

BOARD OF CHIROPRACTIC EXAMINERS

MINUTES

DATE: April 21, 2022

TIME: 9:00 AM CST

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

MEMBERS PRESENT: Curtis Damien, D.C., President
Cole Hosenfeld, D.C., Vice-President
Jason Hulme, D.C., Secretary
Dale Blackwelder, D.C., Board Member
Kara Birdwell, D.C., Board Member

STAFF PRESENT: Noranda French, Board Director
Mary V. Bennett, Board Manager
Sabrina Craig-Boyd, Board Administrator 2
Kevin Griffin, Associate General Counsel
Dorsey Luther, BIV Coordinator
Matthew McSpadden, Fiscal Manager

GUESTS PRESENT:

Call to Order

A roll call of board members was initiated, by Sabrina Craig-Boyd, Board Administrator. With a quorum present, the meeting started at 9:04 am, CST.

Review and Approve Board Meeting Minutes from the January 27, 2022, Meeting

Dr. Blackwelder, made motion, to accept the minutes as written. Dr. Hulme, seconded the motion. All in favor, none opposed. The motion carried.

OGC Report

CONFLICT OF INTEREST

Kevin Griffin, Board Attorney, reminded the board of any conflicts of interests, that if you have a personal or financial interest in the outcome of any issue or matter before this board which may suggest a bias on your part, you are asked to state that interest on the record so that a determination can be made as to whether there exists a need for recusal. You are reminded that it is the duty of this board to protect the health, safety and welfare of the citizens of Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.

LITIGATION MATTERS:

The Office of General Counsel currently has seventeen (17) open disciplinary cases on fourteen (14) chiropractic physicians pertaining to the Board of Chiropractic Examiners.

APPEALS

There are no pending appeals from Board action.

CIVIL SUITS

None.

RULES:

The Office of General Counsel has two rule changes in process, regarding the CTA/CTX rules and the DC rules. The CTA/CXT rule packet is currently under review by the Governor's Office and is pending approval by Gov Ops. The DC Telehealth rule packet is currently in process.

Agreed Orders

Jesse Dean, DC1746

Dr. Blackwelder, made a motion, to accept the order as written, Dr. Hulme seconded. None opposed. The motion carried.

Health Licesnure and Regulaytion Fiscal Report

Presented by Matthew McSpadden, Fiscal Manager:

Tennessee Board of Chiropractors					
Actual Revenue and Expenditures					
for Fiscal Year ending June 30, 2022					
Acct. Code	Description	FY2022 Projected	FY2022 Actual	FY2021	FY2020
701	Salaries & Wages	\$ 85,125.64	\$ 42,562.82	\$ 72,398.33	\$ 67,725.17
702	Employee Benefits	\$ 38,559.98	\$ 19,279.99	\$ 30,214.20	\$ 21,508.07
Payroll Expenditures (701-702)		\$ 123,685.62	\$ 61,842.81	\$ 102,612.53	\$ 89,233.24
703	Travel	\$ 4,866.96	\$ 2,433.48	\$ 185.18	\$ 6,349.79
704	Printing & Duplicating	\$ -	\$ -	\$ -	\$ -
705	Utilities & Fuel	\$ -	\$ -	\$ -	\$ -
706	Communications	\$ 1,674.96	\$ 837.48	\$ 1,331.99	\$ 3,909.20
707	Maintenance & Repairs	\$ -	\$ -	\$ -	\$ -
708	Prof. Svc. & Dues	\$ 3,627.72	\$ 1,813.86	\$ 8,653.51	\$ 5,496.68
709	Supplies & Materials	\$ -	\$ -	\$ 73.75	\$ 656.80
710	Rentals & Insurance	\$ -	\$ -	\$ -	\$ -
711	Motor Vehicle Ops.	\$ -	\$ -	\$ -	\$ -
712	Awards & Indermnities	\$ -	\$ -	\$ -	\$ -
713	Grants & Subsidies	\$ -	\$ -	\$ -	\$ -
714	Unclassified	\$ -	\$ -	\$ -	\$ -
715	Stores for Resale	\$ -	\$ -	\$ -	\$ -
716	Equipment	\$ -	\$ -	\$ -	\$ -
717	Land	\$ -	\$ -	\$ -	\$ -
718	Buildings	\$ -	\$ -	\$ -	\$ -
721	Training of State Employees	\$ -	\$ -	\$ -	\$ 295.00
722	Computer Related Items	\$ 196.76	\$ 98.38	\$ 331.24	\$ -
725	State Prof. Svcs.	\$ 3,356.86	\$ 1,678.43	\$ 8,560.49	\$ 6,924.89
Total Other Expenditures (703-725)		\$ 13,723.26	\$ 6,861.63	\$ 19,136.16	\$ 23,632.36
Total Direct Expenditures		\$ 137,408.88	\$ 68,704.44	\$ 121,748.69	\$ 112,865.60
Allocated Expenditures					
	Administration	\$ 16,605.50	\$ 8,302.75	\$ 17,129.38	\$ 15,282.86
	Investigations	\$ 11,900.69	\$ 5,950.35	\$ 53,598.17	\$ 74,642.56
	Legal	\$ 22,032.00	\$ 11,016.00	\$ 48,578.17	\$ 53,824.54
	Cash Office	\$ 483.66	\$ 241.83	\$ 510.92	\$ 504.12
Total Allocated Expenditures		\$ 51,021.85	\$ 25,510.93	\$ 119,816.65	\$ 144,254.08
Total Expenditures		\$ 188,430.73	\$ 94,215.37	\$ 241,565.34	\$ 257,119.68
Board Fee Revenue		\$ 306,406.72	\$ 153,203.36	\$ 272,048.01	\$ 263,500.64
Current Year Net		\$ 117,975.99	\$ 58,987.99	\$ 30,482.67	\$ 6,380.96
Technology Improvements					
	LARS Improvements	\$ 1,532.35	\$ 766.17	\$ 4,361.98	\$ 646.66
	Visual Investigator	\$ 104.78	\$ 52.39	\$ 378.90	\$ 14,971.16
Total Technology Improvements		\$ 1,637.13	\$ 818.56	\$ 4,740.89	\$ 15,617.83
Cumulative Carryover		\$ 669,778.74	\$ 611,609.32	\$ 553,439.89	\$ 527,698.11

