

**BOARD OF CHIROPRACTIC EXAMINERS
MINUTES**

DATE: January 23, 2020

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
Joseph Amato, D.C., Board Member
Dale Blackwelder, D.C., Board Member

STAFF PRESENT: Mary V. Bennett, Board Manager
Sabrina Craig-Boyd, Board Administrator
Mark Cole, Associate General Counsel
Taylor Gregory, Paralegal
Lori Leonard, Disciplinary Coordinator

Call to Order

With a quorum present, Dr. Hosenfeld called the meeting to order at 9:10AM. A roll call was taken by Sabrina Craig-Boyd with all members present.

Minutes

After a review of the minutes of the October 17, 2019 meeting, Dr. Hulme made motion, seconded by Dr. Blackwelder, to accept the minutes as written. The motion passed.

EBAS PRESENTATION

Dr. Farrel Grossman with the National Board of Chiropractic Examiners and Ms. Stacey Kjeldgard, Executive Director, Ethics and Boundaries Assessment Services LLC were present at the board meeting to discuss the roll and processes of the EBAS program. Ms. Kjeldgard provided the board and administrative staff with brochures and information on the EBAS program and how it is helpful to both the board and licensees in the state. Dr. Hosenfeld requested to have EBAS information available at each board meeting to hand out where needed.

No public comment.

Office of General Counsel Report

Associate General Counsel, Mark Cole, began the OGC report with a reminder of the conflict of interest. Board members were advised not to discuss any Board business among themselves unless notice of such discussion or meeting has been provided to the public. Mr. Cole reminded the board to not get involved in discussions with licensees regarding board member decisions.

There are three (3) open disciplinary cases on two (2) chiropractors but has changed with additional cases possible. More information to come as cases are reviewed.

There are no contested case set to be heard at this meeting, with one (1) case being continued possibly at the next board meeting scheduled for April 30, 2020.

Rules

Mr. Cole informed the Board there are two (2) sets of rules in process. One rule for CTA/CXT and one rule for DC. No statues to discuss at this meeting.

No public comment.

Investigative and Disciplinary Reports

Lori Leonard, Disciplinary Coordinator in the Office of Investigations began her report with the summary of currently monitored practitioner. A breakdown is as follows: Chiropractic Physicians there were six (6) on reprimand, three (3) on probation, one (1) under suspension, and six (6) under revocation. For Chiropractic Therapy Assistants there were one (1) under reprimand. No Chiropractic X-Ray Technologist being monitored.

For the investigative report a breakdown is as follows: For Chiropractic Physicians for the year 2019, the Office of Investigations has opened a total of forty four (44) complaints. Those allegations included three (3) for fraud and false billing, two (2) for criminal charges, two (2) for malpractice, three (3) for unlicensed practice, sixteen (16) for unprofessional conduct, three (3) for medical records request, three (3) lapsed license, eight (8) for practice beyond the scope, and four (4) for outside the investigative scope. In 2019, investigations has closed a total of forty nine (49) cases; eight (8) with insufficient evidence, five (5) closed and sent to the Office of General Counsel for formal discipline, nineteen (19) were closed with no action, two (2) were closed with a letter of concern, and fifteen (15) were closed with a letter of warning. At the end of 2019, Investigations had a total of thirty seven (37) open complaints being investigated and/or reviewed. For Chiropractic Physicians so far in 2020, there are two (2) new complaints. One (1) for negligent malpractice and one (1) outside the investigative scope. Investigations has closed a total of eight (8) complaints with three (3) being closed and sent to the Office of General Counsel for formal discipline, one (1) was closed with no action, and four (4) were closed with a letter of warning. Currently there are twenty nine (29) complaints open being investigated and/or reviewed.

For Chiropractic Therapy Assistants in 2019, there were two (2) complaints opened for lapsed license. There were a total of four (4) complaints closed with one (1) reported to the Office of General Counsel

for formal discipline, two (2) closed with no action and one (1) closed with a letter of warning. At the end of 2019, there was one (1) open case that is being reviewed.

