

## TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

**DATE:** August 7, 2014  
**TIME:** 9:00 A.M.  
**LOCATION:** Health Related Boards Conference Center  
Poplar Conference Room  
665 Mainstream Drive  
Nashville TN 37243

### **BOARD MEMBERS**

**PRESENT:** Chris Alexander, D.C., President  
Craig Ratcliff, D.C. Vice President  
Sheila Fitzgerald, Consumer, Secretary  
Richard Cole, D.C., Board Member  
Andrea Selby, D.C., Board Member  
Cole Hosenfeld, D.C., Board Member

**STAFF PRESENT:** James Hill, Board Administrator  
Teddy Wilkins, Unit Director  
Mark Cole, Office of General Counsel

Dr. Alexander, chair, called the meeting to order at 9:15 a.m. A quorum was present.

Dr. Alexander welcomed the Board's newest member Dr. Cole Hosenfeld.

### **Office of General Counsel Report**

There are nineteen (19) open cases at OGC against nine (9) chiropractors.

There is one consent order to present to the Board today.

Mr. Cole reviewed the Open Meetings Act in T.C.A §8-44-10. Mr. Cole reviewed the Conflict of Interest Statement with the Board.

Mr. Cole updated the Board on the recent rule change requests. A justification memo regarding the rule amendments was submitted to the Chief Deputy, Andrea Huddleston, who had questions regarding the changes to the rules. Mr. Cole will be talking with her regarding her questions. Once requested revisions have been made they will be sent to the General Counsel, Commissioner and the Governor's Office for approval and a hearing date will be set. After the rulemaking is held, the rules will be sent to the Attorney General's Office for legal review. After the rules are returned from the Attorney General's office, they will be filed with the Secretary of State and become final ninety (90) days after they are filed. Dr. Cole asked that if

the Board has a small modification to the rules will the Board be able to make the change. Mr. Cole instructed the Board that if a change was to be made at this time it would start the process over again.

Mr. Cole asked the Board for approval to attend the Federation Association of Regulatory Boards (FARB) conference. Dr. Cole made a motion, seconded by Dr. Ratcliff to send Mr. Cole to the conference. The motion carried.

### **Consent order**

Mr. Cole presented a consent order for **J. Brion Jones, D.C.**, to the board for their review. Dr. Jones owns and operates Jones Chiropractic Clinic in Johnson City, TN, and has a website ([www.joneschiroclinic.com](http://www.joneschiroclinic.com)) that is an advertisement for that clinic. In the advertisement, Dr. Jones lists names, biographies and areas of practice of the clinic staff. On or about 23, 2013, the website advertisement identified Dr. Shannon Hall as a “Certified Physiotherapist.” Dr. Jones was previously warned not to use the term “physiotherapy” or “physiotherapist” or “physical therapists” as Dr. Hall was not licensed as such by the division. The Jones Chiropractic Clinic has billed insurance for “physiotherapy” provided by Dr. Hall. Dr. Jones and staff have violated the following statutes or rules which are part of the Tennessee Chiropractic Act, (TENN. CODE ANN. § 63-4-101, et seq. and TENN COMP. R. & Regs.) for which disciplinary action before and by the board is Authorized: The advertising of chiropractic business on which true or misleading statements are made or cause the publication or circulation of fraudulent advertising relative to any disease, human ailment or condition; invasion of a field of practice in which the licensee is not licensed to practice or is not within the limits of the licensee’s respective callings as determined by the Board. Dr. Jones must pay one (1) Type “B” civil penalty in the amount of \$250.00. The civil penalty must be paid within forty-five (45) days of the ratification of this Consent Order. Dr. Jones shall all costs associated with this matter, in an amount not to exceed two thousand dollars (\$2,000.00) and shall be payable within one (1) year of the issuance of an Assessment of Costs. This is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or similar agency. Dr. Cole made a motion, seconded by Dr. Ratcliff to approve the Consent Order. The motion carried.

