

The Georgia Board of Chiropractic Examiners met on July 15, 2004 at the Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia for the purpose of conducting business.

Members Present:

- Patrick J. Sallarulo, D.C., President
- David A. Wren, D.C., Vice President
- James A. Anchors, D.C.
- Karen Mathiak, D.C.
- J. Craig Patterson, D.C.

Members Absent:

Others Present:

Jacqueline Hightower, Executive Director, Yvonne LeSane, Board Secretary, Felicia Mackey, Applications Specialist, Ajay Gohil, Assistant Attorney General, Kathy Harvey, Enforcement, Bob Sise, Enforcement, Tachunta Thomas, Assistant Division Director, Donald Munday, Deputy Division Director, Steven Welsch, Jeff Ward, Aaron Rossi, Eduardo Rodriguez.

President Sallarulo established that a quorum was present, and called the meeting to order at 10:10 A.M.

Minutes: Dr. Anchors moved and Dr. Mathiak seconded and the Board voted to approve the Minutes from the May 13, 2004 Board meeting as amended.

Dr. Anchors moved and Dr. Mathiak 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) and O.C.G.A. § 43-1-1-19(4) to deliberate on Applications, Attorney General's Report, Cognizant Report and Investigative Interview and to receive information on Applications, Attorney General's Report, Cognizant Report and Investigative Interviews. Voting in favor of the motion were those present who included Board Members Sallarulo, Wren, Anchors, Mathiak and Patterson. The Board concluded Executive Session in order to vote on these matters and to continue with the public session.

Correspondence: The board reviewed correspondence and discussed the following items of interest:

Brandon Evans: Are house calls permitted under the state law and if they would cause any issues with the insurance companies. **Board response:** All practice must meet the law and rules regardless of location. Insurance questions should be referred to the appropriate insurance company. The Board does not offer legal advice or opinions.

Jackie Carlisle, Allstate Insurance Company: What is protocol for Chiropractic and medical doctor treating in same facility? Does same day treatment by both providers create any conflict of this protocol? **Board response:** The Board does not offer legal advice or opinions.

Michael Deliria, D.C.: Are Physical Therapists allowed to adjust or manipulate the spine and extremities? **Board response:** The board is unable to provide legal advice absent specific information.

Michael Metzger, PodDirect Office Dispensing: We have a new product we would like to market to chiropractors. Are Chiropractors in Georgia allowed to use and dispense? **Board response:** The Board does not offer legal advice or opinions.

Tammy Costello, D.C.: How do I go about leaving my place of employment without raising the issue of abandonment to my patients? **Board response:** The Board does not offer legal advice or opinions, please refer to law and rules.

Kenneth G. Muller, D.C.: I would like to have an advertisement violation expunged. **Board response:** Under Georgia law, the Board does not have the authority to grant your request.

Chris Carver, D.C.: Request to be placed on approved instructor list. **Board response:** The Georgia Board of Chiropractic Examiners wishes to inform you that the Board no longer maintains an approved list of instructors, therefore you are eligible to teach.

Jennifer Phillips: I was advised by a client that the Chiropractic Governing Board told him a non-licensed Chiropractor can be a shareholder of a corporation as long as there is a licensed Chiropractor in that office. Please confirm. **Board response:** The Board does not offer legal advice or opinions.

Gary S. Martin: I would like to have an advertisement violation expunged. **Board response:** Under Georgia law, the Board does not have the authority to grant your request.

Steven Welsch, DC: Discussed with the board AHN.

Collaborative Practice Committee: The board appointed Dr. Mathiak to chair this committee charged to draft possible rule revisions for DC/MD practices and referrals.

National Boards of Chiropractic Examiners: Dr. Mathiak discussed her positive experience from participation in the test review committee.

Proposed Draft Revision – V-I to O.C.G.A. 43-6: Dr. Anchors provided the board with a copy of the proposed revision to the chiropractic practice act for review and discussion at the September 9, 2004 board meeting.

Student Loan Default: Dr. Patterson moved and Dr. Anchors seconded and the Board voted to suspend **Myong P. Im's** license to practice as a Chiropractor, **License Number CHIR007185**, for failure to repay a student loan, and further move that this suspension shall cease upon receipt by the division director of a "Notice of Compliance And Request For Release" from the Georgia Higher Education Assistance Corporation.

Peer Reviewer List: The board recommended peer reviewers for disciplinary actions. Ms. Hightower will contact the individuals for interest and appointment when appropriate. The suggested chiropractors are Dr. Cipriano, Dr. Annunizata, Dr. Gosline and Dr. Roeske.

