rules governing standard of care should apply. Assistant Attorney General Ms. Williams-McNeely suggested that Board consider further defining the patient-doctor relationship within BR 100-10-.01 Reasonable Care and Skill Defined. She also informed Dr. Krantz that it was appropriate for Board Members to file a complaint for investigation if he or she feels there has been a breach in the standards by any practitioner.

Executive Director’s Report – A. Price

Executive Director’s report presented the Board with statistical data relevant to the processing of applications and complaints/compliance as well as information on Electrical Therapeutic Modalities. The Board accepts the report as presented.

Dr. Krantz motioned, Dr. Watkins seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. § 43-1-2(k) (1) (2), O.C.G.A. § 50-14-2(1), O.C.G.A. § 43-1-2-(k) (4), O.C.G.A. § 43-1-19 (h) (2) & (4) to receive and review information pertaining to applications, complaints, and to receive the Assistant Attorney General's and Investigative Committee reports. Voting in favor of the motion were those present who included Dr. Mathiak, Dr. Krantz, Dr. Watkins, Dr. Nelson, and Dr. Wren.

At the conclusion of Executive Session on Friday, September 12 , 2014, Dr. Mathiak declared the meeting to be "open" pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq. No votes were obtained during Executive Session

OPEN SESSION

1:00PM Applicant Interview: A.L.M.

Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to issue license with a letter of concern regarding conduct and urge applicant to join a state organization

Executive Minutes

1. Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to approve the July 11, 2014 Board Meeting executive session minutes.
2. Dr. Watkins motioned, Dr. Nelson seconded and the Board voted unanimously in favor of the motion to approve the August 14, 2014 Investigative Committee executive session minutes.

Attorney General's Report – D. Williams-McNeely

Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to accept the Attorney General's report as presented.

1. N.L.B. Close, with a letter of concern regarding conduct

Applications

1. B.J.A. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to deny reinstatement of licensure based on O.C.G.A. § 43-9-12 (a)(6).
2. J.M.B. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to issue license with a letter of concern regarding alcohol
3. H.C. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to issue license.
4. W.L.H. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to issue license with a letter of concern regarding alcohol and applicant must submit documentation showing completion of criminal probation within thirty (30) days of date of completion.
5. S.I.S. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to approve for reinstatement of licensure.
6. E.J.U. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to issue license with a letter of concern regarding alcohol.
7. A.D.K. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to uphold previous decision to deny Electrical Therapeutic Modalities Certification.
8. S.W.N. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to approve for reinstatement of licensure.
9. K.W. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to approve for Electrical Therapeutic Modalities Certification pending receipt of certification of 120 classroom hours of instruction and/or transcript reflecting the same.

Open Records Request

Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to deny open records request for N. M and J.B based on O.C.G.A. § 43-1-19 (h)(2)

Investigative Committee Report – D. Wren

Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to accept the Cognizant's report as presented.

With no additional business to be discussed, the meeting was adjourned at 3:58pm

Minutes recorded by:
Minutes reviewed and edited by:
Minutes approved on:

Tamara Elliott, Board Support Specialist
Wanda Jaffe, Licensing Supervisor & Adrienne Price, Executive Director
November 7, 2014

KAREN MATHIAK
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR