

## TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

**DATE:** August 9, 2007

**TIME:** 8:00 a.m., CST

**LOCATION:** Health Related Boards Conference Center  
Poplar Room  
227 French Landing  
Heritage Place MetroCenter  
Nashville, TN 37243

### **BOARD MEMBERS**

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

### **BOARD MEMBERS**

**ABSENT:** Sheila Fitzgerald, Citizen Member

### **STAFF**

**PRESENT:** Sherry Owens, Board Administrator  
Barbara Maxwell, Administrative Director  
Ernie Sykes, Advisory Attorney  
Jerry Kosten, Rules Coordinator  
Lakita Taylor, AARBI

Dr. Selby, President, called the meeting to order at 8:08 a.m. A sufficient number of Board members were present to constitute a quorum.

### **Review May 10, 2007 Minutes**

Upon review of the May 10, 2007 Board meeting minutes, Dr. Williams made a motion, seconded by Dr. Kelton, to approve the minutes as written. The motion carried.

### **Conflict of Interest Policy Statement**

Mr. Sykes reviewed the Conflict of Interest Policy with the Board asking the Board members to disclose any conflict of interest they may have prior to contested cases or any other legal proceedings or matters to determine if there is a conflict of interest. Mr. Sykes stated if a Board

member does have a conflict of interest they must recuse him/herself and leave the hearing room during the proceeding.

### **Office of General Counsel Report**

Mr. Sykes stated the rule amendment regarding an increase in continuing education requirements became effective January 1, 2007.

Mr. Sykes stated the rule amendment regarding chiropractic records and continuing education became effective March 27, 2007.

Mr. Sykes stated the rule amendment regarding stays, reconsiderations and CPLLC became effective May 30, 2007.

Mr. Sykes stated the rule amendment regarding the x-ray certification process became effective June 5, 2007.

Mr. Sykes stated the rule amendment regarding chiropractic acupuncture became effective June 24, 2007.

Mr. Sykes stated the rule amendment regarding supervision of CXT's and CTA's will become effective October 10, 2007.

Mr. Sykes stated the Office of General Counsel currently has six (6) open disciplinary cases pertaining to the Board of Chiropractic Examiners.

### **Investigative Report**

Ms. Stone reviewed the Investigative Report stating there are currently twenty-eight (28) complaints year-to-date against chiropractic physicians. Ms. Stone said eight (8) complaints have been closed, one (1) with a letter of concern and five (5) with letters of warning.

Ms. Stone stated of the two (2) complaints against CTA's of which one (1) was closed with a letter of concern.

Ms. Stone stated there are currently no complaints against CXT's.

Ms. Stone said the Office of Investigations has two (2) new investigators which will aid in faster investigations.

### **Disciplinary Report**

Ms. Stone reviewed the Disciplinary Report stating there are seven (7) chiropractic physicians and one (1) CXT/CTA currently being monitored.

## **Financial Report**

Ms. Owens reviewed the Financial Report stating the Board has a cumulative carryover of \$204,294.59 as of June 30, 2007.

## **Administrative Report**

Ms. Owens stated there are currently 968 active, 481 retired and 356 failed to renew chiropractors.

Ms. Owens stated there are currently 95 active, 47 retired and 374 failed to renew chiropractic x-ray technicians.

Ms. Owens stated there are currently 361 active, 47 retired and 195 failed to renew chiropractic therapy assistants.

Ms. Owens stated the benchmark for renewal processing time is ten (10) days with chiropractors averaging 8.60 days, CXTs 5.20 days and CTAs 5.72 days.

Ms. Owens stated the benchmark for application processing time is one hundred (100) days with chiropractors averaging 92.2 days, CXTs 16.8 days and CTAs 49.5 days.

Ms. Owens stated renewal processing time has decreased due to licensees utilizing the internet renewal system and submitting required documentation in a timely manner.

Ms. Owens stated between April 30, 2007 and July 31, 2007, twenty-four (24) chiropractic examiners, one (1) chiropractic x-ray operators and six (6) chiropractic therapy assistants renewed online.

## **Report from Jerry Kosten, Division Rules Coordinator**

Mr. Kosten stated rule 0260-2-.03 regarding use of titles went to rulemaking hearing July 24, 2007. Mr. Kosten said the amendments to the rule will require any person who possesses a valid, current and active license issued by the Board that has not been suspended or revoked has the right to use the titles "chiropractor," "chiropractic physician," "doctor of chiropractic" acronym "D.C.," and to practice chiropractic.

