

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
January 16, 2015 - 10:00A.M

The Georgia Board of Chiropractic Examiners met on Friday, January 16, 2015. The following members were present:

Board Members Present

Dr. Karen Mathiak, D.C., Chairperson
Dr. David Wren, D.C., Vice Chair
Dr. Andrew Krantz, D.C., Board Member
Dr. Mary Watkins, D.C., Board Member

Administrative Staff Present

Adrienne Price, Executive Director
Kathy Osier, Licensing Supervisor
Sonja Glover, Licensing Analyst
Tamara Elliott, Board Support Specialist

Attorney General's Office

D. Williams-McNeely, Assistant Attorney General

Visitors Present

Dr. John R. Dull

OPEN SESSION

Call to Order Dr. Mathiak established a quorum and called the meeting to order at 10:08 a.m.

Agenda Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to accept the agenda as amended.

Dr. Dull addressed the Board in reference to qualifications for review agents as defined in Board Rule 100-17-.01 and invited the Board to review his thesis on managed care which assessed the relationship effect of diminished physician income on patient satisfaction.

Open Session Minutes

1. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to approve the November 7, 2014 Board Meeting open session minutes.
2. Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to approve the December 11, 2014 Investigative Committee open session minutes.
3. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to amend the September 12, 2014 minutes to reflect that Dr. Krantz indicated that he was "informed" that Chiropractors at state fairs and open forums were adjusting onsite as he did not witness the occurrences.

Licenses to Ratify November 4, 2014 - January 9, 2015

Dr. Krantz motioned, Dr. Watkins 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 Dr. Nikolaos Kalogeromitros – Scope of Practice

Dr. Watkins motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to notify the writer that the Board may not provide legal advice in this matter and refer him to O.C.G.A. § 43-9-1, O.C.G.A. § 43-9-16 and Board Rule 100-4-.01(3).

Correspondence from Kayla Marty – Laboratory Tests

Dr. Watkins motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to notify the writer that the Board may not provide legal advice in this matter and refer her to O.C.G.A. § 43-9-16; however, the Board requests additional information regarding the reason a chiropractor would order these types of laboratory tests and how would the results be relevant to the practice of Chiropractic.

Discussion – BR 100-17-.01 Review Agent

Dr. Watkins motioned, Dr. Mathiak seconded and the Board voted unanimously in favor of the motion to submit a letter to the Georgia Chiropractic Association (GCA) requesting information regarding their understanding of the outcome of their research and meetings with the Insurance Commissioner’s Office related to chiropractic review agents in and around 2009 and include the response the Board received from the Office of Insurance and Safety Fire Commissioner relevant to the issue, and table for further discussion of the rule pending a response from GCA.

Discussion – BR 100-17-.01 Review Agent - Dr. Leanne Cupon

Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to table the discussion regarding Board Rule 100-17-.01 Review Agent until further information may be obtained.

Discussion – Dr. Krantz - PEAK Program

Dr. Krantz provided a report on the billing practices for services provided within the PEAK programs. Students are under the direct supervision of the physician and doctors may bill insurance for adjustments. The Board accepts the report as information.

Discussion – National Board of Chiropractic Examiners (NBCE) 2015 Call for Delegates

Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to appoint Dr. Mathiak as the 2015 Delegate and Dr. Wren as the Alternate Delegate for NBCE and the Federation of Chiropractic Licensing Boards (FCLB).

Discussion – National Board of Chiropractic Examiners (NBCE) Meets with Association of Chiropractic Colleges (ACC) Presidents

The Board accepts the correspondence as information

Discussion – Providing TENS Units to Patients for Continuing Care

Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to send a letter to GCA referring to the O.C.G.A. §43-9-16 in reference to the scope of practice.

Discussion – SOS Response to Federation of Chiropractic Licensing Boards (FCLB) Membership

The Board discussed the Office of Secretary of State’s response to the Board’s request for laterality in obtaining funding to participate in FCLB. Based on the response, the Board posed a question to Attorney General D. Williams-McNeely as to whether or not there were any statutes which would prohibit the Board from soliciting funding for the member. Ms. Williams-McNeely referred the Board to O.C.G.A. § 45-10-3. Code of ethics for members of boards, commissions, and authorities: Notwithstanding any provisions of law to the contrary, each member of all boards, commissions, and authorities created by general statute shall: (6) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties; (7) Never accept any economic opportunity under circumstances where he knows or should know that there is a substantial possibility that the opportunity is being afforded him with intent to influence his conduct in the performance of his official duties; She encouraged the Board to take this statute in consideration as they contemplate ways of increasing funding for the business of the Board. It was the consensus of the Board that the organizations serve to support and/or enhance the role of the Board in accordance with the statutes in each state.

Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to allow the Chair to notify the Office of Secretary State of their intentions to proceed with the solicitation of funding for participation in FCLB and NBCE due to there being a short timeframe during which the delegates must confirm their attendance at the annual meetings.

Rule Waiver Request – BR 100-2-.08 – Simon Marmier

Dr. Watkins motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion grant the rule waiver request.

Rules Committee Report

100-4-.01 – Advertising Table the Rules Committee Report discussion until next scheduled Board meeting.

Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer to the Board Rule 100-2-.09 Reinstatement of Expired Licenses and Board Rule 100-2-.08 Inactive License to the Rules Committee to consider amendments regarding the requirements for the reactivation of a license.

Executive Director’s Report – A. Price

Executive Director’s report presented the Board with statistical data relevant to the processing of applications, renewals and complaints/compliance. Ms. Price recapped peer reviewer/review agent discussion to include the response received for the Insurance Commissioner’s Office, and notified the Board that no legal opinion has been received from the Division’s Legal Services Department in reference to reciprocity with the states of Arizona and Massachusetts. Legal Services anticipate having a response available for the March 6, 2015 meeting. Ms. Price presented the Board with an update on the North Carolina Board of Dental Examiners vs. Federal Trade Commission which is currently being heard before the Supreme Court, pre-filed bills in the Georgia General Assembly and reminded the Board Members to the annual filing requirements with the Georgia Government Transparency and Campaign Finance Commission. 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, and Dr. Wren.

At the conclusion of Executive Session on Friday, January 16 , 2015, 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

11:30AM Applicant Interview – B.A

1. Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to uphold the denial of the license and notify the individual that the Board will consider reinstatement of the license upon receipt of a new application with applicable fees and the results of a Mental and Physical Evaluation performed by a board approved Physician.
2. Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to deny the open records request.

Executive Minutes

1. Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to approve the November 7, 2014 Board Meeting executive session minutes.
2. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to approve the December 11, 2014 Investigative Committee executive session minutes.

Attorney General’s Report – D. Williams-McNeely

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

Applications

1. L.A.B. Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to issue the license with a letter of concern regarding criminal history
2. A.P. Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General’s office for a Public Consent Agreement for Reinstatement of Licensure to include \$1000 fine for unlicensed practice from 01/01/2013 to 11/24/2014, ethics and boundaries, and two (2) years’ probation in accordance with the Georgia Board of Chiropractic Examiners Rules and Laws.

Investigative Committee Report – K. Mathiak

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

1. CHIR140008 Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to deny reinstatement of license and close case.

Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to refer BR 100-10-.01 Reasonable Care and Skill Defined to include language similar to CMS recommendations on patient records.

Executive Session Discussions

1. CHIR150026 Dr. Mathiak motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to refer licensee to the Attorney General’s Office to issue an Order of Summary Suspension based on disciplinary history with the Board, recent arrest and violation of Public Board Order.

2. CHIR150040 Dr. Mathiak motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to suspend the license based on student loan default.

Peer Review Applicants Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to table for further review.

Board President’s Report – K. Mathiak

Live CE webinar Discussion – Dr. Mathiak posed the question as to whether or not live online webinars should be considered as in person credit hours. It was the consensus of the Board that courses taken using this format are not applicable to the in person CE requirement.

The Board entered into a discussion relevant to the increase in complaints involving social media. Dr. Watkins motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to request FCLB to poll other states to see who has rules/legislation relevant to conduct on social media and refer the data to the Rules Committee to develop rules or policies related to social media concerns.

Miscellaneous

Dr. Wren motioned, Dr. Mathiak seconded and the Board voted unanimously in favor of the motion to Request FCLB to run a report to determine how many states issue temporary licenses to new graduates that will allow them to work until their permanent licenses are issued and is there a requirement that their practice be under the supervision of the Chiropractor with whom they completed their PEAK program.

Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to amend Policy 17 to include language which states upon receipt of a complete continuing education approval application, Board approval will be granted to state chiropractic organizations and accredited colleges and universities provided that the courses taught fall within the scope of practice of Georgia Chiropractic.

Adjournment With no additional business to be discussed, the meeting was adjourned at 3:21 pm.

Minutes recorded by:	Tamara Elliott, Board Support Specialist
Minutes reviewed and edited by:	Adrienne Price, Executive Director
Minutes approved on:	March 13, 2015

KAREN MATHIAK
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR