

**TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS  
BOARD MEETING**

**DATE:** February 21, 2008

**TIME:** 9:00 a.m. CST

**LOCATION** 227 French Landing  
Heritage Place – Metro Center  
Poplar Room  
Nashville, TN 37243

**BOARD MEMBERS**

**PRESENT:** Andrea Selby, D.C., President  
Michael Massey, D.C., Vice President  
Craig Ratcliff, D.C., Secretary  
Debe Williams, D.C.  
Barry Kelton, D.C.

**BOARD MEMBERS**

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

**STAFF PRESENT:** Sherry Owens, Board Administrator  
Andrea Huddleston, Advisory Attorney  
Barbara S. Maxwell, Administrative Director

Dr. Selby, president, called the board meeting to order at 9:10 a.m. A sufficient number of Board members were present to constitute a quorum.

Dr. Selby presented Dr. Williams with a plaque for her years of dedicated service to the practice of chiropractic Board as a member, officer and practitioner.

Dr. Selby stated the Board loved Dr. Williams and appreciated all the work she has done for the board during her sixteen years as a member. Dr. Selby said Dr. Williams has been her mentor and appreciated everything she has done.

**Election of Officers**

Dr. Williams made a motion, seconded by Dr. Kelton, to re-elect Dr. Selby as president. The motion carried.

Upon discussion, the Board decided to keep Dr. Massey as vice president and Dr. Ratcliff as secretary.

### **Review/Approve Minutes**

Upon review of the November 29, 2007, Dr. Williams made a motion, seconded by Dr. Kelton, to approve the minutes as written. The motion carried.

### **Conflict of Interest**

Ms. Huddleston reviewed the Conflict of Interest Policy Statement asking any member who may have an interest on any matter coming before the Board to notify her to determine if there is a potential conflict of interest and whether the board member must leave the meeting room during the proceeding.

### **Investigative Report**

Ms. Stone reviewed the Investigative Report stating there are fifty-one (51) complaints against chiropractors and no complaints against chiropractic x-ray technicians. Ms. Stone stated there were two (2) complaints against chiropractic therapy assistants with one (1) being sent to OGC and the other closed with a letter of warning.

Ms. Stone said the allegations pertained to unprofessional conduct, malpractice/negligence, unlicensed practice, advertising and care of services.

### **Disciplinary Report**

Ms. Stone stated she is currently monitoring none (9) disciplined practitioners. Ms. Stone said she will close the actions against Dr. Brown upon receipt of an official death certificate.

Dr. Massey asked which types of allegations fell under unprofessional conduct.

Ms. Huddleston stated unprofessional conduct is basically a catch all and could include anything from bad bedside manners or inappropriate comments.

### **Financial Report**

Ms. Owens reviewed the financial report stating the Board has a cumulative carryover as of June 30, 2007 of \$164,422.21.

Dr. Selby said the board would like to purchase software to keep up with continuing education. Ms. Maxwell and

Ms. Owens said they would ask Ms. Tittle and Ms. Evans to attend the next meeting to discuss continuing education software and, in the meantime, would research what type of software is available.

## **Continuing Education**

The board discussed the continuing education audit which is currently under review by Dr. Selby. Ms. Owens stated she has received several calls, mostly from CTA's, which were very rude and upset over the \$300 fee for not obtaining the required continuing education for 2007.

Dr. Selby said the Board would like to have a list of practitioners in compliance with the continuing education at the Board's web site.

Dr. Ratcliff stated he obtained his continuing education out of state and would like to check the web site to determine if his courses were acceptable.

Dr. Selby said the Board would like to tie continuing education in with renewals so licenses would not be renewed until the practitioner obtained the required continuing education.

Ms. Huddleston stated the statute gives Health Related Boards the authority to set the renewal process which is every two years. Ms. Huddleston said the Board could switch the continuing education to every two years but could not change the renewal process to every year.

Upon discussion, Dr. Selby stated Ms. Tittle and Ms. Evans will attend the next meeting to discuss continuing education software and RBS issues.

Dr. Selby said the board will consider a postcard system for continuing education and rule amendment requiring approved course providers submit a list of licensees that attended the course at the next meeting.

Dr. Kelton suggested that staff research other states to determine how they conduct continuing education audits.

Dr. Williams expressed her concern over practitioners attending continuing education meetings but not the course itself. Dr. Williams said she attended the last TCA meeting where several chiropractors signed up for the continuing education courses, with one chiropractor signing another's name, and then left to play golf.

Upon discussion of how to verify the actual attendance of continuing education courses, Dr. Williams made a motion, seconded by Dr. Kelton, to table this matter to the next meeting. The motion carried.

## **Office of General Counsel Report**

Ms. Huddleston stated the rule amendment pertaining to continuing education was approved by the Board November 29, 2007 and submitted to the Attorney General December 3, 2007 where it remains.