Mr. Kosten stated rule 0260-2-.07 regarding interviews went to rulemaking hearing July 24, 2007. Mr. Kosten said the amendments to the rule will require applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board for an interview before final licensure may be granted; or, applicants who have completed all requirements and procedures for licensure without indication of derogatory information or potential risk shall present themselves to a Board member for an interview, which shall include a discussion regarding the applicant's knowledge and understanding of pertinent

statutes, regulations and ethics codes, within sixty (60) days of his/her receipt of the Board's written approval to commence.

Mr. Kosten stated rules 0260-2-.15, 0260-3-.14 and 0260-5-.14 regarding disciplinary actions and civil penalties went to rulemaking hearing July 24, 2007. Mr. Kosten said the amendments to the rules will allow any action deemed appropriate by the Board to be required of a disciplined licensee during any period of probation, suspension; revocation after which the licensee may petition for an order of compliance to reinstate the revoked license; as a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license; or as a stand-alone requirement(s) in any disciplinary order.

Upon discussion, Dr. Williams made a motion, seconded by Dr. Selby, to adopt the rule amendments. The motion carried. A roll call vote was conducted and all members answered in the affirmative.

Mr. Kosten presented a notice of rulemaking hearing to amend rules 0260-2-.12, 0260-3-.12 and 0260-5-.12 regarding continuing education. Upon discussion, Dr. Kelton made a motion, seconded by Dr. Williams, to send the amendments to rulemaking hearing. The motion carried.

#### **Contested Case Hearing of Scott Beavers and William Beavers, DC**

Randall Lafever, Administrative Law Judge, presided over the contested case hearing of Scott Beavers and William Beavers, DC. Elisha Hodge, Assistant General Counsel, represented the state and Ashley Holmby, Attorney, represented Dr. Scott Beavers and Dr. William Beavers.

Judge Lafever stated the Attorney Generals Office received a fax from Mr. Holmby, prior to the meeting, requesting to withdraw counsel immediately and allow Dr. Scott Beavers and Dr. William Beavers to seek counsel elsewhere. Judge Lafever said because of the request, the hearing will not proceed and will be delayed until the next board meeting.

#### **Vickie Newcomb, CTA, CXT, Petition to Lift Probation of Licenses**

Elisha Hodge, Assistant General Counsel, presented the Board with a petition to lift probation of the licenses of Vickie Newcomb, CTA, CXT. Ms. Newcomb was represented by Attorney, Danny Hardcheck.

Ms. Hodge stated Ms. Newcomb's licenses were placed on probation in 2005 for advertising as a chiropractor and practicing chiropractic without a license. Ms. Hodge said Ms. Newcomb was issued a temporary license in 1983 which is no longer valid.

Mr. Hardcheck stated Ms. Newcomb has complied with all conditions to her probation and is requesting reinstatement of her CXT and CTA licenses and licensure in chiropractic.

Mr. Sykes stated Ms. Newcomb has not submitted an application for licensure as a chiropractor for the Board's review.

Upon discussion, Dr. Williams made a motion, seconded by Dr. Kelton, to lift probation from Ms. Newcomb's CXT and CTA licenses and advise her to submit an application for licensure as a chiropractor. The motion carried.

### **Ratify Continuing Education Courses**

Upon review, Dr. William made a motion, seconded by Dr. Kelton, to ratify the following continuing education courses initially approved and/or denied by Dr. Massey:

#### **Science Based Nutrition Seminar – Texas Chiropractic College**

September 20, 2007

Hilton Airport, Knoxville, TN

Speaker: Van Merkle, DC

12 hours

#### **Palmer Homecoming 2007**

August 9-11, 2007

Davenport, IA

16 hours

#### **Pro Sport Chiropractic – Logan College of Chiropractic**

August 4-5, 2007

Nashville, TN

Speaker: Mark Charrette, DC

12 hours

#### **Therapeutic Nutritional Services**

July 21-22, 2007 and August 4-5, 2007

Memphis, TN and Little Rock, AR

Speakers: Michael Dobbins, DC and Bruce Bond, DC

12 hours

#### **Cert. Chiropractic Sports Practitioner – Palmer College of Chiropractic Sessions 1 and 2**

October 6-7, 2007 and November 17-18, 2007

Davenport, IA

Speakers: William Moreau, DC, David Quist, DC, Mark Charrette, DC and Kirk Lee, DC

