

# Tennessee Board of Podiatric Medical Examiners



## Newsletter

Winter 2009

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227 French Landing, Suite 300, Heritage Place Metro Center, Nashville, TN 37243 • <http://tennessee.gov/health> (615) 532-5088 or 1-800-778-4123, extension 25088 • Office Hours: Monday – Friday 8 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 Podiatric Medical Examiners

The Board of Podiatric Medical Examiners was created in 1931 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 podiatry 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 a license to qualified applicants 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.

Podiatrists may be licensed by either examination or endorsement from other states.

### Podiatric Medical Examiners Website

You may download a copy of the rules, applications and forms, board member list, board meeting schedule, policy statements, and other pertinent information at the board's website:

<http://tennessee.gov/health>.

### 2010 Board Meeting Schedule

All board meetings will be held at 227 French Landing, Heritage Place, Metro Center, Nashville, TN 37243, unless otherwise noted.

February 3, 2010  
9 a.m., Poplar Room

May 5, 2010  
9 a.m., Poplar Room

August 4, 2010  
9 a.m., Poplar Room

November 10, 2010  
9 a.m., Poplar Room



## Legislative Updates

### Public Chapter 67

Chapter 67 of the 2009 Public Acts provides that physicians, dentists, optometrists, podiatrists, veterinarians, advanced practice nurses with a certificate of fitness to prescribe, and physician assistants shall report to local law enforcement within three (3) business days if they have good reason to believe that a person has obtained or attempted to obtain a controlled substance when they have either received the same controlled substance, a prescription for the same controlled substance, or a therapeutically equivalent controlled substance from another practitioner within the previous thirty (30) days.

This Public Chapter became effective on July 1, 2009.

### Public Chapter 228

Chapter 228 of the 2009 Public Acts provides that each practice site (prescriber's office or pharmacy that are required to report to the database) where a controlled substance is dispensed shall provide electronic access to the controlled substance monitoring database. Failure to comply may result in a one hundred dollar (\$100.00) civil penalty for each day of continued violation where there is a continued pattern or practice of not providing electronic access to the database. A dispenser of controlled drugs (prescriber's, prescriber's office, pharmacist or pharmacy) shall not be subject to a civil suit or held civilly liable for failure to check the database or for actions taken after reasonable reliance on the database information.

### Public Chapter 936 Improving Patient Safety through Medication Use Prescription Labeling Act of 2008

Adds TCA 53-10-110: Any person dispensing a legend drug for an elder person shall include on the label of the container in which the legend drug is dispensed the indication for which the drug is being prescribed if requested by the prescriber, patient or patient's caregiver and the prescriber, patient or patient's caregiver provides the indication or indications to the person dispensing the legend drug. For purposes of this section, "elder person" means any person who is sixty (60) years of age or older.

### 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.

### 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.

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### Number of Practitioners Licensed by the Board as of September 2009

|                          |     |
|--------------------------|-----|
| Podiatrist               | 230 |
| Podiatric X-Ray operator | 102 |
| Orthotists               | 170 |
| Prosthetists             | 146 |
| Pedorthists              | 77  |



Tennessee Board of Podiatric Medical Examiners  
227 French Landing, Suite 300  
Heritage Place, Metro Center  
Nashville, TN 37243



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**TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS**

**BOARD MEMBERS**

**David H. Long, DPM**  
Chair

**Lawrence Burns, DPM**  
Secretary

**Paul Somers, Jr. DPM**

**Kathryn Riffe, DPM**

**Karl M. Fillauer**  
Orthotist, Prosthetist, Pedorthist

**Karen S. Garner**  
Citizen Member

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**BOARD STAFF**

**Barbara Maxwell**  
Administrative Director

**James A. Hill**  
Board Administrator

**Michael Anderson**  
Licensing Technician