

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Friday, March 2, 2018 – 9:00 a.m.

The Georgia Board of Chiropractic Examiners met on Friday, March 2, 2018. The following members were present:

Board Members Present

Dr. Andrew Krantz, D.C., Vice Chair
Dr. David Wren, D.C., Board Member
Dr. Robert Alpert, D.C., Board Member
Emily Campbell, Consumer Member (via teleconference)

Administrative Staff Present

Adrienne Price, Executive Director
Michelle Foster, Board Support Specialist

Board Members Not Present

Dr. Mary Watkins, D.C., Chairperson
Dr. Joe Krzemien, D.C., Board Member

Attorney General's Office Present

D. Williams-McNeely, Senior Assistant Attorney General

Administrative Staff Absent

Kathy Osier, Licensing Supervisor

Visitors Present

Valerie Smith, Executive Director, Georgia Chiropractic Association (GCA)
Dr. Paul Powers, D.C., ChiroCredit.com
Kristi Hellenbrand, D.C., Natural Living Chiropractic, LLC
Nazir Mousselli, D.C., Atlanta Spine Clinic

Call To Order: Dr. Krantz established a quorum of the Board was present called the meeting to order at 9:08 a.m.

OPEN SESSION

Agenda

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to accept the agenda as presented.

Open Session Minutes

1. January 12, 2018 Board Meeting Minutes

Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to approve the January 12, 2018 open session Board meeting minutes as presented.

2. February 2, 2018 Investigative Committee Minutes

Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to approve the February 2, 2018 open session investigative committee meeting minutes as presented.

Licenses to Ratify January 5, 2018 – February 23, 2018 Ratification List – Modalities & Reinstatements

Dr. Alpert motioned, Dr. Wren 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 Assistant X-Ray Course – Katrine Frazier, Executive Director of GCC

Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to refer the writer to the Department of Community Health and to Georgia Department of Human Services Regulation 290-5-22-.04. *X-rays in the Healing Arts*. Additionally, inform the writer that the Georgia Chiropractic Association and Life University offer an x-ray course for Chiropractic Assistants.

Correspondence - Letter of Request from Rep Rick Williams Regarding Licensee Probation

Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to notify the writer that the statutes provide for the use of the term, “probation” [O.C.G.A. §§ 43-1-19(e); 43-9-12(a)(11)(D)(d)(7)(e)]; however, the Board thanks the writer for their comments and will take them under consideration.

Correspondence – Clarification of Board Rule 100-4-.01 – Dr. Leanne Cupon

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 the legal counsel of their choosing to assist them in an interpretation of the Board Rule - or if the writer feels that a licensee has violated the Board rules, to please submit a detailed complaint for the Board to consider.

Correspondence – Dry Needling – Tasmin Fanning

Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to refer the writer to the Georgia Chiropractic Association who is in discussions about addressing the topic with the state legislature next year. Further inform the writer that the role of the Board is to protect the health, safety and welfare of the public and not the special interests of chiropractors for that is the role of a lobbyist or a trade group.

Correspondence – State Reporting LLC CE Reporting/Monitoring Service – Timothy Bell

Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to notify the writer the Board has reviewed the information submitted and has requested a brief presentation during the next scheduled Board meeting.

Discussion – Georgia Motion to Blanket Approve CE Courses 2015 to 2017 – Dr. Paul Powers, DC, DABCN – ChiroCredit.com

Dr. Powers presented the Board with information regarding his petition for blanket approval of CE courses for 2015 – 2017 from Chiropractic Colleges and/or schools accredited by the Commission on Chiropractic Education. He stated prior to the change in Policy #17, those programs were previously awarded blanket approval to provide continuing education programs on topics which fall within the current scope of practice in. Dr. Powers indicated that his program was not aware of the change in the policy which required an application for approval and he does not wish to risk their CE hours being rejected by the Board on the basis that an application had not been submitted for approval. The Board tabled the matter for further discussion during Executive Session to consult with counsel.

Discussion – Designation of NBCE May Part IV Practical Examination Nominees

1. NBCE May 2018 Part IV Nomination Form

Dr. Wren motioned, Ms. Campbell seconded and the Board voted unanimously in favor of the motion to appoint Dr. Alpert to represent the Board as an examiner at the NBCE May Part IV Practical Examination in May 2018.

Executive Director’s Report – A. Price

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.

Ms. Price reported that since the last meeting, the NBCE submitted its Delegate Designation Form to the Board. Based on the Board’s past statements regarding participation in the Annual Meeting, staff submitted an inquiry to NBCE to determine if there was a waiver or voucher program for which Board Members could apply to assist them with expenses for attending the meeting. There was no response to date. Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to submit a resolution to NBCE to reimburse Board members for expenses for attending the meeting.

Ms. Price then gave an update on the status of the pre-filed bills and resolutions of the Georgia General Assembly that have the potential to affect the business of the Board.