Board of Chiropractors	
Analysis of Operating Expenditures and Carryover Balance	
FY2018 Operating Expenditures	\$ 198,470.86
FY2019 Operating Expenditures	\$ 242,770.11
FY2020 Operating Expenditures	<u>\$ 257,119.68</u>
3 Year Average of the Annual Operating Expenditures	\$ 232,786.88
2 Times 3 Year Average of the Annual Operating Expenditures	<u>\$ 465,573.77</u>
2020 Cumulative Carryover Balance	\$ 527,698.11
FY2019 Operating Expenditures	\$ 242,770.11
FY2020 Operating Expenditures	\$ 257,119.68
FY2021 Operating Expenditures	<u>\$ 241,565.34</u>
3 Year Average of the Annual Operating Expenditures	\$ 247,151.71
2 Times 3 Year Average of the Annual Operating Expenditures	<u>\$ 494,303.42</u>
2021 Cumulative Carryover Balance	\$ 553,439.89
Cumulative carryover exceeds two times the three-year average of operating expenditures.	

Applicant Interviews

Elijah Deyhle, CTA Applicant

Ms. Deyhle was present – Ms. Deyhle completed her CTA course in January 2021 and submitted her application for licensure January 23, 2022. She has appeared before the Board today due to adverse actions reported on her criminal background check. The board asks Ms. Deyhle various questions regarding her file. Dr. Blackwelder, made a motion, to extend Ms. Deyhle’s internship hours until the next schedule board meeting. She will need to complete her TMF evaluation and present additional professional motoring documentation. If she complies, Ms. Deyhle will be granted a conditional license to be monitored. Dr. Hosenfeld seconded. None opposed. The motion carried.

Heather Graham, DC Applicant

Dr. Graham was present – Dr. Graham, is relocating to TN from MA and would like to reinstate her expired TN DC license. Dr. Graham’s license expired in 2004, as per Rule 0260-02-12 (6) (c) *Reactivation or Reinstatement of Expired Licensure- No person whose license has expired may be reactivated or reinstated without submitting evidence continuing education. The continuing education hours documented at the time of reactivation or reinstatement must equal the hours required, had the license remained in an active status, and must have been begun and successfully completed before the date of reactivation or reinstatement.* (423hrs).

