

**BOARD OF CHIROPRACTIC EXAMINERS  
MINUTES**

DATE: July 16, 2020

TIME: 9:00 AM CST

LOCATION: Iris Conference Room and WebEx  
665 Mainstream Dr, 1<sup>st</sup> 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

STAFF PRESENT: Noranda French, Board Director  
Mary V. Bennett, Board Manager  
Sabrina Craig-Boyd, Board Administrator  
Mark Cole, Associate General Counsel  
Taylor Gregory, Paralegal  
Lori Leonard, Disciplinary Coordinator

**Electronic Notification and Roll Call**

Ms. Noranda French welcomed the members and guest to the meeting with an announcement regarding the electronic transmission of this Chiropractic Board Meeting. Ms. French continued with a roll call of all board members to confirm that each member could hear and could be heard. All members present confirmed. Dr. Blackwelder made motion to continue with the meeting in an electronic setting and was seconded by Dr. Hosenfeld. Dr. Damien, aye, Dr. Hulme, aye, Dr. Blackwelder, aye, Dr. Hosenfeld aye. Motion passed and meeting continued.

*Minutes for the Contested Case hearing of Dr. David Pearce will be added at the conclusion of the regular board meeting minutes.*

**Review of minutes for the April 16, 2020 meeting**

Dr. Hulme made motion to accept the meeting minutes as presented. Dr. Blackwelder seconded the motion. . Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

## Office of General Counsel

Mark Cole presented the Office of General Counsel report.

Mr. Cole went over the Conflict of Interest statement and instructed any board member who may have a conflict of interest is asked to state that interest on the record so that the determination can be made as to whether there exists a need for recusal.

### Litigation

The Office of General Counsel currently has eleven (11) open disciplinary cases on nine (9) chiropractors pertaining to the Board of Chiropractic Examiners.

There is one Consent Order and one Agreed Order to be presented to the Board.

There is one contested case set before the Board.

### Rules

There are two (2) sets of Rules that are in process. The first is the CTA/CXT rules. They are in progress in OGC. The DC rules are also in process.

### Consent Order

**Shawn R. Jones DC1814-** Respondent is licensed by the Tennessee Board of Chiropractic Examiners as a chiropractor in the State of Tennessee, having been granted license no. 1814 on or about May 9, 2001, and it expires September 30, 2021. Respondent advertised his practice and his credentials containing his degrees and the appellation "P.T." This term is specifically reserved for licensees of the Board of Physical Therapy. Respondent has violated the following statutes or rules which re pare of the Tennessee Chiropractic Practice Act, (TENN. CODE ANN §63-4-101, *et sed.*) for which disciplinary actions before and by the Board is authorized: Immoral, unethical, unprofessional or dishonorable conduct; Invasion of a field of practice in which the licensee is not practice or is not within the limits of the licensees respective callings ad determined by the board. Respondent agrees to the following: The Tennessee Chiropractic license of Shawn R. Jones, DC, license 1418 is hereby Reprimanded. Responded is assessed one (1) Type B Civil Penalty in the amount of five hundred dollars (\$500.00) and shall be paid within six (6) months from the effective date of this Order. Respondent may pay the actual and reasonable costs of prosecuting this case to the extent allowed by law. The Assessment of Costs shall not exceed five hundred dollars (\$500.00) and shall be paid in full within six (6) months from the issuance of the Assessment of Costs. Respondent understands that this reprimand and civil penalty are the formal disciplinary actions and will be reported to the National Practitioner Data Bank (NPDB) and/or similar agency.

Dr. Blackwelder made motion to accept the Consent Order of Dr. Shawn R. Jones. Dr. Hosenfeld seconded the motion. Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

