

**BOARD OF CHIROPRACTIC EXAMINERS
MINUTES**

DATE: April 16, 2015

TIME: 9:00 AM CST

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

MEMBERS PRESENT: Chris Alexander, D.C., President
Craig Ratcliff, D.C. Vice President
Richard Cole, D.C., Board Member
Andrea Selby, D.C., Board Member
Cole Hosenfeld, D.C., Board Member
Sheila Fitzgerald, Consumer Member, Secretary

STAFF PRESENT: Michael Sobowale, Board Director
Lakita Taylor, Board Manager
Zandra Pickett, Board Administrator
Mark Cole, Assistant General Counsel

GUESTS: Denise Moran, Director of the Office of Investigations
Rosemarie Otto, Health Related Boards Director
Vanessa Crutcher, DHLR Fiscal Office

Call to Order

With a quorum present, Dr. Alexander called the meeting to order at 9:22 AM.

Minutes

During review of the minutes, Dr. Cole requested, as a preliminary matter, to have the board attorney provide a recap of the rights of members to ask questions during presentation of contested cases and Consent Orders to the Board. Mark Cole, Board Attorney reviewed the differences in both situations and explained that the board could ask questions.

Dr. Cole commented on the January 22, 2015 meeting minutes and requested that the following corrections be made:

- Page 4, replace the word “examiners” with the word “physician”

There being no other observations or requests, Dr. Cole made a motion, seconded by Dr. Hosenfield, to accept the minutes of the January 22, 2015 meeting and February 26, 2015 teleconference meeting as amended. The motion carried.

Investigative and Disciplinary Reports

Denise Moran, Office of Investigations Director presented the investigative and disciplinary reports. She stated that the Office of Investigations has thirty-four (34) complaint cases open, but majority of them are in review. She provided a 3 year review of investigated complaints: in 2012 there were 42 new complaints, in 2013 there were 47 new complaints, and in 2014, there were 49 new complaints. Several of these cases have been closed with a letter of concern, , or a letter of warning.

Dr. Cole inquired about the number of investigators working for the Board. Mrs. Moran replied that the office is short two (2) investigators located in West Tennessee but these positions are currently being covered by the central office. Dr. Cole also inquired about the reasonable time frame a person should expect to receive a reply about a complaint filed. Mrs. Moran explained the investigation process for complaints submitted and the time frame it will take to receive an acknowledgement letter about a complaint, which should be within 30 days of receipt in the office.

Financial Report

Ms. Vanessa Crutcher, Division Financial Officer, presented the projected financial report and discussed a breakdown of the Board's expenses. Ms. Crutcher explained the allocated expenditures for administration .64% and the projected increase in total direct expenditures of \$75,303.62 for FY2015 is due to a projected increase in investigative expenditure. The allocated expenditure for investigations alone is being projected at \$74,729.81 for FY2015. She cautioned that this was only a projection which may vary, based upon the final outcome of the status of pending complaints in the Office of Investigations which may already have been finalized or disposed of, according to Ms. Moran. However, she stated that if the statuses of those pending cases remain as projected, the board fee revenue will be \$216,294.31, which will put the board in a deficit for FY2015.

Applicant Interviews

- A. Dr. Adam Asbury, DC - Dr. Asbury is seeking initial licensure as a Chiropractic Physician. The Board reviewed his file due to findings of convictions on his criminal background check. Dr. Asbury was present. After review and discussion, Dr. Cole made a

motion, seconded by Dr. Selby, to approve Dr. Asbury for licensure and to add Dr. Asbury to the current ratification list. The motion carried.

B. Dr. Brittany McMillen, DC - Dr. McMillen is seeking initial licensure as a Chiropractic Physician. The Board reviewed her file due to findings of convictions on his criminal background check. Dr. McMillen was present. After review and discussion, Dr. Selby made a motion, seconded by Dr. Ratcliff, to approve Dr. McMillen for licensure and to add Dr. McMillen to the current ratification list. The motion carried.

