

TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

DATE: June 5, 2015

TIME: 9:00 A.M.

LOCATION: Health Related Boards Conference Center
Poplar Conference Room
665 Mainstream Drive
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: Melody Spitznas, Board Administrator
James Hill, Board Administrator
Teddy Wilkins, Unit Director
Mark Cole, Office of General Counsel

Dr. Massey, chair, called the meeting to order at 9:12 a.m. A quorum was present.

Minutes

Dr. Cole made a motion, seconded by Dr. Selby, to approve the February 20, 2013 Board meeting minutes. The motion carried.

Dr. Cole made a motion, seconded by Dr. Selby to approve the December 12, 2013 Board meeting minutes. The Motion carried.

Financial Report

Ms. Crutcher presented the projections for FY June 30, 2014. The Board of Chiropractic Examiners projects expenditures of \$65,675.30; revenues of \$218,797.09, with a current year net of \$97,085.23, and a cumulative carryover of \$530,646.31.

Ms. Crutcher discussed with the Board the onetime cost the Board will see for 2015. The onetime cost is for the replacement of the current RBS licensure tracking system with the new Versa system. This is a cost that is spread out over all the Health Related Boards and is based on

the percentage of total licensees of the respective Board. The Board of Chiropractic Examiners share is projected be around \$ 13,400.00.

Ms. Crutcher mentioned to the board the new policy on reducing fees is that if the two year carryover is twice the amount of three years average expenditures, the Board may want to have some form of fee reduction discussion. Ms. Crutcher will draft up some proposed fee reductions that will included a reduction in renewals and Dr. Ratcliff asked that she look at combining the renewal fee for those that are duly licensed as a CTA's and CXT's.

Ms. Fitzgerald asked about the per diem and mileage rate reimbursement and how to get this changed. Ms. Wilkins stated that this would take a legislative change.

Office of General Counsel Report

There are sixteen (16) open cases at OGC against ten (10) chiropractors.

There are no consent orders to present at this time and Mr. Cole informed the Board that they should have a contested case at the August 7, 2014 meeting.

Mr. Cole reviewed the Open Meetings Act in T.C.A §8-44-10. Mr. Cole reviewed the Conflict of Interest Statement with the Board.

Mr. Cole updated the Board of the recent rule changes. Rules were submitted to the Chief Deputy and he is no longer with the state. The rules were resubmitted and returned with issues and the issues addressed and resubmitted. Dr. Cole asked if any changes are made to the Chiropractic rules are these amendable at this time or will the process start over with a new rule change. Mr. Cole stated that at this time the rules can be amended.

Investigative Report

Denise Moran stated that the Office of Investigation has opened thirty (30) cases in the office for chiropractors in 2014. There are no open investigations for CTAs or CXTs. Ms. Fitzgerald asked about other designations. Ms. Moran stated this category could be "care of service" which is their office's perception of treatment - anything that does not fall under major categories. Dr. Cole asked Ms. Moran about a complaint he filed and why it is taking so long for the investigation to be completed. Ms. Moran asked if Dr. Cole would get with her after the meeting to find out who the complaint was filed against and she will look into this matter. Ms. Moran stated that most complaints are regarding advertising, unlicensed practice and solicitation issues. Ms. Moran spoke to the Board about the qualification of the investigators. The clinicians must have basic clinical training and investigations tries to use clinicians that may have a bachelors or masters in nursing and would like all of them to have hands on clinical experience. They attempt to lap over extra legal training with the knowledge of the Boards statutes and rules. They are also trained on any new legislation. Ms. Moran asked for the Board's recommendation of Chiropractors that would like to cross train with the investigators. Dr. Cole will submit a list to Ms. Wilkins. Dr. Cole asked about summary suspensions and the process. Mr. Cole stated that if a case presents that he feels needs immediate attention he will contact the AG's office and the

Board to set up a summary suspension hearing and the respondent has seven business days to request a hearing relative to the summary suspension.

Ms. Moran, Director of Investigations introduced Ms. Tammy Cochnauer, Disciplinary Coordinator the Health Related Boards.

Monitored Practitioners

Nine (9) practitioners are on probation, four (4) have had their licenses revoked, and four (4) are under board order.

Administrative Report

Ms. Wilkins introduced Mr. Hill to the Board as the new Administrator of the Board of Chiropractic Examiners.

As of May 28, 2014, there are 1143 licensed Chiropractic Physicians, 116 CXTs, and 487 CTAs. The following dates have been selected for the 2015 Board meeting schedule.

January 22, 2015

April 23, 2015

July 23, 2015

October 22, 2015

Applicant Interview

The Board reviewed the file of **Joshua Moore**, CTA applicant, regarding the DUI charge from 2011. Dr. Cole made a motion, seconded by Ms. Fitzgerald, to approve. The motion carried.

The Board reviewed the file of **Ashley Carter**, CTA applicant, regarding the DUI charge from 2011. Dr. Selby made a motion, seconded by Dr. Alexander, to approve. The motion carried.

