

## TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

**DATE:** May 14, 2009

**TIME:** 8:00 A.M.

**LOCATION:** Health Related Boards Conference Center  
Poplar 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.  
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. Massey, President, called the meeting to order at 8:05 a.m. A quorum was present.

### Minutes

Dr. Ratcliff made a motion, seconded by Dr. Kelton, to approve the February 5, 2009 Board meeting minutes as written. The motion carried.

### Conflict of Interest Policy Statement

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

### Agreed Order

Ms. Huddleston presented an Agreed Order for Dwight Whynot, DC who was represented by Robbie Bell, Attorney. Dr. Whynot agreed to one year probation, civil penalties totaling \$500.00 and costs. Dr. Ratcliff made a motion, seconded by Ms. Fitzgerald, to accept the Order as written. The motion carried.

## **Office of General Counsel**

Rule 0260-2-.03, .07, 15; 0260-3-.14; 0260-5-.14 pertaining to titles, interviews and conditions went into effect January 10, 2009 and rule 0260-2-.12; 0260-3-.12; 0260-5-.12 pertaining to continuing education went into effect on January 12, 2009.

There are four (4) open disciplinary cases in the Office of General Counsel.

## **Investigative Report**

The Board has twenty-six (26) open complaints in Investigations against Chiropractors and one (1) against a CTA. Dr. Selby made a motion, seconded by Ms. Fitzgerald that a Board member be part of the complaint review process. Ms. Huddleston cautioned the Board that if a case came before the Board as a contested case, the Board member who reviewed the complaint must recuse themselves from the hearing. The motion carried.

## **Monitored Practitioners Report**

There are currently six (6) practitioners being monitored.

## **Financial Report**

The Board had a surplus of \$29,722.951 as of June 30, 2008.

## **Administrative Report**

There are currently 994 licensed chiropractors, 108 licensed chiropractic x-ray technicians and 419 licensed chiropractic therapy assistants.

## **Continuing Education Audit**

The Continuing Education Audit for 2008 is in process and the Board reviewed all letters of concern and requests for waiver regarding this Audit. The Board approved the following:

### **Chiropractors**

43 letters to waive penalties with the licensee to make up deficient hours  
22 letters to assess a penalty of \$100.00 for failure to submit all of the continuing education hours  
2 letters to assess a penalty of \$600.00 for failure to submit any continuing education hours  
77 letters to assess a penalty of \$300.00 for failure to submit continuing education timely  
36 letters to assess penalty of \$300.00 for deficient hours or unapproved hours  
50 letters to assess penalty of \$600.00 for no response to audit  
9 notices were returned by the postmaster

### **Chiropractic Therapy Assistants**

23 letters to assess penalty of \$100.00 for failure to submit continuing education timely  
31 letters to assess penalty of \$300.00 for no response to audit  
3 notices were returned by the postmaster

### **Chiropractic X-Ray Technician**

8 letters to assess penalty of \$100.00 for failure to submit continuing education timely

8 letters to assess penalty of \$300.00 for no response to audit

### **Scope of Practice**

Ms. Huddleston said that the amendment to Rule 0260-02-.02 Scope of Practice is still being reviewed in the Office of General Counsel but should be ready for discussion at the August 13, 2009 Board meeting.

### **Rules**

Ms. Huddleston suggested that Rule 0260-02-.12, the acupuncture continuing education requirement, be changed to twelve (12) hours every two years and restricted so that practitioners could only obtain credit for acupuncture hours if they are working toward acupuncture certification. Dr. Ratcliff made a motion, seconded by Ms. Fitzgerald, to appoint a Task Force to research classroom specific or online acupuncture classes for discussion at the August 13, 2009 Board meeting. The motion carried.

There was a discussion of rules 0260-05-.12(6)(b) and 0260-03.12(6)(b), requiring CXT's and CTA's to complete six (6) hours of continuing education online in the odd years which was passed two (2) years ago. This year was the first odd year. Dr. Alexander asked if the Board would consider removing the rule. Dr. Ratcliff made a motion to delete rules 0260-05-.12(6)(b) and 0260-03.12(6)(b). Dr. Alexander seconded. The motion carried. The revision will be scheduled for a rule making hearing.

There was a discussion regarding when a newly licensed Chiropractor must take the mandatory sexual boundaries, risk management and Tennessee jurisprudence course required in rule 0260-02-.12 (2)(a). Most take it during the first year. Dr. Kelton made a motion, seconded by Dr. Alexander, that all newly licensed chiropractors must take the six (6) hour mandatory sexual boundaries, risk management and Tennessee jurisprudence course within six (6) months of being licensed. The motion carried.

