

**BOARD OF CHIROPRACTIC EXAMINERS
MINUTES**

DATE: August 24, 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
Curtis Damien, D.C., Board Member
Joseph Amato, D.C., Board Member
Sheila Fitzgerald, Consumer Member, Secretary

MEMBERS ABSENT: None

STAFF PRESENT: Michael Sobowale, Unit Director
Crystal Bloom, Board Administrator
Mark Cole, Assistant General Counsel
Antoinette Welch, Director, Office of Investigations
Lori Leonard, Disciplinary Coordinator

GUESTS: Lacey Blair, Legislative Liaison
Mike Todd, Administrator, TN Medical Foundation
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 all members present.

Minutes

After a review of the minutes for the April 27, 2017 Board meeting, Dr. Hosenfeld made a motion, seconded by Dr. Amato, to accept the minutes of the April 27, 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:

Conflict of Interest

Mr. Cole reminded Board Members of the Sunshine Law and the Conflict of Interest Policy. Board Members are not to discuss any Board business among themselves unless notice of such discussion or meeting has been provided to the public. He also reminded them of the Conflict of Interest Policy. Board Members have an obligation to recuse themselves from any matter in which they might have a personal or financial interest, or from participating in any matter in which there might be an appearance of a conflict in any contested case, a rulemaking issue, or on any other matter in which a Board decision is required. Board members are required to disclose such existence or appearance of a conflict to the Board so that a decision may be made regarding the need for recusal.

Litigation

There were eleven (11) open disciplinary cases on 11 chiropractors pertaining to the Board of Chiropractic Examiners. There were no contested cases scheduled for hearing and three (3) Agreed Orders were scheduled to be presented at the meeting, as well as, one (1) Consent Order and (1) Order of Compliance.

Agreed Orders

Joshua J. Renkens, DC License #2134 - Respondent

Mr. Cole presented the Agreed Order of Joshua J. Renkens, DC #2134. Pursuant to terms contained in a previous Board Order issued on or about August 9, 2012, the State reported that as of July 2016, Respondent had failed to submit proof of attendance at counseling regarding sexual/professional boundaries nor did he submit quarterly reports detailing his progress and fitness to practice to the Board. Respondent's license was reprimanded and he was assessed one (1) Type A Civil Penalty in the amount of one thousand dollars (\$1,000.00), payable in full within six (6) months from the effective date of this Order and costs not to exceed one thousand dollars (\$1,000.00) also payable in full within six (6) months from the issuance of the Assessment of Costs.

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

Jonathan Sweeney, DC License #2312 - Respondent

Mr. Cole presented the Agreed Order of Jonathan Sweeney, DC #2312 for immoral, unethical, unprofessional or dishonorable conduct. Respondent voluntarily surrendered his Chiropractic license in California after Board discipline, moved to Tennessee, and started working in a Tennessee Chiropractic clinic in or about January 2015 without informing the Board. The Agreed Order stipulated that respondent's license shall be suspended and for respondent to obtain an evaluation from Tennessee Medical Foundation (TMF), submit the results of the evaluation to the Board, and comply with all recommendations of TMF, which may include signing a monitoring agreement and maintaining the advocacy of TMF. Upon receipt from TMF

that respondent has received a recommendation of return to practice and signed a monitoring agreement immediately prior to or during the period of suspension, respondent's license suspension shall be stayed and his license placed on probation to run concurrent to his monitoring agreement with TMF, but for not less than three (3) years. Respondent must abide by all requirements of TMF and maintain TMF's advocacy during the period of his probation. Respondent must also pay costs not to exceed one thousand dollars (\$1,000.00), payable in full within twelve (12) months from the issuance of the Assessment of Costs.

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

Konnie Joyner, DC License #1275 - Respondent

Mr. Cole presented the Agreed Order of Konnie Joyner, DC #1275. Dr. Joyner reinstated her license in May of 2016 and refused to pay the assessed civil penalties for practicing for three (3) months on an expired license. Dr. Joyner was assessed three (3) Type C Civil Penalties in the amount of one hundred dollars (\$100.00) each, for a total of three hundred dollars (\$300.00) and payable in full within two (2) months from the effective date of this Order, and costs not to exceed five hundred dollars (\$500.00), payable in full within two (2) months from the issuance of the Assessment of Costs.