Dr. Graham has submitted certificates totaling 122 hours taken to maintain her MA license as well as 4 letters of recommendation. Of the 122 completed hours, (50) hours were completed in person and (72) were completed online through DC Online. Dr. Graham is here today to request the board show leniency on the CE requirement and allow her to reinstate her TN license. The Board asks the applicant various questions about their file. Dr. Hosenfeld, made a motion, that the license can be reinstated contingent upon the completion of 30 continuing education hours, 18 of which must be live, and, she must complete 6 hours for risk management, and, she must upload her previously earned six (6) online hours to CE Broker. Dr. Hulme seconded. None opposed. The motion carried.

Clinton Whittler, DC Applicant

Dr. Whittler was present – Dr. Whittler appeared before the board due to adverse actions on his criminal background check. The Board asked Dr. Graham various questions about his application file. Dr. Hulme made a motion to accept the application. Dr. Blackwelder seconded. None opposed. The motion carried.

Ratification of New Licensees and Reinstatements

Board of Chiropractic Examiners
Ratification January 15, 2022 – April 7, 2022

Newly Licensed Chiropractic Physicians

Borba, Nicole
Bramer, Derrick
Breuer, Kari
Britt, Kevin
Brown, Bradley
Bunning, Cory
Chambers, Chovanna
Cmiel, Christopher
Cox, Luke
Cruz, Oscar
Davis, Connor
Davis, Leigh
Fagenholz, Charles

Reinstated Chiropractic Physicians

Hall, Shannon
Harward, Stephen
LaFlamme, Jeffrey
Vaden, Charles

Acupuncture

Kimble, Amari
Masterson, Rachel

Hillers, Ronald
Hodgson, Paul
Howard, Matthew
Ketola, Eino
Kilbas, Steven
Knowles, Monica
McMillen, Kolin
Miller, Ronald
Mitchell, Andrew
Mitchell, Jacob
Pirl, Quinton
Scopel-Levick, Angela
Shamloo, Bejian
Slaven, Nicholas
Stentz, Alexander
Sussex-Grant, Erica
Thornton, Elaine
Umland, Kyle

Closed File

Clark, Dane
Dorris, Jeremy
Dufala, Jennifer
Johnson, Kory

Newly Licensed Chiropractic Therapy Assistant

Brady, Courtney
Chaffin, Marni
Durham, Miranda
Helton, Taylor
Hope, Charity
Leonard, Krystal
McCrory, Nichole
Raby, Alexis
Robertson, Madison
Tipton, Crislyn
Warson, Shauna
Welch, Jessica
Williams, Nicole

Closed File

Garrett, Matthew
Hickey, Haley
Hopper, Nichole
King, Jesse
Ross, William

Newly Licensed Chiropractic X-Ray Technologist

Chaffin, Marni
Randolph, Brittany
Shaub, Ashley
Wilford, Rachel

Dr. Hosenfeld, made a motion, to ratify all the new licensees, reinstalments, closed files, and acupuncture on the ratification list (includes DC, CTA, and CXT). Dr. Backwelder seconded. None opposed. The motion carried.

Administrative Report

BOARD OF CHIROPRACTIC EXAMINERS **ADMINISTRATOR REPORT April 21, 2022**

This is an administrative report from Sabrina Craig-Boyd, Board Administrator. The information contained in this report will keep the Board aware of all essential activities pertaining to licensure for Chiropractic Examiners.

STATISTICAL DATA

As of January 15, 2022, the Board of Chiropractic Examiners has 1429 active Chiropractic Physicians, 396 Chiropractic Therapy Assistants, and 123 Chiropractic X-Ray Technologists.

LICENSURE STATUS TOTALS FROM THE MONTHS OF

January 15, 2022 through April 7, 2022

CHIROPRACTIC PHYSICIAN

Total applications received – 187
New licenses issued – 31 Renewal Total – 126
Reinstatements – 4 Online Renewals – 97
Temp Licenses/Externships- 0/3 Paper Renewals – 29
Licenses Retired – 11
Failed to Renew/Expired Licensees – 2
New Acupuncturist- 2

CHIROPRACTIC THERAPY ASSISTANT

Total applications received – 69
New licenses issued – 13 Renewal Total – 31
Reinstatements – 0 Online Renewals – 19
Licenses Retired – 12 Paper Renewals – 12
Failed to Renew/Expired Licensees – 0

CHIROPRACTIC X-RAY TECHNOLOGIST

Total applications received – 24
New licenses issued – 4 Renewal Total – 8
Reinstatements – 0 Online Renewals – 5
Licenses Retired – 2 Paper Renewals – 3
Failed to Renew/Expired Licensees – 4

For this reporting period, the usage rate for utilizing the online renewal portal for Chiropractic Physicians is 76 %, Chiropractic Therapy Assistants, 61 % and, Chiropractic X-Ray Technologists, 62%.

