

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

DATE: November 1, 2019

TIME: 9:00 A.M., CST

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

BOARD MEMBERS

PRESENT: Sheila Schuler, D.P.M. - Chair
Bhekumuzi Khumalo, D.P.M.
David Sables, D.P.M.
Ramesh Pavuluri, D.P.M.
Michael Fillauer, C.P.O., - Secretary
Martha Kay Oglesby, Consumer Member

BOARD STAFF

PRESENT: David Silvus, Assistant General Counsel
Teddy Wilkins, Administrative Director
Sharonda Thompson, Board Administrator
Doris VanOvermeiren, RBAA1
Latonya Shelton, ASA3

Dr. Schuler called the meeting to order at 9:00 a.m. A roll call was conducted, all Board members were present. Ms. Wilkins took a moment to welcome new board member Dr. Khumalo.

Rule Making Hearing

David Silvus from the Office of General Counsel called the rulemaking hearing to order. The purpose of the rule making hearing is to solicit comments on rules proposed by the board in order to promulgate new rule 1155-04-.22.

This rule contains new record keeping policies for Orthotists, Prosthetists and Pedorthists. The new rule provides a time frame for how client records are to be maintained, and what information should be included in those records. It provides practitioners with instructions for notifying patients when a practice is going to be closed; as well as the process for forwarding records on to a new practitioner if the patient desires. The rule also provides instructions for the maintenance of records when a practitioner leaves a practice group and the process for notifying patients when a practitioner leaves a practice. Finally the rule gives instructions to practitioners for the proper disposal of records when the obligation to maintain the records has expired do the passage of time.

Mr. Fillauer made a motion to adopt the new rule seconded by Dr. Sables. A roll call vote was held, the rule passed unanimously.

Minutes

Upon review of the August 9, 2019 minutes, Dr. Sables made a motion to approve the minutes as written seconded by Ms. Oglesby. The motion carried.

Office of General Counsel Report

Mr. David Silvus, Office of General Counsel, reviewed the conflict of interest policy stating:

“If you have a personal or financial interest in the outcome of any issue or matter before this board which may suggest a bias on your part, you are asked to state that interest on the record so that a determination can be made as to whether there exists a need for recusal. You are reminded that it is the duty of this board to protect the health, safety and welfare of the citizens of Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.”

RULES

The Rule-Making Hearing was just held regarding record-keeping and retention for Orthotists, Pedorthists and Prosthetists. From here the rules will go to the Attorney General’s office and the Governor’s office for review. When the rules are returned from the Attorney General’s office they will be filed with the Secretary of State’s office where they must stay for ninety (90) days until they are final, during which time they will be reviewed by Government Operations, the Joint Committee for Government Operations and General Assembly. Currently there are no other rules in process

LITIGATION

The Office of General Counsel currently has 6 open cases pending; two of those cases were just received last week and no action has been taken yet in respect to them. Initial notice letters have gone out to the other four. Formal notice of charges have been filed on one. Of the remaining three we are currently awaiting an expert review on two and the third may also require an expert review. A seventh case has not yet come over from the Office of Investigations to the Office of General Counsel as the matter just came back from the field and the license was suspended, but is not officially part of my report as it is still technically with Investigations

Dr. Shuler asked, “You said there are several being reviewed by an expert, we just have one expert?” Mr. Silvus stated “This is not the consulting expert.” Mr. Silvus then reviewed the process of investigation and how they sometimes hire an outside expert.

Mr. Silvus asked the board to recognize Mr. John Williams who is the attorney and lobbyist from TPMA for all his hard work; he will be retiring at the end of the year.

Mr. Silvus asked the Board for approval to go to the Prescription Drug Abuse and Heroin Summit on April 13-16 of next year. There is no travel involved, the summit will be held here in Nashville.

Ms. Wilkins informed the board that they could elect to send up to three members. Ms. Oglesby made a motion, seconded by Dr. Sable to approve Mr. Silvus and possibly 3 other board members to be determined at a later date. The motion carried.

Administrative Report

Ms. Thompson gave the following administrative report stating as of October 31, 2019 there are 278 active Podiatrists; 151 active X-ray operators; 152 active Orthotists; 145 active Prosthetists and 45 active Pedorthists.

Between August 7, 2019 and October 31, 2019 the following occurred: Podiatrists – 2 new, 21 renewed, 3 retired, 0 expired; Podiatric X-Ray Operators – 19 new, 13 renewed, 1 retired, 6 expired; Orthotist – 3 new, 16 renewed, 0 retired, 0 expired; Prosthetists – 4 new, 17 renewed, 0 retired, 0 expired; Pedorthist – 2 new, 2 renewed, 0 retired, 0 expired.

Ms. Thompson provided the dates for all Board meetings in **2020**:

February 7, 2020
May 15, 2020
August 14, 2020
November 6, 2020

Newly Licensed

Podiatrists

865 Kiser, Caroline
864 Pierre, Andrew

Ms. Oglesby made a motion to approve the newly licensed Podiatrists, seconded by Mr. Fillauer. The motion carried.

