

**BOARD OF CHIROPRACTIC EXAMINERS
MINUTES**

DATE: April 18, 2019

TIME: 8:00 AM CST

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

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

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

GUESTS: Tiffany Stevens, Tennessee Chiropractic Association
John Williams, Esq., Tennessee Chiropractic Association

Call to Order

With a quorum present, Dr. Hosenfeld called the meeting to order at 8:15 AM. A roll call was taken by Sabrina Craig-Boyd with Dr. Joseph Amato absent.

Mr. Sobowale introduced the new Health Related Board Director, Mr. John Tidwell. Mr. Tidwell addressed the board with a brief introduction.

Minutes

After a review of the minutes of the January 24, 2019 meeting, Dr. Damien made a motion, seconded by Dr. Hulme, to accept the minutes as written. The motion carried.

Financial Report

Ms. Noranda French presented the mid-year fiscal report for FY2019 as of December 31, 2019 as follows: total direct expenditures were \$61, 316 of which Cornelius and Collins, LLP, a law

firm, was paid \$21,214.45 in legal services for a case that was prosecuted by the State and later dismissed by the State with prejudice. Total allocated expenditures came to \$61, 354, for a total expenditure in the amount of \$122, 670. Board fee revenue was \$114, 590, leaving the Board with a negative mid-year deficit balance of \$8,080

Ms. French presented the fiscal year end projections for 2019 ending on June 30, 2019 as follows: total direct expenditures are projected to close at \$103,699; total allocated expenditures are projected to close at \$130,652, for total expenditures in the amount of \$234, 351. Board fee revenue is projected to close at \$229, 180 for a current fiscal year end net deficit projection in the amount of negative \$5, 171

Dr. Hosenfeld questioned Ms. French whether or not the board should suspend travel due to current deficit of in the financial status. Ms. French advised there was no reason to suspend travel at this time.

Investigative and Disciplinary Reports

Lori Leonard, Disciplinary Coordinator in the Office of Investigations first presented a report on currently monitored practitioners. A breakdown is as follows: three (3) on reprimand, four (4) on probation, two (2) on suspensions, and five (5) revoked. For chiropractic therapy assistants there is one (1) under reprimand, and one (1) under revocation. Ms. Leonard then provided the investigative report. So far, for the year 2019, the Office opened a total of ten (10) new complaints with the breakdown as follows: one (1) for fraud and false billing, one (1) for criminal charge, one for (1) unlicensed practice, five (5) for unprofessional conduct, and two (2) for practice beyond the scope. A total of twenty-one (21) investigations were closed: five (5) were referred to the Office of General Counsel for discipline, six (6) were closed with no action, one (1) was closed with a letter of concern, and nine (9) were closed with a letter of warning. Currently, there are twenty-nine (29) open complaints being investigated and/or reviewed.

For Chiropractic Therapy Assistants: So far for the year 2019 there are two (2) new complaints. Both complaints were regarding lapsed license. Closed complaints were: two (2) closed with no action and one (1) closed with a letter of warning. Currently there are two (2) open complaints being investigated and/ or reviewed.

For Chiropractic X-Ray Technologists: So far, for the year 2019, there was one (1) new complaint opened and one (1) closed complaint. Complaint was closed with no action and currently, there are no open complaints.

Office of General Counsel Report

Mr. Cole introduced the Office of General Counsel (OGC's) new paralegal, Mr. Zachary Gregory Taylor.

Mr. Cole then presented the Office of General Counsel (OGC) report as follows:

There are ten (10) open disciplinary cases on seven (7) chiropractors.

There are two (2) Agreed Orders to present.

There were no Consented Orders scheduled to be heard at the meeting.

Open Meetings Act

Mr. Cole reminded the board of the Sunshine Law in regards to the Open Meetings Act and conflict of interest. Board Members were advised not to discuss any Board business among themselves unless notice of such discussion or meeting has been provided to the public. He also reminded them of the Conflict of Interest Policy. Board Members have an obligation to recuse themselves from any matter in which they might have a personal or financial interest, or from participating in any matter in which there might be an appearance of a conflict in any contested case, a rulemaking issue, or on any other matter in which a Board decision is required. Board members are required to disclose such existence or appearance of a conflict to the Board so that a decision may be made regarding the need for recusal.

Rules

Mr. Cole informed the board that the recent rule changes are still in process and he is working with Dr. Hosenfeld to clarify and complete the rule changes.

Legislation

There have been four (4) bills introduced that directly affect chiropractors. Senate Bill 0053/ House Bill 0496 were discussed in previous meeting and are in regard to military applicants. Two (2) new bills introduced, Senate Bill 0162 which requires the board to post the names of all Chiropractic X-Ray Technologist with current certification on the website. Senate Bill 0511/ House Bill 0724 are essentially the same thing. House Bill 0289 and House Bill 0162 are a caption bills which changes the mandatory meetings from one (1) per year to two (2) meetings per year.

