

GEORGIA STATE BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Friday, September 22, 2017 – 9:00 a.m.

The Georgia State Board of Chiropractic Examiners met on Friday, September 22, 2017. 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

Board Members Not Present

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

Attorney General's Office Present

D. Williams-McNeely, Senior Assistant Attorney General

Visitors Present

Valerie Smith, Executive Director, Georgia Chiropractic Association (GCA)

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

OPEN SESSION

Agenda The Board accepted the agenda as presented.

Open Session Minutes

1. July 14, 2017 Board Teleconference Minutes

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to approve the July 14, 2017 open session Board teleconference minutes as presented.

2. July 21, 2017 Board Meeting Minutes

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to approve the July 21, 2017 open session Board meeting minutes as presented.

3. August 4, 2017 Investigative Committee Minutes

Dr. Watkins motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to approve the August 4, 2017 investigative committee minutes as presented.

Licenses to Ratify July 14, 2017 – September 15, 2017 Ratification List – Modalities & Reinstatements

Dr. Alpert motioned, Dr. Krantz 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 – Chiropractic Graduates Observing Licensed Chiropractors – Dr. Wendy Maneri, DC

Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to notify the writer that the administrative staff nor the Board members themselves are able to interpret Georgia law and rules for any third party and to consult legal counsel of their choosing to assist them in an interpretation of the professions practice act, O.C.G.A. § 43-9 and to refer the writer specifically to O.C.G.A. § 43-9-17.

Correspondence – American Chiropractic Association Georgia – ACCR Survey

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to notify the writer that the administrative staff nor the Board members themselves are able to interpret Georgia law and rules for any third party and to consult legal counsel of their choosing to assist them in an interpretation of the professions practice act, O.C.G.A. § 43-9.

Correspondence – Does the Board Allow Bio-Electric-Energy-Regulation – Chiropractic Physicians Board of NV

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to notify the writer that the administrative staff nor the Board members themselves are able to interpret Georgia law and rules for any third party and to consult legal counsel of their choosing to assist them in an interpretation of the professions practice act and refer the writer to O.C.G.A. § 43-9-1(2) & (3).

Discussion – FCLB

1. DCs Included in FAA BasicMed Flight Physical Program
2. Copies of FAA BasicMed Responses
3. BasicMed Checklist – Form 8700-2

The Board accepts the correspondence in reference to BasicMed as information.

4. Extracorporeal Shock Wave Therapy

Dr. Wren motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to notify FCLB that the administrative staff nor the Board members themselves are able to interpret Georgia law and rules for any third party and to consult legal counsel of their choosing to assist them in an interpretation of the professions practice act, O.C.G.A. § 43-9.

5. Conference Invitation

Dr. Wren motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to send notification to decline the conference invitation and allow Ms. Price to investigate the availability of waiver programs for future conferences.

Discussion – NBCE November 2017 Part IV Practical Examination Participation

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion for Staff to send NCBE notification that Dr. Mary Watkins, D.C. and Dr. Robert Alpert, D.C. will be the Board delegates who will participate.

Discussion – Notice of Disclosure of Interests – Dr. Alpert, D.C.

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer the Notice of Disclosure of Interests form to the Attorney General’s Office for a Memorandum of Authority.

Reconsideration – Open Records Request for Multiple Clinics

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to rescind the previous motion from the July 21, 2017 Board meeting on the open records request for multiple clinics and to refer the request to Legal Services to respond that the Board does not have a current approved form, but the development of the form is in the process of being finalized and that the Board does not approve business entities.

2018 Chiropractic Examiners Board Meeting Dates

Macon, GA	Friday, January 12, 2018	09:00 a.m.
Macon, GA	Friday, March 2, 2018	09:00 a.m.
Macon, GA	Friday, May 18, 2018	09:00 a.m.
Macon, GA	Friday, July 20, 2018	09:00 a.m.
Macon, GA	Friday, September 7, 2018	09:00 a.m.
Macon, GA	Friday, November 2, 2018	09:00 a.m.

2018 Chiropractic Examiners Investigative Committee Meeting Dates

Macon, GA	Friday, February 2, 2018	09:00 a.m.
Macon, GA	Friday, April 6, 2018	09:00 a.m.
Macon, GA	Friday, June 1, 2018	09:00 a.m.

Macon, GA	Friday, August 3, 2018	09:00 a.m.
Macon, GA	Friday, October 5, 2018	09:00 a.m.
Macon, GA	Friday, November 30, 2018	09:00 a.m.

