

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

**DATE:** May 9, 2018  
**TIME:** 9:00 A.M., CDT  
**LOCATION:** Health Related Boards  
Poplar Room  
665 Mainstream Drive  
Nashville, TN 37243

**BOARD MEMBERS**

**PRESENT:** Sheila Schuler, D.P.M. - Chair  
Tyrone Davis, D.P.M. – Vice Chair  
Karl Fillauer, C.P.O. - Secretary  
Ramesh Pavuluri, D.P.M.  
Martha Kay Oglesby, Consumer Member

**NOT PRESENT:** David Sables, D.P.M.

**BOARD STAFF**

**PRESENT:** David Silvus, Assistant General Counsel  
Vanessa Hayes, Board Administrator  
Theodora Wilkins, Administrative Director

Dr. Schuler called the meeting to order at 9:00 a.m. A roll call vote was conducted and all Board members were present with the exception of Dr. David Sables.

**Minutes**

Upon review of the February 2, 2018 minutes, Mr. Fillauer moved to accept the minutes, seconded by Ms. Oglesby. The motion carried.

**Investigative Report**

Ms. Lori Leonard reported that of the currently monitored practitioners one (1) is on probation, one (1) is suspended, and four (4) are revoked. There are six (6) new open complaints, one (1) closed complaint with no discipline and eight (8) open complaints for Podiatrists year to date. There is one (1) complaint for Podiatric X-ray and one (1) new complaint for Orthotists.

**Financial Report**

Ms. Noranda French presented the Mid-Year Financial Report and discussed the anticipated year end numbers. The total projection of allocated expenditures for the year are \$41,276.99 with

projected total expenditures at \$73,222.10 and total projected board revenue for the year at \$82,700.00, with a cumulative carry over of \$313,481.12.

### **Office of General Counsel**

Mr. David Silvas, Advisory Attorney from the Office of General Counsel presented the OGC report. He stated that there are no pending appeals. There are three (3) open cases for DPM's. Two Consent Orders were presented.

**Jack R. Steele**, license number 115. Mr. Steel is an Orthotist and has never been licensed as a Prosthetist. Since May, 2011, he has owned and operated his own company, Center for Orthotics and Prosthetics. On the company's website and on his personal business cards his name contained the letters LPO in addition to CO after his name, which is an abbreviation for Licensed Prosthetist and Orthotist from at least March 2017 until November 2017.

His license is reprimanded and is assessed one (1) type B Civil penalty of \$200 each for each month that LPO was shown on the company website for a total of \$1,800. He is further assessed costs up to a cap of \$5,000. Mr. Fillauer made a motion to accept the Consent order, seconded by Dr. Pavuluri. All in favor. The motion carried.

**Stephen Chapman, DPM**, license number 352. Dr. Chatman has a clinic in Cookeville that he has owned and operated for a number of years as Family Foot Center. From at least March 24, 2010 through December 1, 2015, staff of the clinic made unauthorized purchases of controlled substances as well as other office supplies, without knowledge of Respondent using his personal credit card.

His office manager pled guilty to charges from the DEA. She and an accomplice admitted they were forging signatures and prescriptions for controlled substances. The office manager implicated Dr. Chatman as well. After she was terminated there were two (2) subsequent orders for Tramadol of 2,000 pills one time and 1000 pills for the other. Logs were not maintained for these orders. Dr. Chatman agreed to thirty (30) days suspension from practice, a VCAP assessment from Vanderbilt, and surrender of his DEA registration. After the suspension is lifted, he will be on probation for at least two (2) years and is assessed seven (7) Type A Civil Penalties in the amount of \$800 each for (7) violations for a total of \$5600 and is assessed costs up to a cap of \$10,000. This discipline shall be reported to the National Practitioner Data Base (NPDB). Ms. Oglesby made a motion to approve the Consent order as written, seconded by Mr. Fillauer. Dr. Pavuluri abstained, Dr. Davis voted no. Motion passed with a vote of 3 out of 5.

### **Administrative Report**

Ms. Hayes stated as of May 8, 2018 there are 265 active Podiatrists; 136 active X-ray operators; 151 active Orthotists; 145 active Prosthetists and 48 active Pedorthists. Ms. Hayes reviewed the monthly statistical breakdown of the renewed, retired and failed to renew.