C. Dr. Jacob Vanhooser, DC - Dr. Vanhooser is seeking initial licensure as a Chiropractic Physician. The Board reviewed his file due to findings of convictions on his criminal background check. Dr. Vanhooser was present. After review and discussion, Dr. Cole made a motion, seconded by Dr. Hosenfield, to approve Dr. Vanhooser for licensure and to add Dr. Vanhooser to the current ratification list. The motion carried.

Office of General Counsel Report

Mr. Cole, Assistant General Counsel, discussed the Open Meetings Act (Sunshine Law) and the Conflicts of Interest policy. Mr. Cole provided a status for the proposed chiropractic rule changes and the rulemaking hearing process. He informed the Board that the draft changes to the rule are in the Commissioner’s Office and the next move will be to send it to the Governor’s Office for review and approval. Mr. Cole reported that the Board currently has two (2) pending bills in the legislature – the first bill will affect the no-solicitation Rule (“SB 1048”) and the second bill is for the Board secretary to be paid a monthly salary of \$100 (“HB 0421”).

Mr. Cole also discussed the US Supreme Court Case of FTC vs with North Carolina State Board of Dental Examiners. He stated that the legal ramifications for various regulatory boards are still being analyzed but he does not foresee any immediate impact from the ruling on the Board.

Administrative Report

Mrs. Zandra Pickett, Board Administrator, presented the administrative report. As of April 2, 2015, there were 1151 active Chiropractic Physician licensees, 479 Chiropractic Therapy Assistants, and 112 Chiropractic X-Ray Technologists.

LICENSURE STATUS TOTALS FOR JANUARY 1, 2015 THROUGH APRIL 2, 2015:

Chiropractic Physician	
New Applications Received - 42	

New Licenses Issued – 27	Renewal Total- 106
Reinstatements – 6	Online Renewals- 54
Licenses Retired- 10	Paper Renewals- 52
Failed to Renew/Expired - 4	
Chiropractic Therapy Assistant	
New Applications Received - 31	
New Licenses Issued- 27	Renewal Total- 31
Reinstatements- 2	Online Renewals- 10
Licenses Retired- 4	Paper Renewals- 21
Failed to Renew/Expired- 4	
Chiropractic X-Ray Technologist	
New Applications Received - 4	
New Licenses Issued- 4	Renewal Total- 5
Reinstatements- 0	Online Renewals- 1
Licenses Retired- 1	Paper Renewals- 4
Failed to Renew/Expired- 1	

For this reporting period, online renewals for Chiropractic Physicians constituted a usage rate of 50.9 %. For Chiropractic Therapy Assistants, it was 32.2%, and for Chiropractic X-Ray Technologists, it was less than 1%.

Agreed Citations

An agreed citation for Dr. Shannon Skye, DC, regarding practicing on a lapsed, license was presented to the Board. Upon review, a motion was made by Dr. Cole, seconded by Mrs. Fitzgerald, to accept the agreed citation as presented. The motion carried.

TSAC Orders

For this reporting period, Ms. Pickett reported only one (1) Chiropractic Physician whose license was suspended for having been issued an educational loan Default Order by Tennessee Student Assistance Corporation (TSAC). The license suspension has been lifted after compliance.

CE Audit

Upon review of the list of licenses who were non-complaint on the Continuing Education Audit Report for 2013, Dr. Cole made a motion, seconded by Dr. Ratcliff, to waive the continuing education requirements in 2013 for listed licensees, due to noted inconsistencies and concern being reported by licensees when information compiled by the previous administration is compared with the information being reported. The motion carried.

Upon review of the list of licenses who were non-complaint on the Continuing Education Audit Report for 2014, Dr. Cole made a motion, seconded by Ms. Fitzgerald, to give a 3 month extension to licensees found non-compliant until the next board meeting in July 2015. The motion carried.

