

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Friday, July 19, 2019 – 9:00 a.m.

The Georgia Board of Chiropractic Examiners met on Friday, July 19, 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

Administrative Staff Present

Adrienne Price, Executive Director
Michelle Hornaday, Board Support Specialist

Attorney General's Office Present

Betsy Cohen, Assistant Attorney General

Board Members Absent

Emily Campbell Marsh, Consumer Member
Dr. David Wren, D.C., Board Member

Visitors Present

Valerie Smith, Executive Director, Georgia Chiropractic Association (GCA)
Dr. Karen Mathiak, DC, Representative Georgia Hours of Representatives District 73, former Board Chair

Call To Order: Dr. Watkins established that a quorum of the Board was present and called the meeting to order at 9:05 a.m.

OPEN SESSION

Agenda The Board recommended accepting the agenda as presented.

Open Session Minutes

1. May 17, 2019 Open Session Teleconference Minutes

Dr. Krantz motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to accept the May 17, 2019 open session teleconference minutes as presented.

2. June 7, 2019 Open Session Investigative Committee Teleconference Minutes

Dr. Alpert motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to accept the June 7, 2019 open session investigative committee teleconference minutes as presented.

Licenses to Ratify May 10, 2019 – July 12, 2019 – Ratification List – Modalities & Reinstatements

Dr. Krzemien 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.

Discussion – Federation of Chiropractic Licensing Boards (FCLB) – Letter of Request for Commendations to Governor

Dr. Watkins thanked both, Dr. Alpert and Ms. Price for their involvement with the conference.

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

Discussion – CE Program Application – SCUHS

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to deny the request for reconsideration on the basis that the provider did not gain Board approval prior to the dates the program was offered as is required.

Discussion – 2020 Chiropractic Examiners Board & Investigative Committee Meeting Dates

1. Board

Friday, January 10, 2020
Friday, March 6, 2020
Friday, May 8, 2020
Friday, July 17, 2020
Friday, September 18, 2020
Friday, November 6, 2020

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to accept the 2020 Chiropractic Examiners Board meeting dates as presented.

2. Investigative Committee

Friday, February 7, 2020
Friday, April 3, 2020
Friday, June 5, 2020
Friday, August 7, 2020
Friday, October 2, 2020
Friday, December 4, 2020

Dr. Alpert motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to accept the 2020 Chiropractic Examiners Investigative Committee meeting dates as presented.

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 licensee and complaints/compliance matters. In addition, she addressed the following topics with the Board:

FCLB Resolution to Fund Board Members & Administrators for Annual and District Meeting Participation
Number of Lapsed Licenses After the Lapsed-Late Renewal Periods ending 03/31/2019 and 03/31//2017

Dr. Alpert 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.

Dr. Watkins queried staff about the status of the approval to host a meeting of the Board Chairs and Executive Directors of the Trades and Healthcare to collectively discuss amendments to the General Provisions, Joint Secretary Rules and other laws and policies for the benefit of all professions. Ms. Price noted the Division Director is attempting to schedule this meeting and noted that it appears that it may be scheduled during the last quarter of year.

Dr. Krzemien motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to nominate Dr. Alpert to represent the Board at the National Board Exam Part IV November 15-17, 2019.

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 Appreciation – Dr. Karen Mathiak, DC

Dr. Watkins presented Dr. Mathiak with a plaque from the Georgia Board of Chiropractic Examiners in recognition and appreciation for over 13 years of service to the Board and for her contributions to the field of chiropractic and healthcare in general in the state of Georgia.

Dr. Alpert motioned, Dr. Krzemien seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. §§ 43-1-2 (k); 43-1-19 (h) and 50-14-2 (1) to receive and review information pertaining to applications, pending cases, investigative reports and enforcement matters 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. Andrew Krantz, Dr. Joe Krzemien and Dr. Robert Alpert.

At the conclusion of Executive Session on Friday, July 19, 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

Executive Session Minutes

1. May 17, 2019 Executive Session Teleconference Minutes

Dr. Alpert motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to accept the May 17, 2019 executive session teleconference minutes as presented.

2. June 7, 2019 Executive Session Investigative Committee Teleconference Minutes

Dr. Wren motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to accept the June 7, 2019 executive session investigative committee teleconference minutes as presented.

Attorney General's Office Report – B. Cohen

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

1. CHIR190043

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to rescind the previous motion, renew the license and close the case with a Letter of Concern regarding compliance with continuing education requirements.

2. Board Policy #3

Dr. Krantz motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to adopt Board Policy #3 as amended and to refer the policy amendment and memorandum of authority from the Attorney General's Office to the Governor's office for a certificate of active supervision.

