

**GEORGIA BOARD OF CHIROPRACTIC EXAMINERS**  
**Board Meeting Minutes**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, GA**  
**Friday, September 21, 2018 – 9:00 a.m.**

The Georgia Board of Chiropractic Examiners met on Friday, September 21, 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 9:08 a.m.

**OPEN SESSION**

**Agenda**           The Board accepted the agenda as amended.

**Open Session Minutes**

**1. July 20, 2018 Board Meeting Minutes**

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to approve the July 20, 2018 open session Board meeting minutes as presented.

**2. August 3, 2018 Investigative Committee Minutes**

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to approve the August 3, 2018 open session investigative committee meeting minutes as presented.

**Licenses to Ratify July 13, 2018 – September 14, 2018 – 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 – Questions Concerning Electrical and Therapeutic Modalities – Dr. Leanne Cupon, DC**

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 may not provide what is considered legal advice regarding scope of practice to any third party due to any potential and unforeseen legal ramifications of such Advice. As a result, it is suggested that the writer consult counsel of her choosing to assist her with interpreting the laws and rules regarding scope of practice., O.C.G.A. § 43-9. Additionally, notify the writer that the Board has not created a list; therefore, licensees must review the statutes and rules to determine if the modality and procedures are within the scope.

**Discussion – Affiliated Monitors – James Anliot**

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to notify the writer that the Board declines the offer at this time as the service is cost prohibitive.

### **Discussion – CE Broker Response to Board Inquiry on Auto Email Notifications**

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to initiate the process to utilize CE Broker as the online recording and reporting system for continuing education approved by the Board.

### **Discussion – CE Provider Applications**

#### **1. Re-Review**

##### **a) Motion for Reconsideration of PT 101 - 107 – Paul Powers, DC**

Dr. Alpert motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to uphold the previous motion to deny the course; however, the Board will reconsider if the providers submits a course with terminology consistent with Georgia law governing the practice of chiropractic.

##### **b) The Role of the Chiropractor in the Legal Process – University of Western States – Nicol McFadden**

Dr. Krzemien motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and approve the course under Chiropractic Medical/Legal area of study.

#### **2. Providers of Approved Continuing Education (PACE) Review**

##### **a) Texas PreCheck Course Submission Form**

Dr. Alpert motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to initiate the process to accept PACE approved courses using the PreCheck option.

##### **b) Federation of Chiropractic Licensing Boards (FCLB) Approved Credit Transcript from PACE**

The Board accepts the FCLB Approved Credit Transcript and information.

#### **3. For review: CE Program Application and Approval Form**

Dr. Alpert motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to approve the recommended revision to the CE Program Application and Approval Form.

### **Discussion – Rules Committee – R. Alpert, D.C.**

#### **1. Board Policy 5 Reinstatement of License**

Dr. Krzemien motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to accept the recommendations made from the Rules Committee with friendly amendments made during today's meeting to refer Board Policy 5 Reinstatement of License to the Governor's Office as amended.

The Board discussed the economic impact of Board Policy 5 Reinstatement of License upon licensees. Dr. Alpert motioned, Dr. Krzemien seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

### **Board Policy #5**

#### **Reinstatement Policy**

The Reinstatement Application is available on the ~~board's~~ Board's web-site at <http://sos.ga.gov/index.php/licensing/plb/14>.

~~nee the~~ ~~When a completed~~ reinstatement application is submitted with the required fee and all the supporting documents is complete, ~~have been submitted t~~ the board staff will conduct a review in accordance with the established laws, rules and policies of the Board. If the application is "clean," the staff may reinstate the license administratively, and issue the reinstatement for all individuals with a "clean" application. For the purposes of this Board, a "clean" application is an application which does not present with any information that may be considered a violation of federal, state and Board laws, rules and policies to include, but not limited to, a failure to complete CE requirements, unlicensed practice, arrests/convictions, disciplinary action in other states or jurisdictions, and/or questions concerning the authenticity and / or accuracy of documents or education.

