

Chiropractic Crisis in Georgia

SENATE BLUNDER PARALYZES LICENSING BOARD

Michael Devitt

Imagine living in a state in which new doctors of chiropractic are unable to apply for a license to practice; those already in practice can't get their licenses renewed; DCs who run afoul of the law can't be disciplined; and the agency designed to regulate the chiropractic profession is powerless to do anything about it.

Based on the recent actions of Governor Gray Davis,¹ one would expect to hear stories about such incidents occurring in California but this nightmare scenario is actually being played out in Georgia, home to more than 2,100 DCs and chiropractic students. Thanks to the apparent ineptitude of the state legislature, the Georgia Board of Chiropractic Examiners doesn't have enough functioning members to constitute a quorum to conduct business. As a result, the board canceled its bimonthly meeting in May, and may have to cancel future meetings until enough members are appointed.

Georgia law stipulates that the board of chiropractic examiners consist of six members: five practicing doctors of chiropractic and one public member unaffiliated with the profession. Among its myriad duties, the board is charged with issuing and renewing licenses; denying, suspending or revoking licenses; initiating investigations; imposing fines; and conducting disciplinary hearings. The board also has the power to issue temporary licenses and grant licenses to doctors of chiropractic licensed to practice in another state. However, these duties may be performed only when the board has enough members to constitute a quorum.

In Georgia, as in most states, members of professional licensing boards are appointed to serve by the governor. Although appointees may begin working on their respective boards once they are nominated, they must be confirmed by the state Senate during the legislative session in which they are nominated.

Customarily, the appointment and confirmation process proceeds without generating much attention, except in regulatory circles. On the last day of the 2003 legislative session, however, the approval process gave way to political posturing, when the Georgia Senate, which is controlled by Republicans, refused to confirm 170 appointments made by then-Governor Roy Barnes, a Democrat.²

As it stands, the chiropractic board consists of just one member, Dr. Patrick J. Sallarulo, who was appointed by Gov. Barnes in December 2002. The other previous members - Drs. Alan Arnold, Davis Kinney, Connie Singleton and Sam Sparlin, and its consumer representative, Raoul Ilaw - were not reaffirmed by the Senate, a decision that has baffled Dr. Sallarulo.

"Davis Kinney has been on the board for 16 years," Dr. Sallarulo told *Dynamic Chiropractic*. "He's been writing many of the chiropractic laws, and has been an influential force on the board. It's a shame that he's gone, because he's really been the backbone of the board."³

Dr. Sallarulo added that "three or four" DCs are being considered to fill the vacancies on the board, and may be appointed after a routine review by the Georgia Bureau of Investigation.

"We have a number of cases that need to be reviewed, and we're just hoping that the governor will make an appointment as soon as possible," he said.³

As expected, lawmakers from both parties have failed to claim responsibility for their actions, and instead put the blame on the opposition. GOP Senate leaders claim they declined to confirm the appointments to give new Governor Sonny Perdue, a Republican, a chance to name his own appointees. Senate Democrats have countered the Republicans are playing a political game that puts the welfare of many professions and the people they serve at risk.

The resulting situation has thrown the status of the chiropractic profession and others in Georgia into turmoil. In an interview with the *Atlanta Journal-Constitution*, Arch Culbreth, DC, president of the Georgia Chiropractic Association, explained the impact a nonfunctioning board is having.

"There are cases that are pending that need to be brought to a resolution," Dr. Culbreth said. "We have been getting calls ... from doctors who need to get their licenses renewed or (their licenses) have lapsed. They're frustrated over the board of examiners situation."⁴

Mollie Fleeman, an official at the state's Professional Licensing Boards Division, which oversees Georgia's 34 professional licensing boards, added that her office has received calls from graduating students, professionals who want to move to Georgia to practice and consumers with complaints - all of which cannot be settled without any action from the proper board.

"We've had applicants call," Fleeman said. "They express concerns: 'I've moved to Georgia, I've graduated from school, I have a job lined up, I've moved my family here, and now I'm told I can't get a license because there isn't a board.'"⁴

The chiropractic board is one of nine regulatory agencies that does not have enough members to constitute a quorum. Three other professional licensing boards - for dispensing opticians; licensed dietitians; and private detectives and security agencies - also had to cancel their May meetings due to a lack of board members.

As a result, Georgia Secretary of State Cathy Cox has asked the state attorney general for legal advice on whether the boards can function if they do not have enough members - including those boards that have only one member. She also has asked whether boards can issue temporary licenses, which would allow a professional to work until a board takes a formal vote on the licensee's qualifications.

"The big loser in such a scenario is not me or the governor who appointed these individuals; it is the public at large," Cox said.⁵

A spokesperson for the state's attorney general said a legal opinion would be issued "soon." Meanwhile, a spokesperson for Gov. Perdue told the *Journal-Constitution* that he "recognizes the importance of these boards" and "is working to fill these seats."⁴

In May, *Dynamic Chiropractic* contacted Gov. Perdue's office for a comment on the situation and received the following response from Shane Hix, the governor's deputy press secretary:

"The State Senate's nonconfirmation of appointees from the previous administration left some

boards without a quorum, such as the Chiropractic Board. The governor's office is working hard to make appointments to these boards as quickly as possible."⁶

Interestingly, earlier this year, Gov. Perdue signed a proclamation recognizing March 25, 2003 as "Chiropractic Day" in Georgia. It is not known if any members of the board were on hand to witness the event.

Make Your Voice Heard

Last year, California's board of chiropractic examiners nearly faded into oblivion, but the efforts of concerned chiropractors succeeded in compelling Gov. Davis to appoint enough members for that board to continue functioning. These actions show that, when organized, the chiropractic profession can take matters into its own hands and make a real difference.

Apparently, *Dynamic Chiropractic's* calls to the governor's office have had some influence. On May 29, the day before this issue went to press, Gov. Perdue announced three appointments to the board of chiropractic examiners, giving the board just enough members to operate.

While Gov. Perdue's appointments return the board to functional status, they do little to compensate for the havoc his inaction wrought on the chiropractic profession in Georgia. Moreover, there are still two vacancies on the chiropractic board to be filled. If you'd like to voice your concerns over the governor's policies, send your comments to:

The Honorable Sonny Perdue
Governor
203 State Capitol
Atlanta, GA 30334
Tel: (404) 656-1776

Users may also voice their concerns to Gov. Perdue via the Web at www.gov.state.ga.us.

References

1. Demise of the California Board of Chiropractic. *Dynamic Chiropractic* April 8, 2002.
2. Several state licensing boards can't get quorums to work. Associated Press, May 21, 2003.
3. Telephone interview with Dr. Patrick Sallarulo, May 28, 2003.
4. Cook R. License boards can't get quorums to work. *Atlanta Journal-Constitution* May 21, 2003.
5. Peters A. Cox pushes for confirmation of board nominees. *Macon Telegraph* April 24, 2003.
6. E-mail message sent from Shane Hix to *Dynamic Chiropractic*, May 23, 2003.

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