

TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

DATE: February 11, 2010
TIME: 9:00 A.M.
LOCATION: Health Related Boards Conference Center
Poplar Room 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
Barry Kelton, D.C.
Andrea Selby, D.C.

BOARD MEMBERS

ABSENT: Sheila Fitzgerald, Citizen Member
Gina Hampton, Citizen Member

STAFF PRESENT: Elizabeth Miller, Director of Health Related Boards
Barbara Maxwell, Director of Board of Chiropractic
Examiners
Melody Spitznas, Board Administrator
Andrea Huddleston, Office of General Counsel

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

November 12, 2009 Minutes

Dr. Selby made a motion, seconded by Dr. Alexander, to approve the November 12, 2009 minutes as amended. The motion carried.

Consent Order for Jacob Keith Stallings, D.C.

Ms. Huddleston presented a Consent Order to the Board for Jacob Stallings, D.C. who failed to report eight (8) misdemeanor convictions on his renewal applications. Dr. Stallings agreed to the revocation of his license and to pay the costs associated with prosecuting this case. Dr. Ratcliff made a motion, seconded by Dr. Selby, to accept Dr. Stallings' Consent Order. The motion carried.

OGC Report

The Board inquired about conducting inspections in chiropractic offices. Ms. Huddleston stated that the Board does not have the statutory authority to do this.

Rules 0260-02-.12 and 0260-02-.17 pertaining to continuing education and change of address were forwarded to the Attorney General's office for review on November 30, 2009.

Rule 0260-02-.02 pertaining to scope of practice are under review. Ms. Huddleston stated that she hopes to put this on the agenda for the next board meeting for rulemaking hearing.

Rules 0260-02.12; 0260-03-.03; 0260-03-.07; 0260-03-.12; 0260-05-.03; 0260-05-.07; and 0260-05-12 pertaining to continuing education and necessity of certification for CXT's and CTA's are being drafted and presented for review by OGC.

There are five (5) open disciplinary cases in OGC pertaining to Chiropractors.

Investigative Report

There are forty-eight (48) complaints against Chiropractic Examiners. Fourteen (14) of the complaints are ready for first review and thirty-four (34) are pending second review.

There are five (5) complaints against Chiropractic Therapy Assistants. There have been no complaints against Chiropractic X-Ray Technicians.

Monitored Practitioners

There are five (5) practitioners on probation, one (1) under suspension, three (3) with revoked licenses and four (4) unlicensed.

Administrative Report

There are 1003 licensed Chiropractic Examiners, 109 licensed Chiropractic X-Ray Technicians and 435 licensed Chiropractic Therapy Assistants.

Financial Report

Christy Allen, Assistant Commissioner gave the Board its financial report. Due to changing over to the new Edison system, a complete report was not available, but the Board's total accumulative surplus for FY 2008 is \$73,612.41.

Correspondence

The Board reviewed a letter from **Terry Gillenwater, D.C.**, asking the Board to accept continuing education hours from the University of Bridgeport to make up continuing education hours for 2008. The Board had granted Dr. Gillenwater a waiver of the civil penalties at its May 14, 2009 meeting. Dr. Kelton made a motion, seconded by Dr. Selby, to deny the request due to Dr. Gillenwater's failure to obtain prior approval of the courses. The motion carried. Dr. Selby made a motion, seconded by Dr. Kelton, that Dr. Gillenwater is to obtain 24 make-up hours for 2008 within 90 days. The motion carried. Dr. Alexander made a motion, seconded by Dr. Selby, to approve the hours sponsored by the University of Bridgeport to count toward Dr. Gillenwater's CE requirement for 2009 and 2010, but inform him that the Board's rules limit the number of online hours to six (6) hours annually. The other hours must be classroom hours. The motion carried.

The Board reviewed a letter from the **Federation of Chiropractic Licensing Boards** regarding the Federation's annual meeting. Dr. Ratcliff made a motion, seconded by Dr. Kelton, to designate Dr. Massey as the Board's delegate to the meeting in Baltimore, Maryland April 28, 2010 – May 2, 2010. The motion carried. Dr. Ratcliff made a motion, seconded by Dr. Selby, to designate Dr. Alexander as the alternate. The motion carried.

