

## TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

**DATE:** June 5, 2014  
**TIME:** 9:00 A.M.  
**LOCATION:** Health Related Boards Conference Center  
Poplar Conference Room  
665 Mainstream Drive  
Nashville TN 37243

### **BOARD MEMBERS**

**PRESENT:** Michael Massey, D.C., President  
Craig Ratcliff, D.C. Vice President  
Chris Alexander, D.C., Secretary  
Richard Cole, D.C., Board Member  
Andrea Selby, D.C., Board Member  
Sheila Fitzgerald, Citizen Member

**STAFF PRESENT:** Melody Spitznas, Board Administrator  
James Hill, Board Administrator  
Teddy Wilkins, Unit Director  
Mark Cole, Office of General Counsel

Dr. Massey, chair, called the meeting to order at 9:12 a.m. A quorum was present.

### **Minutes**

Dr. Cole made a motion, seconded by Dr. Selby, to approve the February 20, 2014 Board meeting minutes. The motion carried.

Dr. Cole made a motion, seconded by Dr. Selby to approve the December 12, 2013 Board meeting minutes. The Motion carried.

### **Financial Report**

Ms. Crutcher presented the projections for FY June 30, 2014. The Board of Chiropractic Examiners projects expenditures of \$65,675.30; revenues of \$218,797.09, with a current year net of \$97,085.23, and a cumulative carryover of \$530,646.31.

Ms. Crutcher discussed with the Board the onetime cost the Board will see for 2015. The onetime cost is for the replacement of the current RBS licensure tracking system with the new Versa system. This is a cost that is spread out over all the Health Related Boards and is based on the percentage of total licensees of the respective Board. The Board of Chiropractic Examiners share is projected be around \$ 13,400.00.

Ms. Crutcher mentioned to the board the new policy on reducing fees is that if the two year carryover is twice the amount of three years average expenditures, the Board may want to have some form of fee reduction discussion. Ms. Crutcher will draft up some proposed fee reductions that will included a reduction in renewals and Dr. Ratcliff asked that she look at combining the renewal fee for those that are duly licensed as a CTA's and CXT's.

Ms. Fitzgerald asked about the per diem and mileage rate reimbursement and how to get this changed. Ms. Wilkins stated that this would take a legislative change.

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

There are sixteen (16) open cases at OGC against ten (10) chiropractors.

There are no consent orders to present at this time and Mr. Cole informed the Board that they should have a contested case at the August 7, 2014 meeting.

Mr. Cole reviewed the Open Meetings Act in T.C.A §8-44-10. Mr. Cole reviewed the Conflict of Interest Statement with the Board.

Mr. Cole updated the Board of the recent rule changes. Rules were submitted to the Chief Deputy and he is no longer with the state. The rules were resubmitted and returned with issues and the issues addressed and resubmitted. Dr. Cole asked if any changes are made to the Chiropractic rules are these amendable at this time or will the process start over with a new rule change. Mr. Cole stated that at this time the rules can be amended.

### **Investigative Report**

Denise Moran stated that the Office of Investigation has opened thirty (30) cases in the office for chiropractors in 2014. There are no open investigations for CTAs or CXTs. Ms. Fitzgerald asked about other designations. Ms. Moran stated this category could be “care of service” which is their office’s perception of treatment - anything that does not fall under major categories. Dr. Cole asked Ms. Moran about a complaint he filed and why it is taking so long for the investigation to be completed. Ms. Moran asked if Dr. Cole would get with her after the meeting to find out who the complaint was filed against and she will look into this matter. Ms. Moran stated that most complaints are regarding advertising, unlicensed practice and solicitation issues. Ms. Moran spoke to the Board about the qualification of the investigators. The clinicians must have basic clinical training and investigations tries to use clinicians that may have a bachelors or masters in nursing and would like all of them to have hands on clinical experience. They attempt to lap over extra-legal training with the knowledge of the Boards statutes and rules. They are also trained on any new legislation. Ms. Moran asked for the Board’s recommendation of Chiropractors that would like to cross train with the investigators. Dr. Cole will submit a list to Ms. Wilkins. Dr. Cole asked about summary suspensions and the process. Mr. Cole stated that if a case presents that he feels needs immediate attention he will contact the AG’s office and the Board to set up a summary suspension hearing and the respondent has seven business days to request a hearing relative to the summary suspension.

