

**GEORGIA BOARD OF CHIROPRACTIC EXAMINERS**  
**Board Meeting Minutes**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, GA**  
**September 18, 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. 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**

D. Williams-McNeely, Senior Assistant Attorney General

**Visitors Present**

Valerie Smith, Georgia Chiropractic Association (GCA)  
Natasha Balbas

**Call to Order** Dr. Mathiak established a quorum of the Board and called the meeting to order at 10:11 a.m.

**OPEN SESSION**

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

Dr. Krantz called into the Board Meeting via telephone conference to discuss the revised proposal to the Georgia State Board of Chiropractic regarding required C.E. courses for a practicing Chiropractor with a lapsed license in good standing in another state.

**10:30 Board Rule 100-5-.01 Hearing**

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF CHIROPRACTIC EXAMINERS  
RULE FOR CHAPTER 100-5, CONTINUING EDUCATION, RULE 100-5-.01, HOURS REQUIRED**

**Purpose:** The purpose of this rule is to define the hours required for renewal.

**Main Features:** The rule will allow Chiropractic Examiners to use insuring billing and coding as continuing education.

**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-.01, HOURS REQUIRED**

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

**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, ~~reimbursement coding strategies~~ 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. §§ 43-1-25, 43-9-4, 43-9-6.1 and 43-9-11**

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

Dr. Watkins 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.

Dr. Watkins motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion that it is legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of physical therapy.

The hearing adjourned at 10:48a.m.

**Open Session Minutes**

**1) July 10, 2015 Board Meeting Minutes**

Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the July 10, 2015 open session minutes as presented.

**2) August 20, 2015 Teleconference Minutes**

Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the August 20, 2015 open session minutes as presented.

**3) August 20, 2015 Investigative Committee Minutes**

Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the August 20, 2015 open session IC minutes as presented.

**4) September 2, 2015 Teleconference Minutes**

Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the September 2, 2015 open session minutes as presented.

**July 4, 2015 – September 11, 2015 Licenses to Ratify**

Dr. Watkins motioned, Dr. Wren 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 from Vanessa Marzilli – Chiropractors ordering DNA testing**

Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to table the discussion and to invite Ms. Marzilli and also Dr. Bob Hayden to the next Board meeting to discuss the topic of Chiropractors ordering DNA testing and how it relates to the scope of chiropractic.

**Discussion – 2015 FARB Regulatory Law Seminar**

The Board accepts the correspondence in reference to the FARB regulatory law seminar as information.

**Discussion – Are Chiropractors classified as Physicians in your Jurisdiction?**

Ms. Price remarked that at the request of the Board and with the assistance of FCLB, she conducted a Power Poll to determine if chiropractors were classified as physicians in other jurisdictions. She reported that twenty-three (23) states responded and of those states, ten (10) classified chiropractors as physicians. The Board accepts the report as information.

**Discussion – Board Rule 100-4-.01 Advertising**

Dr. Watkins motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to refer the discussing regarding BR 100-4-.01 to the Rules Committee to develop language that may address those practitioners who are adjusting for demonstration purposes only without meeting the minimum standards of practice.

**Discussion – Board Rule and Policies on Documentation by Clinical Assistants**

Ms. Price provided the Board with the results of the Power Poll regarding which states have laws, rules and policies addressing documentation by chiropractic clinical assistants. Twenty-three (23) states responded and of those states

only two (2) regulated chiropractic assistants. The Board accepts the report as information. It was the consensus of the Board that there is no need to add specific direction or language to the policies or rules regarding documentation by the chiropractic clinical assistant.

**Discussion – Board Rule 100-15-.01 Chiropractic Assistants**

Dr. Watkins motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to refer anyone inquiring about chiropractic assistants to the scope of the Board’s authority in the statute as the chiropractor is ultimately responsible for the care provided to the patient.

**Discussion – Brief Overview of Chiropractic and Medicine in Worker’s Comp**

The Board accepts the correspondence as information.

**Discussion – Delaware requires Insurance to pay for Telemedicine**

The Board accepts the correspondence in reference to telemedicine as information.

