

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA 31217
Friday, November 2, 2018 – 9:00 a.m.

The Georgia Board of Chiropractic Examiners met on Friday, November 2, 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. David Wren, D.C., Board Member
Dr. Joe Krzemien, D.C., Board Member (via teleconference)

Administrative Staff Present

Adrienne Price, Executive Director
Kathy Osier, Licensing Supervisor
Michelle Hornaday, Board Support Specialist

Board Members Not Present

Emily Campbell Marsh, Consumer Member

Attorney General's Office Present

D. Williams-McNeely, Senior Assistant Attorney General

Visitors Present

Carly Sharec, Director of Communications, Georgia Chiropractic Association (GCA)

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

09:30 a.m. – PUBLIC HEARING – Georgia Board of Chiropractic Examiners vs. Charles Kevin Bailey, CHIR008608

The Public Hearing has been continued until the January 11, 2019 Board meeting.

11:00 a.m. – PUBLIC HEARING – Georgia Board of Chiropractic Examiners vs. Anthony Peter Lefteris, CHIR002965

The Public Hearing has been continued until the January 11, 2019 Board meeting.

Agenda The Board accepted the agenda as presented.

Open Session Minutes

1. October 5, 2018 Investigative Committee Minutes

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to approve the October 5, 2018 open session investigative committee meeting minutes as presented.

2. October 9, 2018 Board Teleconference Minutes

Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to approve the October 9, 2018 open session Board meeting minutes as presented.

Licenses to Ratify September 14, 2018 – October 26, 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.

Discussion – Georgia Opioid Strategic Plan & Drug Overdose Surveillance

The Board accepts the report regarding Georgia Opioid Strategic Plan & Drug Overdose Surveillance as information.

Dr. Krzemien joined the meeting at 9:29 a.m.

Discussion – Board Rule 100-5-.03 Reporting and Auditing of Hours

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer Board Rule 100-5-.03 Reporting and Auditing of Hours to the Attorney General's Office for a memorandum of authority and if there are no objections noted, vote to post.

The Board discussed the economic impact of Board Rule 100-5-.03 Reporting and Auditing of Hours upon licensees. Dr. Alpert and Dr. Wren 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.

Dr. Krantz motioned and Dr. Alpert seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-9-6.1, 43-9-11 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Chiropractic.

Board Rule 100-5-.03. Reporting and Auditing of Hours

(1) At the time of license renewal, each licensee shall certify to the Georgia Board of Chiropractic Examiners that he/she has completed the continuing education required for license renewal.

(2) The staff of the State Examining Boards shall audit the continuing education of a percentage of licensees determined by the Board, not to exceed 15%, of the licensed chiropractors, randomly selected, in the state per biennium for compliance with all rules and regulations.

(3) Beginning the licensure renewal biennium of January 1, 2021 through December 31, 2022, persons licensed to practice as a chiropractor, or persons who file an application for reinstatement of licensure, must submit documentation of completed continuing education courses and experiences for renewal or issuance of a license. Licensees and applicants for reinstatement may register earned CE credits for courses and experiences with an online recording and reporting system approved by the Board. Licensees and applicants may register with a Board approved online system prior to January 1, 2021 to document CE credits for license renewal and reinstatement.

(a) The Georgia Board of Chiropractic Examiners has approved the online recording and reporting system of CE Broker, Inc. for the purpose of this rule.

(b) Licensees and applicants shall incur no additional costs from CE Broker, Inc. for using this service.

(c) Every licensee or applicant subject to the rules of the Board of Chiropractic Examiners shall be deemed to have given such person's consent to the Board and its representatives to access their continuing competence record retained within the online database for the purposes of auditing and verifying completion of the Board's continuing competency requirements.

(d) If a licensee or applicant has not registered earned CE credits with the Board approved online recording and reporting system, the licensee or applicant must include all CE certificates of completion with the license renewal application or application for reinstatement.

(4) Procedures for verifying to the Board that the continuing education requirements for licensure renewal have been met:

(a) Respond appropriately to questions on renewal of license application;

(b) Retain original continuing education documentation in personal files to submit to the Board if requested for a continuing education audit;

(c) Continuing education should be documented on the appropriate board form, available on the Board website, upon request by the Board; and

(e) Documentation as specified in this rule must be maintained by the licensee for no less than four (4) years from the beginning date of the licensure period.

(5) A failure to comply with the requirements of this rule may result in disciplinary action by the Board.