Audit

Initial run of audit for Chiropractors on February 1, 2022, found 205 non-compliant DC’s. As of April 12, 2022, 113 remain non-compliant. Initial run of audit for Chiropractic Therapy Assistants on February 14, 2022, found 85 non-compliant CTA’s. As of April 12, 2022, 61 remain non-compliant. Initial run of audit for Chiropractic X-Ray Technologist on February 10, 2022, found 26 non-compliant CXT’s. As of April 12, 2022, 13 remain non-compliant.

CE Broker Report Monthly Report – As of March 31, 2022

Tennessee Board of Chiropractic Examiners

Number of:	Oct 31	Nov 30	Dec 31	Jan 31	Feb 28	Mar 31
Basic Account Registrations	1557	1565	1578	1591	1627	1636
Active Professional Subscriptions	196	208	243	268	293	300
Active Concierge Subscriptions	7	6	10	11	13	15
Active Educational Providers	28	28	28	28	17	18
Active courses	1856	1865	1868	1883	1904	1917
Provider CE Submissions	5909	6050	6791	6827	6831	7012

REPORT KEY
<p>Basic Account Registrations Total number of licensees that have claimed their basic account in CE Broker</p> <p>Active Professional Subscriptions Total number of licensees that have upgraded their account to the paid professional version</p> <p>Active Concierge Subscriptions Total number of licensees that have upgraded their account to the paid concierge version</p> <p>Active Educational Providers Total number of educational providers registered in CE Broker</p> <p>Active Courses Educational providers’ total number of active and approved courses</p> <p>Completions Reported by Educational Providers Total number of reported CEs educational providers have submitted to CE Broker</p>

Upcoming Board Meeting Dates

July 21, 2022

October 20, 2022

January 19, 2023

April 20, 2023

July 20, 2023

October 19, 2023

INTERNET

The Board's internet website is an excellent location to find valuable board information for licensees and applicants. Please visit the site at <https://www.tn.gov/health/health-program-areas/health-professional-boards/chiro-board.html> . Should you have any suggestions or comments, please feel free to contact the Board at 615.741.3807 or unit2hrb.health@tn.gov.

Agreed Citations

Stephen Harward DC 2978

Harward, Stephen, DC- Dr. Harward, was issued an agreed citation for practicing on an expired license for approximately (3) months. He has the fine of \$1500 and agreed to the terms of this agreed citation. Dr. Blackwelder, made a motion, to accept, Dr. Hulme seconded. None opposed. The motion carried.

Shannon Hall DC 2477

Hall, Shannon, DC- Dr. Hall, was issued an agreed citation for practicing on an expired license for approximately (1) month. He has the fine of \$500 and agreed to the terms of this agreed citation. Dr. Blackwelder, made a motion, to accept, Dr. Hulme seconded. None opposed. The motion carried.

Board Correspondence

Christopher Cmiel DC

Dr. Cmiel missed the new licensee course presented by the TCA in April due to a missed flight. He is scheduled to take the course in August. Dr. Hosenfeld made a motion, to extend licensee's time to take the risk management sexual boundaries course to September 1, 2022. Dr. Blackwelder seconded. None opposed. The motion carried.

Kyle Janssen DC

Dr. Janssen is requesting and an extension to complete his new licensee course. He is unable to attend the course scheduled for April and plans to attend the course scheduled for August. Dr. Hosenfeld made a motion, to extend licensee's time to take the risk management sexual boundaries course to September 1, 2022. Dr. Hulme seconded. none opposed. The motion carried.

Matthew Tonnos DC

Dr. Tonnos was licensed in December 2021. He was unable to attend the scheduled Risk Management and Sexual Boundaries course in April and has requested an extension to attend the August class. Dr. Hosenfeld made a motion, to extend licensee's time to take the risk management sexual boundaries course to September 1, 2022. Dr. Hulme seconded. None opposed. The motion carried.

