

TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

DATE: June 6, 2013
TIME: 9:00 A.M.
LOCATION: Health Related Boards Conference Center
Iris Conference Room
227 French Landing
Nashville TN 37243

BOARD MEMBERS

PRESENT: Michael Massey, D.C., President
Craig Ratcliff, D.C. Vice President
Chris Alexander, D.C., Secretary
Richard Cole, D.C., Board Member
Andrea Selby, D.C., Board Member
Sheila Fitzgerald, Citizen Member

STAFF PRESENT: Sherry Owens, Board Administrator
Teddy Wilkins, Unit Director
Mark Cole, Office of General Counsel

Dr. Massey, chair, called the meeting to order at 9:20 a.m. A quorum was present.

Minutes

Dr. Cole made a motion, seconded by Dr. Selby, to approve the February 14, 2013 Board meeting minutes as written. The motion carried.

Office of General Counsel Report

Mr. Cole reviewed the complaint and investigations process.

There are twenty-five (25) open cases at OGC against chiropractors.

The Board requested that the Board consultants attend the Board meetings. Mr. Cole reviewed the Open Meetings Act and The Conflict of Interest statement. The Board has been continued until the year 2017. Mr. Cole reviewed the Military Spouses law that was signed by the governor.

Investigative Report

There are thirty-one (31) complaints being reviewed and or investigated for chiropractors and one (1) complaint for CTAs and no complaints for CXTs.

Monitored Practitioners

Seven (7) practitioners are on probation, four (4) have had their licenses revoked, one (1) is under a board order and two (2) were disciplined for unlicensed practice.

Administrative Report

As of February 5, 2013, there are 1129 licensed Chiropractic Physicians, 132 CXTs, and 499 CTAs.

DOT Physicals and Urine Analysis

If a chiropractor performs DOT physicals they have to send a patient to the lab for a urine analysis. Dr. Massey asked if the chiropractor can collect and send for analysis rather than send the patient to a lab. Tennessee Code 68-29-121 is the practice act for laboratories and Chiropractors are listed as a physician to accept specimens and orders for analysis. Dr. Cole made a motion, seconded by Dr. Selby that Chiropractors may collect specimens and provide them to certified labs for evaluation. The motion carried.

FCLB Report

Dr. Cole stated that the four day conference in San Francisco, CA included regulatory matters and mobility and international licensure. There was a discussion on the Triple CA. This is called the Chiropractic Clinical Assistant. Tennessee, Maryland, and Florida already have the Chiropractic Therapy Assistant. Palmer College of Chiropractic has put in place a two year program for chiropractic therapy assistant. The NBCE and Ethics and Boundaries exam were utilized more and are being considered for more use in the future.

2012 Continuing Education Audit

The Board instructed Ms. Owens to send the Agreed Citations to the non-compliant chiropractors. If the licensee completed their continuing education and can prove that it has been completed then no discipline will be taken. The Board also instructed Ms. Owens to place a disclaimer regarding continuing education on the "go to work" letter which tells applicants they are licensed. Chiropractors: 1067 audited, 328 non-compliant and 229 no response; Chiropractic X-Ray Tech: 118 audited, 35 non-compliant, 28 no response; Chiropractic Therapy Assistant: 479 audited, 126 non-compliant and 76 no response.

Review Correspondence

Amy Carpenter, DC submitted a letter to the Board regarding a shortage of continuing education. Ms. Fitzgerald made a motion, seconded by Dr. Selby to allow Dr. Carpenter to obtain 5 hours of continuing education within 14 days. The motion carried.

Eric Russell, DC submitted a letter to the Board regarding The New Zealand College of Chiropractic. Dr. Russell is the president of the school and is requesting approval for the school for several of his students that will be locating to Tennessee to practice. Dr. Cole made a motion, seconded by Dr. Selby to accept the New Zealand School of Chiropractic. The motion carried.

Martha Jacobs and Lisa McMasters, CTA's submitted a letter to the Board regarding online continuing education for CXT's and CTA's. The Board thanked Ms. Jacobs and Ms. McMasters for their concern but took no action and the rules will remain the same.

Bonnie Ausmus, CTA submitted a letter to the Board requesting a waiver of the 2012 continuing education. Ms. Ausmus stated she retired her license. Ms. Owens stated that the Board office has not received her Affidavit of Retirement. Dr. Cole made a motion, seconded by Ms. Fitzgerald to have Ms. Ausmus retire her license with no penalty. The motion carried.