Ms. Moran, Director of Investigations introduced Ms. Tammy Cochnauer, Disciplinary Coordinator the Health Related Boards.

### **Monitored Practitioners**

Nine (9) practitioners are on probation, four (4) have had their licenses revoked, and four (4) are under board order.

### **Administrative Report**

Ms. Wilkins introduced Mr. Hill to the Board as the new Administrator of the Board of Chiropractic Examiners.

As of May 28, 2014, there are 1143 licensed Chiropractic Physicians, 116 CXTs, and 487 CTAs. The following dates have been selected for the 2015 Board meeting schedule.

January 22, 2015  
April 23, 2015  
July 23, 2015  
October 22, 2015

### **Applicant Interview**

The Board reviewed the file of **Joshua Moore**, CTA applicant, regarding the DUI charge from 2011. Dr. Cole made a motion, seconded by Ms. Fitzgerald, to approve. The motion carried.

The Board reviewed the file of **Ashley Carter**, CTA applicant, regarding the DUI charge from 2011. Dr. Selby made a motion, seconded by Dr. Alexander, to approve. The motion carried.

The Board reviewed the file of **Pamela Bull**, CTA applicant, regarding a disciplinary charge by the Board of Medical Examiners. Dr. Cole made a motion, seconded by Dr. Selby, to approve. The motion carried.

The Board reviewed the file of **Jesse Riley**, DC applicant, regarding the DUI charge from 2010. Ms. Fitzgerald made a motion, seconded by Dr. Selby to approve. The motion carried.

### **FCLB Report**

Dr. Alexander addressed the Board regarding his recent trip to the FCLB conference. Dr. Alexander related some points of interest. The Ethics and Boundaries Assessment Services serves as a screening tool for disciplinary practitioners and those wishing to return to practice if a concern is present. It has expanded beyond the chiropractic profession. Board discussion brought up topics and state differences in International Accreditation of Chiro Schools; CCCI; background checks; FBI; foreign students; dealing with lapsed licensees/reinstatements processes. CCE has changed some chiropractic admission standards many states, and the need to change wording regarding pre-reqs and undergrad work to match CCE. The FCLB and attorneys had a round table to discuss topics of concern such as privacy and doctor patient relationship in social media; "groupon" advertising vs fee splitting; advertising bargain basement prices then upselling; arrests, convictions, expungements to new applications; consider private vs. public orders, advisory letters, apology law allows communication for de-escalation after an event without default guilt. We were asked to consider bringing executive directors to the future events.

A discussion was held regarding the district meeting in West Palm beach, FL, September 4-7, 2014.

The FCLB/NBCE conference will be May 6-10, 2015, in New Orleans LA.

Dr. Cole discussed using the FCLB-Pace as an approver of continuing education courses and that all states have moved to a third party evaluation system or has increase Board fees to be able to evaluate the offerings. Tennessee has recommended using the statutory like the I.C.A., T.C.A., A.C.A, and FCLB-PACE. Dr. Cole's recommendation is to stay the course with the understanding that all continuing education will be I.C.A., A.C.A, T.C.A, and FCLB-PACE will be the avenues by which the programs will be evaluated and approved or not approved.

Dea Smith, Director of the Board of Dentistry, explained the processing of all continuing education through the audit unit. The Board requested that once the rules have been revised that all continuing education will run through the unit.

Tiffany Stevens with the T.C.A. has concerns with a 48 hour requirement vs. the 24 hours that the licensees are already struggling with submitting the required hours. And because of the inconsistency in response time with administration and getting information back to the individuals to monitor on whether they are or not in compliance. The fear is that the 48 hours could possibly turn into a three or four year process. In response Dr. Cole mentioned the great opportunities of getting continuing education with the new design the Board is coming up with in multiple places. The design will give multiple flexibly in multiple venues compliance every two year, 48 hours within the renewal cycle.

