

**GEORGIA BOARD OF CHIROPRACTIC EXAMINERS**  
**Board Meeting Minutes**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, GA**  
**March 11, 2016 - 10:00A.M**

The Georgia Board of Chiropractic Examiners met on Friday, March 11, 2016.

**Board Members Present**

Dr. Karen Mathiak, D.C., Chair  
Dr. David Wren, D.C., Vice Chair  
Dr. Andrew Krantz, D.C. Board Member  
Dr. Joe Krzemien, D.C., Board Member  
Dr. Mary Watkins, D.C., Board Member

**Administrative Staff Present**

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

**Board Members Not Present**

Emily Campbell, Consumer Member

**Attorney General's Office Present**

Byron Thernes, Senior Assistant Attorney General  
(via teleconference)

**Visitors Present**

Valerie Smith, Georgia Chiropractic Association (GCA)

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

**OPEN SESSION**

**Agenda**

The Board accepts the agenda as presented.

**Open Session Minutes**

**1) January 15, 2016 Board Meeting Minutes**

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the January 15, 2016 open session board meeting minutes as presented.

**2) February 4, 2016 Investigative Committee Minutes**

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the February 4, 2016 open session investigative committee minutes as presented.

**Licenses to Ratify January 9, 2016 – March 4, 2016**

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

**Discussion – Continuing Education Requests**

**1) Marjorie Roberts-Certification in Basic Homeopathic Principles**

Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to table a decision and request additional information pertaining to the purpose of the course as it appears the course is practice management or practice building which is prohibited as stated in Board Rule 100-5-.02(1)(d).

**Discussion – Ethics and Boundaries Assessment Services, LLC Agency Workshop (EBAS)**

Ms. Price requested to be notified if any of the Board Members decide to attend the EBAS Workshop offered in April 2016 in Greeley, Colorado. The Board accepted the correspondence as information.

**Discussion – Sample Letter of Concern**

As was requested during the January 2016 meeting, Ms. Price presented the Board with copies of various Letters of Concern which are generated by staff when the Board votes to issue the document as a non-disciplinary response or closure to a case. The Board accepted the representations as information with no amendments.

**Discussion – Continuing Education Application**

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to amend the Continuing Education Application to require applicants to enter the total number of hours that they are requesting for each content area.

## **Discussion – Valerie Smith, Georgia Chiropractic Association (GCA)**

### **1) Travel to Treat by In-State Chiropractors**

In response to GCA's inquiry regarding whether or not a chiropractor may travel to treat in the state of Georgia, it was the consensus of the Board that individuals must hold an active chiropractic license and must consult with the city and/or county governments where they choose to practice to determine if there are ordinances to prohibit the practice or if a business license is required.

### **2) New Certifications for BR 100-4-.02 Diplomate Status/Certifications**

Ms. Smith presented the Board with additional information to further explain the process by which a Doctor of Chiropractic attains each of the additional certifications that GCA would like to add to Board Rule 100-4-.02. It was the consensus of the Board that the potential problem with adding additional certifications is that the Insurance Commissioners may require specific certifications in order for a chiropractor to perform certain services which will in turn increase cost.

Dr. Krantz asked if it was possible to poll other states to determine how they are handling and managing certifications. Dr. Wren further suggested that the Board may want to determine what's the purpose for other states to have these certifications and designations and what does the state allow them to do with these designations. He indicated that he has concerns with adding those certifications to the rule since the Board has been unsuccessful in the past with working with the Insurance Commissioner's Office regarding peer review certifications.

Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to request the Federation of Chiropractic Licensing Boards to conduct a Power Poll with other States to determine which states use the certifications and designations, what purpose do they serve in that state, what services will the certifications and designations allow a licensee to do within those states, and whether or not the states limit those services to only those individuals who hold those certifications and designations.

### **3) Georgia Chiropractic Association Spring Conference May 20, 2016 Hilton Head, SC**

Dr. Mathiak motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to nominate Dr. Krantz to attend the GCA Spring Conference. Dr. Krantz stated that he may be able to attend and will check his calendar and notify the Board and GCA.

## **Rules Committee Report**

The rules committee did not meet and have no report to present.

## **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. The Board accepted the report as presented.

## **Board President's Report – K. Mathiak**

### **1) Graduate Students Adjusting Prior to Licensure**

Dr. Mathiak informed the Board that she spoke with the Chair of the Chiropractic Board in Tennessee and they do allow students to adjust prior to licensing for up to a year. Dr. Krantz explained that in the state of Alabama the students must complete part 1, 2, and 3 and will be permitted to adjust for up to a year if practicing directly under the supervision of a Chiropractor. He stated that Alabama requires the students to take and pass part 4 within a year of part 3. He reported that Florida requires all 4 parts to be completed before adjusting. If you do not have all 4 parts you can only work as a Chiropractic Assistant in Florida. South Carolina requires all 4 parts to be completed before adjusting.

Dr. Watkins and Dr. Krzemien indicated that in light of this information they would be opposed to making any changes to allow graduate students to adjust under direct supervision before licensure at this time.

Ms. Smith of GCA volunteered to present the topic of graduate students adjusting prior to licensure to their legislative committee to get their opinions and suggestions. Dr. Krantz motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to table the discussion until the September Board Meeting regarding graduate students adjusting prior to licensure to allow GCA to conduct further research on the matter.

