

**BOARD OF CHIROPRACTIC EXAMINERS
MINUTES**

DATE: January 22, 2015

TIME: 9:14 AM CST

LOCATION: Poplar Conference Room
665 Mainstream Drive, 1st Floor
Nashville, TN 37243

MEMBERS PRESENT: Chris Alexander, D.C., President
Craig Ratcliff, D.C. Vice President
Richard Cole, D.C., Board Member
Andrea Selby, D.C., Board Member
Cole Hosenfeld, D.C., Board Member
Sheila Fitzgerald, Consumer member, Secretary

STAFF PRESENT: James Hill, Board Administrator
Theodore Wilkins, Unit Director
Zandra Blackshear, Interim Board Administrator
Lakita Taylor, Interim Board Manager
Mark Cole, Office of General Counsel

STAFF ABSENT: Michael Sobowale, Interim Unit Director

Call to Order

With a quorum present, Dr. Alexander called the meeting to order at 9:14 AM.

Contested Case Hearing – Steiner Douglas Sanford D.C. License No. 1988

Mark Cole, Assistant General Counsel, stated the contested case of Steiner Douglas Sanford, DC, had been settled and is being presented before the Board as an Agreed Order. The Dr. Sanford was present with representing counselor.

The Findings of Fact are as follows:

- 1) In September 2011, Dr. Sanford, previously dated a woman whose initials are M.M, began a campaign of stalking her and committed acts against her, such as drilling out the locks on her entry doors and replacing those locks, so he would have access.

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- 2) In February 2013, Dr. Sanford, under the influence of alcohol, repeatedly hit, shoved and choked M.M., who was at that point his wife, until she blacked out.
- 3) In March 2013, Dr. Sanford, in violation of an Order of Protection, entered into the house and committed other acts.
- 4) In June 2014, Dr. Sanford pled guilty and was convicted in the Davidson County Criminal Court of one (1) count of Aggravated Assault, in violation of T.C.A. 39-13-102(a), a felony. He was placed on three (3) years' probation.
- 5) Additionally, Dr. Sanford pled guilty and was convicted of one (1) count of Assault, in violation of T.C.A. 39-13-102, and two (2) counts of Domestic Assault with bodily injury, in violation of T.C.A. 39-13-102.
- 6) Dr. Sanford agreed he violated T.C.A. 63-4-114 (2) conviction of a felony for violations of any law of the state or of the United States; and, (4) Immoral, unethical, unprofessional or dishonorable conduct.

Mr. Cole presented the following stipulations of the Agreed Order:

- 1) Dr. Sanford's license will be suspended until an agreement with the Tennessee Medical Foundation (TMF) is established;
- 2) Dr. Sanford has thirty (30) days from the date of the Agreed Order to contact the Tennessee Medical Foundation (TMF) for an evaluation;
- 3) Dr. Sanford must follow all recommendations of the evaluation and if determined, sign a monitoring agreement with the Tennessee Medical Foundation (TMF);
- 4) Dr. Sanford's license will be placed on probation for a period of at least three (3) years;
- 5) Dr. Sanford must avoid further discipline and meet all requirements of the agreement, or his license will be immediately suspended;
- 6) Dr. Sanford will be assessed a Type A Civil Penalty in the amount of one thousand dollars (\$1,000), not to exceed three thousand dollars (\$3,000), which must be paid within twelve (12) months; and,
- 7) An appearance before the Board, in the form of an Order of Compliance, will be required to have the probation or suspension lifted from the license.

Dr. Cole made a motion, seconded by Dr. Ratcliff, to accept the Agreed Order as presented by Mark Cole, Assistant General Counsel. The motion carried.

Minutes

Dr. Alexander commented on the November 20, 2014 meeting minutes with the following corrections to be made:

- Page 6, item (d) should read “The preceptor program will be discontinued upon completion of graduation”.
- Page 7, under the policy statement regarding Urine Analysis, should reflect that “Dr. Alexander will draft a letter to the Medical Laboratory Board asking for clarification”.
- Dr. Alexander inquired whether criminal background checks would be valid for six (6) or twelve (12) months, stating the minutes should reflect that this inquiry was discussed.
- Page 7, under other business regarding selection of delegates for the National Chiropractic Board of Examiners conference, should reflect the initials NCBE.

Dr. Hosenfeld made a motion, seconded by Mrs. Fitzgerald, to accept the minutes of November 20, 2014 with corrections. The motion carried.

Applicant Interview

The Board reviewed the file of **Megan Touron, DC**, regarding her DWI and possession of marijuana charges. Mrs. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to approve her application for licensure. The motion carried.