The Board reviewed the file of **Pamela Bull**, CTA applicant, regarding a disciplinary charge by the Board of Medical Examiners. Dr. Cole made a motion, seconded by Dr. Selby, to approve. The motion carried.

The Board reviewed the file of **Jesse Riley**, DC applicant, regarding the DUI charge from 2010. Ms. Fitzgerald made a motion, seconded by Dr. Selby to approve. The motion carried.

FCLB Report

Dr. Alexander addressed the Board regarding his recent trip to the FCLB conference. Dr. Alexander related some points of interest. The Ethics and Boundaries Assessment Services serves as a screening tool for disciplinary practitioners and those wishing to return to practice if a concern is present. It has expanded beyond the chiropractic profession. Board discussion brought up topics and state differences in International Accreditation of Chiro Schools; CCCI;

background checks; FBI; foreign students; dealing with lapsed licensees/reinstatements processes. CCE has changed some chiropractic admission standards many states, and the need to change wording regarding pre-reqs and undergrad work to match CCE. The FCLB and attorneys had a round table to discuss topics of concern such as privacy and doctor patient relationship in social media; “groupon” advertising vs fee splitting; advertising bargain basement prices then upselling; arrests, convictions, expungements to new applications; consider private vs. public orders, advisory letters, apology law allows communication for de-escalation after an event without default guilt. We were asked to consider bringing executive directors to the future events.

A discussion was held regarding the district meeting in West Palm beach, FL, September 4-7, 2014.

The FCLB/NBCE conference will be May 6-10, 2015, in New Orleans LA.

Dr. Cole discussed using the FCLB-Pace as an approver of continuing education courses and that all states have moved to a third party evaluation system or has increase Board fees to be able to evaluate the offerings. Tennessee has recommended using the statutory like the I.C.A., T.C.A., A.C.A, and FCLB-PACE. Dr. Cole’s recommendation is to stay the course with the understanding that all continuing education will be I.C.A., A.C.A, T.C.A, and FCLB-PACE will be the avenues by which the programs will be evaluated and approved or not approved.

Dea Smith, Director of the Board of Dentistry, explained the processing of all continuing education through the audit unit. The Board requested that once the rules have been revised that all continuing education will run through the unit.

Tiffany Stevens with the T.C.A. has concerns with a 48 hour requirement vs. the 24 hours that the licensees are already struggling with submitting the required hours. And because of the inconsistency in response time with administration and getting information back to the individuals to monitor on whether they are or not in compliance. The fear is that the 48 hours could possibly turn into a three or four year process. In response Dr. Cole mentioned the great opportunities of getting continuing education with the new design the Board is coming up with in multiple places. The design will give multiple flexibility in multiple venues compliance every two year, 48 hours within the renewal cycle.

Dr. Ratcliff made a recommendation to rewrite the rule regarding continuing education by dropping the requirements to send all continuing education in by January 15, and to keep the requirement of 24 hours per calendar year and to submit continuing education documentation when requested by the audit department.

Terry Loher DC, from Chattanooga, representing the Chiropractors from Chattanooga is requesting special exemption from the requirements of Pace approval course stating it is too costly. Dr. Cole responded regarding the cost that there is no cost to apply for P.A.C.E. The approved course structure is difficult to comply with. The fee is \$10.00 to the FCLB for each registrant sign up.

Josh Carmack, DC stated the biggest issue people were having is that this came out of nowhere and if it is not approved by any of these organizations it will not be approved. Dr. Cole suggests that if you have a district meeting this would be a great place to share changes within the profession. Dr. Alexander suggested that if there is a course that you would like to take to contact the T.C.A. to see if there is a willingness to get the course approved.

Correspondence

Leonna Bowers, CTA submitted a letter requesting an extension of submitting her CTA hours as she misunderstood and thought she had 18 months instead of 12 months to send them in. Dr. Ratcliff made a motion, seconded by Dr. Alexander, to allow her to submit her hours. The motion carried.

Ali Christianson, DC submitted a letter asking the Board if the 200 hours of acupuncture education combined with the 100 hours of education at Northwestern will be enough to stand for acupuncture certification in Tennessee. Ms. Fitzgerald made a motion, seconded by Dr. Cole that Dr. Christianson will need an additional 150 class room hours as approved by the Board approved. The motion carried.

The Board reviewed the correspondence from **Dr. Clifford** regarding Chiropractic Philosophy. The Board would like to thank him for his letter and has no comment at this time.

Kathy Larson, requesting an extension to completing her CTA course hours. As of this date she has completed 1194.25 hours. Ms. Fitzgerald made a motion, seconded by Dr. Cole to allow 6 months to complete the additional hours needed. The motion carried.

Mary Obersteadt, submitted a letter appealing the recent action regarding the Board policy for Tennessee chiropractors obtaining continuing education credits for Nutri-West Blue Ridge Seminar with Dr. Dan Murphy in Atlanta, June 28-29, 2014. The Board would like to thank you on your letter and the course will be approved.

Abbe' Spivey is asking the Board for additional time to complete her CEU's for renewal. Ms. Fitzgerald made a motion, seconded by Dr. Ratcliff to grant her six months to complete her CEU's for renewal. The motion carried.