Cite as Ga. Comp. R. & Regs. R. 100-5-.03

Authority: O.C.G.A. Secs. 43-9-6.1, 43-9-11.

History. Original Rule entitled "Reporting and Auditing of Hours" adopted. F. Jul. 22, 1997; eff. Aug. 11, 1997.

Discussion – Rules Committee – R. Alpert

1. Board Rule 100-7-.01 Immoral and Unprofessional Conduct

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer Board Rule 100-7-.01 Immoral and Unprofessional Conduct as amended to the Attorney General's Office for a memorandum of authority and if there are no objections noted, vote to post.

The Board discussed the economic impact of Board Rule 100-7-.01 Immoral and Unprofessional Conduct upon licensees. Dr. Krantz motioned and Dr. Alpert 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.

Dr. Krantz motioned and Dr. Alpert seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 31-33-2, 31-33-3, 31-33-8, 43-1-25, 43-9-6.1, 43-9-12, 43-9-19 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Chiropractic.

Board Rule 100-7-.01. Immoral and Unprofessional Conduct

(1) Failure to comply with any portion of Chapter 100-7 shall be deemed unprofessional conduct and may subject the licensee to revocation, suspension, probation, reprimand, or other disciplinary action to include but not limited to fines, and ethics and boundaries examination, or continuing education coursework which shall not be used to satisfy any of the continuing education requirements for license renewal.

(2) It shall be considered immoral and unprofessional conduct to:

(a) knowingly performing an act which in any way aids, assists, procures, advises, or encourages any unlicensed person to practice chiropractic;

(b) Fail to conform or comply with the minimum standards of acceptable and prevailing chiropractic care;

~~(3c) It shall be considered immoral and unprofessional conduct to fail to release patient records in compliance with O.C.G.A. §31-33-2, to the patient, to another healthcare professional or any other authorized person within ~~ten~~thirty~~ (+30) business days upon proper written authorization by the patient;

(d) Deny patient care for a covered condition or service when there is a reasonable expectation for improvement or the patient is demonstrating a reasonable rate of improvement as measured by VAS pain scale, increased ranges of spinal motion as measured in degrees and or outcome assessment tools it should be considered unprofessional conduct;

(e) Deny patient care or service when sufficient evidence exists demonstrating that reduction or withdrawal of care has and will continue to have a deleterious effect once the patient has achieved maximum clinical improvement;

(f) Fail to comply with the continuing education requirements of the Board;

(g) Fail to respond to a request for records or a subpoena from the Board or any of its agents; and,

(h) Fail to disclose to the patient, within the scope of the state law, the nature of any income derived from involvement in any arrangements with a referring source in which income is derived from the services provided.

Cite as Ga. Comp. R. & Regs. R. 100-7-.01

Authority: O.C.G.A. Secs. 31-33-2, 31-33-3, 31-33-8, 43-1-25, 43-9-6.1, 43-9-12, 43-9-19.

History. Original Rule entitled "Immoral and Unprofessional Conduct Defined" adopted. F. May 25, 1982; eff. June 14, 1982.

Amended: F. Oct. 26, 1984; eff. Nov. 15, 1984.

Amended: F. Sept. 8, 1987; eff. Sept. 28, 1987.

Repealed: New Rule of same title adopted. F. Oct. 29, 1987; eff. Nov. 18, 1987.

Amended: F. Aug. 14, 1990; eff. Sept. 3, 1990.

Amended: F. Jan. 16, 1991; eff. Feb. 5, 1991.

Amended: F. June 3, 1994 ; eff. June 23, 1994.

Amended: F. Jan. 20, 1998; eff. Feb. 9, 1998.

Amended: F. Apr. 1, 1998; eff. Apr. 21, 1998.

Amended: F. Apr. 15, 1998; eff. May 5, 1998.

Amended: F. Aug. 28, 1998; eff. Sept. 17, 1998.

Repealed: New Rule of same title adopted. F. May 25, 1999 ; eff. June 14, 1999.

Repealed: New Rule entitled "Immoral and Unprofessional Conduct" adopted. F. Apr. 27, 2004; eff. May 17, 2004.

Repealed: New Rule of same title adopted. F. May 3, 2007; eff. May 23, 2007.

Dr. Krzemien left the meeting at 9:58 a.m.

2. Board Rule 100-7-.04 Standards of Practice

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer Board Rule 100-7-.04 Standards of Practice as amended to the Attorney General's Office for a memorandum of authority and if there are no objections noted, vote to post.