Dr. Cole made a motion, seconded by Mrs. Fitzgerald, to add Dr. Megan Touron to the current ratification list. The motion carried.

Investigative and Disciplinary Reports

Nichelle Dorroh, Disciplinary Coordinator, stated the Office of Investigations has nineteen (19) complaint cases open and two (2) cases pending second review for chiropractic physicians.

Dr. Cole inquired about the number of investigators working for the Board, specifically in West Tennessee, and any vacancies that may be available. He stated that he submitted a complaint approximately three (3) months prior and had not received a response. Ms. Dorroh provided clarification by explaining the complaint review process, and offering to provide feedback regarding Dr. Cole’s concerns to Denise Moran, Director of the Office of Investigations.

Office of General Counsel Report

Mr. Cole, Assistant General Counsel, stated there are twenty-two (22) open disciplinary cases on ten (10) chiropractic physicians pertaining to the Board of Chiropractic Examiners. There was one (1) contested case scheduled, but was settled before the Board meeting. Mr. Cole reminded the Board of the Open Meetings Act (Sunshine Law) and the Conflict of Interest policy that were covered during the last meeting. Mr. Cole provided a status for the chiropractic rule changes and rulemaking hearing process, and reported the Board currently has no new legislation at this time. There were no orders presented for ratification.

Dr. Cole inquired about the number of consultants the Board currently has and if there was a need for additional. Mr. Cole stated the Board is welcome to submit names for consideration.

Agreed Citations

Upon review of the Agreed Citation for Mary Masterson, CTA, regarding practicing on a lapsed license, Dr. Cole made a motion, seconded by Dr. Hosenfeld, to accept. The motion carried.

Policy Statements

Upon review of the continuing education policy, Dr. Cole made a motion, seconded by Dr. Hosenfeld, that no changes were needed at this time. The motion carried.

Rule Amendments

Mr. Cole presented proposed changes to the language of Rule 0260-2-.21, regarding the Chiropractic Preceptor Program. Upon review, Dr. Cole made a motion, seconded by Dr. Ratcliff, to amend the rules by removing language referring to “extern” and “externship” and replacing with “intern” and “internship”, strike paragraph (1)(c), and include language allowing approved alternate preceptors in the absence of the approved primary preceptor. The motion carried.

Dr. Cole and Ms. Taylor will revise the Preceptor Certificate Application to present for consideration at the next board meeting.

Dr. Selby commented on Rule 0260-02-.12 (6)(b), inquiring if consideration could be given for the Board to receive continuing education credit for attending board meetings. The Board decided to address the inquiry during the rule making hearing.

Administrative Report

Mr. James Hill, Board Administrator, presented the administrative report. As of December 31, 2014, there were 1140 active Chiropractic Physician licensees, 463 Chiropractic Therapist Assistants, and 128 Chiropractic X-Ray Technologists.

Chiropractic Physician	Chiropractic Therapist Assistant	Chiropractic -Ray Technologist
Retired Licensees - 736	Retired Licensees - 234	Retired Licensees - 91
Expired - 437	Expired - 431	Expired - 407

The total number of renewals processed online for all professions regulated by the Board of Chiropractic Examiners during November 15, 2014 through January 15, 2015, was thirty (30) Chiropractors, six (6) Chiropractic Therapy Assistants, and three (3) Chiropractic X-Ray Technicians.

INTERNET

Mr. Hill welcomed suggestions from the Board regarding any updates for posting to the website for Chiropractic Examiners.

BUDGET ISSUES

Mr. Hill reported that he is working on travel authorization for the NBCE & FCLB meetings scheduled in May.

COMPLETED PROJECTS

Mr. Hill stated that he and Ms. Wilkins have mailed deficiency letters to licensees who have not responded to the 2013 continuing education audit and are receiving documentation of compliance. The 2014 continuing education audit is still being processed, but will be finalized soon and an update provided at the next Board meeting.

A preferred method for submission of continuing education was discussed. Ms. Taylor stated a new email system has been implemented for this purpose, with notification provided via the Board website and the Tennessee Chiropractic Association.

Ratify Newly Licensed

Dr. Cole made a motion, seconded by Dr. Shelby, to approve the following newly licensed Chiropractic Physicians:

JORDAN AXE
JOSHAWA BECHTEL
COLIN CHANG
HANNAH HANCOCK
MICHAEL KOCH
ANTHONY LINZA
COLIN OLBERDING

FRANCINE RICE
ASHLEY TESTER
ASHTON TOTTY
MEGAN TOURON
DEYONA WINTON
GEORGIA YOUNG
MICHAEL YOUNG

The motion carried.