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

Consent Orders

Thomas Leskody, DC License #2645

Mr. Cole presented the Consent Order of Thomas Leskody, DC #2645. In or about June of 2013, Dr. Leskody appeared before the Board to apply for licensure and was denied due to his criminal record with multiple convictions. Dr. Leskody appealed the Board's earlier denial and upon being questioned later by the Board on or about August 15, 2013 on his appeal regarding his past criminal convictions, he failed to disclose to the Board that he pled guilty to a Family Violence Battery charge in the Criminal Court of Gwinnett County, Georgia and had been placed on probation by the court. Dr. Leskody's license is reprimanded by the Board and he is assessed one (1) Type B Civil Penalty in the amount of five hundred dollars (\$500.00) which shall be paid in full within six (6) months from the effective date of the Order and assessed costs not to exceed three thousand dollars (\$3,000.00) that shall be paid in full within twelve months (12) from the issuance of the Assessment of Costs.

A motion was made by Dr. Cole Hosenfeld, seconded by Ms. Fitzgerald, to accept the Consent Order as presented. The motion passed.

Order of Compliance

Ryan Key, DC License #2526

Mr. Cole presented the Order of Compliance of Ryan Key, DC, License Number 2526. Dr. Key was present to answer questions of the Board. Mr. Cole provided the Board with background information on Dr. Key's probation. Mike Todd addressed the Board on behalf of Dr. Key and stated that Dr. Key was compliant with the terms of his probation. Ms. Nichelle Dorroh, former disciplinary coordinator in the Office of Investigations also submitted to the Board, in writing, additional information about the monitoring of Dr. Key which stated that he is eligible to petition the Board for an Order of Compliance due to him meeting all requirements.

Mrs. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to accept the Order of Compliance as presented. The motion carried.

Investigative and Disciplinary Reports

Antoinette Welch, Director of Investigations reported that there were a total of seventeen (17) complaint cases in their Office as of August 8th, as well as, six (6) open cases and two (2) closed cases. She also presented a list of currently monitored practitioners for Board review.

Financial Report

Mr. Sobowale presented the Mid-Year Financial Report that was presented at the April 27, 2017 Board Meeting. The Health Department's Division of Finance is preparing for the fiscal year-end report which will be presented at the next Board meeting.

Applicant Interviews/File Reviews

Jeanna Thomas - Ms. Thomas was seeking a license as a CTA. Her criminal background check revealed multiple past criminal convictions. Ms. Thomas was present to answer questions. After review and discussion, a motion was made by Sheila Fitzgerald, seconded by Dr. Amato, to approve Ms. Thomas for licensure as a CTA. The motion passed.

Michael Elliott - Mr. Elliott was seeking a license as a Chiropractic Physician. His criminal background check revealed multiple past criminal convictions. Mr. Elliott was present to answer questions. After review and discussion, a motion was made by Dr. Damien, seconded by Ms. Fitzgerald, to grant licensure contingent upon successful completion of the Ethics and Boundaries Assessment Services (EBAS) evaluation, with a minimum score of 12 for achieved on each evaluated section. The motion passed.

Michael Goebel - Mr. Goebel was seeking a license as a Chiropractic Physician. His criminal background check revealed multiple past criminal convictions. Mr. Goebel was present to answer questions. After review and discussion, a motion was made by Sheila Fitzgerald, seconded by Dr. Damien, to approve Mr. Goebel for unconditional licensure as a Chiropractic Physician. The motion passed.

Hal T. Farmer, DC# 522 - Dr. Farmer was seeking reinstatement of licensure as a chiropractic physician. Dr. Farmer was present to answer questions. Pursuant to a petition for an Order of Compliance on August 11, 2011 following Board discipline, Dr. Farmer's license was placed on probation for not less than five (5) years. He completed just three (3) months before his license expired and he failed to renew. Dr. Farmer now requests to reinstate his license which expired on December 31, 2011.