So far in 2020 for Chiropractic Physicians, investigations has received zero (0) new complaints. One (1) complaint has been closed and sent to the Office of General Counsel for formal discipline. There are zero (0) open complaints for Chiropractic Therapy Assistants.

For Chiropractic X Ray Technologist, in 2019, Investigations opened a total of one (1) new complaint for unlicensed practice and closed one complaint. At the end of 2019 there were zero (0) opened complaints and so far for 2020, there is zero (0) open complaints.

No public comment.

Division of Health Licensure and Regulations

No report of Health Licensure and Regulations at this time.

No public comment.

Applicant Interview/File Review

No applicant interviews at this time.

No public comment.

Ratification List October 12, 2019- January 13, 2020

Newly Licensed Chiropractic Physicians October 12, 2019-January 13, 2020

Chapman, Casey
Connelly, Ryan
Dixon, Jodi
Douglas, Christopher
Frank, Robin
Hart, Martin
Johnson, Walter
Levesque, Dylan

Reinstated Chiropractic Physicians October 12, 2019-January 13, 2020

Franklin, Scott
Johnson, Chancellor
Robinson, Daniel
Saeedpour, Ramin
Vautrin, Scott

Marsali, Alycia
Martin, Mitchell
Mattson, Brock
McGuire, Albert
Metzler, Chanel
Miller, Olivia
Peters, Anne
Richard, Amy
Rudolph, Kelsey
Sheridan, Korey
Smith, Loren
Whitaker, Jason
Schuemann, Austen
Nuber, Bradley

Newly Licensed Chiropractic Therapy Asst.
October 12, 2019-January 13, 2020

Reinstated Chiropractic Therapy Asst.
October 12, 2019-January 13, 2020

Addison, Kellye
Bugg, Nicole
Buss, Mari
Molton, Alexis
Nail, Margaret
Shultz, Lynn Christopher
Smith, Robyn
Sturch, Kayla
Teasley, Amber
Willis, Sandra

Johnson, Alisha

Newly Licensed Chiropractic X Ray Tech.
October 12, 2019-January 13, 2020

Brown, Kristi

Ellis, Christine

Hale, Alyssa

Milks, Natoshia

Montagna, Gabriella

Watson, Jennifer

Reinstated Chiropractic X Ray Tech.
October 12, 2019-January 13, 2020

Johnson, Alisha

Acupuncture

October 12, 2019-January 13, 2020

Jubert, Nicolas

Motley, Christopher

Closed Application

October 12, 2019-January 13, 2020

Kyles, Robert

Ledford, Makayla

Dr. Jason Hulme made motion to accept the ratification list of as noted. Dr. Amato seconded the motion. The motion passed.

No public comment.

Administrative Report

BOARD OF CHIROPRACTIC EXAMINERS ADMINISTRATOR REPORT January 23, 2020

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 January 13, 202 the Board of Chiropractic Examiners has 1233 active Chiropractic Physicians, 418 Chiropractic Therapy Assistants, and 103 Chiropractic X-Ray Technologists.

LICENSURE STATUS TOTALS FROM THE MONTHS OF
October 12, 2019 through January 13, 2020

CHIROPRACTIC PHYSICIAN	
New applications received – 195	
New licenses issued – 25	Renewal Total – 148
Reinstatements – 5	Online Renewals –95
Temp Licenses/Externships – 0	Paper Renewals – 53
Licenses Retired –11	New Acupuncturists -2
Failed to Renew/Expired Licensees – 9	
CHIROPRACTIC THERAPY ASSISTANT	
New applications received – 73	
New licenses issued – 11	Renewal Total – 34
Reinstatements –1	Online Renewals – 21
Licenses Retired – 10	Paper Renewals – 13
Failed to Renew/Expired Licensees – 18	
CHIROPRACTIC X-RAY TECHNOLOGIST	
New applications received – 25	
New licenses issued – 7	Renewal Total – 10
Reinstatements – 1	Online Renewals –7
Licenses Retired – 2	Paper Renewals – 3
Failed to Renew/Expired Licensees – 7	

For this reporting period, the usage rate for utilizing the online renewal portal for Chiropractic Physicians is 64% Chiropractic Therapy Assistants, 62% and, Chiropractic X-Ray Technologists, 70%.

