

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Friday, July 20, 2018 – 9:00 a.m.

The Georgia Board of Chiropractic Examiners met on Friday, July 20, 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
Kathy Osier, Licensing Supervisor
Michelle Hornaday, 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)

Call To Order: Dr. Watkins established a quorum of the Board was present called the meeting to order at 9:12 a.m.

OPEN SESSION

Agenda The Board accepted the agenda as amended.

Open Session Minutes

1. May 18, 2018 Board Meeting Minutes

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to approve the May 18, 2018 open session Board meeting minutes as presented.

2. June 1, 2018 Investigative Committee Minutes

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to approve the June 1, 2018 open session investigative committee meeting minutes as presented.

Licenses to Ratify May 11, 2018 – July 13, 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 – Office of the Governor – Letter of Commendation RE Dr. Alpert, DC & Ms. Price, ED

The Board accepts the correspondence in reference to the Letter of Commendation for Dr. Alpert and Ms. Price as information. Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to release the Letter of Commendation to the Georgia Chiropractic Association (GCA) as requested for posting in their newsletter.

Discussion – National Board of Chiropractic Examiners (NBCE) District V Newsletter

The Board accepts the NBCE District V Newsletter as information.

Discussion – Federation of Chiropractic Licensing Boards (FCLB) District V Meeting Draft Agenda – September 13-16, 2018 – West Palm Beach, FL

The Board accepts the notification regarding FCLB District V Meeting Draft Agenda as information.

Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to appoint Dr. Alpert as the Board delegate and Dr. Krantz as the alternate delegate for the FCLB District V meeting to take place September 13-16, 2018 in West Palm Beach, FL.

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to appoint Dr. Alpert as the Board delegate for the 2019 FCLB and NBCE Annual Meetings.

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion for Executive Director Price to apply for the LiewerCohen Grant to attend the 2019 FCLB and NBCE Annual Meetings.

Discussion – 2018 Affiliated Monitors, Inc. Healthcare Services Booklet

Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to table the discussion until the previously requested cost analysis is received.

Discussion – CE Broker

- 1. Overview – Shane Hall, CE Broker Director of Strategic Development**
- 2. Tracking Benefits**
- 3. FAQs**
- 4. Technical Proposal**
- 5. Partnership with Systems Automation**
- 6. Reference – Lola Pouncey, Bureau Chief, FLDH**

The Board reviewed the materials provided by representatives of CE Broker. Ms. Price acquainted the Board with the use of CE Broker as it relates to its use by other Healthcare Boards. She stated that the basic service is free to the licensee but with basic services acts as a repository only. The next two tiers have added benefits/options for which the licensee can subscribe for a fee. She continued that a CE monitoring system shortens the processing time for renewal applications and the audit component is more efficient. She stated that the current Board audit is 2%, but with a CE monitoring system, the Board could potentially implement a 100% audit. Ms. Price explained that with the paid tiers, the licensee receives notifications to receive alerts regarding deadlines and deficiencies as it relates to their continuing education requirements.

Dr. Wren motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to table the discussion in order for Ms. Price to contact CE Broker to determine if they would be willing to include the notifications feature with the basic service available to licensees in Georgia.

State Reporting.com

- 1. Response to GA BoCE**
- 2. Draft Statement of Work**
- 3. Master Services Agreement - GA BoCE**

The Board reviewed the materials provided by representatives of State Reporting.com. Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer the State Reporting CE Monitoring proposal to Legal Services to determine the feasibility of implementation under the legal requirements of the Secretary of State.

Discussion – CE Provider Applications

- 1. Nicol McFadden – University of Western States – Chiropractic Assistant Training Course**

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to deny the CE Provider Application as Chiropractic Assistants are not under the jurisdiction of the Board [O.C.G.A. § 43-9-7.2(1)].

- 2. Nicol McFadden – University of Western States – Patient Care in Radiography for the CA**

Dr. Alpert motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion deny the CE Provider Application as Chiropractic Assistants are not under the jurisdiction of the Board [O.C.G.A. § 43-9-7.2(1)].

- 3. Nicol McFadden – University of Western States – The Role of the Chiropractor in the Legal Process**

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to deny the CE Provider Application, as course materials do not fit the definitions in the Board rules under clinical science, in the areas of philosophy, documentation and risk management.

Discussion – Administrative Procedure Act Division Board Rule Effective Date Change

1. Board Rule 100-9-.01 [Effective 07/04/2018] Electrical and Therapeutic Modalities

2. Board Rule 100-12-.01 [Effective 06/19/2018] Approved Chiropractic Schools or Colleges

The Board accepts the information regarding the Administrative Procedure Act Division Board Rule Effective Date Changes as information.

Discussion – Remand of Policy 7 Guidelines for Continuing Education Renewals

Dr. Krzemien motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion for Dr. Alpert to revise Policy 7 and present his recommendations to the Board during the September 7, 2018 meeting.

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

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion for Dr. Alpert to revise Board Rule 100-7-.01 Immoral and Unprofessional Conduct and present his recommendations to the Board during the September 7, 2018 meeting.

Discussion – Board Rule 100-7-.04 Standards of Practice

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion for Dr. Alpert to revise Board Rule 100-7-.04 Standards of Practice and present his recommendations to the Board during the September 7, 2018 meeting.

Discussion – Release of Chiropractic Board CE Presentation – Valerie Smith, GCA

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to approve the release of the Chiropractic Board CE Presentation to the Georgia Chiropractic Association.

Discussion – Southern Chiropractic Conference 2018 (August 23rd - 26th) – Franklin, TN

The Board accepts the correspondence regarding Southern Chiropractic Conference 2018 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.

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to invite Russell Lewis, Chief Investigator, to come to the September 7, 2018 meeting to discuss the chiropractic cases currently with their section.

