

TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

DATE: November 12, 2009

TIME: 9:00 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
Gina Hampton, Citizen Member

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

Dr. Massey, President, called the meeting to order at 9:02 a.m. A quorum was present.

Contested Case Hearing for Hal Farmer, D.C.

Judge Marion Wall, Administrative Law Judge, presided over the proceedings. Judge Wall reminded the Board that during the hearing there can be no discussion between Board members or Board attorney outside the hearing room.

The State was represented by Andrea Huddleston and Dr. Farmer is representing himself.

Dr. Selby made a motion, seconded by Ms. Fitzgerald, to adopt the Findings of Fact as presented by the State in the Notice of Charges. The motion carried.

Dr. Alexander made a motion, seconded by Ms. Fitzgerald, to adopt the Conclusions of Law authorizing disciplinary action against the Respondent. The motion carried.

Ms. Fitzgerald made a motion, seconded by Dr. Selby, to accept the State's recommendation of six (6) months license suspension, submission to an organized treatment program during the suspension, returning to the Board after the six months with a report from the treatment program and five (5) years supervision.

Dr. Selby made a motion, seconded by Dr. Ratcliff, to adopt the Policy Statement that this action is taken to protect the health and welfare of the citizens. The motion carried.

Order of Compliance for Michael Shane Trahin, D.C.

Ms. Huddleston presented an Order of Compliance to the Board for Michael Shane Trahin, D.C. who had complied with all provisions of the Consent Order dated May 11, 2006. Dr. Ratcliff made a motion, seconded by Dr. Selby, to approve Dr. Trahin's Order of Compliance. The motion carried.

Rulemaking Hearing

The Board conducted a rulemaking hearing to amend Rule 0260-2-.12(1) pertaining to continuing education and Rule 0260-02-.17 pertaining to change of address and/or name.

Rule 0260-2-.12(1) was amended to require the acupuncture continuing education hours to be classroom hours to allow a maximum of six (6) hours of acupuncture continuing education each year, to allow a maximum of two (2) hours for CPR continuing education courses, and to allow the American Red Cross to be a pre-approved course provider. The rule also deletes the Chiropractic Society as a pre-approved continuing education provider as they are no longer in existence.

Ms. Huddleston stated she received correspondence from the Health and Safety Institute requesting automatic approval of their courses. Ms. Fitzgerald made a motion, seconded by Dr. Kelton, to approve courses offered by the Health and Safety Institute on a case by case basis. The motion carried.

Rule 0260-2-.17 amends the change of address requirements to require licensees to notify the board of any changes in their practice and mailing address.

Dr. Ratcliff made a motion, seconded by Dr. Selby, to approve the amendments to Rule 0260-2-.12(1) and rule 0260-2-.17. A roll call voted was conducted and all members voted in the affirmative.

Conflict of Interest

Ms. Huddleston asked all board members to disclose any potential conflict of interest to the State to determine what, if anything, should be done.

August 13, 2009 Minutes

Dr. Selby made a motion, seconded by Ms. Fitzgerald, to approve the August 13, 2009 minutes as written. The motion carried.

OGC Report

Rule 0260-02-.03, .07, 15, 0260-03-.14 and 0260-05-.14 pertaining to titles, interviews and conditions went into effect on January 10, 2009.

Rules 0260-2-.12, 0260-3-.12 and 0260-05-.12 pertaining to continuing education went into effect on January 12, 2009.

Rule 0260-2-.02 pertaining to scope of practice are under review by the Chief Deputy General Counsel.

There are seven (7) open disciplinary cases in OGC pertaining to Chiropractors.

Investigative Report

Ms. Stone said the Board voted to have board members review cases at the last meeting; however, she said she has been unable to get Board members to review complaints.

There are forty-four (44) complaints against Chiropractic Examiners. Thirty-two (32) of the complaints are ready for review and twelve (12) are currently being investigated.