Catherine Froyd, CTA/CXT submitted a letter to the Board requesting her continuing education be waived for 2012. Dr. Cole made a motion, seconded by Dr. Alexander for Ms. Froyd to make up her 2012 hours in 2013. The motion carried.

Danique Jones, CTA submitted a letter to the Board requesting a waiver of the 2012 continuing education. Ms. Jones has been attending Chiropractic school in Georgia. Ms. Fitzgerald made a motion, seconded by Dr. Cole to have Ms. Jones retire her license with no penalty. The motion carried.

Dustin Cupp, DC submitted a letter to the Board requesting acceptance of his 2012 continuing education. Dr. Cupp missed the deadline of January 15 and is requesting not to be disciplined for a few days. Dr. Cole made a motion, seconded by Ms. Fitzgerald to accept his 2012 continuing education with no discipline. The motion carried.

Kathy Stone, CTA submitted a letter to the Board requesting acceptance of her 2012 continuing education completed in 2013. Ms. Stone did not realize the new rule in 2012 not allowing CTA and CXT to complete online continuing education. Ms. Stone made up her hours at the beginning of 2013 after learning of the rule change. Ms. Fitzgerald made a motion, seconded by Dr. Cole to accept the hours in 2013 for compliance of 2012 hours. The motion carried.

Lisa Tipton, CTA submitted a letter to the Board requesting an extension of her 2012 continuing education hours. Dr. Cole made a motion, seconded by Dr. Alexander for Ms. Tipton to make up her hours in 2013. The motion carried.

Megan Davidson, CTA submitted a letter to the Board requesting an extension of her 2012 continuing education hours. Ms. Fitzgerald made a motion, seconded by Dr. Cole for Ms. Davidson to make up her hours in 2013. The motion carried.

Ryan Circolone, CTA submitted a letter to the Board requesting his 2012 continuing education be waived due to a career change and not working in the profession. Dr. Cole made a motion, seconded by Ms. Fitzgerald to allow Mr. Circolone to retire his license without penalty. The motion carried.

Shirlee Tant, CTA submitted a letter to the Board requesting an extension of her 2012 continuing education hours. Dr. Cole made a motion, seconded by Ms. Fitzgerald for Ms. Tant to make up her hours in 2013. The motion carried.

Tina Owens, CTA submitted a letter to the Board requesting an extension of her 2012 continuing education hours. Dr. Cole made a motion, seconded by Ms. Fitzgerald for Ms. Owens to make up her hours in 2013. The motion carried.

Verna Stout, CTA submitted a letter to the Board requesting a waiver of the 2012 continuing education. Ms. Stout stated she retired her license. Dr. Cole made a motion, seconded by Dr. Ratcliff to have Ms. Stout retire her licensed with no penalty. The motion carried.

William Brackman, CTA submitted a letter to the Board requesting a waiver of the 2012 continuing education. Dr. Cole made a motion, seconded by Ms. Fitzgerald to have Mr. Brackman retire his licensed with no penalty. The motion carried.

Susan Stockard, CTA submitted a letter to the Board requesting a waiver of the 2012 continuing education. Ms. Ftizgerald made a motion, seconded by Dr. Cole for Ms. Stockard to make up her hours that she has missed. The motion carried.

Handicap Plaque cards

Dr. Massey stated that chiropractors were not allowed to sign off on handicap plaque card requests. Mr. Cole stated that he will send a letter to the Tennessee Department of Revenue to state that chiropractors are allowed to sign off on such requests according to the scope of practice.

Acupuncture Policy Statement

Dr. Cole asked the Board how doctors are supposed to refer to themselves that practice acupuncture in their practice. After discussion, Dr. Cole made a motion, seconded by Dr. Selby that if a chiropractor has completed the requirements to practice acupuncture, chiropractors can refer to themselves as chiropractic acupuncturist. The motion carried.

CTA Exam

Dr. Cole reported to the Board that there are several chiropractors inputting information for this exam. All chiropractors involved have signed confidentiality agreements regarding the exam and the Tennessee Chiropractic Association has a copy write on the exam. Dr. Cole is hoping to have language for the Board at the August meeting regarding this exam rewrite.

