

# Tennessee Board of Chiropractic Examiners



## Newsletter



Autumn 2007

A Regulatory Agency of the State of Tennessee

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227 French Landing, Suite 300, Heritage Place Metro Center, Nashville, TN 37243 • <http://health.state.tn.us> (615) 532-5138 or 1-800-778-4123  
Office Hours: Monday – Friday 8:00 a.m. to 4:30 p.m. Central Time (except State and Federal holidays) Fax: (615) 532-5369

In conjunction with the purpose and goals of the Department of Health, the Mission of the Bureau of Health Licensure and Regulation is to: Monitor, access, and enforce health care laws and regulations; Protect, promote and enhance quality health care for all citizens; Continuously strive to meet the needs of our customers in a respectful and caring manner; Provide quality work-life necessary to attract and retain competent, caring employees; Empower our employees to become entrepreneurs in their jobs; Increase awareness and public confidence in our services; and, Utilize our resources efficiently and cost effectively.



**Susan R. Cooper, M.S.N., R.N.**  
**Commissioner**  
**Tennessee**  
**Department of Health**

Susan R. Cooper, M.S.N., R.N. made Tennessee history on January 20, 2007 when she became the first nurse to serve as Commissioner of the Tennessee Department of Health.

Commissioner Cooper is a master's prepared registered nurse. She earned both her bachelor and master of nursing degrees from Vanderbilt University School of Nursing.

Cooper was raised in Tennessee, and considers it a great honor to have been asked by Governor Phil Bredesen to serve as Commissioner of Health. Her priorities are to protect, promote and improve the health of all Tennesseans. She considers this the most important work she will face in her career.

"Now is the time that I can perhaps influence the citizens of this state in a positive manner," said Cooper. "I hope to leave a footprint on the health status of this state."

Cooper first came to the State level in 2005, as a special policy and health advisor to the Governor. She was charged with developing Tennessee's Health Care Safety Net program for citizens facing dis-enrollment from TennCare.

Cooper later assumed leadership of Project

Diabetes, a program the Governor created to address the threat of Type 2 diabetes facing young people in Tennessee. In addition, she helped facilitate the creation of the Governor's GetFitTN initiative. The statewide public awareness program is aimed at addressing the rising epidemic of Type 2 diabetes and risk factors that lead to diabetes, like obesity. The program involves educating adults and children how they can make modest lifestyle changes to delay or prevent the onset of Type 2 diabetes.

Before joining state government, Cooper was a faculty member and Assistant Dean of Practice at Vanderbilt University's School of Nursing, overseeing the nurse-managed clinics and operations led by the School. She also served as co-director of the Health Systems Management program at Vanderbilt University School of Nursing.

Cooper has an extensive background in health policy, health care regulation, and evidence-based practice. She helped create the Center for Advanced Practice Nursing and Allied Health at Vanderbilt University Medical Center, covering the regulatory needs and credentialing for the hundreds of non-physician providers at Vanderbilt.

Cooper was born and raised in West Tennessee. Her father was an ophthalmologist and her mother was a nurse. One of the Commissioner's first jobs as a teenager was in her father's office in West Tennessee, checking in patients, and later performing routine vision checks.

The Commissioner currently resides in Franklin, Tennessee. She enjoys spending time with her three grown children and three grandchildren.

**Christy A. Allen  
Assistant Commissioner  
Bureau of Health Licensure and Regulation**

On April 10, 2007, Commissioner Cooper appointed Christy A. Allen as the new assistant commissioner for the Tennessee Department of Health's Bureau of Health Licensure and Regulation. In this role, Allen will oversee a staff of approximately 500 in the Divisions of Health Related Boards, Health Care Facilities and Emergency Medical Services .

Prior to joining the Department of Health, Allen served as a legal services director and Deputy General Counsel with the Department of Commerce and Insurance, where she advised senior department officials on legal, policy and legislative matters. She was supervising attorney for the Division of Regulatory Boards and the Division of Fire Prevention legal section.

Allen received a Doctor of Jurisprudence degree from the George C. Taylor School of Law at the University of Tennessee and a Bachelor of Arts degree from Bryn Mawr College. She has been licensed to practice law in Tennessee since 1993.