There are five (5) complaints against Chiropractic Therapy Assistants and none against Chiropractic X-Ray Technicians.

Monitored Practitioners

There are seven (7) practitioners on probation, three (3) with revoked licenses and four (4) unlicensed. Three practitioners have been removed from the list because they are in compliance.

Administrative Report

There are 1005 licensed Chiropractic Examiners, 108 licensed Chiropractic X-Ray Technicians and 432 licensed Chiropractic Therapy Assistants.

2008 Continuing Education Audit Results

949 Chiropractic Examiners audited

719 compliant

149 non compliant

390 Chiropractic Therapy Assistants audited

340 compliant

23 non compliant

97 Chiropractic X-Ray Technicians audited

82 compliant

8 non compliant

Discuss Rule Amendments

The board discussed an amendment to the rules exempting CXT's from certification while they are waiting to take the exam. The exemption shall not exceed six months after the date of sitting for the examination. If they fail the exam the exemption is no longer effective. The grandfathering section should be deleted as it is no longer in effect.

Ms. Huddleston presented a proposed amendment to the rules exempting CTA's from certification while they are waiting to take the exam. The exemption shall not exceed one (1) year while the CTA is in a clinical internship after the date of the examination. The grandfathering section is deleted as it is no longer in effect.

Newly Licensed Chiropractic Examiners, CTA's and CXT's

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

Chiropractic Examiners

Jacob Archie
Jessica Bennett
Jacqueline Bermudez
James Dawes
Kimberly Dawes
Stephanie Estes
Ryan Footit
Stephen Forrester
Robert Roy Gorby, Jr.
Elizabeth Hicks
Jacob Hicks
Jason Hulme
Charley Jackson
Robert Lyons
Lisa McCullough
Karima Merali
Jacob Parrish

Chiropractic Therapy Assistants

Erin Aguilera
Jennifer Anderson
Sheila Brandenburg
Susan Crain
Lucinda Eller

**Vanessa Gregory
Sharon Griffith
Stephanie Harris
Peggy Heatherly
Jennifer Kanipes
Margo Keene
Beatriz Lane
Linda Lane
Alison LeBlanc
Karen A. Ogle
Tina Owens
Jessica Rather
Mary Ross
Keith Snead, Jr.
Abbi Spivey
Sarah Strain**

Chiropractic X-Ray Technicians

**Carla N. Davis
Margaret Dillingham
Deidra L. Fox**

The motion carried.

Review Application Files

Dr. Selby made a motion, seconded by Ms. Fitzgerald, to require **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. The motion carried.

Ms. Fitzgerald made a motion, seconded by Ms. Hampton, to require **Christopher Catalfo, D.C.**, to appear before the Board to discuss the disciplinary action from the Florida Board of Chiropractic Medicine and possible criminal history. The motion carried.

Dr. Selby made a motion, seconded by Ms. Fitzgerald, to require **Dondwai King**, CTA applicant, to appear before the Board to discuss possible criminal history. The motion carried.

Continuing Education Course Requests

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

**International Symposium on Musculoskeletal Pain and Motor Control:
Highlighting the Assessment and Management Approaches of Stu McGill and Pavel
Kolar /Central Institute for Human Performance**

January 8 – 10, 2010

Naples, FL

Stu McGill, PhD and Pavel Kolar, PaeD, PT

17 hours

The Spine Active Release Technique

January 22 – 23, 2010

Kansas City, MO

P. Michael Leahy, DC

24 hours

16 hours for those re-certifying

Panhandle Convention & Exposition 2010

January 21 – 24, 2010

Sandestin FL

Various Speakers

Up to 47 hours

The following instructors' classes have been DENIED:

Dennis McInerney, BS

Mollie Frawley, RN

**John Davila DC (The Four Secrets to Escaping the Passive Therapy Trap in an
Active Care World)**

John Davila DC (Risk Management and Course Compliance)

Walter Schmitt DC (Prevention of Medical Errors)