Dr. Ratcliff made a motion, seconded by Dr. Alexander to allow the six (6) hour mandatory sexual boundaries, risk management and Tennessee jurisprudence to be taken online. The motion carried.

Ms. Huddleston asked the Board to review the rules and bring suggested changes to the August 13, 2009 Board meeting so that she could put them in one rulemaking package for the Board. The rules that were slated for a rulemaking hearing on May 14, 2009, will be held until any changes have been presented at the August 13, 2009 Board meeting.

### **Review/Approve Newly Licensed Chiropractors, CXT's and CTA's**

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

**Chiropractors**

John Barber  
William Barlow  
Jeffrey Carr  
Lindsey Carr  
Rachel Flannagan  
Cory Harkins  
Andrew Harris  
Terry Hill  
Matthew Keiser  
David Kirsch  
Stephen Merrill  
Bryan Muth  
Halsey Posy, Jr.  
Ryan Stookey  
Jonathan Sweeney  
Jakob Taylor  
Donald Thompson II  
Mark Weiland  
Brian West  
Cheryl Williams-Elliston  
Paul Wissler

**CTA's**

Denice Alles  
Jennifer Baker  
Teresa Brewer  
Amy Bryant  
Ryan Circolone  
Ruby Cody  
Tammie Highsmith  
Nicole Jackson  
Doris Jenkins  
Jessica Meade  
Victoria Nelson  
Melicia Palmer  
Darby Purser  
Tina Ross  
Kea Smith  
Shannon Thornton  
Dexter Wiley  
Kimberly Wills  
Elizabeth Wilson

**CXT's**

Deanna Clark  
Glenda McSwain

The motion carried.

**Lapsed License Policy Statement**

After review and discussion, Dr. Selby made a motion, seconded by Dr. Alexander, to approve the Lapsed License Policy, attached hereto, for Chiropractors, Chiropractic Therapy Assistants and Chiropractic X-Ray Technicians. The motion carried.

**Continuing Education Course Review**

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

**The Brimhall Protocol/Logan**

June 19-21, 2009  
Nashville TN  
John Brimhall DC  
20 hours

**Torque Release Technique**

February 20-21, 2009  
Las Vegas NV  
Jay Holder DC  
15 hours

**Nutritional Neurology and Chiropractic Seminar/Nutriwest South**

August 15-16, 2009

Nashville TN

Dan Murphy DC

12 hours

**Auriculotherapy Workshop\*\*\*\*DENIED\*\*\*\***

February 22, 2009

Las Vegas NV

Jay Holder DC

8 hours

\*\*\*\*\*DENIED\*\*\*\*\*

**Online ChiroCredits, Inc.**

2009

Online

Maximum 6 hours for chiropractors

CXT and CTA can do all 6 online in 2009.

Classes 1, 6, 7 and 15 approved for CTA's

**CCEP (Certified Chiropractic Extemity Practitioner)/Life University**

February, April, May, June, July, August 2009

Marietta GA

Various Speakers

Up to 60 hours

**Palmer College Florida Homecoming 2009**

February 20-21, 2009

Port Orange FL

Various Speakers

27 hours of which 19 can be earned

**DENIED CLASSES AT THIS EVENT ARE AS FOLLOWS:**

**Florida Laws and Rules**

**ACC/RAC 2009/Palmer College**

March 13-14, 2009

Las Vegas NV

Various Speakers

53.5 hours of which 14.5 hours can be earned

**DENIED CLASSES AT THIS EVENT ARE AS FOLLOWS:**

**Innovation and Reformation in Clinical Education for Chiropractors**

**How to resolve and ethical dilemma**

**Exploring Research Funding Resources and Lessons Learned**

**Achieving NCQA Back Pain Recognition Program Recognition**

**Information Literacy and Best Practices Research: A Guide to Evidence-Informed Patient Care Resources.**

**Web 2.0 and Technology For Information Transfer**

**Chiropractic in Military Settings**

**Educational Topics**

**Educational Research**

**Innovations in Chiropractic Education**

**Integrating Chiropractic into the Healthcare Systems**  
**Topics in Educational Research**  
**Chiropractic in Public Health**  
**Sweat Equity: What it takes to get your work published**  
**Integrating Chiropractic into the Healthcare System**  
**From Students that Click to classrooms that Click:Engaging All Generations of Learners**