Ms. Hayes said the Board meeting dates for 2018 are as follows:

August 10, 2018

November 2, 2018 (changed to November 8, 2017)

**Applicant for File Review**

**Dr. Robert G. Walters** appeared before the Board to request a waiver of the requirement that the part III PMLexis must be taken within five (5) years of the day of applying for licensure. Mr. Silvus informed the Board that there is a statute that deals specifically with reciprocity and it allows the Board, if they choose to do so, to waive the written exam entirely, but the Board must find that the applicant is licensed in a State that has requirements that are at least equivalent to, or greater than our requirements for licensure as a Podiatrist. Dr. Walters has been licensed in Illinois. Mr. Silvus has determined that Illinois has similar requirements to Tennessee's. Illinois has the same educational, moral conduct, residency, and exam requirements as Tennessee. Ms. Oglesby made a motion to accept Illinois requirements as being equal to Tennessee's seconded by Dr. Pavuluri. All others voted in favor. The motion carried.

Dr. Pavuluri made a motion to approve Dr. Walters' application based on reciprocity from Illinois and their having equal requirements, seconded by Ms. Oglesby. All in favor. The motion carried.

**Correspondence**

Mr. Owen London appeared before the Board to request to be an approved course provider for his X-Ray Instructional Programs for Podiatric X-Ray students in Memphis, TN. Mr. London stated that he has been in operation for 20 years and is State Certified. Dr. Davis has requested that he be able to review the materials and make a decision by the next Board meeting.

**Newly Licensed**

**Podiatrist**

**Benjamin P. Blodgett**  
**Christopher R. Hood**  
**Daniel Tucker**  
**Robert G. Walters**

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

**Podiatric X-Ray Operators**

**Crystal S. Dilbeck**  
**Celeste M. Lane**  
**Tara H. Leonard**

Dr. Davis made a motion to approve Podiatric X-Ray Operators, seconded by Ms. Oglesby. The motion carried.

**Orthotists**

**Mary V. Paletta**  
**Jarrold G. Carbonell**

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

**Prosthetists**

**Kimberly S. Hermann**  
**Peter J. O'Brien**  
**Mary V. Paletta**  
**David P. Cranford**  
**Jarrold G. Carbonell**

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

**Reinstated Licenses**

**Orthotists**

**Richard W. Brown**  
**Kathy L. Smith**

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

**Prosthetist**

**Michael D. Dean**

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

**Pedorthist**

**Linda L. Sables**

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

**Other Board Business**

Mr. Silvus discussed a rule revision for Rule 1155-02-.08 on the requirement of the PMLexis to have been taken in the last five (5) years. Dr. Schuler stated that she would like to edit the rule to where the only time the applicant would need to retake the PMLexis is if they have not been practicing in three (3) or more years at the time of the application. Dr. Pavuluri made a motion to accept this change in the rules, seconded by Ms. Oglesby. All in favor. Motion passed.

Mr. Silvus discussed a record retention rule that he and Dr. Sables drafted. The purpose of this rule is to give Podiatrists, their professional and non-professional staff, and the public, direction about the content, transfer, retention, and destruction of medical records. Mr. Silvus is proposing that the record retention will be for seven (7) years. In the case of the patient being incompetent, the records would need to be kept indefinitely and at least one (1) year after the patient's death.

If the patient is a minor, records must be kept until one (1) year after the patient becomes an adult. If there is any care that is in dispute, those records cannot be destroyed regardless of how long it is. Ms. Oglesby made a motion to accept the record retention rule as is, seconded by Dr. Davis. All in favor. The motion carried.

Mr. Silvus discussed a record retention rule for Orthotists, Prosthetists, and Pedorthists. Mr. Fillauer requested that he be able to discuss this with the ABC and see what their thoughts are. Mr. made a motion to table this discussion until the next meeting, seconded by Ms. Oglesby. All in favor. The motion carried.

Mr. Silvus discussed the upcoming FARB Conference on September 27-30 in Oregon and the CLEAR Conference September 26-29 in Pennsylvania. Mr. Silvus is requesting that the Board approve Counsel to go to both Conferences and three (3) Board members and Administrative to go to the CLEAR Conference. A motion was made to approve by Ms. Oglesby, seconded by Mr. Fillauer. The motion carried.

### **Adjournment**

The meeting adjourned at 11:45 a.m.