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

Guest Presentation – Providers of Approved Continuing Education (PACE) – Dr. Schwartzbauer, Executive Director

Dr. Schwartzbauer, FCLB Executive Director, and Kelly Webb, FCLB PACE Coordinator, provided the Board with a review and PowerPoint presentation regarding PACE to include statistics about the effect PACE programs have on patient care, the random, anonymous, in-person audits process of provider courses, and the requirements for CE Provider Applications.

Dr. Schwartzbauer explained that PACE providers would be required to comply with the scope of practice specifically in Georgia and that the Clinical Science category can be more strictly monitored. He noted that Texas has a Pre-Check Application to ensure courses comply with their scope of practice. Dr. Schwartzbauer further noted the benefits for chiropractors and the Boards that use PACE.

Dr. Krzemien motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion for Dr. Wren to review the Pre-Check Application and provide his findings to the Board during the next meeting.

Dr. Schwartzbauer then provided an update on the resolution submitted by the Board which requested that FCLB provide funding, to include registration, hotel accommodations and travel, for the Board Delegate and Board Administrator to attend the FCLB Annual and District Meetings. He stated that no definitive decision was made at the May meeting of the FCLB Board of Directors, but discussions pointed to the possibility of creating a future endowment and use the earnings from a recently created investment fund once the corpus reached a certain amount of money, and use it to establish grant opportunities for this purpose. He indicated that the possibility is now under review with the FCLB Investment Committee. He commended the Board for getting this very important conversation going.

Miscellaneous Discussion

1. Rules Committee Assignments:

- a) Board Policy 5 Guidelines for Reinstatement of Revoked/Expired License
- b) Revise BR 100-17-.01 Peer Reviewer as to include disciplinary provisions and requirement to submit evidence of meeting requirements annually.
- c) Review and revise the Chiropractic Jurisprudence Exam

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to table discussion of Policy 5, Board Rule 100-17-.01 Peer Reviewer and the Chiropractic Jurisprudence Exam until the September 7, 2018 Board meeting.

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

No report presented.

Miscellaneous Discussion

Dr. Wren recognized recent accomplishments by Valerie Smith, GCA Executive Director. He informed the Board she was appointed to serve on the membership committee of the Congress of Chiropractic State Associations (COCSA) due to the work done by GCA in reaching out to students at Life University. The Board expressed congratulations and noted that her achievements have led to the advancement of the profession.

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

At the conclusion of Executive Session of Friday, July 20, 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

Executive Session Minutes

1. May 18, 2018 Executive Board Meeting Minutes

2. June 1, 2018 Executive Investigative Committee Minutes

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to accept the May 18, 2018 executive session Board meeting minutes and the June 1, 2018 executive session investigative committee meeting minutes.

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.

Investigative Committee Report – A. Krantz

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

- CHIR160039** Close the case.
CHIR170050 Refer Respondent to Board Rule 100-2-.08 and notify Respondent that should an application be made for reinstatement, the compliance issues for this case will be addressed.
CHIR180026 Table action pending the proof of completion of four (4) hours of in-person Continuing Education in Risk Management to include course content in the area of Boundaries and one (1) additional hour in Georgia Law which must be submitted within six (6) months. Continuing Education used to satisfy terms may not be used for future renewals.
CHIR180029 Close the case.
CHIR180031 Table pending additional investigation.
CHIR180048 Schedule an Investigative Interview.
CHIR170041 Upon receipt of investigation materials, schedule Investigative Interview.
CHIR180003 Refer to Investigations.

Miscellaneous Executive Discussions

1. Request to Terminate Probation CHIR110076

Dr. Wren motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to accept the online CE for 2015, approve request to terminate probation and restore license to active status. Flag for CE audit.

2. Request to Terminate Probation CHIR140054

Dr. Krzemien motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to approve the request to terminate probation and restore license to active status. Flag for CE audit.

3. Request for Consideration CHIR989900070 & CHIR01100088

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to deny the request as it is not within Board's authority to expunge these records [O.C.G.A. § 43-9-6.1(7)].

4. Request to Terminate Probation CHIR150057

Dr. Krzemien motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to approve the request to terminate probation and restore license to active status. Flag for CE audit.

5. CHIR150030

Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to schedule an Investigative Interview.

Applications

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

- Application 2725124** Schedule an Investigative Interview.
Application 2723171 Issue license with Letter of Concern regarding disciplinary action by another jurisdiction and scope of practice in the state of Georgia
Application 2744842 Issue license with Letter of Concern regarding criminal history.

Preceptorships

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

- Application 1736349** Approve Preceptorship per Board Rule 100-8-.01 Scope of Practice of Chiropractic Students.

Application 1736351 Approve Preceptorship per Board Rule 100-8-.01 Scope of Practice of Chiropractic Students.

Reinstatements

Application 2738382 Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to schedule an Investigative Interview.

Dr. Alpert motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to amend the Reinstatement Application as discussed in Executive Session to clarify that for the purposes of reinstatement a total of 40 hours of CE are required in the areas of study and not 20 hours per year.

Application 2747971 Dr. Alpert motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to refer to Legal Services for a Public Consent Agreement for unlicensed practice from January 1, 2017 – June 27, 2018 with a fine of \$1,000 to be paid in full before reinstatement of license, three (3) years' probation, an additional four (4) hours of CE in Ethics and Boundaries and one (1) hour CE in GA law which cannot be applied toward future renewal requirements.

Adjournment With there being no additional business to discuss, the meeting adjourned at 1:02 p.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed and edited by: Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on: September 21, 2018

DR. MARY WATKINS, D.C.
BOARD CHAIR

MS. ADRIENNE PRICE
EXECUTIVE DIRECTOR