

TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

DATE: February 14, 2013

TIME: 9:00 A.M.

LOCATION: Health Related Boards Conference Center
Poplar Conference 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
Richard Cole, D.C., Board Member
Andrea Selby, D.C., Board Member
Sheila Fitzgerald, Citizen Member

STAFF PRESENT: Sherry Owens, Board Administrator
Stacy Tarr, Interim Unit Director
Mark Cole, Office of General Counsel

Dr. Massey, chair, called the meeting to order at 9:15 a.m. A quorum was present.

Minutes

Dr. Cole made a motion, seconded by Dr. Ratcliff, to approve the November 12, 2012 Board meeting minutes as written. The motion carried.

Office of General Counsel Report

Mr. Cole reviewed the Conflict of Interest statement and the Open Meeting Acts statement.

There are twenty-five (25) open cases at OGC against chiropractors.

Mr. Cole reviewed Senate Bill 0310 and House Bill 783 regarding the Sunset Law. The Board of Chiropractic Examiners has been extended until June 30, 2017. Dr. Cole made a motion, seconded by Dr. Alexander to accept Senate Bill 0310 and House Bill 783. The motion carried. Sheila Fitzgerald made a motion, seconded by Dr. Selby to take no action on Senate Bill 493. The motion carried.

Investigative Report

There are twenty five (25) complaints being reviewed and/or investigated for chiropractors and one (1) complaint for CTAs and no complaints for CXTs.

Monitored Practitioners

Seven (7) practitioners are on probation, four (4) have had their licenses revoked, two (2) are under a board order and two (2) were disciplined for unlicensed practice. One (1) practitioner was suspended.

Administrative Report

As of February 5, 2013, there are 1117 licensed Chiropractic Physicians, 130 CXTs, and 492 CTAs. The 2012 Audit is still being worked and the results will be brought to the Board as soon as completed. The Board instructed Ms. Owens to send out the non-compliance letters regarding the 2012 audit. Dr. Selby is to take the place of Dr. Massey at the FCLB meeting in May of 2013 if he will be unable to attend.

Financial Report

Lisa Tittle stated for FY ending June 30, 2011, the Board had direct expenditures of \$48,355.23 and revenue collections of \$211,659.26. Indirect expenditures were \$88,594.49. The current year net is \$74,709.54.

Ms. Tittle also informed the Board of the costs that are coming up and being accounted for in the financial report. In 2013 the Board's share of the new computer system will be \$3300.00. Dr. Cole asked Ms. Tittle about the dual licensure of the CTA and CXT. Ms. Tittle stated that they could do some projective numbers for the Board and asked administration to give her the numbers the Board was discussing for fees.

Review Correspondence

Joseph Kanan, DC submitted a letter to the Board regarding the use of K-Laser class IV therapy. Dr. Cole made a motion, seconded by Dr. Selby, that K-Laser class IV therapy is part of the scope of practice for chiropractors. The motion carried.

Doug Lensgraf, DC submitted a letter to the Board regarding The Annual Pain Management Symposium denial. Ms. Fitzgerald made a motion, seconded by Dr. Alexander to approve 12 hours of this course for continuing education for 2103. The motion carried.

Audra Arstikaitis, DC submitted a letter to the Board regarding a shortage of continuing education in 2012. The event she was signed up for was cancelled in November. Dr. Cole made a motion, seconded by Ms. Fitzgerald for Dr. Arstikaitis to complete the remaining 2 hours within the next 30 days. The motion carried.

Amy Carpenter, DC submitted a letter to the Board regarding her continuing education for 2011 and 2012. Dr. Cole made a motion, seconded by Ms. Fitzgerald to request that Dr. Carpenter appear before the Board May 23, 2013. The motion carried.

Orval Corfman, DC submitted a letter to the Board requesting a waiver of the SPEC exam as a basis for licensure in Tennessee. Dr. Cole made a motion, seconded by Ms. Fitzgerald to deny Dr. Corfman's request. Dr. Corfman must take the SPEC exam to be licensed in Tennessee. The motion carried.

Lora Derr, DC submitted a letter to the Board requesting her continuing education be allowed online due to a medical condition. Dr. Cole made a motion, seconded by Ms. Fitzgerald to approve Dr. Derr's request. The motion carried.

Mary Gandy, DC submitted a letter to the Board requesting a waiver of 12 hours of continuing education for 2012. Her license is retired and she has not practiced since December 2011. Dr. Cole made a motion, seconded by Dr. Alexander to approve Dr. Gandy's request. The motion carried.

Gillian Gwin, DC submitted a letter to the Board requesting a waiver for 2012 continuing education. Dr. Cole made a motion, seconded by Dr. Alexander, to grant Dr. Gwin's waiver. The motion carried.

Leon King, DC submitted a letter to the Board requesting a waiver for the 2012 continuing education requirement. Dr. Cole made a motion, seconded by Dr. Selby to grant Dr. King a waiver for 2012 continuing education. The motion carried.

Bobby Myers, DC submitted a letter to the Board requesting an extension of his 2012 continuing education hours. Ms. Fitzgerald made a motion, seconded by Dr. Cole to extend him 90 days to complete 12 hours for the 2012 year. The motion carried.

Larry Patterson, DC submitted a letter to the Board requesting his 2013 continuing education be allowed online due to a medical condition. Dr. Cole made a motion, seconded by Dr. Selby to grant Dr. Patterson's request. The motion carried.

