

BOARD OF CHIROPRACTIC EXAMINERS MINUTES

DATE: July 15, 2021

TIME: 9:00 AM CST

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

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

STAFF PRESENT: Noranda French, Board Director
Mary V. Bennett, Board Manager
Sabrina Craig-Boyd, Board Administrator
Kevin Griffin, Associate General Counsel

Call to Order

Meeting began with a roll call of board members by Administrator Sabrina Craig-Boyd. With all members present the meeting began at 9:02am CST.

Ratification of Board Meeting Minutes

After review of the minutes from the April 15, 2020 meeting, Dr. Blackwelder made motion to accept the minutes with one correction. Dr. Hulme seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

Legislative Report

Legislative Liaison, Ms. Olivia Spears presented the board with the following legislative updates.
Legislative Update –2021All Bills (Numerical Order)

Public Chapter 3

This act extends the board of chiropractic examiners to June 30, 2026.
This chapter took effect March 23, 2021.

Public Chapter 37

This act prohibits agencies subject to sunset review from promulgating rules or adopting policies to exempt members solely by virtue of their status as members.
This act took effect March 23, 2021.

Public Chapter 199

This act replaces one consumer member with one chiropractic x-ray tech or chiropractic consumer member on the board of chiropractic examiners.

This act took effect April 22, 2021.

Public Chapter 242

This act authorizes records custodians to petition a court for injunctive relief from individuals making frequent public records requests with the intent of disrupting government operations, following a fifth (5th) public records request. A records custodian can only petition a court if they notify the person in writing stating the specific conduct may constitute intent to disrupt government operations, and that the person continues to do so. The individual upon a court enjoinder would not be able to make public requests at the agency for up to one (1) year.

This chapter took effect April 28th, 2021 and will sunset July 1, 2025.

Public Chapter 291

This act requires the attorney general and reporter to not approve an emergency rule if the emergency rule does not meet the statutory criteria for adoption of the rule.

This act took effect July 1, 2021.

Public Chapter 328

This act requires that starting December 1, 2023, state agencies submit a report of their effective rules to the chairs of the government operations committee every eight (8) years. The report is required to include a brief description of the department's operations that each chapter affects, as well as each rule and its administrative history, which would include the original promulgated date and the dates the rule was last amended, if applicable. Additionally, the report would include a determination of each rule on whether it adheres to current state or federal law or court rulings, should be amended or repealed, reviewed further, or continue in effect without amendment. Lastly, if there are any intentionally false statements in the report, the government operations committee would have the ability to vote to request the general assembly to remove a rule or suspend the department's rulemaking authority for any reasonable period of time.

This act took effect July 1, 2021.

Public Chapter 453

This act requires public or private entities or businesses that operate a building open to the general public to post signage regarding public restroom access in certain situations. Specifically, this applies to entities or businesses that have restroom policies allowing either biological sex to use any public restroom within their building. The act includes requirements for language, size, location, and even color for the signage. The act excludes unisex, single occupant restrooms or family restrooms intended for use by either sex.

This act took effect July 1, 2021.

Public Chapter 531

This act limits an agency's authority to promulgate rules without a public hearing. There are exceptions to the public hearing requirement. These exceptions include emergency rules, rules that are no substantive modifications to existing rules (like clerical updates), rules that repeal existing rule, or rules that eliminate or reduce a fee described by an existing rule.

This act took effect July 1, 2021.

Public Chapter 532

This act authorizes the joint government operations committee to stay an agency's rule from going into effect for a period of time not to exceed ninety (90) days. If the government operations committee determines that subsequent stays are necessary, then the joint committee may issue consecutive stays, each for an additional ninety (90) day period, so long as such stays do not extend beyond the fifth legislative day of the year following the year in which the rule is filed with the secretary of state. The initial stay may be done by either the house or senate government operations committee, but subsequent stays must be by agreement by the committees of both chambers. A stay is effective when the respective committee files written notice with the secretary of state, and the respective committee shall specify the length of effectiveness of the stay.

This act took effect May 25, 2021.

****These are general summaries of legislation. For more detailed information and all specifics/requirements, please review the links to each public chapter****

Office of General Counsel Report

Mr. Kevin Griffin with the Office of General Counsel presented the OGC 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 three (3) open disciplinary cases on three (3) chiropractors 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 six two rules changes in process, regarding the CTA/CTX rules and the DC rules. Both are currently in process.

Office of Investigations Report

Ms. Noranda French presented the board with the office of investigations report as follows.

Summary of Currently Monitored Chiropractic Physicians

Reprimand	7
Probation	3
Suspension	1
Revoked	3

There are no Chiropractic Therapy Assistants or Chiropractic X-Ray Technologist currently being monitored.

