

Tennessee Board of Chiropractic Examiners



Newsletter

Fall 2009

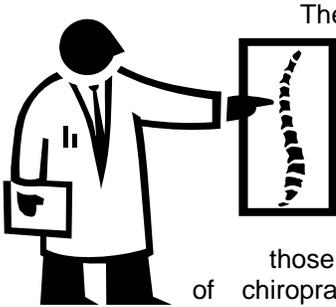
A Regulatory Agency of the state of Tennessee

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227 French Landing, Suite 300, Heritage Place Metro Center, Nashville, TN 37243 <http://tennessee.gov/health> (615) 532-5127 or 1-800-778-4123, extension 25127 • 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.

About the Board of Chiropractic Examiners



The Tennessee Board of Chiropractic Examiners was created in 1923 by an act of the state Legislature. Its mission is to safeguard the health, safety, and welfare of Tennesseans by requiring

those who practice the profession of chiropractic or chiropractic x-ray technology within this state be qualified. The Board interprets the laws, rules, and regulations to determine the appropriate standards of practice in an effort to ensure the highest degree of professional conduct. The Board is authorized to issue licenses to qualified candidates who have completed appropriate education and successfully completed required examinations. The Board is responsible for the investigation of alleged violations of the Practice Act and rules and is responsible for the discipline of licensees who are found guilty of such violations.

The Board has scheduled meetings throughout the year for purposes of conducting administrative business concerning ratifying licenses, promulgating rules, disciplinary matters, etc. The seven (7) members of the Board are appointed by the Governor and serve four (4) year terms. A quorum of four (4) members is required to conduct business. The meetings are open to the public.



2010 Board Meeting Schedule

February 11, 2010
Poplar Room - 9 a.m., CST

May 13, 2010
Poplar Room - 9 a.m., CST

August 12, 2010
Poplar Room - 9 a.m., CST

November 4, 2010
Poplar Room - 9 a.m., CST

All Board meetings will be held at 227 French Landing, Suite 150, Heritage Place, Metro Center, Nashville, TN, unless otherwise noted.

Chiropractic Examiners Web Site

You may download a copy of the rules, applications and forms, Board member list, Board meeting schedule, policy statements, Board meeting minutes, information on filing complaints and other pertinent information at the Board's Web site : <http://tennessee.gov/health>.

To contact this Board call:
(615) 532-5127 local or (800) 778-4123 extension
25127 nationwide
or
write to:

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

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 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 or there is no geographic restriction but the health care provider is 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.

It 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 rebuttable presumption that the duration and area of restriction agreed upon by the parties in such an agreement are reasonable. Effective January 1, 2008.

Public Chapter 1060 Child Abuse Reporting

Public Chapter 1060 provides immunity from civil and criminal liability for reporting abuse of children by a health care examiner when there is harm or reason to believe there is a mandate to report. No immunity is provided for reports by perpetrators of harm to children. This Public chapter became effective July 1, 2008.

Public Chapter 529 Prohibition of Employment of Illegal Aliens

Effective July 1, 2008, 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 they show they no longer employ, recruit or refer for a fee for employment, an illegal alien. This can be made by the person filing a sworn statement that they no longer employ illegal aliens.

If a second violation occurs within three (3) years from the first order, the regulatory Board will be required to suspend the person's license for one (1) year. This Public Chapter became effective January 1, 2008.

Public Chapter 581 Voluntary Provision of Health Care Services

Chapter 581 of the 2009 Public Acts provides that a person licensed by any of the health related Boards who provides voluntary health care services to a patient of a sponsoring organization shall not be civilly liable for any act or omission in rendering these services, unless the act or omission constitutes gross negligence or willful misconduct. This Public Chapter became effective on July 1, 2009.

Public Chapter 425 Health Care Liability

This public chapter revises provisions governing notice that must be given by any person asserting a potential claim for medical malpractice to each health care provider against whom the claim is being made; revises provisions governing certificate of good faith that must be filed. This Public Chapter became effective on July 1, 2009.

