

**BOARD OF CHIROPRACTIC EXAMINERS
MINUTES**

DATE: April 19, 2018

TIME: 9:00 AM CST

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

MEMBERS PRESENT: Chris Alexander, D.C., President
Cole Hosenfeld, D.C., Vice-President
Jason Hulme, D.C., Board Member
Curtis Damien, D.C., Board Member
Sheila Fitzgerald, Consumer Member, Secretary

MEMBERS ABSENT: Joseph Amato, D.C., Board Member

STAFF PRESENT: Michael Sobowale, Unit Director
Mary V. Webb, Unit Manager
Loren Givens, Board Administrator
Mark Cole, Assistant General Counsel
Lori Leonard, Disciplinary Coordinator
Noranda French, Division Finance Officer

GUESTS: Tiffany Stevens, Tennessee Chiropractic Association
John Williams, JD, Tennessee Chiropractic Association
Marsha Mann, TN Partner Success Manager, CE Broker
Justin Mann, Operations Director, CE Broker

Call to Order

With a quorum present, Dr. Alexander called the meeting to order at 9:15 AM. A roll call was taken by Ms. Mary V. Webb with one board member absent.

Minutes

After a review of the minutes of the January 19, 2018 Board meeting, Dr. Hosenfeld made a motion, seconded by Dr. Alexander, to accept the minutes of the January 19, 2018 Board meeting as written. The motion carried.

Office of General Counsel Report

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

Conflict of Interest

In regards to the Open Meetings Act (Sunshine Law) & Conflict of Interest, should a conflict of interest arise, it should be brought to the attention of the board, to prevent grounds of reversal of board decisions. Board business should always be discussed at board meetings, and not amongst board members in social gatherings or in personal conversations.

Litigation

There were three (3) open disciplinary cases on three (3) chiropractors pertaining to the Board of Chiropractic Examiners.

There were no contested cases scheduled.

There was one (1) Consent Order scheduled to be presented at the meeting.

Consent Orders

Cassie Majors, DC #2768 - Respondent

Mr. Cole presented the Consent Order of Cassie Majors, DC #2768. Dr. Major's license expired on January 31, 2016, and during that time she was practicing in Ohio, as well as Tennessee (Green Hills). Dr. Major's husband owns the practice in Green Hills; she practiced from February 1, 2016 to April 7, 2017 on her expired license. Dr. Majors agreed to a Consent Order, wherein she is reprimanded and assessed thirteen (13) Type B Civil Penalties totaling the amount of six thousand five hundred dollars (\$6,500).

Upon discussion, Dr. Hosenfeld made a motion, seconded by Ms. Fitzgerald, to accept the Consent Order as presented. The motion carried.

Update of Recent Rule Changes

Mr. Cole informed the Board that the Chiropractic Therapy Assistant, CTA and Chiropractic X-Ray Technologist, CXT Rule changes would be addressed by Dr. Hosenfeld later at the meeting.

Update on Legislation Affecting the Board

No direct legislation affecting the board of chiropractors during current legislative session, although a bill was filed as a "caption bill" for physical therapy, which may open up at a later time.

Investigative and Disciplinary Reports

Lori Leonard, Disciplinary Coordinator in the Office of Investigations reported for the current year, the office has received a total of forty nine (49) complaints for Chiropractic Examiners.

Of the forty nine (49), seven (7) were closed, of which two (2) were sent to OGC for disciplinary action, four (4) were closed without sufficient evidence to substantiate investigation and one (1) was closed with a letter of concern (which is not public discipline). Twenty-five (25) of the complaints were carried over from the previous year.

As of April 13, 2018, seventeen (17) new complaints were added. The listed allegations were: Nine (9) -unlicensed practice, three (3) - Failure to supervise, two (2) - Unprofessional conduct, one (1)-malpractice negligence, one (1) - medical record request and one (1) - fraud/false billing. Ms. Leonard also presented that there were currently seventeen (17) chiropractors that were currently being monitored for review. Of the seventeen, four (4) were on probation, six (6) had licenses revoked, five (5) were under board order and two (2) were under suspension. Mr. Cole noted that one of the applicants had been listed twice, and under two separate aliases. The report should reflect that the total number of chiropractors under review should be sixteen (16).

Financial Report

Ms. Noranda French, Division Financial Officer, presented the Board's 2018 Mid-Year Financial Report. As of April 19, 2018, the Board had revenue of \$232,216 with expenditures of \$216,251. Current year net amount for the Board is \$15, 965.46. Added to the Fiscal Year 2017 carryover, the Board currently has a cumulative carryover of \$504,898. Ms. French also presented a report on the Board's growth, including total number of retired licenses from 2008 to 2016. Ms. French then discussed the Health Related Boards' policy for when a Board is required to have at discussion on licensing fees.