Audit Review

Originally we had 389 names of non-compliant, DC, CTA, and CXT. We were able to eliminate several of the names of new licensee's who's CEU's may have fallen outside of the audit year. Leaving us with a total of 219 issued agreed citation.

Of the 219 citations issued, we were able to void 109 of those with qualifying CE certificates from licensees. Of the 219 citations issued, we have 17 licensee who have paid and will be ratified at the meeting on Jan 23, 2020 and 2 licensees who will appear to appeal the citation. Of the 219 citations issued, we have 87 licensees who have paid the agreed citation.

Upcoming Board Meeting Dates

January 23, 2020

April 16, 2020

July 16, 2020

October 15, 2020

Upcoming Conferences

FCLB 2020 Annual Educational Congress, April 22-26, 2020, Denver CO.

INTERNET

The Board's internet website is an excellent location to find valuable board information for licensees and applicants. Please visit the site at <http://tn.gov/health/topic/Chiro-board>. Should you have any suggestions or comments, please feel free to contact the Board at 615.741.380

Agreed Citations

Ms. Bennett presented to the Board the Agreed Citations as follows.

- A. Chancellor Johnson DC 3077-Dr. Johnson was issued an agreed citation for practicing on a lapsed license for approximately (3) months. He has agreed to the terms of the Agreed Citation which include Civil Penalties in the amount of one thousand, five hundred dollars (\$1500) and to have this disciplinary action reported to the National Practitioners Data Bank. Dr. Hulme made motion to accept the agreed citation. Dr. Damien seconded the motion. The motion passed.
- B. Sierra Espinoza (Myrick) CXT 783- Ms. Espinoza was issued an agreed citation for non-compliance of CEU requirement for 2018. Ms. Espinoza did not sign the agreed citation, but requested to appear before the board to appeal the citation and request the board to waive her requirements for the 2018 and 2019 calendar year. Dr. Damien made motion to waive the 2018 and 2019 as her license is now in an expired status and noted, in order to return to the CXT field, Ms. Espinoza would be required to complete the missed hours in order to reinstate. Dr. Hulme seconded the motion. The motion passed.
- C. Sonya Laffoon CTA 1338- Ms. Laffoon was issued an agreed citation for non-compliance of the CEU requirement for 2018. Ms. Laffoon did not sign the agreed citation, but requested to appear before the board to appeal the citation and request the board to waive her requirements for 2018. Ms. Laffoon did retire her license in 2019. Dr. Hulme made motion to waive the 2018 requirement, seconded by Dr. Damien. Two board members voted yes on the motion, one board member voted no. Motion failed. Dr. Amato made motion to allow Ms. Laffoon a (6) month extension as of the date of this meeting, to obtain the (6) hour CEU. Dr. Blackwelder seconded the motion. The motion passed. Ms. Laffoon continued to ask the board for exemption of her 2019 CEU requirement as her license was retired in 2019. Dr. Hosenfeld advised Ms. Laffoon to get her hours for 2019 as well and send a correspondence for the next board meeting to be considered.
Dr. Hosenfeld called for a 10 minute break at 10:50am.
- D. Raymond Bates DC 2338- Dr. Bates was found non-compliant for the 2018 CE Audit. He has signed and paid the agreed citation in the amount of \$600 and made up the deficiency. Dr. Hulme made motion to accept the agreed citation as presented. Dr. Blackwelder seconded the motion. The motion passed.
- E. Matthew Booe DC 2797-Dr. Booe was found to be non-compliant for the 2018 CE Audit. He has signed and paid the agreed citation in the amount of \$600 and has made up the

deficiency. Dr. Damien made motion to accept the agreed citation as presented. Dr. Hulme seconded the motion. The motion passed.

