

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Friday, January 11, 2019 – 9:00 a.m.

The Georgia Board of Chiropractic Examiners met on Friday, January 11, 2019. 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
Betsy Cohen, Assistant Attorney General

Board Members Not Present

Emily Campbell Marsh, 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 9:13 a.m.

OPEN SESSION

Agenda The Board accepted the agenda as amended.

Open Session Minutes

1. November 30, 2018 Open Session Investigative Committee Teleconference Minutes

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to accept the November 30, 2018 open session investigative committee teleconference minutes as presented

2. November 30, 2018 Open Session Teleconference Minutes

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to accept the November 30, 2018 open session Board teleconference minutes as presented.

Licenses to Ratify November 9, 2018 – January 2, 2019 – 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 – Attorney General Chris Carr Announcements

- 1. Opioid Lawsuit Certification of Public Importance**
- 2. Lawsuit Against Opioid Manufacturers and Distributors**

The Board accepts the information regarding Attorney General Chris Carr's Announcements as information.

Discussion – CE Provider Applications

- 1. New York Chiropractic College – Personal Injury Recordkeeping, Coding, Compliance & Documentation**
- 2. New York Chiropractic College – ICD-10 & Chiropractic**
- 3. New York Chiropractic College – Chiropractic Treatment Plans**

4. **New York Chiropractic College – Chiropractic SOAP Notes & Medical Necessity**
5. **New York Chiropractic College – Medicare Recordkeeping, Coding, Compliance and Documentation**
6. **New York Chiropractic College – The Basics of HIPAA Compliance**

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to approve the CE provider applications with a strong Letter of Concern regarding timely submission of application materials.

Dr. Krzemien joined the meeting at 9:34 a.m.

Discussion – National Board of Chiropractic Examiners (NBCE)

1. **NBCE Mourns the Loss of Dr. Richard Vincent, DC**
2. **2019 Call for Delegates**

The Board accepts the correspondence in reference to NBCE as information. Dr. Krantz motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to appoint Dr. Alpert as the Delegate to NBCE and FCLB and for Ms. Price to attend if awarded the Liewer Cohen Grant.

Discussion – Federation of Chiropractic Licensing Boards (FCLB)

1. **FCLB - State takes action against physician, chiropractor involved with Overland Park IV clinic**

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

Petition for Rule Waiver – BR 100-5-.01 – Cleopatra Peter

Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 100-5-.01 on the basis that the requirement to complete 20 hours of continuing education per year is statutory and cannot be waived [O.C.G.A. § 43-9-11].

Board Member Elections

1. Board Chairperson

Dr. Krzemien motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to re-elect Dr. Mary Watkins as the Board's Chair.

2. Vice Chairperson

Dr. Krzemien motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to re-elect Dr. Andrew Krantz as the Board's Vice Chairperson.

3. Investigative Committee Members

Dr. Watkins motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to re-elect Dr. Krantz to Chair the Investigative Committee.

Dr. Watkins motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to elect Dr. Alpert as the Vice Chair of the Investigative Committee.

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to elect Dr. Watkins as the alternate member of the Investigative Committee.

4. Continuing Education Cognizant

Dr. Watkins motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to re-elect Dr. David Wren as the Board's Education Cognizant.

5. Rules Committee

Dr. Watkins motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to elect Dr. Alpert to Chair the Rules Committee.

Executive Director's Report – A. Price

Executive Director's report presented the Board with statistical data relevant to the processing of applications to include renewal applications, the number of active and inactive licensees, board meeting statistics for 2018 and

complaints/compliance matters. The report also reminded Board Members of their obligation to submit their Annual Affidavit of a Public Official to the Ethics Commission prior to January 31, 2019, provided an update on the Board's resolution to FCLB concerning funding for meeting participation, the PACE PreCheck Process and discussed whether the CE Audit Form is needed at renewal.

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion for Ms. Price to forward a list of chiropractors who are currently in the Lapsed-Late Renewal Status to the Georgia Chiropractic Association in order for the association to send renewal reminders to those their members.

Dr. Wren motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to remove the CE audit form from the renewal application and Board website as the requirements are listed on the application instruction sheet and well as the renewal application.

Dr. Krantz motioned, Dr. Alpert 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.

Dr. Watkins indicated that in accordance with a vote of the Board during the last meeting she has forwarded a letter to the Executive Directors of all seven sections at the Professional Licensing Boards Division of the Georgia Office of Secretary of State. The purpose of the letter is to determine whether there is any interest in the Board Chairs meeting to discuss matters that may be of interest to them all. The Executive Directors were asked to share the letter with the Presidents of the 42 Boards that make up the PLB and request that they respond to the letter by January 31, 2019 if there is an interest. She stated that if the various boards determined that there is a need that is common to the various professions and trades, then as a collective, they could approach the Secretary of State or the Legislature to amend the General Provisions of the Law and/or the Joint Secretary Rules rather than each profession opening up their individual practice acts.

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

Miscellaneous Discussion

Ms. Smith provided the Board with a legislative update on behalf of the Georgia Chiropractic Association. She stated that Representative Dr. Karen Mathiak, DC has presented a bill to amend the Lien Law and the Co-pay bill which did not pass last year will be re-introduced. She further stated that February 14, 2019 is Chiropractic Day at the Capital and encouraged Board members to attend.