~~Complete “clean” applications will be reinstated administratively. A list of the reinstated licensees will be presented to the board for ratification at the next board meeting. If reinstatement is granted, the license must be renewed by the last day of December in EVEN numbered years, regardless of when the license is reinstated. A list of the reinstated licensees will be presented to the Board for ratification at the next scheduled Board meeting. For purposes of this policy, a consent order is a legal binding document that becomes a permanent part of your licensure information.~~

The supporting documents required with the reinstatement application include:

- ~~○ CE hours – twenty (20) hours per year totaling forty (40) hours within the last two (2) years;~~
  - ~~▪ The CE hours used for reinstatement cannot be used to meet the CE requirements for the biennium for which the license is reinstated; and~~
- ~~○ Verification of licensure from all states in which the applicants holds or has ever held a license.~~

~~If Any reinstatement application which is not “clean” citing problems, (not having CE during last biennial renewal period, unlicensed practice, convictions, disciplinary action in other states, etc.) will be prepared for review have to be reviewed by the bBoard at during the next available bBoard meeting.~~

~~For licensees that state that they have not been practicing without a license since the date that the license lapsed are reinstated without a consent order.~~

~~For licensees that state that they have been practicing without a license since the date that the license lapsed are reinstated and the matter is referred to Legal Services for the following:~~

- ~~● public consent order citing the dates of the unlicensed practice,~~
- ~~● \$1,000 fine to be paid in full before the license will be reinstated,~~
- ~~● # of years probation to be determined by the Board,~~
- ~~● and the completion of the Ethics and Boundaries Examination administered by the National Board of Chiropractic Examiners within one year of the effective date of the order.~~

~~If reinstatement is granted, the license will be required to be renewed by the last day of December in EVEN numbered years, regardless of when the license is reinstated.~~

~~The implications of an individual licensee practicing without a license are far-reaching. Employers, employees, and/or associates working with any unlicensed person who is practicing engaging in the practice of chiropractic could be subject to disciplinary action for aiding & abetting unlicensed practice. Any ; Medicaid & Medicare charges and insurance billed submitted during any periods of unlicensed period practice may be subject to denial of reimbursement. If, if applicable, malpractice providers may not cover the individual engaged in unlicensed practice during the unlicensed period. As a result of the aforementioned implications, if unlicensed practice is identified during the application process, the Board may reinstate the license under the terms and conditions of an order. An order of the Board is legally binding and will become a permanent part of your licensure record.~~

\*Amended 02-2007

## **2. Board Policy 7 Guidelines for Continuing Education Renewals**

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to accept the recommendations made from the Rules Committee to include amendments made during today’s meeting and refer Board Policy 7 “Guidelines for Continuing Education Renewals” to the Governor’s Office as amended.

The Board discussed the economic impact of Board Policy 7 Guidelines for Continuing Education Renewals upon licensees. Dr. Alpert motioned, Dr. Krantz seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

### **Board Policy #7**

#### **Guidelines for Continuing Education Renewals**

##### **Renewal Policies**

Once a license expires on 12/31 of the even years, a chiropractor cannot practice until his/her license has been renewed.

### **Continuing Education for License Renewal**

Pursuant to Board Rule 100-5-.02, a chiropractor must obtain a minimum of twenty (20) hours of continuing education per annum. Of these twenty (20) hours, fifteen (15) hours must be in chiropractic clinical science and must be on a topic in compliance with the current scope of practice, four (4) hours must be in ethics or risk management, and one (1) hour must be in Georgia Law and Rules (NOTE: non-resident chiropractors, licensed but not practicing in Georgia, may take an additional hour of continuing education in the chiropractic clinical sciences or risk management in lieu of the required hour in Georgia Laws and Rules).

~~official~~ Official documentation is defined as documentation from an approved CCE – accredited college or school or an approved provider/vendor that verifies a licensee’s actual attendance, course content, hours earned, and date and times that a course is given. However, distance based learning courses offered via audio/visual electronic media, such as the internet, may be approved by the Board if the course meets the following criteria:

~~is~~-(a) The course must meet all of the requirements as cited in the ~~is~~-Rule.

(b) The program must be tested and time monitored to insure active participation by the licensee.

