

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
March 13, 2015 - 10:00A.M

The Georgia Board of Chiropractic Examiners met on Friday, March 13, 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
Wanda Jaffe, Renewal Coordinator

Attorney General's Office

D. Williams-McNeely, Assistant Attorney General

Visitors Present

Dr. Nazir Mousselli
Dr. John R. Grant

OPEN SESSION

Call to Order Dr. Mathiak established a quorum and called the meeting to order at 10:13 a.m.

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

Open Session Minutes

1. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to approve the January 16, 2015 Board Meeting Open Session Minutes.
2. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to approve the February 5, 2015 Investigative Committee Open Session Minutes.

Licenses to Ratify January 10, 2015 – March 6, 2015

Dr. Watkins motioned, Dr. Krantz 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. Robert Nelson, American Chiropractic Board of Sports Physicians – 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 does not have a rule specific to this issue and may not provide legal advice in this matter but recommends that concussed athletes be evaluated by a neurologist.

Discussion – Board Policy #4

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to refer Board Policy #4 to the rules committee to update the language to make it consistent with the reactivation rule.

Discussion – Continuing Education Requests

Dr. Watkins motioned, Dr. Mathiak seconded and the Board voted unanimously in favor of the motion to uphold the Cognizant recommendation to deny approval of the course entitled “Health Policy & Clinical Practice for Patients with Multiple Chronic Conditions” offered by Dr. D. Shawn Parish, D.C. for continuing education.

Discussion – FCLB Newsletter The Board accepts the correspondence as information.

Discussion – National Board of Chiropractic Examiners (NBCE) Election of At Large Director The Board accepts the correspondence as information

Rule Variance Request – BR 100-2-.07 – Dr. Brandon Todd Combs, D.C. (IL)

Dr. Mathiak motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion deny the petition for rule variance due to insufficient evidence of a substantial hardship.

Rules Committee Report

The Board tabled the Rules Committee Report discussion until next scheduled Board meeting.

Public Rules Hearing BR 100-9-.02 – 10:30 AM

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
RULE FOR CHAPTER 100-9, ELECTRICAL THERAPEUTIC MODALITIES, RULE 100-9-.01.**

Purpose: The purpose of this rule is to allow modalities as a subtype.

Main Features: The rule will allow Chiropractic Examiners to be certified in all modalities not just electrical therapeutic.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE
GEORGIA BOARD OF CHIROPRACTIC EXAMINERS RULE FOR CHAPTER 100-9, ELECTRICAL
THERAPEUTIC MODALITIES, RULE 100-9-.01.**

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

100-9-.01 ~~Electrical Therapeutic~~ Modalities. Amended.

Doctors of Chiropractic may utilize, in conjunction with adjustments, ~~electrical therapeutic~~ modalities.

(a) Each chiropractor, who utilizes ~~electrical therapeutic~~ modalities as listed in O.C.G.A. §43.9-16(b), must be certified as required in Code Section 43-9-16(c).

(b) The responsibility for treatment using ~~electrical therapeutic~~ modalities rests with the licensed Doctor of Chiropractic responsible for the patient receiving such care.

(c) Only chiropractors who are certified may administer electrical therapeutic modalities.

(d) To become certified by the Board for use of ~~electrical therapeutic~~ modalities, a licensed Doctor of Chiropractic must:

1. Submit to the Georgia Board of Chiropractic Examiners official documentation of having obtained a minimum of 120 classroom hours of instruction in the proper utilization of ~~electrical therapeutic~~ modalities.
2. Official documentation shall mean transcripts or letters of certification from the institution or organization providing training.
3. Courses taught by institutions accredited by the Council on Chiropractic Education (CCE) are approved for purposes of this regulation.
4. Courses taught by entities other than CCE accredited institutions must be approved by the Board prior to the course being offered and must provide instruction in the proper utilization of those procedures in accordance with the standards utilized by chiropractic schools.

Authority: O.C.G.A. § 43-9-16

The written public comment submitted by Charles G. Weiss, D.C., President of the Georgia Chiropractic Association (GCA), was read into the record.

Dr. Watkins motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to table the hearing on the proposed amendments to 100-9-.01 pending receipt of additional comments from the Georgia Chiropractic Association.

Dr. Mathiak motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to appoint Dr. Watkins to make contact with Dr. Weiss regarding the Georgia Chiropractic Association's concerns regarding changes to rule 100-9-.01.

The hearing was adjourned at 10:43 AM.

