

TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

DATE: February 5, 2009
TIME: 9:00 A.M.
LOCATION: Health Related Boards Conference Center
Poplar Room, 227 French Landing
Nashville TN 37243

BOARD MEMBERS

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

BOARD MEMBERS

ABSENT: Gina Hampton, Citizen Member

STAFF PRESENT: Sherry Owens, Board Administrator
Elizabeth Miller, Director, Health Related Boards
Barbara Maxwell, Administrative Director
Andrea Huddleston, Advisory Attorney

Dr. Selby, President, called the meeting to order at 9:10 a.m. A quorum was present.

Minutes

Dr. Ratcliff made a motion, seconded by Dr. Massey, to approve the November 13, 2008 Board meeting minutes as written. The motion carried.

Conflict of Interest Policy Statement

Ms. Huddleston discussed the new Conflict of Interest Policy with the Board.

Ms. Huddleston asked all Board members to disclose any potential conflict of interest to determine if a conflict exists and whether or not the member should leave the hearing room during the proceedings.

Election of Officers

Dr. Selby made a motion, seconded by Sheila Fitzgerald, to nominate Dr. Michael Massey for president. The motion carried.

Dr. Selby made a motion, seconded by Dr. Kelton, to nominate Dr. Craig Ratcliff for vice president. The motion carried.

Dr. Selby made a motion, seconded by Dr. Ratcliff, to nominate Dr. Chris Alexander for secretary. The motion carried

Discuss Rule Changes

Dr. Selby suggested cutting the renewal and application fees in half. Upon discussion, Dr. Ratcliff made a motion, seconded by Dr. Alexander, to reduce the renewal fees 25%. The motion carried.

Ms. Huddleston stated she will draft the language for the May 2009 meeting.

Office of General Counsel

The rules pertaining to titles, interviews and conditions went into effect January 10, 2009 and the rules pertaining to continuing education went into effect on January 12, 2009.

There are seven (7) open disciplinary cases in the Office of General Counsel.

Ms. Huddleston informed the Board that all deliberations, discussions and conversations between two or more Board members regarding contested cases or any other matters pertaining to the Board or Board's business must be conducted in public and at properly noted meetings.

Ms. Huddleston said Board discussions must be Sunshined under the Sunshine Law and only business that is on the Sunshine Notice will be discussed at the Board meeting.

Consent Orders

Ms. Huddleston presented a Consent Order on **Shawn Pridemore, DC**, who was charged with deceptive advertising and advertising not in compliance with the rules. Dr. Pridemore agreed to two years probation, civil penalties totaling \$800.00 and costs. Dr. Massey made a motion to accept the Order as written, seconded by Dr. Ratcliff . The motion carried.

Ms. Huddleston presented a Consent Order on **Larry Burchard, DC**. Dr. Burchard agreed to a \$500.00 civil penalty and costs for allowing an unlicensed CXT to perform xrays. Dr. Kelton made a motion, seconded by Ms. Fitzgerald, to accept the Order as written. The motion carried.

Ms. Huddleston presented a Consent Order on **Richard McIntyre, DC**. Dr. McIntyre agreed to a \$500.00 civil penalty and costs for allowing an unlicensed CXT to perform xrays. Dr. Massey made a motion, seconded by Dr. Alexander, to accept the Order as written. The motion carried.

Investigative Report

The Board has forty (40) open complaints in Investigations against Chiropractors, five (5) against CTA's and none against CXT's.

Monitored Practitioners Report

There are currently nine (9) practitioners being monitored. Ms. Owens said Dr. Joseph Coffman has complied with the stipulations of his order and will be taken off the list.

Financial Report

The Board has an adjusted cumulative carryover of \$29,722.951 as of June 30, 2008.

Administrative Report

There are currently 992 licensed chiropractors, 111 licensed chiropractic x-ray technicians and 404 licensed chiropractic therapy assistants.

The 2008 continuing education audit is still in process and the final numbers will be reported at the May 14, 2009 Board meeting.

2010 Board Dates

The Board will meet on the following dates in 2010:

February 11, 2010

May 13, 2010

August 12, 2010

November 4, 2010

All meetings will be in the Health Related Boards Conference Center and start at 9:00 a.m. central standard time unless otherwise noted.

Tennessee Peer Assistant Program

Mike Harkreader of the Tennessee Peer Assistance Program (TNPAP) appeared before the Board. Mr. Harkreader said the typical contract between the program and Board is three (3) years. Mr. Harkreader said the services include monitoring, reports at Board meetings, drug screening and psychological testing.

