

**BOARD OF CHIROPRACTIC EXAMINERS  
MINUTES**

DATE: April 16, 2020

TIME: 9:00AM CST

LOCATION: Poplar Conference Room  
665 Mainstream Dr. 1<sup>st</sup> Floor

MEMBERS PRESENT: Curtis Damien, DC, President  
Cole Hosenfeld, DC Vice-President  
Jason Hulme, DC, Secretary  
Josepho Amato, DC, Board Member  
Dale Blackwelder, DC, Board Member

STAFF PRESENT: Noranda French, Unit Director  
Mary V. Bennett, Board Manager  
Sabrina Craig-Boyd, Board Administrator  
Mark Cole, Associate General Counsel  
Taylor Gregory, Paralegal  
Lori Leonard, Disciplinary Coordinator  
Maria McCormick, Division of Health Licensure and Regulations

**DUE TO COVID-19, THIS MEETING WAS CONDUCTED VIRTUALLY THROUGH WEBEX MEETINGS.**

**Call to Order**

With a quorum present, Dr. Damien called the meeting to order at 9:20AM. A roll was taken by Sabrina Craig-Boyd with all members present.

**Minutes**

After a review of the minutes of the January 23, 2020 meeting, Dr. Hosenfeld made motion, seconded by Dr. Hulme, to accept the minutes as written. The motion passed.

**Office of General Counsel Report**

Associate General Counsel, Mark Cole, presented the OGC report as follows;  
There are currently six (6) open disciplinary cases on four chiropractors. There is one consent order and one agreed order to be presented today. There was one contested case planned for this meeting, however the case was settled in the week prior to this meeting.

Mr. Cole presented to the board the current orders as follows;

**Consent Order-** Scott Vautrin DC 2733- Dr. Vautrin's license expired on September 30, 2018, he continued to practice until he notified the state in October 2019, approximately thirteen (13) months on an expired license. Dr. Vautrin has agreed to a reprimand and six thousand dollars (\$6000) in fines and costs, not to exceed five hundred dollars (\$500), to be paid within twenty-four (24) months of the ratification of this order. Dr. Amato motioned to accept the consent order as written. Dr. Hulme second the motion. The motion passed.

**Agreed Order-**Tammy Deweese CTA 1385-Ms. Deweese license expired November 30, 2017. Ms. Deweese first licensure cycle was for just over a year due to her birthday and license issued date. When Ms. Deweese determined that she was not licensed, she stopped practicing. Ms. Deweese has agreed to a reprimand and two hundred dollars (\$200) in fines and costs, not to exceed three hundred dollars (\$300), to be paid within twelve (12) months of the ratification of this order. Dr. Hosenfeld made motion to accept the agreed order as written. Dr. Amato second the motion. The motion passed.

Mr. Cole gave a brief update in regard to two rules that are in process. These rules include CTA/CXT rule and the DC rules.

### **Office of Investigations**

Ms. Lori Leonard was present to give the Office of Investigations report. Ms. Leonard began the report with statistics for CXT's. There was a total of one (1) new complaint opened in investigations for CE violation. There have been no closed complaints and only one (1) open complaint pending review or investigation. For CTA's, in the year 2020, there were twelve (12) new complaints. Eleven (11) for CE violation and one (1) for unlicensed practice. There has been one (1) closed complaint sent to the Office of General Counsel for formal discipline. There is currently twelve (12) open complaints being investigated and/or reviewed. So far in 2020, Investigations has received and opened twelve (12) new complaints for Chiropractic Physicians. Of the twelve (12) complaints opened, one (1) was for medical malpractice and negligence, six (6) were for unprofessional conduct, one (1) was for lapsed license, two (2) were for CE violation, and two (2) were outside of the investigative scope. So far, investigations has closed a total of eight (8) complaints. Of which, three (3) were closed and sent to the office of General Counsel for formal discipline, one (1) was closed with no action and four (4) were closed with a letter of warning. Currently for Chiropractic Physicians, there are thirty nine (39) open complaints that are being reviewed and/or investigated. The summary report for this period includes six (6) Chiropractic Physicians under a reprimand, three (3) under probation, one (1) under suspension, and two (2) under revocation. There is one (1) CTA under a reprimand.