Gerald Collins DC

David Hogshed DOM (Herb -Drug Interactions)

Mark Cotney DC

David Hogshed DOM (HIV)

Gene Jenkins DC

Kathy Mills-Chang

Ed Williams DC

David Hogshed DOM (med errors)

John Lockenour DC

All other classes are approved

**Clinical Application & Advanced Principles: Balancing Hormones in Cycling
Women/Texas Chiropractic College**

January 23 & 24, 2010

Atlanta GA

12 hours

Mastery of Common & Problematic Clinical Disorders/NUHS

March 27 - 28, 2010

Lombard IL
Alex Vasquez DC
12 hours

Endo-Nasal Technique /Logan College of Chiropractic

January 23 – 24, 2010
Michael Fiscella, DC
12 hours

Extreme Exam Makeover/Logan College of Chiropractic

February 6-7, 2010
Jeffrey Miller, DC
12 hours

Chirocredit.com

Documenting Bodily/Personal Injury Cases
Online 2010
Warren Jahn, DC
4 hours

Sacroiliology and Cervicology: What We Know and What We Do/Life University

March 13 – 14, 2010
Johnson City TN
Jerry Hochman, DC
12 hours

Parker Seminar: Las Vegas 2010

January 14 – 16, 2010
Las Vegas, NV
Various Speakers

The following instructors' classes have been DENIED:

Fabrizio Mancini, DC

Jesse Green, JD

J.J. Virgin

All other classes are approved

29 hours

Karl Parker Seminars/Texas Chiropractic College

January 21 – 23, 2010

Las Vegas, NV

Various Speakers

Cranial Release Technique (12 hours approved)

Chiropractic Technique (8 hours approved)

X-Ray Seminar (5 hours approved)

Chiropractic Insurance Reporting/Procedures, Risk Management & Ethics in the Evidence Based Practice (**16 hours are DENIED**)

Parker Seminar: 2010 Homecoming & Winter Gathering/Northwestern Health Sciences University

February 4 – 6, 2010

Minnesota

Various Speakers

21 hours (**2 hours regarding Acupuncture and 1 hour by Keith Maule, BA, BS are DENIED**)

Basic Scan Protocol Training Course

<http://activatoronline.com>

Correspondence

The Board reviewed a letter from **Darren Lamont Smith, D.C.**, team chiropractic physician for Mississippi State's Track and Field Team requesting permission to treat the team at a meet in Nashville on March 20, 2010. Dr. Kelton made a motion, seconded by Dr. Selby, to grant the request. The motion carried.

The Board reviewed a letter from **W. Russell Moseley, D.C.**, requesting a waiver of the six (6) hours of continuing education he was unable to obtain in 2009 due to medical reasons. Ms. Fitzgerald made a motion, seconded by Dr. Ratcliff, to waive the six hours for 2009 for medical reasons. The motion carried.

The Board reviewed a letter from **Stephanie Minor, CTA, CXT**, requesting an extension for her CXT continuing education for 2009. Ms. Fitzgerald made a motion, seconded by Dr. Ratcliff, to grant Ms. Minor's request. The motion carried.

Continuing Education Audit Requests

Ms. Fitzgerald made a motion, seconded by Dr. Selby, to accept the civil penalty paid by **Jennifer Bett-Gray, D.C.** for the 2008 continuing education audit and to waive requiring her to sign the Agreed Citation. The motion carried.

Dr. Selby made a motion, seconded by Ms. Fitzgerald, to grant the request by **Stacey Carter-Fite, D.C.** to waive the civil penalty as a result of the 2008 continuing education audit as Dr. Carter-Fite has not practiced in Tennessee since October 31, 2008. The motion carried.

Dr. Selby made a motion, seconded by Ms. Fitzgerald, to accept the civil penalties paid by **Robin Barnes, D.C.** and **Matthew Barnes, D.C.** as a result of the 2008 continuing education audit and to waive requiring them to sign the Agreed Citations. The motion carried.

