

**GEORGIA BOARD OF CHIROPRACTIC EXAMINERS**  
**Board Meeting Minutes**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, GA**  
**Friday, July 8, 2016 - 10:00 a.m.**

The Georgia Board of Chiropractic Examiners met on Friday, July 8, 2016. The following members were present:

**Board Members Present**

Dr. Mary Watkins, D.C., Chairperson  
Dr. Andrew Krantz, D.C., Vice Chair  
Dr. David Wren, D.C. Board Member  
Dr. Joe Krzemien, D.C., Board Member  
Dr. Robert Alpert, D.C., Board Member

**Administrative Staff Present**

Ms. Adrienne Price, Executive Director  
Ms. Tamara Elliott, Board Support Specialist

**Board Members Not Present**

Ms. Emily Campbell, Consumer Member

**Attorney General's Office Present**

Kirsten Daughdril, Assistant Attorney General  
(via teleconference)

**Visitors Present**

Carly Sharec, Georgia Chiropractic Association (GCA)  
Scott Piper, Georgia Veterinary Medical Association (GVMA)

**Call to Order:** Dr. Watkins established a quorum of the Board and called the meeting to order at 10:16 a.m.

**OPEN SESSION**

**Agenda**

The Board accepted the agenda as presented.

**Open Session Minutes**

**1) May 6, 2016 Board Meeting Minutes**

Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in the favor of the motion to accept the May 6, 2016 open session board minutes as presented.

**2) June 3, 2016 Teleconference Minutes**

Dr. Krzemien motioned, Dr. Krantz seconded and the Board voted unanimously in the favor of the motion to accept the June 3, 2016 open session teleconference minutes as presented.

**3) June 3, 2016 Investigative Committee Minutes**

Dr. Alpert motioned, Dr. Krzemien seconded and the Board voted unanimously in the favor of the motion to accept the June 3, 2016 open session IC minutes as presented.

**Licenses to Ratify -April 30, 2016 – July 1, 2016 and Modalities & Reinstatements**

Dr. Krantz motioned, Dr. Wren 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 – Jared Brown – Requesting Records**

Dr. Krzemien motioned, Dr. Krantz 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 Policy #2.

**Correspondence – Ronnie Bolar – Chiropractic Business Ownership**

Dr. Alpert motioned, Dr. Krantz 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 statute.

**Correspondence – Wendy Maneri – NY Chiropractic College 4 Week Observation Program**

Dr. Alpert motioned, Dr. Krantz 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 statute.

### **Discussion – Dr. Carolyn Scott – Chiropractic Care to Dogs**

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in the favor of the motion to draft a letter to the Georgia State Board of Veterinary Medicine stating concerns regarding veterinarians advertising veterinary chiropractic as the use of the term “Chiropractic” is reserved for the adjustment of the articulations of the human body as codified in O.C.G.A. § 43-9-1(2) and suggest that veterinarians be encouraged to identify the adjustment of animal articulations as “veterinary manipulation”.

Mr. Piper indicated that he would be willing to put something about this topic in the Georgia Veterinary Medical Association’s newsletter.

### **Discussion – Delegation of CEU Course Applications – FCLB PACE**

Dr. Krzemien motioned, Dr. Alpert seconded and the Board voted unanimously in the favor of the motion to table a decision regarding the delegation of CEU course applications to FCLB PACE for further research, specifically to determine which states are participating in PACE, if there are any states that previously delegated CE approval to FCLB that no longer allow it, FCLB’s perception of the advantages of the Board delegating CE approval, if there would be any objection to an agreement or contract should the Board opt to use this service and whether or not there is a disclosure statement regarding withdrawing participation.

### **Discussion – National Board of Chiropractic Examiners (NBCE)**

#### **1) 2<sup>nd</sup> Quarter Progress Report**

The Board accepted the correspondence in reference to NBCE progress report as information.

### **Discussion – Federation of Associations of Regulatory Boards (FARB) Grant Proposal to Department of Labor Employment and Training Administration (ETA)**

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in the favor of the motion to decline submitting a letter to support the Occupational Licensing Review and Portability Project (OLRP) grant proposal.

### **Discussion – HB 952 - New Procedures for Rule & Policy Amendments**

The Board accepted the correspondence in reference to House Bill 952 as information.