(c) ~~no more than twenty (20) hours~~ ~~per biennial period can be taken via audio/visual/electronic media, such as on-line/internet courses.~~

Checks for payment, hotel reservations, or copies of a course syllabus shall not serve as acceptable documentation.

### **CE Guidelines**

The following procedures/guidelines will apply when auditing licensees for compliance with continuing education requirements during a renewal cycle:

1) Licensees who are audited and are unable to document ~~CE compliance (20/20—twenty (20) hours of CE per biennial period~~ year in accordance with O.C.G.A. § 43-9-11 ) ~~[add statute address here for this requirement]~~ prior to the December 31<sup>st</sup> ~~deadline, but are able to do so prior to March 31st, will be renewed upon receipt of such documentation and payment of the late renewal fee. Their license will be lapsed and a reinstatement application is will be required.~~

2) ~~For A~~any licensee who does not respond to ~~the an~~ audit notice or ~~to a~~ deficiency notice and/or cannot provide proof of completion of CE, their license will revert to a “lapsed” status on April 1<sup>st</sup> and amust undergo the reinstatement application process and fee found under the fee schedule on the Board website will be required. If you engage in unlicensed practice has taken place while the license is has lapsed, you the license will be subject to disciplinary action upon reinstatement.

3) ~~If a chiropractor has obtained the required amount of continuing education, but not in the required time period and/or in the required subject area he/she may be renewed under:~~

1. ~~Public Consent Order~~

2. ~~\$500.00 Fine~~

3. ~~At the Boards discretion, successfully pass the Ethics and Boundaries Examination~~

\*Amended 02-2007

### **3. Board Rule 100-7-.01 Immoral and Unprofessional Conduct**

Table discussion for Executive Session.

### **4. Board Rule 100-7-.04 Standards of Practice**

Table discussion for Executive Session.

### **5. Board Rule 100-17-.01 Peer Reviewer**

Table discussion for Executive Session.

### **6. Chiropractic Jurisprudence Exam**

Table discussion for Executive Session.

### **Petition for Rule Variance – BR 100-5-.02 Cynthia Poppell**

Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to grant the petition for variance of BR 100-5-.02 for this biennium only based on sufficient evidence to substantiate a

substantial hardship. Notify the petitioner that she must provide satisfactory evidence that she has obtained 20 hours of CE per year to be eligible for license renewal.

### **2019 Chiropractic Examiners Board Meeting Dates**

All meetings are scheduled for Fridays at 9:00 a.m.

January 11, 2019  
March 8, 2019  
May 17, 2019  
July 19, 2019  
September 6, 2019  
November 1, 2019

### **2019 Chiropractic Examiners Investigative Committee Meeting Dates**

All meetings are scheduled for Fridays at 9:00 a.m.

February 1, 2019  
April 5, 2019  
June 7, 2019  
August 2, 2019  
October 4, 2019  
December 6, 2019

Dr. Alpert motioned, Dr. Krantz and the Board voted unanimously in favor of the motion to approve the 2019 Chiropractic Examiners Board Meeting Dates and the 2019 Chiropractic Examiners Investigative Committee Meeting Dates as amended.

### **Board Member Elections**

The Board voted to table Board member elections for the November 2, 2018 meeting.

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

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

No report presented.

### **Miscellaneous Discussion**

#### **1. Federation of Associations of Regulatory Board (FARB) Board Member Training**

The Board accepts the FARB Board member training as information.

#### **2. Georgia Law Presentation**

The Board entered into a discussion concerning updates to the Georgia Law presentation. It was the consensus of the Board to have the Executive Director update the presentation as discussed and forward a copy to all of the Board Members and Valerie Smith at GCA in preparation of a Board Member's presentation during the GCA annual meeting.

**Dr. Wren motioned, Dr. Krzemien 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, September 21, 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. July 20, 2018 Executive Board Meeting Minutes**

**2. August 3, 2018 Executive Investigative Committee Minutes**

Dr. Krzemien motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to accept the July 20, 2018 executive session Board meeting minutes and the August 3, 2018 executive session investigative committee meeting minutes.