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 and notified the Board that a letter was submitted to the Georgia Chiropractic Association relevant to the issue as was requested. Ms. Price informed the Board that the Legal Services Department is prepared to report on the issue of reciprocity with the states of Arizona and Massachusetts during Executive Session, she provided an update on the Supreme Court’s decision in the North Carolina Board of Dental Examiners vs. Federal Trade Commission case, and recapped the status of the bills in the Georgia General Assembly which have an effect on the work of the Chiropractic Board.

Miscellaneous

Dr. John Grant and Dr. Nazir both addressed the Board in reference to the requirements for the reinstatement of a license. The Board reviewed the reinstatement requirements and informed them that upon review of a reinstatement application where unlicensed practice is a factor, the file is referred to the Legal Services Department to issue a Public Consent Order with a fine and that reinstatement could not be retroactive.

The Board also encouraged both gentlemen to become and remain involved with a state chiropractic organization as they often help to notify practitioners of any new requirements for the renewal of licenses.

Dr. Watkins motioned, Dr. Krantz 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, March 13 , 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

Executive Minutes

1. Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to approve the January 16, 2015 Board Meeting Executive Session Minutes.
2. Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to approve the February 5, 2015 Investigative Committee Executive Session Minutes.

Attorney General’s Report – D. Williams-McNeely

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

1. R. H. W. Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to accept the Public Consent Order for Indefinite Suspension of Licensure.

Legal Services Report

Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to accept the memorandum of advice regarding reciprocity with the states of Arizona and Massachusetts as information.

Investigative Committee Report – K. Mathiak

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

1. CHIR150030 Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion refer the case to the AG Office for a memorandum of advice and maintain the license in renewal-pending status until such time the Board can review the advice and make a determination.

Requests for Reconsideration

- 1. M. G. H. Dr. Mathiak motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to deny the request based on a failure to comply with O.C.G.A. § 43-9-11, O.C.G.A. § 50-36-2, and BR 100-2-.02. Individual must now apply for licensure by reinstatement.
- 2. N. M. Dr. Mathiak motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to deny the request based on a failure to comply with O.C.G.A. § 43-9-11, O.C.G.A. § 50-36-2, and BR 100-2-.02. Individual must now apply for licensure by reinstatement.

Applications

- 1. M. C. Dr. Watkins motioned, Dr. Mathiak seconded and the Board voted unanimously in favor of the motion to issue the license with a Letter of Concern regarding criminal history.
- 2. S. D. Dr. Mathiak motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to renew the license and notify the licensee that a certified copy of the final disposition of the case must be submitted to the Board within ten (10) days of adjudication.
- 3. L. T. Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to maintain the license in renewal-pending status, notify the licensee to submit a certified copy of treatment records and/or treatment reports and request to present for an Investigative Interview during the next Investigative Committee meeting.
- 4. J. O. Dr. Watkins motioned, Dr. Mathiak seconded and the Board voted unanimously in favor of the motion to notify the applicant to provide the Board with a certified copy of the indictment and request to present for an Investigative Interview during the next Investigative Committee meeting.
- 5. T. P. Dr. Mathiak motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to deny licensure. Individual may reapply after completion of criminal probation.
- 6. D. M. R. Dr. Mathiak motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to table pending an Investigative Interview.
- 7. S. C. Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to issue the license with a Letter of Concern regarding alcohol.
- 8. R. C. Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to require the applicant to complete the Special Purposes Examination for Chiropractic (SPEC) or a chiropractic re-entry program at an accredited chiropractic college or university which meets criteria established by the Board.
- 9. R. E. Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to refer to Legal Services or a Public Consent Agreement for Reactivation of Licensure with a fine of \$500 for falsely attesting to having completed/met all of the continuing education requirements.

Miscellaneous

Dr. Mathiak initiated a discussion regarding a licensee’s concern about the denial of chiropractic claims by insurance when the chiropractor orders a Transcutaneous Electrical Nerve Stimulation (TENS) unit for a patient to use in the home. It was the consensus of the Board that should any licensee have concerns regarding this issue that he or she be directed to the state chiropractic organizations for assistance as the issue is not within the Board’s jurisdiction.

Adjournment With no additional business to be discussed, the meeting was adjourned at 3:20 pm.

Minutes recorded by:	Adrienne Price, Executive Director
Minutes reviewed and edited by:	Wanda Jaffe, Renewal Coordinator
Minutes approved on:	May 5, 2015

KAREN MATHIAK
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR