

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Friday, May 18, 2018 – 9:00 a.m.

The Georgia Board of Chiropractic Examiners met on Friday, May 18, 2018. 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. Joe Krzemien, D.C., Board Member
Dr. David Wren, D.C., Board Member

Administrative Staff Present

Adrienne Price, Executive Director (via teleconference)
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

Emily Campbell, Consumer Member

Visitors Present

Valerie Smith, Executive Director, Georgia Chiropractic Association (GCA)
Bianca Oldershaw
Leigh Anne Lowery
Josh Lowery
Mike Melvin
Tim Bell

Call To Order: Dr. Watkins established a quorum of the Board was present called the meeting to order at 9:14 a.m.

OPEN SESSION

Agenda The Board accepted the agenda as presented.

Open Session Minutes

1. January 12, 2018 Board Meeting Minutes

Dr. Krantz motioned, Dr. Alpert 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. March 2, 2018 Board Meeting Minutes

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

3. March 23, 2018 Investigative Committee Minutes

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to approve the March 23, 2018 open session investigative committee meeting minutes as presented.

Licenses to Ratify February 23, 2018 – May 11, 2018 Ratification List – 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 – Pre-Participation Sport Physicals for High School Students – Ashia Rallings, DC

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer the writer to O.C.G.A. § 43-9-16(d) Scope of Practice and recommend that the writer contact their state association for additional information.

Correspondence – Affiliated Monitors, Inc. – Vincent DiCianni

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to table the discussion to request additional information regarding the cost to those being monitored and details on how the system works.

Correspondence – Use of Degree Designations – Robert G DeBease, D

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to refer the writer to Board Rule 100-4-.02 Diplomate Status and Certifications and notify the writer that the administrative staff nor the Board members themselves are able to interpret Georgia law and rules for any third party. The Board recommends that the writer consult legal counsel of their choosing to assist them.

Discussion – CE Provider Applications

1. ChiroCredit Course – Physical Therapy 101 – 107 – Dr. Paul D Powers, DC, DABCN

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to deny the CE Program Application and Approval Form on the basis that the course and title references “Physical Therapy” which is not consistent with the statutory requirements in the state of Georgia [O.C.G.A. § 43-9-16(b)].

2. National University of Health Sciences – Differential Diagnosis Interpretation Workshop – Dr. Jenna Glenn, DC, ND, MS

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to deny the CE Program Application and Approval Form on the basis that piercing of the skin is not within the scope of practice of chiropractic in the state of Georgia [O.C.G.A. § 43-9-16(f)]. The provider may resubmit the application if the provider can clearly delineate how many hours of the course involves venipuncture or blood work so that the Board may determine if such content is within the scope of practice in the state of Georgia and the number of hours that may be acceptable.

3. Eileen Herlihy-Santiago-University of Bridgeport - Fundamentals of Functional Blood Chemistry

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to table pending receipt and review of additional information from the course provider regarding whether the chiropractor is interpreting, referring, teaching or ordering bloodwork or venipuncture to chiropractors as piercing of the skin is not in the scope of practice for Chiropractors in the state of Georgia [O.C.G.A. § 43-9-16(f)].

Discussion - Board Rule 100-7-.01 Immoral and Unprofessional Conduct – Amended – 03222018

Table for Executive Session discussion.

Discussion – Board Rule 100-7-.04 Standards of Practice 17-09-005 Certificate of Active Supervision – DENIED

Table for Executive Session discussion.

Discussion – Rules Committee Report – Dr. Alpert, DC

1. Board Rule 100-5-.04 Application for Approval and Responsibilities of Providers

2. Board Policy 17 – Guidelines for Approval of Continuing Education Programs

3. Guidelines for Approval of Continuing Education Programs Proposed version 1 and 2

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to table the discussion pending additional information.

Dr. Krzemien motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to invite the Federation of Chiropractic Licensing Boards (FCLB) to provide a presentation at an upcoming Board meeting on PACE (Providers of Approved Continuing Education).

Guest Presentation – StateReporting.com, LLC – Timmothy Bell

Dr. Krzemien motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to notify the presenters that the Board is interested in the service; however, the Board has concerns regarding confidentiality and security as it relates to access and release of continuing education information. Such information is protected by the confidentiality provisions of O.C.G.A. § 42-1-2(k).

