

TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

DATE: November 29, 2007

TIME: 8:00 a.m. CST

LOCATION: Health Related Boards Conference Center
Poplar Room
227 French Landing
Heritage Place - Metro Center
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
Sheila Fitzgerald, Citizen Member

STAFF

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

Dr. Selby, President, called the meeting to order at 8:10 a.m. All Board members were present with the exception of Ms. Fitzgerald who arrived at 8:45 a.m.

Review August 9, 2007 Board Meeting Minutes

Upon review of the August 9, 2007 Board meeting minutes, Dr. Williams made a motion, seconded by Dr. Kelton, to approve the minutes as written. The motion carried.

Matt Scanlon, Deputy Counsel, introduced himself to the Board and discussed the changes made in the Office of General Counsel. Mr. Scanlon then introduced Andrea Huddleston stating she will be the Board's advisory and litigating attorney. Mr. Scanlon said Ms. Huddleston would also be the board's rules coordinator, collaborating with the Board on new rules, rule amendments and conducting rule making hearings.

Conflict of Interest Policy Statement

Ms. Huddleston discussed the Conflict of Interest Policy with the Board asking any Board member having any personal matter with anything that comes before the Board to advise her at which time they will decide if the Board member should recuse themselves from the proceedings. Ms. Huddleston informed the Board that none of the matters discussed in Board meetings are to be discussed outside the meeting.

Administrative Report

Ms. Owens reviewed the Administrative Report with the Board stating there were 375 chiropractors, 233 CTA's and 58 CXT's in compliance with the continuing education requirements for 2006. Ms. Owens stated 233 chiropractors, 74 CTA's and 31 CXT's were not in compliance with the continuing education requirements. Ms. Owens stated all 2007 continuing education is due in the Board office January 15, 2008.

Upon discussion, Dr. Williams made a motion, seconded by Dr. Kelton, to send the non-compliant licensees a letter stating their name is being sent to investigations for non compliance of the 2006 continuing education requirements. The motion carried.

Office of General Counsel Report

Ms. Huddleston discussed the Office of General Counsel Report stating Rule 0260-3 thru 5.10 pertaining to supervision of CTA's and CXT's became effective October 10, 2007.

Ms. Huddleston stating Rule 0260-2-.03, .07, .15, 0260-3-.14, 0260-5-.14 pertaining to titles, interviews and conditions approved by the Board August 9, 2007 remains in the Office of General Counsel.

Ms. Huddleston stated there are five open disciplinary cases pertaining to the Board in the Office of General Counsel.

Ms. Huddleston said the rule requiring practitioners to submit copies of their continuing education instead of the original went to rulemaking November 1, 2007 and must be ratified by the Board. A roll call vote was conducted and all Board members voted in the affirmative.

Upon discussion of a rule amendment to require licensees to have a current mailing and practice address on file with the Board office, the American Heart Association CPR class for continuing education and requiring two (2) of the six (6) continuing education hours for the first year they are required to obtain continuing education to be in sexual/professional boundaries.

Ms. Huddleston said the Office of General Counsel has a new procedure where they review the rules first to make sure the language is correct and would like to review the language for the February Board meeting.

Ms. Huddleston stated she prefers rules over policy/position statements because if you have a rule you have the statute to support the rule.

Financial Report

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

Investigative Report

Ms. Owens discussed the Investigative Report stating there are currently forty (40) complaints against chiropractors. Ms. Owens said of the forty (40) complaints, fifteen (15) were for unprofessional conduct; five (5) for malpractice/negligence; six (6) for unlicensed practice; one (1) for medical records request; two (2) for care of services; seven (7) for advertising and four (4) for other.

Dr. Williams stated that Dr. James Brown passed away a few months ago. Ms. Owens said she would notify Ms. Stone.

Ratify Chiropractic Physicians, Chiropractic X-Ray Technicians and Chiropractic Therapy Assistants

Upon review, Dr. Williams made a motion, seconded by Dr. Massey, to ratify the newly licensed and reinstated chiropractors, CXT's and CTA's attached to this report.

