

Tennessee Board of Podiatric Medical Examiners



Newsletter



Vol. 1, No. 1

A Regulatory Agency of the State of Tennessee

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Cordell Hull Building, First Floor, 425 Fifth Avenue North, Nashville, TN 37247-1010

• Tennessee.gov

DISCIPLINARY ACTIONS FROM 1999 - 2004

Timothy McGinnis, DPM – License No. 325

Negligence in the practice of podiatry. \$1,000 civil penalty (paid), complete a 14 hour or more course in the American College of Foot and Ankle Surgery in Chicago.

George Polee, DPM – License No. 362

Immoral, unethical, unprofessional or dishonorable conduct. Felony conviction for vehicle assault by intoxication. Agreed Order – license surrendered. No application for renewal/reinstatement for three years.

Monica Smedley, DPM – License No. 477

Dispensed, prescribed or otherwise distributed controlled substances, not in the course of professional practice, failure to renew license. License suspended for six (6) months, license to practice shall be subject to a one (1) year probation commencing with the termination of the suspension. Must complete 16 hours of continuing education during the probation period and undergo a substance abuse evaluation. Must demonstrate to the board that assessment received and in compliance with any recommendations and pay all costs. Must pay all licensure fees and meet continuing education requirements to reinstate license.

RULE AMENDMENTS AND NEW RULES

A rulemaking hearing was conducted April 21, 2005 to add a new rule which requires mandatory criminal background checks for all new applicants.

Rule 1155-2-.15 regarding disciplinary actions and disciplinary costs became effective November 29, 2004.

Rule 1155-2-.21 regarding professional corporations and practice limitations became effective November 29, 2004.

A rulemaking hearing was conducted December 15, 2004 to amend Rule 1155-2-.02 regarding scope of practice, Rule 1155-2-.04 regarding qualifications for licensure, Rule 1155-2-.08 regarding examinations and Rule 1155-2-.12(1)(a) regarding continuing education.

The board has promulgated a new rule regarding advertising. The new rule includes advertising definitions, fees and services, content, records and responsibility and severability.

Please visit our Web site at <http://Tennessee.gov/health> to obtain a current copy of the rules and regulations and to review rules coming up for rulemaking hearing. Check the site frequently for updates.



ONLINE RENEWALS AND ADDRESS CHANGES

Practitioners may access the online service at <http://Tennessee.gov/health> to renew their licenses up to 120 days prior to the expiration date or update addresses or other information at any time in a secure environment.

How to renew online

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

-Step 2: Update your Information - Change your home and/or office 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 available on the department's Web site within two business days.



POLICY STATEMENTS

The Board has adopted the following policy statements:

Renewal for Licensees Called to Active Duty

A licensee who had an active license at the time he/she was called to active duty in the military and was unable to renew that license shall submit a letter to the board stating the reason for non-renewal of the license was active duty in the U. S. Military, including dates and proof of service. Upon receipt of these documents the licensee is allowed

to renew the license with no late renewal or penalty fees. A licensee whose license has been expired for one year or less is not required to complete the required continuing education for renewal of the license at that time. A licensee whose license has been expired over one year is required to obtain one-half of the required continuing education in order to renew their license.

Continuing Education

A Podiatrist licensed in Tennessee is required to complete 15 hours of continuing education each calendar year. Failure to comply with the continuing education requirements results in a civil penalty of \$100 to be paid within 30 days upon notification from the board and the licensee must obtain the number of deficient hours within the following calendar year.

Licensees Working on an Expired License

Upon recognition that his/her license has expired, the individual must stop practicing immediately and contact the board office to request a reinstatement application. The application must be signed, notarized, and returned to the board office with proof of continuing education taken within the previous twelve months and all applicable fees. If the reinstatement application indicates that the individual has worked more than three months on an expired license, the licensee will be assessed a penalty in the amount of \$100 for each month worked in excess of the three months from the expiration date of the license.

TELEPHONE SYSTEM KEY TO VERIFY CREDENTIALS OF EMPLOYEES

The Department of Health's automated telephone system is a useful and inexpensive tool to verify whether or not your employees' licenses are active and in good standing. The telephone number is toll free and the only information needed is the employee's (or applicant's) social security number and your facsimile number. Here's how:

- Dial toll-free 1-800-778-4123 or 741-5748
- Listen to the entire first message. Listen for the "pause". Then, listen to the **second** message
- To obtain information regarding a health professional, such as ... Podiatrist [Press 1]
- To search our database, you will need the

social security number of the health professional.

