



**TENNESSEE BOARD OF OSTEOPATHIC EXAMINATIONS
Regular Board Meeting**

November 14, 2017

MINUTES

A regular meeting of the Tennessee Board of Osteopathic Examination was held in the Iris Conference Room, at 665 Mainstream Drive, Nashville, TN 37243 on November 14, 2017.

Members Present: Jeffrey L. Hamre, DO
 J. Michael Wieting, DO
 Jan Day Zieren, DO
 Shant H. Garabedian, DO
 Penny Grace Judd, Consumer Member
 Shannon Kilkelly, DO

Staff Present: Sherry Williams, Administrator
 Stacy Tarr, Administrative Director
 Rene Saunders, MD, BME Medical Director
 Maegan Carr Martin, JD, Executive Director
 Francine Baca-Chavez, JD, Deputy General Counsel

The necessary number of Board members joined the meeting and a quorum was established. Board of Osteopathic Examination Chair, Jeffrey Hamre, DO, called the meeting to order at 9:23 a.m.

Minutes

Ms. Baca-Chavez referred to the Board a correction to the Office of Investigations report, page 3, third paragraph beginning with her name, the last sentence should read “She asked that they notify her in advance of their interest so she can ensure that there will be osteopathic cases to review”. Omit physicians. Dr. Wieting made a motion to approve the minutes from the August 9, 2017 meeting of the Board as corrected. Dr. Zieren seconded the motion. The motion carried unanimously.

Applicant Interview(s):

Richard Arriviello, DO – Dr. Arriviello was asked to appear before the Board to address several malpractice claims. Dr. Kilkelly wants to hear more about Dr. Arriviello perspective on the cases. Dr. Arriviello appeared without representation. Dr. Arriviello gave a brief summary of his malpractice cases which three resulting in settlements and being dismissed. His primary specialty is in Emergency

Medicine which he notably practices in a high risk specialty. At the conclusion of the interview, Dr. Kilkelly made a motion to approve Dr. Arriviello's application. Dr. Garabedian seconded the motion. The motion passed.

Matthew Dougherty, DO – Dr. Dougherty was to appear before the board to discuss his voluntary surrender of his Tennessee license and DEA certification. Dr. Dougherty appeared without representation. Dr. Hamre ask Ms. Baca-Chavez to share information that may be helpful to the Board. Ms. Baca-Chavez shared with the Board the Agreed Order that the Board ratified in March of 2016. The license that was initially issued to Dr. Dougherty was voluntary surrendered which constitute the same as revocation. Ms. Baca-Chavez explained per the rule Dr. Dougherty is eligible for licensure. She explained Judicial Diversion which Dr. Dougherty was given Judicial Diversion and he plead guilty to the crime. Ms. Baca-Chavez informed the Board that Dr. Dougherty was placed on probation for the maximum of two years, he was compliant and petition for an expungement, so there was never a conviction of this crime because he did comply with terms of the probation, so at the time this order was ratified he was still in that probationary period. To fast forward to November 2017 the applicant has completed that probationary period and gotten this crime expunged, so that means there is not going to be any court records of this incident, it's not going to come up in any Criminal Background Checks. Ms. Baca-Chavez made a clear distinction of Expungement and the Board Order.

Dr. Garabedian ask clarification of the Order.

Ms. Baca-Chavez replied it is from the courts.

Dr. Dougherty give a explanation as to why he surrendered to his license and he was required to surrendered his DEA license.

Mike Todd (representative from TMF) was ask to step up with information regarding evaluation of treatment. Mr. Todd stated he was not familiar with the case so he could only speak in general and offer places Dr. Dougherty could go for evaluation. Ms. Baca-Chavez stated #22 of the application (which is page 10 of the Questionnaire Profile question X) needs correcting to answer "YES". She gives options for licensure. Dr. Kilkelly made a motion to table the application pending report from TMF until the next Board meeting. Dr. Garabedian second the motion. The motion passed.

William Gray, DO – Dr. Gray was ask to appear to explain his DUI incident in 2005. Dr. Gray give a explanation of the incident. This occurred prior to his entrance to medicinal school, he endorses that he never entered treatment for alcohol or drug use disorders. His intended practice in Tennessee is Physical Medicine and Rehabilitation. Dr. Gray interviewed with Dr. Baron with the Tennessee Medical Foundation (TMF) and Dr. Baron recommended that at this point there is no indication for monitoring or further evaluation. Dr. Zieren made a motion to approve his license. Dr. Wieting second the motion. The motion passed.

James Hart II, DO – Dr. Hart was ask to appear to explain his alcohol related offense when he was 18 years of age. Dr. Hart appeared without representation. He explained the offense to the Board and stated he has had no other problems sense. He interviewed with Dr. Baron with the Tennessee Medical Foundation (TMF) and Dr. Baron recommended that at this point there is no indication for monitoring or further evaluation. Dr. Kilkelly made a motion to approve his license. Dr. Garabedian second the motion. Dr. Wieting recused himself. The motion passed.