Mrs. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to approve the following newly licensed Chiropractic Therapy Assistants:

LINDSEY COOPER
ERICA GILLILAND
SANDY LINS

GETCHEN MARKLAND
DANIELLE SANSON
ASHLEY ZEOLIA

The motion carried.

Dr. Hosenfeld made a motion, seconded by Mr. Fitzgerald, to approve the following newly licensed Chiropractic X-Ray Technologist:

KATIE GLOSTER

AMBER GRAVES

The motion carried.

Ratify Reinstatements

Dr. Cole made a motion, seconded by Dr. Ratcliff, to approve the following reinstatements:

CHIROPRACTIC PHYSICIANS

DONALD MYNSTER

BRENDAN WRIGHT

CHIROPRACTORS THERAPY ASSISTANTS

ANDREA BOOKHARDT
VICKI CUSTSINGER

MARY MASTERSON

CHIROPRACTORS X-RAY TECHNOLOGIST

KRISTEE JOHNSON
TIFFANY KELSO

JESSICA MEADE

The motion carried.

Ratify Closed Files

Mrs. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to ratify the closure of the following files:

CHIROPRACTORS PHYSICIAN

Scott Albano	2374	Failed to interview
Caleb M. Alford	2803	Incomplete application
Christopher Andruscavage	2336	Incomplete application
Benjamin Baker	2423	Incomplete application
Chablis P. DeSpain	2608	Incomplete reinstatement
Eduardo Diodato	2550	Withdrew application
Danielle Engle	2696	Incomplete application
Christopher Hanner	2627	Failed to interview
Amy Heitkamp	2392	Failed to interview
Stephen Jankovic	2370	Incomplete application
Justin Johnson	2468	Failed to interview
Mark Jones	2617	Failed to interview
Angela Kelly	2381	Incomplete application
James Lasseigne	2460	Incomplete application
Ronald Looney	2494	Incomplete application
Anthony Meade	2742	Incomplete application
Shandreika Neal	2706	Failed to interview
Robert Newhalfen	2553	Incomplete application
Vaishali Patel	2396	Withdrew application
Michael Reed	2691	Incomplete application
Steven Rogers	2300	Failed to interview
Daniel Roth	2295	Failed to interview
Joshua Sandell	2734	Incomplete application
James Seaton	2304	Failed to interview
Anthony Snellenberger	2388	Incomplete application
Mark Szostczuk	2387	Failed to interview
Patrick Thornton	2444	Failure to meet Board requirements
Marydee Vaile	2540	Failed to interview
Kacie Walters	2731	Incomplete application
Lance Wittwer	2732	Withdrew application

CHIROPRACTORS THERAPY ASSISTANT

Nicola Allison	1214	Incomplete application
Susan Blair	914	Incomplete application
Kelly Calhoun	1020	Incomplete application
Heather Chasteen	879	Incomplete application
Melissa Collins	341	Incomplete reinstatement

Jordan Cunningham	1037	Incomplete application
Elizabeth Ealey	1174	Incomplete application
Shannon Gambrell	1062	Incomplete application
Rachal Henson	961	Incomplete application
Steven Jones	878	Incomplete application
Kiana Koss	1114	Incomplete application
Courtney Magness	947	Incomplete application
Alicia Marlin	1125	Incomplete application
Aileen Martinez	898	Incomplete application
Kiley Page	1123	Incomplete application
Brian Pridemore	1039	Incomplete application
Sonja Raisor	943	Incomplete application
Sarah Ridley	872	Incomplete application
Emily Scott	1221	Incomplete application
Susan Simons	911	Incomplete application
Deborah Sturgill	852	Incomplete application
Casey Torres	830	Incomplete application
Tanya Webb	1117	Incomplete application
Jacqueline Winter	1067	Incomplete application
Rachel Vaught	991	Incomplete application

CHIROPRACTORS X-RAY TECHNOLOGIST

Erika Byers	711	Incomplete application
Tammy Dicus	720	Incomplete application
Tammy Gholson	670	Incomplete application
Todd McGilvra	702	Incomplete application
Seth Moore	690	Incomplete application
Emily Scott	734	Incomplete application

The motion carried.

Correspondence Review

Brandon Combs, DC, submitted a letter requesting an extension on the continuing education requirement for 2014. Dr. Ratcliff made a motion, seconded by Dr. Hosenfeld, to grant Dr. Combs a six (6) month extension to obtain the required six (6) hours of Ethics and Jurisprudence continuing education by July 22, 2015. The motion carried.

