



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

**Wednesday November 6, 2024**

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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 9:03 a.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Shant Garabedian, Board President.

Board members present:

Shant Garabedian, D.O., President  
Otis Rickman, D.O, Vice President  
Michael Wieting, D.O.  
Jan Zieren, D.O.  
Michael Bernui, DO

Staff present:

Michael Varnell, Office of General Counsel  
Stacy Tarr, Executive Director  
Brandi Allocco, Administrative Director  
R. Brock Mann, Board Administrator

Dr. Garabadian called the meeting to order at 9:05 am

### **CONSIDERATION OF APPLICATIONS**

Dr. David Boice was present to discuss his application for licensure. Dr. Boice has no clinical practice history since completing his post graduate training internship year in 2005. Dr. Boice described recent studying he has completed in preparation of a COMVEX exam and his plan to practice addition medicine to help patients with substance abuse disorders. Dr. Wieting asked what steps Dr. Boice has taken to maintain clinical competence while being out of practice for eighteen years. Dr. Boice explained that he has kept up with his studies by reading medical texts and that when he takes the COMVEX exam, that will assess his competence. The Board discussed their reentry policy and the pathway it creates for applicants returning to practice, Dr. Rickman made a motion to table the application for up to one year pending Dr. Boice's completion of the equivalent of 2 years of CME, half of which are related to Dr. Boice's intended area of practice, and two of which meet the TN Prescribing Guidelines requirement; Successfully completion and passage of the COMVEX exam, a Board approved formal assessment of clinical knowledge and skills. Upon completion of these requirements, the Board will reevaluate Dr.

Boice's application and make a decision on the license, which could include a period of supervised practice. Dr. Wieting seconded the motion and the motion passed.

## **APPROVAL OF MINUTES**

Dr. Wieting motioned to approve the minutes for the November 6, 2024 meeting. Dr. Zieren seconded and the motion passed.

## **OFFICE OF INVESTIGATIONS REPORT**

Jasmine Thompson was present from the Office of Investigations to give the report.

Ms. Thompson reported YTD for 2024, there were one hundred twelve (112) new complaints opened and one hundred twenty one (121) were closed for the following reasons: thirty eight (38) closed for insufficient evidence, eight (8) referred to the Office of General Counsel, seventy (70) complaints closed with no action, one (1) was closed with a letter of warning, and four (4) were closed with a letter of warning.

There were no new complaints opened for Osteopathic X-Ray operators, DO Office based surgery, or DO special training.

With there being no questions, Ms. Thompson concluded her report.

## **FINANCIAL OFFICE**

Ms. Emily Godwin presented the revenue and expenditures for the fiscal year 2024, highlighting that the cumulative carryover exceeded expenses by more than double for two consecutive fiscal years, but as the Board was running a deficit after a recent fee reduction and anticipated technology improvement costs, that carryover would start to draw down and was not currently a concern.

## **REPORT FROM THE ADMINISTRATIVE OFFICE**

Ms. Stacy Tarr was present to give the Administrative Office report.

The activities that have transpired in the administrative office between August 1, 2024 and October 31, 2024 concerning Osteopathic Physicians are as follows:

New Applications Received:

- Osteopathic Physician: 89
- Locum Tenens: 0
- Telemedicine: 0
- Special Training: 1

New DOX Applications Received: 0

Total New Licenses Issued

- Osteopathic Physician: 66
- Telemedicine: 0
- Locum Tenens: 1
- Special Training: 1
- DOX: 0
- Compact: 42

Total Number of Reinstatement: 4

Total Number of Renewals: 207

Online 196 – 95%

**Total number of active licensees as of October 31, 2024:**

Osteopathic Physicians 3,298

Osteopathic Physicians with a Tennessee mailing address 1,744

Special Training 14

Telemedicine 30

Osteopathic X-Ray Operators 5

Professional Midwives 97

Ms. Tarr stated that 42% of all Tennessee DO licenses issued the previous year (2023) were through the Compact.

**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. 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- No updates since the last meeting.

Discipline:

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

The total number on reprimand is 0.

The total number on probation is 9.

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.

## **PRESENTATION OF CONSENT ORDERS**

Ms. Patrea Morgan, Office of General Counsel presented one consent order for Ms. Catherine Cogle, CPM:

During investigation of a complaint related to a fetal demise, it was discovered that Ms. Cogle did not enter into a collaborative care plan with a physician for this client and also did not obtain the clients informed consent for a home vaginal birth after a cesarean. The terms of the consent order would place Ms. Cogle's Certification on probation for three years, Ms. Cogle would be required to complete three CME hours related to charting, three CME hours related to fetal heart tone assessment and 3 CME hours related to VBAC within 6 months of the order, Ms. Cogle would pay one Type A civil penalties totaling \$1000 and case related costs not to exceed \$3000. The order will be reported to the National Practitioners Database. The Midwifery Council had previously ratified the order. Dr. Rickman made a motion to ratify the order. Dr. Zieren seconded and the motion passed.

Ms. Candice Carter, Office of General Counsel presented one consent order for Dr. Terri Brunvoll:

During the months of May 2020 to December 2023 through administrative error, Dr. Brunvoll failed to check the CSMD when prescribing controlled substances, despite being required by law to do so. The terms of the orders would place a reprimand on Dr. Brunvoll's license, and Dr. Brunvoll would be required to pay 42 Type-C Civil Penalties totaling \$3150 along with case related costs up to \$3000. This will be reported to the NPDB. Dr. Bernui made a motion to ratify and Dr. Wieting seconded. The motion passed.