### Agreed Order

**Kirk Jones DC2021-** Respondent admits and the State finds and concludes that the Respondent has been at all times pertinent hereto licensed by the Board as a chiropractor in the State of Tennessee, having been granted license number 2021 on November 11, 2004, which currently has an expiration date of November 30, 2020. The State represents that, if a hearing were held in this matter, it is prepared to present evidence that Respondent treated patients J.L., F.Z., and H.V., with chiropractic massage beginning June 20, 2014 until September 2019. The State represents that, if a hearing were held in this

matter, it is prepared to present the evidence that Respondent during chiropractic massages, inappropriately touched the patient’s breasts and/or genitals which made them feel uncomfortable, that Respondent made inappropriate sexual comments to patient M.B.G, that two patients filed civil actions in Chancery Court. Respondent represents that, if a hearing were held in this matter, he is prepared to present evidence that the massages and his actions during the massages were therapeutic and that he did not violate the standard of care. Stipulated Disposition-Respondents license to practice as a Chiropractor in Tennessee, pursuant to the authority vested in the Board under TENN. CODE ANN. §§63-4-115 and 116, shall be and is hereby **VOLUNTARIILY SURRENDERED**. Respondent understands that a voluntary surrender has the same effect as a revocation. The voluntary surrender is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB). Dr. Hosenfeld made motion to accept the Agreed Order of Dr. Kirk Jones. Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

In an effort to expedite the reporting and closure of the Consent Order and Agreed Order presented at this meeting, Dr. Damien granted permission to Ms. Noranda French to sign these orders on his behalf.

**Office of Investigations**

Ms. Lori Leonard provided the reports for the Office of Investigations as noted below.

**Complaint Activity**

<b><u>Chiropractic Physicians-</u></b>	<u>May</u>	<u>June</u>	<u>July</u>	<u>YTD</u>
New Complaints	1	4	1	24
Total Closed	16	0	0	36
Closed-Insufficient	0	0	0	2
Closed BIV,EMS,HCF,AW	4	0	0	9
Complaint Closed	6	0	0	12
Closed LTR of Concern	4	0	0	4
Closed LTR of Warning	2	0	0	9
Current Open Complaints	18	22	23	

**Analysis of Newly Opened Complaints**

Fraud/False billing	0	0	1	1
Malpractice/Negligence	0	0	0	3
Unprofessional Conduct	1	3	0	9
Lapsed License	0	0	0	1
CE Violation	0	0	0	2
Outside INV Scope	0	0	0	2
COVID 19	1	4	1	24

**Complaint Activity**

<b><u>Chiropractic Therapy Asst.</u></b>	<u>May</u>	<u>June</u>	<u>July</u>	<u>YTD</u>
New Complaints	0	5	0	17
Total Closed	3	0	0	4
Closed Insufficient	1	0	0	1
Closed, BIV, EMS, HCF, AW	0	0	0	1
Complaint Closed	2	0	0	2

Current Open Complaints	9	14	14
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**Analysis of Newly Opened Complaints**

Unlicensed Practice	0	5	0	6
CE Violation	0	0	0	11

**Complaint Activity**

<b><u>Chiropractic X-Ray Tech</u></b>	<u>May</u>	<u>June</u>	<u>July</u>	<u>YTD</u>
New Complaints	0	0	0	1
Total Closed	0	0	0	0
Current Open Complaints	1	1	1	

**Analysis of Newly Opened Complaints**

CE Violation	0	0	0	1
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**Currently Monitored Physician**

**Reprimand-** Beavers, Scott  
Catalfo, Christopher  
Hayes, Paul  
Kosko, Gerard  
Neal, Karen  
Vautrin, Scott

**Probation-** Renkins, Joshua  
Tomanelli, Douglas  
Worthington, Jared

**Suspension-** Sweeny, Jonathon

**Revoked-** Byrd, Roger  
Eckley, Shawn  
Mortimer, Anthony

**Currently Monitored Chiropractic Therapy Asst.**

**Reprimand-** Vaughn, Julie

This concludes the reports provided by Lori Leonard from the Division of Health Licensure and Regulation.

**Ratification of Newly Licensed, Reinstated, Temporary/Extern, Acupuncture, and Closed Files**

Dr. Hosenfeld made motion to accept the ratification list of names as noted below. Dr. Blackwelder seconded the motion. Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

Newly Licensed Chiropractic Physicians  
April 7, 2020 – July 6, 2020

Reinstated Chiropractic Physicians  
April 7, 2020 – July 6, 2020

Book, Jeremy

Buckner, Joel

Devens, Jennifer  
Dial, Brandon  
Gomez, Aric  
Hippard, Amy  
Hoar, Scott  
Hyde, Jacob  
Jardine, Carrie  
Kernoodle, Ellen  
Krohn, Anthony  
Poovey, Madison  
Roberts, Gabriel  
Rynd, Christopher  
Street, Zachary  
Wander, Stephen  
Zimmer, Andrew

Newly Licensed Chiropractic Therapy Asst.