### **Division of Health Licensure and Regulation**

Ms. Maria McCormick was present to give the Mid-Year 2020 Fiscal Report. Projections for the Chiropractic Board indicate that this board will close in the black. For the period dated July 2019-March 2020, payroll expenditures totaled (\$61,313.44), travel totaled (\$6,349.79), communications totaled (\$1,775.50), professional services and dues totaled (\$4,649.92), and total other expenditures (\$17,301.71). Which brings the total direct expenditures to (\$78,615.15). This board is projected to close at total direct expenditures at year end (\$104,120.70). Projected cost of allocated expenditures through March 2020, which includes cost of administration, investigations, legal, and cash office totals (\$112,771.58). Projected total allocated expenditures to close at (\$143,231.61). This board is anticipated to have a year-end total expenditure cost of (\$247,352.32). This board is expected to collect (\$252,539.43). As of March 2020, this board has collected (\$193,215.00). This board did end March 2020 in the black with (\$1,828.27). This board is anticipated to close the year in the black with (\$5,187.11). The cumulative carryover through March 2020 was (\$538,763.26) and this board is anticipated to close year end with a cumulative carryover of (\$542,122.10).

**Applicant Interviews-** Dr. Matthew Barnes returned to the board with additional information regarding his application for licensure. He is joined by his Attorney, Terry Abernathy. Also joining the meeting is Dr. Baron with the Tennessee Medical Foundation, TMF. Mr. Cole gave a quick review of Dr. Barnes request. Dr. Barnes submitted a reinstatement application and was required to appear before the board. Dr. Barnes license was surrendered due to the conviction of a felony. Per Mr. Cole, it has been five years since Dr. Barnes license was surrendered and his plea was under a "diversion statute", which means he was no longer convicted of a felony. During that time, Dr. Barnes was on probation and was ordered to see a counselor. Dr. Barnes appeared before the board in October 2019 to request reinstatement of his license. The board requested an evaluation of Dr. Barnes by the TMF, that TMF have access to his counseling and probation records, and the board wanted a statement from the counselor and probation officer on the treatment and probation. At the January 2020 meeting, Dr. Barnes did not present all items requested to the board and the motion was made to indefinitely table Dr. Barnes

application request. Dr. Barnes attorney, Terry Abernathy, submitted to Mr. Cole a summary from Nancy Edwards. Dr. Barnes himself submitted a probation summary. Dr. Barnes did do an evaluation through Pine Grove, however that assessment was not made available to Mr. Cole. Dr. Baron did confirm that Dr. Barnes did undergo an extensive clinical duty evaluation. Dr. Barnes stated that the Pine Grove evaluation was a very different evaluation from the forensic evaluation conducted by Nancy Edwards. Ms. Edwards's evaluation was intended to measure recidivism from a criminal nature, whereas the Pine Grove evaluation was intended to see if Dr. Barnes was fit for duty. Dr. Baron reviewed the evaluation submitted by Pine Grove which indicated numerous concerns with Dr. Barnes workplace boundaries, both sexual and non-sexual. Dr. Baron read to the board members the results of the Pine Grove assessment, "It is the opinion of the Pine Grove Evaluation Team, Dr. Barnes is currently NOT fit to practice chiropractic medicine with reasonable skill and safety." Pine Grove recommends that Dr. Barnes undergo a treatment program for professional sexual misconduct. Dr. Baron gave his recommendation that echoed the Pine Grove evaluation, that Dr. Barnes undergo a treatment program for sexual boundaries. Mr. Abernathy had the opportunity to speak with the board on Dr. Barnes behalf. Dr. Barnes was also given the opportunity to speak with board members as well. Dr. Hosenfeld inquired what the Board's Attorney opinion would be on Dr. Barnes case, however Mr. Cole deferred back to the board. After much discussion between all board members and attorneys, Dr. Hosenfeld made motion to table Dr. Barnes request until the July 2020 meeting agenda and that Dr. Barnes submit full documentation from his recent analysis from Pine Grove and TME, the large document to support the probation summary of his past history, as well as his current healthcare provider recommendation. Mr. Cole offered to send this information to Dr. Barnes and Mr. Abernathy. Dr. Amato second the motion. A roll count of members shows, Dr. Hulme voted aye, Dr. Blackwelder recused himself from the vote, Dr. Damien, aye, Dr. Hosenfeld, aye. Dr. Amato, aye. The motion passed.

