

BOARD OF CHIROPRACTIC EXAMINERS

MINUTES

DATE: October 19, 2023

TIME: 9:00 AM CST

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

MEMBERS PRESENT: Cole Hosenfeld, D.C., President
Curtis Damien D.C., Vice-President
Jason Hulme, D.C. Secretary
Dale Blackwelder, D.C., Board Member
Kara Birdwell, D.C., Board Member
Stephanie Lazenby, CTA/CXT, Board Member

MEMBERS ABSENT: Rob Ailey, Citizen Member

STAFF PRESENT: Tonya Wilkins, Unit Director 1
Mary V. Bennett, Board Manager
Sabrina Craig-Boyd, Board Administrator 2
Anahi Ramos Juarez, Board Administrator 1
Mark Waters, Office of General Counsel
Robert Knowlton, Office of Investigations
Emily Godwin, Health Licensure & Regulation

GUESTS PRESENT: Tiffany Stevens, TN Chiropractic Association
Dr. Tamiko Webb, TN Medical Foundation

Call to Order

A roll call of board members was initiated, by Sabrina Craig-Boyd, Board Administrator. With a quorum present, the meeting started at 9:00 am, CST. Mr. Rob Ailey was not present at this meeting.

Board Meeting Minutes April 20, 2023

Dr. Birdwell made a motion, to accept the July 20, 2023, meeting minutes with noted corrections. Dr. Damien seconded the motion. The motion carried.

Office of General Counsel

Mark Waters with the Office of General Counsel served as interim advisory counsel for this meeting. Mr. Waters introduced the board to one of their new Advisory Attorneys, Mr. Michael Varnell.

Mr. Mark Waters presented the board with the Office of General Counsel report.

Conflict of Interest

If you have a personal or financial interest in the outcome of any issue or matter before this board which may suggest a bias on your part, you are asked to state that interest on the record so that a determination can be made as to whether there exists a need for recusal. You are reminded that it is the duty of this board to protect the health, safety and welfare of the citizens of Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.

Litigation Matters:

The Office of General Counsel currently has twelve (12) open disciplinary cases on twelve (12) chiropractic physicians, pertaining to the Board of Chiropractic Examiners.

Appeals

There are no pending appeals from Board action.

Civil Suits

None

Rules:

The Office of General Counsel has one rule change in process, regarding the DC rules. The DC Telehealth rule packet is currently in process.

Office of General Counsel: Summary of Currently Monitored Providers

October 2023 Disciplinary Report for the Chiropractic Examiners Board

Summary: This report provides the total numbers of licensees currently being monitored for discipline. These numbers include licensees who have been reprimanded, are on probation, have had their license suspended, revoked, or have surrendered due to a disciplinary board order.

If licensees are noncompliant, further action is taken:

- Violations of board order are processed, and the licensee may incur further discipline.
- Licensees who have been revoked, who have surrendered their license or are currently expired are referred to the Attorney General's office for collection of any nonpayment of civil penalties or case costs.

