

**TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS
BOARD MEETING**

DATE: May 22, 2008

TIME: 9:00 a.m.

LOCATION: Health Related Boards Conference Center
Poplar Room
227 French Landing, Suite 150
Heritage Place, Metro Center
Nashville, TN 27432

BOARD MEMBERS

PRESENT: Andrea Selby, DC, President
Michael Massey, DC, Vice President
Craig Ratcliff, DC, Secretary
Barry Kelton, DC
Chris Alexander, DC
Gina Hampton, Citizen Member

BOARD MEMBERS

ABSENT: Sheila Fitzgerald, Citizen Member

STAFF

PRESENT: Sherry Owens, Board Administrator
Andrea Huddleston, Advisory Attorney
Barbara Maxwell, Administrator Director

Dr. Selby, chair, called the meeting to order at 9:00 a.m. A sufficient number of Board members were present to constitute a quorum.

Dr. Selby welcomed the two new Board members, Gina Hampton and Chris Alexander, D.C. to the Board.

Review/Approve the February 21, 2008 Board Meeting Minutes

Upon review of the February 21, 2008 Board meeting minutes, Dr. Ratcliff made a motion, seconded by Dr. Kelton to approve the minutes as written. The motion carried.

Conflict of Interest Statement

Ms. Huddleston asked the Board to disclose any potential conflict of interest to determine if the Board member must recuse themselves from the proceedings and leave the board.

Ms. Huddleston informed the audience that in order to speak they must be recognized by the Board chair to do so and to give their name prior to speaking.

Investigative Report

Ms. Owens stated five (5) complaints against chiropractors were received in April 2008 for a total of 35 complaints against Chiropractors.

Ms. Owens said one (1) complaint against a chiropractic therapy assistant was received in February 2008 and there are no (1) complaints against Chiropractic X-Ray Technicians.

Monitored Practitioners Report

Ms. Owens stated the report lists practitioners disciplined by the Board which are being monitored by Juanita Stone, Disciplinary Coordinator.

Financial Report

Ms. Owens reviewed the Financial Report with the Board stating the Board has a cumulative carryover of \$164,422.21.

Administrative/Status Reports

Ms. Owens reviewed the Administrative Report stating the Board has 1000 active Chiropractors in Tennessee, 205 active Chiropractic X-Ray Technicians and 369 active Chiropractic Therapy Assistants.

Ms. Owens stated 25 chiropractors renewed their license on line and no chiropractic x-ray technicians or chiropractic x-ray therapists renewed on line.

Ms Owens stated that out of 915 chiropractors, 340 were non-compliant in the 2007 continuing education audit.

Advisory Attorney Report

Ms. Huddleston stated there are several rules pending in the Attorney General's Office.

Dr. Kelton asked if the rule allowing applicants to send in copies of proof of continuing education had been approved. Ms. Huddleston stated the rule is in the Attorney General's office for approval.

Consent Order for Robert White, D.C.

Ms. Huddleston presented a Consent Order for Robert White, DC whose license was placed on probation for five years. Ms. Huddleston said Dr. White is in compliance with the terms of his probation and is petitioning the Board to have his probation lifted.

Upon discussion, Dr. Ratcliff made a motion, seconded by Dr. Massey, to lift Dr. White's probation. The motion carried.

Discuss Language for Scope of Practice

The Board discussed the language for the chiropractic scope of practice. Ms. Huddleston stated that one section of the scope of practice language appears to be defining diagnosis and asked if some of the terms needed to be defined.

Dr. Massey stated that the Board wanted a broader definition and the language was modeled after the language and scopes of practice of other professions.

Upon discussion of the questions Ms. Huddleston had for Dr. Massey regarding the rule amendments, Ms. Huddleston stated she would draft rules, based on what Dr. Massey gave her, for review and discussion by the Board at its next meeting.

Discuss Computer Software for Continuing Education

At the request of the Board, Vivian Evans is in attendance to discuss computer software to track continuing education.

Ms. Evans said if the licensee must submit proof of continuing by their renewal date it could be tracked with the renewal. Ms. Evans stated she did not know how it could be tracked at this time for continuing education submitted annually.