Time 11:05am, Dr. Damien called for a 10 minute break.

11:20am Roll call was taken upon return after break with all board members present.

### **Review, approve/deny and ratify initial determinations**

#### **New License Chiropractic Physicians**

##### **January 14, 2020-April 6, 2020**

Emmanuel, Michael

Farney, Todd

Goff, Natalee

Goodridge, Justin

Hattamer, Brittany

Iorio, Stevie

#### **Reinstated Chiropractic Physicians**

##### **January 14, 2020-April 6, 2020**

Anderson, Jerry

Cassriel, Warren

Flannagan, Joseph

Koch, Michael

Koslowski, Kyle

Leskody, Thomas

Jacobs, Krysten

Jacobs, Matthew

Johnson, Trent

Lefler, Rodney

Nuber, Bradley

Replogle, Kent

Rivera-Cruz, Eric

Sheumann, Austen

Simpson, Shelley

Slater, Jacob

Wheeler, Joshua

Rallings, Ashia

**New Chiropractic Therapy Assistant**

**January 14, 2020-April 6, 2020**

Bridges, Kiana

Connell, Melissa

Frawley, Katelyn

Iannacci, Linda

Johnson, Rachel

Lamar-Bruce, Jazmyn

Martin, Cody

Perry, Christina

Plott, Lisa

Potts, Elizabeth

Ramsey, Brett

Rogers, Christine

Scalf, Amy

Sherrill, Nancy

Orr, Bridgett

Colon, Alessandra

**Acupuncture**

**January 14, 2020-April 6, 2020**

Graves, Keith

Kricko, Cynthia

**Temporary License**

**January 14, 2020-April 6, 2020**

Hendrickson, Wesley

**Reinstate Chiropractic Therapy Assistant**

**January 14, 2020-April 6, 2020**

Stout, Glenna

Treese, Janet

Walker, Karen

**New License Chiropractic X-Ray Technologist**

**January 14, 2020-April 6, 2020**

Haley, Lori

McCormack, Jenna

Morrison, Angela

Sedges, Peter

**Reinstated Chiropractic X Ray Technologist**

**January 14, 2020-April 6, 2020**

Bowen, Mary

**Closed Applications**

**January 14, 2020-April 6, 2020**

DC McAfee, Jason

DC Topel, Christopher

CTA Barlow, Shantel

CTA Bowen, Mary

CTA Burnett-Brannon, Domonique

CTA Campbell, Jocelyn

CTA Garner, Charmaine

CTA Moore, Diane

Dr. Hulme made motion to ratify the list of newly licensed Chiropractic Physicians. Dr. Amato second the motion. Dr. Hosenfeld, aye, Dr. Blackwelder, aye, Dr. Damien, aye. The motion passed. Dr. Hosenfeld made motion to accept reinstatements as presented. Dr. Hulme second the motion. Dr. Amato, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed. Dr. Hulme made motion to accept the temp/extern. Dr. Hosenfeld second the motion. Dr. Amato, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hulme, aye, Dr. Hosenfeld, aye. The motion passed. Dr. Amato made motion to accept acupuncture. Dr. Hulme second. Dr. Hosenfeld, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Amato, aye, Dr. Hulme, aye. The motion passed. Dr. Hosenfeld made motion to accept newly licensed and reinstated CTA's, CXT's, and closed applications as presented. Dr. Hulme second the motion. Dr. Amato, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

## Administrative Report

# BOARD OF CHIROPRACTIC EXAMINERS ADMINISTRATOR REPORT

April 16, 2020

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 April 6, 2020 the Board of Chiropractic Examiners has 1249 active Chiropractic Physicians, 421 Chiropractic Therapy Assistants, and 106 Chiropractic X-Ray Technologists.

