

**BOARD OF CHIROPRACTIC EXAMINERS
MINUTES**

DATE: January 25, 2018

TIME: 9:00 AM CST

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

MEMBERS PRESENT: Chris Alexander, D.C., President
Cole Hosenfeld, D.C., Vice-President
Jason Hulme, D.C., Board Member
Joseph Amato, D.C., Board Member
Curtis Damien, D.C., Board Member

MEMBER(S) ABSENT: Sheila Fitzgerald, Consumer Member, Secretary

STAFF PRESENT: Michael Sobowale, Unit Director
Mary V. Webb, Unit Manager
Crystal Bloom, Board Administrator
Mark Cole, Assistant General Counsel
Lori Leonard, Disciplinary Coordinator

GUESTS: Tiffany Stevens, Tennessee Chiropractic Association
John Williams, JD, Tennessee Chiropractic Association

Call to Order

With a quorum present, Dr. Alexander called the meeting to order at 9:18 AM. A roll call was taken by Ms. Bloom with one board member absent.

Election of Officers

Dr. Cole Hosenfeld made a motion, seconded by Dr. Amato, for Dr. Alexander, to continue in the role of Board President, Cole Hosenfeld to continue in the role of Vice Chair, and Sheila Fitzgerald, to continue in the role of Board Secretary. The motion carried.

Minutes

After a review of the November 9, 2017 minutes, a motion was made by Dr. Hosenfeld, seconded by Dr. Amato, to change “Mr.” to ‘Dr’. on page 4 during the discussion of the applicant file of Roco Crapis at the November 9, 2017 Board meeting. The motion passed.

Office of General Counsel Report

Mr. Mark Cole, Board Attorney, presented the Office of General Counsel (OGC) report as follows:

Litigation

There were two (2) open disciplinary cases on 2 chiropractors pertaining to the Board of Chiropractic Examiners. Mr. Cole just received another case which brought the total to three (3). There were no contested cases scheduled for hearing and no orders were scheduled to be presented at the meeting.

Mr. Cole reminded the Board that they should not discuss board business outside of the normal scheduled board meetings, and if there is any conflict of interests, they should recuse themselves from discussion on the matter. Mr. Cole also stated that CXT and CTA rules will be discussed at the meeting. He stated that there was no legislation to present at the meeting.

Board members were reminded to sign the conflict of interest form.

Update on DC, CTA, & CXT Rule Revisions

Dr. Hosenfeld presented his revisions of the DC Rules to be approved by the Board. Dr. Damien made a motion, seconded by Dr. Amato to approve the amended revisions. The motion passed.

Investigative and Disciplinary Reports

Lori Leonard, Disciplinary Coordinator from the Office of Investigations, reported that a total of fifty-four (54) new complaint cases have been received in their Office to date. The office has closed thirty-four (34) complaints of which three (3) were closed by OGC and sent to the office of Investigations. Twenty (20) complaints were closed by the office of investigations; four (4) were closed with a letter of concern and seven (7) were closed with warning letters. The office is currently monitoring thirty-six (36) complaints. Chiropractic Therapy Assistants received a total of six (6) new complaints, one (1) closed with a warning letter and five (5) are currently being monitored as disciplinary files. Chiropractic X-Ray Technicians received two (2) new complaints, and two (2) were closed with warning letters.

Ms. Leonard inquired about Charles Parker, DC whose license was Revoked, and Steiner Douglas Sanford, DC, whose license was under Suspension. She wanted to know whether Parker and Sanford are the same person, whose license appeared on the report twice. Mr. Cole clarified that Steiner Sanford was a Chiropractor in Brentwood, who had a disciplinary matter before the Board and also agreed to a license suspension and to contact Tennessee Medical Foundation (TMF) for monitoring. He failed to contact TMF but during that time period, he moved to California and legally changed his name to Charles D. Parker and with Tennessee Board before returning to TN. The second case was under Charles D. parker, whereby he agreed to a Voluntary Surrender of his license and that license number is, essentially, effectively revoked.