Dr. Ratcliff asked if it were tied to the renewal date could you track it. Ms. Evans said yes but it would be a lot of extra work. Ms. Evans said the system automatically approves renewals as they arrive and they would have to have a number of questions to add to the system which would cause additional administrative duties.

Dr. Selby said the Board is trying to get this done as simple as possible and needs a way to check on the internet to determine if the continuing education credits have been received and if they're in compliance.

Ms Evans stated they do not have the capability to post continuing education credits on the internet.

Ms. Miller said Health Related Boards is starting a new process where faxes come in and are being scanned as an email. Ms. Miller said when a call comes in asking about the continuing education, the Board administrator would be able to verify that process thru the email.

Ms. Miller said if the practitioners renewed their licenses on line and submitted their continuing education documents by fax that would leave an electronic trail.

Dr. Selby thanked Ms. Evans for attending the meeting and discussing the RBS system.

Dr. Ratcliff suggested requiring proof of continuing education with the renewal.

Ms. Miller said the Pharmacy Board conducts a 100% audit and everyone must submit proof of continuing education compliance with their renewal.

Ms. Huddleston said she would look into that and inform the Board at the next meeting.

Dr. Selby suggested forming a task force to get this done by the next meeting. Drs. Alexander, Selby and Ratcliff agreed to be on the task force.

Donald Henderson, D.C. from High Tech Institute of Nashville

Dr. Henderson with High Tech Institute of Nashville made a presentation to the Board asking them to accept a course on cold laser therapy for continuing education.

Dr. Massey said cold laser therapy was new and experimental.

Dr. Henderson distributed information to the Board members stating that according to the FDA cold laser therapy is not experimental. Dr. Henderson stated that cold laser therapy is used by physiotherapists, dentists and dermatologist.

Dr. Selby asked Dr. Henderson how many continuing education hours he has in cold therapy.

Dr. Henderson stated that he has obtained twelve (12) hours of cold therapy continuing education this year.

Dr. Henderson also asked if he could use an extern in his office to take x-rays.

Ms. Huddleston said the Board should look at the issues before a decision is made and asked Ms. Owens to put the discussion on the agenda for the next Board meeting.

Dr. Massey stated the Board is not anti laser; however, they must decide whether or not to give credit for it as part of continuing education.

Review Requests of Waivers for the Continuing Education Penalty for the 2006/2007 Audit

Ms. Owens said she has broken down the letters requesting waivers of the continuing education penalties from the 2006/2007 audit to three categories.

Dr. Kelton made a motion, seconded by Dr. Ratcliff, to discuss penalty waiver for these three categories. The motion carried.

Dr. Selby stated that the category one (1) letters are from chiropractors who said they sent in their continuing education.

Dr. Massey made a motion, seconded by Dr. Ratcliff, to waive the fine for Category 1. The motion carried.

Dr. Selby stated that the category two (2) letters are from chiropractors who submitted the continuing education late.

Dr. Kelton asked why the documents were submitted late.

Ms. Owens said the biggest reasons were they forgot to send them.

Upon discussion, Dr. Massey made a motion, seconded by Dr. Alexander, to require the chiropractors pay the \$600 fine and submit their hours. The motion carried.

Ratify Newly Licensed Chiropractors, Chiropractic X-Ray Operators and Chiropractic Therapy Assistants

Upon review, Dr. Ratcliff made a motion, seconded by Dr. Kelton, to ratify the newly licensed Chiropractors, CXT's and CTA's.

Chiropractors

**Laura Anderson
Daniel Cawley
Vanda Gina Cecco
Stacey Davis
Mark Figler
Hannah Hacket
Melissa Hall
Warren Hildreth
Natalie Kurylo
Kevin Mitchell
Benjamin Rasnick
Terri Styles
Timothy Adair
Michael Buckridge
Jared Hathaway
Bernasue McElrath
Jone O'Connell
Brett Winchel**

CTA

**Tere Anderson
Terri Campbell
Debra Cole
Susan Collins
Tiffany Cummings
Megan Davis
Shandi Edwards
Edith Finney
Karen Hayes**

**Jill Higginbotham
Amanda Lewis
Karen Moebes
Linda Nunn
Cheri Pavlik
Denise Rudder
Lori Schillinger
Andrea Stewart
Tracy Teague
Michelle Wootton
Matthew Sunshine**

CXT

**Kaleigh Black
Michelle Wootton
Deborah Royer**

The motion carried.

