

**BOARD OF CHIROPRACTIC EXAMINERS
MINUTES**

DATE: October 17, 2019

TIME: 9:00 AM CST

LOCATION: Poplar Conference Room
665 Mainstream Dr, 1st Floor
Nashville TN 37243

MEMBERS PRESENT: Cole Hosenfeld, D.C., President
Curtis Damien, D.C., Vice-President
Jason Hulme, D.C., Secretary
Joseph Amato, D.C., Board Member
Dale Blackwelder, D.C., Board Member

STAFF PRESENT: Noranda French, Unit Director
Mary V. Webb, Board Manager
Sabrina Craig-Boyd, Board Administrator
Mark Cole, Associate General Counsel
Taylor Gregory, Paralegal
Lori Leonard, Disciplinary Coordinator
Butch Jack, Department of Health Licensure & Regulation

Call to Order

With a quorum present, Dr. Hosenfeld called the meeting to order at 9:15AM. A roll call was taken by Sabrina Craig-Boyd with all members present.

Dr. Hosenfeld welcomed Ms. Noranda French as the new Unit Director. Ms. French gave a brief introduction.

Minutes

After a review of the minutes of the July 18, 2019 meeting, Dr. Blackwelder made motion, seconded by Dr. Hulme, to accept the minutes as written. The motion carried.

Office of General Counsel Report

Associate General Counsel, Mark Cole, began the OGC report with a reminder of the Sunshine Law in regard to the Open Meetings Act and conflict of interest. Board members were advised not to discuss any Board business among themselves unless notice of such discussion or meeting has been provided to the public. He also reminded them of the Conflict of Interest Policy. Board Members have an obligation to recuse themselves from any matter in which they might have a personal or financial interest, or from participating in any matter in which there might be an appearance of conflict in any contested case, a

rulemaking issue, or on any other matter in which a Board decision is required. Board members are required to disclose such existence or appearance of a conflict to the Board so that a decision may be made regarding the need for recusal.

There are eight (8) open disciplinary cases on three (3) chiropractors and one (1) chiropractic therapy assistant.

There was one (1) contested case set to be heard, but was settled before the meeting.

There are two (2) consent orders to be ratified and one (1) agreed order.

Rules

Mr. Cole informed the Board there are two (2) sets of rules in process. One rule for CTA/CXT and one rule in regards to justification memos. Mr. Cole hopes to have both rules completed and ready to be discussed at the January 2020 meeting.

Agreed Orders

- 1. Julie Vaughn, CTA 1239:** Ms. Vaughn practiced on a lapsed license from June 2, 2018 through January 31, 2019. Ms. Vaughn has agreed to a reprimand and to pay five (5) type C penalty in the amount of one hundred dollars (\$100) each for a total of five hundred dollars to be paid in full within six (6) months of date of ratification. Dr. Damien made motion to accept the order for Julie Vaughn. Dr. Hulme seconded the motion. The motion carried.
- 2. Karen Neal, DC 793:** Dr. Neal practiced on a lapsed license for approximately one (1) year. Dr. Neal has agreed to a reprimand and to pay ten (10) type B penalty in the amount of five hundred dollars (\$500) each for a total of five thousand dollars (\$5000) plus costs not to exceed three thousand dollars (\$3000), to be paid in full within forty eight (48) months from final fee assessment. Dr. Damien made motion to accept the agreed order for Dr. Karen Neal. Dr. Hulme seconded the motion. The motion carried.
- 3. Christopher Catalfo, DC:** Dr. Catalfo was assessed a fine for not properly maintaining patient records. Dr. Catalfo agreed to a reprimand and assessment of costs not to exceed one thousand dollars (\$1000). After discussion of rules pertaining to this case, Dr. Damien made motion to accept the agreed order for Dr. Catalfo. Dr. Amato seconded the motion. The motion carried.