Michael Waido DC

Dr. Waido is requesting and an extension to complete his new licensee course. He is unable to attend the course scheduled for April and plans to attend the course scheduled for August. Dr. Hosenfeld, made a motion, to extend licensee's time to take the risk management sexual boundaries course to September 1, 2022. Dr. Hulme seconded. None opposed. The motion carried.

Bryce Leavitt CTA

Mr. Leavitt completed the CTA program in March 2021 and took his exam on March 22, 2021. He relocated out of state for education and has recently returned to TN. He would like to continue in the chiropractic field and is requesting an extension to complete his intern hours. Dr. Hosenfeld, made a motion, to accept the request for extension to earn his CTA hours through November 1, 2022. Dr. Hulme seconded. None opposed. The motion carried.

Kristie Mason CTA

Ms. Mason completed her CTA course in March of 2021. Due to some health issues, she was unable to complete her 1200 intern hours in one year. She is requesting an extension to complete the hours. As of March 5, 2022, she has completed 960 hours and estimates that she will need 12 additional weeks to complete. Dr. Birdwell, made a motion, to extend her intern hours until July 1, 2022. Dr. Hosenfeld seconded. None opposed. The motion carried.

Angelique Plasky CTA Applicant

Ms. Plasky completed her CTA course and test on March 4, 2021, and has completed 792 hours before leaving the profession. She has since returned to the profession and would like an extension to complete her CTA hours. She estimates that she will have her hours completed by the second week of June. Dr. Birdwell, made a motion, to extend her intern hours until July 1st, 2022. Dr. Hosenfeld seconded. None opposed. The motion carried.

Paula Ross CTA

Ms. Ross's original request was received too late to be included on the January 2022 agenda. Ms. Ross took her CTA exam on November 24, 2020, but did not complete her intern hours within the one year time frame. As per her first email received January 20th, 2022, she had completed 883 hours. An updated email of March 30, 2022, she needs 47 hours to complete her intern hours. She is asking the board for approval of an extension to complete her hours and allow her

to apply for her TN CTA license upon completion. Dr. Birdwell, made a motion, to extend her intern hours until July 1, 2022, Dr. Hulme seconded. None opposed. The motion carried.

Sydney Russell CTA

Ms. Russell is requesting an extension to complete her intern hours. She completed her CTA course in March 2021. Please see her written request with more details. She estimates to be completed with her intern hours in October 2022. Dr. Damien recused himself. Dr. Hulme, made a motion, to extend her intern hours until October 1, 2022. Dr. Blackwelder seconded. None opposed. The motion carried.

Jenna McCormack CTA &CXT

Ms. McCormack was issued a CXT license in January 2020 and a CTA license in June 2020. She did not complete the required (6) hours CEU for both licenses in 2021 but did not complete the new licensee course within the required time frame. She is requesting the board allow her to reinstate both licenses at this time as she is registered to take the new licensee course through the TCA in August. She has provided a personal explanation and conformation from the TCA of her registration. Dr. Hulme, made a motion, to approve the licensure and extend her time period to allow the licensee to complete the required new licensee courses for both the CXT and CTA license until September 1, 2022. Dr. Blackwelder seconded. None opposed. The motion carried.

Alissa Winski CXT

Ms. Winski completed the course and took the CXT exam in October 2019. She had to leave her position due to premature labor and birth, followed by Covid. She has since completed her hours and submitted her application. She is requesting that the board accept her late application. Please see her personal explanation for more details. Dr. Birdwell, made a motion, to accept the late application. Dr. Hosenfeld seconded. None opposed. The motion carried.

Discuss and take action, if needed, regarding legislation

There was no legislation to discuss.

Old and New Business

The Board discussed the upcoming NBCE events. Dr. Hosenfeld, made a motion, to approve Dr. Hulme, to attend the May 6, 2022, NBCE Annual Meeting, and the FCLB Annual meeting, on May 4-7, 2022, (should his schedule allow it), and either Dr. Hosenfeld, or Dr. Damien to the NBCE Part IV Exam, on November 12-13, 2022. Dr. Blackwelder seconded. None opposed. The motion carried.

Adjourn

Dr. Hulme, made a motion, to adjourn the meeting. Dr. Blackwelder seconded. None opposed.
The motion carried.

The meeting adjourned at 12:13 pm.

THESE MINUTES WERE RATIFIED AT THE JULY 21, 2022 BOARD MEETING