

**GEORGIA BOARD OF CHIROPRACTIC EXAMINERS**  
**Board Meeting Minutes**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, GA**  
**May 1, 2015 - 10:00A.M**

The Georgia Board of Chiropractic Examiners met on Friday, May 1, 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  
Tamara Elliott, Board Support Specialist  
Kathy Osier, Licensing Supervisor

**Attorney General's Office**

D. Williams-McNeely, Assistant Attorney General  
Cristina Correia, Assistant Attorney General

**Visitors Present**

Valerie Smith, Georgia Chiropractic Association (GCA)

**Call to Order** Dr. Mathiak established a quorum of the Board and called the meeting to order at 10:17 a.m.

**OPEN SESSION**

**Agenda** The Board accepts the agenda as presented.

**10:30 AM Board Rule Hearing**

**100-15-.01 Chiropractic Assistants.**

Chiropractors duly licensed in this state may utilize persons to assist the m in those practices and procedures authorized by Title 43, Chapter 9 of the O.C.G.A. subject to the following limitations:

- (a) Only licensed doctors of chiropractic shall be authorized to perform adjustments of the articulations of the human body.
- (b) A person assisting a licensed doctor of chiropractic shall do so only under the direct order and direct supervision of a licensed doctor of chiropractic.
  - 1. For purposes of this Rule, "direct order" shall mean a written or verbal instruction or direction to perform practices or procedures authorized by Title 43, Chapter 9 of the O.C.G.A.
  - 2. For purposes of this Rule, "direct supervision" s hall mean that a licensed doctor of chiropractic is physically present in the facility or off ice and is responsible for all practices and procedures performed under his or her direct order.
- (c) A chiropractic assistant may administer modalities, in accordance with O.C.G.A §43-9-16(b), to patients only in those instances in which the assistant is acting under the direct order and direct supervision of a licensed chiropractor certified by the Board to utilize these modalities.

Authority O.C.G.A. Sec. 43-9-7.2(4). His tory. Original Rule entitled "Chiropractic Assistants" adopted. F. May 7, 1996; eff. May 27, 1996.

**Written Comments Received**

No written comments were received.

**Public Comments Received**

No Public comments were received or offered during the hearing.

Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to adopt the proposed amendment to Board Rule 100-15-.01 as presented.

Dr. Krantz motioned, Dr. Watkins 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.

The hearing adjourned at 10:37a.m.

### **11:00 AM Board Rule Hearing**

#### **100-2-.08 Inactive License.**

(1) A Doctor of Chiropractic who holds a valid license to practice Chiropractic in the State of Georgia may request the license be placed on inactive status under the following provisions:

- (a) Notifies the Board, in writing, that he or she chooses to retire from active practice of the profession or will no longer practice Chiropractic in the state of Georgia .
  - (b) Provides a statement acknowledging that he or she shall not engage in the practice of Chiropractic and shall not hold themselves out to the public as being available to provide chiropractic services in this state.
- (2) Upon meeting the aforementioned conditions said license shall be considered inactive and the licensee:
- (a) Shall not be required to obtain the necessary continuing education credits for renewal of the license.
  - (b) Shall not be assessed a renewal fee for the period that the license is inactive.
- (3) Within the state of Georgia, the practice of chiropractic with an inactive license shall be considered unlicensed practice and is subject to disciplinary action.
- (4) Should a Doctor of Chiropractic holding an inactive license choose to return to active practice in this state, the following requirements must be met:
- (a) Submit an application for reactivation along with the reactivation fee established by the Board.
  - (b) Submit evidence of attendance at forty (40) hours of Board approved continuing education within the last two (2) years.
  - (c) Provide evidence that licensee is in good standing in all jurisdictions in which he or she has ever been licensed.
  - (4) After 5 years of continuous inactive status, the Board may, at its discretion require successful completion of the Special Purposes Examination for Chiropractic (SPEC) and/or additional coursework.

Authority O.C.G.A. Secs. 43-1-22, 43-9-6.1. **History.** Original Rule entitled "Inactive License" adopted. F. Oct. 27, 1998; eff. Nov. 16, 1998. **Repealed:** New Rule of same title adopted. F. May 1, 2006; eff. May 21, 2006.

#### **Written Comments Received**

No written comments were received.

#### **Public Comments Received**

No Public comments were received or offered during the hearing.

Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to adopt the proposed amendment to Board Rule 100-2-.08 as presented.