2015 Conferences

Ms. Pickett reported the following conferences for the Board in 2015:

- FCLB/NBCE – May 5-10, JW Marriott, New Orleans, Louisiana
- NBCE (Part IV Test Committee meeting) – June 12-13, Horace C. Elliott Center, Colorado
- FCLB (Districts III & V Meeting) – September 17-20, Downtown Providence Courtyard Marriott, Providence, Rhode Island
- Annual Education Conference (CLEAR) – September 17-19, Boston Park Plaza Hotel & Towers, Boston, Massachusetts
- NBCE (Fall Part IV exam) – November 13-15, Horace C. Elliott Center, Colorado

Upon discussion, the board nominated Dr. Alexander to attend the NBCE Part IV test committee meeting in June. Also, upon a motion made by Dr. Cole and seconded by Dr. Ratcliff, the board nominated Dr. Alexander to attend the NBCE part IV examination test committee fall meeting. The motion carried.

2016 Meeting Dates

The 2016 Board Meeting dates have been set as follows:

January 28, 2016

April 21, 2016

July 21, 2016

October 20, 2016

Mrs. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to ratify 2016 Board Meeting dates. The motion carried.

Correspondence Review

Arthur Lensgraf, DC, submitted a letter requesting the board to clarify if would constitute a conflict for him to be a preceptor for his son. Upon board discussion and review, the board

determined no formal board action was required due to the fact that the rule does not address this matter.

Jennifer James, DC, submitted a letter requesting her continuing education be accepted by the board for reinstatement of her license only. Dr. Cole made a motion, seconded by Dr. Selby, to approve Dr. James' request to accept her continuing education for reinstatement. The motion carried.

James Schroder, DC, submitted a letter requesting a Board waiver for compliance with the 2014 continuing education requirement due to medical hardship. Mrs. Fitzgerald made a motion, seconded by Dr. Selby, to accept Dr. Schroder's request for wavier on her 2014 continuing education requirement. The motion carried.

Ralph Little, DC, submitted a letter requesting a waiver of the required continuing education for 2014. Dr. Selby made a motion, seconded by Dr. Cole, to grant a waiver of the required continuing education for 2014. The motion carried.

Judi Bath, CTA, submitted a letter requesting a waiver for the required continuing education hours for 2014 to be completed with 2015 requirements. Upon review, the Board voted to require Ms. Bath to submit six (6) continuing education hours for 2014 and six (6) continuing education hours for 2015, for a total of 12 hours to complete the CTA continuing education requirement for 2014 and 2015. Mrs. Fitzgerald made a motion, seconded by Dr. Cole to grant an extension on completing required hours in 2015. The motion carried.

Lindsay Poteat, CTA, submitted a letter requesting a waiver for the required two (2) hours of continuing education for 2014 in Ethics and Jurisprudence. Upon review, the Board voted to grant the wavier for the required two (2) hours of continuing education in Ethics and Jurisprudence in 2014. Dr. Cole made a motion, seconded by Dr. Selby; grant a waiver of the required continuing education for 2014. The motion carried.

Heidi Green, DC, submitted a letter requesting retirement of her license in good standing. Dr. Cole made a motion, seconded by Dr. Ratcliff, to grant retirement of Ms. Green's license in good standing. The motion carried.

Ashley Tester, DC, submitted a letter requesting a six (6) month extension on the Jurisprudence and Sexual Boundaries requirement. Mrs. Fitzgerald made a motion, seconded by Dr. Cole, to grant a six (6) month extension on the Jurisprudence and Sexual Boundaries requirement. The motion carried.

Courtney Humphrey, Mary Jane Watson, Robert McNeal, and Pamalla Hawkins, CTA, These licensees jointly submitted a letter requesting an extension on the six (6) hour continuing education requirements for 2014. Dr. Cole made a motion, seconded by Dr. Hosenfeld, to accept the 2015 continuing education hours for 2014 and require proof of six (6) more hours of continuing education be submitted by the end of the 2015 calendar year to meet 2015 requirements. The motion carried.

Melanie Fowler, CTA, submitted a letter requesting a 3 month extension to finish the 1200 hour requirement for licensure. Dr. Hosenfeld made a motion, seconded by Mrs. Fitzgerald, to grant a 3 month extension to finish the 1200 hour requirement for licensure. The motion carried.

