

**MINUTES
TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS**

DATE: December 7, 2006

TIME: 9:00 a.m., CST

BOARD MEMBERS

PRESENT: Andrea Selby, D.C., President
Barry Kelton, D.C.
Debe Williams, D.C.
Craig Ratcliff, D.C., Secretary
Sheila Fitzgerald, Citizen Member

BOARD MEMBERS

ABSENT: Michael Massey, D.C., Vice President

STAFF PRESENT:

Sherry Owens, Board Administrator
Jerry Kosten, Rules Coordinator
Juanita Presley, Advisory Attorney
Barbara Maxwell, Administrative Director

Dr. Selby, president, called the meeting to order at 9:10 a.m. A sufficient number of board members were present to constitute a quorum.

Ratify August 31, 2006 Board Meeting Minutes

Upon review, Dr. Williams made a motion, seconded by Dr. Kelton, to ratify the minutes as corrected. The motion carried.

Conflict of Interest Policy Statement

Ms. Presley reviewed the conflict of interest policy statement asking the board member to recuse themselves and leave the board room if they find themselves in a situation where there is a conflict of interest. Ms. Presley said if the board member leaves the room they are not to talk to the other board members.

Agreed Order for Virgil Coffman, D.C.

Elisha Hodge, OGC litigating attorney, presented an agreed order to the board for Virgil Coffman, D.C. of Coffman Chiropractic Life Center who knowingly allowed unlicensed individuals to perform adjustments on patients under his supervision; appeared in yellow book advertisement with three other individuals of which only one was licensed at the time; and, used the word “doctor” before their name in the advertisement.

Dr. Selby stated Dr. Hoffman got off easy according to the agreed order.

Ms. Hodge said the order was based on the information the investigator obtained and discussed with the consultant.

Upon discussion, Dr. Williams made a motion, seconded by Ms. Fitzgerald, to deny the agreed order as written. A roll call vote was conducted and all board members voted to deny the agreed order as written.

Agreed Order for Nicole Coffman-Cole, D.C.

Ms. Hodge presented an agreed order to the board for Nicole Coffman-Cole, D.C. who was working as a chiropractic physician at Coffman Chiropractic Life Center prior to licensure for seven (7) months, appearing in an a Chattanooga publication which stated Dr. Coffman-Cole was one of the team of four chiropractic physicians of Coffman Chiropractic Life Center.

Upon discussion, Dr. Williams made a motion, seconded by Dr. Kelton, to accept the order as written. A roll call vote was conducted and all board members voted to accept the order as written, with the exception of Ms. Fitzgerald who abstained. The motion carried.

Agreed Order for Joseph Coffman, D.C.

Ms. Hodge presented an agreed order to the board for Joseph Coffman, D.C. who was working as a chiropractic physician at Coffman Chiropractic Life Center prior to licensure, appearing in an advertisement for Coffman Chiropractic Life Center prior to licensure and allowing an unlicensed individual practice under his supervision after licensure.

Upon discussion, Dr. Williams made a motion, seconded by Dr. Kelton, to deny the agreed order as written. A roll call vote was conducted and all board members voted to deny the agreed order as written.

Agreed Order for Daniel Cole, D.C.

Ms. Hodge presented an agreed order to the board for Daniel Cole, D.C. who was working as a licensed chiropractic physician at Coffman Chiropractic Life Center and knowingly allowed unlicensed individuals to perform adjustments on patients under his supervision after licensure, appear in an advertisement for Coffman Chiropractic Life Center with three other individuals, only one of whom was licensed at the time.

Upon discussion, Dr. Williams made a motion, seconded by Dr. Kelton, to deny the agreed order as written. A roll call vote was conducted and all board members voted to deny the agreed order as written.

Office of General Counsel Report

Ms. Presley reviewed the report stating Rule 0260-2-.12 regarding increasing continuing education requirements becomes effective January 1, 2007.