### **Discussion – Peer Review (Review Agent)**

Ms. Price explained to the Board that at the last meeting the Board wanted to revisit the Peer Review/ Review Agent discussion because the Board has been sitting on that rule and no longer has the list of review agents on the website as a result of the battle over the terminology within the chiropractic statute and the statutes governing the Insurance Commissioner’s Office. Ms. Price stated that under the Insurance Commissioner’s statutes, private review agents are any person or entity which performs utilization review. Utilization review is a small component of peer review in this Board’s statute, and so whereas it seems to Ms. Price that the insurance commissioner’s office is not so much concerned about the individuals who conduct utilization review, their statute includes any person or entity. She further explained that although individuals is in their statutes, the Insurance Commissioner’s office only appear to register organizations that do utilization review and not individuals that do utilization review.

Dr. Wren ask if the registering of individuals was prohibited through the Insurance Commissioner’s Office and Ms. Price explained that no it is not prohibited, but it’s very expensive for the individual to get the certification. As a result, an individual is registered with an agency and the agency is registered with the Insurance Commission. The issue is that Chiropractors are stuck in the middle when the statute states an individual, meaning any person, who does this needs to be registered. To date, the Board has not had the Insurance Commissioner take action against any Chiropractor because they are doing this, but they could because of the way their law is written. Ms. Price provided the Board with 3 options: request an official legal opinion for the Attorney General’s office as to what to do which could take lots of time or amend the Board Rule 100-17-.01 to change the terminology from review agent to reflect what the statute reads which is Peer Review, and that allows for the Board to keep the guidelines the same within the Board rule. Ms. Price reiterated that this still doesn’t negate the fact that utilization review is involved in peer review; but she thinks it’s the safer way to proceed simply because it informs the Chiropractors that this is in the statute and peer review can legally be done because it is in the law whereas leaving the terminology as a “review agent” may appear as though the Board is supporting unlawful practice. The 3<sup>rd</sup> option was to attempt to petition the Insurance Commissioner’s office to have them amend their statute and add the Chiropractic Board to the list of professional exemptions so that Chiropractors may become exempt from the requirements with the Insurance Commissioner. Ms. Price stated that previously the Board spoke with Valerie Smith of GCA to try to do the historical background on what their understanding of that law was at the time it was changed.

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in the favor of the motion to refer BR 100-17-.01 to Dr. Alpert to draft a proposed amendment to change the term from review agent to peer reviewer and review

the Insurance Commissioner's statute and rules to consider including some of same requirements to become a review agent within the Board rule.

#### **Discussion – FCLB PowerPoll Certifications and Diplomates Results**

Ms. Price clarified that at the last meeting Valerie Smith of GCA provided the Board with additional information regarding list of Certifications and Diplomate statuses GCA requested to be added to the board rules. The Board tabled this discussion from the last meeting in order to determine whether or not the Board needed to undergo a process to review the certifications that are already within the rule or should the Board even be recognizing any of them at all. Ms. Price stated that in the rule, there are about 30 certifications and diplomate statuses listed and the purpose of that rule is to basically give licensees authorization to advertise that he or she has those certifications and credentials. Ms. Price further reminded the Board that during the previous discussion, the Board indicated that there are a lot of other certifications that people may have too and if the Board adds the ones GCA wanted to add to the list, then there will be more people wanting their statuses added to the list within the rules. She stated that Dr. Wren expressed a concern about when will the list stop and whether or not the ones that currently one the list are they still valid.

The Board requested Ms. Price to poll other states to determine which states give special considerations to other certifications and she provided that information via the FCLB PowerPoll. Of the states that responded, the majority do not give special considerations. Dr. Alpert explained that his position would be all or nothing regarding Certifications and Diplomate Statuses meaning the Board has to accept what everyone is doing all around the country or just not accept any.

Dr. Wren stated his concern was that the Board has already started the process with a list of about 30 and there are more to be recognized as people have started requesting that recognition status for the purpose of advertising and that becomes a problem for the Board. Dr. Wren also mentioned the issue of superiority in regards to advertising.

Ms. Price stated that the rule could always be amended, not necessarily saying they have to remove the advertisement rule in its entirety, but just not list the certifications, if the Board is leaning towards removing the registry and alphabet soup. Ms. Price asked the Board what is the process in determining approval status in 2008? Dr. Wren answered that a lot of them were approved through national organizations or accredited chiropractic colleges and that was the standard in the past; but, a lot of them may not be valid now. He also said that there are many more certifications existing now and he doesn't know where it would stop if the Board adds more.