Ratifications

CHIROPRACTIC PHYSICIANS

Mrs. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to approve the list of the following newly-licensed Chiropractic Physicians:

JONATHAN MADILL
AARON MICHAEL MAY
ALAN FREDERICKS
ALICIA MARIE IRWIN
AMANDA CHRISTY EASTMAN
BILLIE MCELWRATH
COREY DAVID IDROGO
CRYSTAL STEGMAN
DAVID GILBERT CONTRERAS
EDWARD ANDREW ROBERTS
HEATHER RENEE SCHNEIDER
JASON WILLIAM MCDONALD
JENNIFER PADRTA
JOE WILLIS FAWCETT III
KAYLA JEAN SCHUMACHER
KEITH KEENAN

LAUREN ELIZABETH STEMLE
MISTY MOORE BETTS
NIKKI ERIN TATHAM
OSCAR M. NORIEGA
ROBERT L. LAWRENCE
RYAN M. FAULKNER
YING WONG
COLIN CHANG
MEGAN TOURON
BRYAN PASCOE
AMANDA DEE RICHARDSON
ADAM ASBURY
BRITTANY MCMILLEN
JACOB VANHOOSER
ANDREW HARRIS

The motion carried.

CHIROPRACTIC THERAPY ASSISTANTS

Dr. Cole made a motion, seconded by Dr. Shelby, to approve the following list of newly-licensed Chiropractic Therapy Assistants:

LINDSEY WOOD
ALICIA HOOPER
CHANTELLE BETTENCOURT
ELIZABETH HOPE EALEY
EMILY RUTH COX
FAWNDA COFIELD
JENNA RUTH HARP
JENNIFER HONEYCUTT
JESSICA JOHNSON
JESSICA MCCOY
JESSICA RENEE HOLDER
KATIE ELIZABETH DILL
KRISTY TAYLOR
LEONA MARIE BOYD

LINDSAY FULLER
PENNY ANN KLEIN
PRESTON PERRY
RAYMOND WHITE
SARA GREGG
SARAH ANDERSON
SARAH KATHRYN MCGINN
TARA LOFTIS
WENDY BOOMERSHINE
EMILY HARVELL
JENNIFER LOYD
MONICA MCKINNY
KATHY RICE

The motion carried.

CHIROPRACTIC X-RAY TECHNOLOGISTS

Dr. Hosenfeld made a motion, seconded by Mr. Fitzgerald, to approve the following list of newly- licensed Chiropractic X-Ray Technologists:

CHELSEY BARNES
AMBER GRAVES

CHRISTOPHER MERRIFIELD
HEATHER LYNN SHAW

The motion carried.

Reinstatements

CHIROPRACTIC PHYCISIANS

Dr. Cole made a motion, seconded by Dr. Selby, to approve the following list of reinstated Chiropractic Physicians:

RAYMOND BATES
DAVID ENRICO

RANDY MODGLIN
SHANNON SKYE

ARTHUR STEWART
LELAND WEAR

The motion carried.

Other Board Business

A. PRECEPTOR FORM

The board requested that the administrator's email-be added to header on the revised preceptor form.

B. SOCIAL MEDIA POLICY

The Board deferred discussion on a Social Media Policy, stating any suggestions or findings to be forwarded to the administrative office to be added to the agenda for the April meeting.

C. D.O.T. EXAM DISCUSSION

Dr. Alexander, board chair, noted that the Tennessee Medical Laboratory Board is also meeting on the same day and the Chiropractic Board will be waiting for a response to the correspondence sent to the Medical Laboratory Board regarding their clarification on whether a CLIA waiver is required for Chiropractors for performing simple collection and testing on Urinalysis.

Election of Officers

The Board held an election of officers for the year. Dr. Hosenfeld made a motion, seconded by Dr. Selby, for Dr. Alexander to remain as Board chair and Mrs. Fitzgerald to remain as Board secretary. By a unanimous vote, the Board voted to elect Dr. Alexander to continue as Board chair and for Mrs. Fitzgerald to continue as Board secretary. Both accepted to continue to serve in these respective roles on the Board.

Adjournment

There being no other business, the meeting adjourned at 12:38 pm.

These minutes were ratified by the Board at the July 23, 2015 meeting.