Public Chapter 1190 Long Term Care

The long term care system shall recognize that aging is not a disease, but rather a natural process that often includes increasing needs for assistance with daily living activities. To the maximum extent possible and

appropriate, the system shall be based on a model of care delivery which acknowledges that services delivered in the home and community-based settings are not primarily medical in nature, but rather, support services that will provide needed assistance with activities of daily living and that will allow persons to "age in place" in their homes and communities.

Public Chapter 864 Restroom Access Act

Public Chapter 864 requires any place of business that is open to the general public for the sale of goods or services ("retail establishment") that has an employee toilet facility to allow a customer to use such facility during normal business hours, if:

1. The customer requesting the use of the employee toilet facility suffers from a medical condition that requires immediate access to a toilet facility or utilizes an ostomy device; the customer must present the employee with proof of an eligible medical condition, such as a document issued by a licensed medical provider;
2. Three or more employees of the retail establishment are working at the time of the request;
3. There is not a restroom available for public use in the retail establishment or otherwise immediately accessible to the customer; and
4. The employee toilet facility is not located in an area that poses an obvious safety or security risk.

This bill provides immunity from civil damages to any retail establishment or an employee of a retail establishment for any act or omission in allowing a customer to use an employee toilet facility that is not a public restroom if the act or omission:

1. Is not willful or grossly negligent;
2. Occurs in an area that is not accessible to the public; and
3. Results in an injury to or death of the customer or any individual other than an employee accompanying the customer.

This bill does not require any retail establishment to make any physical changes to an employee toilet facility. Any retail establishment or employee of a retail establishment that does not comply with the toilet facility access requirements of this bill commits a Class C misdemeanor punishable only by a fine of up to \$50.

The complete text of Public Acts is available at:
<http://www.tennessee.gov/sos/acts/index.htm>

Complaints

The Office of Investigations in the Division of Health Related Boards 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. Information is available through the Department of Health's Web site (<http://tennessee.gov/health>) or the Office of Investigations (800) 852-2187.



Disciplinary Actions

Shawn Pridmore, - License No. 1297

License placed on probation. Assessed a \$800 civil penalty and \$580.19 in costs. Disciplined February 5, 2009.

Gregory Shaw – License No. 4626

License placed on probation. Assessed a \$30,000 civil penalty and other costs TBD. Disciplined February 18, 2009.

Dwight Whynot – License No. 1749

License placed on probation. Assessed a \$500 civil penalty and \$1,318.62 in costs. Disciplined May 15, 2009.

William Beavers – License No. 1565

License revoked. Assessed a \$2,000 civil penalty and \$2,118.02 in costs. Disciplined December 27, 2007.

Anderson, Simmons, Gretcher – Unlicensed

Assessed a \$300 civil penalty and \$500 in costs. Disciplined February 18, 2009.

Scott Beavers – Unlicensed

Assessed a \$4,500 civil penalty and \$1,831.30 in costs. Disciplined December 27, 2007.

Lindsey Carlton – Unlicensed

Assessed a \$1,900 civil penalty and \$500 in costs. Disciplined February 18, 2009.

2008 Continuing Education Audit Results

Of the 949 licensed Chiropractors in 2008, 149 were non-compliant.

Of the 390 licensed Chiropractic Therapy Assistants in 2008, 23 were non-compliant.

Of the 97 licensed Chiropractic X-ray Technicians in 2008, 8 were non-compliant.



Online Renewals and Practitioner Profiles

Practitioners may access the online service at <http://tennessee.gov/health> to renew their licenses up to 120 days prior to the expiration date. Practitioners may also update their mandatory practitioner profiles at this site also.



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227 French Landing, Suite 300
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Nashville, TN 37243



TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

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Chris Alexander, D.C.
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Citizen Member

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Barbara Maxwell
Administrative Director