Discussion – National Board of Chiropractic Examiners (NBCE)

1. Part IV Nominations – November Testing Cycle

Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to appoint Dr. Watkins and Dr. Alpert to participate in the NBCE November Testing Cycle.

2. Salute to Retiring NBCE Director – Dr. Paul Morin, DC (ME) FYI

3. Dr. Craft, DC Receives Tulio Award FYI

4. Dr. LaRusso, DC Elected President FYI

5. NBCE - Elects Officers at Annual Meeting FYI

6. Launching Computer Based Testing

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

Discussion – Federation of Chiropractic Licensing Boards (FCLB)

1. 2018 FCLB Annual Conference – Dr. Alpert, DC & Adrienne Price

Dr. Alpert provided a report on the 2018 FCLB Annual Conference which took place in Dallas, Texas May 3-6, 2018. He indicated that he and Ms. Price were in attendance. He stated that the conference was beneficial and he appreciated the opportunity to participate. Ms. Price provided a brief summary of events which took place from the perspective of the Board Administrators. Dr. Watkins expressed gratitude to Dr. Alpert and Ms. Price for representing the Board.

2. FCLB Elections and Bylaws FYI

3. Conference Participation Letter to Governor Deal

The Board was in support of FCLB sending the conference participation letter to Governor Deal and accepted the additional correspondence in reference to FCLB as information.

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 the NBCE electronic transcript process is now active and in effect and that NBCE has been thanked many times by Board Staff for responding to this need so quickly. She indicated that the Executive Director of FCLB has stated that the resolution submitted by the Board requesting FCLB to cover the cost of registration, hotel accommodations and travel for a member board delegate and the Board administrator will be placed on the agenda for the May meeting of the FCLB Board of Directors. FCLB will keep the Board office posted. 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. Krantz 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 given.

Miscellaneous Discussion

Ms. Smith expressed concerns regarding what it would cost for GCA to go through the PACE approval. Ms. Price responded that GCA and any other CE Provider would not be required to go with PACE for board approval but would have that option if they intended to make the course available to chiropractors across the nation and feel that registering with PACE would benefit their individual organizations.

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

At the conclusion of Executive Session of Friday, May 18, 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

Scheduled Board Appointments

11:00 a.m. CHIR180032

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to amend the March 2, 2018 motion to remove the requirement to take and pass the Ethics & Boundaries Exam and in lieu of that requirement the Respondent must submit proof of completion of one (1) hour of continuing education in Georgia Law and four (4) hours of continuing education in Ethics & Boundaries. Proof of completion of all continuing education must be submitted within 60 days of the docket date of the order. CE hours submitted to satisfy the terms of the order cannot be used towards the 2018 renewal requirements. The term of probation and the fine are to remain as stated in the March 2, 2018 motion. Flag for CE audit.

Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer Policy 5 Guidelines for Reinstatement of Revoked/Expired License to Dr. Alpert for review and to propose amendments for the Board to consider during the next meeting.

Executive Session Minutes

- 1. January 12, 2018 Executive Board Meeting Minutes**
- 2. March 2, 2018 Executive Board Meeting Minutes**
- 3. March 23, 2018 Executive Investigative Committee Minutes**

Dr. Alpert motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to accept the January 12, 2018 executive session Board meeting minutes, the March 2, 2018 executive session Board meeting minutes and the March 23, 2018 executive session investigative committee meeting minutes as presented.

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

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

CHIR170022

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and refer to the Attorney General’s Office for a Hearing or Public Consent Order with a fine of \$500 due within 90 days or order docket date for failure to complete CE in accordance with BR 100-5-.02. Proof of completion of 22 hours of deficient CE, four (4) hours of which must be in person, and eight (8) hours in-person CE in Ethics, Risk Management or Georgia law must be submitted within 60 days of docketed date of order. CE hours submitted to satisfy the terms of the order cannot be used towards the 2018 renewal requirements. Flag for CE audit.

Discussion - Board Rule 100-7-.01 Immoral and Unprofessional Conduct – Amended – 03222018

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to table discussion for July 20, 2018 Board meeting.

Discussion – Board Rule 100-7-.04 Standards of Practice 17-09-005 Certificate of Active Supervision – DENIED

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to table discussion for July 20, 20178 Board meeting.

Bridge Training

The Board and staff received training on new software systems for the review of confidential information relevant to Applications and the Attorney General's, Cognizant, and Investigative Reports.

