

TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

DATE: February 20, 2014
TIME: 9:00 A.M.
LOCATION: Health Related Boards Conference Center
Poplar Conference Room
665 Mainstream Drive
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: Stacy Tarr, Administrative Services Assistant
Teddy Wilkins, Unit Director
Mark Cole, Office of General Counsel

Dr. Massey, chair, called the meeting to order at 9:26 a.m. A quorum was present.

Consent Order Franklin Payne, DC

Mr. Cole presented a Consent Order regarding Franklin Payne, DC, license number 2495.

Dr. Payne sent out flyers advertising for new patients to receive a complete chiropractic exam, including a consultation, spinal x-rays and a follow up visit. The flyer also stated in bold letters "AT NO OUT OF POCKET EXPENSE", which is in violation of Tenn. Code. Ann. §63-4-114(8), rebating or offering to rebate to an insured any payment by the insured's third-party payor to the licensee for services or treatments rendered under the insured's policy and Tenn. Code. Ann. §63-4-114(4), immoral, unethical, unprofessional or dishonorable conduct.

For the purpose of avoiding further administrative action with respect to this case, Dr. Payne agreed to pay one (1) Type B civil penalty of \$500.00. The civil penalty must be paid within forty-five (45) days of the ratification of the Consent Order.

Dr. Cole made a motion, seconded by Dr. Ratcliff to approve the Consent Order. The motion carried.

Applicant Interviews

Melissa Byers appeared before the Board regarding her criminal background check. After review of Ms. Byers' application, Dr. Cole made a motion, seconded by Dr. Selby, to approve Ms. Byers as a chiropractic therapy assistant. The motion carried.

Homaira Mirhabibi appeared before the Board regarding her criminal background check. After review of Ms. Mirhabibi's application, Dr. Cole made a motion, seconded by Dr. Ratcliff, to approve Ms. Mirhabibi as a chiropractic therapy assistant. All members, with the exception of Ms. Fitzgerald, voted to approve the application. The motion carried.

Preceptorship Program

Dr. Cole recommended that persons applying for a preceptorship be approved administratively, as long as the supervising chiropractor's license is in good standing. Dr. Cole made a motion, seconded by Dr. Ratcliff for the Board to establish a Policy Statement regarding this issue written by attorney Cole. The motion carried.

Administrative Report

As of February 14, 2014, there are 1134 licensed Chiropractic Physicians, 114 CXTs, and 483 CTAs.

Affiliated Monitors

Vincent DiCianni with Affiliated Monitors, Inc. gave a presentation to the Board regarding the services that Affiliated Monitors, Inc. offer, which includes assessment of a company's compliance program or ethical culture, adherence to the terms of a government agreement or having independent eyes look at business practices.

The Board thanked Mr. DiCianni for his presentation.

Office of General Counsel Report

There are eighteen (18) open cases at OGC against twelve (12) 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.

Mr. Cole stated the Board will discuss the CTA and CXT rules at the next meeting.

Investigative Report

Denise Moran stated that the Office of Investigations currently has forty-nine (49) complaints on chiropractors. There are no complaints for CTAs or CXTs.

Monitored Practitioners

Nine (9) practitioners are on probation, three (3) have had their licenses revoked, and three (3) are under board order.

Ratify Newly Licensed Chiropractors, Chiropractic Therapy Assistants and Chiropractic X-Ray Technicians

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

Gregory Bobo
Emily C. Burgess
Sterling Clayton Foster
Mary Leann Fowler
Tod Kaplan
Jamey Richard King
Audra Redyke Lance
Rachel Elizabeth Masterson
William Moroney
Mathew Alan Ortman
William T. Perks
Megan L. Pfeffer
Paisley M. Robertson
Brett D. Spradlin
Andrea Grace Tahmooressi
Scott Vautrin
Alex Michael Vear

The motion carried.

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

Brandy Gail Braden
Candace N. Brownfield
Emilee Gayle Bruen
Jayme S. Chadwell
Nicole Lee Franzini
Pamalla Richardson Hawkins
Abrienne Marie Hill
Diana Horenzy
Courtney S. Humphrey
Alisha Dawn Johnson
Jessica Price Johnson
Rachel M. Lyons

Robert P. McNeal
Elizabeth T. Nisewander
Lindsay M. Poteat
Charlotte Ann Stolz
Mary Jane Watson

The motion carried.

Dr. Cole made a motion, seconded by Dr. Selby, to approve the following newly licensed Chiropractic X-Ray Technician:

Candace N. Brownfield

The motion carried.

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

James C. Daniel
Rasmus S. Dyhr
Robert L. Mabry
Lisa McCullough
Bobby S. Pitts
Chad Michael Upchurch

The motion carried.

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

Amie Barnes

The motion carried.

Lapsed License

The Board reviewed an Agreed Citation issued to Robert Mabry, DC, license number 1896 for practicing on a lapsed license in excess of three (3) months. Dr. Mabry was issued a civil penalty in the amount of \$100.00. Dr. Cole made a motion, seconded by Dr. Selby to approve the Agreed Citation. The motion carried.

Continuing Education

The Board adopted a Policy Statement regarding the continuing education approval process. Dr. Cole made a motion, seconded by Dr. Selby to approve the following Policy Statement:

The Board accepts for license renewal, continuing education courses approved by statute (T.C.A. § 63-4-112) (International Chiropractic Association, American Chiropractic Association and the Tennessee Chiropractic Association), and courses provided by the Federation of Chiropractic Licensing Boards -PACE (Providers of Approved Continuing Education) programs that are consistent with RULE 0260-02-.12. However, no courses approved by FCLB PACE on the topics of philosophy or practice-building are approved.

To transition in 2014 all independent Continuing Education courses approved by the Board through March 31, 2014 are accepted as approved continuing education for 2014 credits.

The motion carried.

The Board requested that a letter be sent out to all the licensed chiropractors, chiropractic therapy assistants and chiropractic x-ray technicians informing them of the Policy Statement.

Review/Ratify Continuing Education Courses

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

Correspondence

The Board reviewed correspondence from Deborah Tisdale-Conn, CTA requesting an extension to obtain the boundaries, ethics and jurisprudence course until September 2014. Dr. Cole made a motion, seconded by Dr. Alexander, to approve Ms. Tisdale-Conn's request. The motion carried.

The Board reviewed correspondence from Dr. Amy Carpenter requesting an extension to complete 6 hours of continuing education for 2013. Dr. Ratcliff made a motion, seconded by Dr. Cole, to approve the request. The motion carried.

The Board reviewed correspondence from Dr. Corey French asking the Board to accept four hours of continuing education he obtained in January 2014 to count toward his 2013 CE requirement. Dr. Alexander made a motion, seconded by Dr. Selby to approve Dr. French's request. The motion carried.

The Board reviewed correspondence from Dr. John Stacks requesting an extension to obtain an additional 6 hours for his 2013 continuing education requirement. Dr. Cole made a motion, seconded by Dr. Alexander, to allow Dr. Stacks an extension. The motion carried.

Other Board Business

Dr. Massey withdrew as a voting delegate regarding the FCLB/NBCE Conference. Dr. Cole will attend the FCLB and Dr. Alexander will attend the NBCE.

With no other business to be conducted by the Board, Dr. Selby made a motion, seconded by Dr. Alexander to adjourn the meeting at 12:30 p.m.

Ratified by the Board of Chiropractic Examiners on June 5, 2014