Stephanie Popejoy submitted a letter to the Board requesting a waiver of her 2012 continuing education hours. Dr. Cole made a motion, seconded by Dr. Selby, to grant Dr. Popejoy her request. The motion carried.

John Leonesio, CEO and Dallas Humble, DC submitted a letter on behalf of The Joint...the chiropractic place. Dr. Cole made a motion, seconded by Ms. Fitzgerald, -that in order for The Joint to operate in Tennessee, a licensed Tennessee chiropractor must own the business. The motion carried.

CTA Exam

Dr. Cole reported to the Board that there are several chiropractors inputting information for this exam. All chiropractors involved have signed confidentiality agreements regarding the exam and the Tennessee Chiropractic Association has a copy write on the exam. Dr. Cole is hoping to have language for the Board at the August meeting regarding this exam rewrite.

CTA and CXT Dual Licensure

The discussion regarding CTA and CXT dual licensure has been tabled to the May 2013 meeting.

Ratify Newly Licensed Chiropractors

Dr. Cole made a motion, seconded by Dr. Ratcliff, to approve the following newly licensed Chiropractors:

Keith Amodeo
Guinevere Bennett
Autumn Blackburn
Ryan Bowers
Scott Dunaway
Dustin Etheridge
Heath Foster
Zachary Ingle
Marlee Lucius
Walter McCants Jr
Lynn Metcalf
Spencer Neal
Christi Osborne
Todd Personett
Joshua Reed
Seth Robinson
Justin Walters
Debra Wiertel
Eric Wright
Chad Young
Richard Zupancic

The motion carried.

Dr. Cole made a motion, seconded by Dr. Ratcliff, to approve the following reinstated Chiropractors:

Richard Albright
Lolethia Hamilton

Daniel Holland
Daniel Kammer
C Stephen Williams
Evan Willing

The motion carried.

Dr. Cole made a motion, seconded by Dr. Ratcliff, to approve the following newly licensed Chiropractic Therapy Assistants:

Cahterine Arwood
Megan Barker
Sheryl Blevins
Jacqueline Day
Karen Dilden
Sheila Dillon
Pamela Duff
Janneth Estrada
Korrin Ferguson
Hallie Freeman
Katie Gloster
Robert Hall Jr
Jason Harp
Callie Heatherly
Madison Luebbe
Ashley Purkey
Lynn Rathunde
Julie Riden
Rachel Sanders
Becki Staley
Abby Tucker
Brooklyne Warren
Amy Williams
Leslie Wright

The motion carried.

Dr. Cole made a motion, seconded by Dr. Ratcliff, to approve the following reinstated Chiropractic Therapy Assistants:

Frances Guyot

The motion carried.

Dr. Cole made a motion, seconded by Dr. Ratcliff, to approve the following newly licensed Chiropractic X-ray Technicians:

Callie Heatherly

The motion carried.

Dr. Cole made a motion, seconded by Dr. Ratcliff, to approve the following reinstated Chiropractic X-ray Technicians:

Kelly Foster

Review/Ratify Continuing Education Courses

Dr. Ratcliff made a motion, seconded by Ms. Fitzgerald, to approve the list of continuing education courses that Dr. Alexander initially approved or denied. The motion carried.

Applicant Review

Jerry Lo came before the Board for approval of his chiropractic application. Dr. Ratcliff made a motion, seconded by Dr. Selby, to approve Dr. Lo for licensure. Ms. Fitzgerald opposed. The motion carried.

Jordan Reddick came before the Board for approval of her chiropractic therapy assistant application. Dr. Cole made a motion, seconded by Ms. Fitzgerald, to approve Ms. Reddick for licensure. The motion carried.

James Warlick came before the Board for approval of his chiropractic reinstatement application. Dr. Cole made a motion, seconded by Ms. Fitzgerald, to approve Dr. Warlick for reinstatement pending the Affiliated Monitors Report is clear. The motion carried.

Policy Statements

The Board discussed Intramuscular Stimulation/Dry Needling. Dr. Massey stated that Dry Needling is a physical intervention that uses a filiform needle to stimulate trigger points, diagnose and treat neuromuscular pain and functional movement deficits. It is based on Western medical concepts; requires an examination and diagnosis; and treats specific anatomic entities selected according to physical signs. Dry Needling must be performed in a manner consistent with generally accepted standards of practice, including clean needle techniques. Dr. Cole made a motion, seconded by Dr. Ratcliff, for the policy statement regarding Dry Needling to be placed on the Board website. The motion carried.

Dr. Cole stated that Chiropractic physicians may perform electrodiagnosis studies when properly trained and certified. Proper training would include a minimum of 150 hours of education in electrodiagnosis, performance and interpretation. The Board recognizes persons that are board certified in electrodiagnosis by the IACN and ACNB or the equivalent as determined by the Board, as qualified to perform electrodiagnostic examinations. Dr. Selby made a motion, seconded by Ms. Fitzgerald, for the policy statement regarding Intramuscular Stimulation to be placed on the Board website. The motion carried.

Other Board Business

Stacy Tarr reviewed Public Chapter 952 regarding the opt in and opt out option for all licensees to be able to receive license renewal and any information regarding the respective Board via email.

The 2014 Board dates have been set and are as follows;

February 20, 2014

June 5, 2014

August 7, 2014

December 4, 2014

With no other Board business, Dr. Cole made a motion, seconded by Dr. Alexander to adjourn the meeting. The motion carried. The meeting adjourned at 1pm.

Ratified by the Board of Chiropractic Examiners on June 6, 2013