

**BOARD OF CHIROPRACTIC EXAMINERS
MINUTES**

DATE: November 9, 2017

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
Joseph Amato, D.C., Board Member
Sheila Fitzgerald, Consumer Member, Secretary

MEMBERS ABSENT: Curtis Damien, D.C., Board Member

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

GUESTS: Tiffany Stevens, Tennessee Chiropractic Association
John Williams, JD, Tennessee Chiropractic Association

Call to Order

With a quorum present, Dr. Alexander called the meeting to order at 9:00 AM. A roll call was taken by Ms. Bloom with one board member absent.

Contested Case Hearing – Docket No. 17.11-146181A

Shawn Eckley, DC License No. 496 - Respondent

The State was represented by Mark Cole, Assistant General Counsel. Presiding over the case was the Honorable Tom Stovall, Administrative Law Judge assigned by the Secretary of State. Dr. Eckley was not present for the hearing nor was he represented.

Mr. Cole presented the State's case contained in the Notice of Hearing and Charges which included the Allegations of Fact, Alleged Violations of the Board's Practice Act, Memorandum for Assessment of Civil Penalties and Costs, and Notice and Petition for Relief. Mr. Cole

presented the State's Proposed Order containing the State's Findings of Fact, Conclusions of Law, and Reasons for the Decision for Board consideration and action in the matter.

After deliberation, Ms. Fitzgerald made a motion, seconded by Dr. Amato, to accept the Order of Default presented by Mr. Cole. The motion passed.

Mr. Cole presented a Proposed Order which included Findings of Fact, Conclusions of Law, Reason(s) for the Decision, as well as, an assessment of one (1) Type A Civil Penalty of \$1,000.00 and costs not to exceed \$5,000.00. Dr. Hosenfeld made a motion, seconded by Dr. Hulme, to accept the Findings of Fact as presented to the Board. Ms. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to accept the Conclusions of Law as presented. Dr. Hosenfeld made a motion, seconded by Ms. Fitzgerald, to accept the Reasons for the Decision and Sanctions as presented. This motion was opposed by Dr. Amato. All motions passed. Judge Tom Stovall accepted the decision of the State and adjourned the contested case hearing.

The Contested Case hearing concluded at 9:45 AM.

Minutes

After a review of the minutes of the August 24, 2017 Board meeting, Dr. Hosenfeld made a motion, seconded by Ms. Fitzgerald, to accept the minutes of the August 24, 2017 Board meeting as written. The motion passed.

Office of General Counsel Report

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

Litigation

There were five (5) open disciplinary cases on 5 chiropractors pertaining to the Board of Chiropractic Examiners. There was one (1) contested case scheduled for hearing and two (2) Agreed Orders were scheduled to be presented at the meeting, as well as, one (1) Consent Order.

Update of Recent Rule Changes

Mr. Cole informed the Board that the Chiropractic Therapy Assistant, CTA and Chiropractic X-Ray Technologist, CXT Rule changes are in internal review.

Notice of Scheduled Contested Case Hearings

Mr. Cole proposed scheduling two days for future meetings when a Contested Case can be placed on the board's agenda instead of hearing any docketed case in a single day. After discussion, Ms. Fitzgerald made a motion, seconded by Dr. Hulme, to appoint Dr. Hosenfeld as a liaison to Mr. Cole for when a continuance of a Contested Case is to be decided, if hearing on a case is unable to be concluded on the date scheduled. The motion passed.

Agreed Orders

Charles D. Parker, DC License #1988 - Respondent

Mr. Cole presented the Agreed Order of Charles D. Parker, DC #1988. Respondent's license was voluntarily surrendered for failing to adhere to terms of a previous Board Order. He was assessed one (1) Type C Civil Penalty in the amount of one thousand dollars (\$1,000.00) which shall be paid in full within six (6) months from the effective date of this Order and costs not to exceed one thousand dollars (\$1,000.00) which shall be paid in full within twelve (12) months from the issuance of the Assessment of Costs.

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

Shanuri Settles, DC License #1982 - Respondent

Mr. Cole presented the Agreed Order of Shanuri Settles, DC #1982. Respondent's license was reprimanded for non-timely payment of case costs assessed in a previous Board Order. The Agreed Order stipulated that Respondent shall pay costs not to exceed five hundred dollars (\$500.00), which shall be paid in full within six (6) months from the issuance of the Assessment of Costs.

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

Consent Orders

Jesse Amos Dean III, DC License #1746 - Respondent

Mr. Cole presented the Consent Order of Jesse Dean, DC #1746. Respondent's license was reprimanded after he admitted that he allowed his wife, an unlicensed x-ray technician, to perform x-rays at his clinic on multiple occasions. He was assessed one (1) Type C Civil Penalty in the amount of one thousand dollars (\$1,000.00), which shall be paid in full within six (6) months from the effective date of this Order and costs not to exceed one thousand dollars (\$1,000.00), which shall be paid in full within twelve (12) months from the issuance of the Assessment of Costs.

