

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Rules Committee Teleconference Minutes
October 6, 2015 - 10:30A.M

The Georgia Board of Chiropractic Examiners Rules Committee met on Tuesday, October 6, 2015. The following members were present:

Board Members Present

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

No Attorney Present

Visitors Present

No visitors present

Call to Order Dr. Watkins called the Rules Committee meeting to order at 10:09a.m.

OPEN SESSION

Agenda The Committee accepted the agenda as presented.

Discussion – Board Rule 100-2-.07 Endorsement

Rule 100-2-.07. Endorsement

The Board may license by endorsement, a chiropractor who holds a license that was obtained by examination from another state or territory of the United States subject to the following conditions:

- (1) An applicant will not be considered for licensure by endorsement in the State of Georgia if he or she has ever failed the Georgia Practical Examination.
- (2) Applicants for licensure by endorsement must have [an active license](#) ~~been licensed~~, in good standing, in [another state or jurisdiction, must submit a verification of licensure from](#) ALL states in which they ~~have held~~ a license, and have been in active practice for a minimum of three (3) years. [Applicants that do not meet these requirements must apply for licensure by examination.](#)
- (3) Applicants for licensure by endorsement must show evidence of having successfully passed all parts of the National Board of Chiropractic Examiners (NBCE) examination that were available at the time of graduation or that were required by the state in which the applicant was first licensed and practiced for a minimum of three (3) years. Applicants must provide evidence of any such state requirement(s) referred to in this section of the rule.
- (4) As part of the licensure process, the applicant shall complete an application for licensure by endorsement and shall:
 - (a) submit all applicable fees provided for in Board Rule 100-11- .01;
 - (b) cause certification documents demonstrating his or her good standing to be submitted directly from the boards of all states in which the applicant holds a license to practice chiropractic. To be considered for licensure by endorsement, an applicant's license(s) must be in good standing in any and all states and territories of the United States in which he or she successfully passed an examination for licensure;
 - (c) submit a signed affidavit indicating that the applicant has read and understands the Laws and Rules governing the Chiropractic practice in the State of Georgia, and shall be subject thereto.
- (5) Applicants for licensure by endorsement, at the discretion of the Board, shall submit proof of having successfully passed the Special Purposes Examination for Chiropractic developed and administered by the National Board of Chiropractic Examiners no earlier than 24 months prior to date of application.
- (6) The applicant for licensure by endorsement must not have committed any act that would constitute a violation of the Georgia Board of Chiropractic Laws and Rules. Furthermore, he or she must not be the subject of any pending or unresolved disciplinary action or malpractice judgement in this or any other state or territory.
- (7) Applicants for licensure by endorsement may, at the discretion of the Board, be required to appear for a personal

interview.

Cite as Ga. Comp. R. & Regs. r. 100-2-.07

Authority: O.C.G.A. Secs. [43-1-25](#), [43-9-6.1](#), [43-9-7](#), [43-9-9](#).

History. Original Rule entitled "Practitioners Licensed in Other States" adopted. F. July 24, 1981; eff. Aug. 13, 1981.

Repealed: New Rule entitled "Reciprocity" adopted. F. Oct. 25, 1983; eff. Nov. 14, 1983.

Amended: F. Dec. 2, 1986; eff. Dec. 22, 1986.

Repealed: New Rule of same title adopted. F. Mar. 20, 1989; eff. Apr. 9, 1989.

Amended: F. June 9, 1993; eff. June 29, 1993.

Amended: F. Dec. 5, 1997; eff. Dec. 25, 1997.

Repealed: New Rule entitled "Endorsement" adopted. F. May 25, 1999; eff. June 14, 1999.

Amended: F. Sept. 3, 1999; eff. Sept. 23, 1999.

Repealed: New Rule of same title adopted. F. May 1, 2006; eff. May 21, 2006.

Amended: F. May 2 2007; eff. May 22, 2007.

The Committee recommends the Board vote to post Board Rule 100-2-.07 presented.

Discussion – Board Rule 100-4-.01 Advertising

100-4-.01 Advertising

(1) Defined. Advertising [or advertisement](#) shall mean any ~~information~~ [communication](#) ~~ed~~ [or statement, whether printed, electronic or verbal, that names the chiropractor in relation to his or her practice, profession or institution in which the chiropractor is employed, volunteers, or otherwise provides health care services. in a manner designed to attract public attention to the practice of the licensee or the chiropractic profession. Advertising shall include but not be limited to any communication which is published, displayed, printed, broadcast, or spoken including \[business cards, letterhead\]\(#\), the use of newspapers and other publications, telephone directories, pamphlets, handouts, billboards, window displays, radio, television, telephone, computer, internet, \[email\]\(#\), fax, \[audio\]\(#\), \[video\]\(#\), ~~or~~ \[other telecommunication devices\]\(#\) or any other means or medium.](#)