Dr. Gangemi is asking the Board for an extension to complete the mandatory 6 hours of ethics class past the 6 month period. Dr. Ratcliff made a motion to allow the 6 months, seconded by Dr. Cole. The motion carried.

Dr. Sandra Bogard needs the opinion of the Board of Chiropractic Examiners if it is in the practice act for Chiropractic Physicians to order diagnostic lab tests. The lab act of the Board does allow the order of lab test.

Ms. Wilkins asked the Board by request of the Dr. Dock seminars to allow the expanded dates for continuing education to be approved by the Board. Dr. Cole is recommending that the dates the Board has approved stay and any future dates will need to be forwarded to the T.C.A.

Dr. Melissa Hall submitted a request for acupuncture course approval. Dr. Cole will submit the research on course submitted and provide the information to Dr. Alexander for approval.

Legislation

Jeremy Davis, legislative liaison, reviewed with the Board current legislation that passed and will impact the Board. SB 1629 will allow for the Health Related Boards to accept online applications for initial application. This is expected to be operational sometime in 2015. SB 1636 revises the professional privilege tax for the Department of Revenue delinquent provision part of the bill. The new law requires professional privilege taxpayers that are 90 days or more delinquent to pay their professional privilege tax before they may renew their professional license. This law does not apply in situations where delinquent taxpayers have entered into a payment plan agreement with the Department of Revenue, have requested an informal review conference or have filed suit. This law became effect April 24, 2014. SB 2050 is regarding tele health, which states insurance companies cannot deny paying a claim just for the fact that it was via tele health, it also sets standards that are going to be independent based on each Board. This will go into effect January 1, 2015. SB 1674 allows health care providers to have civil immunity when practicing in a certain facility (FQHC) providing services based on a sliding scale.

John Williams, stated the Board of Medical examiners is in the process of making changes in the rules regarding Tele-Medicine.

Ratify Newly Licensed

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

James Martin Beuerlein Jr
Lauren Elizabeth Calabra
Bridgger Tempketon Chatman
Cheng Eak Chew
Brian Eldon Chinn
Ali Cavanagh Christianson
Brandon Todd Combs
Mark Edwin Crowell
Cory Stanwyck Davis
Cindy Ann Dunne
Stephen C. Gangemi
William D. Hinson

Gary Allen Kovalsky
Roger Clyde Ledlow
Cassie Ann Major
Michael Joseph Major
Mary Katherine Martinez
Joseph Alan Muse
Travis Benjamin Owens
Kirby Lynn Sanders
Wade Cameron Scott
James Vincent Taylor
Tony Lee Vanzant
Jessica Marie Wheeler

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

Chelsey Leann Barnes
Lori Ann Bellefant
Kathy Marie Brown
Melissa Ann Byers
Nicole Michelle Covington
Amy Kea Curry
Kyrsten Lee Dowling
Stephen Joseph Henninger

Raquel Nicole Jarnaging
Homaira Mirhabibi
Cara O'Dell
Laura Elisabeth Paschke
Michelle Marie Ramsaran
Donna Lynn Shoemaker
Laura Ashley Stratton
Jamie Leigh Williams

Dr. Ratcliff made a motion, seconded by Dr. Alexander, to approve the following newly licensed Chiropractic X-Ray Technicians. The motion carried.

Angela R. Blaszyk
Anna Hughes Brown
Stephen Joseph Henninger

Alisha Dawn Johnson
Ericka Lynn Schulz
Shelley Denise Solomon

Ratify Reinstatements

Dr. Cole made a motion, seconded by Dr. Ratcliff, to approve the following reinstated Chiropractors. The motion carried

Carl Scott Abramson
Larry D. Adair
Christopher D. Bennett
Barnard J. Coomes
Walter Ronald Fausnaught Jr.
Otis Brandon Forrester

Carl C. Hosenfeld
James Kassinger
Shanuri Settles
Charles Frederec Spencer
Robert Michael Thompson
Douglas K. Williamson Jr.

Dr. Cole made a motion, seconded by Dr. Ratcliff, to approve the following reinstated Chiropractic Therapy Assistants. The motion carried

Rebecca Jean Williams

Melissa Collins asked a waiver of continuing education for hours for reinstatement. Dr. Cole made a motion, seconded by Dr. Ratcliff, to allow Ms. Collins to obtain her 30 hours of continuing education online as approved by Dr. Alexander. The motion carried.

Election of Officers

Dr. Cole made a motion, seconded by Ms. Fitzgerald to elect Dr. Alexander as President. The Motion carried

Dr. Cole made a motion, seconded by Ms. Fitzgerald to elect Dr. Ratcliff as Vice President. The motion carried.

Dr. Cole made a motion, seconded by Dr. Ratcliff to elect Ms. Fitzgerald as Secretary. The motion carried.

With no other business to be conducted by the Board, Dr. Alexander made a motion, seconded by Dr. Cole to adjourn the meeting at 1:15 p.m.