12 hours

#### **Activator Methods – Palmer College of Chiropractic**

Various Dates Fall 2007

Various Locations

Several Speakers

12 hours

**Cert. Chiropractic Sports Practitioner – Palmer College of Chiropractic Sessions 3 thru 5**

January 12-13, February 9-10 and March 8-9, 2008

Davenport, IA

Speakers: William Moreau, DC, David Quist, DC, Mark Charrette, DC and Kirk Lee, DC

12 hours

**The Chiro Nutrition Specialist – Logan College of Chiropractic**

July 14-15, 2007

Chesterfield, MO

Speaker: David Seaman, DC

12 hours

**Chiro.com**

Online Credits

2008

6 hours

**The American Black Chiropractic Association**

August 15-19, 2007

Little Rock, AR

Several Speakers

12 hours

**Conserv Care**

Eating Your Way to Health: 30 Days to a New You

October 6-7, 2007

Memphis, TN

Speakers: Don Cole, DC and Richard Hathcock, DC

12 hours DC and 6 hours CTA

**Fall Seminar: Risk Management, Sexual Boundaries and Jurisprudence**

October 6-7, 2007

Memphis, TN

Speaker: Richard L. Cole, DC

6 hours DC and 2 hours CTA

**A.R.E. – Atlantic University**

Medical Intuition Training/Awakening to Wholeness

September 6-9, 2007

Virginia Beach, VA

Speaker: C. Norman Shealy, MD, PhD

18.4 hours

**American Heart Association**

CPR Class

Year 2008

6 hours DC

**Cross Country Education**

Effective Treatment of Common Cervical and Upper Thoracic Pain Conditions

August 29, 2007

Nashville, TN

Speaker: Sunny Birdstone, LMP

6 hours

**Chiropractic Extremity Adjusting Workshop**

November 3-4, 2007

Dallas, TX

Speaker: Mark Charrette, DC

15 hours

The motion carried.

**Discussion of the Continuing Education Requirements for Sexual Boundaries, Risk Management and Tennessee Statute and Ethics**

Discussion for this topic was tabled until the next Board meeting.

**Discuss and Consider Waivers for Six (6) Hour Requirement for Chiropractors Licensed Before November 2002**

Upon discussion, Dr. Kelton made a motion, seconded by Dr. Massey, to approve the waiver requests for the three (3) additional hours of continuing education in risk management, based on the undue hardship to obtain hours for the following chiropractors:

**Christopher Alexander, DC**

**Richard Amodeo, DC**

**Amanda Austin, DC**

**Dennis Bushman, DC**

**Stephen Clarke, DC**

**R. William Gray, DC**

**Gloryann Hall, DC**

**Lonnie Jackson, DC**

**Charles McClellan, DC**

**W. Russell Moseley, DC**

**Victor Poletajev, DC**

**Jennifer Smith, DC**

**Angela St. Johns, DC**

**Charles R. Williams, DC**

**Debe Williams, DC**  
**Kevin Scott, DC**  
**Joel Durham, DC**  
**Dale Blackwelder, DC**  
**John Vitale, DC**

The motion carried.

### **Discuss Standard Checklist for Board Members to Use During Interviews**

The Board discussed the use of a standard checklist for Board members during interviews.

Mr. Sykes stated a uniform checklist would be beneficial and suggested the Board appoint a small committee to draft a checklist for presentation at the next meeting.

### **Review Applicant Files and Letters of Request**

Upon review of a letter from **Jackie L. Crawford, CTA, CTX**, requesting a repeal of reinstatement fees due to working on an expired license, Dr. Williams made a motion, seconded by Dr. Ratcliff, to approve Ms. Crawford's request for repeal and reduce the penalty fees to five hundred dollars (\$500). The motion carried.

Upon review of a letter from **Carol Brooks, CTA**, requesting a repeal of reinstatement fees due to working on an expired license, Dr. Williams made a motion, seconded by Dr. Ratcliff, to approve Ms. Brooks' request for repeal and reduce the penalty fees to five hundred dollars (\$500) due to an administrative error and compliance of continuing education requirements. The motion carried.

Upon review of a letter from **Sandra Miller, CXT**, requesting a repeal of reinstatement fees due to working on an expired license, Dr. Williams made a motion, seconded by Dr. Kelton, to approve Ms. Miller's request for repeal and reduce the penalty fees to five hundred dollars (\$500). The motion carried.

