

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
January 15, 2016 - 10:00A.M

The Georgia Board of Chiropractic Examiners met on Friday, January 15, 2016. 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. Joe Krzemien, D.C., Board Member
(Joined the meeting at 10:50 AM)

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)
Eli Goldsmith
Burt Satcher

Call to Order: Dr. Mathiak established that a quorum of the Board was not present and as a result the members present will proceed with the agenda as a Committee of the Board. The Committee Meeting was called to order at 10:11 am.

OPEN SESSION

Agenda The Committee's recommendation is to accept the agenda as presented.

Open Session Minutes

1) December 1, 2015 Teleconference Minutes

The Committee recommends accepting the December 1, 2015 open session teleconference minutes as presented.

2) December 10, 2015 Investigative Committee Minutes

The Committee recommends accepting the December 10, 2015 open session IC minutes as presented.

Licenses to Ratify: October 31, 2015 – January 8, 2016

The Committee recommends ratifying the licenses by application and by reinstatement that were issued in accordance with Board Rules and Policies between Board meetings.

Valerie Smith, Georgia Chiropractic Association (GCA)

Recommendation List of Diplomats & Certifications

Dr. Wren requested that GCA provide the Board with additional detailed information in reference to the concept and content of the courses, the number of hours offered for each course, who will be providing and sponsoring the courses, if the courses are offered online, initiation dates for each course, and the parameters for achieving the diplomat or certification status identified. Upon receipt of the additional information, the courses will be reviewed to determine if the recommendations may be added to Board Rule 100-4-.02. It was the consensus of the Committee to table the matter until the additional information could be obtained and reviewed.

Discussion – Federation of Chiropractic Licensing Boards (FCLB)

Adjusting Prior to Licensure PowerPoll Results

The Board reviewed the results of the PowerPoll results from FCLB regarding the states that do allow graduate students to adjust prior to licensure and entered into a discussion as to whether or not the Board should be in support of amending the statute to allow graduate students the ability to adjust prior to licensure, under some level of supervision. It was the consensus of the Board that additional research is necessary regarding the process to propose a legislative change as well as the specific language the Board would like to enter into the statute to address the issue. Ms. Price explained to the Board that a legislative change is similar to a rule change. The Board will need to draft an amendment to the language within the current statute and refer the amended statute to the AG's office for review. Once the final version is ready, the Board will either need to refer it to Secretary Kemp with a request that his office carry the amendment to the General Assembly for the next legislative or find a legislator who is willing to sponsor a bill to amend the statute. The Committee of the Board accepts the correspondence in reference to adjusting prior to licensure as

information and recommended that Dr. Krantz conduct a review of the language in the Alabama and Florida statutes while Dr. Mathiak review the language in the Tennessee, North Carolina and South Carolina statutes in order to develop a proposed amendment to the statute.

Dr. Krzemien joined the meeting at 10:50am. Dr. Mathiak established a quorum of the Board is present and as a result, the Board may proceed with conducting Board business accordingly.

Discussion – Federation of Chiropractic Licensing Boards (FCLB)

Call for Delegates & Alternates 2016

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to nominate Dr. Karen Mathiak as the Delegate and Dr. David Wren as the Alternate Delegate for the 2016 FCLB 90th Annual Educational Congress Meeting April 27 – May 1, 2016 in Phoenix, Arizona.

Discussion – Call for NBCE Delegates

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to nominate Dr. Karen Mathiak as the Delegate and Dr. David Wren as the Alternate Delegate for the NBCE Annual Business Meeting of State Delegates to be held on April 29, 2016.

Discussion – The Pew Charitable Trusts – Make Doctor’s Licenses Like Driver’s Licenses

The Board accepts the correspondence in reference to making doctor’s licenses like driver’s licenses as information.

Rules Committee Report

No report was presented at this time.