Total number of Physicians being monitored for discipline: 18

Reprimand: 9

Probation: 4

Suspension: 3

Revoked/Surrendered: 2

Retired: 0

Total number of Assistants being monitored for discipline: 0

Reprimand: 0

Probation: 0

Suspension: 0

Revoked/Surrendered: 0

Retired: 0

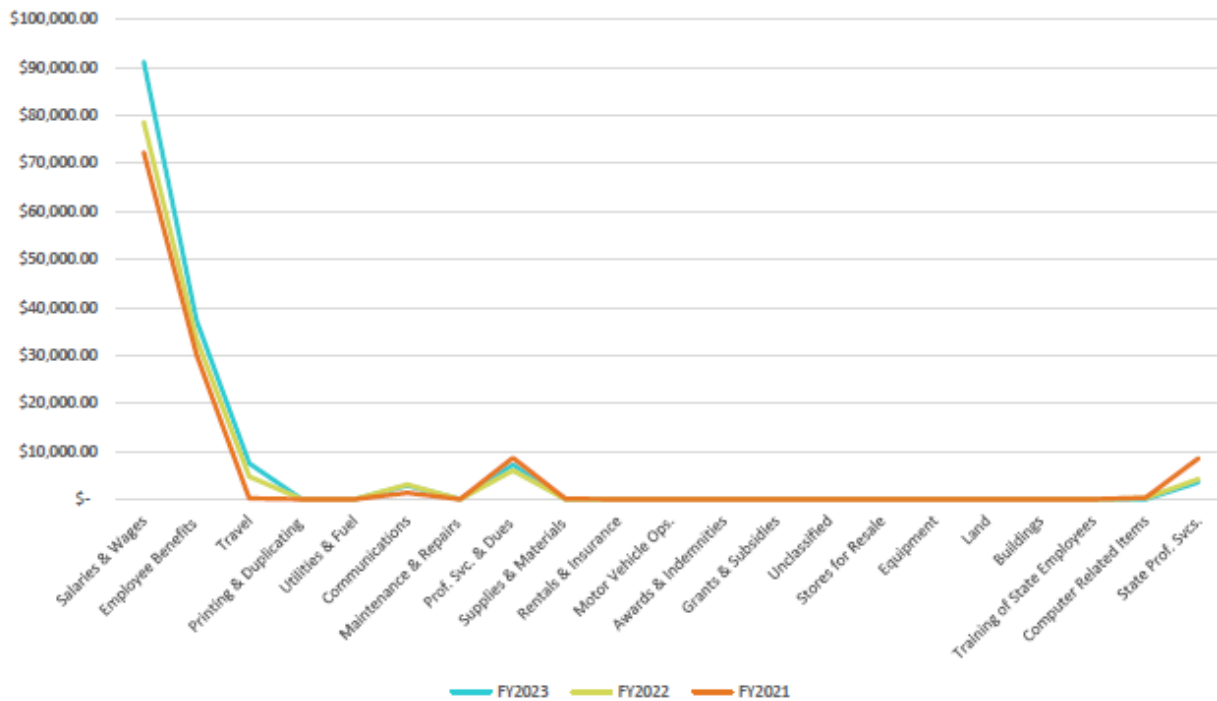
Office of Health Licensure and Regulation

Emily Godwin presented the Board with the year end fiscal report.

**Tennessee Board of Chiropractors
Actual Revenue and Expenditures
for Fiscal Year ending June 30, 2023**

Description	FY2023	FY2022	FY2021
Payroll Expenditures (701-702)	\$ 128,661.84	\$ 112,190.84	\$ 102,612.53
Total Other Expenditures (703-725)	\$ 21,062.47	\$ 18,366.06	\$ 19,136.16
Total Allocated Expenditures	\$ 108,569.51	\$ 74,857.70	\$ 119,816.65
Total Expenditures	\$ 258,293.82	\$ 205,414.60	\$ 241,565.34
Board Fee Revenue	\$ 315,963.83	\$ 303,396.44	\$ 272,048.01
Current Year Net	\$ 57,670.01	\$ 97,981.84	\$ 30,482.67
Total Technology Improvements	\$ 4,790.88	\$ 5,258.74	\$ 4,740.89
Cumulative Carryover	\$ 699,042.12	\$ 646,162.98	\$ 553,439.89

Comparison of Direct Expenditures for FY21 - FY23



DHLR – Administrative Policies and Procedure

No. 106.05

- Board apprised if:
 - Revenues are two times greater than their expenses for two consecutive fiscal years
 - Cumulative carryover exceeds two times the three-year average of operating expenditures
- Board advised of General Assembly’s concern relative to excess cumulative carry forward balances
 - Adjust fees to reduce possibility of increasing the existing cumulative carry forward balance

Tennessee Board of Chiropractors
Analysis of Operating Expenditures and Carryover Balance

Fiscal Year	Operating Expenditures	3 Year Average Annual Operating Expenditures	2 Times 3 Year Average Annual Operating Expenditures	Cumulative Carryover
2021	\$ 241,565.34	\$ 67,629.12	\$ 135,258.24	\$ 553,439.89
2022	\$ 205,414.60	\$ 234,699.88	\$ 469,399.75	\$ 646,162.98
2023	\$ 258,293.82	\$ 235,091.25	\$ 470,182.51	\$ 699,042.12

Cumulative carryover exceeds two times the three-year average of operating expenditures for two consecutive fiscal years.

Tennessee Board of Chiropractors
Analysis of Revenues

Fiscal Year	Revenue	2 Times Annual Operating Expenditures
2022	\$ 303,396.44	\$ 410,829.21
2023	\$ 315,963.83	\$ 516,587.63

Revenue is not two times greater than expenses for two consecutive fiscal years.

Office of Investigations

Roger Knowlton with the Office of Investigations provided the board with the following report.

Chiropractic Physicians

License Type: 1108 - Chiropractic Physician

Complaint Activity	Dec 2022	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
New Complaints Opened		6	7	5	5	1	5	1	35	2	0			67
Total Closed Complaints		14	0	6	1	9	6	0	0	11	3			50
62 - Closed - Insufficient		4	0	0	0	0	0	0	0	0	0			4
7 - Closed BIV,EMS,HCF,AW		0	0	1	0	0	0	0	0	0	0			1
9 - Complaint Closed		3	0	2	1	4	3	0	0	11	3			27
93 - Closed - Ltr of Concern		2	0	0	0	2	1	0	0	0	0			5
94 - Closed - Warning Ltr			5	0	3	0	3	2	0	0	0			13
Currently Open Complaints	24	16	23	22	26	18	17	18	53	44	41			

ANALYSIS OF NEWLY OPENED COMPLAINTS

By Allegation	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
19-Substance Abuse	0	0	0	0	0	0	0	1	0	0			1
20-Sexual Misconduct	0	0	0	0	0	1	0	0	0	0			1
22-Advertising	1	0	0	0	0	0	0	0	0	0			1
24-Malpractice/Negligence	0	1	0	0	0	0	0	0	0	0			1
26-Unprofessional Conduct	4	6	4	4	1	3	1	3	2	0			28
28-Medical Record Request	0	0	0	0	0	1	0	0	0	0			1
36-Lapsed License	1	0	0	1	0	0	0	0	0	0			2
40-Mental and/or Physical Impairment	0	0	0	0	0	0	0	1	0	0			1
42-Practice beyond the Scope	0	0	1	0	0	0	0	0	0	0			1
45-CE Violation	0	0	0	0	0	0	0	30	0	0			30
Total:	6	7	5	5	1	5	1	35	2	0			67

Chiropractic Therapy Assistants

License Type: 1122 - Chiropractic Therapy Assistant

Complaint Activity	Dec 2022	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
New Complaints Opened		1	0	3	0	0	0	0	30	0	0			34
Total Closed Complaints		0	0	1	0	4	0	0	0	0	18			23
7 - Closed BIV,EMS,HCF,AW		0	0	1	0	1	0	0	0	0	0			2
9 - Complaint Closed		0	0	0	0	1	0	0	0	0	18			19
93 - Closed - Ltr of Concern		0	0	0	0	2	0	0	0	0	0			2
Currently Open Complaints	1	2	2	4	4	0	0	0	30	30	12			

ANALYSIS OF NEWLY OPENED COMPLAINTS

By Allegation	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
25-Unlicensed Practice	0	0	1	0	0	0	0	0	0	0			1
36-Lapsed License	1	0	2	0	0	0	0	0	0	0			3
45-CE Violation	0	0	0	0	0	0	0	30	0	0			30
Total:	1	0	3	0	0	0	0	30	0	0			34

Chiropractic X Ray Technologist

License Type: 1145 - Chiropractic X-Ray Technologist

Complaint Activity	Dec 2022	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
New Complaints Opened		0	0	0	0	0	0	0	6	0	1			7
Total Closed Complaints		0	0	0	0	0	0	0	0	0	4			4
9 - Complaint Closed		0	0	0	0	0	0	0	0	0	4			4
Currently Open Complaints	0	0	0	0	0	0	0	0	6	6	3			

ANALYSIS OF NEWLY OPENED COMPLAINTS

By Allegation	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
36-Lapsed License	0	0	0	0	0	0	0	0	0	1			1
45-CE Violation	0	0	0	0	0	0	0	6	0	0			6
Total:	0	0	0	0	0	0	0	6	0	1			7

Applicant Interviews:

Brigette Gillespie-Request Board to accept late CTA application. Dr. Damien made motion to accept the late application. Dr. Blackwelder seconded the motion. The motion carried. Dr.Hulme excused himself from the meeting and this decision.

Jordan Taylor- Request Board to accept late CTA application. Dr. Damien made motion to accept the late application. Dr. Blackwelder seconded the motion. The motion carried. Dr.Hulme excused himself from the meeting and this decision.

Savannah Dever- Request Board to accept late CTA application. Dr. Birdwell made motion to accept the late application. Dr. Blackwelder seconded the motion. The motion carried. Dr.Hulme excused himself from the meeting and this decision.

Molly Elasky- Savannah Dever- Request Board to accept late CTA application. Ms. Lazenby made motion to accept the late application. Dr. Blackwelder seconded the motion. The motion carried. Dr.Hulme excused himself from the meeting and this decision.

Matthew Barnes DC- Request Board to reinstate surrendered license. Dr. Blackwelder recused himself from this applicant interview. Ms. Lindsay Smith, Co-Counsel for Dr. Barnes, addressed the Board and invited Dr. Robin Barnes to speak on her husbands behalf. Dr. Barnes surrendered his DC license in 2015 and has appeared before this Board on multiple occasions requesting reinstatement of his license.