(2) A licensee shall not make any false, misleading, or deceptive communication in any form of advertising nor shall the licensee utilize any form of advertising which [does not adhere or conform to the Consumer Information and Awareness Act \(O.C.G.A. § 43-1-33\)](#) or has the capacity or tendency to deceive, mislead, or confuse the recipient in any manner including but not limited to the following:

(a) Advertising which contains a misrepresentation of any fact or facts including advertising which has the capacity or tendency to mislead, deceive, or confuse any potential recipient either through false or misleading claims or by failing to disclose relevant or material facts;

(b) Advertising which conveys the impression of professional superiority or other superior attributes that cannot be substantiated. Licensees may not advertise that they have certifications or have attained diplomate status without having been conferred the title of diplomate or having received certifications by one or more of the groups found in board rule 100-4-.02.

(c) Advertising that has the capacity or tendency to create false or unjustified expectations of beneficial treatment or successful cures;

(d) Advertising that contains any guarantee of the results of any services;

(e) Advertising of services that the licensee is not licensed to perform in this state;

(f) Advertising, including that place in a classified or telephone directory, under a heading which may foster confusion about the professional status of the chiropractor or under a professional heading in which the chiropractor is not licensed;

(g) Advertising a transaction that is in itself illegal;

[\(h\) Advertising and/or performing chiropractic in any setting without conforming or adhering to the minimal standards of acceptable and prevailing practice of chiropractic.](#)

(3) Chiropractors licensed under this chapter may only use the terms chiropractor, chiropractors, doctors(s) of chiropractic, and/or D.C. The use of the term Chiropractic Physicians is not authorized.

(4) Licensees may advertise that they will perform designated chiropractic services free or at a discount if, in fact, no compensation in any form for such services will be requested from the patient, their insurer, or any third party subject to the following provisions:

(i) A detailed account of the advertised services being offered free or at a discount must be presented in writing to, and signed by, the patient, clearly explaining that ANY FURTHER TREATMENT WILL BE PROVIDED AT RATES REGULARLY CHARGED BY THIS OFFICE. A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01 which requires that such records be retained for not less than seven (7) years from the date of service.

(ii) If a charge is made for any service rendered on the same day that an advertised free or discounted service is rendered, a detail account of those services offered for a fee must be provided in writing to, and signed by the patient, clearly explaining that these treatments are not a part of any offer of free or discounted services. A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01 which requires that such records be retained for not less than seven (7) years from the date of services.

(iii) For the purpose of this Section, no separate charge shall be made for the professional evaluation of diagnostic tests or procedures which are provided without cost or at a discount whether such professional evaluation is made at the time of the initial office visit or at a later date.

(5) [To engage inappropriately in any of the aforementioned acts is unprofessional conduct and grounds for disciplinary action as determined by the Board.](#)

(6) Nothing in this Section shall be so interpreted as to interfere with or prohibit fee discounts or offers of discounted fees in connection with any managed care plan, group plan, Medicare, or similar entity.

Cite as Ga. Comp. R. & Regs. R. 100-4-.01

Authority: O.C.G.A. Secs. 43-1-25, 43-9-6.1, 43-9-12, 43-9-16.

History. Original Rule entitled "Advertising" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Oct. 26, 1984; eff. Nov. 15, 1984.

Amended: F. Apr. 7, 1999; eff. Apr. 27, 1999.

Amended: F. Sept. 3, 1999; eff. Sept. 23, 1999.

Repealed: New Rule of same title adopted. F. Feb. 17, 2006; eff. Mar. 9, 2006.

Amended: F. Nov. 30, 2009; eff. Dec. 20, 2009.

Amended: F. Dec. 20, 2011; eff. Jan. 9, 2012.

The Committee recommends the Board vote to post Board Rule 100-4-.01 as presented.

Discussion – Board Rule 100-7-.01 Immoral and Unprofessional Conduct

The Committee recommends that the Board table any further discussion regarding amendments to the rule and refer the Consumer Information and Awareness Act to the Attorney General's office to provide advice about the specific portions of the law relevant to practice of chiropractic.

Discussion – Board Rule 100-7-.04 Standards of Practice

The Committee recommends that the Board table any further discussion regarding amendments to the rule and refer the Consumer Information and Awareness Act to the Attorney General's office to provide advice about the specific portions of the law relevant to practice of chiropractic.

Discussion – Board Rule 100-13-.01 Travel to Treat; Visiting Practice

The Committee recommends that the Board table any further discussion regarding amendments to the rule and refer the Consumer Information and Awareness Act to the Attorney General's office to provide advice about the specific portions of the law relevant to practice of chiropractic.

Miscellaneous Discussions

No additional discussions took place.

The Committee did not enter into executive session.

Adjournment With there being no additional business to discuss, the meeting was adjourned at 10:46 a.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

MARY WATKINS
COMMITTEE CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR