

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Friday, September 16, 2016 – 9:00 a.m.

The Georgia Board of Chiropractic Examiners met on Friday, September 16, 2016. The following members were present.

Board Members Present

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

Administrative Staff Present

Adrienne Price, Executive Director
Kathy Osier, Licensing Supervisor
Michelle Foster, Board Support Specialist

Attorney General's Office Present

D. Williams-McNeely, Senior Assistant Attorney General

Board Members Not Present

Dr. Joe Krzemien, D.C., Board Member
Emily Campbell, Consumer Member

Visitors Present

Steven Woltin
Valerie Smith, Georgia Chiropractic Association (GCA)
Dr. Jeff Selano, D.C.
Mark Restivo
Rebecca Restivo

Call To Order: Dr. Watkins established a quorum of the Board was present and called the meeting to order at 9:05 am.

OPEN SESSION

Agenda The Board accepted the agenda as presented.

Open Session Minutes

1) July 8, 2016 Board Meeting Minutes

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the July 8, 2016 Open Session Board Meeting Minutes as presented.

2) August 26, 2016 Investigative Committee Minutes

Dr. Wren motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to accept the August 26, 2016 Investigative Committee Meeting Minutes as presented.

Licenses to Ratify July 2, 2016 – September 9, 2016 and Modalities & Reinstatements

Dr. Krantz motioned, Dr. Alpert 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.

Correspondence - Valerie Smith, GCA – Vendor Service Violations

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to send the writer a no legal advice response letter and refer the writer to O.C.G.A. § 43-9-16 and Board Rules Chapter 100-7.

Correspondence - Response Letter From the GA State Board of Veterinary Medicine

The Board accepted the correspondence from the GA State Board of Veterinary Medicine, in response to the Board's request to inform veterinarians not to refer to the manipulation of animals, as chiropractic as information. Dr. Wren expressed that he appreciated the responsiveness and willingness of the Veterinary Board to work with them to educate the public about what constitutes chiropractic in the state of Georgia.

Correspondence - Scope of Practice of Chiropractors for Ordering Tests

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to send the writer a no legal advice response letter and refer the writer to the scope of practice in the statute (O.C.G.A. § 43-9-16).

Correspondence - To GA Board of Chiropractic Examiners RE Use of NMT

The Board accepted as information the correspondence from the Georgia Board of Massage Therapy in response to the Board's inquiry as to whether or not it is a violation of the massage practice act for an individual to use the NMT designation without having a massage therapy license.

Discussion – Bipartisan Bill Aims to Create National Telemedicine Model

The Board accepted the article related to the Bipartisan Bill Aims to Create National Telemedicine Model as information.

Discussion – Kelly Webb, FCLB – Response to Board Questions regarding PACE

Dr. Krantz motioned and Dr. Alpert seconded, and the Board voted unanimously in favor of the motion to table any decision regarding the use of PACE for the tracking of Continuing Education.

Discussion - BR 100-2A-.07 Endorsement as amended for military spouses and service members

Dr. Krantz motioned and Dr. Wren seconded and the Board voted unanimously in favor of the motion to refer the proposed Board Rule 100-2A-.07 Endorsement to the Attorney General's Office for a Memorandum of Authority. And if there are no objections, vote to post.

Rule 100-2A-.07. Endorsement

(1) The Board may license by endorsement;

~~(a) a~~ A chiropractor who holds an active license, in good standing, that was obtained by examination from another state or territory of the United States ~~subject to the following conditions:~~

(b) A chiropractor who qualifies as a military spouse or transitioning service member as defined in O.C.G.A. § 43-1-34; and.

(1) Holds a license from another state for which the training, experience, and testing substantially meet or exceed the requirements under this state to obtain a license; and,

(2) Possesses a specialty, certification, training, or experience military while a service member which substantially meets or exceeds the requirements to obtain a license in this state.

(2) Applicants for licensure by endorsement are also subject to the following conditions:

~~(1a)~~ 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.

~~(2b)~~ Applicants for licensure by endorsement must have been licensed, in good standing in ALL states or territories in which they hold a license, must submit a verification of licensure from ALL states in which they have ever held a license and must have been in active practice for a minimum of three (3) years. Applicants that do not meet these requirements outlined in paragraphs (1) and (2) of this rule must apply for licensure by examination.

~~(3c)~~ 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.