Ms. Smith then reported to the Board that GCA has received information that several insurance companies have begun to deny claims for patients referred by chiropractors for MRIs and X-rays. She shared copies of unofficial opinions received from the Office of Attorney General in 2006 and 2008, which indicated that such referrals are necessary when appropriate in the determination of chiropractic care (O.C.G.A. 43-9-12.1). She asked if the Board may offer any advice on the subject. The Board indicated that no legal advice may be provided and suggested that she consider asking the counsel for GCA to review the issue to establish a course of action as appropriate, which may include communicating the issue to their membership.

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 on Friday, January 11, 2019, 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

11:00 a.m. CHIR190021

The Board voted to issue the license upon submission of proof of passing the Special Purposes Examination for Chiropractic (SPEC) or successful completion of a refresher course taken at an accredited chiropractic college or university. Passage of the exam or the course must be completed by March 31, 2019. If the applicant fails to comply on or before March 31, 2019, a new application with fee must be submitted.

Executive Session Minutes

- 1. November 30, 2018 Executive Session Investigative Committee Teleconference Minutes**
- 2. November 30, 2018 Executive Session Teleconference Minutes**

Dr. Alpert motioned, Dr. Wren seconded and the Board voted unanimously in favor of the motion to accept the November 30, 2018 executive session investigative committee teleconference minutes and the November 30, 2018 executive session Board teleconference minutes as presented.

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

- 1. AG Status Report**
- 2. Board Member Orientation – D. Williams-McNeely**
- 3. AG Office Request – Chiro Board Motion Sheet**

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, 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.

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| CHIR170026 | Close the case, no jurisdiction. |
| CHIR170027 | Schedule Investigation Interview. |
| CHIR170041 | Table pending additional investigation. |
| CHIR180030 | Close the case, no violation. |
| CHIR180052 | Close the case, no violation in the standard of care. |
| CHIR180055 | Close the case, no violation. |
| CHIR190012 | Schedule Investigation Interview |
| CHIR190013 | Close the case, no violation in the standard of care. |
| CHIR190014 | Close the case, no action and refer to the Georgia Composite Medical Board. |

Miscellaneous Executive Discussions

1. CHIR190022 – Records Request – FTC Civil Investigative Demand

Dr. Krzemien motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to release any records responsive to this request.

2. CHIR130076

Dr. Krzemien motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to approve request to terminate probation.

3. CHIR160010

Dr. Wren motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to renew the license. If Respondent passes EBAS, terminate probation with Letter of Concern regarding compliance with Board

Order. If fails, maintain probationary status through January 2020. Request to terminate probation may be submitted at that time if compliant with renewal and CE requirements for biennium ending December 31, 2020.

4. CHIR170050

Dr. Wren motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to deny the request for inactive status.

5. CHIR160009

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

6. CHIR190027

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to notify licensee based on failure to submit an application and proof of compliance with CE requirements prior to deadline date. The licensee must submit a complete renewal application, late renewal fee and proof of compliance with CE requirement in order to renew license.

7. Application 160500

Dr. Krzemien motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to approve the CE and issue the license.

8. CHIR190028

Dr. Alpert motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to renew the license.

9. CHIR170022

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to table until April 1, 2019. If attempt made to renew the license, bring to Board for review.

10. CHIR190029

Dr. Wren motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to refer to Legal Services with fine of \$500 for failure to meet the statutory requirements for the renewal of the license (O.C.G.A. § 43-9-11). Fine to be paid within 90 days of the docket date of the order. Proof of completion of all deficient continuing education hours 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 current or future renewal biennium. Flag for CE audit.

Applications

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.

Application 164124 Deny per Board Rule 100-2-.02. If attempt is made to reinstate, review for unlicensed practice.

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

Application 1843346 Renew license with Letter of Concern regarding criminal history.

Application 161176 Renew license with Letter of Concern regarding false attestation on renewal application.

Application 1288977 Renew license with Letter of Concern regarding criminal history.

Application 2602932 Refer to Attorney General's Office for a Hearing or Public Consent Order tracking the criminal probation, with a fine of \$500 to be paid within 90 days of docket date for failure to disclose arrest on 2016 renewal application. Must submit proof of completion of criminal probation or any violations thereof to Board within 10 days of occurrence.

Application 162603 Refer to Legal services for Public Consent Order with a \$500 fine to be paid within 90 days of the docket date for failure to meet the statutory requirements for the renewal of

the license (O.C.G.A. § 43-9-11). Flag for CE audit. If do not agree with the terms of the order deny renewal.

Application 163182

Refer to Legal services for Public Consent Order with a \$500.00 fine to be paid within 90 days of the docket date for failure to meet the statutory requirements for the renewal of the license and false attestation on renewal application (O.C.G.A. §§ 43-1-19(2); 43-9-11). Additional terms to include a requirement that applicant must complete one hour of in-person CE to satisfy the requirements of the 2016-2018 biennium. CE submitted may not be applied toward meeting the CE requirements of the current or future renewal cycles and flag for CE audit. If do not agree with the terms of the order deny renewal.

Application 163616

Renew license with Letter of Concern regarding criminal history.

Application 1094074

Renew license. The Board reserves the right to sanction license based upon the outcome of criminal case.

Application 162042

Renew license. The Board reserves the right to sanction license based upon outcome of criminal case.

Adjournment With there being no additional business to discuss, the meeting adjourned at 1:09 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:

February 1, 2019

DR. MARY WATKINS, D.C.
BOARD CHAIR

MS. ADRIENNE PRICE
EXECUTIVE DIRECTOR