CTA and CXT Dual Licensure

The discussion regarding CTA and CXT dual licensure has been tabled to the August 2013 meeting.

Ratify Newly Licensed Chiropractors

Dr. Selby made a motion, seconded by Dr. Cole, to approve the following newly licensed Chiropractors:

Miro Bandalo
Alexis Bergan-Guzman
Jeremy Bills
Kenneth Calain
John Dandelski
Cody Davis
Aaron Fearnley
Callie Gant
Vincent Grande
Dena Granger
David Hausmann
Nakoma Johnson
Rebecca Klein
Thomas Kovacs, Jr
Derek Leist
Jerry Lo
Milton Manning
Guy Mannino
Kathryn Mead
Todd Osborne
Derek Smith
Charles Vaden
Ryan Woods

The motion carried.

Dr. Selby made a motion, seconded by Dr. Cole, to approve the following reinstated Chiropractors:

Christopher Bearden
Thomas Donnelly

Jayme Gipson
Brian Grindstaff
Lindsay Hathcock
Courtney Jones
Danny Minor
Ryan Stookey
Gary Tanksley
Keith Thornton
James Warlick

The motion carried.

Dr. Selby made a motion, seconded by Dr. Cole, to approve the following newly licensed Chiropractic Therapy Assistants:

Jeffrey Anthony
Angela Beeler
Tammy Collins
Jenna Davis
Georgia Fields
Heather Goodman
Tanya Grooms
Louise Guzzardo
Brenda Jerles
Susan Joiner
Peggy Kennedy
Kimberly Lawson
Candice Long
Elizabeth Manning
Dawn Owens
Alison Reagan
Jordan Reddick
Nicole Rogers
Laresa Sallee
Marsha Self
James Slayton
Brittany Stratton
Andrea Stults
Debra Whitson
Erskine Williams III
Luejoen Williams

The motion carried.

Dr. Selby made a motion, seconded by Dr. Cole, to approve the following newly licensed Chiropractic X-ray Technicians:

Terri Lysaught
Anita Mitchell
Ashley Sandy
Sherry Sipes

The motion carried.

Review/Ratify Continuing Education Courses

Dr. Cole made a motion, seconded by Dr. Selby, to approve the list of continuing education courses that Dr. Alexander initially approved or denied. The motion carried.

Applicant Review

Daniel Farr came before the Board for approval of his chiropractic application. Ms. Fitzgerald made a motion, seconded by Dr. Cole to deny license. The motion carried. Dr. Cole made a motion to rescind the previous motion, seconded by Dr. Selby. The motion carried. Dr. Farr has requested to rescind his application for licensure in Tennessee. The motion carried.

Donald Pritt, Jr came before the Board for approval of his chiropractic application. Dr. Cole made a motion, seconded by Ms. Fitzgerald, to approve Dr. Pritt for licensure. The motion carried.

Thomas Leskody submitted an application before the Board for approval of his chiropractic application. Ms. Fitzgerald made a motion, seconded by Dr. Selby, to deny Dr. Leskody's application for licensure. The motion carried.

Policy Statements

The Board discussed Manipulation Under Anesthesia. Dr. Massey stated that "joint" should be added to the title and definition of the policy statement. Dr. Lance Benedict stated to the Board the Tennessee Medical Association stated that MUJA is a medical procedure. Tennessee Medical Association stated that injections are used in MUJA and insurance companies also stated that this was the procedure therefore chiropractors could not perform MUJA. Dr. Massey stated to add the word joint to the current MUA policy statement. Ms. Owens asked the Board if this would need to be a rule. Mr. Cole suggested MUA/MUJA be placed as a rule. Dr. Massey asked to leave this as a policy statement at this time until rules could be drafted so that doctors would be able to perform this procedure. Ms. Stevens with the Tennessee Chiropractic Association agreed and stated that the last set of rules had taken two years to complete. Dr. Cole made a motion, seconded by Dr. Alexander to accept the new policy statement for Manipulation Under Joint Anesthesia. The motion carried.

Other Board Business

With no other Board business, Dr. Selby made a motion, seconded by Dr. Cole to adjourn the meeting. The motion carried. The meeting adjourned at 1:05pm.

Ratified by the Board of Chiropractic Examiners on August 15, 2013