**Practical Assessment of the Chiropractic Patient/Footlevelers**  
March, May and June 2009  
Davenport IA, Wilmington DE and Greensboro NC  
Jeffrey Miller, DC  
12 hours

**Chiropractic Imaging Plain Films to MRI's/WSCC**  
Year 2009  
Various Locations  
Beverly Harger DC, DACBR  
12 hours

**Laser Therapy Weekend Seminar, Pain, Inflammation and Wound Healing/Logan**  
April 18-19, 2009  
Chapel Hill NC  
Various Instructors  
14 hours

**Anatomy Review and Clinical Applications Session #3/Logan**  
March 28-29, 2009  
Chesterfield MO  
William Huber DC, DACAN, DCBCN  
12 hours

**The Physiologic Role of Balancing Bloodsugar, pH and Antioxidants in Recovery and Prevention of Injuries\*\*\*\*\*DENIED\*\*\*\*\***  
April 25, 2009  
Raleigh NC  
Joe Dunning  
12 hours  
\*\*\*\*\*DENIED\*\*\*\*\*

**Chiro-Practical Rehab-Intergrating Active Training and Exercise for Spinal Health and Wellness**  
April 4-5, 2009  
Greeneville SC  
John Hyland DC, MPH  
12 hours

**Chiropractic Treatment of Headaches/DCHours.com**  
Nashville and Chattanooga TN  
May16-17, 2009 and August 8-9, 2009  
Guy Annunziata DC  
18 hours

**Safeguarding Yourself and Your Practice/New York Chiropractic College**

April 4-5, 2009

Nashville TN

Susan McClelland CA, John Floyd, JD and Michael Massey, DC

12 hours

**Parker Seminar Chicago 2009**

May 7-9, 2009

Chicago IL

Various Speakers

15 hours of which 10.5 are approved and possible.

**DENIED\*\*\*\*Mancini and LaFay's classes on philosophy have been denied**

**ART/Active Release Technique/NYCC**

June 11-14, 2009

Natick MA

P Michael Leahy, DC

21 hours

**Advance Decompression Therapy and Active Core Rehab for the Chiropractic Office**

April 18, 2009

Nashville TN

Randy B Reed, DC, C.C.C.P.

12 hours

**Pain Management/MUA/University of Bridgeport**

April 16-18, 2009

Ft. Myers FL

William Kelly DC, D.A.C.I.T

34 hours

**Atlas Orthogonal Board Certification Program/Sherman College**

June, July, and August 2009

Atlanta GA

Roy Sweat DC and Matthew Sweat DC

39 hours (13 each module)

**Essentials of Nutritional Therapy and Ethics, Risk Management and Record Keeping for the Chiropractic Practice**

May 30-31, 2009

Dallas/Addison TX

Jay Robbins, DC and Mary Warren, DC

16 hours

**Pettibon Rehab That Works With Any Technique**

April 4-5, 2009

Nashville TN

Thomas Andrews DC

12 hours

**Gonstead Technique/Palmer College**

Year 2009

Various Locations

Various Speakers

18 hours

**Doctor of the Future Seminar Clinical Applications**

June 6-7, 2009

Memphis TN

Stuart White, DC

12 hours

**Treating and Beating Fibromyalgia Sessions 1 and 2/Logan Chiropractic**

April 18-19, 2009 and May 9-10, 2009

St Louis MO

Rodger Murphree DC

24 hours

**Neurotransmitters and Brain/Apex Energetics**

May 2-3, 2009

Knoxville TN

Datis Kharrazian DC

15 hours

**Manipulation Under Anesthesia/National University**

May 14-15-16, 2009 (previously scheduled for May 7-8-9, 2009)

Nashville TN

Robert Gordon DC

36 hours

**DCHours.com Understanding Whiplash 1 and 2, Function Based Care 1 and 2**

Online

2009

Guy Annunziata DC

6 hours

***DENIED FOR CTA's***

**DCHours.com Function Based Care 1 and 2, Basic Case Management and Insurance Coding**

Online

2009

Guy Annunziata DC

6 hours

***DENIED FOR CTA's***

**Florida Chiropractic Association and Spring Convention and Exposition 2009**

April 23-26, 2009

Jacksonville FL

Various Speakers

Up to 45 hours can be earned

***Please note the following courses are DENIED at the Florida Chiropractic Association:***

Florida Licensing Rules and Laws

Escaping the Passive Therapy Trap; How Moving Your Practice from Passive Therapy to Active Rehab Can Save Your Practice