**Discussion – House Bill Addresses State Licensure Barriers to Telemedicine**

The Board accepts the correspondence in reference to telemedicine as information.

**Discussion – Fred Prasuhn, CEO – Tech-Wise Educational Services, LLC**

Dr. Watkins motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to notify Mr. Prasuhn that he must submit the Application for Continuing Education Approval to the Board for consideration.

**Discussion – NBCE Part IV November 2015 Exam Nominations**

Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to nominate Dr. Mathiak and Dr. Watkins to attend in November and Dr. Wren and Dr. Krzemien to attend in May.

**Discussion – Vince DiCianni – Affiliated Monitors, Inc.**

Ms. Price summarized Mr. DiCianni’s request for the Board to consider allowing his company to serve as the Board’s official compliance monitoring service. Dr. Watkins motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion for Ms. Price to obtain the guidelines that the Georgia Nurses Association is currently using to monitor compliance cases and provide the information to Dr. Mathiak and Dr. Wren for review and then request additional information from Mr. DiCianni regarding how his company’s monitoring program works.

**Discussion – Is Part 4 Delaying Licensure and Graduates ability to adjust?**

Dr. Watkins motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to ask Ms. Price to conduct a Power Poll to determine which states allow chiropractic graduates to adjust before passing part 4 of the national examination.

**Rules Committee Report**

No report presented.

**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 and complaints/compliance matters which have occurred since the last meeting. Ms. Price presented the Board with the results of the Power Poll regarding which state statutes address utilization review/peer review activities and whether or not any other state’s insurance commissioner offices impose additional requirements on the chiropractors who conduct utilization review activities. No response was received prior to the meeting; therefore, she hopes to be able to share those findings with the Board during the November 2015 meeting. Ms Price also recommended that the Board consider writing in which they make a formal request to enter into discussions regarding the possibility of amending their statute to include chiropractic on the list of licensed professions that are exempt from the certificate requirements or applicability of the chapter as it relates to utilization review activities. More specifically, amending O.C.G.A. § 33-46-12 - Exemptions from certificate requirements or O.C.G.A. § 33-46-13 - Exemptions from applicability of chapter).

Ms. Price presented a request from FCLB in which it was stated that they are interested in knowing if the Board will consider accepting their FCLB transcript in lieu of a copy of the actual certificate from the licensee for PACE Providers that do have a GA approval code? It was the consensus of the Board that they could not accept the transcript at this time since the transcript would not include the CE provider’s signature or the state issued ID for continuing education. Ms. Price is to communicate the Board’s position to FCLB. The Board accepted the report as presented.

## Miscellaneous

- 1) Dr. Watkins motioned, Dr. Mathiak seconded and the Board voted unanimously in favor of the motion to refer the discussion regarding BR 100-2-.07 Endorsement to the Rules Committee to develop language within the rule to address applicants for licensure by Endorsement who no longer hold an active license in another state.
- 2) Dr. Watkins motioned, Dr. Mathiak seconded and the Board voted unanimously in favor of the motion to amend Policy #14 as follows:

### **Board Policy #14**

#### **Out of Practice: 5 Years or Greater**

A Chiropractor with a license in good standing that has allowed his or her license to lapse for over a five year period must complete a number of classes/courses in an accredited chiropractic college in order to review essential aspects of the chiropractic education. The following is a recommended list of courses ~~that must be completed~~ and suggested credit hours for each. A list of CCE (Council on Chiropractic Education) approved accredited chiropractic schools and colleges can be viewed directly from the Board's website.