RECAP of Dr. Barnes appearances before the board; Dr. Barnes appeared before the Board in October 2019 requesting reinstatement of his surrendered TN DC license. The board requested a comprehensive evaluation by the TMF and that the TMF submit an official summary on the outcome of the evaluation. The Board also requested Dr. Barnes submit a summary of treatment from his counselor and his probation officer. All to be presented at the January 23, 2020, Board Meeting. Dr. Barnes did not have the requested items available for review at the January 23, 2020, Board Meeting. Dr. Barnes appeared again at the April 16, 2020, Board Meeting along with his attorney, Terry Abernathy. By this meeting date, Dr. Barron with the TMF had received and reviewed the evaluation submitted by Pine Grove which indicated numerous concerns with Dr. Barnes workplace boundaries. Dr. Barron read to the Board

Members, the results of the Pine Grove assessment, “It is the opinion of the Pine Grove Evaluation Team, Dr. Barnes is currently NOT fit to practice chiropractic medicine with reasonable skill and safety.”. Pine Grove recommends that Dr. Barnes undergo a treatment program for professional sexual misconduct. Dr. Barron gave his recommendation that echoed the Pine Grove evaluation, that Dr. Barnes undergo a treatment program for sexual boundaries. Dr. Barnes request to reinstate was tabled to the July 16, 2020, Board Meeting and that Dr. Barnes submit full documentation from his recent analysis from Pine Grove and TMF, documents to support the probation summary, as well as his current healthcare provider recommendation. Dr. Barnes next appearance before the Board was October 15, 2020. At this meeting the Board denied his application for reinstatement and gave him the option to re-apply when he has completed a new evaluation from one of TMF’s recommended evaluators.

October 19, 2023, Dr. Barnes appears again to request reinstatement of his TN DC license. After hearing from Dr. Robin Barnes and from Dr. Matthew Barnes attorneys, the Board decided, again, to require Dr. Barnes receive a TMF evaluation to determine fit to practice. Dr. Damien made motion to table Dr. Barnes request until a future board meeting as soon as a new evaluation for fit to practice can be completed and presented to the Board. Dr. Birdwell seconded the motion. Dr. Blackwelder abstained. The motion carried.

Ratification List

TN BOCE Ratification List July 7, 2023 – October 4, 2023

Newly Licensed Chiropractic Physicians

Amato, Michael
Berry, Mattehw
Brumbelow, Jacob
Burlage, Thomas
Cerha, Jeremy
Davis, Paul
Dziezgowski, Joseph
Ferrucci, Marco
Heathcote, Cassandra
Higgins, Harrison
Lister, Maxwell
Magnano, David
McDorman, Courtney
Muto, Michael
Oakley, Matthew

Reinstated Chiropractic Physicians

Brennion, William
Bryant, Eric
Hendon, William
Kreil, Trina
Negley, John
Taylor, Jessica
Williamson, Douglas

Closed DC Applications

Corley, Aaron
Defalco, Elizabeth
Stacey, Michael

Piana, Palmer
Puglsey, Robert
Ramos, Anthony
Rawlings, Alexandra
Robert, Elizabeth
Rollison, Brandon
Rose, Erika
Shull, Eric
Thomas, Brandon
Wolf, Marie
Worthy, Rachel
Wright, Zachary
Wyatt, Amy

Temp/Extern Issued
Carlson, Isaac
Gammill, Charles

Newly Licensed Chiropractic Assistants

Barlow, Shantel
Boone, Bethany
Box, Macy
Brown, Danielle
Byrd, Abigail
Fisher, Erin
Foster, Rachel
Gibson, Hope
Green Alexis
Kincaid, Sarah
King, Penny
Murdough, Taylor
Page, Sara
Perry, Heather
Raby, Donna
Rogers, Travis
Rowden, Amanda
Rupp, Carley
Shoemaker, Erika
Somner, Gina
South, Kacee
Watson, Noah

Reinstated CTA's
Luck, Amanda

Newly Licensed Chiropractic X-Ray Technologist

Moran, Kimberly
Muex, Keondria
Wong, Lily

Board Administrative Report

**BOARD OF CHIROPRACTIC EXAMINERS
ADMINISTRATOR REPORT
October 19, 2023**

This is an administrative report from Sabrina Craig-Boyd, Board Administrator. The information contained in this report will keep the Board aware of all essential activities pertaining to licensure for Chiropractic Examiners.

STATISTICAL DATA

As of October 4, 2023, the Board of Chiropractic Examiners has **1518** active Chiropractic Physicians, **431** Chiropractic Therapy Assistants, and **128** Chiropractic X-Ray Technologists.