Applicant Interviews/File Reviews

Tameka Daniels-Perry, DC Reinstatement #2173 – Dr. Daniels-Perry was seeking reinstatement of her revoked license as a Chiropractic Physician. Based on the findings of facts from Docket No. 17.11-139018A, Dr. Daniels-Perry was found guilty of participating in conduct defined in 0260-02-.13 as “Conduct designed to or likely to, deceive, or harm the public.” Dr. Daniels-Perry was present to answer questions. During discussion, it was discovered that Dr. Daniels-Perry had not completed all the terms listed in her previous Board Order and she also informed the Board that she had been functions of practice at a chiropractic facility. After review and discussion, a motion was made by Dr. Damien, seconded by Dr. Hosenfeld, to approve Dr. Daniels-Perry's application for license reinstatement, contingent upon successful completion of the Ethics and Boundaries Assessment Services (“EBAS”) test with a score of twelve (12) or higher on each section, payment of all fines assessed during the initial hearing of the board, including satisfaction of all civil penalties, and successful completion of any and all requirements by the State to reactivate a license including completion of CE credits, etc. before full licensure can be reinstated. The motion carried.

Tracey Fink, DC Reciprocity 3084 - Dr. Fink was seeking reciprocity licensure as a Chiropractic Physician in Tennessee. Dr. Fink was grandfathered in Missouri as an acupuncturist

in 1997, and is requesting to transfer her credentials to the State of Tennessee, without the additional 250 hours of acupuncture certification required by the board. After review and discussion, a motion was made by Ms. Fitzgerald, seconded by Dr. Damien, to accept the hours presented in acupuncture, which was from her previous licensure from another state (MO) prior to the National Board of Chiropractic Acupuncture certification examination. The motion passed.

Dr. Hosenfeld made a motion, seconded by Ms. Fitzgerald, to have Dr. Hulme and Mr. Cole both work on developing a policy regarding acupuncture reciprocity, to be presented at the next board meeting and added as a line item on the agenda. The motion carried.

Ratification of Initial Determinations

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

BOARD OF CHIROPRACTIC EXAMINERS RATIFICATION LIST As of April 13, 2018

NEW LICENSEES

CHIROPRACTIC PHYSICIANS – 25

ORR, BRIDGETTE KELLY
MULHALL, CHRISTOPHER
WEDGWORTH, ASHLEY
THOMAS, NATHAN
FINK, TRACEY
CHAPPELL, STASI
LAFLAMME, JEFFREY
LANCE, CALLIE
STASI, TONY
KENNEDY, CHASE
SAMS, DOUGLAS
BRYAN, MICHEAL
CULLEN, WINTER.
PARKINSON, PHILLIP
WELLS, ANDREW
BULLOCK, HAL
VELTUM, COREY
ROGERS, TRAVIS
EDMISTON, PAUL
Bell Ryan Bradley
CAUSSEY CHAD
GOEDKEN JACOB
SCHWAB JEFFREY
BROWN JASMINE ALLEYNE DR.
YOUNG BRITTANI

CHIROPRACTIC THERAPY ASSISTANTS – 15

FRIEND, BRIANA
NICHOLS, EDERLEN
HEWLETT, CRYSTAL
ALDY, SARAH
POWELL, JORDAN
SHULL, LEA
CARROLL, LAURA
JEVIN, KATHRYN
WHAN, AMANDA
BECK-ARBOLEDA, GABRIELLA
JONES, ALLISON
TUCKER, KATHERINE
DAVIS, VIKKI
CROUCH KAYLA MICHELLE
GOLDEN LESLIE LUCILLE

CHIROPRACTIC X-RAY TECHNOLOGISTS – 1

STREETER, ALLISON

REINSTATEMENTS

CHIROPRACTIC PHYSICIANS – 8 CHIROPRACTIC THERAPY ASSISTANTS – 0 CHIROPRACTIC X-RAY TECHNOLOGISTS – 0
BARTON NICOLE MARIE
BURGESS EMILY C.
COURTLEY SCOTT A.
GOCHA KEVIN JAMES
HAYES PAUL W
JACKSON JASON
SHAW KENNETH RYAN
TANKSLEY GARY WAYNE

CLOSED FILES-0

CHIROPRACTIC PHYSICIANS – 0 CHIROPRACTIC THERAPY ASSISTANTS – 0 CHIROPRACTIC X-RAY TECHNOLOGISTS – 0

NEW EXTERNSHIPS – 0

ACUPUNCTURE QUALIFICATION – 1
THOMPSON, WILLIAM

The motion carried.

Administrative Report

Mary Webb presented the Administrative Report as follows:

Statistical Data

As of April 4, 2018, the Board of Chiropractic Examiners has 1189 active Chiropractic Physicians, 429 Chiropractic Therapy Assistants, and 107 Chiropractic X-Ray Technologists.