Agreed Orders

Mr. Cole presented two (2) Agreed Orders:

1. **Justin Coffeen, DC #2950:** Dr. Coffeen worked in Memphis, TN. He entered into a sexual relationship with a patient and then entered into a relationship with a person who was an employee and also a patient. Dr. Coffeen is no longer in Tennessee. He has joined the military and has agreed to Voluntarily Surrender his license. The State has agreed to accept his license surrender and to charge three-hundred dollars (\$300) for the cost of filing the case, to be paid within six (6) months. After review, Dr. Damien made a motion, seconded by Dr. Hulme, to accept the Agreed Order as presented. The motion carried.

2. **Jacob Houston, DC #1923:** Dr. Houston is a chiropractor in Franklin, TN. Dr. Houston's license expired in December 2017 and he continued practicing until May 31, 2018. Dr. Houston agreed to a license reprimand. He also agreed to pay Four (4) Type B Civil Penalties for four (4) months of practicing with a lapsed license at five-hundred (\$500) per month for a total of two thousand (\$2000) dollars, plus the cost of prosecuting the case, totaling five-hundred (\$500) dollars. After review, Dr. Damien made a motion, seconded by Dr. Hulme, to accept the Agreed Order as presented. The motion carried.

Discussion of Agreed Citation – Evan Willing, DC #1058

Mr. Cole requested an out of order appearance so that Dr. Evan Willing, along with his attorney, Mr. Bradley Dowd, could address the Board. Mr. Bradley Dowd addressed the Board on Dr. Willing's behalf. Dr. Willing was previously issued an Agreed Citation which he signed and agreed to all the terms, paid the Civil Penalties fee assessed and had his license reinstated after paying his license reinstatement fees. He came before the board to request a reversal of his terms. After discussion, Dr. Damien made a motion to accept addendum presented by Mr. Dowd on Dr. Willing's behalf. There was no second to his motion; therefore, the motion failed. Dr. Blackwelder made a motion for the Board to accept the Agreed Citation as previously presented to the Board, ratified and signed. Dr. Hulme seconded the motion. The motion carried.

Applicant Interviews/File Reviews

- A. Sarah Garner, CTA #1502 - Ms. Garner was present at the meeting. Ms. Garner was required to appear before the board due to information revealed on her criminal background check. Her background check revealed charges of Driving on Suspended License, Theft of Property valued at \$403.93, and Failure to Appear in court. Mr. Sobowale informed the board that Ms. Garner indicated on her application that she had never been convicted of a crime. Ms. Garner stated that she did not intend to lie on her application ~~but~~ and that she did not fully understand the question. After review, Dr. Damien made a motion, seconded by Dr. Blackwelder, to accept Ms. Garner's application. The motion carried.
- B. Wesley Hendrickson DC#3175 - Dr. Hendrickson was present at the meeting. Dr. Hendrickson applied for an externship/temporary license by the Board in March, 2019 as he was yet to pass Parts II and IV on the NBCE exam. Dr. Hendrickson was required to appear before the Board due to information revealed on his criminal background check which revealed that he was convicted of two separate incidents of Driving Under the Influence (DUI) and Criminal Trespass. After review, Dr. Damien made a motion, seconded by Dr. Hulme, to approve Dr. Hendrickson for a license contingent upon completion of the FCLB's Ethics and Boundaries Essay Examination (EBAS) program and test with a minimum passing score of twelve (12) or higher on the exam and also show proof of passing scores on both parts III and IV on the NBCE prior to being approved for full licensure. The motion carried.

- C. Dennis Heskett DC#734 Dr. Heskett requested to appear by phone. Dr. Heskett applied for a license by reciprocity. His application revealed an out-of-state discipline consisting of a signed Agreed Order issued by Kentucky Board of Chiropractic Examiners for advertisement violations. Dr. Damien made a motion, seconded by Dr. Hulme, to accept Dr. Heskett's application and grant licensure. The motion carried.