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 also presented the Board with a follow up to the Hyperlinks in Adopted Rule Postings topic, the Georgia General Assembly pre-filed bills being tracked, and a reminder of the Ethics Commission Annual Affidavit and Personal Financial Disclosure requirements for members of state boards. Ms. Price also reported that as requested, she looked into the possibility of the Board Members being issued some sort of ID badge that can be presented when the members are serving in their capacity as a board member or delegate of the Board at the Capitol as well as local, state and national meetings and conferences. She indicated that in speaking with the Division Director, Lisa Durden, the Board Members may be issued a pocket card that identifies their status as Board Members as well as their term dates; however, it will not include a photo. If the pocket card is acceptable to the Board, she can attempt to have them ready at the next meeting. The Board accepted the report as presented and indicated that the pocket card will be acceptable.

Board President’s Report – K. Mathiak

No report presented at this time.

Miscellaneous Discussion

1) Open Session Minutes

December 1, 2015 Teleconference Minutes

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the December 1, 2015 open session teleconference minutes as presented.

December 10, 2015 Investigative Committee Minutes

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

2) Licenses to Ratify: October 31, 2015 – January 8, 2016

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

3) Dr. Krzemien motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to table further discussion of the recommended changes to the List of Diplomats & Certifications in Board Rule 100-4-.02 and amendments to the statute to allow graduate students to adjust prior to licensure until additional research and review has been conducted as recommended by the Committee of the Board.

4) **2016 Board Elections**

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously to table the 2016 Board Elections until the March 11, 2016 meeting.

Valerie Smith, Georgia Chiropractic Association (GCA)

Ms. Smith addressed the Board by stating that last year GCA worked with the Medical Association of Georgia (MAG) and other healthcare associations to introduce the Consumer and Provider Protection Act which was an insurance bill that went to a study committee over the past summer for in depth review. They are expecting the committee to break the document into 2 separate bills. One bill is expected to address the problem of rental networks and the other would encompass together 3 issues: the all products clauses, unilateral of changing contracts within the first 6 months, and the network strength for adequate specialists. Ms. Smith informed the Board that she does not have the final numbers as of yet but will notify the Board once she receives them. Ms. Smith also announced that GCA is having a Georgia Chiropractic Association Day Breakfast at the Capitol on February 18, 2016 at 8:00am. Dr. Wren mentioned that it is very important to do the legwork early to invite legislators to annual meetings and conventions and have them speak at the Capitol as well as invite chiropractic professionals to meet their legislators to educate them. Dr. Wren mentioned that he is excited about having a good showing for the meet and greet and to establish future relationships on both ends that will go a long way. Ms. Price announced that the Day at the Capital information is also on the Georgia Board of Chiropractor Examiner's webpage for the public's information.

Dr. Krantz motioned, Dr. Krzemien 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. Wren, Dr. Krantz, and Dr. Krzemien.

At the conclusion of Executive Session on Friday, January 15, 2016, 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

12:00PM Investigative Interview

CHIR160017 Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to close the case with letter of concern regarding advertising.

Executive Minutes

1) December 1, 2015 Teleconference Minutes

Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to accept the December 1, 2015 executive session teleconference minutes as presented.

2) December 10, 2015 IC Minutes

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

Attorney General's Report – D. Williams-McNeely

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

Cognizant's Report – K. Mathiak

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

Investigative Interviews:

CHIR160036 Applicant must provide the Board with proof of clinical practice within the past 5 years to include a clear and concise job description that provides a list of general tasks, functions and responsibilities specific to the practice of chiropractic. Upon receipt of appropriate documentation, issue the license by application. The committee further recommends that the Board consider refunding the applicant \$225 as the applicant applied by endorsement and did not meet the requirements for licensure by endorsement.

CHIR160034 Direct the respondent to make changes to website in accordance with Board Rule 100-4-.01 and submit proof of compliance within thirty (30) days of receipt of the notice. If respondent complies, close the case.