Newly Licensed Chiropractic Physicians

**Demetrios Athans
Gregory Butts
Sage Campione
Alison Davidson
Scott Depol
Heidi Dudley
Evan Finkelstein
Mark Franicevic
Davis Holt
Senad Jaskic
Niger Kaur
Christopher Lane
Jeffrey Miceli, Jr.
Kevin Moore
Randy Moze
Andrew Parker
Duane Patrick, IV
Jonathan Robertson
Daniel Schrock
Todd Steffensmeier
Mark Wallace**

Reinstated Chiropractic Physicians

**Michele Benoit
Albert Cotton, Jr.
Jason Jackson
Jennifer Kestner
John Klemin
Brian Sykes**

New Licensed Chiropractic Therapy Assistants

**Steve Anderson
Kathy Byrd
Bridget Carter
Carrie Crane**

Reinstated Chiropractic Therapy Assistants

**Carol Brooks
Jackie Crawford
Shelia Curry
Jennifer Kentof**

**Elynor Eiaw
Michelle Forni
Michelle Garner
Tina Gee
Stasha Hampton
Kelly Jenkins
Michael LaFayette
Sheri Lester
Jymea Lunsford
Kristi Markle
Vickie Newcomb
Tena Northcutt
Sandra Parker
Michael Royston
Carla Russell
Sherry Schafer
Mary Scott
Stephanie Shimmin
Amber Sidwell
Linda Tarpley
Dawn Thomas
Keelie Watkins
Jennifer Whitson**

**Vickie Newcomb
Shelley Solomon
Melissa Thompson**

Newly Licensed Chiropractic X-Ray Technicians

Reinstated Chiropractic
X-Ray Technicians

**April Cantrell
Teri Cramer
Melissa Deacon
Catherine Froyd
Ina Gierhart
James Hill
Hannelore Hylton
Elizabeth Starkey
Courts Veasy**

**Jackie Crawford
Sandra Miller
Vickie Newcomb
Melissa Thompson**

The motion carried.

Continuing Education Course Review

Dr. Williams asked why the philosophy hours were not approved. Dr. Massey said the Board determined that they would approve clinical courses and not philosophy because there are so many philosophy courses that would not be considered for the practice of chiropractic.

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

Texas Chiropractic College/Functional Medicine and Nutrigenomics
September 8 and 9, 2007 – 12 hours
Louisville, KY

Life University Homecoming 2007
October 25-28, 2007 - 29 hours
Marietta, GA

University of Bridgeport/Non-Surgical Spinal Decompression
May, August, September and October 2007 - 12 hours

Parker College of Chiropractic
September 20-22, 2007 – 12.5 hours
New Orleans, LA

The Principles by Dr. Mancini and philosophy hours by Dr. Sigafosse are not approved.

Neuromechanical System Tour 2007
Fall Seminars 2007 – 13 hours

Advanced Decompression Therapy and Active Core Rehab for the Chiropractic Office
Logan College of Chiropractic
September 8, 2007 – 12 hours
Charlotte, NC
September 9, 2007 – 12 hours
Tampa, FL

Palmer College of Chiropractic/FCS Vertebral Subluxation Complex
August 24-26, 2007 – 47 hours/20 can be earned
Palm Beach, FL

Parker Chiropractic College Las Vegas 2007
February 7-9, 2007 – 7.5 hours
Las Vegas, NV
Philosophy classes not approved

Total Body Modification/University of Bridgeport College of Chiropractic
July 4-8, 2007 – 28.5 hours
Menomonie, WI

Texas Chiropractic College/Karl Parker Seminars
January 25-28, 2007 – 24 hours
Las Vegas, NV

Myokinesthetic System Headaches
Home study – 6 hours

DOT Physicals and Urine Drug Collection/Logan College
Chesterfield MO
September 29 -30, 2007 – 12 hours

Soft Tissue Techniques for Chiropractors/Texas Chiropractic College
September 29 - 30, 2007 – 12 hours
Columbus, OH

