



## **Tennessee Board of Osteopathic Examination Regular Board Meeting**

**Wednesday May 7, 2025**

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### **MINUTES**

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The regular board meeting of the Tennessee Board of Osteopathic Examination was called to order at 9:00 a.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Michael Wieting, Board Vice President.

Board members present:	Michael Wieting, D.O. Vice President Penny Judd, Secretary Michael Bernui, DO Jan Zieren, DO
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Staff present:	Michael Varnell, Office of General Counsel Stacy Tarr, Executive Director Brandi Allocco, Administrative Director R. Brock Mann, Board Administrator
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Dr. Wieting called the meeting to order at 9:00 am

### **ELECTION OF OFFICERS**

Dr. Zieren nominated Dr. Wieting for President. Ms. Judd seconded and the motion passed. Ms. Judd nominated Dr. Bernui for Vice President. Dr. Zieren seconded and the motion passed. Dr. Zieren nominated Ms. Judd for Secretary. Dr. Wieting seconded and the motion passed.

### **APPROVAL OF MINUTES**

Dr. Bernui motioned to approve the minutes for the March 5, 2025 meeting. Dr. Zieren seconded and the motion passed.

### **OFFICE OF INVESTIGATIONS REPORT**

Angela Esaw was present from the Office of Investigations to give the report.

Ms. Thompson reported YTD for 2025, there were forty (40) new complaints opened and twenty three (23) were closed for the following reasons: six (6) closed for insufficient evidence, zero (0) referred to the Office of General Counsel, thirteen (13) complaints closed with no action, one (1) closed with a letter of concern, and three (3) were closed with a letter of warning.

Ms. Judd asked how most of the complaints were received. Ms. Esaw stated most complaints came in via mail or email.

## **REPORT FROM THE ADMINISTRATIVE OFFICE**

Ms. Brandi Allocco was present to give the Administrative Office report. The activities that have transpired in the administrative office between March 1, 2025 and April 30, 2025 concerning Osteopathic Physicians are as follows:

New Applications Received:

- Osteopathic Physician: 135
- Locum Tenens: 0
- Telemedicine: 0
- Special Training: 0

New DOX Applications Received: 0

Total New Licenses Issued

- Osteopathic Physician: 62
- Telemedicine: 1
- Locum Tenens: 0
- Special Training: 0
- DOX: 0
- Compact: 46

Total Number of Reinstatement: 3

Total Number of Renewals: 178

Online 147 – 83%

### **Total number of active licensees as of April 30, 2025:**

Osteopathic Physicians 3,503

Osteopathic Physicians with a Tennessee mailing address 1,808

Special Training 13

Telemedicine 26

Osteopathic X-Ray Operators 4

Professional Midwives 105

## **REPORT FROM THE OFFICE OF GENERAL COUNSEL**

Michael Varnell was present to give the report.

Mr. Varnell began his report by reviewing the Board Conflict of Interest Policy.

Mr. Varnell informed the Board there was one rule making project underway related to the Graduate Physician Act, Public Chapter 470. These rules were being promulgated as an emergency rule and was under review by the Attorney General's office. Mr. Varnell said the Board is also working to complete its

retrospective Rule review pursuant to Public Chapter 328 and would continue with that later in the meeting.

Litigation- One contested case would be heard later in this meeting.

Discipline:

The total number of Osteopathic Physicians being monitored for discipline is 12.

The total number on reprimand is 3.

The total number on probation is 6.

The total number on suspension is 0.

The total number that has had their license revoked or surrendered is 3.

The total number of Osteopathic X-Ray Technicians being monitored is 0.

## **RATIFICATION OF LICENSES**

Ms. Judd motioned to approve the list of new licensees. Dr. Bernui seconded and the motion passed.

## **FSMB UPDATE**

Dr. Wieting spoke about the topics and presentations that occurred at the recent Federation of State Medical Board Annual Conference. He noted that IV hydration was a topic of interest and that the Federation was working on preparing guidance for state boards in regulating that practice. Ms. Tarr stated the presentations on IV hydration were also very helpful for staff in preparing information to bring to the Board when they have this discussion.

## **OSTEOPATHIC X-RAY RETROSPECTIVE RULE REVIEW**

Mr. Varnell reminded the Board of the ongoing process of reviewing all board rules as part of a statutory requirement to periodically review all Board Rules. The Osteopathic Board has rules regarding x-ray operators in an Osteopathic Physician's office. Mr. Varnell went through proposed changes to these rules. The changes were not substantial in nature and mostly dealt with updating citations and websites and removing unnecessary language and wording. Ms. Judd made a motion to accept the proposed rule changes. Dr. Zieren seconded and the motion passed.

## **IV HYDRATION CLINICS**

Dr. Wieting explained that this was on the agenda as there was a growing concern on the regulation of IV hydration clinics. The Board was provided a packet of information from states that had regulations in place or in progress. He went on to describe the complexity of these clinics and the regulatory ramifications and would involve several boards who oversee prescribers. Dr. Wieting asked the other Board Members to look over the provided information to be prepared for future discussion on regulation of this practice.

## **SB 0359 - DR. MICHAEL BARON**

Dr. Michael Baron, President of the Tennessee medical Foundation asked to discuss SB 0359 with the Board. This bill introduced a licensing option of private advocacy. This would allow placement of a restriction on the license, but is not reported to the NPDB. Dr. Baron gave an example of an applicant with previous substance abuse history. Previously the Board could issue the license with a condition of

TMF monitoring. The condition would be reported to the NPDM, regardless of if the applicant was in compliance with the monitoring or not. Under the new way, the condition would not be reported, but if the applicant fell out of compliance, the Board could then take action, which would be reported at that time.

### **CONTESTED CASE HEARING**

**Matthew Tipton, DO\* v. State of Tennessee Board of Osteopathic Examination**

**Poplar Room**

**Administrative Law Judge: Steve Darnell**

**Board Members: Michael Bernui, DO; Penny Judd; Michael Wieting, DO; Jan Ziere, DO**

**Counsel for State: Paetria Morgan, Associate General Counsel, Michael Varnell, Advisory Counsel**

**Counsel for Respondent: Garrett Asher, Esq.**

The Respondent appeared before a quorum of the Board along with his legal representative, Mr. Garrett Asher, Esq. The Board, chaired by Dr. Wieting, heard from both parties. After discussion and questions, Dr. Bernui made a motion to approve a final order with all findings of fact and conclusions of law. Dr. Zieren seconded and the motion passed.

\* Disciplinary Order has been hyperlinked to the provider's name

**PUBLIC COMMENTS** – No public comments

**Meeting adjourned at 3:15 PM**