Dr. Watkins motioned, Dr. Krantz 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.

The hearing adjourned at 10:03a.m.

### **11:30 AM Board Rule Hearing**

#### **100-5-.01 Hours Required.**

- (1) Each licensed chiropractor is required to obtain a minimum of twenty (20) hours of Board-approved continuing education per year in order to renew his/her license.
  - (a) Courses dealing with practice building or practice management will not be accepted by the Board for the purpose of satisfying the requirement of O.C.G.A. § 43-9-11.
  - (b) Each licensed chiropractor shall maintain in his/her own possession certificates of attendance at continuing education meetings for a period of 4 years from the date of the program.
  - (c) Each doctor of chiropractic is responsible for determining in advance that the courses which he/she proposes to attend are sponsored by an approved provider.

(2) Successful licensure candidates are automatically exempt from meeting the continuing education requirement in the calendar year said candidate is licensed.

Authority O.C.G.A. Secs . 43-1-25, 43-9-4, 43-9-6.1, 43-9-11. History. Original Rule entitled “Violations” adopted. F. and eff. June 30, 1965. Repealed: New Rule entitled “Hours Required” adopted. F. Apr. 17, 1985; eff. May 7, 1985. Repealed: New Rule of same title adopted. F. July 22, 1997; eff. Aug. 11, 1997. Repealed: New Rule of same title adopted. F. Nov. 19, 2002; eff. Dec. 9, 2002. Amended: F. Dec. 18, 2007; eff. Jan. 7, 2008.

#### **Written Comments Received**

No written comments were received.

#### **Public Comments Received**

No Public comments were received or offered during the hearing.

Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to adopt the proposed amendment to Board Rule 100-5-.01 as presented.

Dr. Wren motioned, Dr. Watkins 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.

The hearing adjourned at 10:36a.m.

#### **Open Session Minutes**

##### **1) March 13, 2015 Board Meeting Minutes**

Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to accept the March 13, 2015 Open Session minutes as presented.

##### **2) April 9, 2015 Investigative Committee Minutes**

Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to accept the April 9, 2015 Investigative Committee Open Session minutes as presented.

#### **Licenses to Ratify March 7, 2015 – April 24, 2015**

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

#### **Correspondence – Attorney Orion Webb – Patient’s Records of Deceased Chiropractor**

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.

#### **Correspondence – Haroon Chaudhry – Scope of Practice**

Dr. Krantz 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 as medical doctors are not under the jurisdiction of the Chiropractic Board and refer Mr. Chaudhry to the medical practice act of the Georgia Composite Medical Board.

#### **Correspondence – Thomas Kirchhofer – Request to use CME**

Dr. Watkins motioned, Dr. Krantz 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 Mr. Kirchhofer to O.C.G.A. § 43-9-16(h) and the Consumer Information and Accountability Act regarding appropriate identifiers.

#### **Discussion – Jay Brodwyn – Peer Reviews by Out of State Practitioners**

Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to request a copy of the information regarding the criteria used for entities and individuals to be review agents for the Board to review.

#### **Discussion – FCLB Nominees and Candidates**

The Board accepts the correspondence as information.

### **Discussion – House Bill 416**

Attorney General D. Williams-McNeely informed the Board that HB 416 is a new statute O.C.G.A. § 43-1-33 that addresses that will require all health care practitioners providing services in this state in a health care practice or facility to conspicuously post and affirmatively communicate the practitioner's specific licensure to all current and prospective patients with their name and type of license or educational degree the health care practitioner holds. Ms. Price informed that Board that the Bill has been adopted and awaiting the Governor's signature and suggests the Board consider making some Board Rule revisions regarding those standards.

Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer House Bill 416 to the Attorney General's Office to further clarify and summarize the new requirements for chiropractors in accordance with the statutory change that is to go into effect on July 1, 2015. In addition, the Board requests references to any current rules that may need to be revised in light of the statutory changes.

### **Discussion – National Board of Chiropractic Examiners Practice Analysis**

The Board accepts the correspondence as information.

### **Rules Committee Report**

No report was presented at this time.

### **Board President's Report – K. Mathiak**

No report presented.

### **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 matters which have occurred since the last meeting. Ms. Price presented the Board with an updated status of the peer reviewer/review agent discussion and informed the Board the current GCA Board has no historical knowledge of the subject; therefore, Ms. Valerie Smith, Director of Membership & Communications has agreed to try and review some of the old minutes in an attempt to locate some information. Ms. Price informed the Board that it will need to further review the research information provided by Legal Services on the subject of reciprocity with the States of Arizona and Massachusetts in Executive Session in order to make a determination for the record. Ms. Price also recapped the status of the bills in the Georgia General Assembly which have an effect on the work of the Chiropractic Board.

### **Miscellaneous**

#### **1) Late Agenda Item – Kim Miller – Continuing Education Reconsideration**

Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to uphold the Cognizant's decision to deny the request for reconsideration as the Board did not find that Ms. Miller provided the Board with adequate information to demonstrate or substantiate her ability and qualifications to lecture in the subject area of Ethics and Risk Management and Georgia Law.

#### **2) Late Agenda Item – Teddy Bailey – Peer Review**

Dr. Watkins motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to refer Mr. Bailey to Board Rule 100-17-.01 Review Agent and inform him that there is no current list at this time; however, the matter is currently under review by the Board.

#### **3) Late Agenda Item – House Bill 416 and Potential Legislative Items**

Ms. Valerie Smith reported to the Board that GCA will do what they can to assist with the peer review discussion and that it was their impression that Chiropractors were exempt from portions of HB 416. She stated that Aubrey Villines is looking into it on behalf of GCA. Ms. Smith asked the Board to consider if they feel there is a need to propose legislation to add physiotherapy to the chiropractic statute. It was the consensus of the Board that they would not be supportive of that effort at this time.

**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, May 1, 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) March 13, 2015 Board Meeting Minutes**

Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to approve the March 13, 2015 Executive Session minutes as presented.

#### **2) April 9, 2015 Investigative Committee Minutes**

Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to approve the April 9, 2015 Investigative Committee Executive Session minutes as presented.

### **Legal Discussions**

#### **1) Assistant Attorney General Cristina Correia regarding the Dahlhauser vs. Deal, et. al. case**

The Board accepts the report of the dismissal of the complaint against the defendants in the case by the United States District Court for the Northern District of Georgia.

#### **2) Reciprocity Agreements**

Dr. Watkins motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to deny the applicant requests to enter into reciprocal licensure agreements with the States of Arizona and Massachusetts.

### **Attorney General's Report – D. Williams-McNeely**

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

### **Investigative Committee Report – K. Mathiak**

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

### **Investigative Interview**

CHIR140012 Lift Probationary status and restore the license to active status.

### **Discussion Cases**

CHIR070143 Close the case unsubstantiated allegations.

CHIR140045 Close the case based on O.C.G.A. §34-9-207(a).

CHIR150020 Close the case unsubstantiated allegations.

CHIR150035 Close the case. If there is an attempt to reinstate, the Board will reconsider the case.

CHIR150045 Issue a Mitigating Circumstances letter to the respondent requiring the removal of physiotherapist from all advertising and the website. Respondent must provide confirmation that changes have been made to the Board's satisfaction within (2) months of notification. If conditions are satisfied, close the case.

CHIR150047 Refer to Investigations to obtain certified copies of the arrest, criminal investigation, indictment, guilty plea, and sentence. The Committee recommends that the Board vote to Summarily Suspend the license upon receipt of the documentation.

### **Ratification List of Board Orders**

Dr. Watkins motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to ratify the list of Board Orders issued between meetings and accept in accordance with the terms and conditions of the order.

### **Applications**

1. K.J.C. Dr. Krantz motioned, Dr. Wren 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.L.H. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to schedule for Investigative Interview.
3. N.D.M. Dr. Watkins motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to schedule for Investigative Interview and request the applicant to bring the results of the drug and alcohol treatment evaluation.
4. G.S.J. Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to deny renewal of licensure based on failure to meet the requirements of renewal.
5. N.A.M. Dr. Watkins motioned, Dr. Wren 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 12/2012 to 12/2014, ethics and

boundaries, and two (2) years' probation in accordance with the Georgia Board of Chiropractic Examiners Rules and Laws.

**Miscellaneous**

S.A.L. Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to approve the request to terminate probation.

**Adjournment** With no additional business to be discussed, the meeting was adjourned at 1:34 pm.

**Minutes recorded by:**

Tamara Elliott, Board Support Specialist

**Minutes reviewed and edited by:**

Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director

**Minutes approved on:**

July 10, 2015

**KAREN MATHIAK**  
**BOARD CHAIR**

**ADRIENNE PRICE**  
**EXECUTIVE DIRECTOR**