Ms. Huddleston stated there are currently five (5) complaints pertaining to chiropractors.

### **Discuss Advisory Ruling**

Ms. Huddleston discussed a request for advisory ruling from **Kurt Shull, D.C.**, regarding a chiropractor utilizing non-invasive foot detoxification in their office. Ms. Huddleston said Dr. Shull stated the detoxification would be via nutrition or foot therapy and will assist in the restoration and maintenance of the patient's health.

Dr. Massey said the procedure is being done by individuals, massage therapists and health food stores. Dr. Massey said it's basically a lay procedure and asked why it would exclude chiropractors to do the procedure as a modality.

Dr. Williams said the procedure helps with myalgia and detoxes the body.

Upon discussion of the ruling, Ms. Huddleston stated she would draft a letter for Dr. Selby's review and signature.

### **Rulemaking Hearing**

Ms. Huddleston reviewed the rule amendments scheduled to go to rulemaking hearing May 15, 2008.

Ms. Huddleston stated the amendments include adding Cardiopulmonary Resuscitation (CPR) under continuing education; requiring practitioners to inform the Board of changes in practice address, mailing address and names; delete the section of the rules referencing the Chiropractic Association which is no longer in business; and, requiring two (2) of the six (6) hour continuing education courses be a Board approved course in risk management, sexual/professional boundaries, and Tennessee statutory and regulatory chiropractic jurisprudence.

### **Correspondence**

The Board reviewed an e-mail from **Richard Cole, D.C.** regarding his concern over the elimination of MRI, CT and Bone Scan procedures from the chiropractic scope of practice.

Dr. Massey stated when the scope changed several years ago the Board discussed an amendment to the rules but, in the transition, the amendments were never written.

Upon discussion, Dr. Selby asked Ms. Huddleston to prepare an amendment to the rule pertaining to scope of practice for the next meeting.

Upon review of a letter from **Paul Pordeddu, D.C.**, requesting a waiver of his 2007 continuing education hours due to a financial hardship, Dr. Kelton made a motion, seconded by Dr. Massey, to require Dr. Pordeddu to obtain the continuing education requirements for 2007 and pay the \$600 penalty fee. The motion carried.

Upon review of a letter from **Virginia Justic, D.C.**, requesting a waiver of her 2008 continuing education hours due to traveling being a handicap, Dr. Kelton made a motion, seconded by Dr. Ratcliff, to waive the 2008 continuing education requirements for Dr. Justic. The motion carried.

Upon review of a letter from **Judith Mullens, CTA/CXT**, requesting a waiver of the \$300 penalty fee for submitting proof of her continuing education for 2007 after the January 15<sup>th</sup> deadline due to not receiving the paperwork until February 6, Dr. Ratcliff made a motion, seconded by Dr. Massey, to waive the \$300 penalty fee. The motion carried.

Upon review of the letter from **Mark Barwin, D.C.**, requesting a waiver of his 2007 continuing education hours due to financial hardship, Dr. Williams made a motion, seconded by Dr. Kelton, to waive Dr. Barwin's 2007 continuing education requirements, waive the \$600 penalty fee and require him to retire his license. The motion carried. The Board also agreed to impose the \$600 penalty fee should Dr. Barwin reinstate his Tennessee license.

Upon review of the letter from **Jone Dee O'Connell, D.C.**, requesting a waiver of her 2007 continuing education hours due to a family illness and financial hardship, Dr. Williams made a motion, seconded by Dr. Massey, to waive Dr. O'Connell's 2007 continuing education requirements and require her to reinstate her failed to renew license and then retire her license. The motion carried. The Board also agreed to impose the \$600 penalty fee should Dr. O'Connell reinstate her Tennessee license.

Upon review of letters from **Chasity Cook, CTA, Jean Smith Springer, CTA, Marla Bainbridge, CTA, Kathy Buckner, CXT**, and **Nancy Coomes, CTA**, requesting waivers of the \$300 penalty fee for submitting proof of their 2007 continuing education after the January 15<sup>th</sup> deadline, Dr. Ratcliff made a motion, seconded by Dr. Kelton, to lower the late fee from \$300 to \$50 for Ms. Cook, Ms. Springer, Ms. Bainbridge, Ms. Buckner and Ms. Coomes. The motion carried.

Upon further discussion of the \$300 penalty fee for CTA's and CXT's, Dr. Williams made a motion, seconded by Dr. Massey, to lower the fine to \$50 and reimburse those who have paid the \$300 fine. The motion carried.

Ms. Huddleston asked that the fee reduction discussion and possible rule amendment be placed on the agenda for the next meeting.