Statistical Complaint Report

Chiropractic Physicians

<u>Complaint Activity</u>	<u>YTD</u>
New Complaints Opened	33
Total Closed	17
Closed-Insufficient	5
Closed-BIV, EMS, HCF, AW	2
Complaint Closed	6
Closed-Ltr Concern	3
Closed-Ltr Warning	1
Total Open Complaints	41
Analysis of Newly Opened Complaints	
Fraud/False Billing	2
Sexual Misconduct	1
Advertising	1
Malpractice/Neg	1
Unprofessional Conduct	23
Lapsed License	1
Practice Beyond Scope	1
Outside INV Scope	1
Covid-19	33

Chiropractic Therapy Assistants

<u>Complaint Activity</u>	<u>YTD</u>
New Complaints Opened	4
Total Closed	9
Complaint Closed	9
Analysis of Newly Opened Complaints	
Unlicensed Practice	4

Chiropractic X-Ray Technologist

<u>Complaint Activity</u>	<u>YTD</u>
New Complaints Opened	1
Total Closed Complaints	1
Complaint Closed	1

Applicant Interview

At the April 15, 2021 Board Meeting, Dr. Charlie Via was ordered to receive an evaluation for “Fitness of Duty” through the Tennessee Medical Foundation. Dr. Via was joined by his case manager Dr. Tamiko Webb. Based upon the recommendation and testimony provided by the TMF, Dr. Blackwelder, made motion, to remove the suspension from his license contingent upon him maintaining the advocacy of the TMF and adhering to the terms and conditions of his monitoring agreement. Dr. Hosenfeld, seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

Ratification of Newly Licensed

Dr. Hosenfeld, made motion to accept the ratification of all Newly Licensed Chiropractic Physicians, Reinstated Chiropractic Physicians, Newly Licensed CTA’s, Reinstated CTA’s, Newly Licensed CXT’s, Reinstated CXT’s, Temporary/Extern’s, and Closed Applications as presented. Dr. Hulme, seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

Newly Licensed Chiropractic Physicians

Armstrong, Jeffrey
Baird, Rachel
Boshears, Andrew
Boshears, Sandra
Boyce, Dylan
Bryson, Jonathan
Bryson, Lori Beth
Burkhardt, Sean
Burlison, Annette
Douglas, Preston
Esser, Kurtus
Farley, Kevin
Gervais, Brian
Givelechian, Kimberly
Hanley, Michael
Hebdon, Nadine
Heffelfinger, Steven
Hickman, Morgan
Hill, Abigail
Milonas, Matthew
Person, Amy
Petracci, Michael
Powell, Caleb

Reinstated Chiropractic Physicians

Dixon, Jodi
Dragelin, Alec
Lewis, Edward
Moroney, William

Powell, Kevin
Powell, Melissa
Putrus-Schnell, Amy
Putrus-Schnell, Anthony
Ridley, Tyler
Roberts, Zachariah
Ruppel, Chirostopher
Russell, Jameson
Sheffer, Todd
Smith, Craig
Stabile, Nicholas
Thompson-Milonas, Jessica
Tilton, Heather
Wald, Michael
Weston, Erik
Zarembeski, Alan

Newly Licensed Chiropractic Therapy Assts.

Bennett, Katelyn
Bucher, Melinda
Burdette, Blair
Hernandez-Amaya, Sandra
Johnson, Lindsey
Johnson, Sara
Keith, keri
Kemp, Kristina
Kiggins, Abraham
Madden, Cassidy
McDaniel, Marissa
McKissick, Taylor
Roe, Madeline
Todd, Carole
Watkins, Heather
Williams, Allyson

Newly Licensed Chiropractic X-Ray Technologist

French, Amanda
Hughes, Chris
Maley, Erin
Massengill, Jennifer
Obligacion, Tecca
Tanski, Kelli
Wood, Whitney

Temporary/Extern

Fee, John
Ney, Carley

Reinstated Chiropractic Therapy Assts.

Addison, Kellye
Arwood, Diane
Gann, Brittany
Little, Tracie
Wilford, Rachel
Young, Joy

Reinstated Chiropractic X-Ray Technologist

Brown, Beth

Acupuncture

Closed

Despasquale, Vincent
Jonas, James

Administrative Report

BOARD OF CHIROPRACTIC EXAMINERS ADMINISTRATOR REPORT

July 15, 2021

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 July 9, 2021, the Board of Chiropractic Examiners has **1363** active Chiropractic Physicians, **404** Chiropractic Therapy Assistants, and **125** Chiropractic X-Ray Technologists.