The Board reviewed a letter from the **National Board of Chiropractic Examiners (NBCE)** requesting the Board to designate an NBCE delegate and alternate for the April 2010 Annual Meeting. Dr. Selby made a motion, seconded by Dr. Ratcliff, to designate Dr. Massey as the Board's delegate and Dr. Alexander as the alternate for the Annual Business Meeting of the NBCE to be held in Baltimore, Maryland on April 30, 2010. The motion carried.

The Board reviewed a letter from **Dr. James Brandon Kassinger**, requesting an extension for obtaining the six (6) hour Board approved course in risk management, sexual/professional boundaries, and Tennessee statutory and regulatory chiropractic jurisprudence. Dr. Ratcliff made a motion, seconded by Dr. Selby, to allow Dr. Kassinger until the end of 2010 to obtain these six (6) hours. The motion carried.

The Board reviewed a letter from **Dr. James Schroder regarding Dr. Lou Corleto** regarding Dr. Corleto's inability to attend Dr. Schroder's continuing education seminars in 2009 due to Dr. Corleto injuring his spine. The Board requested Ms. Spitznas to send Dr. Corleto a letter informing him that he needs to ask for a waiver.

The Board reviewed a letter from the **National Board of Chiropractic Examiners** requesting that two (2) state board members participate as examiners in the administration of the NBCE Part IV examinations for 2010. The Board took no action regarding the request at this time, as participation is voluntary.

The Board reviewed a letter from **Dr. Rebecca Pugh**, requesting an extension to complete two (2) continuing education hours that she lacked for 2009. Dr. Selby made a

motion, seconded by Dr. Ratcliff, to grant Dr. Pugh 90 days to obtain the hours. The motion carried.

The Board reviewed a letter from **Michelle Wootton-Hancock** requesting an extension/waiver of her 2009 continuing education hours due to not being able to travel during her pregnancy. Dr. Alexander made a motion, seconded by Dr. Selby, to grant Ms. Wootton-Hancock 90 days to obtain the hours. The motion carried.

The Board reviewed a letter from **Dr. Jonathan Sweeney** asking if the Board would accept the six (6) Board hour approved course in risk management, sexual/professional boundaries, and Tennessee statutory and regulatory chiropractic jurisprudence that he took in 2009 toward his 2010 continuing education requirement. Dr. Alexander made a motion, seconded by Dr. Selby, that Dr. Sweeney met the one-time requirement for the course in risk management, sexual/professional boundaries, and Tennessee statutory and regulatory chiropractic jurisprudence, but the hours would not count toward his 2010 continuing education requirement. The motion carried.

The Board reviewed a letter from **Dr. Guy Annunziata** asking if biofeedback is within the chiropractic scope of practice in Tennessee. Ms. Huddleston stated since this is a request for an advisory ruling, she would prepare a draft response for the Board's next meeting. The Board tabled this issue until the next meeting.

The Board reviewed a letter and attachment from **D'Youville College** informing the Board that the college received accreditation for its chiropractic program through the Council on Chiropractic Education (CCE). No action by the Board was required.

Agreed Citations

Dr. Kelton made a motion, seconded by Dr. Selby, for Ms. Huddleston to send **Charles Steets, D.C.**, a letter stating that if he does not sign the Agreed Citation regarding the 2008 continuing education audit, the matter will be referred for formal action. The motion carried.

Dr. Alexander made a motion, seconded by Dr. Kelton, for Ms. Huddleston to send **Jennifer Bett-Gray, D.C.**, a letter stating that if she does not sign the Agreed Citation regarding the 2008 continuing education audit, the matter will be referred for formal action.

Dr. Selby made a motion, seconded by Dr. Alexander, for Ms. Huddleston to send **Robin Barnes, D.C.** and **Matthew Barnes, D.C.** a letter stating that if they do not sign the Agreed Citation regarding the 2008 continuing education audit, the matter will be referred for formal action. The motion carried.