LICENSURE STATUS TOTALS FROM THE MONTHS OF
July 7, 2023, through October 4, 2023

CHIROPRACTIC PHYSICIAN	
Total applications received – 226	
New licenses issued – 28	Renewal Total – 189
Reinstatements – 7	Online Renewals – 136
Temp Licenses/Externships- 2	Paper Renewals – 53
Licenses Retired – 69	% Using Online System 72%
Failed to Renew/Expired Licensees – 9	
New Acupuncturist-	
CHIROPRACTIC THERAPY ASSISTANT	
Total applications received – 73	
New licenses issued – 22	Renewal Total – 32
Reinstatements –1	Online Renewals – 22
Licenses Retired – 17	Paper Renewals – 10
Failed to Renew/Expired Licensees – 8	% Using Online System 61%
CHIROPRACTIC X-RAY TECHNOLOGIST	
Total applications received – 16	
New licenses issued- 53	Renewal Total – 11
Reinstatements – 0	Online Renewals – 7

Licenses Retired – 0	Paper Renewals – 4
Failed to Renew/Expired Licensees – 3	% Using Online System 64%

Audit Update

Final Agreed Citations to be presented at this meeting. All unanswered agreed citations have been forwarded to OIV.

Upcoming Board Meeting Dates

- January 25, 2024
- April 18, 2024
- July 18, 2024
- October 17, 2024

INTERNET

The Board’s internet website is an excellent location to find valuable board information for licensees and applicants. Please visit the site at <https://www.tn.gov/health/health-program-areas/health-professional-boards/chiro-board.html> . Should you have any suggestions or comments, please feel free to contact the Board at 615.741.3807 or unit2hrb.health@tn.gov.

Agreed Citation

The following names were issued agreed citation. All licensees have paid the fine and agreed to the terms of the citation. Dr. Blackwelder made motion to accept the agreed citations as presented. Dr. Hulme seconded the motion. The motion carried.

- Ferrell, Esther CTA608
- Glenn, Shay DC2987
- Hendon, William DC1356
- McCormick, Cheri CTA720
- Osibanjo, Molly DC3067
- Roe, Madeleine CTA1686
- Smitha, Margaret CXT829
- Taylor, John DC2077

Correspondence:

- A. Lora Derr**-Requested the board accept hours taken online in 2022 and waive the agreed citation for CE Violation. Dr. Hulme made motion to accept hours taken online for 2022 and 2023. Dr. Blackwelder seconded the motion. The motion carried. The Board did express very clearly that there would be no further exemptions.
- B. Sherrie Papa**-Requested the Board allow more online hour to complete the acupuncture education requirement. Dr. Damiem made motion to allow Dr. Papa to complete (100) hours in person and the remaining (150) hours through online courses. All other requirements for acupuncture credential, including passing NBCE Score for acupuncture are upheld. Dr. Blackwelder seconded the motion. The motion carried.
- C. Federico Rondinelli**- Requested the board to waive the SPEC requirement for reciprocity applicants who have not completed all four parts of the National Board Exam. He asked the Board to consider his many years of practice in place of the requirement. Dr. Damien made motion to deny his request as the Board does not have the authority to waive this licensure requirement. Dr. Blackwelder seconded the motion. The motion carried.
- D. Amy Wyatt**-Requested the board to allow her to complete the New Licensee course online as the already scheduled upcoming courses fall on Saturday. Dr. Wyatt's request is based on her religious affiliation. Dr. Birdwell made motion to allow Dr. Wyatt to take the New Licensee course online. Dr. Blackwelder seconded the motion. The motion carried.
- E. Xavier Ortiz Valle**-Requested extension to complete the New Licensee course, citing a medical issue preventing him from attending before the deadline. Dr. Damien made motion to accept his request. The motion failed. After more discussion, Dr. Hulme made motion to allow the extension and Dr. Ortiz Valle has one month to submit proof of course completion. Dr. Damien seconded the motion. The motion carried.

Old and New Business

- A. FCLB Update**-Dr. Hulme
 - a. Dr. Hulme requested to add an FCLB Guest to the next scheduled meeting in January 2024.
 - b. Dr. Hulme informed the Board of nationwide scam targeting health professional licensees.
- B. TMA MATE Act Education Course**-TN Medical Association presented the Board with a course opportunity for Chiropractors. This course is in response to the MATE Act and applies to all

professionas with a DEA license including chiropractors. Dr. Blackwelder made motion to deny course approval for TN Chiropractors. Dr. Damien seconded the motion. The motion carried.

Adjourn:

With not further items to discuss, Dr. Hulme made a motion, to adjourn at 1:00 pm. Dr. Blackwelder seconded the motion. The motion carried.

THESE MINUTES WERE RATIFIED AT THE April 18, 2024 BOARD MEETING.