Podiatric X-Ray Operators

486 Brown, Champagne
482 Bruce, Lyndsey
473 Davis, Sara
480 Fuqua, Jordan
477 Gibson, Angela
483 Hudson, Lindsey
472 Jackson, Linda
476 Johnson, Sheri
487 Kreighbaun, Lashaun
484 Massey, Elicia
478 Morgan, Kimberly
461 Northam, Dana
465 Ortega-Mayorga, Ashley

- 471 Pointer, Margo
- 481 Pollard, Stefon
- 467 Stewart, Amy
- 460 Thomas, Courtney
- 485 Trotter, Brittany
- 488 Warner-Benford, Untereia

Mr. Fillauer made a motion to approve the newly licensed Podiatric X-ray Operators, seconded by Dr. Sables. The motion carried.

Orthotists

- 270 Parrish, Larry
- 269 Parrish, Lauren
- 268 Verdina, Carolyn

Mr. Fillauer made a motion to approve the newly licensed Orthotists, seconded by Dr. Sables. The motion carried.

Prosthetists

- 257 Dyer, Nathan
- 254 Jackson, Mary
- 259 Parrish, Larry
- 258 Parrish, Lauren

Mr. Fillauer made a motion to approve the newly licensed Prosthetists, seconded by Ms. Oglesby. The motion carried.

Pedorthists

- 130 Butler, Antonio
- 131 Compos-Reyes, Nicolas

Mr. Fillauer made a motion to approve the Pedorthist, seconded by Dr Pavuluri. The motion carried.

Reinstatements

Reinstated Podiatrist

- 486 Mason, Renee

Dr. Pavuluri made a motion to approve the newly reinstated Podiatrists, seconded by Mr. Fillauer. The motion carried.

Reinstated Orthotist

38 King, Leslie

Mr. Fillauer made a motion to approve the newly reinstated Orthotists, seconded by Dr. Sables. The motion carried.

Reinstated Prosthetist

33 King, Leslie
139 Leppert, Tim

Mr. Fillauer made a motion to approve the reinstated Prosthetists, seconded by Dr. Sables. The motion carried.

Investigative and Disciplinary Report

Ms. Rachel Felch from the Office of Investigations gave the following report: For currently monitored practitioners three (3) are on probation, one (1) suspended and five (5) revoked. Year to date new complaints opened there are eleven (11); one (1) for falsification of records, two (2) for malpractice or negligence, four (4) for unprofessional conduct, two (2) for over prescribing, and two (2) for outside the scope of practice. Total complaints closed year to date is nine (9); two (2) for insufficient evidence, two (2) closed to discipline, four (4) closed with no action, and one (1) closed with a letter of concern. There are currently nine (9) open complaints that are being reviewed or investigated.

Financial Report

Ms. Wilkins Introduced Mr. Butch Jack with the Division of Health Licensure and Regulation, who is taking over for Noranda French who has taken a new position as the Director of Unit 2 in Health Related Boards.

Mr. Jack gave the following Year end report for fiscal 2019:

Total Payroll Expenditures were \$19,535, Total Other Expenditures were \$13,685, Total Direct Expenditures for the year were \$33,221. Allocated expenditure were as follows; Administration \$11,362, Investigation \$18,559, Legal \$32,916, and the Cash Office \$376, for a total Allocated Expenditures of \$63,214. That figure along with Total Direct Expenditures gives this board Total Expenditures of \$96,435. Board Fee's for the year were \$100,742 which gives this board a total Net of \$4,307. This Boards share of LARS improvement is \$1,327. The Cumulative Carryover is \$331,161.

Dr. Sables asked several question regarding application fees and renewal fees, and the appropriate usage of cumulative carryover. Mr. Jack said he would run possible scenarios regarding fees to present at the mid-year report. A discussion was held regarding the usage of the cumulative

carryover. At the end of the discussion the board members decided to each bring an idea forward at the next meeting regarding possible proposals for usage of the cumulative carryover.

Other Board Business

Dr. Schuler proposed electing a new delegate to serve on the CSMD or Controlled Substance Monitoring Database. The CSMD is a database to monitor the dispensing of Schedule II, III, IV & V controlled substances established in accordance with the Controlled Substance Monitoring Act of 2002. There is a member serving on the CSMD from every Board in Tennessee.

Dr. Khumalo volunteered to serve with an alternate. Ms. Oglesby made a motion to approve Dr. Khumalo's appointment seconded by Mr. Fillauer. The Motion carried

The board took a moment to Thank Dr. Davis officially for his service and time on the board.

Adjournment

With no further business to discuss Dr. Sables made a motion to adjourn the meeting, seconded by Dr. Pavuluri. Motion carried. The meeting adjourned.

Ratified by the Board of Podiatric Medical Examiners on February 7, 2020