After review and discussion, a motion was made by Dr. Hosenfeld, seconded by Dr. Damien, to grant full licensure without asking Dr. Farmer to complete the balance of probation remaining on his expired license, contingent upon successful completion of the successful completion of the Ethics and Boundaries Assessment Services (EBAS) evaluation, with a minimum score of 12 achieved on each evaluated section. The motion passed.

Ratification of Initial Determinations

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

BOARD OF CHIROPRACTIC EXAMINERS

RATIFICATION LIST

As of August 24, 2017

NEW LICENSEES

CHIROPRACTIC PHYSICIANS – 17

BRADLEY BINGHAM
CARLEE BROCKMAN
ADAM COPESEKEY
RYAN DOLAN
LEE GILBERT
NICHOLAS HASENFRATZ
LUKE HOWELL
AMY JEFFREY
CHRISTINA JUDON
RYAN LEE
EDWARD LEWIS
MATTHEW MUNDORF
WILLIAM ROACH
KRISTINA TAIT
ETHELWYNNE TUBBS
DUSTIN WEBB
MARK WETZEL

CHIROPRACTIC THERAPY ASSISTANTS – 21

CHARLES ADAMS
LEAH ARMSTRONG
CARRIE BRADSHAW
RACHEL CARTER-ZYWICA
MARY COLLINS
HEATHER DENIO
TAYLOR GIBSON
LASHANDRA JONES
NICOLE LAMB
TARA LAW
KAREN LEON
TONETTE NEWTON
MEGHAN PALMER
KRISTY RODRIGUEZ
DANETTE SIELSKI
DAWN STEINBERG
ALLISON STREETER
KAYLA THOMPSON
CHRISTINE VALENTINO
CRYSTAL VICK
CASSANDRA WOOD

CHIROPRACTIC X-RAY TECHNOLOGISTS – 5

CARRIE BRADSHAW
MARY COLLINS
JUSTIN EAST
BRITTANY GILLESPIE
BRIDGET JONES

REINSTATEMENTS

CHIROPRACTIC PHYSICIANS – 12

CHRISTOPHER BOLES
JEFFREY BROCKMAN

CHIROPRACTIC THERAPY ASSISTANTS – 5

MORGAN CLARK
KRISTAN HOWARD

CHIROPRACTIC X-RAY TECHNOLOGISTS – 1

TAMMY HORN

THOMAS DONNELLY
 JANNA GRESHAM
 SENAD JASKIC
 RUSSELL JUSTUS
 NANCY REINHART RACKLEY
 DOUGLAS STOGNER
 DAVID TERRY
 DOUGLAS TOMANELLI
 BRENDA VILLALOBOS
 RENWICK TUCKER

RHONDA LAYNE
 ABBE SPIVEY
 CHANTELE WATSON

CLOSED FILES

CHIROPRACTIC PHYSICIANS – 4

DAVID PETERSON
 JOSEPH SNELL
 ALIX SNYDER
 CHARLIE VIA

CHIROPRACTIC THERAPY ASSISTANTS – 0

CHIROPRACTIC X-RAY TECHNOLOGISTS – 0

EXTERNSHIPS

<u>NAME</u>	<u>START DATE</u>	<u>EXPIRATION DATE</u>
TURNER COLE	06/27/2017	06/27/2018
CODEY STEPHENS	06/22/2017	06/22/2018
COREY VELTUM	07/05/2017	07/05/2018

ACUPUNCTURE QUALIFICATION – 0

Administrative Report

Ms. Bloom presented the Administrative Report as follows:

Statistical Data

As of August 21, 2017, the Board of Chiropractic Examiners has 1184 active Chiropractic Physicians, 460 Chiropractic Therapy Assistants, and 108 Chiropractic X-Ray Technologists.