Ms. Presley said Rules 0260-2-.19, .24 regarding PC-LLC and stays, rule 0260-2-.12 and .26 regarding no business continuing education and records and 0260-3-.04 regarding x-ray certification process are pending approval in the Attorney General's Office.

Ms. Presley said there are six (6) pending cases in OGC.

Investigative Report

Ms. Owens reviewed the investigative report stating of the forty-eight (48) complaints against chiropractic physicians twenty-four (24) were closed with no action, seven (7) were closed with letters of concern, four (4) were closed with letters of warning, eight (8) were referred to OGC, one (1) was closed pending court action and four (4) were referred to screening panel.

Disciplinary Report

Ms. Owens reviewed the disciplinary report stating there are four (4) chiropractic physicians and one (1) CXT/CTA currently being monitored.

Financial Report

Ms. Owens stated the board has a cumulative carryover at June 30, 2006 of \$131,655.75. Ms. Owens stated this does not include the move to Metro Center which should be in the year end report.

Mr. Kosten stated the move isn't going to be as costly as thought because a portion of the rent the department paid at the Cordell Hull Building, which was a state owned facility, went towards the move to the private facility.

Administrative Report

Ms. Owens reviewed the administrative report stating the March 1, 2007 board meeting will be held at French Landing.

Ms. Owens stated the postcards regarding the continuing education hours being raised from 12 hours to 24 hours in 2007 will be mailed January 15, 2007. Ms. Owens said Ms. Stevens is putting the new requirements in the TCA newsletter.

Report from Jerry Kosten, Rules Coordinator

Mr. Kosten stated a rulemaking hearing was conducted October 20, 2006 to amend Rule 0260-2-.02 to include acupuncture in the scope of practice. Mr. Kosten stated no one attended the hearing or sent in letters regarding the amendment.

Mr. Kosten stated Rule 0260-2-.12 was amended to require six (6) hours of acupuncture continuing education, three (3) of which can be multi-media courses, for chiropractic physicians who practice acupuncture.

Upon discussion, Dr. Williams made a motion, seconded by Dr. Kelton, to adopt the amended rules as written. A roll call vote was conducted and all board members voted in the affirmative.

Mr. Kosten stated Rules 0260-2-.03 and 0260-5-.03 were amended to require licensed chiropractic physicians display a sign at the licensee's practice location stating that chiropractic therapy assistants and chiropractic x-ray technicians are required to be currently certified by the board before commencing with or participating in tests, treatments, or procedures; are required to wear identification badges issued by the board when commencing or participating in tests, treatments or procedures; and, patients who believe they are receiving treatment from uncertified personnel should contact the Board of Chiropractic Examiners. Mr. Kosten said the identification badges will be issued by the board.

Mr. Kosten stated Rule 0260-3-.06 was amended to charge a \$25 fee for replacement identification badges.

Mr. Kosten stated Rule 0260-3-.10 was amended to define the actual supervision of chiropractic x-ray technicians as requested by the board.

Upon review, Dr. Williams made a motion, seconded by Dr. Ratcliff, to send the amendments to rulemaking hearing. The motion carried.

Discuss and revise the August 2006 policy statement regarding chiropractors who employ non-licensed CTAs and CXTs.

Ms. Presley said the policy statement states a chiropractic physician who employs non-licensed x-ray technicians and/or therapy assistants will be fined one-thousand dollars (\$1000) per employee, after which time the non-licensed professional will have sixty (60) days to enroll in or complete the required course and one (1) year to complete the required internship.

Upon discussion, Dr. Kelton asked that the board review the policy statement and continue it to the March 2007 agenda to discuss and finalize. The board agreed.

Mr. Kosten discussed Executive Order 38 which states prior to any state agency promulgating any new rules the board must consider the economic impact of the amendment to small businesses.