Review Correspondence Regarding Continuing Education

Dr. Massey said in keeping with the general requirements that anything not TCA, ACA or ICA approved or sponsored must be submitted to the Board for approval.

Ms. Huddleston stated, for the new members of the Board, that the board's rules require information be submitted thirty (30) days prior to the seminar date.

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

Koren Specific Technique/Life University **DENIED******

2008 Dates
Various Locations
Ted Koren DC
16 hours
****DENIED****

Activator Methods Chiropractic Technique/ Palmer College

January - May 2008
Various Speakers
12 hours per session

Functional Medicine and Nutrigenomics/ Texas Chiropractic

May 17 and 18, 2008
Duluth GA
Bruce Bond DC
12 hours

Footlevelers/ChiroPractical Rehab for Spinal Health and Wellness

April 26, 27, 2008

Orlando FL

John Hyland DC, MPH, DACBR, DABCO

12 hours

Childrens Health and Wellness/Life Univeristy/Turning Point Logistic System

April 24-26, 2008

Atlanta GA

Several speakers

26.5 hours (hours for Georgia and Florida Law will NOT be accepted)

Upledger Institute

CranioSacral Therapy I

April 24-27, 2008

Memphis TN

Instructor: Shyamala Strack, OTR/L, CST-D

24 hours (3 of these 24 listed as Ethics)

Palmer Chiropractic/DC Online

The Spine in Sport

Online

Maximum 6 hours

Cox Technic Seminar

Year 2008 various dates

Various Speakers

18 hours

Instructors share technique protocols for radiculopathy patients and for non-radiculopathy patients as well as adjunctive and educational care issues. designed for real patients with varied symptoms to their conditions

Nutrition Response Testing Seminar/Texas Chiropractic College

Atlanta GA

April 26-27

Joe Teff, DC

13 hours

Life University

Certified Chiropractic Extremity Practitioner

March thru September 2008

Various Speakers

15 hours per module (7 modules)

Apex Energetics/Reading the Signs...Oriental and Western Approaches #1

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

April 26-27, 2008

Atlanta GA

Stephen Stitler, L.Ac., O.M.D., D.Hom., D.O.H.A.I

16 hours

**Toungue and face evaluation for metabolic patterns
quick alarm-point palpation and meridian techniques
to look at certain motions exercises and challenges**

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

Essentials of Clinical Documentation, Coding and Compliance

Mario P. Fucinari, DC, C.C.S.P.

May 17, 18, 2008

Knoxville TN

12 hours

Ulan Nutrition Response Testing/Texas Chiropractic College

June, September and November 2008

Indiana, Georgia, Tennessee and Illinois

12 hours

Applied clinical nutrition as a vital modality for supporting and restoring normal physiology. Relationship between diet, malnourishment, nutritional deficiencies and chronic functional illness leading to increasing pathological states. Role of nutritional deficiency and imbalance in the casual chain leading to the visceral-somatic reflex and resultant recurring spinal subluxation complex.

Mississippi Chiropractic Association

May 17 and 18, 2008

Scott Banks DC, Anna Allen, RN, CLNC

CA Instructor Dorothey Pernell DC

DC's 12 hour

CA's 6 hours.....Front desk (2 hours)....Therapy (2 hours)....Documentation (2 hours)

Integrating Chiropractic and Posture Rehab Exercise/BodyZone.com

April – October 2008

Georgia, Florida, Illinois, Pennsylvania and Washington

Steve Weiniger DC

12 hours

Dr. Brimhalls Six Steps to Wellness/Logan College/NutriWest South

Nashville TN

June 20-22, 2008

John Brimhall DC

20 hours

Sherman College of Chiropractic Lyceum

May 22-25, 2008

Spartanburg SC

Various Speakers

Total hours 83/max per DC 21...breakdown of what is approved.