~~(43)~~ 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)(b)~~ cause the submission of all certification documents demonstrating his or her good standing to be submitted directly to the Board, as requested, from the boards of all states or entity authorized to make the submission; 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) 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](#);

~~(56)~~ Applicants for licensure by endorsement [may](#), at the discretion of the Board, ~~shall be required to~~ submit proof of having successfully passed the Special Purposes Examination for Chiropractic developed and administered by the National Board of Chiropractic Examiners [which was taken](#) no earlier than 24 months prior to date of application.

~~(67)~~ 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.

~~(87)~~ 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.

Discussion - BR 100-7-.04 Standards of Practice

Dr. Krantz motioned and Dr. Alpert seconded and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 100-7-.04 to the Attorney General's Office for a Memorandum of Authority and if no objections noted, vote to post.

Rule 100-7-.04. Standards of Practice

(1) For the purposes of this Section, standards of practice shall include, but not be limited to, the following:

(a) Knowingly performing an act which in any way aids, assists, procures, advises, or encourages any unlicensed person to practice chiropractic;

1. Nothing in this Section shall prohibit the activities authorized in O.C.G.A. [43-9-7.2\(3\)\(A\)](#) and (B).

(b) failing to conform or comply with the minimum standards of acceptable and prevailing chiropractic care;

1. Chiropractic care shall include offering or rendering a professional chiropractic opinion, which has the capacity or intent of affecting the frequency, duration, necessity, or outcome of chiropractic treatment or patient care. Any person rendering such a chiropractic opinion in Georgia must identify themselves by name, degree designation, location of practice, and Georgia chiropractic license number.

[\(c\) Failing to release patient information to another healthcare professional or any other authorized person upon proper written authorization by the patient.](#)

(d) Failing to comply with the requirements of the 'Consumer Information and Awareness Act' (O.C.G.A. [§ 43-1-33](#)).

~~(de)~~ It shall be considered unprofessional conduct to deny care for a covered condition or service by a review agent when there is a reasonable expectation for improvement or the patient is demonstrating a reasonable rate of

improvement. A reasonable rate of improvement would be influenced by condition chronicity, patient age, co-morbid factors, frequency of care and exposure to activities that would impede progress.

(ef) It shall be considered unprofessional conduct to deny care for a covered condition or service by a review agent for care to prevent the deterioration of a condition once the patient has achieved maximum clinical improvement, if sufficient evidence exists demonstrating that reduction or withdrawal of care has and will continue to have a deleterious effect on the patient.

Cite as Ga. Comp. R. & Regs. R. 100-7-.04

Authority: O.C.G.A. Secs. 31-33-1 to 31-33-3, 43-1-25, 43-9-4, 43-9-6.1, 43-9-12, 43-9-12.1, 43-9-16.

History. Original Rule entitled "Standards of Practice" adopted. F. Apr. 27, 2004; eff. May 17, 2004.

Repealed: New Rule of same title adopted. F. Aug. 19, 2008; eff. Sept. 8, 2008.

Amended: F. Dec. 20, 2011; eff. Jan. 09, 2012.

Discussion - BR 100-17-.01 Peer Reviewer

Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 100-17-.01 to the Attorney General's Office for a Memorandum of Authority and if no objections noted, vote to post.

Rule 100-17-.01 ~~Review Agent~~Peer Reviewer

(1) For purposes of this rule "~~Review Agent~~Peer Reviewer" means any person rendering a professional chiropractic written or verbal opinion, which has the capacity or intent of affecting the frequency, duration, necessity, or outcome of chiropractic treatment or patient care and who is being compensated by a 3rd party payer or other contractual parties.

(2) Chiropractic care shall include offering or rendering a professional chiropractic written or verbal opinion, which has the capacity or intent of affecting the frequency, duration, necessity, or outcome of chiropractic treatment or patient care. Any person practicing as a ~~Review Agent~~Peer Reviewer in Georgia must:

(a) notify the Georgia Board of Chiropractic Examiners of his/her intent to act as a ~~review agent~~Peer Reviewer. Such notification must include the individual's Georgia license number.