Financial Report

Mr. Sobowale requested the Board to review the Year-End Financial Report that was presented at the November 9, 2017 Board Meeting. The Health Department's office responsible for fiscal matters is preparing the 2018 fiscal mid-year report which will be presented at the next Board meeting.

Applicant Interviews/File Reviews

Jared Worthington – Dr. Worthington was present. Dr. Worthington was seeking a license as a Chiropractic Physician. His criminal background check revealed past criminal conviction(s). After review and discussion, a motion was made by Dr. Hosenfeld, seconded by Dr. Damien, to grant a probationary license until an appropriate resolution of his trial occurs. Dr. Worthington is to report back to the Board following his trial, for lifting of the probation. The motion passed.

Briana Friend – Ms. Friend was present. Ms. Friend was seeking a license as a Chiropractic Therapy Assistant. Her criminal background check revealed past criminal conviction(s). After review and discussion, a motion was made by Dr. Hosenfeld, seconded by Dr. Amato, to grant full licensure as a Chiropractic Therapy Assistant. The motion passed.

Dan Puffenburger, DC#631 - Dr. Puffenburger was seeking reinstatement of his license as a Chiropractic Physician. His criminal background check revealed past criminal conviction(s). Dr. Puffenburger was present by telephone conference to answer the Board's questions. After review and discussion, a motion was made by Dr. Hosenfeld, seconded by Dr. Hulme, for Dr. Puffenburger to take the Ethics and Boundaries Assessment (EBAS) Test, with a passing score of twelve (12) or higher in each category and also the Special Purposes Examination for Chiropractic (SPEC) exam. Dr. Puffenburger will also be required to attend a board meeting following the completion of these requirements and his license will be placed on probation for five (5) years. The motion was opposed by Dr. Damien, and Dr. Amato. The motion passed by majority.

Ratification of Initial Determinations

Upon review, Dr. Hosenfeld made a motion, seconded by Dr. Damien, to approve the following lists of new licensees, externships, reinstatements, closed files, and acupuncture qualifiers for ratification:

BOARD OF CHIROPRACTIC EXAMINERS
RATIFICATION LIST
As of January 19, 2018

NEW LICENSEES

CHIROPRACTIC PHYSICIANS – 12

BARTA, ANTHONY
BATHKE, MICHAEL
BOGUCKI, BARTOSZ
CHARLES, KACEY
CRAPIS, ROCCO
FISH, JOSHUA
JOHNSON, CHANCELLOR
MIDDLETON, CODY
PAPA, SHERRIE
REDLINKSKI, JOCELYN
STOTZ, BRYAN
WHITEHEAD, JOSEPH

CHIROPRACTIC THERAPY ASSISTANTS – 12

BORDERS, KARISSA
BROWN, KRISTI
FIELDS, NINA
FLEGLE, SUSAN
HAMPTON, ALEXIS
JAMES, JESSICA
KILISZEWSKI, EMILY
RHODES, HALEY
SISSON, SANDRA
SLAUGHTER, KRISTI
WILLIS, ASHLEIGH
WOODS, CHRISTOPHER

CHIROPRACTIC X-RAY TECHNOLOGISTS – 5

BOWEN, MARY
ESPINOZA, SIERRA
PRICE, KRISTI
RYGLEWSKI, ANNA
SEMERARO, KAYLA

REINSTATEMENTS

CHIROPRACTIC PHYSICIANS – 6

BLACK, TINA
ELLIOTT, MICHAEL
FARMER, HAL
KOONTZ, THOMAS
NOBLES, GEORGE
SPENCER, CHARLES

CHIROPRACTIC THERAPY ASSISTANTS – 1

PANTER, KAREN

CHIROPRACTIC X-RAY TECHNOLOGISTS – 0

EXTERNSHIPS – 0

ACUPUNCTURE QUALIFICATION – 0

CLOSED FILES - 2

CHIROPRACTIC PHYSICIANS – 2

THORPE, JULIA
VENNE, CURTIS

CHIROPRACTIC THERAPY ASSISTANTS – 0

CHIROPRACTIC X-RAY TECHNOLOGISTS – 0

Administrative Report

Ms. Bloom presented the Administrative Report as follows:

Statistical Data

As of January 19, 2018 the Board of Chiropractic Examiners has 1192 active Chiropractic Physicians, 459 Chiropractic Therapy Assistants, and 112 Chiropractic X-Ray Technologists.

LICENSURE STATUS TOTALS FROM THE MONTHS OF
November 4, 2017 through January 19, 2018

CHIROPRACTIC PHYSICIAN	
New applications received – 40	
New licenses issued – 12	Renewal Total – 102
Reinstatements – 6	Online Renewals – 55
Temp Licenses/Externships – 0	Paper Renewals – 47
Licenses Retired – 14	New Acupuncturists – 0
Failed to Renew/Expired Licensees – 15	
CHIROPRACTIC THERAPY ASSISTANT	
New applications received – 8	
New licenses issued – 12	Renewal Total – 35
Reinstatements – 1	Online Renewals – 20
Licenses Retired – 8	Paper Renewals – 15
Failed to Renew/Expired Licensees – 22	
CHIROPRACTIC X-RAY TECHNOLOGIST	
New applications received – 3	
New licenses issued – 5	Renewal Total – 10
Reinstatements – 0	Online Renewals – 6
Licenses Retired – 0	Paper Renewals – 4
Failed to Renew/Expired Licensees – 1	

For this reporting period, the usage rate for utilizing the online renewal portal for Chiropractic Physicians is 54%; Chiropractic Therapy Assistants, 57%; and, Chiropractic X-Ray Technologists, 60%.

TSAC/ CHILD SUPPORT ORDERS

There were no TSAC suspensions to report during this time.

Board Members

As of August 21, 2017 there is one (1) Consumer Member vacancy on the Board.

UPCOMING CONFERENCES

FCLB 92nd Annual Conference to be held in Dallas, TX, from May 2nd 2018 through May 6th, 2018.

Agreed Citations

Mr. Sobowale presented the following Agreed Citations for ratification by the Board:

Thomas L. Koontz, DC #1115 – Dr. Koontz practiced on an expired license for approximately three (3) months. He agreed to pay an assessed civil penalty in the amount of one thousand and five hundred dollars (\$1,500.00) for practicing on a lapsed license. Upon review by the Board, Dr. Damien made a motion, seconded by Dr. Amato, to approve the Agreed Citation as presented. The motion passed.

Scott A. Courtley DC #1326 – Dr. Scott practiced on an expired license for approximately four (4) months. He agreed to pay an assessed civil penalty in the amount of two thousand dollars (\$2000.00) for practicing on a lapsed license. Upon review by the Board, Dr. Damien made a motion, seconded by Dr. Amato, to approve the Agreed Citation as presented. The motion passed.

Charles Frederec Spencer, DC #2453 – Dr. Spencer practiced on an expired license for approximately three (3) months. He agreed to pay an assessed civil penalty in the amount of one thousand and five hundred dollars (\$1,000.00) for practicing on a lapsed license. Upon review by the Board, Dr. Damien made a motion, seconded by Dr. Amato, to approve the Agreed Citation as presented. The motion passed.

Correspondence Review

Keith Keenan, DC #2841 – Dr. Keenan submitted twenty four (24) teleseminar continuing education (CE) hours for the 2017 CE Audit. The hours were presented to the board for clarification to determine if they would be considered a ‘live’ course. The Board discussed that teleseminars are online courses.

