

**BOARD OF CHIROPRACTIC EXAMINERS
MINUTES**

DATE: January 24, 2019

TIME: 9:00 AM CST

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

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

STAFF PRESENT: Michael Sobowale, Unit Director
Mary V. Webb, Board Manager
Sabrina Craig-Boyd, Board Administrator
Mark Cole, Assistant General Counsel
Lori Leonard, Disciplinary Coordinator

GUESTS: Tiffany Stevens, Tennessee Chiropractic Association
John Williams, Esq., Tennessee Chiropractic Association

Call to Order

With a quorum present, Dr. Hosenfeld called the meeting to order at 9:15 AM. A roll call was taken by Sabrina Craig-Boyd with Dr. Hulme absent. He later joined the meeting at 9:47 AM.

Minutes

After a review of the minutes of the October 18, 2018 meeting, Dr. Blackwelder made a motion, seconded by Dr. Damien, to accept the minutes as written. The motion carried.

Office of General Counsel Report

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

Litigation

There were seven (7) open disciplinary cases on five (5) chiropractors pertaining to the Board of Chiropractic Examiners. There are open disciplinary cases on two (2) chiropractic therapy assistants. There was one Agreed Order and one Contested Case to present; however, the Contested Case was settled before meeting date.

There were two (2) Agreed Orders to present.

There were no Consent Orders scheduled to be presented at the meeting.

Rules

Mr. Cole informed the board that the recent rule changes are still in process. Due to the change in administration, there may be delay in the process.

Agreed Orders

- A. **Sherri O'Day, CTA #905-** Ms. O'Day was originally licensed in 2010 and expired in 2014. The office manager of her employer noticed the license on the wall had been expired for about two years and contacted the board administrator's office to get Ms. O'Day's license reinstated. However due to the amount of the fine assessed for this violation, Ms. O'Day made the decision to voluntarily surrender her license. The total fine assessed for twenty-nine (29) months of expired license practice was \$2900. Ms. O'Day agreed to an assessed case cost not to exceed \$200. After review, Dr. Amato made a motion, seconded by Dr. Damien, to approve the Agreed Order. The motion carried.

- B. **Sara Fine, CTA #1275-** Ms. Fine was originally licensed in February 2015. Currently Ms. Fine's license is up to date; however, when she discovered her license had expired, she contacted the administrator's office to reinstate her license with all necessary requirements. Ms. Fine was assessed a total fine of nine hundred dollars (\$900) for 9 months of expired license practice. Ms. Fine also agreed to pay an assessed case cost not to exceed two hundred (\$200) dollars. After review, Dr. Damien made a motion, seconded by Dr. Amato, to approve the Agreed Order. The motion carried.

Legislation

Mr. Cole spoke on a bill being discussed in the current legislative session, Senate Bill 0053, regarding licensing of health professionals in the military. The program specifically is a readiness program that allows health professionals in the military to be exempt from applying for a license in the state of Tennessee. Mr. Sobowale added that the legislation has minimal fiscal impact with lost revenue on the Chiropractic Board. Mr. Sobowale clarified the language of the legislation to include that health professionals must be part of this program in order to be exempt from licensure requirement and that the military members would only come into the state based on community needs, such as natural disasters.

Investigative and Disciplinary Reports

Lori Leonard, Disciplinary Coordinator in the Office of Investigations first presented a report on currently monitored practitioners. A breakdown is as follows: four (4) on probation, five (5) revoked, four (4) on board orders (reprimands), and three (3) suspensions. For chiropractic therapy assistants there is one (1) licensee being monitored on reprimand for lapsed license.

Ms. Leonard then provided the investigative report. For the entire 2018 year, the Office opened a total of fifty-two (52) new complaints with the breakdown as follows: eight (8) fraud and false billing, two (2) sexual misconduct, two (2) advertising, two (2) criminal charges, three (3) malpractice, thirteen (13) unlicensed practice, ten (10) unprofessional conduct, three (3) medical record request, four (4) lapsed license, four (4) failure to supervise, and one (1) for practice beyond the scope.

A total of forty-four (44) investigations were closed in the year 2018: seven (7) were referred to the Office of General Counsel for discipline, twenty-five (25) were closed without sufficient evidence to discipline, one (1) was closed with a letter of concern, and eleven (11) were closed with a letter of warning.

Currently, there are forty (40) open complaints being investigated and/or reviewed.

Financial Report

There was no new update to the financial report.

