



**Tennessee Board of Medical Examiners
Development Committee
Monday, September 28, 2020**

MINUTES

The Development Committee meeting of the Tennessee Board of Medical Examiners was called to order at 4:00 p.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Melanie Blake, Committee Chair.

Committee members present: Melanie Blake, MD, Committee Chair
 W. Reeves Johnson, MD
 Neal Beckford, MD
 Phyllis Miller, MD
 Mr. Robert Ellis, Consumer Member

Staff present: Rene Saunders, MD, Medical Consultant, BME
 Angela Lawrence, BME Executive Director
 Francine Baca-Chavez, Deputy General Counsel

Ms. Lawrence made opening remarks to the Board and provided an overview of the requirements for a meeting by teleconference. All of the requirements were satisfied. The electronic meeting was scheduled for the purpose of considering time sensitive matters in light of the covid-19 pandemic in which the Center for Disease Control recommends limiting the number of attendees at meetings for the next eight weeks. The Board motioned and voted on approval to conduct the meeting for this purpose. The teleconference was then turned over to the Chair, Dr. Melanie Johnson.

Dr. Blake called the meeting to order and opened the meeting welcoming Dr. Miller as a guest for the discussion concerning the Advisory Opinion from Dr. Sherfey. Dr. Sherfey's request regarding Tenn.Comp.R & Regs 0880-02-.14 to use amphetamine usage medication off label in the area of chronic pelvic pain syndromes, especially in connection with fertility and prevention of recurrent miscarriages. Dr. Miller offered her insight from her perspective as an OBGYN and was concerned that this was something currently not indicated in the field of OBGYN. This should only be used in an experimental controlled environment not in general practice. She also noted that Dr. Sherfey practice was in general and internal practice. The medication in question can be addictive. Dr. Johnson also offered insight into the Clinical and Experimental Obstetrics and Gynecological Journal articles. These articles were also references in Dr. Sherfey's request. After discussion the commented voted by roll call to accept the letter offered by the Board attorney. Ms. Francine Baca-Chavez. This letter offered the position that the

resources provided by Dr. Sherfey are not adequately justified by rational and research to support the request for use authorization off label.

Dr. Blake moved on to the second agenda item regarding supervising physicians who supervise mid-levels. This topic was a result of a discipline case on overprescribing brought before the board. Dr. Blake was interested in being certain communication from the mid-level Boards is being carried forwarded as needed. Ms. Baca-Chavez mentioned that she had spoken to Dr. David Silvus, the Deputy over the Overprescribing Team concerning his thoughts on this topic. This team will handle all discipline on mid-level cases. Dr. Blake asked if Mr. Silvus might be interested in making a presentation to the Board. Ms. Baca-Chavez felt that Mr. Silvus would mostly like be interested and she would make him aware of the Committees request.

Dr. Blake opened the next discussion topic regarding CME extension/waiver in response to Covid 19. Dr. Johnson received an email notice from the Executive Director of the Alabama Medical Board, where he is also license, stating that Alabama would not be conducting CME audits during to the pandemic. Dr. Johnson also reached out to the FSMB to see what other states were doing concerning CME renewal. Out of the 51 states including the District of Columbia request made by the FSMB, 33 responded with only 3 states making no change to requirements and 27 made some type of change. There are also some states that do not require CME at all. Ms. Baca-Chavez was asked if the Board /Committee could make any changes since by rule CME hours re required. Ms. Baca-Chavez informed the Committee according to statute the Board has not been given the authority by Executive Order. She also discussed the Executive Order #50 issued by the Governor, that suspended, to the extend necessary obtaining CME hours in person or by live events. This Executive Order also instructed the Commissioner of Health to adopt a policy necessary to comply with the order. That policy has been adopted and has been added to the website. The Board does still have the authority accept waivers as currently outline in the rules on an individual basis due to hardship. After further discussion no action was taken by the Committee other than possibly alerting TMA to notify members of the Commissioners Policy.

Dr. Beckford joined the meeting at 4:43 pm

Dr. Beckford moved on to the next agenda item regarding the Board's remediation policy and effects on the licensees. Dr. Johnson recapped the meeting he had with the Commissioner of Health asking to revisit the Reentry policy and consider changing the starting point to 5 years. The Committee discussed the information administrative staff gathered showing the number of people that came before the Board between 2015 and 2020 that had been out of clinical practice between 2 to 5 years. After discussion the Committee suggested the information be taken before the full Board to see interest in making changes.

The final agenda item concerning the Board's Failure to Obtain Required CME Policy was centered on the unwritten portion of accepting up to 5 hours outside of the renewal cycle. Ms. Lawrence asked for clarification on whether or not the Board should make this a written policy if we continue to accept the 5 hours outside of the renewal cycle to include the 2 hour Tennessee specific course on prescribing. The Committee asked to review the previous meeting minutes on this subject before taking action.

There were no public comments and the meeting adjourned at 5:25 pm.