Mary Carol Alexander, CXT# 534 – Mrs. Alexander submitted a request to the Board for waiver of her continuing education requirements for the 2017 CE Audit due to being the caregiver of a terminally ill parent. Dr. Alexander recused himself due to conflict of interest. Upon review by the Board, Dr. Damien made a motion, seconded by Dr. Hulme, to approve the waiver request as presented. The motion passed.

Lance McClure, DC#1392 – Dr. McClure submitted a request to the Board for an extension to complete his continuing education requirements for the 2017 CE Audit due to the immediate passing of his parents. Dr. McClure became the executor of their estate and the sole guardian of his siblings. Upon review by the Board, Dr. Hosenfeld made a motion, seconded by Dr. Amato, to approve the request for extension as presented. The motion passed.

Janna Gresham DC#1788 – Dr. Gresham submitted a request to the Board for waiver of her continuing education requirements for the 2017 CE Audit due to being the caregiver of an aggressively ill and debilitated parent. Upon review by the Board, Dr. Hulme made a motion, seconded by Dr. Alexander, to approve the waiver request as presented. The motion passed.

Correspondence from Tennessee Chiropractic Association (TCA) - TCA President, R.J. Crawford, DC, addressed the Board on a report of complaints received by the association regarding procedures for license issuance and maintenance, and investigation of complaints in the Department of Health. The Board Administrator, Crystal Bloom, and Mr. Sobowale addressed the concerns of the Board pertaining to licensure issues. Lori Leonard Disciplinary Coordinator addressed the concerns of the Board on behalf of the Office of Investigations Office. Mark Cole, Assistant General Counsel addressed the Board's concerns on behalf of the Office of General Counsel.

Dr. Hosenfeld made a motion, seconded by Dr. Amato, to amend the CE Non-Compliance Policy, to emphasize that CEs are to be completed during the required calendar year in which they are required. The motion passed.

Dr. Hosenfeld made a motion, seconded by Dr. Damien, for Dr. Alexander to compose a letter voicing concerns from the Board and TCA to the Board of Physical Therapy. The motion passed.

Discuss Old and New Board Business

A. D.O.T. Issue

There was no reporting on the D.O.T. issue.

B. FCLB Delegation and Designation

Dr. Hulme made a motion, seconded by Dr. Hosenfeld, for Dr. Amato and Dr. Damien to attend the 2018 NBCE Part IV Examinations. The motion passed.

Dr. Damien made a motion, seconded by Dr. Amato, to designate Dr. Hosenfeld for the 2018 NBCE Written Exam Committee. The motion passed.

Dr. Hosenfeld made a motion, seconded by Dr. Amato, for Dr. Alexander, Dr. Damien, and a representative from the administrative office to attend the FCLB 92nd Annual Conference. The motion passed.

C. Update on Web-Based CE Tracking RFP

Mr. Sobowale presented an update on the Web-Based CE tracking proposal previously presented to the Board. A contract for engagement has been approved for participating Health Related Boards and a Request for Proposal (RFP) has been issued. Once a winning bidder has been selected, a contract will be signed and licensees will be able to submit their Continuing Education hours to an online portal through the use of the Web-Based CE tracking program. Also, Board staff will be able to pull reports to check on licensees' compliance with the Board's continuing education requirements. The Board requested that a demonstration of the CE reporting process be made by the selected vendor at the next meeting

RATIFICATION OF BOARD MEETING DATES FOR 2019

Thursday, January 24, 2019; Thursday, April 18, 2019; Thursday, August 29, 2019, and Friday, November 15, 2019.

A motion was made by Dr. Hosenfeld, seconded by Dr. Damien, to accept the 2019 Board Meeting dates as presented during this meeting. The motion passed.

Adjournment

There being no further business to discuss, Dr. Amato made a motion, seconded by Dr. Damien, to adjourn the Board meeting. The motion passed.

The Board meeting was adjourned at 3:58 PM, Thursday, January 25, 2018.

These minutes were ratified by the Board at the April 19, 2018 meeting.