Brenda Jerles, CTA, submitted a letter requesting retirement of her license in good standing, due to unforeseen circumstances. Mrs. Fitzgerald made a motion, seconded by Dr. Selby, to approve Ms. Jerles' request to retire her license in good standing. The motion carried

Connie Fulmer, DC, submitted a letter requesting acceptance of three (3) hours of continuing education in Ethics, to apply toward the required twenty-four (24) hours. Dr. Cole made a motion, seconded by Mrs. Fitzgerald, to accept Dr. Fulmer's request based on compliance with current policy. The motion carried.

Jennifer James, DC, submitted a letter requesting retirement of her license in good standing. Dr. Cole made a motion, seconded by Dr. Selby, to approve Dr. James' request to retire her license in good standing. The motion carried.

John Hasenbank, DC, submitted a letter requesting an extension on the continuing education requirement for 2014. Mrs. Fitzgerald made a motion, seconded by Dr. Selby, to grant an extension to obtain twelve (12) hours of continuing education prior to the April 16, 2015 meeting. The motion carried.

Jeff Brittain, DC, submitted a letter requesting a wavier on the continuing education requirements for 2013 and 2014. Dr. Ratcliff made a motion, seconded by Mrs. Fitzgerald, to approve the request for an extension and require Dr. Brittain to submit continuing education for 2013 and 2014 prior to the April 16, 2015 meeting or the option to retire, with the continuing education requirement for both years being waived. The motion carried.

Jerry Nashman, DC, submitted a letter requesting action from the Board due to an administrative error in the issuance of licensure. Dr. Cole made a motion, seconded by Mrs. Fitzgerald, to rescind Dr. Nashman's license. The motion carried.

The licensure file of **Joshua Shanuel, DC**, was presented to the Board due to an administrative error in the issuance of licensure. Mrs. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to rescind Dr. Shanuel's license. The motion carried.

Kimberly Payne, CTA, submitted a letter requesting an extension to obtain the required 1200 hours for licensure. Dr. Cole made a motion, seconded by Dr. Hosenfeld, to grant an extension of twelve (12) months to complete the required hours of clinical internship. The motion carried.

Marian Haynes, DC, submitted a letter requesting reinstatement of licensure and an extension to submit the required twenty-four (24) hours of continuing education for 2014 before the end of 2015. Mrs. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to require Dr. Haynes to complete the required continuing competence hours for calendar year 2014 during calendar year 2015, and submission of proof of those hours at the time of reinstatement. The motion carried.

Matthew Lester, DC, submitted a letter requesting an extension on the continuing education requirement for 2013 and 2014. Dr. Hosenfeld made a motion, seconded by Mrs. Fitzgerald, to

grant a six (6) month extension and require Dr. Lester to obtain thirty-six (36) hours of continuing education to be submitted by July 22, 2015. The motion carried.

Ramin Saeedpour, DC, submitted a letter requesting an extension on the continuing education requirements for 2014. Mrs. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to accept Dr. Saeedpour's request and require submission of a total of forty-eight (48) hours of continuing education for 2014 and 2015 before the end of the calendar year. The motion carried.

Thomas Kovacs, DC, submitted a letter requesting a waiver of the required continuing education for 2014 and retirement of his license in good standing. Dr. Selby made a motion, seconded by Mrs. Fitzgerald, to grant Dr. Kovacs' request by waiving continuing education for 2014 and to retire his license in good standing. The motion carried.

Social Media Policy

The Board deferred discussion on a Social Media Policy, stating any suggestions or findings to be forwarded to the administrative office to be added to the agenda for the April meeting.

D.O.T. Exam Discussion

Dr. Alexander shared the letter he drafted to the Tennessee Medical Laboratory Board, regarding clarification on Urinalysis and whether a CLIA waiver for performing simple collection and testing is required for Chiropractors.

Discussion of Continuing Education Issue

Board members inquired whether board funds can be allocated to cover the cost of a one-time training for the profession, regarding the ICD-10 mandate scheduled October 1, 2015. Tiffany Stevens, Executive Director of the Tennessee Chiropractic Association, stated the TCA has begun including education on the mandate in its seminars scheduled during the first two quarters.

Mr. Cole stated he would research the statutes to determine if the Board's request is permissible, and instructed the Board to issue a vote, in the event there are no conflicts with the law. Dr. Cole made a motion, seconded by Dr. Hosenfield, to require a one-time requirement of six (6) hours of continuing education in ICD-10 during calendar years 2015 or 2016, which can be included in the twenty-four (24) hour requirement. The motion carried.

Upon further discussion, Dr. Cole made a motion, seconded by Dr. Ratcliff, to sponsor speaker and travel fees for the instructor that will provide the course material for up to \$35,000 for each year. The motion carried.

Adjournment

With no further business being presented, the meeting adjourned at 12:49 pm.

These minutes were ratified by the Board at the April 16, 2015 meeting.