

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

DATE: July 30, 2021
TIME: 9:00 A.M., CST
LOCATION: Health Related Boards
Iris Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Sheila Schuler, D.P.M. - Chair
David Sables, D.P.M.
Ramesh Pavuluri, D.P.M.
Gerald Stark, PhD, MSEM, CPO

BOARD MEMBERS

NOT PRESENT: Martha Kay Ogles, Dr. Bhekumuzi Khumalo

BOARD STAFF

PRESENT: Mrs. Diana Hunley, Regulatory Board Administrator Director
Doris VanOvermeiren, Board Administrator
Leandra Welch, Board Administrator
Kaitlin Parham, Senior Associate General Counsel

Ms. VanOvermeiren read the opening remarks into the record. She asked everyone to introduce themselves for the record. A roll call vote was conducted, and all Board members were present. Ms. VanOvermeiren introduces the new board administrator, Leandra Welch, board administrative assistant, Regenia Wheeler.

Dr. Schuler called the meeting to order at 9:01 am with a quorum established.

Review/Approve Board Meeting Minutes:

Upon review of the Board meeting minutes for May 28, 2021 Dr. Pavuluri made a motion to approve the minutes, seconded by Dr. Stark. All approved. The motion carried.

Rules Amendment:

Mrs. Parham discussed the virtual CME rule amendment from last meeting. Dr. Schuler advised the board that 30 states are already onboard and prefers that Tennessee joins them. Dr. Sables volunteered to work with Mrs., Parham on this portion.

Legislative Update:

Olivia Spears presented the following Public Chapters: 9, 37, 136, 153, 179, 230, 242, 291, 328, 357, 453, 461, 513, 531, 532, and 577. Elizabeth Foy provided clarity on Public Chapter 179 regarding graduates gaining supervision hours via telehealth.

Investigative Report:

Mrs. Courtney Lillie the assistant for Ms. Lori Leonard, Disciplinary Coordinator for all non-nursing Boards gave the following report:

Summary of Currently Monitored Practitioners

Currently for the year 2021 are monitoring zero (0) under a Board Order reprimand, Three (3) under probation, Two (2) under suspension and five (5) under Revoked status.

Board Statistical Complaint Report for Podiatrist: For new complaints received in the office for Investigation and complaints for the year 2021, there are six (6) new open complaints. Two (2) for malpractice and negligence, one (1) for unprofessional conduct, one (1) medical record request, one (1) outside investigative scope, and one (1) regarding COVID 19. A total of six (6) complaints were closed. Of the two (2) were closed due to insufficient evidence, one (1) sent to the Office of General Counselors for formal discipline, one (1) closed with no action, and one (1) letter of warning, currently there are nine (9) open complaints pending review and/or investigation.

X-Ray Operators: For new complaints received in the office for Investigation and complaints for the year 2021, there were zero (0) new open complaints; and zero (0) complaints were closed. There are currently zero (0) complaints that are being investigated and or reviewed at this time.

Orthotist: No new complaints in 2021, no closed complaints and zero complaints currently opened to be investigated and or review at this time.

Prosthetics: No new complaints in 2021, one (1) closed complaint closed due to insufficient evidence and zero complaints currently opened to be investigated and or review at this time.

Pedorthist: There are no new complaints in 2021, no closed complaints and no complaints opened to be investigated and or review at this time.

Financial Report:

Mr. Mathew McSpadden gave the financial report with a \$30 fee correction, showing a seven (7) day carryover balance projection update. An update with final numbers will be presented to the board at the next meeting. The board approved column three (3), agreeing to the following renewal fees:

\$20 flat renewal fee for Podiatrists, Orthotists, Prosthetists, and Pedorthists

\$10 flat renewal fee for Podiatrist X-Ray Operator

Dr. Sables motioned that the Board approves column #3, which included approved flat rate renewal fees. Dr. Pavuluri seconded. All approved. Motion carried.

Office of General Counsel:

Mrs. Parham with the Office of General Counsel (“OGC”) presented the OGC report. She read aloud the Conflict of Interest Policy and the Open Meetings Act. She then addressed disciplinary and rule activity.

Rule Activity:

On July 21, 2021, the medical record retention rule packet regarding orthotists, prosthetists, and pedorthists was discussed at the Joint Government Operations Committee in Nashville. Dr. Khumalo, Diana Hunley, Assistant Commissioner Patrick Powell, Deputy Director Jennifer

Putnam, and I were present. The Committee voted to approve the rule packet, and the rules will go into effect on August 5, 2021.