Dr. Selby made a motion, seconded by Dr. Kelton, for Ms. Huddleston to send, **Roger S. Heschong, D.C.** a letter stating that if he does not sign the Agreed Citation regarding the

2008 continuing education audit, the matter will be referred for formal action. The motion carried.

Dr. Selby made a motion, seconded by Dr. Alexander, for Ms. Huddleston to send **Steven L. Robertson, D.C.**, a letter stating that if he does not sign the Agreed Citation regarding the 2008 continuing education audit, the matter will be referred for formal action. The motion carried.

Dr. Selby made a motion, seconded by Dr. Alexander, for Ms. Huddleston to send **David Silvey, D.C.**, a letter stating that if he does not sign the Agreed Citation regarding the 2008 continuing education audit, the matter will be referred for formal action. The motion carried.

Newly Licensed

Dr. Selby made a motion, seconded by Dr. Kelton, to approve the following chiropractic examiner applicants for licensure:

James Robert Bodkin
Adam Bordes
Dale Brown
Melissa Kate Brown
Justin Scott Carmichael
Heather Dillon
Christopher Michael Estes
Daniel R. Holland
Harold Paul Holzapfel
Donna Janisse
Corey Payton Jones
Nathan Keiser
Matthew Allen McCartney
Maximilian Charles Meyer
Kimberly Muhlenkamp
Vaibhav Patel
Samuel Isaiah Ralls
Jayne Sells
Elizabeth Ann Shammah
John Sibley
David John Sossamon
Daniel Summerkamp

The motion carried.

Dr. Selby made a motion, seconded by Dr. Alexander, to approve the following applicants for reinstatement of their chiropractic examiner license:

Richard Alexander Boleyn

Thomas W. Key

Yolanda Roberson

***John Lodrigue (must show evidence of continuing education for each year his license was in an expired status (2006 – 2009))**

The motion carried.

Dr. Alexander made a motion, seconded by Dr. Kelton, to approve the following chiropractic therapy assistant applicants for licensure:

Amie Barnes

Desirea Bauman

Brenda Beavers

Sherry Brandon

Ashley Gibbs

Danielle Gray

Anna Lynn Harlow

Melissa Ann Hughey

Cathy Humphrey

Glenda Pappu

Stefanie Danielle Pettiford

Pamela Elaine Rich

Joanna Smith

Mary Smith

Monica Sons

Meredith Lea Whitlock

The motion carried.

Dr. Selby made a motion, seconded by Dr. Alexander, to approve the following applicant for reinstatement of their chiropractic therapy assistant license and send her an Agreed Citation for practicing on a lapsed license:

Sharon Ann Ritchey

The motion carried.

Dr. Alexander made a motion, seconded by Dr. Kelton, to approve the following chiropractic x-ray technologist applicant for licensure:

Robin Lovell Cohen

The motion carried.

Dr. Selby made a motion, seconded by Dr. Alexander, to approve the following applicants for reinstatement of their chiropractic x-ray technologist license:

Kathy S. Bray

The motion carried.

Review Application Files

Dr. Selby made a motion, seconded by Dr. Kelton, to approve the application of **Dondwai King** for licensure as a chiropractic therapy assistant. The motion carried.

Dr. Selby made a motion, seconded by Dr. Alexander, to approve the application of **Christopher Richards, D.C.** for licensure as a chiropractor. The motion carried.

Dr. Kelton made a motion, seconded by Dr. Alexander to send another letter to **Anthony C. Snellenberger**, to submit a transcript showing a minimum of two (2) full academic years of college or university work of at least sixty (60) semester hours or its equivalent to meet the qualifications for licensure and have him appear before the Board at its next meeting. The motion carried.

Dr. Kelton made a motion, seconded by Dr. Alexander, to approve the application of **Christopher Catalfo, D.C.** for licensure as a chiropractor. The motion carried.