Auto Collisions Injuries 2007
September 8-9, 2007 – 24 hours
Birmingham, AL

Applied Kinesiology Study Program LLC
What To Do When You Can't Find A Weak Muscle
March 8-10, 2007 - 12 hours
Snowmass, CO

Case Studies and Clinical Principles of Functional Endocrinology
University of Bridgeport
May 5, 2007 – 16 hours
Atlanta, GA

Functional Blood Chemistry Analysis/Apex Energetics
November 3 - 4, 2007 – 16 hours
Atlanta, GA

Integrated Autonomic Analysis/ The Pathway to Wellness
November 3 and 4, 2007 – 12 hours
Nashville, TN

Palmer College of Chiropractic/ Activator Methods
Spring and Winter 2007 – 12 hours

Radiology for the Practicing Chiropractor/Logan
November 3 - 4, 2007 – 12 hours
Knoxville, TN

The Brimhal Protocol
Nutri-West South/Logan
June 22-24, 2007 – 12 hours
Nashville, TN

Nutritional Neurology
Nutri-West South/Logan
August 11-12, 2007 – 12 hours
Nashville, TN

Certified Chiropractic Extremity Practitioner/Palmer

October 6-7, 2007 – 15 hours

Port Orange, FL

Footlevelers Seminar/Life University

December 8 and 9, 2007 – 12 hours

Madison, WI

Unique Options/Logan Chiropractic College

November 10 and 11, 2007 – 14 hours

St Louis, MO

Low Level Laser Therapy class and an Overview of Auriculotherapy not approved

Pettibon Institute/Fundamentals and Lordosis Correction

Online – 6 hours

Cumberland Institute/Reiki Technique

Fall 2007 – 13 hours

Nashville, TN

Extremity Certification Series Session 1 and 2/Logan Chiropractic

December 15-16, 2007 – 12 hours

February 9-10, 2007 – 12 hours

Bio-Identical Hormone Balancing, Testing and Monitoring

September 15 and 16 2007 – 13.5 hours

Atlanta, GA

Vertebral Subluxation: An Evidence Based Approach Through Advanced Imaging/Sherman College

February 24-25, 2007 – 12 hours

Spartanburg, SC

AcuPractice Seminars

September thru December 2007 – 15 hours

Nashville, TN

BodyZone.com

November 3-4-17-18 and December 1-2-8-9, 2007 – 12 hours

Various Locations

Logan College/Golf Seminar

October 27, 2007 – 12 hours

St. Louis, MO

NWHSU/Shades of Gray 1 and 2 X-ray

Online – 6 hours

6 hours

Logan Chiropractic/Professional Boundaries and Extremities Certification

December 8 and 9 and 15 and 16, 2007 – 12 hours

St. Louis, MO

12 and 4 hours

Four (4) hour practice management not approved

Logan Chiropractic/Sexual Boundaries Risk Management

December 8, 2007 -6 hours

Knoxville, TN

Charrette Adjusting Protocols

December 8 and 9, 2007 – 12 hours

Louisville, KY

Evidence Based Chiropractic Documentation and Case Management

December 13, 2007 – 4 hours

Chattanooga, TN

Two (2) hours coding not approved

Validating Chiropractic/Life Chiropractic West

December 1-2, 2007 – 15 hours

Atlanta, GA

Life University/Quintessential Applications

December 2007/January, February, March, April, May, June of 2008 - up to 92 hours – each module 12 hours, 7 modules

Marietta, GA

Missouri Chiropractic Association District 1

December 14-16, 2007 – 32 hours

Jefferson City, MO

Twelve (12) hours in Insurance Consulting not approved

Palmer College-Online Risk Management and Record Keeping

Online – 2007 – 6 hours

Logan Chiropractic/Professional Boundaries and Extremities Certification

December 8 and 9 and 15 and 16, 2007 – 12 hours

St. Louis MO

Four (4) hours on practice management not approved.

The motion carried.

Review Correspondence

Upon review of a letter from **Charles Steets, D.C.** requesting exemption of his 2006 continuing education requirements due to an illness in his family, Dr. Williams made a motion, seconded by Dr. Ratcliff, to have Ms. Owens send Dr. Steets a letter allowing him to make up his 2006

continuing education requirements by 2008 and pay the \$600 penalty fee within thirty (30) days. The motion carried.