James McGinnis, DO – appeared before the board without representation. Dr. McGinnis reappeared before the board due licensure examination scores and a history of disciplinary action with the State Medical Board of Ohio related to substance use disorder. At the March 2017 board meeting Dr.

McGinnis was ask to complete a licensure examination. Dr. McGinnis has successfully passed an approved licensure examination. Dr. McGinnis completed probation requirements in 2009 for the state Medical Board of Ohio. Dr. Zieren made a motion to table the application, request a TMF evaluation and return in March 2018 to discuss findings. Dr. Wieting second the motion. The motion passed.

Stephen Mitchell, DO - Dr. Mitchell was ask to appear by Dr. Hamre to explain his malpractice case that occurred in 2009. Dr. Hart appeared without representation. Dr. Mitchell gave a brief summary of his malpractice case, where he was the ER Physician working in the ER. A lawsuit was filed for failure to properly treat. His legal team felt that paying the settlement was less expensive than going to trial, so the lawsuit resulted in a settlement in 2013. Dr. Wieting made a motion to approve his license. Dr. Kilkelly second the motion. The motion passed.

Ratification of New Licensees

Dr. Wieting made a motion to ratify initial approvals for DO, DO X-Ray Operators, and Professional Midwifery. This motion was second by Dr. Garabedian and carried.

REPORTS

Office of Investigations

Ms. Laura Leonard appeared on behalf of the Office of Investigations, she introduced Ms. Rachel Fouch. Ms. Leonard reported that there are four practitioners being monitored, three suspended, one revoked/surrendered and three on Board order. She reported that new open complaints for the year are 50 YTD, 44 closed YTD and monitoring 21 cases and most of the allegations are from malpractice and negligence out of Middle Tennessee.

Ms. Baca-Chavez reminded the Board again that they are welcome to attend case review on any Wednesday morning. She asked that they notify her in advance of their interest so she can ensure that there will be osteopathic cases to review.

Dr. Saunders presented to the Board the Radiologic Education Seminars (RES) reapproval request.

Dr. Wieting made a motion to reapprove the Radiologic Education Seminars course. Dr. Zieren second. The motion was passed.

The Board discussed the upcoming conference and organization participation.

Dr. Zieren made a motion to approve one attorney, two staff and three members for attendance to the FSMB. Dr. Garabedian second. The motion was passed.

Ms. Tarr asks the Board to inform her of attendance if anyone is planning to attend the conference meeting.

The Board discussed endorsement of Board member for FSMB office.

Dr. Zieren made a motion dominate and support Dr. Wieting for domination for Board of Director for FSMB. Dr. Kilkelly second. Dr. Wieting recused himself. The motion was passed.

Ms. Baca-Chavez discussed with the Board considering adopting a criminal conviction policy.

Dr. Wieting made a motion to accept the proposed policy with the following changes:
 1st Dr. Saunders suggested regarding #4- that alcohol and other substance issues occurred less than five years from the date of application for licensure
 2nd - Revise #2-Dr.Garabedian mention any applicant convicted of multiple misdemeanors
 3rd –where it says “The following applicant are to be referred to TMF Program” add “if applicable”.
 Dr. Zieren second. The motion was passed.

Office of General Counsel

Ms. Baca-Chavez appeared on behalf of the Office of General Counsel discussed the Conflict of Interest Policy. She reminded the Board that its duty is 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.

Financial Report

Ms. Noranda French provided an overview of the Board’s Year End Report as of FY 2017:

Total Expenditures \$184,602.78
 Board Fee Revenue \$276,909.32
 Current Year Net \$91,306.54

Administrative Office Report

Stacy Tarr provided the statistical licensure report from March through April 30, 2017 as follows:

New applications received:		Total New Licenses Issued:	
Osteopathic Physician	51		55
Locum Tenens	0		0
Telemedicine	0		4
Special Training	6		1
X-Ray	1		
Reinstatements	2		

Total Number of Renewals:

Osteopathic Physician 171
 Online 138 – 81%

Total number of active licensees as of October 31, 2017 is 1,489.
 Total number of active licensees as of October 31, 2017 with a Tennessee mailing address is 962.
 Total number of Telemedicine licensees as of October 31 2017 is 27.
 Total number of Active DO X-Ray Operators as of October 31, 2017 is 15.
 Total number of Active Professional Midwives as of October 31, 2017 is 51.

Dr. Hamre ask Ms. Tarr if there will be a time when we will have all online applications?

Ms. Tarr replied, we still have doctor’s that request paper copies of the application and the application is still on our website.

Dr. Zieren ask the Board a question/query, on the Tennessee Board Osteopathic Application for Licensure which was revised 2/17, she is still finding that the question “Are you ABMS Board certified” she ask why is there not an option if you are AOA certified. Dr. Zieren stated she thought it had been corrected.

Ms. Tarr replied she would relook at the application, she thought Maegan Martin had reviewed the applications and she would get them corrected.

Adjournment