HIV/AIDS Education Update and Immune Support

PIP Billing and Reimbursement: Tips, Tricks and Traps also this seminar with Get it in writing by Design , Not Default

Q and A For CPT Coding and Documentation and Medical Necessities and Florida Licensing Laws and Rules

Brining Order out of Chaos

Homotoxicology, Retracing and Bio-electrical Impedance Testing

Practice Solutions to Pocket More Cash

Massage Your Practice

Foundations for Successful Weight Management

The Games People Play

Georgia Laws and Rules 2009

Chiropractic Philosophy for Success in the 21<sup>st</sup> Century

**Pettibon Institute/Diagnostic and Applications/Advanced Practicum and Case Management**

May 16-17, 2009/June 27-28, 2009/July 25-26, 2009/September 26-27, 2009

Las Veagas, NV/Flint, MI/Seattle, WA/Flint, MI

Various Speakers

12 hours

**DCHours.com CTA**

2009

Online

6 hours

Courses approved are: Therapeutics Modalities for the CTA Parts 1 and 2, Spinal Decompression procedures for the CTA, Rehabilitation for the CTA Parts 1 and 2, Trigger Point Therapy for the CTA

**Contemporary Breakthroughs in Homeopathy/SCCA/NCCA**

May 16-17, 2009

Asheville NC

Frank King, Jr., DC

12 hours

**Sherman College Lyceum 2009**

May 21-24, 2009

Spartanburg DC

Various Speakers

23 hours

***The following classes have been DENIED at this seminar:***

***South Carolina Rules and Regulations***

***Using Social Media on the Internet to Market your Practice and Educate Patients***

***Chiropractic from the Heart***

***The Business and Philosophy of the Cash Practice***

***The One Thing we THINK We're Teaching But Aren't The REAL Difference between the Allopathic and Vitalistic Paradigms and Why People Don't Get It***

***Built to Last: Successful Habits of Visionary Beings***

*Are You Hard of Listening?*  
*Quantum Leap from “Back Doc” to “Community Health Expert”*  
*Bringing Chiropractic Philosophy to Life at the Front Desk*  
*The ADD Forum ..What You’ve Never Been Told*  
*Delivery of the Extra Something*  
*Infinite Principles*  
*The Vaccination Forum: Your Child... Your Choice*  
*HIV/AIDS Program*  
*Innate Intelligence*  
*Chiropractic: Write or Wrong*  
*Children – Our Pride and Joy Caring for the Future*  
*Spirit of Lyceum*

**Accurate and Compliant Documentation Strategies for Chiropractic Coding/Cleveland Chiropractic College**  
May 31, 2009  
St Louis, MO  
Kathy Chang  
4 hours

**CraniSacral Therapy I/Upledger Institute\*\*\*\*\*DENIED\*\*\*\*\***  
July 16-19, 2009  
Indianapolis, IN  
Rebecca Flowers  
24 hours  
\*\*\*\*\*DENIED\*\*\*\*\*

**The Atlanta Boundaries and Ethics Program/UAB School of Medicine\*\*\*DENIED\***  
May 17-19, 2009  
Atlanta GA  
John E Porter, JD  
24 hours  
\*\*\*\*\*DENIED\*\*\*\*\*

**McKenzie Institute/Mechanical Diagnosis and Therapy of the Lumbar Spine**  
June 4-7, 2009  
Atlanta GA  
Gregory Matusiak PT  
28 hours

The motion carried.

### **Correspondence**

The Board discussed a letter from **Bill Neely DC** requesting reconsideration of a request for approval of the NET Chiropractic Seminars for continuing education credits. Dr. Selby made a motion, seconded by Ms. Fitzgerald, to deny approval of the NET Seminars for continuing education credit. The motion carried.

The Board discussed a letter from **Jeffrey Snead DC** requesting exemption from the 2008 continuing education requirements due to financial hardship. Ms. Fitzgerald made a motion, seconded by Dr. Alexander, to approve his request. The motion carried.

The Board discussed a letter from **Josh Knotts DC** requesting waiver of the penalty for non-compliance with the 2008 continuing education requirement. Dr. Selby made a motion, seconded by Dr. Alexander, to reduce his penalty to \$200.00. The motion carried.

With no other Board business to conduct Dr. Selby made a motion, seconded by Dr. Alexander, to adjourn the board meeting at 12:35 p.m. The motion carried.

*Ratified by the Board of Chiropractic Examiners on August 13, 2009*