Technique hours...all accepted except "Growing Chiropractic with Reckless Simplicity (7hours)

Philosophy....None accepted (total 41 hours)

All Basic Science, X-Ray, Ethics/Jurisprudence and CPR accepted (22 hours total)

South Carolina Rules and Regulations not accepted (2 hours)

Logan Chiropractic College Homecoming

June 19-22, 2008

St Louis MO

Various Speakers

25 hours per DC

Myokinesthetic System

Year 2008

Various Locations

Michael Uriarte DC

20 hours

Florida Chiropractic Association Summer Convention and Exposition

June 12-15, 2008

Boca Raton FL

Various Speakers

70 hours available

NOT APPROVED COURSES AT THIS CONVENTION ARE AS FOLLOWS:

Florida Licensing Laws and Rules (2 hours), Getting Reimbursed (2 hours), Chiropractic Philosophy For Success in the 21st Century (2 hours),

Mechanism of Injury in Auto Collisions

December 16, 2008

Nasvhille TN

Daniel Dock, DC

12 hours

Spinal Injuries from Auto Collisions 2008

August 8-9, 2008

Orange Beach AL

September 6-7, 2008

Birmingham AL

Daniel Dock, DC

18 hours each seminar

Logan Pediatrics/Logan Chiropractic College

June, July and September 2008

Steve Williams DC

36 hours

David Singer Enterprises/Public Relations Manual/Front Desk Assistant **DENIED**

June 21-22, 2008

Atlanta GA

12 hours

The motion carried.

Review Application Files

Upon review of the application file of **Matthew Breske DC**, Dr. Massey made a motion, seconded by Dr. Ratcliff, to approve Dr. Breske for licensure. The motion carried.

Upon review of the application file of **Peter Hinz DC**, Dr. Kelton made a motion, seconded by Ms. Hampton, to approve Dr. Hinz for licensure. The motion carried.

Upon review of the application file of **Ryan Collart DC**, Dr. Kelton made a motion, seconded by Dr. Massey, to approve Dr. Cullart for licensure. The motion carried.

Upon review of the application file of **Tammy Richards CTA**, Dr. Ratcliff made a motion, seconded by Dr. Alexander, to approve Ms. Richards for licensure. The motion carried.

Upon review of the application file of **Jacqueline Bermudez DC**, Dr. Ratcliff made a motion, seconded by Dr. Kelton, to approve Ms. Bermudez for licensure. The motion carried.

Upon review of the application file of **Scott Ingell CTA**, Dr. Ratcliff made a motion, seconded by Dr. Alexander to approve Mr. Ingell for licensure. The motion carried.

Upon review of the application file of **Nathan Slawsky DC** Dr. Ratcliff made a motion, seconded by Dr. Alexander, to request Dr. Slawsky to appear before the Board at the August 2008 meeting. The motion carried.

Correspondence

The Board reviewed correspondence from Deborah Lovern, CXT requesting a waiver of her 2007 continuing education courses. Ms. Owens said Ms. Lovern went into a failed to renew status in April 2008. Dr. Ratcliff made a motion, seconded by Dr. Alexander, that if Ms. Lovern reinstates her licenses she must come before the Board and make up the hours for 2007. The motion carried.

The Board reviewed correspondence from Carmen Kelly Holt (Carter) CTA requesting a waiver of her 2007 continuing education and the fee. Ms. Owens said Ms. Hold has retired her license. Dr. Ratcliff made a motion, seconded by Dr. Alexander, that if Ms. Holt reinstates her license she must come before the Board and make up the hours for 2007. The motion carried.

The Board reviewed correspondence from Shari Totty CTA requesting a waiver of the fines and allowing her to make up her 2007 continuing education hours. Dr. Massey made a motion, seconded by Dr. Ratcliff, to waive the fine for Ms. Totty and require her to obtain an additional 12 hours by the end of 2008. The motion passed.

The Board reviewed correspondence from Diane Zemsta CTA requesting a waiver of the fines and allowing her to make up her 2007 continuing education hours. Dr. Massey made a motion, seconded by Dr. Alexander, to waive the fine for Ms. Zemsta and require her to obtain an additional 12 hours by the end of 2008. The motion passed.

The Board reviewed correspondence from Elizabeth Padgett CTA requesting a waiver of the fines and allowing her to make up her 2007 continuing education hours. Dr. Ratcliff made a motion to waive the fine for Ms. Padgett and require her to obtain an additional 12 hours by the end of 2008. The motion passed.

The Board reviewed correspondence from Teresa Gregory CXT requesting a waiver of the fines and 2007 continuing education. Dr. Ratcliff made a motion to waive the penalty and 2007 continuing education. Ms. Hampton seconded. The motion carried.