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

Investigative and Disciplinary Reports

Lori Leonard, Disciplinary Coordinator in the Office of Investigations reported that a total of thirty-one (31) complaint cases have been received in their Office to date as of October 23, 2017 out of which twelve (12) complaint cases were carried over from the previous year. Their Office

currently has seventeen (17) open cases and twenty-six (26) complaints had been closed. She also presented a list of currently monitored practitioners for review.

Financial Report

Ms. Noranda French, Division Financial Officer, presented the Board's 2017 Year-End Financial Report. As of Fiscal Year ending June 30, 2017, 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 2016 carryover, the Board currently has a cumulative carryover of \$504,898. Ms. French 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

Karen Panter, CTA# 732 - Ms. Panter was seeking reinstatement of her CTA license no. 732. Her Massage Therapy licensure from the State of Tennessee revealed disciplinary action. Ms. Panter was present to answer questions. After review and discussion, a motion was made by Dr. Hosenfeld, seconded by Ms. Fitzgerald, to approve Ms. Panter for reinstatement of licensure as a CTA. The motion passed.

Rocco Crapis - Dr. Crapis was seeking a license as a Chiropractic Physician. His criminal background check revealed past criminal conviction. Dr. Crapis was present to answer questions. After review and discussion, a motion was made by Ms. Fitzgerald, seconded by Dr. Amato, to grant licensure as a Chiropractic Physician. The motion passed.

Ratification of Initial Determinations

Upon review, Ms. Fitzgerald made a motion, seconded by Dr. Hosenfeld, 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 November 3, 2017**

NEW LICENSEES

CHIROPRACTIC PHYSICIANS – 20

AMEDI, REWAN
DONNOLLY, MOLLY
FRYE, DANIELLE
GINGRAS, KARA
GOEBEL, MICHAEL
HOOPER, ASHLEY
KEC, JONATHAN
KIERNAN, TRACI
LINCOLN, GREGG

CHIROPRACTIC THERAPY ASSISTANTS – 11

BISHOP, EMMA
CECIL, MEGHAN
CREASY, SELINA
GROFF, BROOKE
LASHER, DOLLY
LITTLE, TRACIE
PAYNE, KATELYN
THOMAS, JEANNA
VICKERS, HANNAH

CHIROPRACTIC X-RAY TECHNOLOGISTS – 5

BLACKWELL, MELODY
CHILTON, JESSICA
DENIO, HEATHER
GRAVES, KELLY
RAINE, HANNAH

MILLER, MONTY
 NEGLEY, JOHN
 PURVIS, JESSICA
 RIZZOLO, FRANCO
 ROMANCYK, MACIEJ
 RUSH, CHAD
 SASSEN-CROY, SHARON
 SIEGEL, WILLIAM
 STEPHENS, CODEY
 TREXLER, CASEY
 WILBANKS, BRYSON

WINEGEART, AUSTIN
 ZISKA, CATHERINE

REINSTATEMENTS

CHIROPRACTIC PHYSICIANS – 7

BATES, RAYMOND
 BENNETT, CHRISTOPHER
 FARMER, MICHELLE
 HORCHAK, BRUCE
 JONES, MARCUS
 MCINTYRE, MICHAEL
 TUCKER, RENWICK

CHIROPRACTIC THERAPY ASSISTANTS – 1

GREGG, SARA

CHIROPRACTIC X-RAY TECHNOLOGISTS – 0

CLOSED FILES

CHIROPRACTIC PHYSICIANS – 4

NATUSCH JR., ROBERT
 SMITH, AUDRA

CHIROPRACTIC THERAPY ASSISTANTS – 0

CHIROPRACTIC X-RAY TECHNOLOGISTS – 0

EXTERNSHIPS – 0

ACUPUNCTURE QUALIFICATION – 1

TAYLOR, JAMES

Administrative Report

Ms. Bloom presented the Administrative Report as follows:

Statistical Data

As of November 3, 2017, the Board of Chiropractic Examiners has 1192 active Chiropractic Physicians, 459 Chiropractic Therapy Assistants, and 112 Chiropractic X-Ray Technologists.

LICENSURE STATUS TOTALS FROM THE MONTHS OF
 August 22, 2017 through November 3, 2017

CHIROPRACTIC PHYSICIAN	
New applications received – 26	
New licenses issued – 20	Renewal Total – 115
Reinstatements – 7	Online Renewals – 71
Temp Licenses/ Externships – 0	Paper Renewals – 44
Licenses Retired – 5	New Acupuncturists – 1

Failed to Renew/Expired Licensees – 14	
CHIROPRACTIC THERAPY ASSISTANT	
New applications received – 14	
New licenses issued – 11	Renewal Total – 29
Reinstatements – 1	Online Renewals – 12
Licenses Retired – 5	Paper Renewals – 17
Failed to Renew/Expired Licensees – 10	
CHIROPRACTIC X-RAY TECHNOLOGIST	
New applications received – 7	
New licenses issued – 5	Renewal Total – 11
Reinstatements – 0	Online Renewals – 5
Licenses Retired – 1	Paper Renewals – 6
Failed to Renew/Expired Licensees – 1	

For this reporting period, the usage rate for utilizing the online renewal portal for Chiropractic Physicians is 62%; Chiropractic Therapy Assistants, 41%; and, Chiropractic X-Ray Technologists, 45%.