**Cover Tennessee: Health Care for  
Tennessee's Uninsured**

Governor Phil Bredesen's multi-pronged effort, **Cover Tennessee**, extends health insurance to uninsured individuals in Tennessee through three insurance programs and a pharmacy assistance program.

**CoverTN** is an affordable and portable health insurance initiative for working Tennesseans who are uninsured. Comprehensive coverage for children is provided through **CoverKids**, and chronically ill adults are eligible for **AccessTN**. **CoverRx** is a statewide pharmacy assistance program designed to assist those who have no pharmacy coverage, but have a critical need for medication.

**Cover Tennessee** provides health insurance coverage that is affordable to participants and affordable to the state.

More information on all **Cover Tennessee** programs is available at [www.CoverTN.gov](http://www.CoverTN.gov) or by calling **1-866-COVERTN**.

[www.covertn.gov](http://www.covertn.gov)

**1-866-COVERTN**

**Overview of Programs**

**CoverTN**

CoverTN is a partnership between the state, small businesses and self-employed individuals to provide coverage for the most needed medical services. CoverTN is a voluntary initiative for uninsured Tennesseans to obtain private insurance. The individual owns the plan, not the state or the company. To promote personal responsibility, premiums are based on weight, tobacco use and age – with an average monthly premium of \$50 for each payer.

CoverTN is affordable. The program features no deductibles and pricing is simple and straight-forward: \$20 co-payment for a doctor's office visit and \$10 for most prescription drugs. There is also coverage for hospitalization and other medical needs.

Enrollment is a two-step process. Once a business is confirmed as eligible, BlueCross BlueShield of Tennessee, the program's insurer, sends out enrollment materials and individuals have 90 days to make a decision.

**CoverKids**

CoverKids offers comprehensive health insurance coverage to uninsured children 18 years-old and younger, and maternity coverage for pregnant women with household incomes below 250 percent of the federal poverty level. Families above the income limit, who wish to purchase coverage for their child, can "buy in" to the program by paying monthly premiums. The coverage is similar to the benefits offered to dependents of state employees. BlueCross BlueShield of Tennessee administers the program.

**AccessTN**

AccessTN provides comprehensive health insurance options to uninsurable Tennesseans. AccessTN, a high-risk pool, was created for persons with one of 55 specified medical conditions, or those who are unable to get insurance in the commercial market because of their health status. BlueCross BlueShield of Tennessee administers the program.

**CoverRx**

CoverRx is a statewide pharmacy assistance program designed to assist those who have no pharmacy coverage, but have a critical need for medication. CoverRx is not health insurance. It provides up to five prescriptions per month. (Insulin and diabetic supplies will not count against the monthly limit.) Express Scripts administers the program.

## Rule Amendments

There are three (3) rule amendments pertaining to the Tennessee Board of Chiropractic Examiners. Upon approval by the Attorney General the rule amendments will be posted at the Board's web site.

**Rule amendment 0260-2-12**, increases the continuing education hours from twelve (12) to twenty-four (24) hours annually. Effective January 1, 2007.

**Rule amendments 0260-3.10 and 0260-5-.10**, state that a copy of a CXT and CTA's (respectively) renewal shall be kept in the personnel file of the licensee to prove that he/she has the appropriate certification to perform required procedures. Effective October 10, 2007.

**Rule amendment 0260-2-.02, .12, .20** states that any chiropractor that practices acupuncture shall, prior to commencing such practice, complete 250 hours of acupuncture course accredited by an agency or entity acceptable to the Board and pass the National Board of Chiropractic Examiners Acupuncture Exam. Six (6) of the twenty-four (24) hours of continuing education must be in acupuncture practice and a maximum of three (3) of the six (6) in multimedia may pertain to acupuncture. Effective June 24, 2007.

You may download a copy of the rules at <http://Tennessee.gov/health>, click "Licensing" at the top of the page, click "Health Professional Boards", cursor down to "Boards, Councils, Committees and Registry", click "Board of Chiropractic Examiners" and "Rules and Regulations." Other pertinent information can be downloaded at the Board's site such as applications and forms, Board members list, Board meeting schedule, policy statements, Board meeting minutes and information on filing complaints.