April 7, 2020 – July 6, 2020

Adams, Jackie  
Daigle, Kourtney  
Ehlers, Caey  
Ferrell, Esther  
Ford, Jewel  
Haley, Sarah  
Hoot, Emily  
Hulme, Cassandra  
Hubbard, Carla  
Jones, Jamie  
Martin, Cody  
McBryar, Buffy  
McCormack, Jenna

Chinn, Brian  
Colon, Alessandra  
Gampler, Emily  
Garrett, Jason  
Hughes, Danielle  
Jacobs, Dorothey  
McHenry, Lauren  
Salley, Brett  
Smith, Monica

Reinstated Chiropractic Therapy Asst.

April 7, 2020 – July 6, 2020

Bearden, Ferial  
Jones, LaShandra  
Satcher, Kathryn

Newly Licensed Chiropractic X-Ray Technologist

April 7, 2020 – July 6, 2020

Bugg, Lisa  
Burchett, Schandi  
Connell, Melissa  
Frawley, Katelyn  
Harlan, Lora  
Johnson, Sarah

Perry, Christina

Reilly, Tyler

Ronning, Amy

Smith, Amber

Velasco, Alexa

Wesche, Kristen

Williams, Sherry

Young, Emily

Potter, Mackenzie

Santos, Christina

Bartlett, Rached

Closed Files

April 7, 2020 – July 6, 2020

CTA Beville, Emeline

CTA Roberts, Cayce

CTA Rowden

DC Fraser, Jason

Acupuncture

April 7, 2020 – July 6, 2020

Temp/Extern

April 7, 2020 – July 6, 2020

John Fee

**Administrative Report**

**BOARD OF CHIROPRACTIC  
EXAMINERS  
ADMINISTRATOR REPORT**

**July 16, 2020**

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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 July 6, 2020 the Board of Chiropractic Examiners has 1277 active Chiropractic Physicians, 441 Chiropractic Therapy Assistants, and 114 Chiropractic X-Ray Technologists.

LICENSURE STATUS TOTALS FROM  
THE MONTHS OF  
April 7, 2020 through July 6, 2020

<b>CHIROPRACTIC PHYSICIAN</b>	
New applications received – 198	
New licenses issued – 18	Renewal Total – 139
Reinstatements – 10	Online Renewals –83
Temp Licenses/Externships – 1	Paper Renewals – 56
Licenses Retired – 0	New Acupuncturists -0
Failed to Renew/Expired Licensees –0	
<b>CHIROPRACTIC THERAPY ASSISTANT</b>	
New applications received – 78	
New licenses issued – 23	Renewal Total – 45
Reinstatements – 3	Online Renewals –30
Licenses Retired –	Paper Renewals –15
Failed to Renew/Expired Licensees –	
<b>CHIROPRACTIC X-RAY TECHNOLOGIST</b>	
New applications received – 19	
New licenses issued – 8	Renewal Total – 11
Reinstatements – 0	Online Renewals –8
Licenses Retired –	Paper Renewals – 3
Failed to Renew/Expired Licensees –	

**For this reporting period, the usage rate for utilizing the online renewal portal for Chiropractic Physicians is 59% Chiropractic Therapy Assistants, 66%, and Chiropractic X-Ray Technologists, 72%.**

## **CE Audit 2019 Update**

The administrative office began reviewing certificates uploaded to CE Broker in December 2019. Certificates that we found to be non-compliant were marked as “disallowed” in the CE Broker system. When a certificate is “disallowed”, CE Broker sends the licensee an auto-generated email to inform them of the change. We initiated the audit on January 28 and again an auto-generated email went out to all licensees who were “non-compliant” in their system. Policy says licensees have 90 days to cure the deficiency, that deadline date was April 28. The administrative office prepared 209 Agreed Citations for non-compliance.