Legal Services

1. Request for Reconsideration

2. Case for Closure

CHIR170049 Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to refer to Attorney General's Office for a Hearing or Public Consent Order with a fine of \$500 for failure to complete CE in accordance with BR 100-5-.02. CE hours submitted to satisfy the requirements for the cycle ending December 31, 2016 cannot be used towards the 2018 renewal requirements. Flag for CE audit.

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

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

- CHIR180020** Close case with Letter of Concern regarding violation of BR 100-70.08.
CHIR180026 Refer to Investigations to determine if there has been any other complaints against Respondent concerning sexual misconduct/assault, interview the employees, obtain a certified copy of the police report regarding the marijuana oil.
CHIR170006 Grant the extension. Must submit proof of passing examination prior to August 1, 2018. If fail to do so, refer to Attorney General's Office for a Public Consent Order to suspend license in accordance with the terms of the docketed Consent Agreement March 1, 2017.
CHIR180019 Accept current advertisement as proof of having satisfied that term of the current Consent Agreement.
CHIR180034 Table until next IC meeting to allow Attorney General's Office time to research patients' rights regarding itemized billing statements.
CHIR180037 Table pending additional investigation.
CHIR180041 Close the case with no action.
CHIR180042 Table pending additional investigation.

Request to Terminate Probation

1. **CHIR130003** Dr. Alpert motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to approve request to terminate probation and restore license to active status.
2. **CHIR140054** Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to deny the request to terminate probation based on lack of information received from Florida PRN program. Petition to terminate probation must be submitted in compliance with requirements stated in Consent Order.

Miscellaneous Executive Discussion

1. Chiropractic Jurisprudence Exam

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to table discussion of the Chiropractic Jurisprudence Exam to refer to Dr. Alpert for review and to make recommendations to the full Board at the July 20, 2018 meeting.

2. Peer Reviewers Applications

Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to approve the following Peer Reviewer applications as discussed in Executive Session.

- a) Jay Vagno, DC **CHIR001707**
- b) John R. Dull, DC **CHIR001759**
- c) Joseph Ferstl, DC **CHIR001865**
- d) Thomas Coppelli, DC **CHIR002102**
- e) Joseph Cipriano, DC **CHIR002161**
- f) James Timothy Willis, DC **CHIR002245**

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| g) Mitchel Thacker, DC | CHIR002342 |
| h) Robert Alpert, DC | CHIR002677 |
| i) Gregory Talley, DC | CHIR002913 |
| j) Adam Rechtman, DC | CHIR005723 |
| k) Christopher Connelly, DC | CHIR005997 |
| l) Craig Pinkster, DC | CHIR006011 |

3. **CHIR180023** Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to close the case with a Letter of Concern regarding alcohol.
4. **CHIR180001** Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer to Attorney General’s Office for a Public Consent Order with a fine of \$500 to be paid within 90 days of the docket date of the order and the following terms and conditions: five (5) years’ probation, one (1) year of random monthly urine drug screens, submission of proof of completion of four (4) hours of in-person CE in Ethics & Boundaries and one (1) hour in-person CE in Georgia law, a chaperone must be present in exam room at all times whenever an examination or treatment is being given to a member of the opposite sex. The Board has authority to conduct inspections, which may include but are not limited to review of patient records, interviewing clients regarding care and/or issuing client surveys. Licensee must petition to terminate probation. Proof of completion of all continuing education must be submitted within 60 days of the docket date of the order. CE hours submitted to satisfy the terms of the order cannot be used towards the 2018 renewal requirements. Flag for CE audit.

Applications

- Application 2713504** Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to issue the license. Dr. Krantz recused himself from the vote.
- Application 2716722** Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to issue the license with Letter of Concern regarding criminal history.
- Application 2717708** Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to issue the license with Letter of Concern regarding criminal history.
- Application 2722834** Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to issue the license with Letter of Concern regarding criminal history.
- Application 163606** Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to table the Peer Reviewer application pending additional information regarding proof of training in accordance with BR 100-17-.01.
- Application 1198125** Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to approve the preceptorship.
- Application 2725841** Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to reinstate the license.

Adjournment With there being no additional business to discuss, the meeting adjourned at 2:39 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:	June 20, 2018

DR. MARY WATKINS, D.C.
BOARD CHAIR

MS. ADRIENNE PRICE
EXECUTIVE DIRECTOR