Applicant Interviews/File Reviews

- A. Dwayne Curle, D.C. #999 – Dr. Curle was present. The board was requested to approve reinstatement of Dr. Curle’s license due to the fact that he had been out of practice for a number of years. Dr. Curle’s license was not properly retired but allowed to expire. Dr. Hosenfeld confirmed with Mr. Sobowale that Dr. Curle had met the continuing education requirements for reinstatement. Mr. Cole addressed the issue of a separate, unrelated complaint received in the Office of General counsel which was clarified by Dr. Curle. After the interview, Dr. Damien made a motion, seconded by Dr. Hulme, to approve Dr. Curle’s license for reinstatement. The motion carried.

Ratification of Initial Determinations

Upon review, Dr. Hosenfeld made a motion, seconded by Dr. Damien, to approve the following lists of new licensees, externships, reinstatements, closed files and acupuncture qualifiers with the exception of Angela Morrison for ratification:

New Licensees
Chiropractic Physicians

Allen, Jessica
Barron Danielle
Bays Natalie
Callaway Huston Dr.
Campbell David Matthew Dr.
Campbell Iii George William
Carpenter Avery K
Crowe Zachary Andrew Dr.
Curtis Kenneth A. Dr.
Eyerly Terrance Michael Jr
Hentish, Roman
Hitson Janel Greenfield Dr.
Knetter, Danielle Kay
Loerch Shoshana Sevel CHIR
Mcmahon Charity Joy
Parham Alexander Wayne
Ratkowski Morgan Elizabeth
Richeson James Michael Dr
Richmond Jessica Lanehart Dr.
Sharp Kylie Danielle
Tolliver Dalton Victoria
Watson, Meagan
Weber, Dustin

Chiropractic Therapy Assistants – 20

Burchett Armelia Monique
Dean Kelli Kaiser
Fahmy Heidi A.
Fritts Brittany Ann Mrs
Gaines Rex Joseph
Gilmore Michelle
Gray Maria White Mrs
Hayes Faith Nicole
Jones Ariel Marie
Little Heather Monroe
Man Jessica

Mise Tyra Mckenzie
Moren Brooklyne
Overzet Nola Anne
Oxendine Robyn Rae
Peck Misty N
Seaton Rebecca J
Smith Niki Jo CTA
Stevens Brittany Lauren Mrs.
Williams Carla Dawn
Willis Dylan

Chiropractic X-Ray Technologists – 7

Daniels Vaught Danette Lorainne
Friedmann Kelli J
Luff Kelsey Lynn
Mason Jeremy R.
Nabors Katrina Lynn
Williams Carla Dawn
Woods Christopher

Reinstatements

Chiropractic Physicians

Cadwallader, Dawn
Depol, Scott Howard
Farris, Janelle Marie (Hutti)
Knipe-Noe Katie Lee Ann
Lounsberry, Ryan Jay
McIntyre, Richard
Willing, Evan J

Chiropractic Therapy Assistants

Dean, Kelli
Moren, Brooklyn

Chiropractic X-Ray Technologists

Closed Files

Chiropractic Physicians
Nowack Dennis

New Externships -1

Acupuncture Qualification -13

Dr. Hulme motioned to accept the ratification list as noted, seconded by Dr. Amato. Dr. Damien recused himself from the vote. The motion passed.

Administrative Report

Sabrina Craig-Boyd presented the Administrative Report as follows:

Statistical Data

As of January 15, 2018, the Board of Chiropractic Examiners has 1189 active Chiropractic Physicians, 429 Chiropractic Therapy Assistants, and 107 Chiropractic X-Ray Technologists.

LICENSURE STATUS TOTALS FROM THE MONTHS OF
October 4, 2018 through January 15, 2019

CHIROPRACTIC PHYSICIAN	
New applications received – 21	
New licenses issued – 21	Renewal Total – 131
Reinstatements – 12	Online Renewals – 52
Temp Licenses/Externships – 1	Paper Renewals – 79
Licenses Retired – 24	New Acupuncturists – 4
Failed to Renew/Expired Licensees – 12	
CHIROPRACTIC THERAPY ASSISTANT	
New applications received – 13	
New licenses issued – 21	Renewal Total – 34
Reinstatements – 6	Online Renewals – 14
Licenses Retired – 10	Paper Renewals – 20
Failed to Renew/Expired Licensees -24	
CHIROPRACTIC X-RAY TECHNOLOGIST	
New applications received – 7	
New licenses issued – 9	Renewal Total – 10
Reinstatements – 2	Online Renewals – 8
Licenses Retired – 4	Paper Renewals – 2
Failed to Renew/Expired Licensees – 6	

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For this reporting period, the usage rate for utilizing the online renewal portal for Chiropractic Physicians is 82%; Chiropractic Therapy Assistants, 40%; and, Chiropractic X-Ray Technologists, 63%.

BOARD MEMBERS

As of January 24, 2019 there are two (2) Consumer Member vacancies on the Board.

BOARD MEETING DATES

Ratification of Board Meeting Dates for 2020:

January 23

April 16

July 16

October 15

Dr. Damien made a motion to accept the dates as presented, seconded by Dr. Hulme. Mr. Cole indicated that he may have a conflict with the July 16th date, but that may change. The motion passed.

Agreed Citations

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

Kelli Dean CTA#1364 – Kelli Dean practiced on an expired license for approximately (6) six months. She agreed to pay a total assessed civil penalty in the amount of five hundred (\$500.00) dollars for practicing on an expired lapsed license beyond thirty (30) days from the date her license expired. She also agreed that the Agreed Citation will be included in the health department’s disciplinary action report. Upon review by the Board, Dr. Damien made a motion, seconded by Dr. Blackwelder, to approve the Agreed Citation as presented. The motion carried.

Janelle Farris, (Hutti) DC#2250- Dr. Farris practiced on an expired license for approximately six (6) months. She agreed to pay a total assessed civil penalty in the amount of two thousand, five hundred (\$2500.00) dollars for practicing on an expired license beyond thirty (30) days from the date her license expired. She also agreed that the Agreed Citation will be included in the health department’s disciplinary action report. Upon review by the Board, Dr. Damien made a motion, seconded by Dr. Blackwelder, to approve the Agreed Citation as presented. The motion carried.

Evan G. Willing DC #1058- Dr. Willing practiced on an expired license for approximately (2) two months. He agreed to pay a total assessed civil penalty in the amount of one thousand (\$1000.00) dollars for practicing on an expired license beyond thirty (30) days from the date his

license expired. He also agreed that the Agreed Citation will be included in the health department's disciplinary action report. Upon review by the Board, Dr. Damien made a motion, seconded by Dr. Amato, to approve the Agreed Citation as presented. The motion carried.

Correspondence

Brandon Arrieta submitted a request for extended time to complete one quarter of his preceptorship. Upon a motion made by Dr. Damien, the board moved to grant a one year extension to the end of September 2019. Dr. Hulme seconded the motion. The motion carried.

Kenneth Clenin submitted a request for extended time to obtain his 2018 continuing education credits. Upon a motion made by Dr. Amato, the board declined his request to waive his 2018 continuing education requirement, however the board did grant him the 2019 calendar year to complete both 2018 and 2019 continuing education requirements. Dr. Damien seconded the motion. The motion carried.

Stephanie Crawford submitted a request for extended time to complete her 2018 continuing education credits. Upon a motion made by Dr. Damien, the board moved to grant the entire 2019 calendar year to complete both 2018 and 2019 continuing education credits. Dr. Amato seconded the motion. The motion carried.

Lora Derr submitted a request to the board to allow all 24 hours of online continuing education. Upon a motion made by Dr. Damien, the board denied her request; however, they did approve for her to obtain 18 hours of live continuing education course in the 2019 calendar year. The board also required her to complete the 2019 continuing education credits by the year's end. Dr. Hulme seconded the motion. The motion carried.

Lindsey Liberatore submitted a request for extended time to complete her application for a CTA license. Upon a motion made by Dr. Damien, the board granted her six (6) months from her test anniversary date to submit her application. The Board stipulated that her application must be received by May 31, 2019. Dr. Hulme seconded the motion. The motion carried.

Cindy Page submitted a request for extended time to complete her 2018 continuing education credits. Upon a motion made by Dr. Damien, the board granted an extension until June 30, 2019 to complete continuing education credits. Dr. Amato seconded the motion. The motion carried.

Justin Phillips submitted a request for extended time to complete his 2018 continuing education credits. Upon a motion made by Dr. Damien, the board granted an extension until July 1, 2019. The board also required him to complete his 2019 continuing education credits by the year's end on December 31, 2019. Dr. Hulme seconded the motion. The motion carried.

Linda Robison submitted a request for extended time to obtain 2018 continuing education credits. Upon a motion made by Dr. Hulme, the board granted an extension allowing her the entire 2019 calendar year to obtain both 2018 and 2019 continuing education credits. Dr. Damien seconded the motion. The motion carried.