Tennessee Secondary School Athletic Association (TSSAA)

The Board discussed writing a letter to the Tennessee Secondary School Athletic Association (TSSAA) asking them to include chiropractors on the Sports Physicals listing and in the Tennessee State Board of Education rules. Dr. Alexander volunteered to draft a letter to TSSAA meeting supporting the Board's position as stated in its Policy Statement adopted on November 10, 2005, which states that a Chiropractor may perform Department of Transportation physicals and school sports physicals to the extent allowed by the Scope of Practice of Chiropractors. Dr. Ratcliff made a motion, seconded by Dr. Kelton for Dr. Alexander to draft the letter and bring back to the Board at its next meeting. The motion carried.

Continuing Education Course Requests

Dr. Kelton made a motion, seconded by Dr. Ratcliff, to deny the following continuing education course:

Myokinesthetic System

Upper & Lower Body 2010

Online 2010

Michael Uriarte, DC

20 hours

The motion carried.

Dr. Kelton made a motion, seconded by Dr. Ratcliff, to approve the following continuing education courses:

American Academy of Pain Management

www.aapainmanage.org

Online 2010

“Advanced Topics in Neuropathic Pain: Evaluation Strategies and Altered Central Nervous System Processing”

“Chronic Pain in Perspective: Recent Evidence and Clinical Implications”

Miroslav Backonja MD, M. Catherine Bushnell, PhD, Charles Argoff, MD and Bill H. McCarberg, MD

2 hours

Natural Alternatives for the Mayo Clinic/Texas Chiropractic College

Top 10 Health Threats for Men and Women

Louisville KY

February 6 & 7, 2010

Dr. Michael Dobbins

12 hours

Common Athletic Injuries/Texas Chiropractic College

Nashville TN

February 20 & 21, 2010

Joseph Camilli DC

12 hours

McKenzie Institute Mechanical Diagnosis & Therapy Part C & D

Atlanta GA

February 26 – 28, 2010 (21 hours)

June 3 – 6, 2010 (28 hours)

Gregory Silva

Advanced Clinical Nutrition #'s 1, 2 & 3/Logan College of Chiropractic

St. Louis MO

February 27 & 28, 2010 – 12 hours

March 27 & 29, 2010 – 14 hours

May 15 & 16, 2010 – 14 hours

Rodger Murphree, DC, CNS

Carrick Institute for Graduate Studies

801- Neuron Theory & Receptor Activation

March 27 – 28, 2010

St. Louis MO

Marc Ellis, DC

15 hours

802 – Neuromuscular Applications

May 1 – 2, 2010

St. Louis MO

Matthew Worth, DC

15 hours

803 – Peripheral Nervous System

June 12 – 13, 2010

St. Louis MO

Matthew Worth, DC

15 hours

804 – Spinal Cord

July 17 – 18, 2010

St. Louis MO

Matthew Worth, DC

15 hours

805 – Reflexogenic Systems

August 14 – 15, 2010

St. Louis MO

Matthew Worth, DC

15 hours

806 – Autonomic Nervous System

September 18 – 19, 2010

St. Louis MO

Matthew Worth, DC

15 hours

807 – Cerebellar Cortices

October 30 – 31, 2010

St. Louis MO

Matthew Worth, DC

15 hours

808 – The Brain & Its Environment

December 11 – 12, 2010

St. Louis MO

Matthew Worth, DC

15 hours

4th Annual Professional Football Chiropractic Seminar

February 27 – 28, 2010

Indianapolis IN

Dan McClure, DC; Kevin Jardine, DC; Gray Cook, MSPT, OCC, CSCS assisted by Lee Burton, PhD, ATC, CSCS; and Alan Sokoloff, DC assisted by David Graston
12 hours

The motion carried.

Discuss Other Board Business

The Board voted to approve the following dates for its 2011 Board meeting Schedule:

February 10, 2011

May 12, 2011

August 11, 2011

November 10, 2011

With no other business to conduct, Dr. Selby made a motion, seconded by Dr. Ratcliff, to adjourn at 12:30 p.m. The motion carried.

Ratified by the Tennessee Board of Chiropractic Examiners on May 13, 2010