Investigative and Disciplinary Reports

Lori Leonard, Disciplinary Coordinator in the Office of Investigations began her report with the summary of currently monitored practitioner. A breakdown is as follows: Chiropractic Physicians there were four (4) on reprimand, four (4) on probation, two (2) under suspension and six (6) under revocation. For Chiropractic Therapy Assistants there were one (1) under reprimand and one (1) under revocation. For the investigative report a breakdown is as follows: the Office of Investigations has opened a total of thirty six (36) complaints for the year 2019 so far. Those allegations included two (2) for fraud and false billing, one (1) for criminal charges, two (2) for malpractice, one (1) for unlicensed practice, thirteen (13)

for unprofessional conduct, three (3) for medical records request, two (2) lapsed license, eight (8) for practice beyond the scope, and four (4) for outside the investigative scope. So far in 2019, investigations has closed a total of forty three (43) cases; seven (7) with insufficient evidence, five (5) closed and sent to the Office of General Counsel for formal discipline, sixteen (16) were closed with no action, two (2) were closed with a letter of concern, and two (2) were closed with a letter of warning. Investigations currently has a total of thirty three (33) open complaints. For Chiropractic Therapy Assistants, there were two (2) complaints opened for lapsed license. There were a total of four (4) complaints closed with one (1) reported to the Office of General Counsel, two (2) closed with no action and one (1) closed with a letter of warning. There is one (1) open case that is being reviewed at this time. For Chiropractic X-Ray Technologist, there is one (1) complaint and one (1) closed with no action.

Division of Health Licensure and Regulations

Mr. Butch Jack presented the 2019 Year End Financial Report. Mr. Jack began his report with total of Salaries & Wages at \$46,630 and Employee Benefits at \$13,735, bringing total Payroll Expenditures to \$60,365. During this fiscal year Travel expenses were \$10,141, Communications, \$1,026, Professional Services 7 Dues, \$26,518, Training of State Employees, \$2,245, and State Professional Services were \$6,138, which brought the total of Other Expenditures (703-725) to \$46,070. Total Direct Expenditures for this time period were \$106,436. Allocated costs for this time period were as follows; Administration \$14,080, Investigations \$53,589, Legal \$67,788, and Cash Office \$875. Total allocated costs were \$136,333. This brings the total expenditures to \$242,770. Board fees collected for the year were \$228,905 resulting in a current year net deficit of (\$13,864). The Chiropractic Board share of LARS improvement costs were \$3,091. Cumulative carryover is \$547,572.

Applicant Interview/File Review

- A. **Matthew Barnes**- Before the interview began, Dr. Blackwelder recused himself from this interview due to personal and professional relationship with Dr. Barnes. Dr. Barnes submitted an application for reinstatement of his previously surrendered Tennessee Chiropractic License. Mark Cole began the applicant interview with a brief overview of Dr. Barnes file. According to court documents, in 2013 Dr. Barnes began a relationship with a fourteen year old girl. The relationship continued for five to six months until the parents discovered the relationship and reported it to the police. Dr. Barnes plead guilty to Aggravated Statutory Rape on February 9, 2015. Dr. Barnes was sentenced to four years of supervised probation and placed on judicial diversion. Dr. Barnes was placed on the sexual offender registry and has since been removed from the record. Dr. Barnes voluntarily surrendered his license in 2015 approximately two weeks after his plea. The Board decision at this time was to require Dr. Barnes to return at the January 23, 2020 meeting with supporting documents from his counselor to confirm he has completed the terms of his probation. Dr. Damien made motion to table a decision on Dr. Barnes licensure until the January 23, 2020 meeting, that the TMF conduct a comprehensive evaluation on Dr. Barnes, and that the TMF submit to the Board and official summary report on the outcome of the evaluation. Dr. Damien also requests that Dr. Barnes, through official channels, supply to the Board Administration a summary of treatment from his counselor and his probation officer. Dr. Amato seconded the motion. The motion carried.
- B. **Dylan Levesque**-Dr. Levesque submitted an application by reciprocity and was required to appear before the Board today due to adverse actions taken by the Virginia Board of Medicine.

Mr. Cole gave a brief review of Dr. Levesque's incident with the Virginia Board of Medicine. Dr. Levesque entered into a Consent Order for reprimand regarding false advertisement. Dr. Damien made motion to accept Dr. Leveque application for licensure in the state of Tennessee. Dr. Amato seconded the motion. The motion carried.

- C. **Jason Whitaker**-Dr. Whitaker was required to appear before the Board due to indications revealed on his criminal background check. Paralegal Taylor Gregory presented the board with information regarding some charges on Dr. Whitaker's background that did not belong to him. Mr. Gregory was able to confirm with Mason County Courthouse in Maysville KY regarding an incident from September 2007, there was no record of the charge of "failure to appear" for Dr. Whitaker. Mr. Gregory was also able to confirm the allegation from September 2005 in Illinois was also not Dr. Jason Whitaker. Dr. Damien made motion to accept Dr. Whitakers application for licensure. Dr. Amato seconded the motion. The motion carried.