**LICENSURE STATUS TOTALS FROM THE MONTHS OF
 April 22, 2017 through August 21, 2017**

CHIROPRACTIC PHYSICIAN	
New applications received – 64	
New licenses issued – 17	Renewal Total – 163
Reinstatements – 12	Online Renewals – 93
Temp Licenses/ Externships – 3	Paper Renewals – 70
Licenses Retired – 12	New Acupuncturists – 0
Failed to Renew/Expired Licensees – 20	
CHIROPRACTIC THERAPY ASSISTANT	
New applications received – 27	

New licenses issued – 21	Renewal Total – 48
Reinstatements – 5	Online Renewals – 24
Licenses Retired – 6	Paper Renewals – 24
Failed to Renew/Expired Licensees – 17	
CHIROPRACTIC X-RAY TECHNOLOGIST	
New applications received – 10	
New licenses issued – 5	Renewal Total – 18
Reinstatements – 1	Online Renewals – 10
Licenses Retired – 5	Paper Renewals – 8
Failed to Renew/Expired Licensees – 2	

For this reporting period, the usage rate for utilizing the online renewal portal for Chiropractic Physicians is 57%; Chiropractic Therapy Assistants, 50%; and, Chiropractic X-Ray Technologists, 56%.

TSAC/ CHILD SUPPORT ORDERS

There was one (1) TSAC Order of Default to report on a Troy Buckridge, DC# 1305 and one (1) TSAC Suspension Lifted on a Darrell W. Taylor, DC# 1935.

BOARD MEMBERS

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

2017 CONFERENCES

1. NBCE Part IV Practical Examination, November 10-12, 2017, Greeley, Colorado
2. District V Fall Meeting, September 14-17, 2017, Quebec City, Quebec, Canada

Dr. Hosenfeld made a motion, seconded by Dr. Hulme, for Dr. Curtis Damien and Dr. Joseph Amato to be nominated to attend the NBCE Part IV Practical Exam from November 10-12, 2017. The motion passed.

CTA/CXT INTERN LOGS

Ms. Bloom presented revised Internship documentation Form for Chiropractic Therapy Assistants and Chiropractic X-Ray Technologists Interns to log their supervised Internship hours. This Form is to be used in conjunction with the Clinical Internship Supervision and Performance Report Form. The Board expressed their approval.

Board Director's Report

Mr. Sobowale presented information received in the Administrative Office from both the Federal Aviation Administration (FAA) office of the US Department of Transportation and the Council on Chiropractic Education, (CCE).

Agreed Citations

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

Christopher Boles, DC #2520 – Dr. Boles practiced on an expired license for approximately three (3) months. He agreed to pay an assessed civil penalty in the amount of one thousand dollars (\$1,000.00) 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.

Morgan Clark, CTA #1087 – Ms. Clark practiced on an expired license for approximately six (6) months. She agreed to pay an assessed civil penalty in the amount of five hundred dollars (\$500.00) for practicing on a lapsed license. Upon review by the Board, Ms. Fitzgerald made a motion, seconded by Dr. Damien, to approve the Agreed Citation as presented. The motion passed.

Thomas Donnelly, DC #2422 - Dr. Donnelly practiced on an expired license for approximately two (2) months. He agreed to pay an assessed civil penalty in the amount of five hundred dollars (\$500.00) for practicing on a lapsed license. Upon review by the Board, Ms. Fitzgerald made a motion, seconded by Dr. Damien, to approve the Agreed Citation as presented. The motion passed.

Kristan Howard, CTA #1287 – Ms. Howard practiced on an expired license for approximately five (5) months. She agreed to pay an assessed civil penalty in the amount of four hundred dollars (\$400.00) for practicing on a lapsed license. Upon review by the Board, Ms. Fitzgerald made a motion, seconded by Dr. Damien, to approve the Agreed Citation as presented. The motion passed.

Russell Justus, DC #1855 – Dr. Justus practiced on an expired license for approximately four (4) months. He agreed to pay an assessed civil penalty in the amount of one thousand 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. Damien, to approve the Agreed Citation as presented. The motion passed.

Nancy Reinhart Rackley, DC #747 - Dr. Reinhart Rackley practiced on an expired license for approximately five (5) months. Pursuant to approval by the Board at the April 28, 2017 Board meeting requesting a reduction in the amount of assessed civil penalties. Dr. Rackley, in the amended Agreed Citation, agreed to pay an assessed civil penalty in the amount of five hundred dollars (\$500.00) for practicing on a lapsed license. Upon review by the Board, Ms. Fitzgerald made a motion, seconded by Dr. Damien, to approve the Agreed Citation as presented. The motion passed.

Douglas Tomanelli, DC #1552 - Dr. Tomanelli practiced on an expired license for approximately four (4) months. He agreed to pay an assessed civil penalty in the amount of one thousand 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. Damien, to approve the Agreed Citation as presented. The motion passed.

Renwick Tucker, DC #1943 - Dr. Tucker practiced on an expired license for approximately four (4) months. He agreed to pay an assessed civil penalty in the amount of one thousand 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. Damien, to approve the Agreed Citation as presented. The motion passed.

Discussion during Administrative Report

Dr. Damien expressed concerns on the number of licensees presented to the Board for practicing on an expired license. He requested the Board to craft a policy or letter affirming the Rules and Regulations concerning unlicensed practice. Dr. Damien and Dr. Hosenfeld discussed reviewing the CTA and CXT rules, and to draft a policy to enforce the Rules regarding unlicensed practice within the profession.

Correspondence Review

Katie Story, CTA Intern – Ms. Story submitted a letter requesting an extension of time to complete the 1200 hours of the Internship requirement. After discussion, a motion was made by Dr. Damien, seconded by Ms. Fitzgerald, to grant her request and for Ms. Story to have her 1200 hours of Internship completed no later than September 1, 2018. The motion passed.

Rachel Lewelling, CTA Intern – Ms. Lewelling submitted a letter requesting an extension of time to complete the 1200 hours of the Internship requirement. After discussion, a motion was made by Ms. Fitzgerald, seconded by Dr. Hosenfeld, to grant her request and for Ms. Lewelling to have her 1200 hours of Internship completed no later than September 1, 2018. The motion passed.

Kimberly Burns, CTA Intern – Ms. Burns submitted a letter requesting an extension of time to complete the 1200 hours of the Internship requirement. After discussion, a motion was made by Ms. Fitzgerald, seconded by Dr. Damien, to request that Ms. Burns resubmit a new letter requesting for proper extension, with more details and information submitted regarding her request for an extension to the Board. The motion passed.

James H. Phillips Jr., DC #731 – Dr. Phillips submitted a letter requesting to waive the total number of continuing education (CE) hours needed to reinstate his license as a Chiropractic Physician. He had not completed parts 3 and 4 on the NBCE and also, his license expired in 1998. After discussion, a motion was made by Ms. Fitzgerald, seconded by Dr. Amato, to deny his application due to his request being incomplete. He will need to complete Part 3 and Part 4

on the NBCE with a new application for reinstatement submitted for the Board to consider reinstatement of his licensure. The motion passed.

Marcus Jones, DC #521 – Dr. Jones submitted a letter requesting to waive his continuing education, (CE), requirements needed to reinstate his license as a Chiropractic Physician. A motion was made by Dr. Damien, seconded by Ms. Fitzgerald, to grant reinstatement of his licensure contingent on submitting proof to the Administrative Office of his recent completion of an additional twelve (12) CE hours. The motion passed.

Marco Castaneda, DC #2115 – Dr. Castaneda submitted a Continuing Education petition for the Board to consider allowing twelve (12) CE hours be completed online instead of only six (6) CE hours. After discussion, Dr. Alexander requested that the Board table this item to the next Board meeting scheduled for November 9, 2017, to enable the Board do a research and compile data on the limitations on online hours and CE requirements for other State Licensing Boards and to review board rules to see if there is a need for revision or change in the rules. Dr. Amato offered to help Dr. Alexander in making contact with FCLB for research and compilation of data into a report for discussion at the next meeting.

