

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

The Georgia Board of Chiropractic Examiners met on Friday, July 10, 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
Dr. Joe Krzemien, D.C., Board Member

Administrative Staff Present

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

Attorney General's Office

David Stubins, Senior Assistant Attorney General

Visitors Present

Valerie Smith, GCA
Stephen B. Cooper

Call to Order Dr. Mathiak established a quorum of the Board and called the meeting to order at 10:04 a.m.

OPEN SESSION

Agenda The Board accepts the agenda as presented.

Open Session Minutes

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

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the May 1, 2015 Open Session minutes as presented.

2) **June 4, 2015 Investigative Committee Minutes**

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the June 4, 2015 Investigative Committee Open Session minutes as presented.

Licenses to Ratify April 25, 2015 – July 3, 2015

Dr. Krantz motioned, Dr. Watkins 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 – Dr. Joe Demven – Secondary License

Dr. Watkins motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to refer the writer to Board Rule 100-9-.01 and request the writer to submit proof of having completed the coursework in Physiotherapeutic Modalities and include a completed certification in modalities application form in order to add the designation on the license.

Correspondence – Dr. Ryan Williams - Supervision

Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer the writer to O.C.G.A. § 43-9-16 and inform him that he must apply for license in the state of Georgia to practice Chiropractic.

Correspondence – Dr. Steve Landry – X-Ray Requirements

Dr. Watkins motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to accept the Staff's response to the writer and refer to the Attorney General's office to review HIPAA regulations and security requirements regarding electronic records to assist the Board in determining if the rules are to be amended to reflect the handling of electronic records.

Correspondence – Glenn Grants – Chiropractic Business Ownership

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to send a no legal advice letter.

Correspondence – Ouellette Brian – Reciprocity for Licensure Request

Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously, with one opposing vote by Dr. Krantz, in favor of the motion to notify the writer that Board voted not to enter into a reciprocal agreement with Arizona at this time.

Correspondence – Todd Tran – Scope of Practice

Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to send no legal advice letter and refer to the writer to O.C.G.A. § 43-9-16.

Discussion – AMI Services Sample Orders and Monitoring Report

The Board accepts the correspondence as information.

Discussion – Chiropractic Continuing Education Updates

The Board accepts the correspondence as information.

Discussion – Chiropractic Review Agents

Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to direct the Executive Director to contact FCLB to determine how other states address utilization review and peer review activities within their statute and rules.

Dr. Mathiak motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to petition the Insurance Commissioner’s Office to amend their statute to include Chiropractors on the list of those professions exempt from the certificate requirements or applicability of the O.C.G.A. 33-46 and allow Dr. Mathiak and Dr. Watkins to review the statute and develop proposed language, in conjunction with the Attorney General, to present to the Insurance Commissioner’s Office.

Discussion – Civil Action No. 1-14-CV-03520-RWS

The Board accepts the correspondence as information.

Discussion – GCA Defining Minimum Standards of Practice

Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to direct the Executive Director to develop language amending Board Rule 100-4-.01 to reflect that Chiropractors must maintain the Standards of Practice in relation to advertising Chiropractic Adjustments.

It was the consensus of the Board that minimum Standards of Chiropractic Practice must be met when performing adjustments. Valerie Smith of the Georgia Chiropractic Association (GCA) indicated she will enter an article in the next GCA e-newsletter and magazine informing Chiropractors that they must meet the minimum Standards of Chiropractic Practice when performing adjustments for demonstration at public events.

Discussion – NBCE District V Newsletter

The Board accepts the correspondence as information.

Discussion – NBCE Seats Board and Elects Officers

The Board accepts the correspondence as information.

Rules Committee Report

No report presented.

Board President’s Report – K. Mathiak

Dr. Mathiak informed the Board that she will be attending a meeting with Secretary of State Brian Kemp on Monday along with the other Board Chairs and she asked if there were any matters the Board would like her to discuss with Secretary Kemp at that time. Ms. Price stated that Dr. Mathiak may wish to thank Secretary Kemp for authorizing payment of the Federation of Chiropractic Licensing Boards membership fees so that the Board may be a participating member. Dr. Mathiak indicated that she had intended to do before now and thanked Ms. Price for that reminder.

Dr. Mathiak stated to the Board Members that again the question has been raised whether or not Chiropractors are considered as physicians in Georgia and being that chiropractors are not considered physicians in this state, is it worth attempting to rectify it through legislation. Ms. Price stated that should the Board desire to enter into discussions regarding that legislative change it would take some discussion with the Georgia Composite Medical Board. Dr. Mathiak asked the Board to contemplate the question.

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. The Board accepts the report as presented.