Dr. Ratcliff made a recommendation to rewrite the rule regarding continuing education by dropping the requirements to send all continuing education in by January 15, and to keep the requirement of 24 hours per calendar year and to submit continuing education documentation when requested by the audit department.

Terry Loher DC, from Chattanooga, representing the Chiropractors from Chattanooga is requesting special exemption from the requirements of Pace approval course stating it is too costly. Dr. Cole responded regarding the cost that there is no cost to apply for P.A.C.E. The approved course structure is difficult to comply with. The fee is \$10.00 to the FCLB for each registrant sign up.

Josh Carmack, DC stated the biggest issue people were having is that this came out of nowhere and if it is not approved by any of these organizations it will not be approved. Dr. Cole suggests that if you have a district meeting this would be a great place the share changes within the profession. Dr. Alexander suggested that if there is a course that you would like to take to contact the T.C.A. to see if there is a willingness to get the course approved.

### **Correspondence**

**Leonna Bowers, CTA** submitted a letter requesting an extension of submitting her CTA hours as she misunderstood and thought she had 18 months instead of 12 months to send them in. Dr. Ratcliff made a motion, seconded by Dr. Alexander, to allow her to submit her hours. The motion carried.

**Ali Christianson, DC** submitted a letter asking the Board if the 200 hours of acupuncture education combined with the 100 hours of education at Northwestern will be enough to stand for acupuncture certification in Tennessee. Ms. Fitzgerald made a motion, seconded by Dr. Cole that Dr. Christianson will need an additional 150 class room hours as approved by the Board approved. The motion carried.

The Board reviewed the correspondence from **Dr. Clifford** regarding Chiropractic Philosophy. The Board would like to thank him for his letter and has no comment at this time.

**Kathy Larson** requested an extension to completing her CTA course hours. As of this date she has completed 1194.25 hours. Ms. Fitzgerald made a motion, seconded by Dr. Cole to allow 6 months to complete the additional hours needed. The motion carried.

**Mary Obersteadt** submitted a letter appealing the recent action regarding the Board policy for Tennessee chiropractors obtaining continuing education credits for Nutri-West Blue Ridge Seminar with Dr. Dan Murphy in Atlanta, June 28-29, 2014. The Board would like to thank you on your letter and the course will be approved.

**Abbe' Spivey** is asking the Board for additional time to complete her CEU's for renewal. Ms. Fitzgerald made a motion, seconded by Dr. Ratcliff to grant her six months to complete her CEU's for renewal. The motion carried.

**Dr. Gangemi** is asking the Board for an extension to complete the mandatory 6 hours of ethics class past the 6 month period. Dr. Ratcliff made a motion to allow the 6 months, seconded by Dr. Cole. The motion carried.

**Dr. Sandra Bogard** needs the opinion of the Board of Chiropractic Examiners if it is in the practice act for Chiropractic Physicians to order diagnostic lab tests. The lab act of the Board does allow the order of lab test.

Ms. Wilkins asked the Board by request of the Dr. Dock seminars to allow the expanded dates for continuing education to be approved by the Board. Dr. Cole is recommending that the dates the Board has approved stay and any future dates will need to be forwarded to the T.C.A.

**Dr. Melissa Hall** submitted a request for acupuncture course approval. Dr. Cole will submit the research on course submitted and provide the information to Dr. Alexander for approval.

### **Legislation**

**Jeremy Davis**, legislative liaison, reviewed with the Board current legislation that passed and will impact the Board. SB 1629 will allow for the Health Related Boards to accept online applications for initial application. This is expected to be operational sometime in 2015. SB 1636 revises the professional privilege tax for the Department of Revenue delinquent provision part of the bill. The new law requires professional privilege taxpayers that are 90 days or more delinquent to pay their professional privilege tax before they may renew their professional license. This law does not apply in situations where delinquent taxpayers have entered into a payment plan agreement with the Department of Revenue, have requested an informal review conference or have filed suit. This law became effect April 24, 2014. SB 2050 is regarding telehealth, which states insurance companies cannot deny paying a claim just for the fact that it was via tele health, it also sets standards that are going to be independent based on each Board. This will go into effect January 1, 2015. SB 1674 allows health care providers to have civil immunity when practicing in a certain facility (FQHC) providing services based on a sliding scale.