### LICENSURE STATUS TOTALS FROM THE MONTHS OF January 14, 2020 through April 6, 2020

<b>CHIROPRACTIC PHYSICIAN</b>	
New applications received – 198	
New licenses issued – 16	Renewal Total –135
Reinstatements – 10	Online Renewals -92
Temp Licenses/Externships – 1	Paper Renewals – 43
Licenses Retired – 3	New Acupuncturists -2
Failed to Renew/Expired Licensees –5	
<b>CHIROPRACTIC THERAPY ASSISTANT</b>	
New applications received – 97	
New licenses issued – 21	Renewal Total – 36
Reinstatements – 3	Online Renewals –28
Licenses Retired – 6	Paper Renewals – 8
Failed to Renew/Expired Licensees – 8	
<b>CHIROPRACTIC X-RAY TECHNOLOGIST</b>	
New applications received – 20	
New licenses issued – 4	Renewal Total – 9
Reinstatements – 0	Online Renewals –8
Licenses Retired –2	Paper Renewals – 1
Failed to Renew/Expired Licensees – 0	

For this reporting period, the usage rate for utilizing the online renewal portal for Chiropractic Physicians is 68% Chiropractic Therapy Assistants, 77%, and Chiropractic X-Ray Technologists, 88%.

### **Upcoming Board Meeting Dates**

July 16, 2020

October 15, 2020

January 28, 2021

April 15, 2021

July 15, 2021

October 21, 2021

### **Upcoming Conferences**

### **INTERNET**

The Board's internet website is an excellent location to find valuable board information for licensees and applicants. Please visit the site at <http://tn.gov/health/topic/Chiro-board>. Should you have any suggestions or comments, please feel free to contact the Board at 615.741.38

### **Agreed Citations**

1. Cook, Abbe CTA- Ms. Cook was issued an agreed citation for failure to maintain the required amount of continuing education. She was found to be deficient by (6) hours for the 2018 audit period. Ms. Cook has agreed to the terms of the citation including the fine of \$300. At the time of this meeting, Ms. Cook indicates that she has made up the hours and we are awaiting her certificate of completion. Dr. Hosenfeld made motion to accept the agreed citation. Dr. Hulme second the motion. Blackwelder, aye, Amato aye, Daminen, aye. The motion passed.
2. Costner, April CTA 653- Ms. Costner was issued an agreed citation for failure to maintain the required amount of continuing education. She was found to be deficient by (6) hours for the 2018 audit period. Ms. Costner has agreed to the terms of the citation including the fine of \$300. At this time Ms. Costner does not have a CE Broker account and her license did expire in July 2019. Dr. Amato made motion to accept the agreed citation. Dr. Hulme second the motion. Blackwelder, aye, Hosenfeld, aye, Damien, aye. The motion passed.