Miscellaneous

Mr. Cooper was allowed to address the Board at which time he reminded them that he had come before them in the past to discuss manipulation under anesthesia (MUA). He also informed that Board that the state of Alabama has done a lot of work to further clarify the chiropractic scope of practice to include ChiroTouch, BioLogic, and other integrated practice solutions. In response to Dr. Mathiak’s statements regarding chiropractors being recognized as physicians, Mr. Cooper stated that the Board may wish to consider seeking to be recognized as physicians via a court of law as they did in Alabama. He then explained to the Board that he has submitted all of the documentation necessary in order to reinstate his license and was told it had to be reviewed by the Board and he does not understand why when he has not practiced in Georgia and only comes here to teach courses in MUA and to check on the work of the business he owns in this state. He was informed by Dr. Mathiak that the Board has not yet reviewed his file and he will be notified of the Board decision after the meeting.

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. Wren, and Dr. Krzemien.

At the conclusion of Executive Session on Friday, July 10, 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) May 1, 2015 Board Meeting Minutes

Dr. Watkins motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to approve the May 1, 2015 Executive Session minutes as presented.

2) June 4, 2015 Investigative Committee Minutes

Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to approve the June 4, 2015 Investigative Committee Executive Session minutes as presented.

Attorney General’s Report – D. Williams-McNeely

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

- 1) Dr. Krzemien motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer the Consumer Information Act to the Rules Committee to amend Board Rules 100-4-.01, 100-7-.01, 100-7-.03, and 100-13-.01.
- 2) R.C.E. Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to rescind the previous motion, reactivate the license and close the case in the Attorney General’s office.
- 3) T.H. & W.E. Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to request the Attorney General to contact Cherokee County to request investigative evidence in the case and offer voluntary suspension orders to the respondents which are to remain in effect until their cases are adjudicated.

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.

Executive Discussions

1) CHIR150053

Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to refer case to the Attorney General’s office for private consent order for renewal of license to include probation for three (3) years, quarterly and employer and aftercare reports with drug screens, in person continuing education during the probationary period, and additional three (3) hours of continuing education in Georgia Law per year during the probation period. Continuing education taken to satisfy renewal cannot be applied to the next

renewal cycle, and must be certified in physiotherapeutic modalities in order to continue using it within the practice.

- 2) CHIR150054 Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to issue the license with no special conditions.
- 3) CHIR150055 Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to require the applicant to successfully complete the Life University Extension Program prior to the issuance of a license.

Ratification List of Board Consent Orders Dr. Wren motioned, Dr. Krantz 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 each order.

Request for Reconsideration

- 1) C.A.H. Dr. Krzemien motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to deny renewal of licensure, applicant must apply for reinstatement.

Applications Dr. Krzemien motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session:

Arrest

- 1) P.J.C. Issue license with letter of concern regarding drug history.
- 2) A.M.H. Issue license with letter of concern regarding criminal history.
- 3) K.G.S. Schedule for Investigative Interview.

Lapsed License

- 4) J.D.H. Renew the license.
- 5) C.M.S. Deny the request to waive the reinstatement fee.

Unlicensed Practice

- 6) S.B.C. Reinstatement of the license.
- 7) J.R.G. Refer to the Attorney General's office for a Public Consent Order for Reinstatement of Licensure to include \$1000 fine for unlicensed practice from 12/2012 to present, must pass the ethics and boundaries examination within one year of the effective date of the order, and three (3) years' probation in accordance with the Georgia Board of Chiropractic Examiners Rules and Laws. The fine must be paid in full before the license can be issued.
- 8) M.G.H. Refer to the Attorney General's office for a Public Consent Order for Reinstatement of Licensure to include \$1000 fine for unlicensed practice from 12/2012 to 12/2014, must pass the ethics and boundaries examination within one year of the effective date of the order, and three (3) years' probation in accordance with the Georgia Board of Chiropractic Examiners Rules and Laws. The fine must be paid in full before the license can be issued.
- 9) C.C.N. Refer to the Attorney General's office for a Public Consent Order for Reinstatement of Licensure to include \$500 fine for unlicensed practice from 12/2014 to present, must pass the ethics and boundaries within one year of the effective date of the order, and three (3) years' probation in accordance with the Georgia Board of Chiropractic Examiners Rules and Laws. The fine must be paid in full before the license can be issued.
- 10) S.G.W. Deny reinstatement.

Miscellaneous

- 1) Dr. Mathiak motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to appoint Dr. Krzemien to Rules Committee.
- 2) CHIR140040 Dr. Mathiak instructed the staff to request investigations to expedite this case.

Adjournment With no additional business to be discussed, the meeting was adjourned at 2:26 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: September 18, 2015

KAREN MATHIAK
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR