

**BOARD OF CHIROPRACTIC EXAMINERS  
MINUTES**

DATE: October 20, 2016  
TIME: 9:00 AM CST  
LOCATION: Poplar Conference Room  
665 Mainstream Drive, 1st Floor  
Nashville, TN 37243  
MEMBERS PRESENT: Chris Alexander, D.C., President  
Joseph Amato, D.C., Board Member  
Curtis Damien, D.C., Board Member  
Sheila Fitzgerald, Consumer Member, Secretary  
Cole Hosenfeld, D.C., Board Member  
Andrea Selby, D.C., Board Member  
MEMBERS ABSENT:  
STAFF PRESENT: Michael Sobowale, Unit Director  
Marcina Egedegbe, Board Administrator  
Mary Webb, Board Administrator  
Mark Cole, Assistant General Counsel  
Carol Harrison, Office of Investigations  
Amy Bozzelli, Chiropractic Therapy Board Consultant  
STAFF ABSENT:  
GUESTS: Rachel Waterhouse, Administrative Law Judge  
Andrea Huddleston, Chief Deputy General Counsel  
Tiffany Stevens, Executive Director, TCA

**Call to Order**

With a quorum present, Dr. Alexander called the meeting to order at 9:00 AM.

**Minutes**

After a review of the minutes and a discussion of suggested corrections from the July 21, 2016 meeting Dr. Andrea Selby made a motion, seconded by Dr. Cole Hosenfeld, to accept the minutes as presented. The motion carried.

**Contested Case Hearing – Tameka Daniels-Perry, DC**

Mark Cole, Assistant General Counsel, presented the Contested Case Hearing for Tameka Daniels-Perry, DC. Administrative Law Judge Rachel Waterhouse presided over the contested

case hearing. Dr. Daniels-Perry was not present to address the Board. Mr. Cole moved for a default. Based on the exhibits accepted into evidence, Judge Waterhouse determined that the State had made all sufficient and reasonable efforts to serve the notice of hearing and charges to Dr. Daniels-Perry. The Respondent failed to appear for the hearing and as such, a default is proper when a party fails to attend. Upon discussion, Dr. Amato made a motion, seconded by Dr. Hosenfeld, to accept the default and proceed with the Contested Case Hearing. The motion carried.

#### Findings of Fact:

Dr. Daniels-Perry is accused of solicitation of services as well as providing an attorney list for patients she treated. Dr. Daniels-Perry would refuse to continue treatment if the patient did not see one of attorneys on the list she provided. Mr. Cole established a continuous pattern of solicitation behavior for Dr. Daniels-Perry. The State requested for Dr. Daniels-Perry's Chiropractic Physician license be revoked with four (4) Class B penalties and a cost of up to \$5000.00. Upon discussion, Dr. Hosenfeld made a motion, seconded by Dr. Selby, to accept the five findings of fact as presented by the State. The motion carried by unanimous vote of the members present.

#### Conclusions of Law:

Mr. Cole presented the Conclusions of Law to the Board. The allegations presented constituted a violation of Tenn. Comp. R. & Regs. 0260-02-.13 (4) – unprofessional conduct - which is defined as conduct designed to, or likely to, deceive, or harm the public.

Upon discussion, Dr. Selby made a motion, seconded by Dr. Amato, to accept the Conclusions of Law as presented with edits by the State. The motion carried by unanimous vote of the members present.

#### Order:

Mr. Cole presented a proposed Order of disciplinary action for revocation of Respondent's license and assessment of four (4) Class B civil penalties in the amount of five hundred dollars (\$500.00) each, for a total of two thousand dollars (\$2,000.00), payable within two (2) years from the date of the Order. Respondent will also be required to pay the costs of prosecuting the case, not to exceed five thousand dollars (\$5,000.00), payable within two (2) years from the date of issuance of the assessment of costs.

Upon discussion, Dr. Hosenfeld made a motion, seconded by Dr. Damien, to accept the Disciplinary Action stated in paragraphs eight, nine, and ten as presented with the amended language by the State. The motion carried by unanimous vote of the members present. Upon discussion, Dr. Hosenfeld made a motion, seconded by Dr. Selby, to accept the first page under the Order as presented by the State. The motion carried by unanimous vote of the members present.

#### Reasons for the Decision:

Upon discussion, Dr. Hosenfeld made a motion, seconded by Dr. Selby, to accept that the Board took these actions in order to protect the citizens of Tennessee as the Reasons for the Decision in

this case with proposed amendments as presented by the State. The motion carried by unanimous vote of the members present.

The Final Order including the amended language would be filed by Mark Cole, Assistant General Counsel effectively revoking Dr. Daniels-Perry's Chiropractic Physician license.

### **Contested Case Hearing – Nakoma Johnson, DC**

Mark Cole, Assistant General Counsel, presented the Contested Case Hearing for Nakoma Johnson, DC. Administrative Law Judge Rachel Waterhouse presided over the contested case hearing. Dr. Nakoma Johnson was represented by Attorney John Floyd. Two witnesses, M.L. and S.M. were sworn in and testified on behalf of the State. Witness M.L. testified under oath that she was contacted by a third party to make an appointment with Dr. Johnson following a car accident she had been involved in a few days prior. Witness M.L. reported Dr. Johnson performed a ' cursory exam ', did not take x-rays during the examination, nor did she provide the medical x-rays upon request to the witness. The principle investigator to the complaint, Witness S.M., reported that Dr. Johnson was unable to recall any ill-treatment and she did not have the records in her possession when Witness M.L. requested the records.

Dr. Johnson, Respondent, testified that she did perform a standard exam which included an x-ray. Dr. Johnson testified that she did not have access to or knowledge of storage of the medical records. Dr. Johnson testified that she was an employee of Kirby Physiotherapy and did not work to benefit an outside agency.

Judge Waterhouse discussed the procedural options for the case presented by the State of Tennessee. The final decision may be made by the State Board or a final decision may come from Judge Waterhouse without the Board input. The case proceeded with the closing arguments during which Mr. Cole recommended Dr. Johnson's license be reprimanded and be penalized a Class A Civil Penalty in the amount of \$1000.00, as well as costs of up to \$5000.00 for prosecution. During Board deliberations, Mr. Cole moved to dismiss the case with prejudice. Judge Waterhouse accepted the decision of the State and dismissed the case with prejudice.

### **Office of General Counsel Report**

Mark Cole, Assistant General Counsel, reported there were 22 open disciplinary cases on 16 chiropractors. Mr. Cole reiterated the importance of the Open Meetings Act and the Conflicts of Interest. Mr. Cole discussed previous Board business related to Dr. George Nobles. At the previous Board meeting, Dr. Nobles was granted a license reinstatement to the original date in which the license lapsed. Mr. Cole advised the Board of the Health Department Division of Health Licensure's stance regarding license reinstatements and confirmed that the Board does not have the authority to rule on such a motion.

### **Consent Order- Eric Anderson, DC**

Dr. Anderson hired a massage therapist but did not have a valid massage therapy establishment license to be able to offer massage therapy services. Dr. Anderson agreed to a license reprimand and one (1) Type-A Civil Penalty in the amount of one thousand dollars (\$1000.00) and assessment of costs not to exceed one thousand dollars (\$1000.00). Upon review and discussion, Dr. Selby made a motion, seconded by Dr. Damien, to accept the Consent Order for Dr. Anderson as presented. The motion carried.

### **Investigative and Disciplinary Reports**

Carol Harrison, Assistant Director of Office of Investigations, presented the investigative and disciplinary reports. She reported the Office of Investigations has opened four (4) new cases against Chiropractic Physicians. The office has nineteen (19) open complaint cases for the Board of Chiropractic Examiners to-date. According to the Office of Investigation's report presented by Ms. Harrison, thirty-two (32) cases have been opened in the year, to date, and fifteen (15) cases have been closed in the month of September. Of the fifteen closed cases, four (4) were transferred to the Office of General Counsel, nine (9) were closed with no violation, one (1) was closed with a Letter of Concern, and one (1) was closed with a Letter of Warning. Ms. Harrison acknowledged there has been a significant decrease in the number of complaint cases and commended the Board on excellent progress that had been made over the course of the year. She reported that disciplinary actions currently being monitored in the office consist of five (5) physicians on probation, two (2) licensees with license revocations, five (5) licensees under board orders, one (1) licensee whose license has been suspended, and one (1) licensee who has a Tennessee Student Assistance Corporation (TSAC) license suspension order.

### **Financial Report**

No representative from the Division of Health Licensure and Regulation was present .The Board was provided with a report detailing the closing statement for FY 2015 and projections for year-end FY 2016. A representative from the Financial Office will be present at the next board meeting to discuss FY 2016 closing report.

### **Applicant Interview/Review**

**Jeffrey Andersen-** Dr. Andersen is seeking licensure as a Chiropractic Physician. The Board reviewed his file due to multiple convictions on his criminal background check. Upon review and discussion, Dr. Selby made a motion, seconded by Dr. Amato, to approve Dr. Andersen for licensure. The motion carried.

**Pamela Morris-** Ms. Morris is seeking initial certification as a Chiropractic Therapy Assistant. The Board reviewed her file due to prior disciplinary action by another state regulatory board. Upon review and discussion, Dr. Hosenfeld made a motion to approve Ms. Morris for certification, Dr. Selby seconded the motion. The motion carried with Dr. Amato and Dr. Alexander opposing.

**Joseph Jackson-** Dr. Jackson is seeking licensure as a Chiropractic Physician. The Board reviewed his file due to multiple convictions on his criminal background check. Dr. Jackson was present to discuss his application status. Upon review and discussion, Dr. Selby made a motion, seconded by Dr. Amato, to approve Dr. Jackson for licensure. The motion carried.

**Abigail Hambrick-** Ms. Hambrick is seeking certification as a Chiropractic Therapy Assistant. The Board reviewed her file due to multiple convictions on her criminal background check. Ms. Hambrick was present to discuss her applicant status. Upon review and discussion, Dr. Selby made a motion, seconded by Dr. Hosenfeld, to approve Ms. Hambrick for certification. The motion carried.

**Matthew Sheppard-** Dr. Sheppard is seeking licensure as a Chiropractic Physician. The Board reviewed Dr. Sheppard's file because he marked 'No' on his license application for Chiropractic Physician although he had multiple convictions on his criminal background check. Upon review and discussion, Dr. Hosenfeld made a motion, seconded by Dr. Selby, to approve Dr. Sheppard for licensure. The motion carried.

### **Ratifications**

Upon discussion of the ratification list, Dr. Selby made a motion, seconded by Dr. Hosenfeld, to approve the following lists of new licensees, externships, reinstatements, and acupuncture qualifiers for ratification. The motion carried.

#### INITIAL LICENSES

##### CHIROPRACTIC PHYSICIANS – 13

BRITAIN, SELINA  
CALHOUN, JOHN  
COFFEEN, JUSTIN  
EDGE, MARK  
FARRIS, DALE  
GEORGE, JANE  
GILLETTE, JENSON

##### CHIROPRACTIC THERAPY ASSISTANTS – 16

DIDION, MEGAN  
FERRIS, ASHLEY  
GARBER, PATRICIA  
GRAY, MARIA  
HOUSE, TAMMY  
KERLEY, VICTORIA  
KLEIN, PENNY

##### CHIROPRACTIC X-RAY TECHNOLOGISTS – 1

FERRIS, ASHLEY

Chiropractic Examiners  
October 20, 2016

HARWARD, STEPHEN  
 KARIM, AMINA  
 KOSER, KYLE  
 O'LEAR-ZEBROSKI,  
 CORY  
 TOUHILL, DAVID  
 VUKOVIC, DUSTIN

LAKE, SARAH  
 LAY, DEANNA  
 LITTLE, TENEIA  
 LUTHE, CHARCY  
 MCQUESTEN, SHELBY  
 O'GUIN, ROXANNE  
 PINSON, BRITTANY  
 SPARKMAN, MORGAN  
 POWELL, PHILLIP

TEMPORARY LICENSES & EXTERNSHIPS - 0

ACUPUNCTURE QAULIFICATION- 0

CLOSED FILES- 4

CHIROPRACTIC PHYSICIANS – 3

CHIROPRACTIC THERAPY ASSISTANTS

– 1

BLAND, SARAH  
 BRODBECK, BRETT  
 NIBBE, SHAUN

DARROW, KELLY

**Administrative Report**

Ms. Egedegbe, Board Administrator, presented the administrative report. As of October 14, 2016, the Board of Chiropractic Examiners has 1161 active Chiropractic Physicians, 462 Chiropractic Therapy Assistants, and 108 Chiropractic X-Ray Technologists.

**STATISTICAL REPORT**

LICENSURE STATUS TOTALS FOR THE MONTHS OF  
 JULY 21, 2016 THROUGH OCTOBER 14, 2016

CHIROPRACTIC PHYSICIAN	
New applications received- 17	
New licenses issued - 13	Renewal Total - 135
Reinstatements - 2	Online Renewals - 79
Temp Licenses/ Externships - 0	Paper Renewals - 56
Licenses Retired - 7	
Failed to Renew/Expired Licensees - 11	
CHIROPRACTIC THERAPY ASSISTANT	
	Renewal Total - 56
New applications received- 16	Online Renewals - 29
New licenses issued - 16	Paper Renewals - 27
Reinstatements - 0	

Licenses Retired - 5	
Failed to Renew/Expired Licensees - 12	
	Renewal Total - 12
CHIROPRACTIC X-RAY TECHNOLOGIST	Online Renewals - 5
New applications received- 1	Paper Renewals - 7
New licenses issued - 1	

For this reporting period, the usage rate for utilizing the online renewal portal for Chiropractic Physicians is 62%; Chiropractic Therapy Assistants, 62%; and, Chiropractic X-Ray Technologists, 38%.

### TSAC/ CHILD SUPPORT ORDERS

There are no Chiropractic health professionals to report for TSAC or Child Support violations for this period.