The Board discussed the economic impact of Board Rule 100-7-.04 Standards of Practice upon licensees. Dr. Krantz motioned and Dr. Alpert 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.

Dr. Krantz motioned and Dr. Alpert seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 31-33-1 to 31-33-3, 43-1-25, 43-9-4, 43-9-6.1, 43-9-12, 43-9-12.1, 43-9-16 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Chiropractic.

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

(1) For the purposes of this Section, compliance with standards of practice shall include, but not be limited to, the following:

~~(a) Knowingly performing an act which in any way aids, assists, procures, advises, or encourages any unlicensed person to practice chiropractic; 1. Nothing in this Section shall prohibit the activities authorized in O.C.G.A. 43-9-7.2(3)(A) and (B).~~

~~(b) failing to conform or comply with the minimum standards of acceptable and prevailing chiropractic care; 1. Chiropractic care shall include e~~Offering or rendering a professional chiropractic opinion, which has the capacity or intent of affecting the frequency, duration, necessity, or outcome of chiropractic treatment or patient care.

~~(b) Properly identifying yourself as a licensed chiropractor. Any person rendering such a chiropractic opinion in Georgia must identify themselves~~ by name, degree designation, location of practice, and Georgia chiropractic license number when rendering a chiropractic opinion.

~~(c) Failing to release patient information to another healthcare professional or any other authorized person upon proper written authorization by the patient.~~Exhibiting integrity and honesty by respecting and protecting the

patient's rights and maintaining the confidentiality of patient records in accordance with state and federal laws and rules.

(d) Providing optimal chiropractic care for all patients regardless of patient race, gender, age, religion, disability or sexual preference~~It shall be considered unprofessional conduct to deny care for a covered condition or service by a review agent when there is a reasonable expectation for improvement or the patient is demonstrating a reasonable rate of improvement. A reasonable rate of improvement would be influenced by condition chronicity, patient age, co-morbid factors, frequency of care and exposure to activities that would impede progress.~~

(e) Balancing considerations of the patient's physical, psychological and socioeconomic welfare in professional decisions and actions and document these considerations in the patient's record of care~~It shall be considered unprofessional conduct to deny care for a covered condition or service by a review agent for care to prevent the deterioration of a condition once the patient has achieved maximum clinical improvement, if sufficient evidence exists demonstrating that reduction or withdrawal of care has and will continue to have a deleterious effect on the patient.~~

(f) Communicating and interacting with patients and all persons encountered in a professional capacity with courteous regard and timeliness.

(g) Refraining from any behavior that constitutes harassment or abuse of a patient, professional colleague or associate.

(2) Provide accurate information to the consumer about the profession and the services provided.

(a) Chiropractors are to refrain from use, or participate in the use of, any form of communication containing false, plagiarized, fraudulent, misleading, deceptive, or unfair statements; and,

(b) Document client communications in the medical record.

(3) Accepting the responsibility to protect the public and the profession from unethical, incompetent, or illegal acts.

(a) Chiropractors shall report any activity which appears to be unethical, incompetent, or illegal to the proper authorities.

(b) Chiropractors shall not participate in any arrangement in which patients are exploited due to the referring sources enhancing their personal incomes as a result of referring or recommending chiropractic services or a specific chiropractic practice.

Cite as Ga. Comp. R. & Regs. R. 100-7-.04

Authority: O.C.G.A. Secs. 31-33-1 to 31-33-3, 43-1-25, 43-9-4, 43-9-6.1, 43-9-12, 43-9-12.1, 43-9-16.

History. Original Rule entitled "Standards of Practice" adopted. F. Apr. 27, 2004; eff. May 17, 2004.

Repealed: New Rule of same title adopted. F. Aug. 19, 2008; eff. Sept. 8, 2008.

Amended: F. Dec. 20, 2011; eff. Jan. 09, 2012.

Dr. Krzemien joined the meeting at 10:01 a.m.

Dr. Krzemien left the meeting at 10:02 a.m.

3. Board Policy #3

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to refer Board Policy #3 as amended to the Attorney General's Office for a memorandum of authority and if there are no objections noted, vote to post.

The Board discussed the economic impact Board Policy #3 upon licensees. Dr. Alpert motioned and Dr. Wren seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of this policy 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.

Dr. Alpert motioned and Dr. Wren seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 31-33-2, 31-33-3, 31-33-8, 43-1-25, 43-9-6.1, 43-9-12, 43-9-19 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of this policy will impact every licensee in the same manner and each licensee is independently licensed in the field of Chiropractic.

Board Policy #3

~~*In the May 3, 2001 Workshop Session, The Georgia Board of Chiropractic Examiners voted to adopt the following as Board Policy, pursuant to O.C.G.A. §§ 31-33-1 and 31-33-2. In the May 9, 2002 Board meeting, the Board voted to re-adopt this policy with additions. The policy was amended by the Board in the November 6, 2003 Board meeting.~~

Guidelines for the Request of Records to be Released

- ~~1. Request for records from another healthcare practitioner must be released within 3 to 5 working/business days.~~
- ~~2. Upon receipt of a properly signed & executed release from the patient, the D.C., at his discretion, may release the original x ray film, patient records, etc. to the patient or his/her designee.~~
- ~~3. If the Georgia Board of Chiropractic Examiners office receives a complaint against a chiropractor whereby the chiropractor is alleged to have failed will not to release the medical records to a patient within ten (10) business days of at the patient's written request, the Board grants the administrative staff the authority to send a letter from the Board will be sent via Certified Mail to the chiropractor. The letter must instruct the chiropractor to:~~
 - ~~(1). Release the records in accordance with the law and rules to the patient within 10 days of receipt of the certified letter; and,~~
 - ~~(2). Submit proof to the Board, within 10 days of receipt of the certified letter, that:~~
 - ~~(a). The records have been mailed to the patient (via Certified Mail) to the Board within 10 days as well in accordance with the laws and rules; or,~~
 - ~~(b). The chiropractor must either submit to the Board proof of the mailing of the records or respond to the Board as to why the has provided the patient and the Board with a written response which includes:~~
 - ~~1. The reason the records cannot/will not be mailed within 10 days of receipt of the certified letter from the Board; and,~~
 - ~~2. An alternate date by which the chiropractor will comply with the request. Such date shall not exceed 30 days from the date of the certified letter from the Board.~~
 - ~~(3). If a chiropractor provides an alternate date to comply with the patient's request to the Board as stated above, administrative staff must notify the chiropractor of the date by which the chiropractor must provide the Board with proof that the records were released to the patient.~~
 - ~~(4). If the Board office has not received proof that the records have been released to the patient, or has not received a response from the chiropractor within 15 days of the date the request letter was mailed from the Board's office, the chiropractor staff will present the case to the Investigative Committee of the Board for immoral and unprofessional conduct:~~
 - ~~➤ Have his/her license sanctioned by the Board with a PUBLIC REPRIMAND, which will be a permanent part of the chiropractors records;~~
 - ~~➤ Pay \$500.00 fine.~~
 - ~~➤ 1 year probation~~
 - ~~➤ Extra continuing education: 5 hrs. in record keeping
3 hrs. in risk management~~

~~2 hrs. in laws and rules~~

➤ ~~Successfully pass Ethics and Boundaries Examination.~~

~~*This policy was reviewed & approved in the July 10, 2003 Board meeting. Amended 9/9/04.~~

~~AUTHORITY: O.C.G.A. Secs. 31-33-2, 31-33-3, 31-33-8, 43-1-25, 43-9-6.1, 43-9-12, 43-9-19~~

~~HISTORY: Adopted May 3, 2001; Reaffirmed May 9, 2002; Amended July 10, 2003; Amended November 6, 2003; September 9, 2004.~~

4. Chiropractic Jurisprudence Exam

Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to table discussion on the Chiropractic Jurisprudence Exam for the January 11, 2019 Board meeting.

Discussion – GA PACE PreCheck Application

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to approve the Georgia PACE PreCheck Application as presented.

Dr. Krzemien joined the meeting at 10:04 a.m.

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. 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.

Dr. Watkins addressed the Board concerning the FARB Board member training and discussed the need to have a collaborative meeting with all Board Chairs to discuss proposing changes to the General Provisions, such as instituting federal background checks for all Boards as was mentioned during the FARB training. Ms. Price indicated that Cease and Desist Orders was another topic that was mentioned during the training and Dr. Alpert stated that photo ID cards were recently made available to Massage Therapists and Private Detectives for a fee and he feels that they should be required for all license types.

Dr. Wren motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion for Dr. Watkins to draft a letter to all PLB Board Chairs to initiate a meeting for the purpose of addressing common issues and to propose some future meeting dates and once the meeting date is established, request the Executive Directors be in attendance.