- Please enter the person's social security number
- Verify SSN and Press 1, if correct
- Press 1 to ask for a fax. Enter your area code and fax machine number.

Note: Modifiers or "qualifications" are only provided on the facsimile copy, which will be faxed to you the same business day by following the above steps.



BOARD'S OFFICE FIELDS COMPLAINTS: Patients, Practitioners, & Medical Records

What do you do when a patient requests a copy of their medical record? Simply, comply with T.C.A. § 63-2-101 and 102. These statutes regulate, for all health-related boards, what the patients and practitioners' rights and duties are.

Here's a summary: 1) The patient (or patient's authorized representative) must furnish a written request for the medical records; 2) The practitioner shall furnish the medical records within ten (10) working days; 3) The practitioner may charge a reasonable copying fee, as follows:

- <40 pages = not more than \$20
- >40 pages = \$20 up to 40 pages, then, .25¢ per page.

4) The practitioner may charge the actual cost of mailing the records; and 5) The practitioner may require that the patient, or patient's representative, pay the costs of copying prior to the "records being furnished." The patient then has the right to his or her medical records **without delay**.

Failure to comply with this statute may result in disciplinary action against your license.



OFFICE OF INVESTIGATIONS

The Office of Investigations is responsible for receiving and processing all complaints for the licensure boards. To register a complaint, call toll-free 1-800-852-2187 or download a complaint form from the Web site and follow the directions on submission. Complaints may be filed anonymously.



RENEWAL NOTICES AND ADMINISTRATIVE REVOCATIONS

The Board has, in the past, ratified the "administrative" revocation of licenses that had exceeded the grace period for renewal and had not been renewed.

Renewal notices will continue to be mailed during the month *preceding* the month in which the license/registration was due to expire. No other notice will be sent to the licensee. By operation of law, the license expires on the designated expiration date and the licensee cannot practice past this date. The law allows a short period in which the licensee can renew without paying additional fees and filing a reinstatement application.

The language on the revised renewal application alerts the licensee that the renewal form is the **only** notice to renew that the Board will send. The expired licensee will no longer receive a "reminder letter" to renew.

Each profession offers the option of licensure retirement. An Affidavit of Retirement is available on the Board's Web site or by requesting a form from the Board's Office.

If you believe you will want to return to practice in Tennessee, please read your profession's rules regarding reactivation procedures of a retired license, as certain restrictions do apply for reactivation.

CONSUMER RIGHT-TO-KNOW

The Health Care Consumer Right-to-Know Act of 1998, T.C.A. §63-51-101 et seq. requires designated licensed health professionals to furnish

certain information to the Tennessee Department of Health. The information for public dissemination includes: (1) A description of any criminal convictions for felonies within the most recent ten (10) years. (2) A description of any final disciplinary actions of licensing boards in other states within the most recent ten (10) years. (3) A description of revocation or involuntary restriction of hospital privileges for reasons related to competence or character that has been taken by the hospital's governing body or any other official action of the hospital after procedural due process has been afforded, or the resignation from or non-renewal of medical staff membership or the restriction of privileges at a hospital taken in lieu of or in settlement of a pending disciplinary case related to competence or character in that hospital. Only cases which have occurred within the most recent ten (10) years shall be disclosed by the Department to the public. (4) All medical malpractice court judgments, all medical malpractice arbitration awards in which a payment is awarded to a complaining party and all settlements of medical malpractice claims in which a payment is made to a complaining party beginning with reports from 1998 and each subsequent year; provided, such reports shall not be disseminated beyond the most recent ten-year period, but shall include the most recent ten-year period for which reports

From the information submitted, the Department will compile a practitioner profile, which is made available to the public via the Internet and toll-free telephone line. **Each practitioner who has submitted information must update that information in writing by notifying the Department of Health, Healthcare Provider Information Unit, within 30 days after the occurrence of an event or an attainment of a status that is required to be reported by the law.**

A copy of your initial or updated profile will be furnished to you for your review prior to publication. That opportunity will allow you to make corrections, additions and helpful explanatory comments. **Failure to comply with the requirement to submit and update profiling information constitutes a ground for disciplinary action against your license.**

A blank copy of the profile may be obtained from the following Web site address: <http://Tennessee.gov/health>. Click on "Forms & Publications"; click on the appropriate board; and click on "Mandatory Practitioner Profile Questionnaire for Licensed Health Care Providers".