LICENSURE STATUS TOTALS FROM THE MONTHS OF
January 19, 2018 through April 13, 2018

CHIROPRACTIC PHYSICIAN	
New applications received – 25	New applications received – 25
New licenses issued – 24	New licenses issued – 24
Reinstatements – 8	Reinstatements – 8
Temp Licenses/Externships – 1	Temp Licenses/Externships – 1
Licenses Retired – 4	Licenses Retired – 4
Failed to Renew/Expired Licensees – 16	Failed to Renew/Expired Licensees – 16
CHIROPRACTIC THERAPY ASSISTANT	
New applications received – 29	New applications received – 29

New licenses issued – 15	New licenses issued – 15
Reinstatements – 1	Reinstatements – 1
Licenses Retired – 8	Licenses Retired – 8
Failed to Renew/Expired Licensees –25	Failed to Renew/Expired Licensees –25
CHIROPRACTIC X-RAY TECHNOLOGIST	
New applications received – 2	New applications received – 2
New licenses issued – 1	New licenses issued – 1
Reinstatements – 0	Reinstatements – 0
Licenses Retired – 5	Licenses Retired – 5
Failed to Renew/Expired Licensees – 4	Failed to Renew/Expired Licensees – 4

For this reporting period, the usage rate for utilizing the online renewal portal for Chiropractic Physicians is 65%; Chiropractic Therapy Assistants, 68%; and, Chiropractic X-Ray Technologists, 67%.

TSAC/ CHILD SUPPORT ORDERS

There are no TSAC suspensions to report during this time.

BOARD MEMBERS

As of April 19, 2018, there are now two (2) Consumer Member vacancies on the Board. Ms. Sheila Fitzgerald has retired her position as a consumer member on the board.

Dr. Alexander noted that his position would be up for re-appointment within the next month, and if he is not re-appointed, he would like to be considered for a future role as a board consultant.

Agreed Citations

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

Nicole Barton, DC# 2993– Dr. Barton practiced on an expired license for approximately two (2) months, beginning from January 1, 2018 to February 23, 2018. Respondent agreed to pay assessed civil penalty in the amount of five (\$500.00) hundred dollars for each month of her lapsed license practice beyond thirty (30) days from license expiration. Upon review by the Board, Ms. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to approve the Agreed Citation as presented. The motion carried.

Kevin Gocha, DC# 2092 – Dr. Gocha practiced on an expired license for approximately four (4) months, beginning from November 1, 2017 to on or about February 16, 2018. He agreed to pay

an assessed civil penalty in the amount of five (\$500.00) hundred dollars for each month he practiced on a lapsed license beyond thirty (30) days from license expiration, totaling fifteen (\$1500.00) hundred dollars. Upon review by the Board, Ms. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to approve the Agreed Citation as presented. The motion carried.

Angela Morrison, CTA #1288 – Ms. Morrison practiced on an expired license for approximately four (4) months from November 28, 2017 to February 23, 2018. Ms. Morrison agreed to pay an assessed civil penalty in the amount of one hundred dollars (\$100.00) for each month she practiced on a lapsed license beyond thirty (30) days from license expiration, totaling three (\$300.00) hundred dollars. Upon review by the Board, Ms. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to approve the Agreed Citation as presented. The motion carried.

Correspondence Review

Gregg S. Lincoln, DC# 3058 – Dr. Lincoln submitted a letter requesting an extension on his continuing education credits for 2017 due to being on active duty. After discussion, a motion was made by Dr. Hosenfeld, seconded by Ms. Fitzgerald, to grant his request, extending his continuing education deadline to Dec 31, 2018. The motion carried.

Samantha Colvin, CTA# 1093, CXT# 723 – Ms. Colvin submitted a letter requesting an extension on his continuing education credits for 2017 due to taking a job offer right after college, and not being able to take courses at the time. Upon review, a motion was made by Ms. Fitzgerald, seconded by Dr. Hosenfeld, to grant her request, extending her continuing education deadline to six months from the date of meeting. The motion carried.

Jessica Maldonado, CTA#1259– Ms. Maldonado submitted a letter requesting an extension on her continuing education credits for 2017. Due to a personal hardship, she was unable to use her license for the last portion of the year. Upon review, a motion was made by Ms. Fitzgerald, seconded by Dr. Hosenfeld, to grant her request, extending her continuing education deadline to September 31, 2018 to include CEs for both 2017 and 2018. The motion carried.

Jane George, DC# 2955– Dr. George submitted a letter requesting an extension on her continuing education credits for 2017. Dr. George came into the State by reciprocity, and was not able to practice until April 2017. She was unaware of how infrequent classes were offered and missed the opportunity to meet her CE requirements for 2017. After discussion, a motion was made by Dr. Hosenfeld, seconded by Ms. Fitzgerald, to grant her request, extending her continuing education deadline to six (6) months from the date of the meeting, to enable her obtain her hours in risk management, jurisprudence and sexual boundaries, but she must also include CEs for both 2017 and 2018. The motion carried.