Dr. Krantz motioned, Dr. Alpert seconded, and the Board voted unanimously in favor of the motion accept the 2018 Georgia Board of Chiropractic Examiners Board meeting dates and Investigative Committee meeting dates as amended.

Board Member Elections

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to table the Board member elections until the November 3, 2017 Board meeting.

Executive Director's Report – A. Price

The Executive Director's report presented the Board with statistical data relevant to the processing of applications, the number of active and inactive licensees and complaints/compliance matters. In an effort to answer questions concerning the processing of complaints, Ms. Price notified the Board that updated slides on complaint processing statistics have been added to the Board presentation for their Georgia Law course and it includes the detailed breakdown of complaint categories and the time taken to resolve complaints.

Ms. Price made a correction to the July 21, 2017 Executive Director Report. She stated that the report appeared to indicate the Board had received 44 complaints from the start of the fiscal year (July 1, 2017) to the date of the report which was July 12, 2017. Ms. Price clarified that the date range entered which resulted in that number was incorrect. The actual number of complaints received from July 1, 2017 to July 12, 2017 was zero (0).

Ms. Price brought to the Board's attention that they may want to consider developing a Board Rule to address licensure during declared natural disasters and emergencies. Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to assign the development of this Board Rule to Dr. Alpert.

Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the Executive Director's Report as presented.

Board President's Report – Dr. M. Watkins, D.C.

No report was presented.

Miscellaneous Discussion

1. GCA Fall Conference

Ms. Smith invited Board members to attend the GCA Fall Conference that will be held October 20-22, 2017 at the Westin Atlanta Perimeter.

2. Board Letter to CCE Chiropractic Schools

Dr. Krantz explained that he has a concern for accredited Chiropractic schools who have a policy on remote practice. He stated his concern comes from the viewpoint of chiropractic standard of care. Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion for Dr. Krantz to send a blanket letter to all CCE chiropractic colleges regarding this practice on behalf of the Georgia Board of Chiropractic Examiners.

Dr. Krantz motioned, Dr. Alpert 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. Mary Watkins, Dr. Andrew Krantz, Dr. David Wren and Dr. Robert Alpert.

At the conclusion of Executive Session of Friday, September 22, 2017, 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

Executive Session Minutes

1. July 14, 2017 Executive Board Teleconference Minutes
2. July 21, 2017 Executive Session Minutes
3. August 4, 2017 Executive Investigative Committee Minutes

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to approve the July 14, 2017 executive session Board teleconference minutes, the July 21, 2017 executive session Board meeting minutes and the August 4, 2017 executive session investigative committee minutes as presented.

Attorney General's Office Report – D. Williams-McNeely

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to accept the Attorney General's report as presented.

1. Board Rule 100-12-.01 Approved Chiropractic Schools or Colleges

The Board voted to post Board Rule 100-12-.01 Approved Chiropractic Schools or Colleges as amended.

Rule 100-12-.01. Approved Chiropractic Schools or Colleges

(1) The Board shall ~~maintain a list~~ accept graduates of chiropractic schools and colleges accredited by the Council on Chiropractic Education (CCE) ~~that are approved by the Board.~~

(2) As required by the Council on Chiropractic Education, all faculty of Board approved chiropractic schools and colleges must possess a Doctor of Chiropractic degree or a related first professional degree that has been earned from a college or university accredited by an accrediting body recognized by the U. S. Secretary of Education or its foreign equivalent.

(3) The Board's list of approved ~~CCE~~ foreign chiropractic schools and colleges ~~is~~ presently ~~comprised of~~ includes the following ~~American and~~ foreign institutions:

~~(a) Approved chiropractic colleges in the United States:~~

~~Cleveland Chiropractic College – KC~~

~~6401 Rockhill Road~~

~~Kansas City, MO 64131~~

~~Cleveland Chiropractic College – LA~~

~~590 North Vermont Avenue~~

~~Los Angeles, CA 90004~~

~~D'Youville College~~

~~320 Porter Ave.~~

~~Buffalo, NY 14201~~

~~Life Chiropractic College~~

~~1269 Barelay Circle~~

~~Marietta, GA 30060~~

~~Life-Chiropractic College—West~~

~~2005 Via Barnett, P.O. Box 367~~

~~San Lorenzo, CA 94580~~

~~Logan College of Chiropractic~~

~~1851 Schoettler Road, P.O. Box 1065~~

~~Chesterfield, MO 63006-1065~~

~~Los Angeles College of Chiropractic~~

~~16200 East Amber Valley Drive, P.O. Box 1452~~

~~Whittier, CA 90609-1166~~

~~National University of Health Sciences~~

~~200 East Roosevelt Road~~

~~Lombard, IL 60148-4583~~

~~New York College of Chiropractic~~

~~2360 State Rte. 89, P.O. Box 800~~

~~Seneca Falls, NY 13148-0800~~

~~Northwestern College of Chiropractic~~

~~2501 West 84th Street~~

~~Bloomington, MN 55431~~

~~Palmer College of Chiropractic~~

~~1000 Brady Street~~

~~Davenport, LA 52803~~

~~Palmer College of Chiropractic—West~~

~~90 E. Tasman Drive~~

~~San Jose, CA 95134~~

~~Parker College of Chiropractic~~

~~2500 Walnut Hill Lane~~

~~Dallas, TX 75229~~

~~Palmer College of Chiropractic~~

~~4777 City Center Pkwy.~~

~~Port Orange, FL 32129~~

~~Sherman College of Straight Chiropractic~~

~~2020 Springfield Road, P.O. Box 1452~~

~~Spartanburg, SC 29304~~

~~Texas Chiropractic College~~

~~5912 Spencer Highway~~

~~Pasadena, TX 77505~~

~~University of Bridgeport~~

~~College of Chiropractic~~

~~Bridgeport, CT 06601~~

~~Western States Chiropractic College~~

~~2900 Northeast 132nd Avenue~~

~~Portland, OR 97230~~

~~(b) Approved Foreign Chiropractic Colleges:~~

(a) Anglo-European College of Chiropractic

13/15 Parkwood Road

Bournemouth, Dorset ENGLAND BH5 2DF

(b) Canadian Memorial Chiropractic College

1900 Bayview Avenue

Toronto, Ontario CANADA M4G 3E6

(c) Macquarie University

Chiropractic Program

Centre for Chiropractic and Osteopathy

P.O. Box 178

Summerhill, New South Wales, AUSTRALIA 2130

(d) Royal Melbourne Institute of Technology

School of Chiropractic and Osteopathy

Plenty Road, P.O. Box 96

Bundoora, Victoria, AUSTRALIA 3083

(4) The failure of any of these schools or colleges to maintain accreditation from the Council on Chiropractic Education or a Board approved successor, if any, or to comply with the rules and regulations established by the Board shall be grounds for removal from the Board's approved list.

Cite as Ga. Comp. R. & Regs. R. 100-12-.01

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

History. Original Rule entitled "Approved Chiropractic Schools or Colleges" adopted. F. Jan. 22, 1996; eff. Feb. 11, 1996.

Repealed: New Rule of same title adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.

Repealed: New Rule of same title adopted. F. Feb. 22, 2008; eff. Mar. 13, 2008.

Legal Services

1. MEMO CHIR170021

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to amend the previous motion and extend the time to pay fine to nine (9) months with payments to be made in equal monthly installments.

Investigative Committee Report – Dr. Krantz

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

- CHIR170039** Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure with a fine of \$1000 due within 90 days of docketing, three (3) years' probation and flag for CE audit.
- CHIR130036** Terminate probation and return license to active status.
- CHIR160068** Close the case with no action.
- CHIR170001** Close the case with a Letter of Concern regarding Georgia Law and Ethics.
- CHIR170042** Close the case with a Letter of Concern regarding the release of patient records in accordance with O.C.G.A. § 31-33-2(2).
- CHIR170045** Refer to Attorney General's Office for a Voluntary Surrender or Hearing of Revocation.
- CHIR180002** Open complaint, request list of patient names, order records under hand-served subpoena due within 10 days of service, schedule an Investigative Interview.

Applications

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.

Applicant 2682587 Issue the license.

Reinstatements

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.

Applicant 2683175 Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure with a fine of \$1000 for unlicensed practice from January 1, 2017 – July 6, 2017 to be paid in full prior to Reinstatement of Licensure with three (3) years' probation. Licensee will be required to renew license by December 31 of even numbered years, regardless of when the license is reinstated. CE hours submitted to satisfy the terms of the order cannot be used towards the 2018 renewal biennium.