- ~~Physical Diagnosis: 5 quarter hours or 3 trimester hours in orthopedic/neurological diagnosis.~~
- ~~Emergency Procedures: 1 quarter hour or 1 trimester hour.~~
- ~~Radiographic Diagnosis: 2 quarter hours or 2 trimester hours in spinal radiographic interpretation.~~
- ~~Radiographic Positioning: 3 quarter hours or 3 trimester hours of spinal and extremity radiographic positioning.~~
- Emergency Procedures: 2 hours weekly x 4 weeks = 8 hours
- Ethics and Boundaries: 2 hours weekly x 4 weeks = 8 hours
- Integrated Diagnosis: 2 hours weekly x 4 weeks = 8 hours
- Radiographic Quality: 2 hours weekly x 4 weeks = 8 hours
- Advanced Imaging: 2 hours weekly x 4 weeks = 8 hours
- Skeletal Rad c: 3 hours weekly x 4 weeks = 12 hours
- Adjusting Special Populations: 4 hours weekly x 4 weeks = 16 hours
- Level III Clinical Practice Elective: 8 hours weekly x 4 weeks = 32 hours

\* This policy was approved in the January 11, 2013 Board meeting.

\*Amended 09/18/2015

Dr. Wren 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. Krzemien, Dr. Watkins, and Dr. Wren.

At the conclusion of Executive Session on Friday, September 18, 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 – N.T.B Dr. Watkins motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to issue the license.

## Executive Minutes

- 1) **July 10, 2015 Board Meeting Minutes**  
Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to accept the July 10, 2015 executive session minutes as presented.
- 2) **August 20, 2015 Teleconference Minutes**  
Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to accept the August 20, 2015 executive session minutes as presented.

**3) August 20, 2015 Investigative Committee Minutes**

Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to accept the August 20, 2015 executive session IC minutes as presented.

**4) September 2, 2015 Teleconference Minutes**

Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to accept the September 2, 2015 executive session minutes as presented.

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

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

**Cognizant's Report – K. Mathiak and A. Krantz**

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

**Investigative Interviews:**

CHIR150026 Issue License and close case.

CHIR160007 Notify applicant of Committee request for additional information and discuss pending application with submissions at next available meeting upon receipt of requested information.

**Discussion Case:**

CHIR140048 Accept Cease & Desist Order and close case.

CHIR140054 Approve Supervisor change associated with Private Consent Agreement.

CHIR150003 Table discussion of case and prepare for review of information in next available Investigative Committee Meeting.

CHIR150023 Close case with a Letter of Concern to release records in accordance with O.C.G.A. §31-33-2(b) and strongly suggest that the respondent take five (5) additional hours of Continuing Education on Georgia Law & Ethics.

CHIR150039 Close case with no violation.

CHIR150045 Close case with letter of satisfaction that respondent has mitigated the concerns of the Board.

CHIR160012 Place a hold on future renewals of the license pending receipt of the final disposition of the criminal case.

**Miscellaneous Cases:**

CHIR150047 Obtain pleadings from Federal Court.

CHIR110076 Referral to Investigations to obtain at random, 10 patient files and financial billing to be reviewed by the Investigative Committee.

**Executive Discussions**

1) E.D.H. Dr. Mathiak motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to approve the request to lift the probation.

2) K.G.S. 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 Private Consent Agreement for licensure with five (5) years of probation, one random drug screen two time per quarter and must report any violation of criminal probation to the Board within 10 business days.

**Applications**

Dr. Mathiak motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in executive session:

1) L.L. Issue the license with a letter of concern regarding alcohol.

2) B.M. Issue the license with a letter of concern regarding criminal history.

3) R.C.S. Issue the license with a letter of concern regarding alcohol.

4) S.V. Reinstate the license.

5) D.M. Reactivate the license.

6) E.F.K. Reinstate the license.

7) J.E.B. Deny the request, applicant must apply by reinstatement.

8) C.E.C. Reinstate the license.

9) H.S.G. Schedule for Investigative Interview for failure to disclose action in another jurisdiction.

10) C.H. Refer to the Attorney General's office for a Public Consent Agreement for Reinstatement of

Licensure to include \$1000 fine for unlicensed practice from 04/28//2015 to 06/08/2015, require in person C.E. and three (3) years' probation in accordance with the Georgia Board of Chiropractic Examiners Rules and Laws.

**Adjournment** With no additional business to be discussed, the meeting was adjourned at 3:35 p.m.

**Minutes recorded by:**

Tamara Elliott, Board Support Specialist

**Minutes reviewed and edited by:**

Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director

**Minutes approved on:**

December 1, 2015

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

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