**To contact this board call  
(615) 532-5138 local or (800) 778-4123  
nationwide  
or write to:**

**Tennessee Board of Chiropractic  
Examiners  
227 French Landing, Suite 300  
Heritage Place – MetroCenter  
Nashville, TN 37243**

## Policy Statements

The Board of Chiropractic Examiners adopted the following Policy Statement on May 10, 2007:

A licensed Tennessee chiropractor may provide chiropractic services to a patient who is under anesthesia if and only if: (1) such chiropractic treatment has been ordered by a treating medical or osteopathic physician; (2) the manipulation under anesthesia (MUA) treatment is provided by a medical or osteopathic physician; and, (3) the anesthesia is administered by and the anesthetized patient is at all times monitored by an anesthesiologist or other healthcare professional who is legally qualified to perform and monitor anesthesia.



## COMPLAINTS

A Chiropractor, Chiropractic Therapy Assistant and Chiropractic X-Ray Technician (or any member of the public) who believes that a violation of the Board's law or rules has occurred may file a complaint with the Department of Health, Office of Investigations.

The Office of Investigations investigates complaints filed against practitioners licensed by the Department of Health. Complaints are investigated and reviewed to determine whether the practitioner's alleged conduct constitutes a violation of the licensing board's practice act (Tennessee law) or rules for which disciplinary action may result. Information is available through the Department of Health's website ([www.tennessee.gov/health](http://www.tennessee.gov/health)) or the Office of Investigations (800) 852-2187.

## **Public Chapters**

### **Public Chapter 529**

#### **Prohibition of Employment of Illegal Aliens**

If the Commissioner of Labor and Workforce Development receives a complaint that a person licensed by a state regulatory Board knowingly employs, recruits or refers for a fee for employment, an illegal alien, that person is subject to an investigation and contested case hearing.

If there is proof a person knowingly employed, recruited or referred for a fee for employment, an illegal alien, which occurred while acting within the scope of practice of his/her license, the regulatory Board will be required to revoke, suspend, or deny the person's license.

For the first violation, the regulatory Board will be required to suspend the person's license until the licensee shows the licensee no longer employs, recruits or refers for a fee for employment, an illegal alien. This can be shown by the person filing a sworn statement that the licensee no longer employs illegal aliens.

If a second violation occurs within three (3) years from the first order, the regulatory agency will be required to suspend the person's license for one (1) year.

### **Public Chapter 83**

#### **Mandatory Domestic Violence Reporting**

The General Assembly passed a new law last legislative session that mandates health care practitioners report cases of suspected or confirmed domestic violence to the Tennessee Department of Health.

The mandatory monthly reporting will be by a web-based system developed by the Department's Division of Health Statistics. The system should be operational in October 2007, and the Department will mail you details of the required data to be reported and instruction on how to use the reporting tool. The Board will also keep you informed as more information is available.

### **Public Chapter 410**

#### **Non-Smoker Protection Act**

Public Chapter 410 creates the Non-Smoker Protection Act which will prohibit smoking in all

enclosed public places within the State of Tennessee including, but not limited to, the following places:

Areas available to, and customarily used by, the general public in businesses and non-profit entities patronized by the public including, but not limited to: banks, laundromats, factories, professional offices and retail service establishments; and health care facilities. (Nursing homes and long-term care facilities are exempt).

The legislation requires that offices and health care facilities do the following:

Inform all existing employees and any prospective employees upon their application for employment of the prohibition on smoking; and

"No Smoking" signs, or the international "No Smoking" symbol, shall be clearly and conspicuously posted at every entrance to every public place and place of employment where smoking is prohibited.

The Department of Health shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Act. Information about these inspections will be communicated with the appropriate offices and/or health care facilities in the future.

### **Public Chapter 487**

#### **Non-Compete Covenants between Health Care Providers and Employees**

This new law sets forth parameters for reasonable non-compete covenants between health care providers and employees upon termination or conclusion of the employment or contractual relationship. It applies to health care providers licensed by the Board of Registration in Podiatry, Board of Chiropractic Examiners, Board of Dentistry, Board of Medical Examiners, Board of Optometry, and Board of Examiners in Psychology. It does not apply to physicians who specialize in the practice of emergency medicine or radiology.