### **Approve Policy Statement Regarding Continuing Education**

Ms. Huddleston said, as discussed at the last meeting, she has drafted a rule amendment for the Board's review and a policy statement to use until the rule is approved.

Upon review, Dr. Massey made a motion, seconded by Dr. Ratcliff, to approve the rule amendment and policy statement regarding continuing education. The motion carried.

Upon further discussion, Dr. Ratcliff made a motion, seconded by Dr. Kelton to delete the language "established competency" be taken out of the rule amendment. The motion carried.

## **File Review**

Upon review of the application and interview with **Cheri Pavlick, CTA**, Dr. Massey made a motion, seconded by Dr. Kelton, to approve Ms. Pavlick for licensure. The motion carried.

Upon review of the application and interview with **Susan Collins, CTA**, Dr. Ratcliff made a motion, seconded by Dr. Kelton, to approve Ms. Collins for licensure. The motion carried.

Upon of the application and interview with **Terri Campbell, CTA**, Dr. Kelton made a motion, seconded by Dr. Ratcliff, to approve Ms. Campbell for licensure. The motion carried.

## **Ratify newly licensed**

Upon review, Dr. Helton made a motion, seconded by Dr. Massey, to approve the following newly licensed and reinstated chiropractors, CXT's and CTA's:

### Chiropractors

**Joshua L. Axe**

**Kari L. Batson**

**Michael C. Carberry**

**Adam R. Coates**

**Hunter A. Evans**

**Janelle M. Farris**

**Melissa C. Flagg**

**Evelyn T. Guilford**

**Stephanie J. Halcomb**

**Gregory M. Hutti**

**Chris Jackson**

**Megan E. Johnson**

**Jeanette Joshu**

**Joseph R. Kanan**

**Derrick W. Kimball**

**Seth Kolka**

**Jeffrey A. Kowachik**

**Douglas L. Long**

**Christopher A. May**

**John A. Moblin**

**Josuah M. Price**

**Micah T. Smith**

**Shana D. Sparks**

**Kathleen A. Triplett**

**Douglas K. Williamson, Jr.**

**Karen C. Yi**

### **Chiropractic Therapy Assistants**

**Trina E. Chavez**

**Michelle D. Clark**

**Sherry D. Coscia  
Nancy G. Crossett  
Jessica R. Deyoung  
Brenda C. Ellis  
Dianna M. Faxon  
Kay Heartland  
Robert B. Kramer  
Jodie B. Meade  
Bridget Proctor  
Kristy Shelton  
Michael R. Taylor  
Tracy L. Taylor  
Kimberlie D. Tria**

**Chiropractic X-Ray Operators**

**Amie M. Bennett  
Patty Dossett  
Tina M. Gee  
Eva Sherrick  
Stephanie J. West**

**Reinstated Chiropractors**

**Debora E. Brown  
Lawrence A. Helveston  
David E. Knecht  
Josh B. Knotts**

The motion carried

**Review/Ratify 2008 Continuing Education**

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

**Acupractice Seminars**

January thru May 2008  
Nashville TN  
Jim Ventresca DC  
15 hours

**Karl Parker Seminars/Texas Chiropractic College**

January 10-13, 2008  
Las Vegas NV

***Chiropractic Coding and Risk Management, Documentation and Evidence Based Practice; 10 hours NOT APPROVED***

Dwight Whynot DC and James Mathis

Advanced Technique and Therapeutic Nutrition for DC's; 24 hours

Rob Parker DC, Jim Suiter DC, Fred Van Liew MEd, Paul Yanick ND

**Life University/ Cervical-Lumbar Dissection**

February 16-18, 2008

15 hours

Roy Sweat DC

**Standard Process Southeast, Inc/Texas Chiropractic  
Balancing Thyroid, Adrenals and Blood Sugar Naturally**

January 12-13, 2008

Janet Lang, DC

12 hours

**30 Days to a New You/Cole Chiropractic Center**

Jan 26, 27-March 29, 30-April 19, 20-May 17,18-2008

Jackson, Knoxville, Chattanooga and Nashville

Richard Hathcock DC

12 hours

**Life University/Quintessential Applications**

Walter Schmitt, DC; Kerry McCord, DC; Carl Amodio, DC

Marietta GA

Up to 92 hours. Each module 12 hours

December 2007 and January, February, March, April, May and June of 2008

Nutrition, Adjustive Techniques, Basic Sciences, Clinical Sciences, Risk Management

**Parker Chiropractic Seminar for DC's and CTA's**

Las Vegas, NV

February 7-9, 2008

Various Speakers

17.5 hours

Approved courses by the following speakers:

Dobbins

Chestnut

Anrig

Rupert/Herring/Daniel

Harrison

Murphy

Woggon

Mally

Brimhall

Hyde

Hall

Yochum

Charrette

Kent

**Documenting the Injuries and the Need for Care**

February 28, 2008

Nashville TN

Daniel Dock DC

12 hours

**Auto and Work Comp Injuries I**

March 27, 2008 and November 20, 2008

Nashville TN

Daniel Dock DC

12 hours

**OUM Chiropractor Program Home Study 2008**

Online

Protecting your Practice

This is a home study risk management tool OUM offers chiropractors as part of a complete professional liability insurance package.