LICENSURE STATUS TOTALS FROM THE MONTHS OF April 10, 2021 – July 9, 2021

CHIROPRACTIC PHYSICIAN	
Total applications received – 224	
New licenses issued – 38	Renewal Total – 146
Reinstatements – 4	Online Renewals – 90
Temp Licenses/Externships-Rec 4/ 2 lic	Paper Renewals – 56
Licenses Retired – 9	
Failed to Renew/Expired Licensees – 9	
New Acupuncturist- 0	
CHIROPRACTIC THERAPY ASSISTANT	
Total applications received – 65	
New licenses issued – 16	Renewal Total – 31
Reinstatements – 6	Online Renewals – 15
Licenses Retired – 3	Paper Renewals – 16
Failed to Renew/Expired Licensees – 11	
CHIROPRACTIC X-RAY TECHNOLOGIST	
Total applications received – 24	
New licenses issued – 7	Renewal Total – 17

Reinstatements – 1	Online Renewals – 10
Licenses Retired – 1	Paper Renewals – 7
Failed to Renew/Expired Licensees – 3	

For this reporting period, the usage rate for utilizing the online renewal portal for Chiropractic Physicians is 61%, Chiropractic Therapy Assistants, 49% and, Chiropractic X-Ray Technologists, 59%.

Upcoming Board Meeting Dates

October 21, 2021

January 27, 2022

April 21, 2022

July 21, 2022

October 20, 2022

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 Citations

1. Diane Arwood CTA- Ms. Arwood has been issued an agreed citation for practicing on a lapsed license for two (2) months. She has waived her right to a formal hearing and has agreed to the terms of the citation. She has paid the \$200 fine. Dr. Blackwelder, made motion to accept the agreed citation. Dr. Hulme, seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

2. Brittany Gann CTA- Ms. Gann has been issued an agreed citation for practicing on a lapsed license for two (2) months. She has waived her right to a formal hearing and has agreed to the terms of the citation. She has paid the \$200 fine. Dr. Blackwelder, made motion to accept the agreed citation. Dr. Hulme, seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

3. Rachel Wilford CTA- Ms. Wilford has been issued an agreed citation for practicing on a lapsed license for four (4) months. She has waived her right to a formal hearing and has agreed to the terms of the citation. She has paid the \$400 fine. Dr. Blackwelder, made motion to accept the agreed citation. Dr. Hulme, seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

4. Alec Dragelin DC- Dr. Dragelin has been issued an agreed citation practicing on a lapsed license for one (1) month. He has waived his right to a formal hearing and has agreed to the terms of the citation. He has paid the \$500 fine. Dr. Blackwelder, made motion to accept the agreed citation. Dr. Hosenfeld,

seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, recused. The motion passed.

Correspondence

Michael Wald DC- Dr. Wald request permission from the board to perform phlebotomy. Dr. Blackwelder, made motion to grant permission based on the scope of practice outlined in Tenn. Code Ann. § 63-4-101(a)(1)(B)(iv): “The collection of blood, urine, saliva, and hair for analysis; provided, however, venipuncture shall only be done by phlebotomist or other person who is properly trained to draw blood.” Dr. Hosenfeld, seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

Naomi Gavinder- Ms. Gavinder requested a six (6) month extension to complete her required 1200 intern hours for her CTA license. Dr. Hulme, made motion to grant Ms. Gavinder a six (6) month extension. Dr. Hosenfeld, seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

Mary Stone- Ms. Stone requested the board accept her late CTA application. Ms. Stone noted a miscommunication regarding the required Boundaries and Ethics course led her to believe there was an extension to submit her application due to the rescheduling of the new licensee course. Dr. Birdwell, made motion to accept her late application. Dr. Hulme, seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

Vickie Oates- Ms. Oates requested an extension to complete her required 1200 intern hours for her CTA license. Ms. Oates request was for an extension until June 2023. The board discussed the extended time away and decided that would not be conducive to the learning process intended. Dr. Hulme, made motion to deny her request for an extension until June 2023. Dr. Blackwelder, seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

Old and New Business

Board members discussed the current policy and future of CE requirements. No changes were made to current policy which expires December 31, 2021.

Urine Analysis Policy-Dr. Blackwelder, made motion to eliminate the current Urine Analysis Policy. Dr. Hulme, seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

Adjourn

With no further agenda items to discuss, Dr. Hulme, made motion to adjourn the meeting at 10:23am. Dr. Blackwelder, seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

THESE MINUTES WERE RATIFIED AT THE OCTOBER 21, 2021 BOARD MEETING.