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 presented.

Miscellaneous Discussion

1. HB915

Valerie Smith updated the Board on HB915 which is the amendments to the Massage Therapy Practice Act. She stated that Dr. Mary Watkins, D.C., testified in opposition of HB915 on the basis that the new language seemed to allow massage therapists to perform manipulations. She indicated that her testimony helped to stop the progression of the bill. Ms. Smith concluded by thanking Dr. Watkins, Dr. Wren and Dr. Alpert for being present for Chiropractic Day at the Capital.

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. Andrew Krantz, Dr. David Wren, Dr. Robert Alpert and Ms. Emily Campbell.

At the conclusion of Executive Session of Friday, March 2, 2018, 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

Emily Campbell Left the meeting at 10:11 a.m. leaving a Committee of the Board. The Board resumed discussions of Executive Session agenda items as a Committee of the Board.

Emily Campbell joined the meeting at 12:36 p.m. establishing a quorum.

Executive Session Minutes

- 1. January 12, 2018 Executive Board Meeting Minutes**
- 2. February 2, 2018 Executive Investigative Committee Minutes**

Dr. Wren motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to accept the January 12, 2018 executive session Board meeting minutes and the February 2, 2018 executive session investigative committee minutes as presented.

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

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

Legal Services

1. LEGAL MEMO CHIR170022

Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General's Office for hearing or Public Consent Order for Suspension of Licensure until such time that the Respondent has submitted evidence of having satisfied the terms of original order.

Investigative Committee Report – Dr. A. Krantz, D.C.

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.

- CHIR180006** Dr. Wren motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to send notification to Respondents and their attorney of the Board's decision to request that proof of compliance with all advertising rules and laws by April 15, 2018.
- CHIR110076** Table for next Board meeting.
- CHIR130068** Terminate Probation.
- CHIR170006** Authorize the Respondent to take the EBAS exam. Must pass by August 1, 2018.

- CHIR180004** Send a Mitigating Circumstances Letter to the respondent requesting the completion of the following CE: one (1) hour of GA Law and four (4) hours of Ethics and two (2) hours of Boundaries due within six (6) months. CE obtained may not be applied toward future renewals.
- CHIR180005** Close the case.
- CHIR180020** Schedule an Investigative Interview.
- CHIR180023** Table the case pending proof of completion of criminal probation.
- CHIR180024** Close the case.
- CHIR180025** Close the case.
- CHIR180026** Schedule an Investigative Interview.
- CHIR180031** Table pending receipt of Police Report and copy of the indictment.

Ratification List of Orders Issued by Policy

Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to ratify the list of Board Orders issued in accordance with Board Rules and Policies between meetings.

Miscellaneous Executive Discussions

1. CE Provider Blanket Approval

- a) Board Policy # 17
- b) Board Rule 100-5-.04 Application for Approval and Responsibilities of Providers

Dr. Wren motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to grant blanket approval of all CE courses offered between 2015 – 2017 by Chiropractic Colleges and/or schools accredited by the Commission on Chiropractic Education (CCE) that were within the current scope of chiropractic practice in Georgia. In addition, send a notification to all CCE accredited schools regarding Board decision.

Dr. Wren motioned, Ms. Campbell seconded and the Board voted unanimously in favor of the motion to refer Board Rule 100-5-.04 Application for Approval and Responsibilities of Providers to revise.

- 2. CHIR160018** Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to terminate probation.
- 3. CHIR140054** Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to terminate the terms of supervision only.
- 4. CHIR110076** Dr. Wren motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to table discussion for the next Board meeting.
- 5. GA Law Exam** Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to review the GA Law Exam in Executive Session during the next board meeting.

Applications

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.

- Application 2680407** Issue the license.
- Application 2713493** Request proof of termination of criminal probation and upon submission, issue license with a Letter of Concern regarding criminal history.

Reinstatements

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.

- Application 2700011** Reinstate the license.

Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to review the Law Exam questions at the next Board meeting.

- Application 2712948** Refer to Legal Services for a Public Consent Order with a fine of \$1000 for unlicensed practice from January 1, 2017 – January 22, 2018 and three years’ probation.
- Application 2716588** Reinstate license with a Letter of Concern regarding compliance with Board Rule 100-5-.01.
- Application 2718280** Applicant must complete a number of classes/courses at a CCE accredited chiropractic college in compliance Board Policy #14 prior to the expiration of the application. Upon completion, the license may be issued if all other requirements are met.

Adjournment With there being no additional business to discuss, the meeting adjourned at 12:48 p.m.

Minutes recorded by: Michelle Foster, Board Support Specialist
Minutes reviewed and edited by: Adrienne Price, Executive Director
Minutes approved on: May 18, 2018

DR. MARY WATKINS, D.C.
BOARD CHAIR

MS. ADRIENNE PRICE
EXECUTIVE DIRECTOR