Scope of Practice

The Board discussed the proposed rule amendment regarding scope of practice. The Board asked Ms. Huddleston to prepare a justification memo and will approve a rulemaking hearing at the next meeting.

Rules

Ms. Huddleston suggested that the acupuncture continuing education rule be changed to twelve (12) hours every two years. Practitioners could only obtain acupuncture hours as part of their twenty-four (24) hours if they are working toward acupuncture certification. Chiropractors not practicing acupuncture cannot get continuing education in acupuncture. Ms. Huddleston said she will have all amendments drafted and will present to the Board at the May 14, 2009 Board meeting for approval.

Review/Ratify Newly Licensed Chiropractors, CXT's and CTA's

Upon review, Dr. Kelton made a motion, seconded by Dr. Massey, to approve the following Chiropractors, CTA's and CXT's:

Chiropractors

Kristen Alexander
Jeffery Becker
Donald Brennan
David Browand
Rhett Bruner
Stephen Chester
Kevin Dempsey
Laci Hendricks
Jennifer Johnston
James Kassinger
Greg Komeshak
Kyle McBride
Jacob Meseck
Obteen Nassiri
Melissa Olmsted
Jolynne Schuessler
Ron Shefi

CTA's

Jeffery Blake
Elizabeth Butterworth
Penny Campbell
Lauren Dunham
Elizabeth Fox
James Hill
Courtney Hutcheson
Jodi Lawrence
Jennifer Lusk
Natalie Mabe
Thais Miller
Sherry Monk
Nicole Mooney
Laura Piper
Dona Polero
Amy Pryor
Katherine Sherwood
Rebecca Silvers
Ronnie Washburn
Jenny Young

CXT's

Jill Higginbotham

The motion carried.

Lapsed License Policy Statement

After discussion, Dr. Kelton made a motion, seconded by Dr. Ratcliff, to lower the lapsed license fees for CTA's and CXT's to \$25.00, after a ninety (90) day grace period, for each month the license is in a failed to renew status. Ms. Huddleston said she will draft a new policy for approval at the May 14, 2009 Board meeting.

FCLB Conference

The FCLB (Federation of Chiropractic Licensing Boards) Annual Educational Congress has been set for May 6-10, 2009 in Hollywood, California. Ms Owens asked for a motion to send Dr. Massey to the conference. Dr. Ratcliff made a motion, seconded by Dr. Kelton, to have Dr. Massey to attend the FCLB Educational Congress. The motion carried.

Continuing Education Course Review

Upon review, Dr. Alexander made a motion, seconded by Dr. Massey, to approve the following continuing education courses:

Introduction to Auriculotherapy/Logan

December 20-21, 2008

Gary Ditson DC

12 hours

Analytic Protocol: Dynamic Spinal Analysis

February 28-March 1, 2009

Johnson City TN

Jerry Hockman DC

12 hours

Physical Diagnosis and Rehabilitation/TVCA and NCMIC

February 28-March 1, 2009

Knoxville TN

Mario Fucinari DC, CCSP, MCS-P

12 hours

Permanent Soft Tissue Injuries 2009

February 26, 2009 **Changed to February 3, 2009**

Nashville TN

Daniel Dock DC

12 hours

The Cervical Syndrome in Clinical Practice

March 26, 2009

Nashville TN

Daniel Dock DC

12 hours

Basic Laserology

January 10-11, 2009

Nashville TN

Jerome Rerucha DC

12 hours

Dynamic Neuromuscular Stabilization According to Kolar

February 19-22, 2009

St Louis MO

Pavel Kolar PT Paed

24 hours

Parker Seminar 2009

January 15-17, 2009

Las Vegas, NV

Various speakers

35 hours of which 20 are physically possible

The following instructors classes have been DENIED for the Parker Seminar 2009

James Sigafosse DC

James Chestnut DC

Nicole Lederman DC

John Demartini DC

David Browning DC

Scott Walker DC

J.J. Virgin

Tony Palmermo DC

Eric Plasker DC

All other classes are approved

Pat Gayman for Anatomy and Physiology, CTA's.....APPROVED

Risk Management in Chiropractic***DENIED*******

Online

William Moreau DC

6 hours

*******DENIED*******

Immune and Adrenal Imbalance/ICAK***DENIED*******

Snowmass Village, CO

March 12-14, 2009

Walter H, Schmitt, DC

12 hours

*******DENIED*******

Erchonia Introductory Laser Seminar

Nashville TN

January 10-11, 2009

Dr. Rerucha

12 hours

MyoVision Team Elite Seminar/Life West

Chicago IL

January 10-11, 2009

Various Speakers

12 hours

Lensgraf Clinic/MUA Course/National University/Lincoln College

Knoxville TN

February 5-7, 2009 and March 5-7, 2009

Robert Gordon DC

28.5 hours

Structural Management Seminar Series/Footlevelers

Lexington KY

January 31- February 1, 2009

Tim Maggs DC

12 hours

DCHours.com

Tennessee, South Carolina and North Carolina

2009

Guy Annunziata DC

6 hours for Chiropractors

Advance Acupuncture Certification Series

Kansas City MO

April, May, June and July 2009

Richard Yennie DC

19 hours

Balancing Male Steroid Hormones Naturally/Texas Chiropractic College

Atlanta GA
March 21-22, 2009
Janet Lang, DC
12 hours

Detoxification and Weight Loss/Texas Chiropractic College

Atlanta GA
May 2-3, 2009
Bruce Bond, DC
12 hours

Kinesio Taping Association

Germantown TN
February 21-22, 2009
Amy Stahl, MS, PT, CKTI
16 hours

Quintessential Applications/Life University

Marietta GA
Year 2009 (15 modules throughout 2009)
Various speakers
180 hours (12 hours each module)

Professional Football Chiropractic/Logan College

Indianapolis IN
February 20-21, 2009
Various speakers
12 hours (**9 hours are approved. 3 hours taught by Michael Gandolfi DC on February 20 is DENIED**)

Ulan Nutrition Response Testing Seminar/Texas Chiropractic College

Atlanta GA
February 28 – March 1, 2009
Darren Schmidt DC
13 hours

Neuro Emotional Technique (NET) Seminars

Various Locations
2009
Various Speakers
*****DENIED*****

Practical Assessment of the Chiropractic Patient/Footlevelers

Chicago IL
February 21-22, 2009
K. Jeffery Miller, DC, DABCO
12 hours

Northwestern Health Sciences University Homecoming and Winter Gathering 2009

Bloomington MN

February 5-7, 2009

Various Speakers

24 hours.....**19 approved for Tennessee....The following topics are DENIED;**

Chicken Soup for the Chiropractic Soul...Dan Clark

Animal Chiropractic: A Reality....Josee Gerard, DC and Pedro Rivera DVM

Coding and Documentation Medical Necessity...Kathy Chang, CA

Boundary Issues.....Peter Kevorkian DC

Koren Specific Teqnique/Life University *DENIED*****

Various Locations

The year 2009

Ted Koren DC

16 hours

******DENIED******

Quantum Touch Course for Chiropractors**DENIED******

Brentwood TN

January 25-26 and March 7-8, 2009

Sandra Capouch

12 hours

******DENIED******

Activator Methods Tracks 1, 2, and 3

Various Locations

Year 2009

Various Speakers

12 hours per Track

Chiropractic Treatment of Headaches/DChours.com

Nashville and Chattanooga TN

May 17 and August 9, 2009

Guy Annunziata DC

6 hours

CTA's

Doctor of the Future Seminar 7 Pillars of Health/Texas Chiropractic

Nashville TN

March 15-15, 2009

Stuart White DC

12 hours

The motion carried.

File Review

Upon review of the application of **Jonathan Sweeney DC**, Dr. Massey made a motion, seconded by Ms. Fitzgerald, to approve Dr. Sweeney for licensure. The motion carried.

Upon review of the application file of **Dexter Wiley, CTA**, Dr. Kelton made a motion, seconded by Ms. Fitzgerald, to approve Mr. Wiley for licensure. Dr. Alexander and Ms. Fitzgerald opposed. The motion carried.

Upon review of the application file of **Doris Jenkins, CTA**, Dr. Massey made a motion, seconded by Dr. Kelton, to approve Ms. Jenkins for licensure. The motion carried.

Correspondence

Upon review of a letter from **Virginia Justus DC** requesting exemption from the 2009 continuing education requirements due to traveling restrictions, Dr. Massey made a motion, seconded by Ms. Fitzgerald, to approve her request. The motion carried.

Upon review of a letter from **Lisa Walker DC** requesting exemption from the 2008 continuing education requirements due to financial hardship, Dr. Massey made a motion, seconded by Dr. Ratcliff, to approve her request. The motion carried.

Don Wegner, DC

The Board recognized Dr. Wegner to speak regarding fines and continuing education for the chiropractic profession.

With no other Board business to conduct Ms. Fitzgerald made a motion, seconded by Dr. Kelton, to adjourn the board meeting at 12:20 p.m. The motion carried.