Upon discussion, the board determined the rule amendment may have benefit small business as it would create a more professional appearance in the office and may increase in business. The board said chiropractic physicians may have an increase in expense for the badges; however, it would be less burdensome to not adopt the amendment as it may result in unlicensed persons being employed at CXTs and CTAs.

Dr. Williams made a motion, seconded by Dr. Ratcliff, to send the rule amendment to rulemaking hearing. The motion carried.

Mr. Kosten stated the hearing will be conducted February 16, 2007 and have the results for the board at the next meeting.

Review and ratify continuing education courses

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

Texas Chiropractic College

Nutritional Wisdom of the Masters

October 28-29, 2006

Jay Robbins, D.C.

Applied Nutrition for the Health Professional

October 14-15, 2006

New York Chiropractic College/Footlevelers

Chiropractic Extremity Adjusting

December 9-10, 2006

Howard Loomio, D.C.

The 2nd Factor in Chiropractic

October 14-15, 2006

University of Bridgeport College of Chiropractic

Myofascial Pain Syndrome: Trigger Point Therapy

November 11-12, 2006

The Acupuncture Society of America

Modern and Classical Acupuncture

October, November and December 2006

January, February, March, April and May 2007

Logan College of Chiropractic

Welcome to the World of Pro-Adjuster

November 11-12, 2006

The motion carried.

Upon review, Dr. Kelton made a motion, seconded by Dr. Williams, to deny the following continuing education courses recommended by Dr. Massey:

Womens Health Issues and Rehabilitation Techniques

October 7-8-, 2006

Institute of Bio-Terrain Sciences and Educational Services

Korean Hand Stimulation

October 14-15-, 2006

Koren Specific Technique

October 7-8 and November 11-12, 2006

The motion carried.

File Review

Ratify newly licensed chiropractic physicians, chiropractic therapy assistants and chiropractic x-ray technicians

Upon review, Dr. Ratcliff made a motion, seconded by Dr. Williams to ratify the following newly licensed chiropractic physicians:

Amy Lynn Bennett, D.C.
Casey Wayne Bevis, D.C.
Jennifer Lynn Conway, D.C.
Tammy Joy Doriot, D.C.
Michael David Haight, D.C.
Rebecca Lee Holden, D.C.
Nyoka Nichelle Lytle, D.C.
Staten C. Medsker, Jr., D.C.
Dina J. Morrison, D.C.
Leann Newland Phillips, D.C.
Yolanda Carnetta Roberson, D.C.
Hamilton Granger Whetzel, D.C.
Evan R. Willian, D.C.
Clyde Wayne Zerba, D.C.

Dr. Selby recused herself from voting. The motion carried.

Upon review, Dr. Ratcliff made a motion, seconded by Dr. Williams to ratify the following newly licensed chiropractic therapy assistants:

Andrea Gail Bookhardt
Jessica Lynn Brewer
Mary Beth Cain
Carmen Kelly Carter
Mary Maria Cross
Tiffany Dawn Dimiceli
Frances Guyot
Angelina Helmick
Patricia Leigh Maupin
Angela Regina McCarter
Janet Lynn Moffitt
Sheila A. Sikes
Mary Starnes
Kathy Priscilla Stone
Sean K. Stonecipher
Tonya Kay Tucker
Bethany Weatherly

Dr. Ratcliff recused himself from voting. The motion carried.

Upon review, Dr. Ratcliff made a motion, seconded by Dr. Williams to ratify the following newly licensed chiropractic x-ray technician:

Kelly Leigh Adams

The motion carried.

Election of New Officers

Dr. Williams made a motion, seconded by Dr. Kelton, to keep Dr. Selby as President, Dr. Massey as Vice-President and Dr. Ratcliff as Secretary. The motion carried.

With no other board business to conduct, Dr. Kelton made a motion, seconded by Dr. Williams, to adjourn at 11:36 a.m. The motion carried.

Ratified by the Board of Chiropractic Examiners on February 27, 2007