3. Hansen, Gloria CTA 1330- Ms. Hansen was issued an agreed citation for failure to complete the new licensee ethics and jurisprudence course. She has agreed to the terms of the citation including the fine of \$300. Ms. Hansen does have a CE Broker account. She has completed the new licensee course and is also compliant for 2019. Dr. Amato made motion to accept the agreed citation. Dr. Hosenfeld second the motion. Blackwelder, aye, Hulme, aye, Damien, aye. The motion passed.
4. Jones, LaShandria CTA 1406- Ms. Jones was issued an agreed citation for failure to maintain the required amount of continuing education. She was found to be deficient by (6) hours for the 2018 audit period. Ms. Jones has agreed to the terms of the citation including the fine of \$300. Ms. Jones does have a CE Broker account and has completed both the 2018 and 2019 CE requirement. Dr. Hulme made motion to accept the agreed citation. Dr. Hosenfeld second the motion. Amato, aye, Blackwelder, aye, Damien, aye. The motion passed.
5. Knoblock, Sandra CTA 1307- Ms. Knoblock was issued an agreed citation for failure to maintain the required amount of continuing education. She was found deficient by (6) hours for the 2018 audit period. Ms. Knoblock has agreed to the terms of the citation including the fine of \$300. Ms. Knoblock does have a CE Broker account and has completed both the 2018 and 2019 CE requirement. Dr. Hulme made motion to accept the agreed citation. Dr. Amato second the motion. Blackwelder, aye, Hosenfeld, aye, Damien, aye. The motion passed.
6. Maucere, Cheryl CTA-118- Ms. Maucere was issued an agreed citation for failure to maintain the required amount of continuing education. She was found to be deficient by (6) hours for the 2018 audit period. Ms. Mauceres has agreed to the terms of the citation including the fine of \$300. Ms. Maucere does not have a CE Broker account and her license expired in October 2019. Dr. Hulme made motion to accept the agreed citation. Dr. Hosenfeld second the motion. Blackwelder, aye, Amato, aye, Damien, aye. The motion passed.
7. Tant, Shirlee CTA 359- Ms. Tant was issued an agreed citation for failure to maintain the required amount of continuing education. She was found to be deficient by (6) hours for the 2018 audit period. Ms. Tant has agreed to the terms of the citation including the fine of \$300. Ms. Tant does have a CE Broker account and has completed the hours short for 2018. She also has a correspondence to be presented later on this agenda. Dr. Hulme made motion to accept the agreed citation. Dr. Hosenfeld seconded the motion. Blackwelder, aye, Amato, aye, Damien, aye. The motion passed.
8. Ward, Charley DC 211- Dr. Ward was issued an agreed citation for failure to maintain the required amount of continuing education. He was found to be deficient by (12) hours for the 2018 audit period. Dr. Ward has agreed to the terms of the citation including the fine of \$600. Dr. Ward does not have a CE Broker account. Dr. Hulme made motion to accept the agreed citation. Dr. Hosenfeld second the motion. Dr. Amato abstain. Blackwelder, aye, Damien, aye. The motion passed.
9. Webber, Lisa CTA 9- Ms. Webber was issued an agreed citation for failure to maintain the required amount of continuing education. She was found to be deficient by (6) hours



for the 2018 audit period. Ms. Webber has agreed to the terms of the citation including the fine of \$300. Ms. Webber does not have a CE Broker account and her license expired September 2019. Dr. Hulme made motion to accept the agreed citation. Dr. Amato second the motion. Blackwelder, aye, Hosenfeld, aye, Damien, aye. The motion passed.

10. Webber, Lisa CXT 523-Webber was issued an agreed citation for failure to maintain the required amount of continuing education. She was found to be deficient by (6) hours for the 2018 audit period. Ms. Webber has agreed to the terms of the citation including the fine of \$300. Ms. Webber does not have a CE Broker account and her license expired September 2019. Dr. Hulme made motion to accept the agreed citation. Dr. Hosenfeld second the motion. Blackwelder, aye, Amato, aye, Damien, aye. The motion passed.

### **Correspondence**

- A. Burchett, Schandi CXT- Ms. Burchett requested that the board accept her late application for her CXT license. Ms. Burchett passed her CXT test in October 2018 however did not submit her application to the board until January 2020. Dr. Hosenfeld made motion to accept Ms. Burchett's late application for her CXT license. Dr. Hulme second the motion. Blackwelder, aye, Amato, aye, Damien, aye. The motion passed.
- B. Ferrell, Esther CTA- Ms. Ferrell requested that the board accept her late application for her CTA license. Ms. Ferrell passed her CTA test in November 2018. Intern hours were completed between November 2018 and June 2019, however she did not submit her application to the board until February 2020. Dr. Amato made motion to accept Ms. Ferrell's late application for her CTA license. Dr. Hosenfeld second the motion. Blackwelder aye, Hulme, aye, Damien, aye. The motion passed.
- C. Fields, Nina CTA-. Ms. Field requested an extension to complete her 2019 CE requirement. Dr. Hosenfeld made motion to deny the request. Dr. Amato second the motion. Blackwelder, aye, Hulme, aye, Damien, aye. The motion passed.
- D. Gibson, Taylor CTA- Ms. Gibson requested an extension to complete her 2019 CE requirement. Dr. Hosenfeld made motion to deny the request. Dr. Hulme second the motion. Blackwelder, aye, Amato, aye, Damien, aye. The motion passed.
- E. Potter, Mackenzie CTA- Ms. Potter requested that the board accept her late application for her CTA license. Ms. Potter passed her CTA test October 2018. Intern hours were completed from October 2018 to July 2019, however she did not submit her application to the board until February 2020. Dr. Hosenfeld made motion to accept the late application. Dr. Amato second the motion. Blackwelder, aye, Hulme, aye, Damien, aye. The motion passed.
- F. Rahamut, David DC- Dr. Rahamut requested an extension to complete his 2019 CE requirement. Dr. Rahamut's request was submitted to the board through his office manager. Dr. Hosenfeld made motion to reject his request, requiring Dr. Rahamut to

submit his request to the board himself. Dr. Hulme second the motion. Blackwelder, aye, Amato, aye, Damien, aye. The motion passed.