## **2016 Board Member Elections**

### **1) Board Chair**

Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to nominate Dr. Karen Mathiak as the Board's Chair.

### **2) Vice Chair**

Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to nominate Dr. David Wren as the Board's Vice Chair.

### **3) Investigative Committee**

Dr. Wren motioned, Dr. Watkins seconded and the Board voted unanimously in favor of the motion to nominate Dr. Karen Mathiak and Dr. Andrew Krantz as the Board's Investigative Committee.

### **4) Continuing Education Cognizant**

Dr. Watkins motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to nominate Dr. David Wren as the Board's Continuing Education Cognizant.

**Dr. Krantz motioned, Dr. Watkins 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, Dr. Krzemien, and Dr. Watkins.**

**At the conclusion of Executive Session on Friday, March 11, 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**

Ms. Price left the meeting. Dr. Mathiak established that a quorum of the Board was present.

## **Executive Minutes**

### **1) January 15, 2016 Board Meeting Minutes**

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the January 15, 2016 executive session minutes as presented.

### **2) February 4, 2016 Investigative Committee Minutes**

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the February 4, 2016 executive session investigative committee minutes as presented.

## **Attorney General's Report – D. Williams-McNeely**

Dr. Watkins motioned, Dr. Krantz 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) W.E. Grant inactive status.

## **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:

### **Discussion Cases:**

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|------------|--|
| CHIR160045 | Identify and obtain copies of the time and date of documentation pertinent to the investigation and schedule investigative interview with the respondents.   |
| CHIR160049 | Rescind prior motion to appear before the investigative committee, issue license and close the complaint case.   |
| CHIR160050 | Application and supporting documentation reviewed for possible licensure. The information provided is insufficient to issue a license. IC requests that the applicant submit a detailed statement accounting for the last 5 years of employment. Request that the employers also submit verification of the applicant's duties. Advise the applicant that application fees are nonrefundable and if the applicant is unwilling to provide the requested documentation the application may be withdrawn upon his request. |
| CHIR160040 | Close the case with no action.   |

- CHIR160031 Refer case to Investigations for additional information including interview with the prior practice owner to determine how the practice was closed, sold and where records are maintained. Additionally determine how patient records requests are answered and responded to by the prior owner. Determine how prior owner came to hire the respondent, J.B. Obtain employment agreement, tax documents, resume, payroll and did prior owner have other associates working with J.B. Interview the current Owner and obtain a copy of the sales agreement. Confirm that the signage has been updated and obtain the patient record for J.B. under subpoena and wait for the record to be produced. Open a case on Respondent K.D. regarding violations of advertising rules and the GA Consumer Information Awareness Act and subpoena patient records.
- CHIR160011 Close the case with no action.
- CHIR140005 Terminate probation and close the case.

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

- CHIR130065 Terminate probation and close the case.
- CHIR160013 Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure with a fine of \$1500 for unlicensed practice from December 31, 2014 – October 19, 2015, require in person C.E. and (3) three years' probation in accordance with the Georgia Board of Chiropractic Examiners Rules and Laws, quarterly self-reporting, no practice ownership and must have direct supervision and approval of any changes in supervision must be approved by the Board.
- CHIR140040 Refer to the Attorney General's office for a cease and desist hearing and refer to the local District Attorney for unlicensed practice and release the complaint file.

#### **Executive Discussions**

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:

- CHIR140053 Refer to the Attorney General's office for a cease and desist hearing for noncompliance with board order.

#### **Applications**

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

- 1) A.G.D. Issue the license with a letter of concern regarding alcohol history.
- 2) C.B.E. Issue the license with a letter of concern regarding criminal history.
- 3) W.C.L. Issue the license with a letter of concern regarding criminal history.
- 4) R.G. R. Issue the license with a letter of concern regarding alcohol history.
- 5) K.A.M. Schedule for investigative interview with the Investigative Committee.
- 6) L.L. Grant the applicant's request to document the approval date of physical agent modalities certification as June 4, 2014.
- 7) L.S.J. Reinstate the license. C.E. submitted cannot be used for next biennial and flag for CE audit.
- 8) E.J.R.P. Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure with a fine of \$1000 for unlicensed practice from 01/2014 to 06/19/2015 and failure to complete C.E.s in accordance to BR 100-5-.02, require in person C.E. and probation for a minimum of (3) three years in accordance with the Georgia Board of Chiropractic Examiners Rules, Laws and Policies.
- 9) M.D.R. Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure with a fine of \$1000 for unlicensed practice from December 31, 2012 – July, 2014 and failure to complete C.E.s in accordance to BR 100-5-.02, require in person C.E. and probation for a minimum of (3) three years in accordance with the Georgia Board of Chiropractic Examiners Rules, Laws and Policies.
- 10) E.A.J. Issue the license.

#### **Miscellaneous Discussions**

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

- 1) N. R. Uphold the previous motion to notify applicant that they must apply for licensure by reinstatement.

**Adjournment:** With there being no additional business to discuss, the meeting was adjourned at 2:30 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:**

May 6, 2016

KAREN MATHIAK  
**BOARD CHAIR**

ADRIENNE PRICE  
**EXECUTIVE DIRECTOR**