- F. Clifford Bryant DC 585- Dr. Bryant was found to be non-compliant for the 2018 CE Audit. He has signed and paid the agreed citation in the amount of \$600. At the time of this meeting, Dr. Bryant has not made up the deficient hours. Dr. Damien made motion to accept the agreed citation as presented. Dr. Hulme seconded the motion. The motion passed.
- G. Suman Chaudhuri DC 1573- Dr. Chaudhuri was found to be non-compliant for the 2018 CE Audit. He has signed and paid the agreed citation in the amount of \$600 and has made up the deficiency. Dr. Damien made motion to accept the agreed citation as presented. Dr. Hulme seconded the motion. The motion passed.
- H. Jessica James CTA 1461-Ms. James was found to be non-compliant for the 2018 CE Audit. She has signed and paid the agreed citation in the amount of \$300. As of August 31, 2019, Ms. James license has expired. Dr. Damien made motion to accept the agreed citation as presented. Dr. Hulme seconded the motion. The motion passed.
- I. Karen Johnson DC 2124- Dr. Johnson was found to be non-compliant for the 2018 CE Audit. She has signed and paid the agreed citation in the amount of \$600. Dr. Damien made motion to accept the agreed citation as presented. Dr. Hulme seconded the motion. The motion passed.
- J. James Kassinger DC 2299- Dr. Kassinger was found to be non-compliant for the 2018 CE Audit. He has signed and paid the agreed citation in the amount of \$600. Dr. Damien made motion to accept the agreed citation as presented. Dr. Hulme seconded the motion. The motion passed.
- K. Steven Koester DC 2810- Dr. Koester was found to be non-compliant for the 2018 CE Audit. He has signed and paid the agreed citation in the amount of \$600. Dr. Koester has made up the deficiency. Dr. Damien made motion to accept the agreed citation as presented. Dr. Blackwelder seconded the motion. The motion passed.
- L. Jessica Purvis DC 3063-Dr. Purvis was found to be non-compliant for the 2018 CE Audit. She has signed and paid the agreed citation in the amount of \$600. As of December 13, 2018, Dr. Purvis has retired her license. Dr. Damien made motion to accept the agreed citation as presented. Dr. Amato seconded the motion. The motion passed.
- M. David Rahamut DC1813. Dr. Rahamut was found non-compliant for the 2018 CE Audit. Dr. Rahamut did attend classes in Georgia, however those classes were not Tennessee Board Approved courses. Dr. Rahamut has signed and paid the agreed citation in the amount of \$600. He has also requested an extension from the board to make up the deficiency. His request is addressed later on in the agenda as a correspondence. Dr. Damien made motion to accept the agreed citation as presented. Dr. Blackwelder seconded the motion. The motion passed.
- N. Franco Rizzolo DC 3021-Dr. Rizzolo was found non-compliant for the 2018 CE Audit. He has signed and paid the agreed citation in the amount of \$600. Dr. Damien made motion to accept the agreed citation as presented. Dr. Blackwelder seconded the motion. The motion passed.
- O. Ashley Rogers CXT 764- Ms. Rogers was found non-compliant for the 2018 CE Audit. She has signed and paid the agreed citation in the amount of \$300. Ms. Rogers stated that she was unaware that the Boundaries and Ethics class was to be completed in within her first year of licensure. She is working with the TCA to attend a course near her home in Chattanooga TN. She has asked for an extension to attend a class on February 22, 2020. Her request has been tabled to the correspondence section of this agenda. Dr. Damien made motion to accept the agreed citation as presented. Dr. Blackwelder seconded the motion. The motion passed.