Upon review of a letter from **Terrance J. Loher, DC**, requesting a waiver of six (6) continuing education hours for 2006, Dr. Massey made a motion, seconded by Dr. Williams, to approve Dr. Loher's request for waiver of continuing education due to hardships. The motion carried.

Upon review of a letter from **Wilbur H. Scheitel, DC**, requesting a waiver of twenty-four (24) continuing education hours for 2007 due to physical impairments, Dr. Williams made a motion, seconded by Dr. Kelton, to deny the waiver request of twenty-four (24) continuing education hours and require Dr. Scheitel to complete twelve (12) hours of continuing education for 2007. The motion carried.

Upon review of a letter from **Brenda Wright, DC**, requesting a waiver of continuing education for 2006 due to health and financial hardships, Dr. Williams made a motion, seconded by Dr.

Kelton to delay Dr. Wright's request and require additional documentation from her physician. The motion carried.

Upon review of a letter from **Lonnie L. Jackson, DC**, requesting a waiver of twelve (12) continuing education hours for 2006 due to unapproved courses, Dr. Kelton made a motion, seconded by Dr. Williams, to waive the six hundred dollar (\$600) penalty fee and deny Dr. Jackson's waiver request and require him to take an additional twelve (12) continuing education hours in 2007 for 2006. The motion carried.

**Ratify Newly Licensed and Reinstated Chiropractic Physicians, Chiropractic Therapy Assistants and Chiropractic X-Ray Technicians**

Upon review, Dr. Williams made a motion, seconded by Dr. Ratcliff, to ratify the following newly licensed and reinstated chiropractic physicians, chiropractic therapy assistants and chiropractic x-ray technicians:

Newly Licensed Chiropractic Physicians

**Clifton K. Brady**  
**James M. Brown**  
**Michael R. Compton**  
**Steven F. Cox**  
**William Davis**  
**Randal Eha**  
**Stephen Foster**  
**Jeremy C. Johnson**  
**Adam Keres**  
**Sherry A. Lints**  
**Kevin D. Malone**  
**Touraj Najafian**  
**Jason M. Powers**  
**Steven Seegrist**  
**Jason Seltzer**  
**Vincenzo Sinatra**  
**Douglas S. Sterban**  
**Michael Swiercz**  
**Maurice L. Tucker**

Newly Licensed Chiropractic Therapy Assistants

**Joanne R. Acker**  
**Judy Boatwright**  
**Victoria K. Bradford**  
**Stephanie Bridge**  
**Tonja R. Bucca**  
**John R. Danielson**

**Margaret M. Dillingham**  
**Anita L. Dudley**  
**Maria L. Johnson**  
**Jacqueline Knappek**  
**Christiana L. Miller**  
**Jamie S. Rebella**  
**Beverly I. Rhoades**  
**Sharon A. Ritchey**  
**Lori M. Shook**  
**Becky E. Tucker**  
**Kendall N. Wells**

Newly Licensed Chiropractic X-Ray Technicians

**Frances I. Guyot**  
**Nicole E. Mooney**

Reinstated Chiropractic Physicians

**Douglas L. Carson**  
**Nancy W. Cates**  
**David C. Hall, II**  
**Mary J. Holt**  
**Robert E. Roach, Jr.**  
**Wendy L. Twohey**

Reinstated Chiropractic Therapy Assistants

**Carol M. Burnett**  
**Cynthia Y. Cannon**  
**Karen Aileen Naylor**

The motion carried.

**Discuss Criminal Background Check Policy**

The Board discussed approval of a policy regarding applicants that fail the criminal background check twice due to unreadable prints. Upon discussion, Dr. Massey made a motion, seconded by Dr. Williams, to adopt the following policy statement regarding unreadable criminal background check prints:

The Board shall require the applicant to submit to an FBI/TBI fingerprint scan through the State of Tennessee's approved vendor or its equivalent as determined by the Board or its equivalent in the state the applicant is located in.

The motion carried.

### **Discuss Board Business**

Ms. Owens said address changes are the biggest reason licensees fail to receive renewal notices. Ms. Owens stated mailing addresses are required, where as practice addresses are not.

The Board discussed making a rule amendment requiring licensees to have a current mailing and practice address on file at the administrative office at all times. The board requested the discussion be tabled for the next Board meeting.

With no other Board business to conduct, Dr. Kelton made a motion, seconded by Dr. Williams to adjourn the meeting at 1:06 p.m. The motion carried.

**Ratified by the Board Chiropractic Examiners on November 29, 2007.**