### **Investigative Report**

Denise Moran stated that the Office of Investigation has opened thirty-eight (38) cases in the office for chiropractors. The Office of Investigations has one (1) open case pending first review for CTA’s; there are no open cases for CXT’s.

Ms. Moran introduced two new disciplinary coordinators Ms. Rachel Talley, and Ms. Nichelle Dorroh. Ms. Talley will be assigned to the Nursing Board, and Ms. Dorroh will be the primary disciplinary coordinator for the other Boards with Ms. Talley as backup.

### **Monitored Practitioners**

Nine (9) practitioners are on probation, four (4) have had their licenses revoked, and four (4) are under board order.

## Administrative Report

As of July 21, 2014, there are 1144 licensed Chiropractic Physicians, 131 CXTs, and 476 CTAs.

Dr. Hosenfeld made a motion, seconded by Ms. Fitzgerald, to allow Dr. Cole to attend the Federation of Chiropractic Licensing Boards in September. The motion carried.

Dr. Cole asked that the website and documents should refer to the Doctors as Chiropractic Physicians not Chiropractic Examiners. Dr. Cole will help the Administrative staff in identifying the areas that needs correction.

## Financial Statement

Vanessa Crutcher spoke to the Board regard the Board's carryover and that the legislature is asking the Boards to reduce fees. Dr. Cole asked about combining the CTA's and the CXT's renewal into one fee and ask administrative staff check into the processing of this. Ms. Wilkins asked the Board to reduce the fee for a replacement license. Dr. Cole made a motion to reduce the fees the \$175.00 for chiropractors, \$ 50.00 for CTA's, and \$50.00 for CXT's, as well as lowering the replacement license to \$25.00, seconded by Dr. Selby. The motion carried.

## Applicant Interview

The Board reviewed the file of **Jason Bloom, DC** applicant, regarding his DUI and reckless driving charge. Ms. Fitzgerald made a motion, seconded by Dr. Selby, to approve his application. The motion carried.

## Agreed Citations

Dr. Cole made a motion, seconded by Dr. Ratcliff, to accept the Agreed Citation of **Dr. John Hasenbank, D.C.** for a lapsed license. The motion carried.

Dr. Cole made a motion, seconded by Dr. Ratcliff, to accept the Agreed Citation of **Dr. Robert L. Maybry D.C.** for a lapsed license. The motion carried

## Correspondence

**Jeff Yates, DC and Carolyn McGrath, DC,** submitted a letter asking the legalities surrounding a Physical Therapist performing physical therapy treatment in a Chiropractic office. The are asking what are the legalities surrounding a Physical Therapist performing dry needling in a Chiropractor's office under a Chiropractor's license/supervision - would the Chiropractor have to hire the physical therapist as an employee, independent contractor or are there any other options? The Board responded it is their understanding there's no design that would allow a licensed chiropractor to bill any service performed by a physical therapist as chiropractic care. "Nor can the PT perform dry needling under the order of the DC."

**Tara Daniel, DC**, submitted concerns regarding the approval of continuing education and asked that there should have been a transition time for everyone to gain knowledge of the new rule and apply accordingly and to allow approval of the course taken. Dr. Cole made a motion, seconded by Dr. Selby to reject the request of approval of the seminar after the fact. The motion carried.

**Eric Ries, DC**, submitted a letter asking the Board to allow to continue taking the courses at the National Convention and using them toward his continuing education at least some of the hours. Dr. Cole made a motion, seconded by Dr. Selby to reject the request of approval of the seminar after the fact. The motion carried.

**Preston Perry, CTA**, Submitted a letter asking for extension regarding the 1200 hour chiropractic therapy assistant license. Dr. Cole made a motion, seconded by Ms. Fitzgerald to allow until February 2015 to complete the hours. The motion carried.

**Darrell Manning** submitted a letter asking if a chiropractor has the legal authority and responsibility to determine case management on a patient on par with a medical physician. Dr. Cole made a motion, seconded by Dr. Ratcliff they do have the legal responsibility and authority to determine case management and care management on par with a medical physician. The motion carried.