- P. Chad Rush DC 3047- Dr. Rush was found non-compliant for the 2018 CE Audit. He has signed and paid the agreed citation in the amount of \$600. Dr. Damien made motion to accept the agreed citation as presented. Dr. Blackwelder seconded the motion. The motion passed.
- Q. Ben Sweeney DC 2038-Dr Sweeney was found non-compliant for the 2018 CE Audit. He has signed and paid the agreed citation in the amount of \$600. Dr. Damien made motion to accept the agreed citation as presented. Dr. Blackwelder seconded the motion. The motion passed.
- R. Jessica Taylor DC2465-Dr. Taylor was found to be non-compliant for the 2018 CE Audit. She has signed and paid the agreed citation in the amount of \$600. Dr. Taylor did obtain the required amount of CEU's however, she failed to submit them in the allotted time frame. Dr. Hulme made motion to reject her agreed citation. Dr. Damien seconded the motion. The motion passed. Dr. Blackwelder motioned to refund the agreed citation penalty of \$600 to Dr. Taylor. Dr. Hulme seconded the motion. The motion passed.
- S. Cassandra Wood CTA 1438-Ms. Wood was found to be non-compliant for the 2018 CE Audit. She has signed and paid the agreed citation in the amount of \$300 and retired her license as of January 2, 2020. Dr. Damien made motion to accept the agreed citation as presented. Dr. Hulme seconded the motion. The motion passed.
- T. Catherine Ziska CTA 1442- Ms. Ziska was found to be non-compliant for the 2018 CE Audit. She has signed and paid the agreed citation in the amount of \$300 and retired her license as of December 12, 2019. Dr. Damien made motion to accept the agreed citation as presented. Dr. Hulme seconded the motion. The motion passed.

No Public Comment

Correspondence

- David Rahamut was issued an agreed citation for 2018 CE violation. He has requested an extension to satisfy the terms of the agreed citation. Dr. Hulme made motion to reject his request as stated and instead inform the licensee that he has (60) days built in the agreed citation to satisfy the requirement. Dr. Damien also requested the administrative office to send Dr. Rahamut a copy of the CE Policy. Dr. Amato seconded the motion. The motion passed.
- Ashley Rogers was issued an agreed citation for 2018 CE Violation. She has requested an extension to satisfy the terms of the agreed citation. She plans to attend a course sponsored by the TCA on February 22, 2020. Dr. Damien made motion to allow Ms. Rogers until March 17, 2020 to complete her Ethics, Boundaries, and Jurisprudence course. Dr. Hulme seconded the motion. The motion passed.
- A. Jessica Allen, DC- request extension to complete 2019 CEU-Dr. Hulme made motion to allow for a (3) month extension from the date of the board meeting to complete her 2019 requirement. Dr. Blackwelder seconded the motion. The motion passed.
- B. Elizabeth Black, CTA-request to waive citation for 2018 continuing education. Dr. Damien made motion to waive the agreed citation and allow Ms. Black until December 31, 2020 to become current on her CEU credits. Dr. Hulme seconded the motion. The motion passed.
- C. Lisa Cole, CTA- request extension to complete CTA intern hours. Dr. Damien made motion to allow Ms. Cole until December 31, 2020 to complete her intern hours. Dr. Amato seconded the motion. The motion passed.
- D. Lora Derr, DC- request to allow all 2018 and 2019 online courses to satisfy CEU requirement. Dr. Damien made motion to table this request until the next board meeting on April 16, 2020, to allow administrative staff to research past board decisions and suggest, for her

benefit, that Dr. Derr submit an independent medical evaluation stating her physical capacity and limitations to demonstrate what she can and cannot perform. Dr. Hulme seconded the motion. The motion passed.