On June 15, we mailed 53- CTA Agreed Citations and 12-CXT Agreed Citations. As of July 6, all of the CXT's have been deemed compliant and 8-CTA's have been deemed compliant.

On June 30, we mailed 144- DC Agreed Citations. As of July 6, we have been able to mark 36 as compliant.

## **Upcoming Board Meeting Dates**

October 15, 2020

January 28, 2021

April 15, 2021

July 15, 2021

October 21, 2021

## **Upcoming Conferences**

N/A

## **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 615.741.3807.



## **Correspondence**

**Hallie McIlvain**-Request an extension to complete intern hours for CTA license. Dr. Hosenfeld made motion to allow Ms. McIlvain until October 1, 2020 to complete her hours and apply for her license. Dr. Hulme seconded the motion. Dr. Blackwelder, aye, Dr. Damien, aye, DR. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

**Kellee Mahaffey**- Request an extension to complete intern hours for CTA license. Dr. Hosenfeld made motion to allow Ms. Mahaffey until December 31, 2020 to complete her hours and apply for her license. Dr. Hulme seconded the motion. Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

**Amanda Pappas**-Request the board to reconsider the agreed citation issued for 2019 audit and allow her to retire her license in good standing. Dr. Blackwelder made motion to waive the agreed citation, forgive the required (6) hours, and allow Ms. Pappas to retire her license. Dr. Hulme seconded the motion. Dr. Blackwelder aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

**Dana Poisal**-Request the board accept hours obtained in January 2020 to apply to 2019 and void agreed citation. Dr. Hosenfeld made motion to allow hours taken in January 2020 to apply to 2019 and waive the agreed citation. Dr. Blackwelder seconded the motion. Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

**David Rahamut**- Request for extension to complete CEU hours for 2019. Dr. Rahamut's original request for an extension at the April 2020 meeting was rejected by the board as it was submitted by his office manager. Since that meeting, Dr. Rahamut has completed the hours for 2019 and request the board allow these hours to apply to the 2019 CE Audit. Dr. Hulme made motion to accept the hours he has submitted for 2020 to apply to 2019 and waive the citation. Dr. Holsenfeld seconded the motion. Blackwelder, aye, Damien, aye, Hosenfeld, aye, Hulme, aye. The motion passed. Dr. Damien also made note on the record that Dr. Rahamut receive a sternly written letter for compliance of all future continuing education.

**Rebecca Seaton**-Due to Dr. Blackwelder recusing himself from this decision, Ms. Seaton's request has been pushed to the October 2020 meeting.

## **Legislation**

Mr. Patrick Powell was available at this meeting to present the board with two changes in legislation in regards to the Chiropractic Board.

**Public Chapter 594**-This act was the Department of Health's Licensure Accountability Act. The bill allows all health related boards to take action against a license that has been disciplined by another state for any acts or omissions that would constitute grounds for discipline in Tennessee. The law also expands available emergency actions, allowing actions beyond simply a summary suspension. Finally, the act establishes that the notification of law changes to health practitioners can be satisfied by the online posting of law changes by the respective boards. Notice must be maintained online for at least 2 years following the change.

This act took effect on March 20, 2020.

**Public Chapter 738**-This act prohibits a governmental entity from authorizing destruction of public records if the governmental entity knows the records are subject to a pending public records request. Prior to authorizing destruction of public records an entity must contact the public records request coordinator to ensure the records are not subject to any pending public record requests. Records may still be disposed of in accordance with an established records retention schedule/policy as part of an ordinary course of business as long as the records custodian is without knowledge the records are subject to a pending request.

This act took effect on June 22, 2020.

## **Policy Update**

The Board of Chiropractic Examiners presented a policy change in response to the Covid-19 situation. Dr. Hulme made motion to accept the policy change as noted below. Dr. Hosenfeld seconded the motion. Blackwelder, aye, Damien, aye, Hosenfeld, aye, Hulme, aye. The motion passed.