Dr. Watkins shared that the FARB Board member training was very informative and would have been invaluable at the beginning of her tenure. Dr. Alpert added that the Board should invite the Governor to their meetings as well as veterinarians to encourage an open dialog. Dr. Alpert also suggested that the Board consider instituting a practice whereby attendance at a Board meeting is mandatory for applicants before a license is issued as is required in Florida. He suggested that the topic be added to the agenda for the meeting of the Board Chairs and Executive Directors.

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

Board Member Elections

The Board tabled the Board Member elections for the January 11, 2019 meeting.

Dr. Wren motioned, Dr. Krantz 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, November 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

Scheduled Board Appointments

Investigative Interviews

- 1:30 p.m. CHIR170041** Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to table pending additional investigation and place hold on license.
- 2:00 p.m. CHIR180050** Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to table pending additional investigation and place hold on license.

Executive Session Minutes

- 1. October 5, 2018 Executive Investigative Committee Minutes**
- 2. October 9, 2018 Executive Board Teleconference Minutes**

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to accept the October 5, 2018 executive session investigative committee meeting minutes and the October 9, 2018 executive Board teleconference 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.

Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the amendments to Board Rule 100-2-.09. Reinstatement of Revoked Licenses and to post as amended for a Public Rules Hearing.

The Board discussed the economic impact of Board Rule 100-2-.09 Reinstatement of Revoked Licenses upon licensees. Dr. Alpert motioned and Dr. Wren 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.

Dr. Alpert motioned and Dr. Wren seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-19, 43-1-25, 43-9-6.1, 43-9-12, 43-9-15 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Chiropractic.

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to release the Memorandum of Authority to the Governor's Office.

- 1. Board Rule 100-2-.09 Reinstatement of Revoked Licenses**

Rule 100-2-.09. Reinstatement of ~~Expired~~Revoked Licenses

(1) When a license has been revoked for reasons other than a failure to renew ~~A~~ a minimum of two (2) years shall pass from the date of any revocation of a license before the Board will consider an application for reinstatement. If the Board denies any application for reinstatement, the Board may require that a minimum of two (2) years pass from the date of the denial before the Board will consider subsequent applications for reinstatement. ~~This rule shall only apply in those instances which the license in question was revoked for reasons other than failure to renew.~~

(2) For purposes of this regulation, the administrative revocation of a license for failure to renew shall not be treated as a disciplinary action or contested case.

(3) In order to reinstate a license to practice chiropractic, an applicant must submit a complete an reinstatement application, to include but not limited to: ~~and pay a reinstatement fee. The applicant must submit~~

(a) a ~~A~~ detailed resume of such licensee's chiropractic experience since the date said license was last renewed and in good standing;

(b) Other supporting documents as required by the Board; and,

(c) The reinstatement fee.

(4) If the chiropractor has been practicing outside of Georgia, the Board must receive a ~~statement from a recognized licensing jurisdiction regarding the state of licensure in such locale~~ verification of licensure from any other state in which the applicant holds or has ever held a license.

(5) The applicant must demonstrate to the satisfaction of the Board that he or she has maintained current knowledge, skill and proficiency in the practice of chiropractic, to include but not limited to:

(a) Proof of 40 hours of continuing education which was completed within two (2) years preceding the date of the application; and,

(b) The continuing education hours submitted for reinstatement of a license shall not be used to meet the continuing education requirements for the biennium during which the license is reinstated.

(6) Based upon information gathered during the application process, the Board may require the applicant to demonstrate to the satisfaction of the Board ~~and~~ that he or she is mentally and physically able to practice with reasonable skill and safety.

~~(6)~~ The Board may require the passage of an examination, such as the Special Purposes Examination for Chiropractic administered by the National Board of Chiropractic Examiners, completion of a remediation program from a CCE accredited chiropractic college that includes classes/courses approved by the Board, or other assessments as designated and approved by the Board.

~~(7)~~ Reinstatement of a license is at the Board's discretion. If an application reveals that the applicant has engaged in the practice of chiropractic in the state of Georgia since the date the license was revoked, the license may be reinstated with the issuance of an order of the Board that:

(a) Cites the period of unlicensed practice and any additional findings of the Board,

(b) Assesses a fine of \$500.00 which is to be paid in full before the license will be reinstated and includes:

1. A period of probation as determined by the Board; and,

2. Any other terms and conditions as determined by the Board to include but not limited to additional fines not to exceed \$500.00 for each violation of a law, rule, or regulation relating to the practice of chiropractic and evidence of a passing score on an Ethic and Boundaries Examination approved by the Board that was taken within a year of the effective date of the order.

