

Tennessee Board of Chiropractic Examiners



Newsletter



Fall 2008

A Regulatory Agency of the State of Tennessee

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227 French Landing, Suite 300, Heritage Place Metro Center, Nashville, TN 37243 • <http://health.state.tn.us> (615) 532-5138 or 1-800-778-4123, extension 2-5138 Office Hours: Monday – Friday 8:00 a.m. to 4:30 p.m. Central Time (except State and Federal holidays) Fax: (615) 532-5369

In conjunction with the purpose and goals of the Department of Health, the Mission of the Bureau of Health Licensure and Regulation is to: Monitor, access, and enforce health care laws and regulations; Protect, promote and enhance quality health care for all citizens; Continuously strive to meet the needs of our customers in a respectful and caring manner; Provide quality work-life necessary to attract and retain competent, caring employees; Empower our employees to become entrepreneurs in their jobs; Increase awareness and public confidence in our services; and, Utilize our resources efficiently and cost effectively.



Elizabeth (Libby) Miller has been appointed as the new director of Health Related Boards. Ms. Miller is a licensed attorney. As of January 1, 2008, she moved to the Department of Health from the Department of Revenue where she served as senior tax counsel. Prior thereto, she was a partner at Blackburn and McCune in downtown Nashville where she

managed the firm's largest client and was responsible for a staff of attorneys.

Ms. Miller is not new to health related law, having spent a large portion of her career in the federal sector at the Office of Hearings and Appeals of the Social Security Administration where administrative appeals of disability cases are heard. She started her law career as a litigator, but she chose to make a change when her children were young. Her daughter is entering law school and her son is living in Munich.

Chiropractic Examiners Web Site

You may download a copy of the rules, applications and forms, board member list, board meeting schedule, policy statements, board meeting minutes, information on filing complaints and other pertinent information at the board's Web site <http://health.state.tn.us/Boards/Chiropractic/board.htm>.

**To contact this board call
(615) 532-5138 local or (800) 778-4123 extension
25138 nationwide
Or write to:**

Tennessee Board of Chiropractic Examiners

**227 French Landing, Suite 300
Heritage Place – MetroCenter
Nashville, TN 37243**

2009 Board Meeting Schedule

All Board meetings will be held at 227 French Landing, Suite 150, Heritage Place, Metro Center, Nashville, TN. unless otherwise noted.

February 5, 2009
Poplar Room - 9 a.m.

May 14, 2009
Poplar Room - 9 a.m.

August 13, 2009
Poplar Room - 9 a.m.

November 12, 2009
Poplar Room - 9 a.m.

Complaints

The Office of Investigations in the Division of Health Related Boards investigates complaints filed against practitioners licensed by the Department of Health. Complaints are investigated and reviewed to determine whether the practitioner's alleged conduct constitutes a violation of the licensing board's practice act (Tennessee law) or rules. Information is available through the Department of Health's Web site (www.state.tn.us/health) or the Office of Investigations (800) 852-2187.

Legislative Update

Public Chapter 529

If the Commissioner of Labor and Workforce Development receives a complaint that a person, licensed by a state regulatory Board, knowingly employs, recruits or refers for a fee for employment an illegal alien, that person is subject to an investigation and contested case hearing.

If there is proof a person knowingly employed, recruited or referred for a fee for employment, an illegal alien, which occurred while acting within the scope of practice of his/her license, the regulatory Board will be required to revoke, suspend, or deny the person's license.

For the first violation, the regulatory Board will be required to suspend the person's license until they show they no longer employ, recruit or refer for a fee for employment, an illegal alien. This can be made by the person filing a sworn statement that they no longer employ illegal aliens.

If a second violation occurs within three years from the first order, the regulatory agency will be required to suspend the person's license for one year. Effective January 1, 2008.

Public Chapter 83

The General Assembly passed a law that requires health care practitioners to report cases of suspected or confirmed domestic violence to the Tennessee Department of Health.

The mandatory monthly reporting is by a Web based system. The system was operational in October 2007. The Department will mail you the details of the required data to be reported and the instructions on how to use the reporting tool. The Board will also keep you informed as more information is available. Effective July 1, 2007.

Public Chapter 410

Public Chapter 410 creates the Non-Smoker Protection Act which **prohibits** smoking in all enclosed public places within the State of Tennessee including, but not limited to, the following places:

“Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public including, but not limited to, banks, laundromats, factories, professional offices, and retail service establishments; and, “health care facilities”. (Nursing homes and long-term care facilities are exempt.)

The legislation requires offices and health care facilities to do the following:

- Inform all existing employees and any prospective employees upon their application for employment of the prohibition on smoking; and
- “No Smoking” signs or the international “No Smoking” symbol, shall be clearly and conspicuously posted at every entrance to every public place and place of employment where smoking is prohibited.