The restriction must be set forth in an employment agreement or other written document signed by the health care provider and the employing or contracting entity and must be for two years or less. The maximum allowable geographic

restriction is the greater of a ten mile radius from the primary practice site of the health care provider, while employed or contracted, or the county in which the primary practice of the health care provider, while employed or contracted, is located. The health care provider may also be restricted from practicing his or her profession at any facility at which the employing or contracting entity provided services while the health care provider was employed or contracted with the employing or contracting entity. Any restriction under this subsection shall not be binding on a health care provider who has been employed by, or under contract with, the employing or contracting entity for at least six years.

The Act also allows that an agreement entered into in conjunction with the purchase or sale of a health care provider's practice, or all or substantially all of the assets of the health care provider's practice, may restrict such health care provider's right to practice his or her profession, provided that the duration of the restriction and the allowable area of the restriction are reasonable under the circumstances. There shall be a rebuttal presumption that the duration and area of restriction agreed upon by the parties in such an agreement are reasonable.

### **Public Chapter 365 Contracts Between Healthcare Providers and Health Insurance Entities**

Public Chapter 365 requires newly licensed health care providers who move into a new community or change practices to submit a credentialing application for approval by a health insurance entity (insurance entity). Upon approval, a contract must be made between the provider and insurance entity in order for the provider to be an in-network provider.

The insurance entity must obtain from the Council on Affordable Quality Health (CAQH) a clean CAQH credentialing application for the provider. The insurance entity must then notify the provider within ninety (90) days if they are willing to contract with the provider. A clean CAQH means an application has no defects, misstatement of facts, improprieties, including circumstance requiring special treatment that delays prompt credentialing.

Unless otherwise required by a national accrediting body, the insurance entity must accept and begin processing a completed credentialing application. The insurance entity shall not require

the provider to have an active malpractice insurance policy in order to process the application before the provider's employment start date.

The insurance entity shall notify its members in writing or on a website that the provider is an in-network provider or that his application is pending approval.

This section does not require an insurance entity to contract with a provider if the entity and the provider do not agree on the terms and conditions of the contract.

**The complete text of Public Acts, including provisions for any areas of exemption; enforcement of the Acts; and action to be taken for violation of the Acts, is available on the following website:**

[tennessee.gov/sos/acts/index.htm](http://tennessee.gov/sos/acts/index.htm)

### **RENEW YOUR LICENSE ON-LINE**

Practitioners may access the online service at: [Tennessee.gov/health](http://Tennessee.gov/health), to renew their licenses up to 120 days prior to the expiration of their license or update addresses or other information at any time in a secure environment.

**-Step 1: Login** – Select our board and your profession and enter your license number.

**-Step 2: Update your information** – Change your home and/or practice address.

**Step 3: Enter your renewal information** – Answer all necessary questions, as if you were completing your hard-copy form.

**-Step 4: Payment** – Enter your credit card information through the secure site and choose "Submit".

### **What Happens Next?**

If you have met all of the criteria necessary, your renewal certificate will be mailed to you in approximately one week. Information will be on the website within 48 hours.

### **2007/2008 Board Meeting Schedule**

November 29, 2007  
February 21, 2008  
May 15, 2008  
August 21, 2008  
November 13, 2008

All board meetings will be held at 9:00 a.m., 227 French landing, 1<sup>st</sup> Floor (Poplar Room), Heritage Place, MetroCenter, Nashville, Tennessee, unless otherwise noted.

Tennessee Board of Chiropractic Examiners  
227 French Landing, Suite 300  
Heritage Place MetroCenter  
Nashville, TN 37243



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**TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS  
BOARD MEMBERS**

**Andrea Selby DC  
President**

**Michael Massey DC.  
Vice President**

**Craig Ratcliff DC  
Secretary**

**Debe Williams DC  
Board Member**

**Barry Kelton DC  
Board Member**

**Shelia Fitzgerald  
Citizen Member**

**BOARD STAFF**

**Barbara Maxwell  
Administrative Director**

**Sherry Owens  
Board Administrator**



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