Break at 12:25pm

- E. Julianna Dickenson, CTA-request extension to complete intern hours. Dr. Hulme made motion to allow an extension until December 31, 2020 to complete the CTA intern hours. Dr. Blackwelder seconded the motion. The motion passed.
- F. Tracey Fink, DC- request for extension to complete acupuncture continuing education hours. Dr. Hulme made motion to allow until January 31, 2020 to obtain acupuncture hours. Dr. Blackwelder seconded the motion. The motion passed.
- G. Lisa Humphries CTA- request to waive agreed citation. Dr. Damien made motion to deny this request to waive citation. She is also required to pay the agreed citation no later than (30) days of notification and complete the (6) hours of CEU's no later than (60) days of notification. Ms. Humphries will be exempt from the 2019 and 2020 CEU requirement and her license will be retired.
- H. Joe Hutchison, DC-request for allowance of late completion of new licensee requirement. Dr. Hosenfeld has recused himself from a decision on this request. Dr. Damien made motion to allow late completion of new licensee requirement. Dr. Hulme seconded the motion. The motion passed.
- I. LaShandra Jones, CTA- request for extension to complete 2019 continuing education requirement. Dr. Hulme made motion to allow until February 23, 2020 to complete the 2019 requirement. Dr. Amato seconded the motion. The motion passed.
- J. Teresa Rankin, CTA- request for extension to complete 2019 continuing education requirement. Dr. Amato made motion to allow (6) months from the date of the board meeting to complete the 2019 CEU requirement. Dr. Blackwelder seconded the motion. The motion passed.
- K. Amy Ronning, CTA- request to accept score from 2016. Dr. Hulme recused himself from a decision on this correspondence. Dr. Damien made motion to deny the request to accept test scores from 2016. Applicant must comply with CTA rule (0260-04-.04) as written. Dr. Blackwelder seconded the motion. The motion passed.
- L. Tammy Theophile CTA- request for extension to complete 2019 continuing education requirements. Dr. Damien made motion to grant an extension until December 31, 2020 to complete the 2019 CEU requirement and also complete the 2020 requirement. Dr. Amato seconded the motion. The motion passed.

Legislation

Tiffany Stevens with the Tennessee Chiropractic Association was present and addressed the board regarding a bill that is in discussion, to allow one of the consumer member positions on the board to be awarded to a CTA or CXT. Dr. Hulme made motion to support legislation proposed by the TCA to convert one of the board's consumer seats to CTA or CXT position. Dr. Amato seconded the motion. The motion passed.

Rulemaking Hearing, Rule Amendments, and Policies

- A. CTA and CXT Rule changes. The board members were presented with proposed changes to the CTA and CXT rules. After discussion and review of the proposed changes to the CTA rules, Dr. Hulme made motion to accept the proposed changes to the CTA rule changes. Dr. Blackwelder seconded the motion. The motion passed. After discussion and review of the proposed changes to CXT rules, Dr. Hulme made motion to accept the proposed changes to the CXT rule changes. Dr. Blackwelder seconded the motion. The motion passed.
- B. CE Broker Compliance Policy- no action needed for this agenda item.
- C. Mark Cole addressed the board regarding Dr. Matt Barnes reinstatement request. Dr. Barnes was present at the October 17, 2019 meeting and was instructed to have an evaluation by TMF and provide a summary from his probation officer and counselor. As of this meeting date, Dr. Barnes was unable to complete the requirements. Mr. Cole suggest that the board table its decision on his reinstatement until all requirements have been met. Dr. Damien made motion to defer Dr. Barnes petition for reinstatement of his license indefinitely until he completes the board's requirements or petitions the administration in the appropriate manner. Dr. Amato seconded the motion. The motion passed. Dr. Blackwelder recused himself from this board decision.

No public comment.

Old and New Business

- A. Ratify meeting dates for 2021
January 28,
April 15
July 15
October 21
Dr. Blackwelder made motion to accept the board meeting dates as noted. Dr. Amato seconded the motion. The motion passed.
- B. Nomination to attend the FCLB Annual Educational Congress, April 22-26, 2020, Denver CO. Dr. Damien nominated Dr. Hulme as attendee to this conference. Dr. Blackwelder seconded the motion. The motion passed.
- C. Approve delegates to attend 2020 conferences and/or meetings. No nominations for upcoming dates at this time, however, Dr. Damien did request to add this discussion to a later meeting.

No public comment.

Election of Officers:

Dr. Blackwelder nominated Dr. Damien for the role of President. Dr. Amato second the motion. The motion carried.

Dr. Blackwelder nominated Dr. Hosenfold for the role of Vice President. Dr. Amato second the motion. The motion carried.

Dr. Blackwelder nominated Dr. Hulme for the role of Secretary. Dr. Amato second the motion. The motion carried.

Adjourn

Dr. Hulme made motion to adjourn at 2:27pm. Dr. Blackwelder second the motion. The motion carried.

THESE MINUTES HAVE BEEN RATIFIED AT THE BOARD OF CHIROPRACTIC EXAMINERS MEETING ON APRIL 26, 2020.