The Department of Health shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Act. Information about these inspections will be communicated with the appropriate offices and/or health care facilities in the future. Effective October 1, 2007.

The complete text of Public Acts, including provisions for any areas of exemption; enforcement of the Acts; and action to be taken for violation of the Acts, is available on the following website:

<http://www.tennessee.gov/sos/acts/index.htm>

Non-Compliance with License/Certificate Renewal Requirements

Chiropractors, chiropractic x-ray technicians and chiropractic therapy assistants who fail to renew their licenses/certificates pursuant to Rule 0260-2-.09, 0260-3-.09 and 0260-5-.09 are subject to disciplinary action. The licensee must pay a \$100 monthly civil penalty for each month the licensee has worked on an expired license, after an initial three month grace period.

Rule Amendments

Rule amendments pertaining to titles, interviews, conditions (0260-2-.03, .07, .15; 0260-3-.14; 0260-5-.14) were approved by the Board on August 9, 2007 and sent to the Tennessee Attorney General on November 20, 2007. The rules were approved by the Tennessee Attorney General and filed with the Secretary of State on October 27, 2008. They will go into effect on January 10, 2009.

Rule amendments pertaining to continuing education (0260-2-.12, 0260-3.12, and 0260-5-.12) were approved by the Board on November 29, 2007 and sent to the Tennessee Attorney General on December 3, 2007. The rules were approved by the Tennessee Attorney General and filed with the Secretary of State on October 29, 2008. They will go into effect on January 12, 2008.

Disciplinary Actions

The follow practitioners have been disciplined by the Board:

Gerald Krosko

Unlicensed practice.

Assessed \$4,000 civil penalty, \$948.78 costs.

Anthony Mortimer – License No. 1252

License revoked. Fraud in procuring a license.

Assessed \$5,000 civil penalty.

John Noufer – License No. 1738

License placed on probation. Unprofessional conduct.

Assessed \$1,000 civil penalty.

T. K. Sartain – License No. 805

License placed on probation. Unprofessional conduct.

Assessed \$4,000 civil penalty, \$1,622 costs.

Michael Trahin – License No. 1143

License placed on probation. Unprofessional conduct.

No assessment.

Virgil Coffman – License No. 744

License placed on probation. Unprofessional conduct.

Assessed \$4,800 civil penalty, \$2,589.18 costs.

Joseph Coffman – License No. 1968

Reprimanded. Unprofessional conduct.

Assessed \$4,700 civil penalty.

Daniel Terry Cole – License No. 1915

Reprimanded. Unprofessional conduct.

Assessed \$1,700 civil penalty.

Fax to E-Mail Number

The Board's fax to e-mail number where practitioners can submit proof of continuing education courses, address changes and copies of official documents to change the name of the licensee is:

615/770-7436.

Continuing Education Audit

Pursuant to Rule 0260-2-.12, each licensee is required to complete twenty-four (24) clock hours of Board-approved continuing education each calendar year (January 1-December 31). If the licensee practices acupuncture, six (6) of the twenty-four (24) hours shall pertain to such acupuncture practice.

New licensees are required to complete a six (6) hours Board-approved course in risk management,

sexual/professional boundaries, and Tennessee statutory and regulatory chiropractic jurisprudence as part of the twenty-four (24) clock hour requirement for the first calendar year continuing education is required.

Each licensee shall submit proof of completion of the annual continuing education requirements to the Board's administrative office no later than January 15th of the year immediately following the end of each calendar year. Such proof may be transmitted electronically by using the fax to e-mail number listed above. Each licensee must retain copies of proof of attendance and completion of all continuing education requirements for a period of four years.

2007 Continuing Education Audit Results

Of the 915 licensed Chiropractors in 2007, 340 were non-compliant.

Of the 313 licensed Chiropractic Therapy Assistants in 2007, 83 were non-compliant.

Of the 85 licensed Chiropractic X-ray Technicians on 2007, 30 were non-compliant.

Non-Compliance with Continuing Education Requirements

Chiropractors, chiropractic x-ray technologists and chiropractic therapy assistants who fail to comply with the continuing education requirements pursuant to Rule 10450-2-.05 are subject to disciplinary action. Chiropractors must pay a \$600 civil penalty. Chiropractic x-ray technologists and chiropractic therapy assistants must pay a \$300 civil penalty. The licensee must pay the civil penalty within thirty (30) days of notification from the Board, obtain the deficient continuing education hours by the end of the next calendar year and complete an additional five (5) continuing education hours by the end of the next calendar year in the category of diagnosis, treatment and management in the practice of chiropractic, in addition to the deficient hours and current biennial continuing education hour requirement.

Please visit the Board's web site at <http://www.health.state.tn.us/Boards/Chiropratic.htm> to obtain information regarding continuing education requirements and a list of continuing education courses approved by the Board.

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TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

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