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

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

**Investigative Committee Report – R. Alpert, D.C.**

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

CHIR190002	Table pending additional investigation.
CHIR190003	Referral to Attorney General’s office for Mental Physical Examination.
CHIR070112	Deny request to expunge the public order as the action does not meet the requirements in O.C.G.A. § 43-9-6.1.
CHIR140019	Close due to insufficient evidence.
CHIR150030	Reschedule Investigative Interview
CHIR160030	Deny request to lift supervised practice provision. Respondent must complete 2 years of supervised clinical practice in chiropractic.
CHIR160019	Close due to insufficient evidence.
CHIR160025	Close due to insufficient evidence.
CHIR160038	Close the case, no action.
CHIR160042	Close due to insufficient evidence.
CHIR170041	Schedule Investigative Interview
CHIR170048	Grant request for an extension and allow an additional 90 days for the Respondent to comply with requirements of the order.
CHIR180048	Schedule Investigative Interview
CHIR180050	Schedule Investigative Interview
CHIR180055	Proceed with Federal Student Loan Default guidelines
CHIR180057	Close the case, no action.
CHIR170006	Refer to the Attorney General’s Office for a hearing or Public Consent Order for Indefinite Suspension of License based on noncompliance with the terms of the Board Order. May petition to lift the suspension upon producing evidence of passing the Ethics and Boundaries examination.
CHIR180003	Close the case on Respondent J.F. and if Respondent attempts to reinstate the license, the application file must be presented to the Board to

consider along with the facts of the case. For Respondent S.G. table, pending additional investigation.

Recommendation is to close each of the following cases and if the Respondents attempt to reinstate the licenses, the application files must be presented to the Board to consider along with the facts of each relevant case.

CHIR130030  
CHIR140062  
CHIR150015  
CHIR150018  
CHIR150034  
CHIR160050

### **Miscellaneous Executive Discussions**

1. **Application 160039** Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to approve the review agent application.
2. **CHIR180055** Dr. Watkins motioned that the Board suspend Vincent Dean Williams license to practice as a chiropractor, License CHIR007472, effective 30 days from the date of the First Notice Letter of Suspension, for nonpayment status or default or breach of repayment or service obligation for his/her federal educational loan, service conditional loan repayment program, or service conditional scholarship program. Dr. Watkins further moves that such suspension shall be STAYED pending an appearance before the Board if a request for an appearance is timely received and that this suspension shall be lifted upon receipt of a written release from the federal agency that Vincent Dean Williams is not the person at issue or is making payments on the loan, service conditional loan repayment program, or service conditional scholarship program satisfying the payment or service requirements in accordance with an agreement approved by the federal agency. Dr. Alpert seconded and the Board voted unanimously in favor of the motion.
3. **CHIR130071** Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to terminate probation and return license to active status.

### **Legal Services**

#### **1. Report on StateReporting.com CE Monitoring Program – M. McCarty**

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

### **Applications**

- Application 163591** Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to approve the preceptorship.
- Application 161537** Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to approve the preceptorship.
- Application 2744494** Dr. Alpert motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to issue the license with a Letter of Concern regarding criminal history.

### **Executive Discussion**

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

#### **a) Board Rule 100-7-.01 Immoral and Unprofessional Conduct**

Refer to Dr. Alpert for review and to make recommendations during the November 2, 2018 Board meeting.

#### **b) Board Rule 100-7-.04 Standards of Practice**

Refer to Dr. Alpert for review and to make recommendations during the November 2, 2018 Board meeting.

#### **c) Board Rule 100-17-.01 Peer Reviewer**

Accept the previous revision as presented.

## **2. Chiropractic Jurisprudence Exam**

Dr. Krzemien motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to refer the Chiropractic Jurisprudence Exam to Dr. Alpert for review and to present any recommended changes to the Board during the November 2, 2018 Board meeting.

**Adjournment** With there being no additional business to discuss, the meeting adjourned at 1:14 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:**

October 9, 2018

DR. MARY WATKINS, D.C.  
**BOARD CHAIR**

MS. ADRIENNE PRICE  
**EXECUTIVE DIRECTOR**