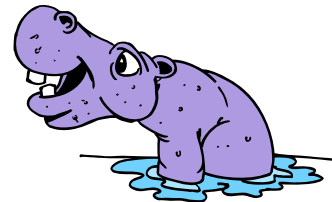
HIPAA

The Department of Health is required by a new federal law entitled Health Insurance Portability and Accountability Act (HIPAA) to safeguard patient's Protected Health Information (PHI). PHI is individually identifiable information about patients past, present, or future health or condition, the provision of health care to patients, or payment for health care. You are required to give your patients a notice of your privacy practices for the information that you collect and keep about your patients.

Most practitioners have healthcare data stored in some systems or at a health plan or provider. Implementing the privacy and security rules ensures that patient's healthcare data is not used or disclosed (intentionally or accidentally) to persons or agencies that have no reason to see patient's healthcare data.

Patient's have the following rights regarding medical information practitioners obtain about them:

- Right to inspect and copy.
- Right to amend.
- Right to know what health information has been released.
- Right to request restrictions.
- Right to confidential communications.
- Right to authorize release of information.
- Right to a paper copy of this notice.



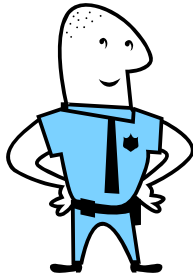
HOMELAND SECURITY

Health Related Boards (HRB) is assisting the Tennessee Office of Homeland Security and Department of Health in preparing the State for emergency or crisis situations. Whether the crisis is the result of an act of bio-terrorism or the rapid spread of a communicable disease such as SARS, it is imperative that our healthcare community have a mechanism in place to organize and address the situation in a reasonable and timely manner.

It is the task of Health Related Boards to obtain and record email addresses and/or fax numbers for individual health care professionals.

This data will then be used in a crisis or emergency situation to immediately alert health care providers throughout the State of Tennessee of the situation and plan of action. The information will not be published on the Web site.

Please contact your HRB profession office today and provide this vital information for the health, safety and welfare of the citizens of the State of Tennessee. You may utilize the online Change of Address option at the board Web site at <http://Tennessee.gov/health>, fax it to 615/532-5369, or email it to James Hill, Board Administrator for the Board of Registration in Podiatry, at james.a.hill@state.tn.us. If you choose to mail, fax or email the information, please include your name as it appears on your license, your profession, and your license number. Thank you for assisting us in this important project.



CHANGES OF ADDRESS

Must be reported (in writing or by web) to the Board's office within 30 days upon moving!

INFORMATION REQUIRED

- Your name and license number;
- Your profession;
- Your old address and phone number;
- Your new address and phone number; and
- Your signature

Fax number 615/532-5369 or visit the Department's Web site at <http://Tennessee.gov/health>

REFERENCE NUMBER FOR THE BOARD
Phone 1-800-778-4123 ext. 25088

HRB CUSTOMER SURVEY

Health Related Boards (HRB) is conducting a customer survey to assist in determining ways to improve services provided to licensees, applicants, and the public.

If you want to help us in this endeavor, please print the survey from the Noteworthy section of the board's Web site or call the board's administrative office at 1-800-778-4123 ext. 25088 for one to be mailed to you. Completed surveys should be mailed to the address listed on the form.



DEPOSIT OF APPLICATION FEES RECEIVED

All application fees received by the State of Tennessee and the Board of Registration in Podiatry are deposited by the state within 24 hours of receipt. The actual application that accompanies the fee is not received by the board's administrative staff until after the fee has been deposited. A fee being deposited **does not** mean that your application is complete or approved. All applications are reviewed for completeness. For those incomplete applications, a certified letter will be sent to the applicant or licensee requesting the information required to complete the application. The application will not be processed until the information required is properly submitted.

Approval of applications does not occur until after the completed application is processed by the Board staff and ratified by the Board. You will be notified of the approval or denial of the application. Applications and fees **will not** be returned to the applicant or licensee. Money orders and checks must be made payable to the Tennessee Department of Health.

TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS BOARD MEETING DATES

August 18, 2005
9:00 A.M., CST
Cumberland Room

The Board meetings, unless otherwise stipulated, will be held in the board rooms on the ground floor of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN.

Tennessee Board of Podiatric Medical Examiners
First Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37247-1010



**TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS
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