### **COVID-19: Policy Regarding Health, Safety, Advertising, and Continuing Education Safety**

Amid heightened concerns about Coronavirus (COVID-19), we want to reassure licensees and the general public that the Tennessee Board of Chiropractic Examiners (hereinafter "Board") remains focused on our mission to protect, promote and improve the health and prosperity of people in Tennessee. We encourage all Tennessee chiropractic physicians to remain current and follow the guidelines set forth from the Tennessee Department of Health, OSHA, and the Centers of Disease Control. The Board expects all licensed professionals in chiropractic healthcare to properly employ safeguards to ensure the safety of their employees as well as promote the safety of the public. These guidelines do not replace or supersede any requirements applicable to chiropractic businesses or licensed employees pursuant to law or regulation.

Rather, these guidelines are intended as a supplement to assist with safely providing services in response to COVID-19.

It is recommended to screen all employees before they begin work each day as well as each patient upon entering the clinic each visit. These screenings should consist of obtaining temperature, and questioning to determine the safety for entering the clinic each time per federal, state and local guidelines.

Examples include:

- Have you had a fever greater than 100.4 in the last 48 hours?
- Are you experiencing a cough, shortness of breath or a sore throat?
- Have you had vomiting or diarrhea in the last 24 hours?
- Have you had new loss of taste or smell?
- Have you been in close contact with anyone who has a confirmed case of COVID-19 in the last 14 days?

The Board recommends regular review of health and safety protocols for COVID-19. Baseline recommendations are to solidify proper hygiene/sanitation practices, to recommend proper physical distancing throughout the clinic, and utilization of personal protective equipment such as a face covering consistent with federal, state, and local guidelines.

## **Advertising**

We further recommend reviewing statute (T.C.A 63-4- 101) and rules (0260-02-.02) with attention to rule (0260-02-.20) as it provides boundaries for advertising. The Board recommends caution in advertising and to refrain from making claims that are not substantiated by peer-reviewed, evidence based studies. With regards to COVID-19, there is no credible evidence or evidenced-based clinical guidelines that chiropractic spinal adjustments/manipulation increases immunity or provides a cure for those suffering with the flu or Coronavirus. All licensees are advised that anyone making claims that spinal adjustments/manipulation can boost immunity or provide a cure for the flu or Coronavirus is likely in violation of statute and rule relating both to scope of practice and advertising claims. Please frequent the board website for the most current information about this and other important issues pertaining to chiropractic licensing and regulation.

## **Policy Update On Continuing Education and Compliance**

Licensees are directed to review Tennessee rules and regulations and existing policy statements regarding continuing education and compliance. In addition, due to the COVID-10 pandemic, the Board is providing further guidance for navigating the current situation.

Effective July 16, 2020, the Board authorizes new licensee risk management, sexual/ professional boundaries and Tennessee statutory and regulatory chiropractic jurisprudence class may be obtained online via real-time live interaction courses when offered by the Tennessee Chiropractic Association to fulfill statutory requirements as a result of the COVID-19 pandemic. This authorization extends through December 31, 2021.

Effective July 16, 2020, Tennessee chiropractic physicians, chiropractic therapy assistants, and chiropractic x-ray technologists continuing education requirements for the calendar year 2020 have been extended through 2021. As a point of clarification, the 24 hours due in 2020 calendar year may be obtained along with 24 hours required in 2021 to be taken and submitted by December 31, 2021. All other aspects regarding approved continuing education parameters and submission requirements as referenced above remain intact. This amendment is in response to the COVID-19 pandemic.

For additional information regarding COVID-19 guidelines please visit the Department of Health's webpage <https://www.tn.gov/governor/covid-19/economic-recovery.html>

Adopted by the Board of Chiropractic Examiners on the 16th day of July, 2020

Rationale: To provide clarity to Tennessee licensed chiropractic physicians, chiropractic therapy assistants, and chiropractic x-ray technologists regarding health, safety, advertising, and continuing education considerations during the COVID-19 pandemic.

At 6:05pm CST the contested case of Dr. David Pearce concluded with continuance scheduled for August 20, 2020. The board heard regular board business and at 6:57pm CST, Dr. Hulme made motion to adjourn. Dr. Blackwelder seconded the motion. Dr. Blackwelder aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed, meeting adjourned.

These minutes were ratified at the October 15, 2020 meeting of the Board of Chiropractic Examiners.