**Kevin Bradshaw, DC**, submitted a letter asking if he could hire a Nutrition Therapy Practitioner for the office and needs help finding the legalities and operation of it within the chiropractic office. He asked how to hire her; and if there is a patient who needs to see a Nutrition Therapy Practitioner can the patient be referred within the same office, and how will the insurance reimbursement works or does the insurance pay for Nutritional Therapy Practitioner? He further asked if the State requires a NTP to work under the license of a chiropractor or do they need to obtain a license with the State. The Board answered that Tennessee does not recognize a nutrition therapist practitioner and this person would have to be a licensed Dietitian Nutritionist and would recommend she check with that Board look up the laws to see what she will need to do as it is a separate Board and she will work in the office but the chiropractor will not be able to bill out for the service.

### **Ratify Newly Licensed**

Dr. Hosenfeld made a motion, seconded by Dr. Cole, to approve the following newly licensed Chiropractors. The motion carried.

**Devan Shawhine Arman**  
**Matthew Williams Booe**  
**Danielle Louise Cranfield**  
**John Cody Hayes**  
**Tyler Jeffery Jennings**  
**Rebecca Elaine Montilla**

**Jennie H. Nguyen**  
**Trevan Ryan Price**  
**Jesse Edward Riley**  
**Kevin Richard Sarich**  
**Trevor Thompson Shaw**  
**Nathan Leslie Warren**

Dr. Hosenfeld made a motion, seconded by Dr. Cole, to approve the following newly licensed Chiropractic Therapy Assistants. The motion carried.

**Frankie Darrell Boyd**  
**Pamela Dyer Bull**  
**Ashley Nicole Carter**

**Trent Alan Craig**  
**Joshua Donald Moore**  
**Alexandria Dawn Shelton**

Dr. Hosenfeld made a motion, seconded by Dr. Cole to approve the following newly licensed Chiropractic X-Ray Technicians. The motion carried.

**Jamie Leigh Williams**

### **Ratify Reinstatements**

Dr. Hosenfeld made a motion, seconded by Dr. Cole, to approve the following reinstated Chiropractors. The motion carried.

**Ronald William Gray**  
**Jeffery Anthony Miceli Jr.**  
**Gary P. Unferth**

### **Discussion regarding Rule Making Hearings, Rule Changes**

Dr. Ratcliff asked if the recommended changes have been addressed in the proposed rule changes for continuing education regarding the 24 hours required per calendar year and dropping the requirement to submit hours by January 15 and change to that you would send to the Board when it is requested.

The Board asked to amend Rule 0260-02-.12(4)(a) by deleting the language of subparagraph (a) and moving subparagraph (c) to subparagraph (a).

Rule 0260-02-.12 (3) to delete page 14 in its entirety as this is an old rule.

Dr. Cole made a motion, seconded by Dr. Ratcliff amend Rule 0260-02-.12 (1)(C) to change the wording from no prior approval is required for CE courses conducted by the American Chiropractic Association, International Chiropractic Association of Tennessee Chiropractic Association, or CPR training provided by the American Heart Association or the American Red Cross. Courses also approved/reviewed/endorsed by the TCA may be considered approved. Also pre-approved courses reviewed by the FCLB/PACE program are listed on line at: [http://members.fclb.org/members online/members/directory course.asp](http://members.fclb.org/members_online/members/directory_course.asp). The motion carried.

### **Other Business**

Dr. Cole made a motion, seconded by Dr. Ratcliff to amend the current continuing education policy to read as “the Board accepts as continuing education courses approved by the International Chiropractic Association, American Chiropractic Association, Tennessee

Chiropractic Association, and courses approved by the Federation of Chiropractic Licensing Boards -Pace.” The motion carried.

Dr. Alexander asked that the discussion of a social media policy and D.O.T. exams be added to the next agenda.

With no other business to be conducted by the Board, Dr. Cole made a motion, seconded by Dr. Ratcliff to adjourn the meeting at 11:35A.M.

Adopted by the Board of Chiropractic Examiners on this the 20th day of November, 2014.