TSAC/ CHILD SUPPORT ORDERS

One (1) TSAC license suspension lifted was reported on Troy Buckridge, DC# 1305 during this reporting period.

BOARD MEMBERS

As of August 21, 2017 there is one (1) Consumer Member vacancy on the Board.

RATIFICATION OF BOARD MEETING DATES FOR 2018

The Board ratified the following 2018 Board Meeting dates, at the January 26, 2017 Board Meeting: Thursday, January 25, 2018, Thursday, April 19, 2018, Thursday, July 19, 2018 and Thursday, October 18, 2018. Due to erroneous changes made to the previously ratified dates in a subsequent meeting, there was a need to present these dates again to the Board for ratification.

A motion was made by Dr. Hosenfeld, seconded by Ms. Fitzgerald, to accept the 2018 Board Meeting dates as presented during this meeting. The motion passed.

Chiropractic CE Audit 2016 Year-End Report

Ms. Bloom presented the 2016 CE Audit Report as follows:

PROFESSION	ACTIVE LICENSES	CE SUBMISSIONS	COMPLIANT	NON-COMPLIANT
CHIROPRACTIC PHYSICIAN	1192	1127	1086	41
CHIROPRACTIC THERAPY ASST.	459	356	356	0
CHIROPRACTIC X-RAY TECH.	112	86	86	0
TOTAL	1763	1569	1528	41

The above numbers constitute a compliance rate of 96% for Chiropractic Physicians, 100% for Chiropractic Therapy Assistants, and 100% for Chiropractic X-Ray Technologists. The total average rate of compliance for the Board is 97%.

Director Report

Mr. Sobowale presented an update on the Web-Based CE Tracking proposal previously presented to the Board. A contract for engagement has been approved for participating Health Related Boards and a Request for Proposal (RFP) has been issued. Once a winning bidder has been selected, a contract will be signed and licensees will be able to submit their Continuing Education hours to an online portal through the use of the Web-Based CE tracking program. Also, Board staff will be able to pull reports to check on licensees' compliance with the Board's continuing education requirements.

Agreed Citations

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

Christopher D. Bennett, DC #1127 – Dr. Bennett practiced on an expired license for approximately three (3) months. He agreed to pay an assessed civil penalty in the amount of one thousand and five hundred dollars (\$1,500.00) for practicing on a lapsed license. Upon review by the Board, Ms. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to approve the Agreed Citation as presented. The motion passed.

Correspondence Review

Kimberly Burns, CTA Intern – Ms. Burns submitted a letter requesting a six (6) month extension to complete the 1200 hours of the Internship requirement. After discussion, a motion was made by Ms. Fitzgerald, seconded by Dr. Amato, to grant her request and for Ms. Burns to have her 1200 hours of Internship completed no later than six (6) months to date. The motion passed.

Marco Castaneda, DC# 1075 – Dr. Castaneda submitted a Petition asking to increase the number of hours allowed online for continuing education requirements. Dr. Alexander presented his findings of what other State Boards require and what is acceptable as approved continuing education providers. After discussion, the Board determined that an appropriate amount of maximum allowable number of online continuing education credit hours has been specified in its rules.

Rule-making Hearing, Rule Amendments and Policies

Senate Bill 313 – House Bill 387 of Public Chapter 455

The Board discussed a letter sent by Senator Mike Bell to the Board in regards to the Senate Bill 313 – House Bill 387 of Public Chapter 455, notifying the Board that during the Joint Government Operations Rule Review hearing on this legislation in April, the term “physical therapeutics” was removed from the definition of treatment. The letter requested the Board to update their rules to reflect the will of the General Assembly.

During discussion, Dr. Hosenfeld presented proposed rule changes to the rules governing a Chiropractic Physician. His proposals included removing the term “physical therapeutics” from the definition of treatment and updating major sections of any inconsistencies found, as well as, adding a new section covering the new Telehealth statute.

Social Media Policy

Dr. Hosenfeld presented a Social Media Policy to be adopted by the Board for licensees to follow when using Social Media in practice.

Ms. Fitzgerald made a motion, seconded by Dr. Amato, to adopt the Social Media Policy as presented.

2018 Board Meeting Dates

Thursday, January 25, 2018, Thursday, April 19, 2018, Thursday, July 19, 2018 and Thursday, October 18, 2018.

Adjournment

There being no other business, Ms. Fitzgerald made a motion, seconded by Dr. Amato, to adjourn the Board meeting. The motion passed.

The Board meeting was adjourned at 1:39 PM, Thursday, November 9, 2017.

These minutes were ratified by the Board at the January 25, 2018 meeting.