Patrick Zitt, DC #2470 – Dr. Zitt submitted a letter seeking the Board’s position statements in response to several general inquiry questions related to the Board’s scope and standards of practice including functional medicine. After discussion, a motion was made by Dr. Hosenfeld, seconded by Ms. Fitzgerald, for Mr. Cole, board advisory attorney to draft and send a letter to Dr. Zitt advising him to seek private legal counsel. The motion passed.

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. Alexander proposed that the Board should appoint Dr. Hosenfeld to do a review and submit his findings to the Administrative Office with suggestions of rule revisions to the DC, CTA and CXT rules and red-marked for discussion at the next Board meeting scheduled for November 9, 2017.

CE Rule Proposal

Dr. Hosenfeld suggested that the Board should consider establishing a due date for when continuing education, (CE), is to be completed as there is no longer a due date listed in the rules. Ms. Bloom suggested for the Board to move the 100% CE audit requirement to a Random CE audit as well as requiring proof of completion of the new licensee risk management and sexual/professional boundaries course to be submitted with their application as a prerequisite for

initial licensure. Dr. Damien suggested a policy regarding how many CE hours are required for reinstatement of licensure application for those who retired their licenses within 1 year of retiring their license.

After discussion, a motion was made by Dr. Hosenfeld, seconded by Dr. Amato, for Mr. Cole to prepare an amended CE-Non Compliance policy stating the requirements for submitting Continuing Education hours, to be used until a rule change can be placed into effect to initiate a change for the CE audit to be moved from a 100% audit to a randomized, quarterly audit to be conducted over a two (2) year period in an effort to achieve a 100% CE audit. Mr. Cole was also requested to submit the amended policy to Dr. Alexander for review and any revisions, if any, and will also draft a new policy for new licensees to submit proof of completion of their new licensee course within thirty (30) days from the date of completion. The motion passed.

New Legislation

Ms. Lacey Blair, Department of Health Legislative Liaison presented six (6) new Public Chapters from the last legislative session which may impact the Board:

Public Chapter 38 – This sunset provision extends the Board of Chiropractic Examiners until June 30, 2021.

Public Chapter 163 – This legislation revised several areas of the code in order to allow chiropractic physicians to enter into a direct primary care agreement with an individual patient or his or her legal representative. This Act took effect on April 24, 2017.

Public Chapter 455 – This act revised certain definitions related to the practice of chiropractic, as well as made several other revisions to the code regarding the practice of chiropractic. The practice of chiropractic is defined as the diagnosis and treatment of patients as further defined in law. “Diagnosis” means:

The differential diagnosis of human ailments through examination and evaluation of patients and through diagnostic procedures necessary to clinically correlate a physical examination to a diagnostic impression; the ordering of X-rays, advanced diagnostic imaging, and other diagnostic procedures; the performance of X-rays and other non-invasive diagnostic procedures, as well as minimally invasive procedures that have been approved by the Board after consultation with the Board of Medical Examiners ('BME') and that the chiropractic physician has received training for; and the collection of blood, urine, saliva, and hair for analysis.

“Differential Diagnosis” means the examination of body systems and structures of a patient to determine the source, nature, and extent of a disease or other physical condition for purpose of establishing an appropriate plan of care for the patient, which may include referral to another provider for care that it outside the chiropractic physician’s scope of practice.

“Treatment” means:

The treatment of neuromuscular, musculoskeletal, and related conditions through the use of chiropractic adjustment and manipulation; physical agent modalities; manual, rehabilitative and other therapeutic care; and mechanical, chemical, electrical, and thermal methods. It also means the use of acupuncture after appropriate training; the location and removal of interference with nerve transmission and function; the ordering of durable medical equipment, and the provision of supportive care.

Additionally, this legislation raised the per diem for members of the Board of Chiropractic Examiners from \$50 to \$100. Finally, the legislation requires the Board to adopt rules that establish minimum educational standards and criteria for Chiropractic Therapy Assistants. This Act took effect on July 1, 2017.