Ratification of Initial Determinations

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

New Licensed

Chiropractic Physicians

January 15, 2019 – April 11, 2019

Alford, Caleb Marston
Baker, Candice Nicole
Chladny, Adam J
Christoffer, Bryan J
Coghill, Ethan
Cramer, Jamison
De Benedetto, Patricia
Dixon, Hannah
Hawley, Scott Alan Matthew
High, Allison Joy
Lincoln, Ashlen
Long, Brandon Carlton
Mancini, Domenico
McGetrick, Brittney
McHenry, Lauren Beth
Reed, Brandon
Waters, Bryna

Newly Licensed

Chiropractic Therapy Assistants

January 15, 2019 – April 11, 2019

Bartlett, Rachael
Chastain, Christen
Cox, Rachel Diana
Cullum, Ashleigh Amber
Grisham, Amy
Kimsey, Sarah
Marquis, Victoria Marie
Ray, Colleen Moger
Reed, Laurinda
Sagaser, Adrienne
Schapiro, Melissa
Threet, Ciera C
Weidner, Emily Jane
Williams, Jana Annisa
Wood, Sherry Marie

Newly Licensed
Chiropractic X-Ray Technologist
January 15, 2019 – April 11, 2019

Brown, Beth Paige
Constantine, Rachel Elizabeth
Lusk, Jennifer
Quigley, Chey

Reinstated
Chiropractic Physicians
January 15, 2019-April 11, 2019

Bowers, Ryan
Cadwallder, Dawn
Curle, Dwayne
George, Jane
Kautz, Charles
Mc Dill, Charles
Moseley, Courtney
Myers, Shannon
Pfeifer, Rowen
Rousseau, Jennifer
Smith, Russell

Reinstated
Chiropractic Therapy Assistants
January 15, 2019-April 11, 2019

Adams, Charles
Deweese, Tammy
Inman, Anita
Riner, Carrie
Vaughn, Julie

Reinstated
Chiropractic X-Ray Technologist
January 15, 2019 –April 11, 2019

Inman, Anita

Temporary/ Extern
Hendrickson, Wesley

Acupuncture
Stucki, James

Closed File
Arnold, Shane
Herbert, Kaleb Allen
Jubert, Nicolas
Ramos, Anthony
Moore, Paula Jean
Kimsey, Sarah
Tipton, Elise Kaitlin

Administrative Report

Sabrina Craig-Boyd presented the Administrative Report as follows:

Statistical Data

As of April 11, 2019, the Board of Chiropractic Examiners has 1204 active Chiropractic Physicians, 428 Chiropractic Therapy Assistants, and 108 Chiropractic X-Ray Technologists.

LICENSURE STATUS TOTALS FROM THE MONTHS OF
January 15, 2019 through April 11, 2019

CHIROPRACTIC PHYSICIAN	
New applications received – 163	
New licenses issued – 17	Renewal Total – 119
Reinstatements – 11	Online Renewals – 69
Temp Licenses/Externships – 1	Paper Renewals – 50
Licenses Retired – 4	New Acupuncturists – 1
Failed to Renew/Expired Licensees – 7	
CHIROPRACTIC THERAPY ASSISTANT	
New applications received – 7	
New licenses issued – 15	Renewal Total – 36
Reinstatements – 6	Online Renewals – 19
Licenses Retired – 4	Paper Renewals – 17
Failed to Renew/Expired Licensees -8	
CHIROPRACTIC X-RAY TECHNOLOGIST	
New applications received – 20	
New licenses issued – 4	Renewal Total – 6
Reinstatements – 1	Online Renewals – 2
Licenses Retired – 1	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 58%; Chiropractic Therapy Assistants, 44%; and, Chiropractic X-Ray Technologists, 33%.

BOARD MEMBERS

As of April 11, 2019 there are two (2) Consumer Member vacancies on the Board.

UPCOMING BOARD MEETING DATES

July 18, 2019
 **August 29, 2019
 October 17, 2019
 **November 15, 2019
 January 23, 2020
 April 16, 2020
 July 16, 2020

October 15, 2020

Dr. Damien made a motion, seconded by Dr. Hulme, to accept the 2020 meeting dates as presented. The motion carried.

UPCOMING CONFERENCES

FCLB 93rd Annual Education Congress, May 1-5, 2019
Spring Part IV Practical Exam, May 17-19, 2019
Part IV Test Committee Meeting, June 21-22, 2019
Full Part IV Practical Exam, November 15-17, 2019

Agreed Citations

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

Charles D. Adams, CTA #1440 – Charles Adams practiced on an expired license for approximately three (3) months. He agreed to pay a total assessed Civil Penalty in the amount of two hundred (\$200.00) dollars for practicing on an expired lapsed license beyond thirty (30) days from the date his license expired. He also agreed that the Agreed Citation will be included in the health department’s disciplinary action report. Upon review by the Board, Dr. Damien made a motion, seconded Dr. Hulme, to approve the Agreed Citation as presented. The motion carried.

Jane George, DC #2955- Dr. George practiced on an expired license for approximately five (5) months. She agreed to pay a total assessed Civil Penalty in the amount of two thousand, five hundred (\$2500.00) dollars for practicing on an expired license beyond thirty (30) days from the date her license expired. She also agreed that the Agreed Citation will be included in the health department’s disciplinary action report. Upon review by the Board, Dr. Damien made a motion, seconded by Dr. Hulme. to approve the Agreed Citation as presented. The motion carried.