(b) possess a valid Georgia chiropractic license;

(c) have completed a certification program totaling a minimum of 100 hours in performing utilization peer review;

(d) have the physiotherapy modalities certification listed as a secondary license type on their Georgia license;

(e) identify themselves by name, degree designation, location of practice, and Georgia chiropractic license number;

(f) have established not less than five (5) years of active private clinical practice in Georgia immediately prior to rendering such opinion; and

(g) have earned a minimum of seventy percent (70%) of chiropractic related income from the active treatment of patients in Georgia in each of the previous five (5) years.

(3) Licensed chiropractors conducting peer review on behalf of a Georgia professional association, as approved by the board by policy, are exempt from this rule.

(4) Effective from the effective date of this rule amendment through January 31, 2010, the Board will consider requests from Georgia licensed doctors of chiropractic to be grand-fathered as ~~Review Agents~~Peer Reviewers.

Cite as Ga. Comp. R. & Regs. R. 100-17-.01

Authority: O.C.G.A. Secs. 43-1-25, 43-9-1, 43-9-6.1, 43-9-12, 43-9-12.1, 43-9-16.

History. Original Rule entitled "Review Agent" adopted. F. Nov. 30, 2009; eff. Dec. 20, 2009.

Amended: F. Jan. 26, 2010; eff. Feb. 15, 2010.

Discussion - BR 100-17-.02 Guidelines for Chiropractic Peer Review

Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer proposed Board Rule 100-17-.02 to the Attorney General's Office for a Memorandum of Authority and if no objections noted, vote to post.

Rule 100-17-.02 Guidelines for the Chiropractic Peer Reviewer

- (1) The chiropractic peer reviewer shall perform duties in accordance with the applicable law(s) and shall observe the highest of ethical and moral principles, evidence-influenced standards/guidelines and policies of professional practice.
- (2) The chiropractic peer reviewer shall make guidelines and supporting references available when requested.
- (3) The chiropractic peer reviewer understands that guidelines are not inflexible guidelines, and they should not be used as sole evidence for an absolute standard of care, and are considered on a case by case basis.
- (4) The chiropractic peer reviewer shall at all times act with integrity, truthfulness and honesty.
- (5) The chiropractic peer reviewer shall at no time divulge confidential information in an inappropriate or unlawful manner and shall exercise the care required for confidentiality and privacy consistent with the applicable legal jurisdiction.
- (6) The chiropractic peer reviewer shall not maliciously injure the reputation or professional practice of providers, employers, insurers, claimants, or other parties.
- (7) The chiropractic peer reviewer shall divulge and report appropriately when faced with potential conflicts of interest.
- (8) The chiropractic peer reviewer shall try to remain unbiased and objective, so that trier of fact is served by accurate determination of the facts involved.
- (9) The chiropractic peer reviewer shall thoroughly review and analyze the evidence in a case, conduct evaluations based on established scientific principles, methodology, facts and evidence-influenced knowledge and training, and render opinions which have a demonstrably reasonable basis and are within the chiropractic reviewer's qualifications and scope of practice.
- (10) The chiropractic peer reviewer shall not intentionally withhold or omit any findings or opinions discovered during a chiropractic evaluation or review that would cause the facts of a case to be misinterpreted or distorted.
- (11) The chiropractic peer reviewer shall never misrepresent credentials, education, training, experience, or membership status.
- (12) The chiropractic peer reviewer shall respect the rights of the examinee and other participants, and treat these individuals with dignity and professionalism.
- (13) The chiropractic peer reviewer shall never accept a fee for services which is dependent upon writing a report favorable to the referral service.
- (14) Any person rendering a chiropractic opinion in Georgia must identify themselves by name, degree designation, location of practice, and Georgia chiropractic license number.
- (15) The chiropractic peer reviewer shall continue to study, apply, and advance scientific knowledge, maintain a commitment to continuing sub-specialty education, obtain consultation, and use the talents of other healthcare professionals when indicated.

Cite as Ga. Comp. R. & Regs. R. 100-17-.02
Authority: O.C.G.A. Secs.

Discussion – NBCE Apologizes for CBT Malfunction

The Board accepted the correspondence in reference to NBCE Apologizes for CBT Malfunction as information.

Continuing Education Requests for Approval – Kim Kuebleu – National Health Policy & Clinical Practice Conference

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously to deny approval of the Continuing Education course based on the course not being reflective of the scope of clinical practice in Chiropractic.