G. Snead, Patrice CTA-Ms. Snead requested an extension to complete her 2019 CE requirement. Dr. Blackwelder made motion to allow hours already obtained in 2020 to be applied to the 2019 audit period. Allowing Ms. Snead the remainder of 2020 to obtain her 2020 CE requirement. Dr. Hosenfeld second the motion. Amato, aye, Hulme, aye, Damien aye. The motion passed.

H. Tant, Shirlee CTA- Ms. Tant requested an extension to complete her 2019 CE requirement. Dr. Hosenfeld made motion to allow her hours already obtained in 2020 to be applied to the 2019 period. Allowing Ms. Tant the remainder of 2020 to obtain her 2020 CE Requirement. Dr. Blackwelder second the motion. Hulme aye, Amato, aye, Damien, aye. The motion passed.

I. Yarbrough, Chad, DC-. Dr. Yarbrough requested an extension to complete his 2019 CE requirement. Dr. Hosenfeld made motion to deny his request. Dr. Amato second the motion. Dr. Hulme abstained from the vote. Blackwelder, aye, Damien aye. The motion passed.

J. Derr, Lora DC- Dr. Derr's request was carried over from the January 2020 meeting wherein Dr. Derr requested that the board allow her to obtain all (24) hours of required continuing education through online sources only. Dr. Derr submitted additional paperwork, however the additional submission did not have additional information relevant to her condition or restrictions. Dr. Hosenfeld made motion that Dr. Derr submit paperwork from her current treating physician; that includes her current condition with restrictions and appropriate disposition and disability paperwork, speaking specifically to her restrictions such as those that may be included in the Family Medical Leave Act disability paperwork. Dr. Hulme second the motion. Amato nay, Blackwelder aye, Damien aye.

Dr. Damien called for a break at 1:03pm.

After review and discussion regarding a correspondence from Dr. Baron with TMF, Dr. Hosenfeld made motion to table the discussion until July 2020 meeting. The board requests Dr. Baron provide some type of outline to the particular program, prior to the meeting, to review before discussion and also request Dr. Baron to reach out to the Tennessee Chiropractic Association and provide them with the material ahead of the meeting as well. Dr. Hulme second the motion. Blackwelder, aye, Amato, aye, Damien, aye. The motion passed.

### **Legislation**

No legislation to report at this time

### **Rulemaking Hearing, Rule Amendments, and Policies**

No rulemaking to discuss at this time

**Old and New Business**

CE Policy- Mr. Cole discussed a petition received requesting the board to allow for online courses due to the Covid 19 situation. After discussion between the board members, administrative staff, and the board's attorney, no decision was made in regards to CE at this meeting. Dr. Hosenfeld made motion to create a statement to profession outlining the boards current status as to continuing education and request the administrative office and Dr. Damien to craft a the statement to be posted on the Board of Chiropractic Examiners as well as the Tennessee Chiropractic Association Website. Dr. Blackwelder second the motion. Hulme, aye, Amato aye, Damien, aye. The motion passed.

Dr. Blackwelder made motion to table the discussion until the next scheduled board meeting in July 2020. Dr. Amato second the motion. Hulme aye, Hosenfeld, aye, Damien, aye. The motion passed.

NBCE Delegate- Current delegate is Jason Hulme with no alternative at this time. Due to the Covid 19 situation, nomination of delegates for NBCE and FCLB will be tabled to the July 2020 meeting.

A brief discussion was had regarding the board meeting being conducted via WebEx.

With no further business to discuss at this meeting, Dr. Hosenfeld called for adjournment at 2:33pm. Dr. Amato second the motion. Blackwelder, aye, Hulme, aye, Damien, aye. The motion passed.