Courtney Moseley, DC #2536- Dr. Moseley practiced on an expired license for approximately two (2) months. She agreed to pay a total assessed Civil Penalty in the amount of five hundred (\$500.00) dollars for practicing on an expired license beyond thirty (30) days from the date her license expired. She also agreed that the Agreed Citation will be included in the health department’s disciplinary action report. Upon review by the Board, Dr. Damien made a motion, seconded by Dr. Hulme, to approve the Agreed Citation as presented. The motion carried.

Shannon Myers, DC #2000 Dr. Myers practiced on an expired license for approximately two (2) months. He agreed to pay a total assessed Civil Penalty in the amount of five hundred (\$500.00) dollars for practicing on an expired lapsed license beyond thirty (30) days from the date his license expired. He also agreed that the Agreed Citation will be included in the health department’s disciplinary action report. Upon review by the Board, Dr. Damien made a motion, seconded Dr. Hulme, to approve the Agreed Citation as presented. The motion carried.

Rowen Pfeifer, DC #554 Dr. Pfeifer practiced on an expired license for approximately two (2) months. He agreed to pay a total assessed Civil Penalty in the amount of five hundred (\$500.00) dollars for practicing on an expired lapsed license beyond thirty (30) days from the date his license expired. He also agreed that the Agreed Citation will be included in the health department's disciplinary action report. Upon review by the Board, Dr. Damien made a motion, seconded Dr. Hulme, to approve the Agreed Citation as presented. The motion carried.

Jennifer Rousseau, DC #2364 Dr. Rousseau practiced on an expired license for approximately six (6) months. She agreed to pay a total assessed Civil Penalty in the amount of two thousand-five hundred (\$2500.00) dollars for practicing on an expired license beyond thirty (30) days from the date her license expired. She also agreed that the Agreed Citation will be included in the health department's disciplinary action report. Upon review by the Board, Dr. Damien made a motion, seconded by Dr. Hulme, to approve the Agreed Citation as presented. The motion carried.

Eric Seigal, DC#2991 Dr. Seigal practiced on an expired license for approximately three (3) months. He agreed to pay a total assessed civil penalty in the amount of one thousand (\$1000.00) dollars for practicing on an expired lapsed license beyond thirty (30) days from the date his license expired. He also agreed that the Agreed Citation will be included in the health department's disciplinary action report. Upon review by the Board, Dr. Damien made a motion, seconded Dr. Hulme, to approve the Agreed Citation as presented. The motion carried.

Correspondence

Dr. Rocco Crapis submitted a request permission from the board to apply (12) hours of CEU obtained in January 2019 to his 2018 CEU requirement. After discussion, a motion was made by Dr. Damien, seconded by Dr. Hulme, to grant the request as stated. The motion carried.

Dr. Kristi Tait submitted correspondence requesting permission from the board to apply (13) hours of CEU obtained in January 2019 to her 2018 CEU requirement. After discussion, a motion was made by Dr. Damien, seconded by Dr. Hulme, to grant the request as stated. The motion carried.

Dr. Gillian Guin submitted a request for extended time to complete her 2018 continuing education credits. After discussion, a motion was made by Dr. Damien, seconded by Dr. Hulme, to allow Dr. Guin until July 1, 2019 to complete her 2018 CEU requirements. The motion carried.

Dr. William Walker submitted a request for extended time to complete his 2018 continuing education credits. After discussion, a motion was made by Dr. Damien, seconded by Dr. Hulme, to allow Dr. Guin until July 1, 2019 to complete her 2018 CEU requirements. The motion

carried.

Dr. Meagan Watson submitted a request for extended time to complete her 2018 Ethics and Jurisprudence requirement. After discussion, a motion was made by Dr. Damien, seconded by Dr. Hulme, to allow Dr. Watson until September 1, 2019 to complete the course. The motion carried.

Discuss Old and New Board Business

- A. Dr. Megehee letter on FAA BasicMed Pilot Exam
- B. FAA BasicMed Exam
- C. TSSAA Exam
- D. DOT and School Sports Physicals

After review of current policy statements and proposed policy statement changes and new policy statement on FAA BasicMed Exam all submitted and discussed by Dr. Hosenfeld, Dr. Damien made a motion, seconded by Dr. Hulme, to adopt the new and revised policy statements on FAA BasicMed Exam, TSAAA Exam, and DOT and School Sports Physicals. The motion carried.

Adjournment

There being no other business, Dr. Blackwelder made a motion, seconded by Dr. Damien, to adjourn the meeting. The motion carried.

The Board meeting was adjourned at 1:07 PM on April 18, 2019.

These minutes were ratified by the Board at the July 18, 2019 meeting.