Upon review of a letter from **Lora K. Derr, D.C.** requesting exemption of her 2006 continuing education requirements due to injury, Ms. Fitzgerald made a motion, seconded by Dr. Williams, to allow Dr. Derr to obtain the required 24 hours of continuing education for 2006 online. The motion carried.

Upon review of a letter from **Thomas E. Rigel, D.C.** requesting exemption of the six (6) hour course in risk management, sexual/professional boundaries for 2006, Dr. Williams made a motion, seconded by Dr. Kelton, to allow Dr. Rigel take the six (6) hours risk management, sexual/professional boundaries online provided he submit proof of eighteen (18) hours of continuing education for 2006. The motion carried.

Upon review of a letter from **Life University** requesting a clear definition of sexual/professional boundaries, Dr. Williams made a motion, seconded by Dr. Kelton, to have Ms. Huddleston send a letter to Life University stating the Board cannot define sexual/professional boundaries and to submit a continuing education course syllabus for the Board's review. The motion carried.

Upon review of a letter from **Donald J. Wolfe, D.C.** requesting a waiver of the continuing education requirements for 2006 and 2007 due to injury, Dr. Williams made a motion, seconded by Ms. Fitzgerald, to have Dr. Wolfe obtain the remaining continuing education hours online through 2007 and then retire his license. The motion carried.

Upon review of a letter from **Brenda Wright, D.C.** requesting a waiver of the continuing education requirements for 2006, Dr. Williams made a motion, seconded by Dr. Massey, to allow Dr. Wright to obtain the 2006 continuing education hours online. The motion carried.

Discuss Board Member's Interview Checklist

Dr. Williams brought the checklist she uses as a guideline for interviews for the Board members to review. Dr. Williams said she tells the applicants not to schedule an interview until they know the rules and statutes.

Dr. Massey said the checklist is a good guideline for interviews and does not need amending at this time.

Manipulation Under Anesthesia Position Statement

Upon discussion of the position statement on Manipulation Under Anesthesia, Ms. Fitzgerald made a motion, seconded by Dr. Williams, to amend the position statement as follows:

A licensed Tennessee chiropractor may provide chiropractic services to a patient who is under anesthesia if and only if:

1. The chiropractic physician has received certification and has established competency in the treatment of patients under anesthesia.

2. The anesthesia is administered in a facility properly equipped and certified as required by law to administer anesthesia; and
3. The anesthesia is administered by – and the anesthetized patient is at all times monitored by – and anesthesiologist or other healthcare professional who is legally qualified to perform and monitor anesthesia.

The motion carried.

Contested Case Hearing of Scott Beavers and William Beavers, DC

James Hornsby, Administrative Law Judge, presided over the hearing for Scott Beavers and William Beavers, D.C. Andrea Huddleston, Assistant General Counsel, represented the state and Scott Beavers and William Beavers, D.C. represented themselves.

Judge Hornsby said the state will hear the case for Dr. William Beavers.

Ms. Huddleston distributed the Notice of Charges to the Board for review. The notice of charges which stipulates the allegations of fact that Dr. Beavers had a chiropractic license in Tennessee which expired December 31, 2005; owned and operated Beavers Chiropractic Center in Cleveland, TN.; practiced chiropractic at the center from January 2006 until May 2006 on an expired license; in March 2006 Dr. Beavers became aware that his license had expired when an insurance carrier rejected claims he had submitted for payment; knowingly allowed an unlicensed individual to practice chiropractic in his office from at least January 2001 until May 2006; and, billed insurance companies under his name and provider number for services rendered by the unlicensed individual working for him from at least March 2005 until March 2006.

Upon review, Ms. Fitzgerald made a motion, seconded by Dr. Kelton to accept the allegations as the findings of facts. The motion carried.