(9) The Board may deny reinstatement but the applicant shall be entitled to an ~~an~~ [appearance hearing](#) before the Board.

Authority: O.C.G.A. Secs. §§ 43-1-19(g), 43-1-25, 43-9-6.1, 43-9-7, 43-9-12(g), and 43-9-15.

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.

CHIR180048	Close the case upon verifying that corrections were made.
CHIR170030	Close with a Letter of Concern regarding client Communication, obtaining appropriate consent and documentation of such into the record.
CHIR170041	Schedule Investigative Interview and give notice if unable to attend, the Board will proceed with a decision in the case based on current evidence
CHIR180004	Close with a Letter of Concern regarding potential violations of BR 100-7-.05.
CHIR180034	Close the case with no action based on O.C.G.A. 31-33-1.
CHIR180050	Refer to investigations to ensure practice closure
CHIR180051	Close the case, no action.
CHIR180053	Close the case, no action.
CHIR180054	Schedule Investigative Interview.
CHIR180056	Close the case.
CHIR190004	Close with a Letter of Concern regarding timely release of patient records in response to a patient request.
CHIR190006	Close the case, no action.
CHIR190008	Schedule Investigative Interview.
CHIR150030	Dr. Wren motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to close the case with a Letter of Concern regarding practicing beyond scope of practice as indicated in the allegations of the case. Flag for CE audit for the upcoming two (2) renewal biennia.

Legal Services Memos

- 1. CHIR180055** Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to restore license to active status.
- 2. Open Records Request – Application 928599**
Dr. Wren motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to deny the release of the requested records.

Joe Krzemien left the meeting at 12:00 p.m.

Miscellaneous Executive Discussion

1. CHIR150030

Dr. Wren motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to close the case with a Letter of Concern regarding practicing beyond scope of practice as indicated in the allegations of the case. Flag for CE audit for upcoming two (2) renewal biennia.

Applications

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

- | | |
|----------------------------|---------------------------------------------------------------------------------------------------------------|
| Application 2722071 | Schedule an Investigative Interview. |
| Application 2753231 | Issue license with a Letter of Concern regarding disclosure of criminal history on application for licensure. |
| Application 2754277 | Issue license. |

Reactivation

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

Application 2758561 Reactivate license and send notification to licensee regarding CE requirements of completing 20 hours of continuing education per annum as required by BR 100-5-.02.

Reinstatement

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.

Application 2763692 Refer to Legal Services for a Public Consent Order for unlicensed practice from January 1, 2017 – September 20, 2018 with a fine of \$1,000 to be paid in full before the license will be reinstated, three (3) years’ probation. Must complete five (5) hours live, in-person CE to include four (4) hours in Ethics and one (1) hour in Georgia Law within one (1) year of order docket date. If reinstatement granted must renew by the last day of December in even numbered years regardless of when the license is reinstated. CE’s submitted cannot be used towards future renewals and flag for CE audit.

Application 2711753 Refer to Legal Services for a Public Consent Order for unlicensed practice from January 1, 2017 – January 1, 2018 with a fine of \$1,000 to be paid in full before the license will be reinstated, three (3) years’ probation. Must complete five (5) hours live, in-person CE to include four (4) hours in Ethics and one (1) hour in Georgia Law within one (1) year of order docket date. If reinstatement granted must renew by the last day of December in even numbered years regardless of when the license is reinstated. CE’s submitted cannot be used towards future renewals and flag for CE audit.

Application 1009253 Refer to Legal Services for a Private Consent Agreement for false attestation on application for violation of Board Rule 100-5-.02(1)(A) with a fine of \$500 due within 90 days of order docket date and flag for CE audit.

Application 2748988 Refer to Legal Services for a Private Consent Agreement for false attestation on application for violation of Board Rule 100-5-.02(1)(A) with a fine of \$500 due within 90 days of order docket date and flag for CE audit.

Renewal

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.

Application 162814 Renew license with a Letter of Concern regarding false attestation on renewal application.

Adjournment With there being no additional business to discuss, the meeting adjourned at 2:48 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: November 30, 2018

DR. MARY WATKINS, D.C.
BOARD CHAIR

MS. ADRIENNE PRICE
EXECUTIVE DIRECTOR