

TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

DATE: August 15, 2013

TIME: 9:00 A.M.

LOCATION: Health Related Boards Conference Center
Poplar Conference Room
227 French Landing
Nashville TN 37243

BOARD MEMBERS

PRESENT: Michael Massey, D.C., President
Craig Ratcliff, D.C. Vice President
Chris Alexander, D.C., Secretary
Richard Cole, D.C., Board Member
Andrea Selby, D.C., Board Member
Sheila Fitzgerald, Citizen Member

STAFF PRESENT: Sherry Owens, Board Administrator
Teddy Wilkins, Unit Director
Mark Cole, Office of General Counsel

Dr. Massey, chair, called the meeting to order at 9:20 a.m. A quorum was present.

Minutes

Dr. Cole made a motion, seconded by Dr. Alexander, to approve the June 6, 2013 Board meeting minutes as amended. The motion carried.

Consent Orders

Dr. Cole made a motion, seconded by Dr. Alexander, to approve the Consent Order for Ryan Key, DC for unethical conduct. Dr. Key agreed to monitor with the Tennessee Medical Foundation and probation of not less than three (3) years. The motion carried.

Dr. Cole made a motion, seconded by Dr. Selby, to approve the Consent Order for James Goldman, DC for violating the practice act regarding telemarketing and advertising. Dr. Goldman agreed to a reprimand and a civil penalty of \$2000.00. The motion carried.

Dr. Cole made a motion, seconded by Dr. Selby, to approve the Agreed Citation for James Lillard, DC for unethical conduct. Dr. Lillard agreed to pay a \$3000 civil penalty, probation of not less than 2 years, and monitoring with the Tennessee Medical Foundation. Dr. Lillard must

petition the Board to have his probation removed. Dr. Massey abstained, opposed by Ms. Fitzgerald. The motion carried.

Office of General Counsel Report

There are twenty-five (25) open cases at OGC against chiropractors.

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. There is no legislation for this Board at this time.

Investigative Report

There are twenty-seven (27) complaints being reviewed and or investigated for chiropractors and one (1) complaint for CTAs and no complaints for CXTs.

Monitored Practitioners

Seven (7) practitioners are on probation, three (3) have had their licenses revoked, two (2) are under a board order.

Administrative Report

As of August 9, 2013, there are 1136 licensed Chiropractic Physicians, 127 CXTs, and 494 CTAs.

Scope of Practice

Teddy Wilkins discussed with the Board the Scope of Practice of Chiropractors that was initially started in 1996. The rule changes for the Scope of Practice were changed in 2003 and the scope was expanded and was in more detail. In 2004 the expanded language was taken out of the rules to a more generalized format as they are at this time so the Board is not restricted on how they interpret their Scope of Practice. Mr. Cole advised the Board for this to be discussed at the December meeting and possibly have a committee to discuss this issue.

Applicant Review

Thomas Leskody, DC came before the Board in regards to his application for licensure. The Board reviewed Dr. Leskody's file at the June Board meeting and denied his licensure. Dr. Cole made a motion, seconded by Dr. Selby to reconsider the June 6, 2013 Board meeting decision. The motion carried. After discussion, Dr. Cole made a motion, seconded by Dr. Selby to grant Dr. Leskody his license. Ms. Fitzgerald opposed. The motion carried.

Joanna Mertz is applying from South Dakota as a Chiropractic Therapy Assistant. Ms. Mertz completed the Palmer College of Chiropractic CTA program. Ms. Owens stated the Board must approve the program to be licensed. Dr. Cole made a motion, seconded by Dr. Selby to table this

discussion until the December Board meeting and request that a syllabus of the Palmer CTA program be sent to the Board for review. The motion carried.

CXT and CTA Dual Licensure

The Board discussed the issue of CXT and CTA dual licensure. Mr. Cole stated there would be a need for the statute to be changed. Tiffany Smith from the Tennessee Chiropractic Association stated that she would take any language to the TCA Board for possible legislation change. The Board concurred this change would be beneficial cost wise to licensees. This is for renewals for CXT and CTA that have both licenses. The Board has tabled this discussion until the December Board meeting to allow for more information to be obtained.

Screening Panels

Mr. Cole discussed screening panels with the Board and how they are used. Five (5) licensees sit on the panel and three (3) constitute a quorum to proceed with a screening panel. Mr. Cole cautioned the Board members against sitting on the panel because if the panel sends it to the Board that member would have to recuse themselves from the contested case. Mr. Cole asked the Board for names of colleagues that would sit on the screening panel. Mr. Cole made a motion, seconded by Dr. Selby for members of the Board submit names of colleagues that would be willing to serve on the screening panel. The motion carried.

CTA Exam

Dr. Cole reported to the Board that the CTA exam rewrite is ongoing. 285 questions ready for selection. 12 CTAs will be meeting to evaluate the exam and cut score. Dr. Cole asked the Board if they wanted to review the exam before it is implemented. Dr. Massey stated he endorsed the project and thanked Dr. Cole for his time and effort with this project. The Board concurred.

Ratify Newly Licensed Chiropractors

Dr. Cole made a motion, seconded by Dr. Selby, to approve the following newly licensed Chiropractors:

Chelsea Axe
Nathan Bunce
Michelle Chambers
Carolyn Dumal
Daniel Dunbar
William Johnston
Brett Jordan
Charles Kautz
Grant Kruhly
Peter Maricante
Jason Martinez

Joshua Morter
Caelyn Newport
Emily Schum
Patrick Smith
Dana Stubbs
Glenda Turner
Leland Wear

The motion carried.

Dr. Cole made a motion, seconded by Dr. Selby, to approve the following reinstated Chiropractors:

Robert Bruyn Jr
Albert Cotton Jr
Russell Dreyer
Mark Holliman
Douglas Stogner
Ben Sweeney
Jonathan Sweeney
Shane Wilson

The motion carried.

Dr. Cole made a motion, seconded by Dr. Selby, to approve the following newly licensed Chiropractic Therapy Assistants:

Anna Allison
Lindsay Amburn
Natassia Baxter
Deborah Conn
Jennifer Gerard
Damorrah Goode
Samantha Hasapis
Haley Hughes
Pamela Hughes
Angela Lane
Linda Long
Catherine Raney
Julia Sauder

The motion carried.

Dr. Selby made a motion, seconded by Dr. Cole, to approve the following reinstated Chiropractic Therapy Assistants:

Patricia Dayton

The motion carried.

Correspondence

Diana Horenzy submitted a letter to the Board requesting that her past hours for her CTA license in 2009 be counted for her to obtain her license in 2013. The Board agreed that she could use her hours.

Kevin Scott submitted a letter to the Board regarding the Footlevelers Seminar on Thompson Drop he took in April 2013 that was not approved by the Board. Dr. Scott was asking for approval of this course after the fact since it was approved last year. Dr. Cole made a motion, seconded by Dr. Selby to approve the seminar for 2013 continuing education. The motion carried.

Review/Ratify Continuing Education Courses

Ms. Fitzgerald made a motion, seconded by Dr. Selby, to approve the list of continuing education courses that Dr. Alexander initially approved or denied. The motion carried.

Dr. Alexander requested the Board review the following continuing education for approval.

Dental Chiropractic Integrated Solutions November 2, 2013. Dr. Cole made a motion, seconded by Ms. Fitzgerald to accept the Dental Chiropractic Integrated Solutions Seminar. The motion carried.

ICPA Perinatal Care. Dr. Cole made a motion, seconded by Dr. Selby to approve the ICPA Perinatal Care. The motion carried.

TCA Report

Dr. Cole will be presenting a report at the TCA Convention and asked the Board if they would like any information given to the licensees. Dr. Massey stated that chiropractors need to make sure that their CTAs are licensed. Dr. Alexander stated that their CXTs also needed to be licensed.

Other Board Business

A hospital chain in the Harriman Tennessee area is denying chiropractors the approvals for chiropractors to order diagnostic testing. Dr. Massey is asking the Board to make a statement concerning the Board's Scope of Practice. Dr. Cole made a motion, seconded by Dr. Selby to make the position statement that Chiropractors are allowed by statute to order diagnostic testing and labwork studies from hospitals. Dr. Massey suggested that TCA write the letter and attach the Boards directive or informational statement.

The statement shall read:

This is to certify that Chiropractic physicians are duly licensed and trained to perform and order diagnostic radiological services and to order laboratory analysis from certified labs. Please see Tennessee Rules and Regulations Governing Medical Laboratories 1200-06-03-.01(3) and Tenn.Code Ann §63-4-101. The motion carried.

Mr. Cole updated the Board on the handicap plaques. Mr. Cole wrote a letter to the Chief Counsel of the Department of Revenue regarding a chiropractor being able to sign off on forms for patients to obtain a handicap plaque. They will take this back to their Board and there should be a decision by the December Board meeting.

With no other Board business, Dr. Selby made a motion, seconded by Dr. Alexander to adjourn the meeting. The motion carried. The meeting adjourned at 11:50pm.

Ratified by the Board of Chiropractic Examiners on December 12, 2013