**John Williams** stated the Board of Medical examiners is in the process of making changes in the rules regarding Tele-Medicine.

### **Ratify Newly Licensed**

Dr. Cole made a motion, seconded by Dr. Selby, to approve the following newly licensed Chiropractors. The motion carried.

**James Martin Beuerlein Jr**  
**Lauren Elizabeth Calabria**  
**Bridgger Tempketon**  
**Cheng Eak Chew**  
**Brian Eldon Chinn**  
**Ali Cavanagh Christianson**  
**Brandon Todd Combs**  
**Mark Edwin Crowell**  
**Cory Stanwyck Davis**

**Gary Allen Kovalsky**  
**Roger Clyde Ledlow**  
**Chatman Cassie Ann Major**  
**Michael Joseph Major**  
**Mary Katherine Martinez**  
**Joseph Alan Muse**  
**Travis Benjamin Owens**  
**Kirby Lynn Sanders**  
**Wade Cameron Scott**

**Cindy Ann Dunne  
Stephen C. Gangemi  
William D. Hinson**

**James Vincent Taylor  
Tony Lee Vanzant  
Jessica Marie Wheeler**

Dr. Cole made a motion, seconded by Dr. Selby, to approve the following newly licensed Chiropractic Therapy Assistants. The motion carried.

**Chelsey Leann Barnes  
Lori Ann Bellefant  
Kathy Marie Brown  
Melissa Ann Byers  
Nicole Michelle Covington  
Amy Kea Curry  
Kyrsten Lee Dowling  
Stephen Joseph Henninger**

**Raquel Nicole Jarnaging  
Homaira Mirhabibi  
Cara O'Dell  
Laura Elisabeth Paschke  
Michelle Marie Ramsaran  
Donna Lynn Shoemaker  
Laura Ashley Stratton  
Jamie Leigh Williams**

Dr. Ratcliff made a motion, seconded by Dr. Alexander, to approve the following newly licensed Chiropractic X-Ray Technicians. The motion carried.

**Angela R. Blaszyk  
Anna Hughes Brown  
Stephen Joseph Henninger**

**Alisha Dawn Johnson  
Ericka Lynn Schulz  
Shelley Denise Solomon**

### **Ratify Reinstatements**

Dr. Cole made a motion, seconded by Dr. Ratcliff, to approve the following reinstated Chiropractors. The motion carried.

**Carl Scott Abramson  
Larry D. Adair  
Christopher D. Bennett  
Barnard J. Coomes  
Walter Ronald Fausnaught Jr.  
Otis Brandon Forrester**

**Carl C. Hosenfeld  
James Kassinger  
Shanuri Settles  
Charles Frederec Spencer  
Robert Michael Thompson  
Douglas K. Williamson Jr.**

Dr. Cole made a motion, seconded by Dr. Ratcliff, to approve the following reinstated Chiropractic Therapy Assistants. The motion carried.

**Rebecca Jean Williams**

**Melissa Collins** asked a waiver of continuing education for hours for reinstatement. Dr. Cole made a motion, seconded by Dr. Ratcliff, to allow Ms. Collins to obtain her 30 hours of continuing education online as approved by Dr. Alexander. The motion carried.

### **Election of Officers**

Dr. Cole made a motion, seconded by Ms. Fitzgerald to elect Dr. Alexander as President. The motion carried.

Dr. Cole made a motion, seconded by Ms. Fitzgerald to elect Dr. Ratcliff as Vice President. The motion carried.

Dr. Cole made a motion, seconded by Dr. Ratcliff to elect Ms. Fitzgerald as Secretary. The motion carried.

With no other business to be conducted by the Board, Dr. Alexander made a motion, seconded by Dr. Cole to adjourn the meeting at 1:15 p.m.

**These minutes were ratified by the Board at the August 7, 2014 Board meeting.**