CHIR160035 Application pending proof of successful completion of a refresher course taken at an accredited

- chiropractic college or university or the passing of the SPEC exam.
- CHIR150003 Close the case, no action.
- CHIR160037 Application pending proof of successful completion of a refresher course taken at an accredited chiropractic college or university or the passing of the SPEC exam.
- CHIR160013 Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to notify the applicant that the Board requests the results of a mental physical examination to include diagnosis, prognosis, treatment plan, a statement regarding the applicants ability to practice with reasonable skill and safety and any recommendations as it relates to practice limitations/restrictions. May submit results of an examination already completed provided that it meets the criteria outlined within the letter received and took place within the past 6 months.

Discussion Cases:

- CHIR130037 Respondent has satisfied the terms of the current order. Terminate probation as requested and return license to an active status.
- CHIR130076 Conducted a review of submitted Continuing Education hours for compliance with Board Order. Course work is approved.
- CHIR140044 Refer to Legal Services to issue a subpoena for records referencing statutes which address the Board as an oversight agency and as such, release of records is not a HIPAA violation. If no response, make a referral to investigations to interview the complainant and obtain written consent to obtain records, obtain copies of the records the complainant received and a copy of payment invoices and/or credit card notices. Once consent obtained from the complainant; hand-serve the records request and subpoena to the respondent. If fail to comply at that point, refer to the Attorney General's Office to communicate with the respondent attorney regarding request for records and indicate that a failure to comply may result in sanctions against the respondent.
- CHIR150008 Close the case, no action.
- CHIR150047 Refer to the Attorney General's Office for a voluntary surrender of license and if the respondent does not accept the voluntary surrender, proceed with hearing for revocation of the license.
- CHIR160014 Schedule interview with the full Board and request that the respondent provide all certifications for any modalities utilized within the practice and per Board Rules copies of all continuing education completed for the last renewal period.
- CHIR160016 Merge file with case CHIR160017 and close this case.
- CHIR160019 Additional information requested of the Complainant as it relates to the patient. Once obtained, subpoena the patient records from the respondent for review.
- CHIR160021 Close the case, no action.
- CHIR160023 Close the case, no action.
- CHIR160024 Close the case, no action.
- CHIR160026 Close the case, no action.
- CHIR160027 Close the case, no action.
- CHIR160028 Close the case, no action.
- CHIR160030 Notify the respondent of the complaint and request proof that all social media, websites, advertisements, and brochures have been updated in accordance with BR 100-4-.01 within 30 days of receipt of the notice.
- CHIR160032 Confirm with the complainant's attorney that records have been received and if so, close the case, no action.
- CHIR160041 Close the case, no jurisdiction.
- CHIR160043 Refer to investigations to obtain additional evidence in the case to include additional interviews and certified copies of documents.
- CHIR160044 Close the case, no jurisdiction.

Applications

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

- 1) A.A.B. Issue the license with a letter of concern regarding criminal history.
- 2) T.J.H. Issue the license with a letter of concern regarding alcohol history.
- 3) B.K.M. Issue the license.
- 4) J.J.P. Issue the license.
- 5) S.L.S. Applicant must take the Special Purposes Examination for Chiropractic (SPEC) or a refresher course.

- 6) J.B.W. Reactivate the license upon completion with letter of concern regarding criminal history.
- 7) N.M.R. Schedule for Investigative Interview with the Investigative Committee.
- 8) G.E.C. Must apply for licensure by reinstatement.
- 9) J.P.K. Must apply for licensure by reinstatement.
- 10) J.P.K. Reinstatement the license.
- 10) M.S.K. Request verification of employment from each position listed on the application.
- 11) R.P.S. Request verification of CE course for 2012 and 2013.
- 12) L.T.W. Schedule for Investigative Interview with the Investigative Committee.
- 13) L.J.B. Issue the license.
- 14) M.T.S. Issue the license.

Adjournment: With there being no additional business to discuss, the meeting was adjourned at 1:37 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: