

**MEETING MINUTES**  
**TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS**

**DATE:** August 10, 2016

**TIME:** 9:00 A.M., CDT

**LOCATION:** Health Related Boards  
Iris Room  
665 Mainstream Drive  
Nashville, TN 37243

**BOARD MEMBERS**

**PRESENT:** Paul Rivard, D.P.M., Chair  
Karl Fillauer, C.P.O, Secretary  
Sheila Schuler, D.P.M.  
David Sables, D.P.M.  
Paul Somers, D.P.M.  
Martha Kay Oglesby, Consumer Member

**BOARD STAFF**

**PRESENT:** Andrea Huddleston, Chief Deputy General Counsel  
Vanessa Hayes, Board Administrator  
Theodora Wilkins, Administrative Director

Dr. Rivard called the meeting to order at 9:00 a.m. A roll call vote was conducted and all Board members were present.

**Rulemaking Hearing**

Ms. Andrea Huddleston of the Office of General Counsel conducted a Rulemaking hearing regarding an amendment to the Examination Rule 1155-02-.08 which gives discretion to the Board to waive the provision that examination scores are only valid for five (5) years if good cause is shown and amends the Continuing Education Rule 1155-02-.12 requiring controlled substance prescribing continuing education.

Ms. Huddleston stated that the notice of Rulemaking hearing included the entire text of the proposed rules and was published on May 11, 2016 on the TN Administrative website.

Ms. Huddleston read into the record, email correspondence from Dr. David Long, stating his concern of possible changes to the Rules allowing more flexibility to the five (5) year limit on the exam (PMLexis) to gain licensure. Dr. Long stated that a lot of time was spent deciding when the appropriate time was to ensure minimal competency. It was felt that the five (5) years on the PM Lexis or similar exam was needed to safeguard the citizens of Tennessee. It was also felt that a rigid time frame was needed to prevent the Board from being a victim of a law suit if the Rule was not applied uniformly. Dr. Long requested that there not be a change to that Rule.

Dr. Somers made a motion to retain the language in the Rules. Mr. Fillauer seconded the motion. During the discussion, Dr. Sables stated that it may possibly not be fair to some individuals who may really possess the qualifications and that the board could be prudent enough to make an exception and thus minimize the chance for a lawsuit. Ms. Wilkins said she wants to be sure everyone understands they are voting to keep the rule as it stands and not to amend it to the new language. Dr. Somers made a motion seconded by Dr. Schuler to not amend the Rule to the new language. A roll call vote was conducted with all parties voting in the affirmative.

On the rule concerning continuing education Ms. Wilkins conducted a roll call vote and the rule was passed unanimously. Ms. Huddleston stated the only rule that has been adopted is the CE Rule. Ms. Huddleston received confirmation from the board. The Rulemaking hearing concluded.

### **Minutes**

Upon review of the May 11, 2016 minutes, Mr. Fillauer requested a correction be made. On page 5 the name should be Dr. Williams and Jim Mason not Mr. Rogers. Dr. Somers moved to accept the minutes as corrected and seconded by Dr. Schuler. The motion carried.

### **Office of General Counsel**

Ms. Huddleston presented the OGC report stating there are no Consent Orders, Agreed Orders or disciplinary complaints pending in the Office of General Counsel. Dr. Rivard questioned how much work is involved in changing Rules. Ms. Huddleston replied that the process for Rules is they have to go through an internal review process which means they have to be reviewed by General Counsel, the Commissioner's office and the Governor's office. Dr. Rivard thanked her for her time and effort.

### **Investigative Report**

The Disciplinary and Investigative Reports were presented by Nichelle Dorroh. The Investigative Report showed there are currently six (6) cases for Podiatrists pending review in their office and there is a review scheduled in a couple of weeks. For the disciplinary report Ms. Huddleston stated there are some individuals that were revoked that owe penalties and/or costs that they are monitoring. Otherwise the only case being monitored is the Jack Jensen case.

### **Discuss Applications**

Mr. Fillauer stated that there were (2) two individuals present because the board had some questions.

Ms. Ashley Dean came forward. Mr. Fillauer thanked her for coming in. He then questioned that on her application for Orthotist, she has a Prosthetic certificate, but not an Orthotic certificate. Ms. Dean stated that she is certified by BOC in Orthotics and they do not require a residency. Ms. Dean stated that she did however; complete a residency in Lafayette, Louisiana at the same place prior to her residency in Prosthetics. Mr. Fillauer questioned how long the residency was for and Ms. Dean stated it was from November 2009 to November 2010. Mr. Fillauer stated that he is satisfied that is the equivalent and there are no other issues with the application. Mr. Fillauer made a motion to approve the application seconded by Dr. Schuler. The motion carried.

## **Administrative Report**

Ms. Hayes stated as of August 8, 2016 there are 265 active podiatrists; 132 active x-ray operators; 149 active orthotists; 139 active prosthetists and 54 active pedorthists. Ms. Hayes reviewed the monthly statistical breakdown of the renewed, retired and failed to renew.

Ms. Wilkins said the remaining date for Board meetings in 2016 and dates for 2017 are as follows:

November 9, 2016  
February 8, 2017  
May 10, 2017  
August 9, 2017  
November 8, 2017

## **Newly Licensed/Certified**

Upon review, Dr. Somers made a motion to approve the newly licensed Podiatrist, seconded by Dr. Schuler. The motion carried.

Dr. Somers made a motion to approve Podiatric X-Ray Operators, seconded by Dr. Rivard. Mr. Fillauer made a motion to approve the Orthotists and Prosthetists, seconded by Dr. Rivard. The motion carried.

### **Podiatrists**

**Natalia S. Batista**  
**Sam Bazrafshan**  
**David A. Dowell**  
**Nicholas Fussell**  
**Jerwana Laster**  
**Chad E. Lawrence**  
**Michael Evan Lewis**  
**Rand D. Mundo**  
**Narin George Singer**  
**Elizabeth Bailey Wakefield**

### **Podiatric X-Ray Operators**

**Corey S. Baker**  
**Lynn Ann Green**  
**Camille Eyvette Hynds**  
**Rachel E. Rittenbetty**  
**Ana M. Rodriguez-Castillo**

### **Orthotists**

**Dale H. Collins**  
**Chad M. Overcash**

### **Prosthetists**

**Dale H. Collins**  
**Chad M. Overcash**

The motion carried.

**Reinstatements**

Upon review Mr. Fillauer made a motion, seconded by Dr. Rivard, to approve the following Reinstated X-Ray Operators, Orthotists and Prosthetists:

**Orthotists:**

**Nicholas D. Brown**  
**Earl C. Hulse, Jr**

**Prosthetist:**

**William M. Mullins**

**X-Ray Operators:**

**Janet Dawson**  
**Joyce W. Kephart**

The motion carried.

**Other Board Business**

Ms. Wilkins stated that the Sunset hearing is coming up next week and we do not have anyone to appear on behalf of the board. Dr. Somers asked for any volunteers. Dr. Schuler questioned about what goes on at the meeting. Ms. Wilkins stated that the purpose of the meeting is for the board to give a report to the Government Operations Committee and based on that report they will decide whether or not to renew the board for the next four to six years. Ms. Wilkins stated that Ms. Huddleston and Ms. Long will be there as well and that Ms. Long will be the one giving the report. Ms. Huddleston stated that they do ask that a board member be present for any technical questions the committee may ask. Dr. Schuler volunteered to go to the Sunset hearing. Ms. Wilkins and the board thanked her.

Mr. Fillauer introduced Mr. Jim Rogers and stated that he is from the TSOP and has come to discuss OMP licensure for assistants and Temporary licenses for residents. Mr. Rogers stated he is here to suggest two proposed rule changes to section 1155-04-.06. The first proposed rule change reads: A Prosthetist and Orthotist resident who is enrolled or a graduate of a commission for accreditation on allied health education program commonly referred to as KHEP and enrolled in an NCOPE accredited residency in the State of Tennessee with a NCOPE approved residency shall be exempt from state licensure requirements. A resident may work under the direct supervision of the NCOPE residency director, an approved NCOPE mentor, or practice independently under the confines and regulations of NCOPE residency program without violating the state licensure requirements. Mr. Rogers commented that right now clinical residents do not have any rights under the State of Tennessee to fulfill the requirements of their residency. Dr. Rivard stated that is a Legislative rather than a Board issue. Ms. Huddleston stated that there is authority for the board to grant exemptions for those working in training programs. She thinks this could fall under that. Dr. Rivard requested this be researched before it is discussed further. Mr. Fillauer stated that we need to compare what we have now to what Mr. Rogers is proposing and see if it is that different from what we already have.

Mr. Rogers went on to discuss the second of the proposed rule changes. He stated that currently there is no avenue for short term relief for a licensed Orthotist or Prosthetist in Tennessee who is on vacation, maternity leave, family leave, or otherwise incapacitated from an illness. The proposed rule change would allow an ABC certified practitioner from another state who has the same licensure requirements that we have to work in that person's facility for thirty (30) days to fulfill maternity leave requirements or something of a clinical practitioner. Mr. Fillauer states he does not think the Board has authority for that. Ms. Huddleston stated that she will come prepared with documents for review at the next meeting.

Dr. Mutter came to discuss guidelines for prescribing controlled substances. He stated that after the CDC came out with their guidelines we need to look at their guidelines and see what additions need to be made and board approval is needed for approval for the policy.

### **Adjournment**

A motion to adjourn was made by Dr. Somers and seconded by Mr. Fillauer. The motion carried. The meeting adjourned at 9:41am.

*Ratified by the board on November 9, 2016*