



**Tennessee Board of Medical Examiners
Development Committee
Monday September 20, 2021**

MINUTES

The Development Committee meeting of the Tennessee Board of Medical Examiners was called to order at 4:22 p.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Stephen Loyd, Committee Chair.

Committee members present	Stephen Loyd, MD, Committee Chair Melanie Blake, MD Deborah Christiansen, MD (by phone) Mr. Robert Ellis, Consumer Member Phyllis
Staff present:	Rene Saunders, MD, Medical Consultant, BME Angela Lawrence, BME Executive Director Francine Baca-Chavez, Deputy General Counsel

The meeting was called to order by Dr. Loyd with a roll call of members and staff present. Having determined a quorum with four of the five members present Dr. Loyd opened the meeting with the first agenda item regarding the discussion with TennCare representative regarding Telehealth. Dr. Loyd opened the discussion stating the Board was looking for idea what Telehealth looks like going forward to provide to licensees. He spoke with Dr. Victor Woo to gather what TennCare might in vision happening and scheduling would not allow him to able to attend today's meeting. Dr. Loyd had further discussion and Dr. Saunders and the suggesting of possibly submitting an Advisory Opinion request of the Health Committee of legislation concerning pending legislation around the subject of Telehealth and what it looks like going forward. After discussion, Ms. Baca-Chavez stated she would have to look into what the process is to move in that direction as well as what other states are doing concerning Telehealth. The Committee did not take any action regarding this matter.

The second agenda item was to discuss and act concerning an Advisory Opinion request from Dr. Gregory Neal regarding the 30-day site visits regarding supervision requirement. Two representatives not licensees of the Board of Medical Examiners where present to address any questions the Committee member might have concerning the Advisory Opinion request. The Committee also reviewed previous Advisory Opinion request similar to the one before them today. Ms. Baca-Chaves summarized each of them and reminded the Committee that the opinions provided for each was specific to each request. The Committee did hear from the two nurse practitioners present that work with Dr. Neal, the author of the Advisory Opinion request. They offered a detailed description of what they do they do.

After a lengthy discussion the Committee decided to not offer an opinion and felt that this was more of a business model issue.

The third agenda item was to discuss and act regarding the Sexual Misconduct Policy. A taskforce of Dr. Loyd, Dr. Baron and Mr. Silvus previously meet September to discuss the policy. They were not able to come up with a proposed draft during that meeting but have plans to meet again in October. Mr. Silvus suggested that Ms. Baca-Chavez also be included in the next meeting to review the FSMB policy along with the Board Policy to draft proposed new language for the November meeting to update the current Board policy. Ms. Baca-Chavez suggested that Mr. Silvus could be excused from the taskforce as he involved in other areas and be welcome to join should he have the time to do so.

The fourth agenda item was to discuss and act regarding Minimum Disciplinary Guidelines addressing aggravating factors leading to sanctions above the minimum. Dr. Loyd opened the discussion asking what are those aggravating factors? Mr. Silvus addressed the question by saying that each case stands on its own and the rules provide a standard you cannot go below. The guidelines offer minimum discipline that can be offer. He also presented to the Committee how the guidelines come into play when cases come before the Board. The Administrative Law Judge should task you with what the law is in the case and the attorneys should address recommended discipline based on the law and why. Mr. Silvus was asked to present to the full Board at the November meeting regarding this matter.

The fifth agenda item was to discuss and act regarding Public Chapter 328. Ms. Baca-Chavez informed the Committee this Public Chapter concerns a report submitted to the Government Operations Committee by December 1, 2023. As part of the report a determination as to whether the current rules adhere to current state and federal law, need amendments, or remain in effect. After discussion, the Committee decided to add this as an agenda item taking chunks of Rules at a time to review. Dr. Saunders suggested also reviewing the statue as it relates to the Rule as well. The suggestion was made that the administrative staff work along with Ms. Baca-Chavez to group by categories to be reviewed and bring the suggested changes before the Committee to review, edit and make recommendations before the full Board as a new agenda item.

The final agenda item was to identify members for a Supervision Rules taskforce. Dr. Loyd suggested this agenda item be tabled due to Public Chapter 328.

There was no public comment and the meeting adjourned at 6:44 pm.