### BOARD MEMBERS

As of October 19, 2016 there is one (1) consumer member vacancy on the Board as Ms. Nancy Strawn has resigned her position on the Board. In addition, Dr. Richard Cole's service term has expired. The Board would like to thank both Ms. Nancy Strawn and Dr. Richard Cole for their dedicated services to the Board. Dr. Curtis Damien was welcomed to the Board as a new member.

Ms. Egedegbe presented a proposal for a CTA/CXT Internship form for new licensees. The CTA/CXT form was designed to ensure the uniformity of the internship hours. Dr. Hosenfeld requested revisions and to consult with the Tennessee Chiropractic Association (TCA) before the finalized form is presented at the next board meeting.

### AGREED CITATIONS

Mr. Sobowale, Board Director, presented the following Agreed Citations to the Board for approval:

#### **Ryan Bowers, D.C. #2640**

Dr. Bowers agreed to pay a civil penalty in the amount of six hundred dollars (\$600.00) for failure to properly maintain sufficient continuing education credits. A motion was made by Dr. Hosenfeld, and seconded by Dr. Selby, to approve the Agreed Citation as presented. The motion carried.

#### **Stephen Chester, D.C. #2314**

Dr. Chester agreed to pay a civil penalty in the amount of five hundred dollars (\$500.00) for practicing on a lapsed license. A motion was made by Dr. Selby, and seconded by Dr. Hosenfeld, to approve the Agreed Citation as presented. The motion carried.

#### **Shanuri Settles, D.C. #1982**

Dr. Settles agreed to pay a civil penalty in the amount of six hundred dollars (\$600.00) for failure to properly maintain sufficient continuing education credits. A motion was made by Dr. Selby, and seconded by Dr. Damien, to approve the Agreed Citation as presented. The motion carried.

**Dionne Kellogg, D.C. #2164**

Dr. Kellogg agreed to pay a civil penalty in the amount of two thousand dollars (\$2000.00) for practicing on a lapsed license. A motion was made by Dr. Selby, and seconded by Dr. Hosenfeld, to approve the Agreed Citation as presented. The motion carried.

**Penny Klein, CTA #1279**

Ms. Klein agreed to pay a civil penalty in the amount of four hundred dollars (\$400.00) for practicing on a lapsed license. A motion was made by Dr. Selby, and seconded by Dr. Damien, to approve the Agreed Citation as presented. The motion carried.

**Correspondence Review**

**Jessica T. Whitaker-** Ms. Whitaker submitted a request for internship extension. Dr. Damien informed the Board that he knows the respondent and noted his participation may be a conflict of interest. Dr. Damien's non-participation affected the Board quorum. Upon review by the Board, it was agreed to table Ms. Whitaker's request until the next meeting.

**Danette Siesleski, CTA-** Ms. Siesleski submitted a request for internship extension. Upon discussion, Dr. Hosenfeld made a motion to grant a 6 month extension for Ms. Siesleski. The motion was seconded by Dr. Damien. The motion carried.

**Discussion of Public Chapter 1029**

Mr. Cole informed the Board that as it currently stands, the Board of Chiropractic Examiners is currently unaffected by Public Chapter 1029, which establishes a board for the purpose of the issuance of limited radiography certifications and full radiologic imaging and radiation therapy licenses.

**Discussion of CTA/CXT Rule Amendments**

Mr. Cole provided an update on the status of the rule changes approved at the December 18, 2015 rulemaking hearing. He reported the rules revision process is still ongoing with the Attorney General's Office. Mr. Cole advised the Board that additional edits can be made to the CTA/CXT rule changes if needed. Cole Hosenfeld made a motion to bring the CTA/CXT rule revisions back to the Board for further review, seconded by Dr. Amato. Upon discussion, the motion carried. Ms. Stevens, Executive Director of the Tennessee Chiropractic Association noted that there were timely revisions that needed to be addressed including license renewals and CE issues.

**Other Board Business**



On August 17th, 2016, Dr. Alexander, board chair, Mr. Cole, board advisory attorney, and Michael Sobowale, Board Director went to a hearing before the General Assembly's Joint Government Operations Committee to discuss findings from the Board's sunset audit review. They received the highlighted audit concerns and the Board was charged with correcting the infractions and reporting back to the Committee. Dr. Alexander noted all corrections are being addressed and the Board was granted a four (4) years extension.

### **FCLB District Meeting Report**

Sheila Fitzgerald represented the Board at the regional FCLB meeting. Ms. Fitzgerald was not present to provide her report.

### **Social Media Policy**

The Board is currently seeking recommendations regarding a social media policy.

### **D.O.T. Issue**

There was no discussion on this issue.

### **Adjournment**

There being no other business, the meeting adjourned at 4:42 pm.

These minutes were ratified by the Board on January 26, 2017.