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in the favor of the motion to amend BR 100-4-.02 to remove the registry list as discussed and refer the rule to the Attorney General's Office for a memorandum of authority, and if no objection, vote to post.

#### **Discussion – HB 821 – Board Rule for Military Spouses and Transitioning Service Members**

Dr. Krzemien motioned, Dr. Alpert seconded and the Board voted unanimously in the favor of the motion to direct Ms. Price to review HB 821 and the Endorsement Rule to develop a new rule to address military spouses and transitioning service members for review by the Board during the September 16, 2016 meeting.

#### **Discussion – GCA Legislative Agenda for the 2016-2017 General Assembly**

At the last meeting the Board requested Valeria Smith of GCA to inform them of what GCA was considering proposing at the next legislative session. In the absence of Ms. Smith, Carly Sharec of GCA listed the following topics that GCA is considering:

- 1) Co-Pay legislation where co-pays are limited to 50% under licensed covered service.
- 2) Equal pay for equal work.
- 3) Defining minimum education standards to put in place before any provider can manipulate.

Dr. Alpert stated that one of the way Mr. Aubrey Villines' thought manipulation may be addressed was to address it like other professional, like Physical Therapists, have by putting something in the law that states you have to be qualified in order to do this. He indicated that it could be seen as a push back to the Physical Therapy legislation on how to use the terminology effectively.

Dr. Krantz remarked that it's perfectly clear what a Doctor of Chiropractic does and what the education process is and he doesn't want to cloud the standard. Dr. Alpert explained that such legislation would just be adding minimum standards because right now there aren't any. Ms. Price asked the Board if the billing codes would be the same across professions. Dr. Krantz explained that the reason other professions use the term manipulate is so that they can bill for that code. Dr. Wren agrees with the brainstorming and prioritizing GCA is doing and mentioned his big concern is

whether or not the things the Board want to do will affect the profession in a positive manner because there will be a lot of time and money put into it and the Board may only get one shot at changing the statute.

Dr. Alpert stated he feels that the Board's legislative agenda may be very different from GCA's agenda. GCA has their members and is trying to get new members on the Board as an increase in membership will typically benefit their pockets, especially when people are complaining about exactly what are GCA is doing for them. Membership in GCA is terrible and participation is terrible. As a result, they have considered attempting to make the membership mandatory.

Dr. Krantz indicated that it is also important to note that in the state of Georgia you have more than one chiropractic organization, unlike other professions. Not only is there the Georgia Chiropractic Association (GCA) but there is also Georgia Counsel of Chiropractic (GCC) and if you tend to only consider one over the other people may become upset. The Board accepted the comments from Ms. Sharec regarding GCA Legislative agenda topics as information and stated that she would appreciate it if GCA would keep the Board informed as they move forward. Dr. Wren also stated he thought it was refreshing that GCA comes to the meetings and they would invite GCC to do the same if they so choose.

**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 informed the Board that if they have an idea of any changes they would like to propose to the General Assembly during the next legislative session that they would like for the Office of Secretary of State to support and/or carry, a draft of the proposed language changes should be generated and prepared to be voted upon by the Board during the next meeting to submit to Secretary Kemp as the date to begin setting calendars will be here soon. The Board accepted the report as presented.

Ms. Price indicated that she received a message from a chiropractor asking why the chiropractic board does not offer blanket approval for continuing education obtained by physicians. She stated she provided the chiropractor of the process for organizations or providers to gain approval for continuing education and referred him to the rules but also informed the licensee that she would present his inquiry to the Board. Dr. Watkins indicated that she too was contacted by this individual and he is a chiropractor for the Cancer Centers of America which requires him to take certain number of courses that is offered by the medical community and he is from Illinois which has a joint chiropractic and medical board so he is used to all of that being given blanket approval. She stated that she informed him that in the state of Georgia the medical board and the chiropractic boards are separate entities administratively assigned to different agencies and as a result there is a separate approval process for continuing education. Ms. Price stated it sounded as though she and Dr. Watkins had the same conversation with the licensee and he ended their conversation by saying that he is going to push for change in this regard because he doesn't want to have to sit through more classes if he doesn't have to do so. Ms. Price stated she informed him that he may put his concerns in writing to the Board for additional consideration. Dr. Alpert asked if he could submit a petition for that consideration. Dr. Wren stated that he can petition whatever he wants. He also stated there has been medical continuing education approved by this Board before. The chiropractor would just have to have the providers go through the approval process. Ms. Price also shared that the chiropractor also stated that he was going to begin working on the initiative to have chiropractors in Georgia recognized as physicians to which she stated she will share his position with the Board and requested that if he wanted the Board to consider the matter further to submit something in writing.