Dr. Selby made a motion, seconded by Ms. Fitzgerald, to accept the request by **William G. Davis, D.C.**, to waive the Agreed Citation and civil penalty as a result of the 2008

continuing education audit as he retired his Tennessee license January 21, 2009. The motion carried.

Dr. Selby made a motion, seconded by Ms. Fitzgerald, to accept the civil penalty paid by **Roger S. Heschong, D.C.** as a result of the 2008 continuing education and to waive requiring him to sign the Agreed Citation. The motion carried.

Dr. Selby made a motion, seconded by Ms. Fitzgerald, to accept the civil penalty paid by **Steven L. Robertson, D.C.**, as a result of the 2008 continuing education audit and to waive requiring him to sign the Agreed Citation. The motion carried.

Dr. Selby made a motion, seconded by Ms. Fitzgerald, to accept the civil penalty paid by **David Silvey, D.C.**, as a result of the 2008 continuing education audit and to waive requiring him to sign the Agreed Citation. The motion carried.

Dr. Selby made a motion, seconded by Ms. Fitzgerald, to determine if **Charles Steets, D.C.** made up his continuing education hours for 2007 before making a decision on his request to waive the civil penalty and Agreed Citation for failing to timely submit his 2008 continuing education hours. The motion carried.

Dr. Selby made a motion, seconded by Ms. Fitzgerald, to waive the civil penalty for **Stephanie Owens, D.C.**, provided she retire her license as she has not practiced in Tennessee since 2006. The motion carried.

Dr. Selby made a motion, seconded by Dr. Kelton, to waive the civil penalty for **Barry Keith South, D.C.**, provided he retire his license as he has not practiced in Tennessee since 2007. The motion carried.

Dr. Selby made a motion, seconded by Ms. Fitzgerald, to waive the civil penalty for **David G. Kelling, D.C.**, provided he retire his license as he has not practiced in Tennessee since 2007. The motion carried.

Dr. Kelton made a motion, seconded by Dr. Alexander, to waive the civil penalty for **Anna Hinton, CST, CTA**, provided she retire her licenses as she has not practiced in Tennessee for several years. The motion carried.

Ms. Hampton made a motion, seconded by Ms. Fitzgerald, to accept the 2008 continuing education hours for **Aundrea L. Summers, CTA**, and waive the civil penalty. The motion carried.

Dr. Selby made a motion, seconded by Ms. Fitzberald, to waive the civil penalty for **Lisa Gallagher, CTA**, provided she submit proof of six (6) hours within ninety (90) days. The motion carried.

Ms. Hampton made a motion, seconded by Ms. Fitzgerald, to accept the 2008 continuing education for **Melinda Harrelson, CTA**, and to waive the civil penalty. The motion carried.

Dr. Kelton made a motion, seconded by Ms. Fitzgerald, to send postcards to practitioners when the Board receives their continuing education hours. The motion carried.

Agreed Citation

Dr Kelton made a motion, seconded by Dr. Alexander, to accept the civil penalty and Agreed Citation submitted by **Larry Bailey, D.C.** The motion carried.

Discuss Other Board Business

Dr. Fitzgerald said he spoke with Ronnie Carter, past President of TSSAA , who said TSSAA does not have specific language allowing Chiropractic Examiners to conduct sport physicals and that it must be done through the Tennessee Board of Education. Ms. Huddleston asked that this issue be placed on the agenda for the next meeting.

The board discussed the acupuncture policy statement requiring Chiropractic Examiners who practice acupuncture to obtain 250 classroom hours and submit the transcript and exam results to the Board office. Dr. Selby made a motion, seconded by Dr. Alexander, to approve the policy statement as written. The motion carried.

With no other business to conduct, Dr. Selby made a motion, seconded by Dr. Alexander, to adjourn at 12:50 p.m. The motion carried.

Ratified by the Tennessee Board of Chiropractic Examiners on February 11, 2010