## **TENNESSEE MEDICAL FOUNDATION UPDATE – DR. MICHAEL BARRON**

Dr. Michael Board, President of the TMF was present to give the annual update. Dr. Barron gave an overview of the purpose of the TMF and programs they offer. Currently there are fourteen DO licensees with monitoring agreements with TMF. Dr. Barron presented a letter describing an online survey and screening for healthcare providers to anonymously obtain help dealing with stress, depression, and other mental health conditions. Dr. Barron asked the Board to approve the letter to be sent out in an email blast to all TN DO licensees. Dr. Wieting made a motion to send the requested email blast. Dr. Zieren seconded and the motion passed.

## **RATIFICATION OF LICENSES**

Dr. Wieting motioned to approve the list of new licensees. Dr. Zieren seconded and the motion passed.

## **HIGH RISK PRESCRIBER POLICY**

Ms. Tracy Alcock, Deputy Counsel for the Over Prescribing team in the Office of General Counsel, returned to follow up since the last meeting and presented additional information related to TCA 68-1-128, which related to high-risk prescribers, and changes being requested to the Board's Policy. Ms.

Alcock gave background of TCA 68-1-128. TCA 68-1-128 was passed by the General Assembly in to address Tennessee being one of the top states for prescribing of opioids and controlled substances. Under this law, the Department is required to annually send out letters to the top 50 prescribers of opioids, the top 20 prescribers of buprenorphine, and top 10 prescribers in small counties. These prescribers include MD's, DO's, PA's, and NP's. The letters include information about the statute and a request to respond.

A separate section under TCA 68-1-128 creates the "High Risk Prescriber list" The Office of Information Analytics compiles a range of data the Department sees as high risk, notably including information on overdose deaths. Once the list is obtained, the prescribers on the list are sent a letter detailing certain action steps required by law. The steps include completing coursework designated by their licensing Board, have consent forms explaining the risks of opioid therapy and having educational literature regarding the risks, consequences and complications or opioid addiction in the prescribers waiting room. Ms. Alcock explained that the Department believes these steps were required under the law, but the type and amount of coursework was determined by the Board. The Board currently has a policy detailing the coursework for the high-risk prescribers.

Ms. Alcock presented the Boards current policy detailing the required CME courses approved by the Board. One of the courses on the list was no longer available Ms. Alcock recommended the Board remove it from the list. Ms. Alcock gave a description of each of the remaining three courses, their costs and availability along with an additional course used by the Department that could replace the fourth course that was no longer available. Dr. Rickman requested Ms. Alcock make the requested changes to the policy and bring a draft back at the next meeting for approval.

## **PRESENTATION OF ORDERS OF COMPLIANCE**

Dr. Brandon Tolman was present for an order of compliance. Dr. Tolman had previously entered into a consent order with the Board and all requirements of that order had been met. Dr. Wieting made a motion to accept the proposed Order. Dr. Rickman seconded and the motion passed.

Dr. Suzy Vergot was present for an order of compliance. Dr. Vergot had previously entered into a consent order with the Board and all requirements of that order had been met. Dr. Wieting made a motion to accept the proposed Order. Dr. Bernui seconded and the motion passed.

Dr. Shannon Calhoun was present via telephone for an order of compliance. Dr. Rickman recused himself from the discussion. Dr. Calhoun had previously entered into a consent order with the Board and all requirements of that order had been met. Dr. Wieting made a motion to accept the proposed Order. Dr. Bernui seconded and the motion passed.

## **FSMB DRAFT RECOMMENDATIONS ON ADDITIONAL LICENSING MODELS**

Dr. Wieting explained these rules were draft recommendations the FSMB had put forth for public comment and input from Licensing Boards related to State Legislation creating alternate pathways for international physicians without ACGME accredited Graduate Medical Education. Dr. Wieting prepared a document of his comments and input for thee Board Members to review and consider to make individual input on the FSMB recommendations.

## **LETTER OF NOMINATION FOR FSMB BOARD OF DIRECTORS**

Dr. Wieting stated he was running for a position on the FSMB Board of Directors and asked the Board to approve Ms. Tarr to draft a letter of recommendation for Dr. Wieting. Dr. Rickman made a motion to approve. Dr. Zieren seconded and the motion passed.

## **PROPOSED RULE AMENDMENTS BASED ON PC 328**

MR. Varnell presented the Board with the redline copy of the proposed rules. The Board had previously approved the first thirty pages of their rules and would be picking up on page thirty one. Not every page included proposed changes.

Changes on page forty one updated the word “supervision” to “collaboration” to be in line with statutory language.

Changes on page fifty two,, fifty three, fifty four, and seventy seven made changes to statutory citations to ensure the correct statute was listed.

Dr. Wieting made a motion to approve the proposed rule amendments as presented as well as changing part of the document title from “Practice of Osteopathy” to “Practice of Osteopathic Medicine”. Dr. Bernui seconded.

**PUBLIC COMMENTS** – No public comments

**Meeting adjourned at 12:45 p.m.**