Public Chapter 350 – This legislation will allow healthcare providers to satisfy one hour of continuing education requirements through the performance of one (1) hour of voluntary provision of healthcare services. The maximum amount of annual hours of continuing education that a provider can receive through providing volunteer healthcare services is the lesser of 8 hours or 20% of the provider’s annual continuing education requirement. This Act took effect on May 12, 2017.

Public Chapter 215 – Requires agencies such as this Committee that establish or adopt guides to practice to promulgate rules specifying all provisions included in and relating to those guides to practice. This Act took effect on April 28, 2017.

Public Chapter 240 – Among other provisions, this legislation gives agencies with the Health Related Boards authority to issue temporary limited licenses to applicants who have been out of clinical practice or engaged in administrative practice for some period. It also requires hospitals and other healthcare facilities to report to the appropriate health licensing board any disciplinary action taken against a licensed person when such action is related to ethics, incomplete, moral turpitude or substance abuse. This Act took effect on May 2, 2017.

Public Chapter 481 – This legislation makes it a violation for a healthcare practitioner to refuse to submit to a drug test or test positive for a drug the practitioner does not have a lawful prescription for or a valid medical reason for using. It requires peer assistance or other treatment programs to report such individuals who are referred but fail to obtain or maintain the advocacy of the program or otherwise fails to comply with the terms of the program. This Act took effect on July 1, 2017.

Public Chapter 230 – This legislation authorizes commissioners or supervising officials of departments to evaluate certain actions by a regulatory board to determine whether the action may constitute a potentially unreasonable restraint of trade. Supervising officials must ensure that the actions of regulatory boards that displace competition are consistent with a clearly articulated state policy. If a board action constitutes a potentially unreasonable restraint of free trade, the supervising official must conduct a further review of the action and either approve,

remand or veto the action. The supervising official may not be licensed by, participate in, or have a financial interest in the occupation, business or trade regulated by the board who is subject to further review, nor be a voting or ex officio member of the board. The supervising official must provide written notice of any vetoed actions to the senate and house government operations committees. This Act took effect on April 24, 2017.

Social Media Policy

Dr. Hosenfeld presented a proposal to the Board regarding a Social Media policy that College of Chiropractors in Canada has in effect that the Board can use as a guide when deciding to adopt a Social Media Policy.

Dr. Damien made a motion, seconded by Dr. Hulme, to appoint Dr. Hosenfeld to draft a Social Media Policy to be presented for approval at the next scheduled Board meeting on November 9, 2017.

91st FCLB Annual Congress Meeting

Mr. Sobowale presented to the Board a report of highlights from his attendance at the 91st FCLB Annual Congress Meeting that was held on May 4th through the 7th of 2017 in Orlando, Florida.

He reported that the PACE CE provider approval process is being re-evaluated to address concerns about “partnering,” and “Cooperative Arrangements” with 3rd party vendors. A stringent approval process has been developed for course providers prior to approval. A provider found in non-compliance is put through a disciplinary process. The Federation has also developed a Chiropractic Passport Portability and Mobility Program which is an informational registry for credentialed chiropractors and would be applicable in States that already have temporary licensure. It was discussed that international mobility is an emerging issue in the profession and States were encouraged to consider a pathway to license foreign-trained students.

Mr. Sobowale reported that some chiropractors are being found in new practice areas, especially Myopractic, Osteopractic, and Alphabiotics. Also, Chiropractors are now being included as primary point of contact in sports concussion management. Finally, he reported that FCLB is in the process of decreasing annual membership fees for State Boards.

Ratification of 2018 Board Meeting Dates

Thursday, January 25, 2018, Thursday, April 26, 2018, Thursday, July 26, 2018 and Thursday, October 25, 2018.

Dr. Cole Hosenfeld made a motion to accept the dates as presented, seconded by Dr. Curtis Damien. The motion passed.

Adjournment

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

The Board meeting was adjourned at 3:18 PM, Thursday, August 24, 2017.

These minutes were ratified by the Board at the November 9, 2017 meeting.