Ratification List July 10, 2019-October 11, 2019

Newly Licensed

Chiropractic Physicians

July 10, 2019 – October 11, 2019

Alexander, Lance

Banks, Rachel

Buick, Shelia

Cain, Matthew

Caminez, Brett

Cervone, Gary

Cundy, Christin

Daniels, Chohnice

Eason, Trevor

Emanuel, Noah

Felicaino, Geyshla

Jameson, Samuel

Jarrell, Gracie

Newly Licensed

Chiropractic Therapy Assistants

July 10, 2019 – October 11, 2019

Allen, Eula

Burch, Michelle

Burnett, Sydney

Cline, Heather

Dombeck, Cheryl

Ellis, Christine

Harlan, Lora

Heifner, Amanda

Hochstetler, Elizabeth

Jernee, Mariana

Johanson, Sarah

Johnson, Blythe

Liberatore, Lindsey

Parisi, Jerri

Jernigan, David

Klein, Alyssa

Martin, Joshua

Murray, Quintin

Patel, Yamika

Peete, Fred

Riegel, Sara

Setzer, Stanely

Sheridan, Jonathan

Sinkular, Erin

Smith, Amanda

Tupta, John

Vasquez, Justin

Whiteside, Travis

Spurrier, Rose

Vrabnoff, Danielle

Wood, Whitney

Groome, Alex

Newly Licensed

Chiropractic X-Ray Technologist

July 10-2019- October 11, 2019

Fletcher, Lauren

Fowler, Britney

Jenkins, Corey

Klump, Victoria

Marquis, Victoria

Reinstated

July 10, 2019- October 11, 2019

CTA-Buckner, Kathy

CTA-Judd, Billie

CTA-Maldonado, Jessica

CTA-Monk, Sherry
CXT-Buckner, Kathy
CXT-Monk, Sherry
DC- Bennett, Christopher
DC- Chappa, Joshua
DC-Davis, William
DC-Lensgraf, Elizabeth
DC-Lewis, Edward
DC-Miller, Derek
DC-Morgan, Tom
DC- Noriega, Oscar
DC- Roach, Robert
DC-Taylor, Jakob

Dr. Jason Hulme made motion to accept the ratification list of newly licensed and reinstated Chiropractic Physicians, Chiropractic Therapy Assistants, and Chiropractic X Ray Technologist. Dr. Damien seconded the motion. The motion carried.

Administrative Report

BOARD OF CHIROPRACTIC EXAMINERS ADMINISTRATOR REPORT October 17, 2019

This is an administrative report from Sabrina Craig-Boyd, Board Administrator. The information contained in this report will keep the Board aware of all essential activities pertaining to licensure for Chiropractic Examiners.

STATISTICAL DATA

As of October 11, 2019 the Board of Chiropractic Examiners has 1227 active Chiropractic Physicians, 436 Chiropractic Therapy Assistants, and 105 Chiropractic X-Ray Technologists.

LICENSURE STATUS TOTALS FROM THE MONTHS OF
July 10, 2019 through October 11, 2019

CHIROPRACTIC PHYSICIAN	
New applications received – 208	
New licenses issued – 28	Renewal Total – 162
Reinstatements – 10	Online Renewals –92
Temp Licenses/Externships – 1	Paper Renewals – 70
Licenses Retired – 8	New Acupuncturists -0
Failed to Renew/Expired Licensees – 6	
CHIROPRACTIC THERAPY ASSISTANT	
New applications received – 86	
New licenses issued – 18	Renewal Total – 36
Reinstatements –4	Online Renewals – 21
Licenses Retired – 2	Paper Renewals – 15
Failed to Renew/Expired Licensees – 10	
CHIROPRACTIC X-RAY TECHNOLOGIST	
New applications received – 29	
New licenses issued – 5	Renewal Total – 11
Reinstatements – 2	Online Renewals –7
Licenses Retired – 3	Paper Renewals – 4
Failed to Renew/Expired Licensees – 3	

For this reporting period, the usage rate for utilizing the online renewal portal for Chiropractic Physicians is 57% Chiropractic Therapy Assistants, 58% and, Chiropractic X-Ray Technologists, 64%.

BOARD MEMBERS

As of October 11, 2019 there are two (2) consumer member vacancies on the Board.