Matthew Sheppard submitted a request for extended time to complete three (3) hours of continuing education credits for 2018. Upon a motion made by Dr. Damien, the board granted his extension request until January 31, 2019. Dr. Hulme seconded the motion. The motion carried.

Alric Burluson submitted a request for the board to waive all requirements for license reinstatement for the purpose of retiring his license in good standing. Upon a motion made by Dr. Damien, the board granted his request with stipulations. An affidavit of retirement must be completed and returned to the administrative office no later than 30 days after notification. The board also required any future request for reinstatement of license will require his personal appearance before the board. Dr. Hulme seconded the motion. The motion carried.

Legislation

There were no legislative changes to discuss at this time.

Discuss and take action, if needed, regarding rulemaking hearings, rule amendments, and policies

There were no rule amendments or policy changes to discuss at this time.

Discuss Old and New Board Business

- A. Board Newsletter –Dr. Hosenfeld requested that this item be placed on the agenda for the next meeting. He also suggested to work with the administrative office on publishing a Board of Chiropractic Examiners Newsletter.
- B. CTA License - Dr. Hosenfeld requested that this item be placed on the agenda to bring awareness to the number of chiropractic therapy assistants who are not certified, but may be working in a chiropractic office.
- C. Board Consultants - Dr. Damien initiated a discussion regarding Board Consultants. Dr. Damien suggested the board consider using former board members as consultants. Mr. Cole suggested that current board members should be able to suggest names of suitable, possible consultants. Mr. Sobowale covered the rules and processes regarding nominating board consultants.

- D. CE Broker – Mr. Sobowale gave an update regarding the services provided by CE Broker. Ms. Tiffany Stevens was present and gave an update on the Tennessee Chiropractic Association’s experience with CE Broker. Ms. Stevens expressed concern regarding duplicate certificates being uploaded to CE Broker. Ms. Stevens also expressed concern regarding real time access and auditing of certificates that have been uploaded. Mr. Sobowale responded that the concerns expressed were addressed during a recent meeting CE Broker and it is expected that those would not be an issue going forward.
- E. Team CME – FAA Basic Med – Dr. Damien introduced the discussion on the CME-FAA Basic Med evaluation information. Dr. Damien provided documentation, including the actual evaluation form to be completed by the medical provider and the form to be completed by the pilot. Mr. Sobowale suggested drafting a policy statement stating that chiropractic doctors licensed in the state of Tennessee to be allowed to do FAA Basic Med Exams for general aviation purposes. Dr. Damien agreed to craft a policy letter on basic med, with assistance of Mr. Cole and Dr. Hosenfeld, for the purposes of creating a new policy to be presented at the next board meeting.

Dr. Damien made a motion for Dr. Hosenfeld to craft a letter to Dr. Megehee informing him that the board has decided that the FAA Basic Medical Examination is within the purview of a chiropractic physician scope in the state of Tennessee. Dr. Hulme seconded the motion. The motion carried.

- F. Approve Delegates for Conferences and Meetings – Mr. Sobowale presented dates of upcoming meetings and conferences and requested board approval for nominated attendees as follows:
1. FCLB 93rd Annual Educational Congress May 1-5, 2019 - Upon a motion made by Dr. Damien, seconded by Dr. Amato, Dr. Hulme was approved to attend as FCLB primary voting delegate, with Dr. Hosenfeld serving as an alternate. Dr. Hosenfeld was approved to attend as NBCE primary voting delegate, with Dr. Hulme serving as an alternate. In addition, Mr. Mark Cole was approved to attend the conference subject to his office’s approval, along with a member of the Board’s Administrative staff. The motion carried.
 2. Spring part IV Practical Exam May 17-19, 2019 – No nomination was received to attend this meeting.
 3. Part IV Test Committee Meeting June 21-22, 2019 - Upon a motion made by Dr. Damien, seconded by Dr. Amato, Dr. Damien was approved to attend this meeting. The motion carried.
 4. Fall Part IV Practical Exam November 15-17, 2019 – No nomination was received to attend this meeting.

5. FCLB District V Meeting, Newark, New Jersey, October 2019 – No nomination was received to attend this meeting.

Adjournment

There being no other business, Dr. Hosenfeld made a motion, seconded by Dr. Damien, to adjourn the meeting. The motion carried.

The Board meeting was adjourned at 1:50 PM on Thursday, January 24, 2019.

These minutes were ratified by the Board at the April 18, 2019 meeting.