

**BOARD OF CHIROPRACTIC EXAMINERS
MINUTES**

DATE: July 18, 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
Jason Hulme, D.C. Secretary
Dale Blackwelder, D.C., Member
Joseph Amato, D.C. Member

STAFF PRESENT: Michael Sobowale, Unit Director
Mary V. Webb, Board Manager
Sabrina Craig-Boyd, Board Administrator
Mark Waters, Deputy 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 9:08 AM. A roll call was taken by Sabrina Craig-Boyd with all board members present.

Minutes

After a review of the minutes of the April 18, 2019 meeting, Dr. Hosenfeld requested to have an item added to the April 18, 2019 minutes. Request noted and added. Dr. Hulme made a motion, seconded by Dr. Damien, to accept the minutes with addition note requested by Dr. Hosenfeld. The motion carried.

Office of General Council Report

Mark Waters began his report with the Conflict of Interest statement and reminded the board members if they have a personal or financial interest in the outcome of any issue or matter before this board which may suggest a bias on their part, they are asked to state that interest on the record so that a determination can be made as to whether there exists a need for recusal.

-Litigation

Mr. Waters presented the OGC report as follows;

There are eight (8) open disciplinary cases on five (5) chiropractors. There was one contested case set to be heard; however it was settled before meeting time.

Agreed Order

Mr. Waters presented and Agreed Order for Dr. Paul Hayes. Dr. Jason Hulme made motion to accept the Agreed Order as presented. Dr. Damien seconded the motion. The motion carried.

-Rules

There are two (2) sets of Rules that are in process. The first is the CTA/CXT rules. Internal review flagged issues with the different parts of the Rules and the OGC is discussing these challenges with Dr. Hosenfeld. The DC rules are being discussed with Dr. Hosenfeld, the BCE rule liaison.

-Legislation

Sarah Warner, Legislative Liaison for the Tennessee Department of Health presented the Legislative Update 2019 for the Chiropractic Board.

Public Chapter 61

This act states that an entity responsible for an AED program is immune from civil liability for personal injury caused by maintenance or use of an AED if such conduct does not rise to the level of willful or wanton misconduct or gross negligence.

This act took effect on March 28, 2019.

Public Chapter 117

This act adds a definition of “alternative treatments” to 63-1-164 pertaining to the restrictions and limitations on treating patients with opioids.

This act took effect April 9, 2019.

Public Chapter 195

The majority of this act pertains to boards governed by the Department of Commerce and Insurance. One small section applies to the health related boards. Currently, the health related

boards have an expedited licensure process for military members and their spouses. Previously, a spouse of an active military member had to leave active employment to be eligible for this expedited process. This act removes that requirement. This section applies to all health related boards. The Commissioner of Health is permitted to promulgate rules, but rules are not needed to implement the act.

This act takes effect July 1, 2019.

Public Chapter 229

This act allows healthcare professionals to accept goods or services as payment in direct exchange of barter for healthcare services. Bartering is only permissible if the patient to whom services are provided is not covered by health insurance. All barter accepted by a healthcare professional must be submitted to the IRS annually. This act does not apply to healthcare services provided at a pain management clinic.

This act took effect April 30, 2019.

Public Chapter 243

This act mandates that an agency that requires a person applying for a license to engage in an occupation, trade, or profession in this state to take an examination must provide appropriate accommodations in accordance with the Americans with Disabilities Act (ADA). Any state agency that administers a required examination for licensure (except for examinations required by federal law) shall promulgate rules in regard to eligibility criteria. This legislation was introduced to assist individuals with dyslexia.

This act took effect May 2, 2019 for the purpose of promulgating rules, and for all other purposes, takes effect July 1, 2020.

Public Chapter 255

The act permits a medical professional who has a current license to practice from another state, commonwealth territory, or the District of Columbia is exempt from the licensure requirements of such boards if: (1) the medical professional is a member of the armed forces; and (2) the medical professional is engaged in the practice of the medical profession listed in 68-1-101 through a partnership with the Federal Innovative Readiness Training. The respective health boards may promulgate rules for implementation.

This act took effect April 18, 2019 for the purpose of promulgating rules, and for all other purposes, takes effect July 1, 2019.

Public Chapter 357

This act states that a massage establishment license is no longer required for the office of a licensed medical doctor, osteopathic doctor, or chiropractor if a massage for compensation is provided within that office by a licensed massage therapist.

This act became effective May 10, 2019.

Public Chapter 447

This act permits law enforcement agencies to subpoena materials and documents pertaining to an investigation conducted by the Department of Health prior to formal disciplinary charges being filed against the provider. This bill was brought by the Tennessee Bureau of Investigation.

This act went into effect May 22, 2019.

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: three (3) on reprimand, four (4) on probation, two (2) on suspensions, and six (6) revoked. For chiropractic therapy assistants there is one (1) under reprimand, and one (1) under revocation. Ms. Leonard then provided the investigative report. So far, for the year 2019, the Office opened a total of twenty-three (23) new complaints with the breakdown as follows: one (1) for fraud and false billing, one (1) for criminal charge, one (1) for malpractice/negligence, one for (1) unlicensed practice, ten (10) for unprofessional conduct, one (1) for medical reference request, one (1) for lapsed license, six (6) for practice beyond the scope, and one (1) outside the investigative scope. A total of thirty-five (35) investigations were closed: four (4) were closed with insufficient evidence, five (5) were closed and sent to Office of General Council, fourteen (14) was closed with no action, one (1) with a letter of concern, and eleven (11) with a letter of warning. Currently, there are twenty-eight (28) open complaints being investigated and/or reviewed.

For Chiropractic Therapy Assistants: So far for the year 2019 there are two (2) new complaints. Both complaints were regarding lapsed license. Closed complaints were: three (3) closed; two (2) closed with no action and one (1) closed with a letter of warning. Currently there are two (2) open complaints being investigated and/ or reviewed.

Ms. Leonard concluded her report and asked the board members for any questions. Dr. Hosenfeld inquired about the vacant positions on the investigations board, Ms. Leonard confirmed the positions have been filled.

Financial Report

No financial report at this time.

Applicant Interviews/File Reviews

- A. Stephen McAdoo- Dr. McAdoo was required to appear before the board due to adverse actions taken against his license in the state of Kentucky and due to criminal charges included on his criminal background check. Dr. McAdoo was present to address the board. The National Practitioner Data Bank reported that Dr. McAdoo voluntarily surrendered his Kentucky license related to criminal conviction and sexual misconduct. Mr. Waters’s advice to the board was to deny this application based on all information presented. After much discussion, Dr. Amato made motion to deny license to Dr. McAdoo. At this time, Dr. McAdoo requested that the board allow him to withdraw his application. Dr. Amato requested to change his motion and stated if Dr. McAdoo would withdraw his application, Dr. Amato would be satisfied. Motion failed. Dr. Hulme made motion to deny Dr. McAdoo application. There was no second. Motion failed. Dr. Damien made motion to allow Dr. McAdoo to withdraw his application with the stipulation that he would never reapply in the state of Tennessee. Dr. Amato seconded the motion. The motion carried.

Ratification of Initial Determinations

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

Newly Licensed

Chiropractic Physicians
April 12, 2019 –

- Alexander, Jennie
- Cain Sarah, Louise
- Celeslie, Nicholas
- Cole, Turner Jameson
- Darte, Erin
- Dotson, Garrin
- Dragelin, Alec James

Newly Licensed

Chiropractic Therapy Assistants
April 12, 2019 –

- Craven, Emilie
- Dunlap, Melissa
- Fowler, Britney
- Garner, Sarah
- Kendrick, Patience
- Luck, Amanda
- Mauldin, Mallory

Finley, Mathew

Ross, Ellen

Flynn, Catherine

Santos, Christina

Gilbreath, Grace

Schrock, Madison

Gullo, Brandon

Sutphin, Sunnie

Henderson, Donald T

Wilford, Rachel

Holmes, Leondra Renee

Jubert, Nicolas

Koslowski, Kyle

Lira, Lauren Elizabeth

Moncrief, Caiya Tranise

Strong, Todd

Torralba, Jose

Turner, Anthony

Underdahl, Tanner

Newly Licensed
Chiropractic X-Ray Technologist
April 12, 2019 –

Liberatore, Lindsey

Reinstated
Chiropractic Physicians
April 12, 2019 –

Reinstated
Chiropractic Therapy Assistants
April 12, 2-2019 -

Henderson, Donald

Wood, Lindsey

Heskett, Dennis

Myers, Derek

Papa, Sherrie

Sabourin, Charles

Siegal, Eric

Closed Files

Alizadeh, Reza

Miller, Nicole Marie

Papa, Michael

Barnes, Maggie Shae

Berry, Lori Joann

Crawford, Jesse Smith

Lyons, Rita Gay

O'Dell, Skyler Shanelle

Roberts, Cayce Marie

BOARD OF CHIROPRACTIC EXAMINERS ADMINISTRATOR REPORT

July 18, 2019

This is an administrative report from Sabrina Craig-Boyd, Board Administrator. The information contained in this report will keep the Board aware of all essential activities pertaining to licensure for Chiropractic Examiners.

STATISTICAL DATA

As of July 9, 2019 the Board of Chiropractic Examiners has 1205 active Chiropractic Physicians, 425 Chiropractic Therapy Assistants, and 104 Chiropractic X-Ray Technologists.

LICENSURE STATUS TOTALS FROM THE MONTHS OF April 12, 2019 through July 9, 2019

| CHIROPRACTIC PHYSICIAN | |
|--|-----------------------|
| New applications received – 32 | |
| New licenses issued – 20 | Renewal Total – 109 |
| Reinstatements – 6 | Online Renewals – 62 |
| Temp Licenses/Ex0ternships – 0 | Paper Renewals – 47 |
| Licenses Retired – 9 | New Acupuncturists -0 |
| Failed to Renew/Expired Licensees – 5 | |
| | |
| CHIROPRACTIC THERAPY ASSISTANT | |
| New applications received – 16 | |
| New licenses issued – 12 | Renewal Total – 28 |
| Reinstatements – 1 | Online Renewals – 13 |
| Licenses Retired – 3 | Paper Renewals – 15 |
| Failed to Renew/Expired Licensees – 6 | |
| | |
| CHIROPRACTIC X-RAY TECHNOLOGIST | |
| New applications received – 0 | |
| New licenses issued – 1 | Renewal Total – 10 |
| Reinstatements – 0 | Online Renewals – 6 |
| Licenses Retired – 1 | Paper Renewals – 4 |
| 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, 46% and, Chiropractic X-Ray Technologists, 60%.

BOARD MEMBERS

The Board Administrative staff would like to congratulate Dr. Cole Hosenfeld on his reappointment to the Chiropractic Board of Examiners. We look forward to continue working with you in our mission to safeguard the health, safety and welfare of the citizens of Tennessee.

As of July 18, 2019 there are two (2) consumer member vacancies on the Board.

Upcoming Board Meeting Dates

October 17, 2019

January 23, 2020

April 16, 2020

July 16, 2020

October 15, 2020

Upcoming Conferences

Fall Part IV Practical Exam, November 15-17, 2019

CLEAR 2019 -Annual Educational Conference September 18-21, 2019

FARB Federation of Associations of Regulatory Boards October 3-6, 2019

Agreed Citations

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

Donald Henderson, DC #355 – Dr. Henderson practiced on an expired license for approximately two (2) months. He 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 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. Hulme made a motion, seconded Dr. Amato, to approve the Agreed Citation as presented. The motion carried.

Charles Sabourin, DC #1225- Dr. Sabourine practiced on an expired license for approximately four (4) months. He agreed to pay a total assessed Civil Penalty in the amount of one thousand, five hundred (\$1500.00) dollars for practicing on an expired license beyond thirty (30) days from the date her 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. Hulme made a motion, seconded by Dr. Damien to approve the Agreed Citation as presented. The motion carried.

Correspondence

Dr. Lauren McHenry submitted correspondence requesting an extension to obtain the newly licensed Ethics/Jurisprudence requirement. After discussion, a motion was made by Dr. Damien, seconded by Dr. Amato, to grant the request as stated. The motion carried.

Tierra Sales submitted correspondence requesting an extension to complete the required intern hours. After discussion, a motion was made by Dr. Amato, seconded by Dr. Hulme, to grant the request and allow Ms. Sales a four (4) month extension. The motion carried.

Robyn Smith submitted correspondence requesting an extension to complete the required intern hours. After discussion, a motion was made by Dr. Damien, seconded by Dr. Hulme, to grant the request and allow Ms. Smith a three (3) month extension. The motion carried.

Discuss Old and New Board Business

- A. CLEAR –Mr. Sobowale presented the board with information regarding the upcoming CLEAR conference to be held in Minneapolis, MN, September 18-21, 2019. At this time, no board members expressed interest in attending the CLEAR meeting.
- B. FARB – Mr. Sobowale presented the board with information regarding the upcoming FARB conference to be held in St. Louis, MO, October 3-6, 2019. At this time, no board members expressed interest in attending the FARB meeting. Mr. Waters confirmed that Mark Cole would not be attending the meeting as well.

Dr. Jason Hulme confirmed that he would be available to attend the FCLB conference in October 2019. Dr. Damien made motion to approve Dr. Hulme to attend, seconded by Dr. Amato. The motion carried.

- C. Lapsed License Policy- at this time Dr. Damien asked to table this agenda item until the next board meeting agenda.
- D. FARB Board member training proposal- Mr. Sobowale presented a proposal by the FARB group to conduct board member training. Due to financial uncertainty at this time, the board requested to revisit this proposal at the next scheduled board meeting.

Final business for this meeting, Mr. Sobowale announced to the board that this would be his final Board of Chiropractic Examiners meeting. He will be leaving his position to pursue other opportunities. He thanked the board members for the opportunity to work with them over the years.

Adjournment

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

The Board meeting was adjourned at 11:10am on July 18, 2019.

These minutes were ratified by the Board at the October 17, 2019 meeting.