3. Board Rules

Dr. Krzemien motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to refer BR 100-7-.04. Standards of Practice, BR 100-7-.01. Immoral and Unprofessional Conduct and BR 100-5-.03. Reporting and Auditing of Hours to the Rules Committee for review.

Legal Services Memo Records Request – Applicant 2713904

Dr. Alpert motioned, Dr. Krantz seconded and the Board voted unanimously in favor of the motion to deny the request for release of records on the basis that the information requested is contained within an application file, which is not subject to release as permitted by law.

Dr. Alpert motioned, Dr. Krzemien seconded and the Board voted unanimously in favor of the motion to request a Memorandum of Advice from the Attorney General's office as was discussed in Executive session as it relates to the contents of the application file in question.

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

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.

- CHIR170027** Schedule Investigative Interviews for both respondents.
- CHIR190051** Refer to the Attorney General's Office for a Psychosexual Outpatient Mental Physical Examination.
- CHIR190052** Refer to the Attorney General's Office for a Psychosexual Outpatient Mental Physical Examination.
- CHIR190058** Refer to the Attorney General's Office for a Psychosexual Outpatient Mental Physical Examination.
- CHIR190062** Schedule Investigative Interview.
- CHIR170044** Refer to the Attorney General's Office for a notice for hearing or Voluntary Surrender. The Board will accept an Amended Public Consent Order for Renewal of Licensure with a fine of \$500 due within 90 days of order docket date for violation of Private Consent Order. Must submit proof of completion of 12 hours in-person CE within 90 days of order docket date. Hours may not be used to meet CE requirements for the current renewal cycle. Flag for CE Audit.
- CHIR170034** Refer to the Attorney General's Office for a notice for hearing or Voluntary Surrender. The Board will accept a Public Consent Order with a fine of \$500 for violation of Private Consent Order. Must submit proof of completion of seven (7) hours of in-person CE within 90 days of order docket date. Hours may not be used to meet CE requirements for the current renewal cycle. Flag for CE Audit.
- CHIR150053** Notify respondent that the aftercare monitoring program is approved.
- CHIR160010** Terminate probation and issue a Letter of Concern regarding timely compliance with requirements of the Board Order.
- CHIR190009** Send a Voluntary Cease and Desist letter to the respondent citing the statute that was allegedly violated.
- CHIR190057** Table pending additional investigation.

Miscellaneous Executive Discussions

- CHIR190065** Dr. Krzemien motioned, Dr. Alpert seconded and the Board voted unanimously in favor of the motion to grant request to terminate probation and restore license to active status.

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.

- Applicant 2808462** Issue license with Letter of Concern regarding false attestation on application for licensure regarding disciplinary action in another jurisdiction. Include language informing the applicant that a reprimand is a sanction and as a result, sanction questions should answered accordingly.
- Applicant 2810053** Notify applicant that a Chiropractor who has a license in good standing at the time that the license lapsed and their license has been expired for over a five-year period, the applicant must complete a number of classes/courses in an accredited chiropractic college in order to review essential aspects of the chiropractic education, in accordance with Board Policy 14.

- Applicant 2770251** Issue license with a Letter of Concern regarding criminal history and disciplinary action in another jurisdiction.
- Applicant 159832** Approve Preceptorship per Board Rule 100-8-.01(5).
- Applicant 161303** Approve Preceptorship per Board Rule 100-8-.01(5).
- Applicant 2803493** Issue license with a Letter of Concern regarding criminal history.
- Applicant 2814558** Refer to Legal Services for a Public Consent Order for Reinstatement of Licensure with a fine of \$1000, which must be paid in full prior to reinstatement, for unlicensed practice from January 1, 2019 – June 7, 2019. Submission of proof of completion of five (5) hours of CE, in-person, within 90 days of docket date [one (1) hour of GA Law and four (4) hours of Risk Management].
- Applicant 2798296** Reinstate license with a Letter of Concern regarding disciplinary action by another jurisdiction.
- Applicant 2805702** Refer to Legal Services for a Public Consent Order for Reinstatement of Licensure with a fine of \$1000, which must be paid in full prior to reinstatement for unlicensed practice from January 1, 2019 – May 14, 2019. Submission of proof of completion of five (5) hours of CE, in-person, within 90 days of docket date [one (1) hour of GA Law and four (4) hours of Risk Management].
- CHIR190069** Close with a Letter of Concern regarding disciplinary action in another jurisdiction.

Adjournment With there being no additional business to discuss, the meeting adjourned at 12:00 p.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed and edited by: Adrienne Price, Executive Director
Minutes approved on: September 6, 2019

DR. MARY WATKINS, D.C.
BOARD CHAIR

MS. ADRIENNE PRICE
EXECUTIVE DIRECTOR