Review Agents - Insurance Commissioner's Advisory Regarding Chiropractors and Utilization Review

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously to notify the Secretary of State's Office that the Board is going to table any proposed amendments to the practice act at the current time and requested that Valerie speak with the Georgia Chiropractic Association during their legislative conference meeting about the proposal.

2017 Chiropractic Examiners Board Meeting Dates

- 1) Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to accept the proposed 2017 Meeting Dates as amended.

Chiropractic Examiners Board 2017 Meeting Dates

Macon, GA	Friday, January 6, 2017	09:00am
Macon, GA	Friday, March 3, 2017	09:00am
Macon, GA	Friday, May 5, 2017	09:00am
Macon, GA	Friday, July 21, 2017	09:00am
Macon, GA	Friday, September 8, 2017	09:00am
Macon, GA	Friday, November 3, 2017	09:00am

Chiropractic Examiners Investigative Committee 2017 Meeting Dates

Macon, GA	Friday, February 3, 2017	09:00am
Macon, GA	Friday, April 7, 2017	09:00am
Macon, GA	Friday, June 2, 2017	09:00am
Macon, GA	Friday, August 4, 2017	09:00am
Macon, GA	Friday, October 6, 2017	09:00am
Macon, GA	Friday, December 8, 2017	09:00am

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. Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously to accept the Executive Director’s Report as presented.

Board President’s Report – M. Watkins

No report presented.

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

At the conclusion of Executive Session of Friday, September 16, 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 and Dr. Wren seconded and the Board voted unanimously to rescind the previous motion and issue the license.

Executive Minutes

1) July 8, 2016 Board Meeting Executive Minutes

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to accept the July 8, 2016 Executive Session Board Meeting Minutes as presented.

2) August 26, 2016 Investigative Committee Executive Minutes

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to accept the August 26, 2016 Executive Session Investigative Committee Meeting Minutes as presented.

Attorney General’s Report – D. Williams McNeely

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously to accept the Attorney General’s report as presented and the following recommendations made in executive session.

- 1) CHIR160012 Close the case, no action.

Request for Reconsideration

- 1) M.K. Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and issue the license.

Investigative Committee Report

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

- CHIR110076 Continue to monitor for compliance with the Board Order.
- CHIR140040 Refer to the Attorney General’s Office for a Public Consent Agreement for Reinstatement to include a fine of \$1,500, due at docketing, for Unlicensed Practice, failure to comply with prior consent order and failure to comply with CE requirements.
- CHIR140044 Close the case with no action.

- CHIR160013 Approve proposed supervisor provided the respondent only works when he is working with the approved supervisor at the same location.
- CHIR160045 Close the case with letter of concern regarding scope of practice.
- CHIR160054 Close the case with no action.
- CHIR160059 Request that respondent provide a statement from his Medical Doctor about his medical condition and whether he can practice with reasonable skill and safety.
- CHIR160068 Close the case with no action.

Applications

- R.L.H. Issue the license with a letter of concern regarding criminal history.
- P.S.B. Issue the license with a letter of concern regarding failure to disclose arrest history.
- A.R.C. Request the applicant to complete a refresher course taken at an accredited chiropractic college or university and upon completion issue the license
- O.J.C. Deny licensure as applicant did not present documentation verifying lawful presence in the United States.
- R.M.K. Table pending receipt of current mental and physical examination (MPE) results.
- S.J.L. Issue the license.
- C.S.M. Issue the license with letter of concern regarding action in another jurisdiction.
- S.S. Notify the applicant that they must submit proof of passing the SPEC exam or successful completion of a refresher course taken at an accredited chiropractic college or university prior to Feb. 28, 2017. Upon passing the exam or course, issue license. If applicant does not pass the exam or course deny reactivation and applicant must apply for reinstatement of licensure.
- J.M.S. Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure to include a fine of \$1000 for unlicensed practice from 01/01/2015 to 10/06/2015, three years of probation and passage of the Ethics and Boundaries Assessment (EBAS) within one year of effective date of the order.
- D.E.Y. Issue the license with letter of concern regarding action from another jurisdiction.

Adjournment With there being no additional business to discuss, the meeting was adjourned at 1:04 pm.

Minutes recorded by: Michelle Foster, Board Support Specialist
Minutes reviewed and edited by: Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on: Approved November 23, 2016

DR. MARY WATKINS, D.C.
BOARD CHAIR

MS. ADRIENNE PRICE
EXECUTIVE DIRECTOR