PROBATION REPORT:

Cary Lubet: Dr. Mathiak moved and Dr. Wren seconded and the Board voted to release from probation.

R.L. Mayfield: Dr. Anchors moved and Dr. Mathiak seconded and the Board voted to release from probation.

FG: Dr. Anchors moved and Dr. Mathiak seconded and the Board voted to hold release pending additional information.

Ms. Hightower provided the board with the status of probation matters.

ENFORCEMENT MATTERS: (Investigative Interviews)

CHIR040005: following an investigative interview, Dr. Wren moved, Dr. Mathiak seconded, and the Board voted to close the case upon receipt of appropriate stationery.

CHIR040048: Following an investigative interview, Dr. Mathiak moved and Dr. Patterson seconded and the Board voted to offer a private consent order requiring a Passing score on National Board of Chiropractic Examiners Ethics and Boundary Examination at licensees own expense.

CHIRO040040: following an investigative interview, Dr. Mathiak moved, Dr. Patterson seconded, and the Board voted to close.

CHIR050010/CHIR040039: following an investigative interview, Dr. Wren will review records and provide a recommendation.

CHIR040030: following an investigative interview, Dr. Patterson moved and Dr. Mathiak seconded and the board voted to refer to the Attorney General for consent order requiring 2 years probation; \$1500.00 fine; prior approval of all advertisements; passing score on National Board of Chiropractic Examiners Ethics and Boundary Examination at own expense.

CHIR040023/CHIR01100064.: following an investigative interview, Dr. Sallarulo will review records and provide a recommendation.

CHIR040010: pursuant to an investigative interview held on June 24, 2004, Dr. Anchors moved Dr. Mathiak seconded and the Board voted to refer to Attorney General for consent order with public reprimand; 90 day suspension followed by 3 years probation ending with Federal probation; pass the National Board of Chiropractic Examiners Ethics & Boundaries Course, and \$5000.00 fine.

CHIR030023: pursuant to an investigative interview held on June 24, 2004, Dr. Anchors moved, Dr. Mathiak seconded and the Board voted to refer to Attorney General for consent order with a public reprimand \$500.00 fine; and 15 day suspension; eligible for release of suspense upon proof of release of documents followed by 1 year probation and required to pass the National Board of Chiropractic Examiners Ethics and Boundary Examination

CHIR12010034: pursuant to an investigative interview held on June 22, 2004, Dr. Mathiak moved, Dr. Anchors seconded and the board voted to refer to Attorney General for consent order or notice of hearing..

CHIR040033: pursuant to an investigative interview held on June 22, 2004, Dr. Mathiak, Dr. Patterson seconded and the board voted to request enforcement to provide final disposition and update at September 9, 2004 board meeting on the criminal case.

COGNIZANT MATTERS:

CHIR040020: Dr. Patterson moved and Dr. Mathiak seconded and the Board voted to close.

CHIR030069: Dr. Patterson moved and Dr. Mathiak seconded and the Board voted to offer a consent order for one year probation and \$500.00 fine.

CHIR030071: Dr. Patterson moved and Dr. Mathiak seconded and the Board voted to offer a consent order one year probation and \$500.00 fine

CHIR040004: Dr. Patterson moved and Dr. Mathiak seconded and the Board voted to offer a consent order one year probation and \$500.00 fine.

CHIR030070: Dr. Patterson moved and Dr. Mathiak seconded and the Board voted to offer a consent order one year probation and \$500.00 fine.

CHIR030040: Dr. Patterson moved, Dr. Mathiak seconded, and the Board voted to request enforcement to provide a status update at the September 9, 2004 board meeting.

CHIR030050: Dr. Patterson moved and Dr. Mathiak seconded and the Board voted to schedule an investigative interview

CHIR040061; CHIR040062; CHIR040060; CHIR040058; CHIR040029: Dr. Patterson moved, Dr. Mathiak seconded, and the Board voted to refer to Attorney General for consent order for a fine of \$500.00; One year probation and Public Reprimand, however for respondent, **CHIR040029** refer to enforcement for additional records.

CHIR030085: Case under cognizant review

CHIR030016: Dr. Patterson moved, Dr. Anchors seconded and the Board voted to refer to the Attorney General for review and advice.

CHIR040011 Dr. Mathiak moved and Dr. Patterson seconded and the board voted to refer to the Attorney General for consent order for \$500.00 fine and one year probation.

CHIR030034 Dr. Patterson moved, Dr. Mathiak seconded, and the Board voted to request enforcement to provide a status update at the September 9, 2004 board meeting.

CHIR030035 Case under cognizant review.

CHIR040055: Dr. Wren moved, Dr. Mathiak seconded, and the Board voted to close with a letter of concern.