6 hours

**Logan College of Chiropractic Consultant Peer Review Course**

February –September 2008

Chesterfield MO

Various speakers

100 hours

**How to Clone a Successful Wellness Practice/Logan College of Chiropractic**

Dr. Brimhalls Six Steps to Wellness Protocol

2008

Various Locations

20 hours

**NFL Evaluation and Treatment of the Athlete/Logan College of Chiropractic**

Various Speakers

February 22-23, 2008

Indianapolis IN

12 hours

**Nutritional Neurology**

Dan Murphy DC

Nashville TN

August 16-17, 2008

8 hours with 4 hours of technique

**ChiroPractical Rehab for Spinal Health and Wellness**

Footlevelers/Logan Chiropractic College

John Hyland DC, DAC, BR

Providence RI  
February 9-10, 2008  
12 hours

**Skeletal Radiology Review**

Birmingham, AL  
February 23-24, 2008  
R. Bruce Fox, DC  
12 hours

**DConline/Palmer College of Chiropractic**

Nutritional Issues in Chiropractic  
Online  
6 hours (max allowed online by Tennessee)

**Footlevelers: Extremity Adjusting/Palmer Chiropractic College**

January thru May 2008  
Various locations  
Mark Charrette DC  
12 hours

**Advanced Nutritional Therapeutics**

**Common Addictions and Obsessive Behavior**

**Texas Chiropractic College**

February 23 and 24, 2008  
Louisville KY  
Michael Dobbins DC  
12 hours

**Success with Natural Medicine/Texas Chiropractic College**

Michael Gaeta, L.Ac, LDN  
March 8-9, 2008  
November 22-23, 2008  
Memphis TN  
12 hours

**Advanced Doctor of the Future Seminar/Texas Chiropractic College**

Stuart White DC  
February 23-24, 2008  
Rogers, AR  
12 hours

**Neurology Diplomate Program/Northwestern Health Sciences University**

2008 Dates  
Various Locations  
Joseph Ferezy DC and various speakers

12 to 24 hour modules

The motion carried.

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

**Total Solution/Life University\*\*\*\*\*NOT APPROVED\*\*\*\*\***

March, June, August and November 2008

Patrick Gentempo Jr,DC; Stephen Hoffman DC; David Fletcher DC; Troy Dukowitz DC; Mr. Dave Mager

Art and Philosophy of Chiropractic, incorporating clinical reasoning with clinical case management and outcome assessment applications for the vertebral subluxation complex. Lecture and workshop education for clinical competency in the use and analysis of the surface electromyographic. Review of classical and contemporary models of the vertebral subluxation and review of the neuromuscular anatomy and physiology of musculoskeletal dysfunctions.

36.5 hours

**Logan College of Chiropractic Consultant Peer Review Course**

February 2-3, 2008 Insurance Consultant Peer Review Certification Course\*\*\*\*\*NOT APPROVED\*\*\*\*\*

**Parker Chiropractic Seminar for DC's and CTA's\*\*\*\*\*NOT APPROVED\*\*\*\*\***

Las Vegas, NV

February 7-9, 2008

Denied courses by the following speakers:

Mancini

Sigafoose

Powers

Kotlar

Rerucha

Morter

**Karl Parker Seminars/Texas Chiropractic College**

January 10-13, 2008

Las Vegas NV

Chiropractic Coding and Risk Management, Documentation and Evidence Based Practice

\*\*\*\*\*NOT APPROVED\*\*\*\*\*

10 hours

The motion carried.

**Discuss Retention of Continuing Education Audit Records**

Ms. Owens asked the Board how long she was to maintain the continuing education audit records. The Board stated Ms. Owens could destroy the records upon ratification by the Board.

### **Schedule 2009 Board Meeting**

The Board scheduled the following 2009 Board Meetings:

February 5, 2009

May 14, 2009

August 13, 2009

November 12, 2009

### **Discuss Other Board Business**

The Board discussed the upcoming Association of Chiropractic Board Administrators forum in Atlanta, Georgia being held April 30, 2008 and approved Ms. Owens and Ms. Maxwell to attend.

With no other Board business to discuss, Dr. Kelton made a motion, seconded by Dr. Massey, to adjourn at 1:27 p.m. The motion carried.

**Ratified by the Tennessee Board of Chiropractic Examiners on May 22, 2008**