- Applicant 2674390** Notify the applicant that they must submit proof of passing the Special Purposes Examination for Chiropractic (SPEC) or successful completion of a refresher course taken at an accredited chiropractic college or university. Upon submission of proof of passing the exam or course, reinstate the license.
- Applicant 2682355** Table pending submission of proof of additional 20 hours of required CE and if courses submitted follow CE requirements for reinstatement, reinstate license.
- Applicant 2652982** Reinstate the license.
- Applicant 2652433** Schedule an Investigative Interview.
- Applicant 2670837** Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure for unlicensed practice from January 1, 2017 – April 28, 2017 with a fine of \$1,000 to be paid in full prior to Reinstatement of Licensure and three (3) years' probation. CE hours submitted to satisfy the terms of the order cannot be used towards the 2018 renewal biennium.
- Applicant 2682581** Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure with a fine of \$1000 for unlicensed practice from January 1, 2017 – July 3, 2017 to be paid in full prior to Reinstatement and three (3) years' probation. Licensee will be required to renew license by December 31 of even numbered years, regardless of when the license is reinstated. CE hours submitted to satisfy the terms of the order cannot be used towards the 2018 renewal biennium.

Renewals

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.

- Applicant 1740945** Refer to Legal Services for a Public Consent Order for Renewal of Licensure with a fine of \$500 for failure to complete continuing education requirements in accordance with BR 100-5-.02. The seven (7) CE hours obtained in 2017 to complete renewal requirement for the 2014 – 2016 biennium per Board Rule 100-5-.02 cannot be used towards the 2018 renewal biennium.
- Applicant 161509** Dr. Krantz recused himself from voting on a decision regarding license renewal in this case. Due to the recusal, the Board could not establish a quorum by which to vote on a licensure decision in this matter. As a result, Dr. Alpert entered a motion that a decision on this application for renewal of licensure be tabled until the next meeting when a quorum of voting members of the Board may be present. Dr. Wren seconded and the motion carried unanimously.

Miscellaneous Executive Discussion

1. Network Tiered Insurance Plans

Dr. Watkins indicated her concerns regarding the evaluation tools used by insurance companies to determine which the reimbursement tiers for the care provided by chiropractors, as it appears to can have a negative impact on the standard of care and public safety. She reported that insurance companies are penalizing chiropractors by decreasing the tier they qualify for if the chiropractic care exceeds what the insurance company has determined to be an established guideline for that particular treatment. She remarked that chiropractors are scored on the number of patients treated, dates of treatment per patient, number of modalities used per day and exam and x-ray studies per patient. She stated that she is afraid that these practices promote a lesser standard of care.

Ms. Williams-McNeely pointed out that chiropractors sign contracts with insurance companies agreeing to their rules and guidelines, which determine the payment tiers. These tiers come from highly researched insurance company studies conducted on the specific topics addressed. If the chiropractor determines that the standard of care

is diminished by those practices, then the chiropractor may opt not to terminate their agreement with the insurance company and continue to practice within the minimum reasonable standards of care.

Ms. Price added that the chiropractor's treatment plan should also reflect the recommended treatment, and of that treatment, what is specifically covered by the patient's insurance as well as the treatment options that will be the patient's responsibility. If the chiropractor recommends a treatment that the insurance company will not allow, it should be adequately documented in the patient record and the patient should be fully informed so that they may advocate for themselves with the insurance companies.

2. National Association of Attorneys General (NAAG) Substance Abuse Newsletter September 2017

Dr. Watkins wanted to make Board members aware of a recent newsletter she received from NAAG concerning opioid addiction. She said in the newsletter, NAAG stated it has sent a letter to America's Health Insurance Plans (AHIP), asking its insurance company members to review payment and coverage policies and revise them, as necessary and appropriate, to encourage healthcare providers' use of non-opioid pain management options over opioid prescriptions for treatment of chronic and non-cancer related pain. Dr. Watkins reported that NAAG feels insurance management choices should encourage the exploration and prescription of effective non-opioid alternatives, ranging from non-opioid medications such as nonsteroidal anti-inflammatory drugs (NSAIDs) to physical therapy, acupuncture, massage, and chiropractic care.

3. Board Approval of Online CE Courses on Georgia Law

Dr. Wren addressed the topic of online CE course approval requests, specifically referencing the applications received on Georgia Law. He expressed concern that national organizations teaching these courses might be presenting information that is not current and requested the Board's guidance on how to approach these applications. After some discussion, it was the consensus of the Board for Dr. Wren to start requesting more details on what statutes and rules are actually covered in the GA Law courses.

Adjournment With there being no additional business to discuss, the meeting adjourned at 12:54 p.m.

Minutes recorded by:	Michelle Foster, Board Support Specialist
Minutes reviewed and edited by:	Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on:	November 3, 2017

DR. MARY WATKINS, D.C.
BOARD CHAIR

MS. ADRIENNE PRICE
EXECUTIVE DIRECTOR