CHIR040053: Dr. Wren moved, Dr. Patterson seconded and the board voted to refer to the Attorney General for review and advice.

CHIR040025: Matter is pending in enforcement, request an update for September 9, 2004 board meeting.

CHIR040045 and CHIR040056: Dr. Mathiak moved, Dr. Anchors seconded and the board voted to close with a letter to cease and desist marketing services in Georgia.

CHIR030075: Dr. Mathiak moved, Dr. Patterson seconded and the board voted to refer to Attorney General for review.

CHIR040014: Dr. Patterson moved, Dr. Mathiak seconded, and the Board voted to close.

CHIR01100097: Dr. Patterson moved and Dr. Mathiak seconded and the Board voted to offer a consent order for \$1,000.00 fine, and one year probation.

CHIR020034: Dr. Patterson moved, Dr. Mathiak seconded, and the Board voted to close.

CHIR020004: Dr. Patterson moved, Dr. Mathiak seconded, and the Board voted to close.

CHIR040015: under cognizant review.

CHIR040018: Records to be sent to cognizant for review.

CHIR040036: Records to be sent to cognizant for review.

CHIR040045: Dr. Anchors moved, Dr. Patterson seconded, and the Board voted to hold until further notice from Cognizant.

CHIR040049: Dr. Anchors moved, Dr. Anchors seconded, and the Board voted to close.

CHIR040002: Dr. Anchors moved, Dr. Patterson seconded, and the Board voted to schedule an investigative interview.

CHIR020048: Dr. Anchors moved and Dr. Mathiak seconded and the Board voted to not re-open the case.

ENFORCEMENT REPORT: Dr. Patterson moved, Dr. Mathiak seconded and the board voted to take the following actions on cases presented by enforcement:

CHIR00100019/1201010019: Request enforcement to provide statements from patients, a peer review, refer to Attorney General for consent order or notice of hearing and provide records to Georgia Bar Association.

CHIR02100037/1201010037: Refer to Attorney General for consent order or notice of hearing and provide records to Georgia Bar Association.

CHIR01100038/120101038: Refer to Attorney General for consent order or notice of hearing and provide records to Georgia Bar Association.

CHIR0110041/1201010041: Refer for peer review and to Attorney General for consent order or notice of hearing and provide records to Georgia Bar Association.

CHIR01100052/1201010052: Refer to Attorney General for suspension and enforcement of the subpoena.

CHIR01100088/1201010088: Refer to Attorney General for consent order or notice of hearing and provide records to Georgia Bar Association.

CHIR01100100/1201010100: Refer for peer review and to Attorney General for consent order or notice of hearing and provide records to Georgia Bar Association.

CHIR020040: Refer to Attorney General for consent order with a \$2,500.00 fine; No probation; appropriate Continuing Education course.

CHIR030079: Refer to Attorney General for involuntary Cease and Desist.

CHIR040019: Under Cognizant review.

CHIR040022 and CHIR040024: Under Cognizant review.

CHIR040038: Under Cognizant review.

CHIR040042: Close.

Heidi Tull-Anderson: Accept Voluntary Cease and Desist Order.

ATTORNEY GENERAL'S REPORT:

Mr. Gohil recommended peer review of the following cases:
CHIR01100040, CHIR00100019, CHIR01100088, CHIR02100037 and CHIR01100100.

Mr. Gohil presented an update on the following cases:

CHIR00169, CHIR00100026, CHIR01100078, CHIR030014, CHIR040004, CHIR040012, CHIR040006, CHIR040050, CHIR01100040, CHIR01100038, CHIR01100085, CHIR01100041, CHIR030039, CHIR01100036, CHIR01100100, CHIR01100086, CHIR01100109, CHIR01100088, CHIR01100107, CHIR02100037, CHIR00100025, CHIR020036, CHIR01100111

Dr. Anchors moved and Dr. Mathiak seconded and the Board voted to accept the Attorney General's report.

APPLICATIONS:

Mark L. Daniel: Dr. Patterson moved, Dr. Mathiak seconded and the Board voted to reinstate upon receipt of signed consent agreement.

J.E.: Dr. Patterson moved and Dr. Anchors seconded and the Board voted to reinstate upon receipt of acceptable continuing education.

Kenneth Kilchenstein: Dr. Patterson, and Dr. Anchors seconded and the Board voted to approve application for licensure by endorsement.

Steven D. Peyroux: Dr. Anchors moved, Dr. Patterson seconded and the Board voted to approve application for licensure by endorsement.