At the May 28, 2021 Board meeting, the Board voted to approve a licensure renewal fee decrease for all licensure categories. Due to a slight calculation discrepancy, it will be discussed at the next meeting.

Legation Report:

No litigation at this time. No current appeals and no civil suites.

Disciplinary Activity:

Mrs. Kaitlin Parham states that the Office of General Counsel currently has nine open cases pertaining to eight respondents who hold DPM licenses, and one respondent who is an orthotist. Seven cases already have the 320c letter and consent order sent out. Two cases have a Notice of Charges filed. I am working with expert witnesses on three cases before I file a Notice of Charges in those cases. For the remaining cases I am seeing if resolutions can be reached before initiating the process of retaining an expert and filing a Notice of Charges.

Administrative Report:

Mrs. Hunley provided the following administrative report:

297 Active Podiatrists

120 Active Podiatric X-ray operators

145 Active Orthotists

142 Active Prosthetists

37 Active Pedorthists

Newly licensed:

May 30, 2021, thru July 30, 2021

Podiatrist: 3 new licenses, 19 renewed, 1 expired

Podiatry X-Ray Operators: 0 new operators, 6 renewed, 0 retired, 6 expired

Orthotist: 1 new license, 1 reinstate, 14 renewed licensed, 1 retired, 1 expired

Prosthetics: 1 new license, 0 reinstate, 16 renewed, 1 retired, 1 expired

Pedorthist: 0 new reinstate, 0 renewed licensed, 1 retired, 2 expired.

Newly Licensed Podiatrist

Christina Bridges

Emily Keeter

Roland Derrick

Dr. Pavuluri made a motion to approve the newly licensed Podiatrists, seconded by Dr. Sables.

The motion carried.

Podiatric X-Ray Operators

None at this time.

Reinstated Podiatric X-Ray Operators

None at this time.

Orthoptists

None at this time.

Reinstated Orthoptists

Gilbert Cupp

Dr. Pavuluri made a motion to approve the Orthoptists, seconded by Dr. Schuler. The motion carried.

Prosthetists

Caitlin Ratliff

Dr. Pavuluri made a motion to approve the Prosthetists, seconded by Dr. Schuler. The motion carried.

Reinstated Prosthetists

None at this time.

Review Application:

Dr. Schuler advises the board that she spoke with D. Hurst's residency advisor, who stated that he would not accept her back. She iterated that they asked her to provide updated references letters and proof of completed residency terms. D. Hurst sent over documents that the board reviewed before calling, due to being submitted late the previous night. D. Hurst presented her case to the board and confirmed that she is currently on probation with Missouri. Mrs. Parham reminded the board of the rules and statutes regarding the successful completion of the residency requirement. Dr. Schuler suggested that she submit the original document stating that it was a one (1) year residency. Mrs. Parham noted that she does have certain discrepancies that should be considered in their decision and that the board should be ready to decide at the next board meeting. Dr. Schuler suggested that someone reach out to the director of the residency program to confirm her contract details. The board agreed to have her produce 30 days to provide correspondence.

Rulemaking Activity:

The Board agreed to appoint Dr. Sables to work with Mrs. Parham on the verbiage for the new CME rules, which will be discussed at the next meeting.

Upcoming Board Meeting Date:

November 5, 2021

Other Board Business:

Mrs. Parham asked the board to approve the addition of Dr. Carol Ackerman of Knoxville, TN to the screening panelist lists in the future. Dr. Sables made a motion for approval. Dr. Stark seconded. All approved. Motion carried.

Mrs. Parham asked the administrators if they would like to attend FARB conference. Mrs. Hunley volunteered to attend. Dr. Pavuluri motioned to approve attendance. Dr. Sables seconded. All approved. Motion carried. Dr. Pavuluri recommend that Ms. Welch attend as well. Dr. Pavuluri made a motion for her attendance. Dr. Sables seconded. All approved. Motion carried.

Adjournment

Dr. Sables made a motion to adjourn the meeting at 10:25 a.m., seconded by Dr. Pavuluri. The meeting adjourned.

The board reopened the meeting for vote of a new chairman and secretary at 10:26am

Dr. Schuler made a motion to appoint Dr. Sables as Secretary and Dr. Pavuluri as Chairman. Dr. Stark seconded. All approved. Motion carried.

Dr. Sables made a motion to adjourn the meeting at 10:27am. Dr. Stark seconded. All approve. Motion carried. Meeting adjourned.

These minutes were ratified at the December 17, 2021, Board of Podiatric Medical Examiners meeting.