Upon review, Dr. Williams made a motion, seconded by Dr. Kelton, to accept allegations 15 and 16 as the conclusions of law which gives the Board the duty and authority to suspend for a specified period of time, within the discretion of the board, or to revoke any license to practice chiropractic; or to otherwise discipline any licensee, or refuse to grant any certificate of fitness, whenever the licensee or applicant is found guilty of violation of the rules or practice act. The motion carried.

Upon conclusion, Dr. Kelton made a motion, seconded by Ms. Fitzgerald, to fine Dr. Beavers \$2,000 in civil penalties plus costs, cease practicing in the chiropractic office until he reinstates his license and appears before the board for reinstatement. The motion carried.

Dr. Selby stated these actions were taken to protect the welfare of the citizens of the State of Tennessee.

Judge Hornsby said the state will hear the case for Scott Beavers.

Ms. Huddleston distributed the Notice of Charges to the Board for review. The notice of charges which stipulates the allegations of fact that Scott Beavers has never been issued a license to practice chiropractic in the State of Tennessee; respondent graduated from Life College of Chiropractic in 2000 but was unable to apply for licensure in Tennessee because he could not

meet all of the requirements; and respondent practiced chiropractic without a license at Beavers Chiropractic Center in Cleveland, TN from at least January 2001 until May 2006.

Upon review, Dr. Williams made a motion, seconded by Dr. Kelton to accept the allegations as the findings of facts. The motion carried.

Upon review, Dr. Williams made a motion, seconded by Dr. Massey, to accept the causes of action 12 and 13 as the conclusions of law which states it is unlawful for any person to practice chiropractic within this state without having procured a license, prior to the engagement of the practice of chiropractic in Tennessee, a person must hold a current Tennessee license or temporary license issued pursuant to Rule 0260-2-.14; Chiropractic is one of the healing arts and is such the practice of which is restricted to those persons credentialed by the Board; and, persons engaging in the practice of chiropractic without being credentialed are in violation of T.C.A. §63-1-123. The motion carried.

Upon conclusion, Dr. Williams made a motion, seconded by Ms. Fitzgerald, to fine Mr. Beavers \$750 in civil penalties plus costs. The motion carried. Dr. Kelton opposed.

Dr. Selby stated these actions were taken to protect the welfare of the citizens of the State of Tennessee.

Dr. Selby asked Ms. Huddleston to table the policy statement regarding civil penalties for chiropractors, CTA's and CXT's who submit late continuing education; policy statement allowing the mandatory continuing education courses be taken before applicant is approved for licensure; and, discuss language for scope of practice.

Application Review

Upon review of the application for **Douglas Williamson**, Dr. Williams made a motion, seconded by Dr. Kelton, to approve Dr. Williamson for licensure as a Chiropractor contingent on a successful interview with a Board member. The motion carried.

Upon review of the application for **David Starkey**, Ms. Fitzgerald made a motion, seconded by Dr. Williams, to approve Dr. Starkey for licensure as a Chiropractor contingent on a successful interview with a Board member. The motion carried.

Upon review of the application for **Evelyn Guilford**, Ms. Fitzgerald made a motion, seconded by Dr. Williams, to approve Dr. Guilford for licensure as a Chiropractor contingent on a successful interview with a Board member. The motion carried.

Upon review of the application for **Chris Jackson**, Ms. Fitzgerald made a motion, seconded by Dr. Williams, to approve Dr. Jackson for licensure as a Chiropractor contingent on a successful interview with a Board member. The motion carried.

Upon review of the application for **Michele Clark**, Dr. Williams made a motion, seconded by Dr. Ratcliff, to approve Ms. Clark for licensure as a CTA. The motion carried.

Upon review of the application for **Tracy Taylor**, Dr. Williams made a motion, seconded by Dr. Kelton, to approve Ms. Taylor for licensure as a CTA. The motion carried.

Upon review of the application for **Kristy Shelton**, Dr. Williams made a motion, seconded by Dr. Massey to approve Ms. Kristy for licensure as a CTA. The motion carried.

With no other Board business to conduct, Dr. Williams made a motion, seconded by Dr. Ratcliff to adjourn at 2:00 p.m. The motion carried.

Ratified by the Board of Chiropractic Examiners on February 21, 2008.