Daniel Erthal: After an appearance before the board, Dr. Patterson moved, Dr. Mathiak seconded and the Board voted to reconsider its May 2004 decision to deny and further to approve application for licensure. Application approved.

Ronald S. Redman: After review of further documentation, Dr. Anchors moved, Dr. Wren seconded and the Board voted not to reconsider its May 2004 decision of denial of application for licensure. Application remains denied.

Dr. Patterson moved, Dr. Wren seconded and the Board voted to approve Chiropractic applications for licensure determined to have met licensure requirements as follows:

License No.	Name	Issue Date
CHIR007643	Daugherty, Angela M.	5/13/2004
CHIR007644	Ertle, John Michael	5/13/2004
CHIR007645	Graddy, Sharon	5/13/2004
CHIR007646	Butler, Bobby Edward	5/13/2004
CHIR007647	Capobianco, Michael Anthony	5/13/2004
CHIR007648	Mullican, Morgan Paul	5/13/2004
CHIR007649	Shaw, Joseph Michael, II	5/14/2004
CHIR007650	Headrick, Monique Roxanne	5/24/2004
CHIR007651	Dyer, Gretchen Marie	5/24/2004
CHIR007652	Sumner, J. Stephen	5/28/2004
CHIR007653	Grostit, Richard John	5/28/2004
CHIR007654	Morrow, Shaunna Tennise	5/28/2004
CHIR007655	Delfavero, Niklaus Andreas	5/28/2004
CHIR007656	Kim, Grace Meesook	6/1/2004
CHIR007657	Combs, W. Bradford	6/7/2004
CHIR007658	Murray, Keith Franklin	6/8/2004
CHIR007659	Eleonu, Ngozi	6/16/2004
CHIR007660	Payton, Shelia TaJuan	6/16/2004
CHIR007661	Serena, Bryan David	6/16/2004
CHIR007662	Rabah, Wajih Ismail	6/22/2004
CHIR007663	Johns, Robert Freeman, Jr	6/23/2004
CHIR007664	Krawczun, Lisa Mary	6/25/2004

CHIR007665	Wicklem, Douglas Lawrence	6/29/2004
CHIR007666	Gross, Timothy Alan	6/29/2004
CHIR007667	Larsen, Rachelle Annette	6/29/2004
CHIR007668	Carberry, Michael Christopher	6/29/2004
CHIR007669	Nesbitt, Amber Nola	6/29/2004
CHIR007670	Park, Leeseob	6/29/2004
CHIR007671	Sandy, Loretta Frances	7/6/2004
CHIR007672	Ryan, Timothy James	7/8/2004
CHIR007673	Forth, Amy Louise	7/8/2004
CHIR007674	Leichtner, Douglas Keith	7/8/2004
CHIR007675	Briggs, Brian Michael	7/8/2004
CHIR007676	Welsh, Kristen Marie	7/8/2004
CHIR007677	Staiano, Anthony Harold	7/8/2004
CHIR007678	Harper, Heather Marie	7/8/2004
CHIR007679	Goodbread, James Lenox	7/8/2004
CHIR007680	Evans, Branden Tyrone	7/8/2004
CHIR007681	Gattuso, Cecilia Danielle	7/8/2004

Dr. Patterson moved and Dr. Wren seconded and the Board voted to approve applications for reinstatement determined to have met reinstatement requirements as follows:

Name	License No.	Issue Date
Albano, Anthony F.	CHIR006599	5/13/2004
Scampole, James Jay	CHIR002474	5/13/2004
Banguilan, Tony L.	CHIR006452	6/8/2004

Dr. Patterson moved and Dr. Wren seconded and the Board voted to approve applications for reactivation determined to have met reactivation requirements as follows:

Name	License No.	Issue Date
Duverney, Keith B.	CHIR006621	6/16/2004

POLICY: APPLICATIONS FOR LICENSURE: Dr. Patterson moved, Dr. Anchors seconded and the Board voted to continue processing applications for licensure if a single misdemeanor conviction was completed 5 years or longer from the date of application or if convictions were for minor traffic offenses, DUI/DWI are not minor traffic offense. Applications with more than one misdemeanor conviction or a felony conviction can not be administratively processed.

Elections of Officers:

Dr. Anchors moved and Dr. Patterson seconded and the Board voted to elect the following officers for the ensuing year:

President: David Wren
Vice President: James Anchors

There being no further business to come before the Board, the meeting was adjourned at 4:40 p.m.

Minutes prepared by: Yvonne LeSane, Board Secretary

Reviewed/Edited by: Jacqueline A. Hightower, Executive Director

Patrick Sallarulo, D.C.
Board President

Mollie L. Fleeman
Division Director