Kenneth T. Hicks, DC# 2559– Dr. Hicks submitted a letter requesting an extension on his continuing education credits for 2017 due to experiencing a financial hardship as a result of being laid off from BCBS. Upon review, a motion was made by Ms. Fitzgerald, seconded by Dr.

Damien, to grant her request, extending her continuing education deadline to December 31, 2018 to become compliant with all CE hours for 2017 and 2018. The motion carried.

Teresa Snider, CTA Intern– Ms. Snider submitted a letter requesting an extension on her internship. After discussion, Dr. Damien made a motion, seconded Ms. Fitzgerald, to decline the request as presented, and requested that administrative office should send a notification letter explaining the board’s decision and suggest a corrective action of having the applicant apply for extension herself. The motion carried.

Lora D. Kerr, DC#239– Dr. Kerr submitted a letter requesting that all of her online CE’s be accepted to satisfy her current CE requirements, due to her current disability. After discussion, Ms. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to accept her letter of disability and online CEs for the 2017 audit. The motion carried.

Kenneth Mitchell, DC #358– Dr. Mitchell submitted a letter requesting an extension on his 2017 CEs. After discussion, Dr. Hosenfeld made a motion, seconded Ms. Fitzgerald, to extend his CE deadline to be completed within six months from the date of the meeting. It was also recommended that Dr. Mitchell’s request concerning the tardiness of Janice Robinson, CTA, in turning in CE hours cannot be addressed on her behalf by him. The CTA will need to present a personal request before the board. The motion carried.

Kimberley Burns– Ms. Burns submitted a letter requesting an extension to complete 1200 hours to take the CTA exam. This is Ms. Burns’ second request. After discussion, Dr. Damien made a motion, seconded by Ms. Fitzgerald, to grant a final extension until December 31, 2018, for Ms. Burns to complete the CTA hours required to take the CTA exam. The motion carried.

Turner Cole, Externship– Dr. Cole personally appeared before the board requesting an extension on his externship, due to an unforeseen illness that didn’t allow him to complete his test within the required timeframe. After discussion, Dr. Damien made a motion, seconded Dr. Hosenfeld, to accept the request and grant the extension until December 31, 2018, to enable Dr. Cole successfully pass part III of the NBCE exam and return proof to board Administrative Office. The motion carried.

CTA & CXT Rule Amendments

Dr. Hosenfeld made a motion, seconded by Ms. Fitzgerald, to accept the revised CXT Rules as presented, to be submitted for further processing in the Office of General Counsel. The motion carried.

Dr. Hosenfeld made a motion, seconded by Ms. Fitzgerald, to accept the revised CTA Rules as presented, to be submitted for further processing in the Office of General Counsel. The motion carried.

Discuss Old and New Board Business

A. Federal Aviation Administration BasicMed Flight Physical Program

Michael Sobowale presented a request from Dr. Michael Megehee, President of Team CME National Network of Certified Medical Examiners. Dr. Megehee requested that the board “take action” to create a policy stating whether Chiropractic Physicians in the state are eligible to perform basic medic exams for general aviation pilots.

Dr. Hosenfeld suggested that Dr. Damien collaborate with Dr. Megehee between board meetings to determine the full extent of what the FAA physicals entails, review the documentation submitted, and report back to the board at the next meeting. Dr. Damien agreed. Thereafter, Dr. Alexander made a motion, seconded by Dr. Hulme, to accept the suggestion as a motion. The motion carried.

B. CE Broker Presentation

Marsha Mann, representative from CE Broker presented a report on the CE Broker web-based CE tracking platform to the board. Ms. Mann provided a tutorial on how to use the application, as well as the benefits that CE Broker would provide if the applicants were to enroll such as; tracking any and all CE course hour submission and audit assistance, which is an efficient way to regulate the board’s CE requirements.

After review and discussion, a motion was made by Dr. Hosenfeld, seconded by Ms. Fitzgerald, to create a policy to state that the Tennessee Board of Chiropractor Examiners has decided to utilize CE Broker to manage CEs in the State of Tennessee for DCs, CXTs, and CTAs as of June 1, 2018. As of January 1, 2019, licensees’ participation in CE Broker will become mandatory. Dr. Hosenfeld asked to be appointed to work with Mr. Sobowale to craft a policy that could be adopted by the board. The Board unanimously accepted the motion as presented. Motion carried.

Adjournment

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

The Board meeting was adjourned at 1:50 PM on Thursday, April 19, 2018.

These minutes were ratified by the Board at the July 19, 2018 meeting.