

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
May 6, 2016 - 10:00A.M.

The Georgia Board of Chiropractic Examiners met on Friday, May 6, 2016. The following members were present:

Board Members Present

Dr. Andrew Krantz, D.C., Vice Chair
Dr. David Wren, D.C. Board Member
Dr. Joe Krzemien, D.C., Board Member
Dr. Mary Watkins, D.C., Chairperson (via teleconference)

Administrative Staff Present

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

Attorney General's Office Present

Byron Thernes, Senior Assistant Attorney General
(via teleconference)

Board Members Not Present

Emily Campbell, Consumer Member

Visitors Present

Valerie Smith, Georgia Chiropractic Association (GCA)

Call to Order: Dr. Krantz 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 10:16 am.

OPEN SESSION

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

Open Session Minutes

1) March 11, 2016 Board Meeting Minutes

The Committee recommended accepting the March 11, 2016 open session board minutes as presented.

2) April 13, 2016 Teleconference Minutes

The Committee recommended accepting the April 13, 2016 open session teleconference minutes as presented.

3) April 22, 2016 Investigative Committee Minutes

The Committee recommended accepting the April 22, 2016 open session IC minutes as presented.

Licenses to Ratify March 5, 2016 – April 29, 2016

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

Correspondence – Crystal Davis, Palmer Chiropractic Clinic

1) Preceptorship Approval Request – Brandon Beard

The Committee recommended approving the preceptorship approval request for Brandon Beard.

2) Preceptorship Approval Request – Thomas Smotherman

The Committee recommended approving the preceptorship approval request for Thomas Smotherman.

Correspondence – Dagian Carpenter – Scope of Practice

The Committee recommended sending the writer a no legal advice response letter and refer the writer to the scope of practice act.

Correspondence – Kelly Webb – FCLB Notice to Governor

The Committee recommended accepting the correspondence in reference to FCLB Notice to the Governor as information.

Discussion – FARB Antitrust Model

The Committee recommended accepting the correspondence in reference to the FARB Antitrust Model as information.

Discussion – Senate Bill 367

The Committee recommended accepting the correspondence in reference to Senate Bill 367 as information.

Open Records Request(s)

1) Kim Cabral, Smith & Brink RE: Laura Gregor-Hodne

The Committee recommended denying the open records request regarding Laura Gregor-Hodne.

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’s report presented the Board with an update on the status of pre-filled bills being tracked in the Georgia General Assembly, a follow up to the state issued board member ID topic, and a reminder that each Board Member was to have met the Annual Affidavit and Personal Financial Disclosure requirements by January 31, 2016 and if they have not done so to complete the task as soon as possible. Ms. Price indicated that the Board will need to develop a rule to address HB 821 regarding transitioning service members and military spouses. She indicated that she will forward the bill to the Board members for them to work on for the next meeting. The committee recommended accepting the report as presented.

Board President’s Report – M. Watkins

No report presented.

Miscellaneous Discussions

1) Amendment to the Investigative Committee 2016 Dates

The Committee recommended accepting the following changes in the dates for the Investigative Committee meetings:

- a) June 2, 2016 to June 3, 2016
- b) August 4, 2016 to August 26, 2016
- c) October 6, 2016 to October 21, 2016

- 2) The Committee recommended tabling the discussion on the PowerPoll for diplomates and certifications for the next schedule Board Meeting. Ms. Price is to forward information concerning this topic to the Board members for them to prepare for the discussion during the next scheduled board meeting.
- 3) The Committee recommended tabling the discussion regarding Review Agents and Peer Reviewers for the next scheduled Board Meeting. Ms. Price is to forward information concerning this topic to the Board members for them to prepare for the discussion during the next scheduled board meeting.

Dr. Watkins joined the meeting via teleconference.

Dr. Krantz established a quorum of the Board was present.

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

At the conclusion of Executive Session on Friday, May 6, 2016, Dr. Krantz 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

Open Session Minutes

1) March 11, 2016 Board Meeting Minutes

Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in the favor of the motion to accept the March 11, 2016 open session board minutes as presented.

2) April 13, 2016 Teleconference Minutes

Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in the favor of the motion to accept the April 13, 2016 open session teleconference minutes as presented.

3) April 22, 2016 Investigative Committee Minutes

Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in the favor of the motion to accept the April 22, 2016 open session IC minutes as presented.

Licenses to Ratify March 5, 2016 – April 29, 2016

Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in the 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.

Correspondence – Crystal Davis, Palmer Chiropractic Clinic

1) Preceptorship Approval Request – Brandon Beard

Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in the favor of the motion to approve the preceptorship approval request for Brandon Beard.

2) Preceptorship Approval Request – Thomas Smotherman

Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in the favor of the motion to approve the preceptorship approval request for Thomas Smotherman.

Correspondence – Dagian Carpenter – Scope of Practice

Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in the favor of the motion to send the writer a no legal advice response letter and refer the writer to the scope of practice act.

Correspondence – Kelly Webb – FCLB Notice to Governor

The Board accepted the correspondence in reference to FCLB Notice to the Governor as information.

Discussion – FARB Antitrust Model

The Board accepted the correspondence in reference to the FARB Antitrust Model as information.

Discussion – Senate Bill 367

The Board accepted the correspondence in reference to Senate Bill 367 as information.

Open Records Request(s)

1) Kim Cabral, Smith & Brink RE: Laura Gregor-Hodne

Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to deny the open records request regarding Laura Gregor-Hodne.

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’s report presented the Board with an update on the status of pre-filled bills being tracked in the Georgia General Assembly, a follow up to the state issued board member ID topic, and a reminder that each Board Member was to have met the Annual Affidavit and Personal Financial Disclosure requirements by January 31, 2016 and if they have not done so to complete the task as soon as possible. Ms. Price indicated that the Board will need to develop a rule to address HB 821 regarding transitioning service members and military spouses. She indicated that she will forward the bill to the Board members for them to work on for the next meeting. The Board accepted the report as presented.

Board President’s Report – M. Watkins

No report presented.

Miscellaneous Discussions

1) Amendment to the Investigative Committee 2016 Dates

Dr. Krzemien motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to approve the following changes in the dates for the Investigative Committee meetings:

- a) June 2, 2016 to June 3, 2016
- b) August 4, 2016 to August 26, 2016
- c) October 6, 2016 to October 21, 2016

2) Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to table the discussion on the PowerPoll for diplomates and certifications for the next schedule Board Meeting. Ms. Price is to forward information concerning this topic to the Board members for them to prepare for the discussion during the next scheduled board meeting

- 3) Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to the table the discussion regarding Review Agents and Peer Reviewers for the next scheduled Board Meeting. Ms. Price is to forward information concerning this topic to the Board members for them to prepare for the discussion during the next scheduled board meeting

Applicant Interview(s)

#2567649 Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and change status of denied to appealed and the Board recommends the applicant attends an accredited Chiropractic College to review the essential aspects of Chiropractic education in accordance with Board Policy 14. Upon proof of satisfactory completion of the (5) five-week course, the Board may consider the reinstatement of licensure. In addition, notify the applicant that he/she must not engage in the practice of Chiropractic or modalities without a license.

Executive Minutes

1) March 11, 2016 Board Meeting Minutes

Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the March 11, 2016 executive session minutes as presented.

2) April 13, 2016 Teleconference Minutes

Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the April 13, 2016 executive session teleconference minutes as presented.

3) April 22, 2016 Investigative Committee Minutes

Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the April 22, 2016 Investigative Committee executive session minutes as presented.

Attorney General's Report – D. Williams-McNeely

Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the Attorney General's report as presented and the following recommendations made in executive session:

- 1) M.R. Refer to investigations to determine if the respondent has a business license in the county or city and to interview individuals and obtain statements regarding allegations of unlicensed practice.

Cognizant's Report

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

- CHIR130084 Terminate probation and return license to an active status on May 18, 2016
- CHIR140053 Refer case to the Office of Attorney General for a Hearing or Public Consent Order for Indefinite Suspension of the license. The Board will consider lifting the suspension upon receipt of proof that the licensee has satisfied the terms of the original order.
- CHIR160030 Schedule an Investigative Interview
- CHIR160043 Close for a letter of concern for advertising with a statement recommending that the licensee remain professional in all advertising.
- CHIR160052 Refer to investigations to conduct a site visit to determine if the respondent (R.M.) is engaging in unlicensed practice and obtain additional information about the respondent's licensing and credentials.
- CHIR160054 Refer to investigations to determine if a Physical Therapist is working at the practice, obtain billing statements to determine if modality services have been provided, and obtain any brochures, literature, a menu of services, prices, etc. as are available.
- CHIR160057 Close the case, out of jurisdiction.

Request for Approval

CHIR160013 Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in the favor of the motion to deny the request; must be supervised by a Chiropractor who will be in the same location on a full time basis.

Ratification List

Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in the favor of the motion to ratify the list of Board Orders issued in accordance with Board Rules and Policies between meetings.

Applications

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

- 1) L.H.K. Issue the license with letter of concern regarding C.E. requirements as outlined in BR 100-5-.01.
- 2) K.C. Issue the license.
- 3) J.E.S. Issue license with letter of concern regarding drug and criminal history.
- 4) W.B.S. Issue license with letter of concern regarding criminal history.
- 5) H.L.S. Must submit a petition for rule variance or waiver.
- 6) M.R.H. Refer to Legal Services for Private Consent Agreement based on documentation of substantial hardship for unlicensed practice from 12/31/2014 to present with a fine of \$1,000 to be paid in full before the license is reinstated, 3 years of probation, E& B exam within (1) one year of date of board order.
- 7) L.S.J. Rescind the previous motion and refer to Legal Services for Public Consent Agreement for unlicensed practice from 12/31/2012 to present with a fine of \$1,000 to be paid in full before the license is reinstated, 3 years of probation, E& B exam within (1) one year of date of board order.
- 8) M.S.K. Refer to Legal Services for Public Consent Agreement for unlicensed practice from 12/31/2014 to present with a fine of \$1,000 to be paid in full before the license is reinstated, 3 years of probation, E& B exam within (1) one year of date of board order.
- 9) C.M.S. Refer to Legal Services for Public Consent Agreement for unlicensed practice from 12/31/2014 to present with a fine of \$1,000 to be paid in full before the license is reinstated, 3 years of probation, E& B exam within (1) one year of date of board order.

Dr. Wren 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. Watkins, Dr. Krantz, Dr. Krzemien, , and Ms. Campbell.

At the conclusion of Executive Session on Friday, May 6, 2016, Dr. Krantz 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

Dr. Krantz established a quorum of the Board was present.

Miscellaneous Discussions

CHIR150046 Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in the favor of the motion to amend the Consent Order to change the number of probation years from (4) four years to (2) years.

Adjournment: With there being no additional business to discuss, the meeting was adjourned at 1:20 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:	July 8, 2016

DR. MARY WATKINS, D.C.
BOARD CHAIR

MS. ADRIENNE PRICE
EXECUTIVE DIRECTOR