**Board President's Report – M. Watkins**

No report presented.

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

**At the conclusion of Executive Session on Friday, July 8, 2016, Dr. Watkins 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**

**Applicant Interview #2586661**

Dr. Alpert motioned, Dr. Krzemien seconded and the Board voted unanimously in the favor of the motion to table a decision and grant the request to reschedule for next full board meeting September 16, 2016.

## **Executive Minutes**

### **1) May 6, 2016 Board Meeting Executive Minutes**

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in the favor of the motion to accept the May 6, 2016 executive session minutes as presented.

### **2) June 3, 2016 Teleconference Executive Minutes**

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in the favor of the motion to accept the June 3, 2016 executive session teleconference minutes as presented.

### **3) June 3, 2016 Investigative Committee Executive Minutes**

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in the favor of the motion to accept the June 3, 2016 executive session IC minutes as presented.

## **Attorney General's Report**

Dr. Krantz motioned, Dr. Alpert 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) J.E.L. Amend the motion to include the recommendations presented by the Assistant Attorney General

## **Cognizant's Report**

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

### **Investigative Interviews:**

- CHIR160045 Notify the respondents of the recommendations made by the Committee regarding advertising violations. Table decision on the case pending the receipt of updated advertising materials from the respondents. Once received, prepare case for further review by the committee.
- CHIR160066 Rescind the motion made by the Board during the May 6, 2016 meeting to issue a Public Consent Agreement for Reinstatement for the violation of Unlicensed Practice with sanctions of probation for 3 years, fine of \$1000, successful completion of E&B exam. The Committee recommends a Private Consent Agreement for Reinstatement to include probation for 3 years, fines in the amount of \$1000 for Unlicensed Practice and \$500 for advertising violations and an additional 5 hours of in-person continuing education in the areas of Ethics and Georgia Law which must be completed during this biennium and obtained from an accredited Chiropractic College or University, or a Georgia chiropractic organization or professional association.
- CHIR160058 Deny application for licensure based on prior disciplinary action in another jurisdiction.

### **Discussion Cases:**

- CHIR160006 Close the case against respondent M.D., provide notification to the complainant of the outcome of the investigation and report respondent "M.L." to the local District Attorney for criminal prosecution for unlicensed practice.
- CHIR160033 Close the case with no action.
- CHIR160061 Close the case with a letter of concern citing concerns of advertising beyond the scope of practice for a D.C.
- CHIR160067 Schedule Investigative Interview with the respondent regarding advertising practices.
- CHIR110076 Table discussion until the next Board Meeting for the Investigative Committee Members to review the treatment records for appropriateness.

### **Applications:**

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

- Applicant #2613038 Issue the license with a letter of concern regarding alcohol history and being untruthful.
- Applicant #2619032 Request applicant to provide mental and physical evaluation (MPE) results or most recent evaluations from addiction specialist to include, diagnosis, treatment plan and a statement as to whether the applicant is able to practice with reasonable skill and safety.
- Applicant #2620164 Issue the license with a letter of concern regarding ethics and boundaries.
- Applicant #2621787 Issue the license with a letter of concern regarding alcohol history.
- Applicant #2617769 Issue the license.
- Applicant #2563407 Issue the license.
- Applicant #2610508 Issue the license with a letter of concern regarding criminal history.
- Applicant #2567649 Grant the request to extend the application and if no proof of completion of the program is

not received prior to August 30, 2016, the application will be denied and the applicant will be required to submit a new application for reinstatement of the license.

**Miscellaneous**

CHIR160059

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to refer a complaint to the Georgia Board of Massage Therapy to investigate the respondent's use of credentials for massage therapy.

**Adjournment:** With there being no additional business to discuss, the meeting was adjourned at 1:33 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:**

September 19, 2016

**DR. MARY WATKINS, D.C.**

**BOARD CHAIR**

**MS. ADRIENNE PRICE**

**EXECUTIVE DIRECTOR**