The Board reviewed correspondence from Marsha Selby, CXT requesting a waiver of the fine since her continuing education was sent in for compliance. Dr. Ratcliff made a motion, seconded by Dr. Massey, to waive the penalty. The motion carried.

The Board reviewed correspondence from Rob Mabry, DC requesting a waiver of the fine and 12 hours of continuing education for 2007. Dr. Kelton made a motion, seconded by Dr. Alexander, to require Dr. Mabry to pay the \$600.00 fine and complete 12 hours of continuing education, in addition to the 24 hours required for 2008. The motion carried.

The Board reviewed correspondence from Christian Canete, DC requesting a waiver of the fine and 12 hours of continuing education for 2007. Dr. Alexander made a motion, seconded by Dr. Kelton, to require Dr. Canete to pay the \$600.00 fine and complete 12 hours of continuing education, in addition to the 24 hours required for 2008. The motion carried.

The Board reviewed correspondence from Kimberly Pearce, DC requesting a waiver of the fine and 2007 continuing education hours. Ms. Owens said Dr. Pearce's license is retired. Dr. Kelton made a motion, seconded by Ms. Hampton, to waive Dr. Pearce's \$600 fine. Dr. Kelton said should Dr. Pearce decide to reinstate her license she must pay the fine and obtain the 24 hours of required continuing education. The motion carried.

The Board reviewed correspondence from Rick Hall, DC requesting a waiver of the fine and 2007 continuing education hours. Ms. Owens said Dr. Hall's license is retired. Dr. Massey made a motion, seconded by Dr. Ratcliff, to waive the \$600 fine. Dr. Massey said should Dr. Hall decide to reinstate his license he must obtain the 24 hours of required continuing education. The motion carried.

The Board reviewed correspondence from David Rahamut, DC requesting a waiver of the fine for not obtaining the sexual boundaries and risk management courses. Dr. Massey made a

motion, seconded by Dr. Alexander, that Dr. Rahamut take the courses and pay the \$600.00 fine. The motion carried.

The Board reviewed correspondence from David G. Kelling, DC requesting a waiver of the fine and 24 continuing education hours for 2007. Dr. Massey made a motion, seconded by Dr. Kelton, to waive the fine and require Dr. Kelling to make up the hours prior to reinstatement of his license. The motion carried.

The Board reviewed correspondence from Roger Ward, DC requesting a waiver of the fine and to use 2006 continuing education hours for 2007. Dr. Massey made a motion, seconded by Dr. Alexander, to waive the fine and ask Dr. Ward to submit proof of continuing education hours for 2006 and, if approved, he can use the hours for 2007. Dr. Massey said if the hours are not approved Dr. Ward must obtain 25 hours in addition to the 24 hours required for 2008. The motion carried.

The Board reviewed correspondence from John Lovin, DC requesting a waiver of the fine and to make up 12 continuing education hours by the end of 2008. Dr. Massey made a motion, seconded by Dr. Ratcliff, to waive the fine and require Dr. Lovin obtain 12 hours of continuing education in addition to the 24 required for 2008. The motion carried.

The Board reviewed correspondence from Jason Jackson, DC requesting a waiver of the fine. Dr. Kelton made a motion, seconded by Dr. Ratcliff, to reduce the fine to \$300.00 and require Dr. Jackson to make up the 12 hours of continuing education in addition to the 24 required for 2008. The motion carried.

Consent Order for Vickie Newcomb

Ms. Huddleston presented a consent order to the Board for Ms. Newcomb who attended chiropractic school but did not pass the exam. Ms. Huddleston stated Ms. Newcomb was granted an order of compliance for her CXT and CTA licenses which were reinstated.

Upon review of the consent order, Ms. Huddleston said the state wishes to withdraw the consent order at this time as the consent order should say revocation of her CXT and CTA licenses. Ms. Huddleston said she will make the correction and bring the corrected consent order to the next meeting for the Board's approval.

With no other Board business to conduct, Dr. Alexander made a motion, seconded by Ms. Hampton, to adjourn at 1:28 p.m. The motion carried.

Ratified by the Tennessee Board of Chiropractic Examiners on August 21, 2008