Upcoming Board Meeting Dates

January 23, 2020

April 16, 2020

July 16, 2020

October 15, 2020

Upcoming Conferences

FARB 2020 January 23, 2020 – January 26, 2020

INTERNET

The Board's internet website is an excellent location to find valuable board information for licensees and applicants. Please visit the site at <http://tn.gov/health/topic/Chiro-board>. Should you have any suggestions or comments, please feel free to contact the Board at 615.741.380

Agreed Citations

Ms. French present to the Board the Agreed Citations as follows.

- A. Derek Miller, DC 2998-Dr. Miller was issued an agreed citation for practicing on a lapsed license for approximately (4) months. He has agreed to the terms of the Agreed Citation which include Civil Penalties in the amount of two thousand dollars (\$2000) and to have this disciplinary action reported to the National Practitioners Data Bank. Dr. Damien made motion to accept the agreed citation. Dr. Hulme seconded the motion. The motion carried.
- B. Oscar Noriega, DC 2838- Dr. Noriega was issued an agreed citation for practicing on a lapsed license for approximately (2) months. He has agreed to the terms of the Agreed Citation which include Civil Penalties in the amount of one thousand dollars (\$1000) and to have this disciplinary action reported to the National Practitioners Data Bank. Dr. Damien made motion to accept the agreed citation. Dr. Hulme seconded the motion. The motion carried.
- C. Jakob Taylor, DC 2339- Dr. Taylor was issued an agreed citation for practicing on a lapsed license for approximately (2) months. He has agreed to the terms of the Agreed Citation which include Civil Penalties in the amount of one thousand dollars (\$1000) and to have this disciplinary action reported to the National Practitioners Data Bank. Dr. Amato made motion to accept the agreed citation. Dr. Damien seconded the motion. The motion carried.

Correspondence

- A. Caleb Alford, DC- Request extension to obtain newly licensed Ethics and Professional Boundaries course. Dr. Damien made motion to allow Dr. Alford until January 1, 2020 to obtain the required course. Dr. Amato seconded the motion. The motion carried.
- B. Sarah Cain, DC-Request extension to obtain newly licensed Ethics and Professional Boundaries course. Dr. Damien made motion to allow Dr. Alford until January 1, 2020 to obtain the required course. Dr. Amato seconded the motion. The motion carried.
- C. Sharon Grindstaff, CXT-Request for extension to obtain CXT license outside of the allotted one year restriction after passing the required test and completing the internship hours. Dr. Damien made motion to allow Ms. Grindstaff to submit the application for licensure. Dr. Amato seconded the motion. The motion carried.
- D. Abigayle Overby Johnston, CXT-Request for extension to complete internship hours. Dr. Damien made motion to grant an extension until May 1, 2020 to complete internship hours. Dr. Hulme seconded the motion. The motion carried.

- E. Lauren Lira, DC- Request extension to obtain newly licensed Ethics and Professional Boundaries course. Dr. Damien made motion to allow until January 1, 2020 to obtain the required course. Dr. Hulme seconded the motion. The motion carried.
- F. Cynthia Ameller, CTA-Request for extension to complete internship hours. Dr. Damien made motion to grant an extension until June 30, 2020 to complete internship hours. Dr. Amato seconded the motion. The motion carried.

Old and New Business

- A. FARB 2020 Nominations- at this time the board chose to not send any of its members to the FARB 2020 Conference.
- B. FCLB/ EBAS-Dr. Hulme spoke regarding have a representative to come to a board meeting. It was agreed that Ms. French would reach out to the FCLB for information that can be shared with the Board at the January 2020 meeting.
- C. FARB Board Member Training proposal/ Board Retreats- Ms. French informed the Board there would be specialized Board Member training, sponsored by the State of Tennessee to come in place of the previously proposed FARB sponsored training.
- D. Consultant Recommendations- Dr. Hosenfeld asked all Board members to send their consultant recommendations to Mr. Cole. Mr. Cole offered to forward the information to the investigations department for proper vetting.
- E. Discussion of Groupon Advertisement- Dr. Hosenfeld spoke to this agenda item and suggested that the Board request a power poll. Dr. Amato made motion to request a power poll. Dr. Hulme seconded the motion. The motion carried.

Adjourn

Dr. Damien made motion to adjourn at 12:45pm. Dr. Hulme seconded the motion. The motion carried.

THESE MINUTES WERE RATIFIED AT THE JANUARY 23, 2020 BOARD MEETING