



TENNESSEE BOARD OF OSTEOPATHIC EXAMINATIONS
Regular Board Meeting

March 1, 2017

MINUTES

A regular meeting of the Tennessee Board of Osteopathic Examination was held in the Poplar Conference Room, at 665 Mainstream Drive, Nashville, TN 37243 on March 1, 2017.

Members Present: Jeffrey L. Hamre, DO
 Jan Day Zieren, DO
 Shannon Kilkelly, DO
 Penny Grace Judd, Consumer Member

Members Absent: J. Michael Wieting, DO
 Shant H. Garabedian, DO

Staff Present: Stacy Tarr, Administrative Director
 Rene Saunders, 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 9:04 a.m.

Election of Officers

Pursuant to TENN. COMP. R. & REGS. 1050-02-.09, the Board must annually elect from its members a president, vice president and secretary.

Ms. Judd made a motion to nominate Dr. Hamre for Chair, Dr. Wieting for Vice Chair and Dr. Zieren for Secretary. Dr. Kilkelly seconded the motion. The motion carried with a unanimous vote.

The board of Osteopathic Examination Chair, Jeffrey Hamre, DO continued the board meeting.

Minutes

Dr. Zieren made a motion to approve the minutes from the November 2, 2016 meeting of the Board and Dr. Kilkelly seconded the motion. The motion carried unanimously.

Applicant Interview(s):

Timothy Carpenter, DO – Dr. Carpenter was asked to appear before the Board to address his history of substance abuse and addiction. Dr. Carpenter sought treatment for his disease in 2008 with a 90 day inpatient treatment in Mississippi at Pine Grove. Since that time he has had two relapses, the most recent of which occurred in 2014. He has completed inpatient and outpatient treatment and is currently under a lifetime contract for monitoring in Alabama. Dr. Zieren asked if the Board would accept the Alabama contract and receive quarterly reports from the Alabama Board.

Dr. Baron spoke on behalf of the Tennessee Medical Foundation. He stated that Dr. Carpenter made contact with TMF in February 2017. TMF requested information from Alabama Physicians Health Program, but have not received anything to date. Once TMF has had an opportunity to review the information, they would more than likely mirror their lifetime contract.

Dr. Zieren made a motion to table Dr. Carpenter's application for a period up to six (6) months to allow TMF and the administrative office to receive the requested information from the Alabama Physicians Health Program. The motion was seconded by Dr. Kilkelly. The motion passed.

Roberta Ekholm, DO – Dr. Ekholm was asked to appear before the Board to address her malpractice history and to discuss the issues surrounding Illinois' refuse to renew her medical license. Dr. Ekholm discussed her medical career extensively and explained each of the malpractice cases that she had been involved in as well as prior discipline in Oregon which led to a board order in the State of Illinois. That board, on the basis of that order, refused to renew her medical license. Dr. Ekholm stated she is seeking a Tennessee license to provide telemedicine service to Tennesseans through her current employer, MD Live Telemedicine, located in Florida.

The Board reviewed Dr. Ekholm's PACE evaluation from 2007 which raised concern regarding her clinical competency.

Dr. Kilkelly made a motion to table Dr. Ekholm's application until August 9, 2017 Board meeting to allow Dr. Ekholm sufficient time to take the SPEX examination and provide the administrative office with her results. Additionally, she was asked to provide documentation of her continuing education for the past two (2) years. Dr. Zieren seconded the motion. The motion passed.

Allan Galarneau, DO – Dr. Galarneau was asked to appear before the Board to address his malpractice history. Dr. Galarneau described the three (3) cases, two (2) of which were dismissed with prejudice.

Dr. Zieren made a motion to approve the application of Dr. Galarneau. Dr. Kilkelly seconded the motion. The motion passed.

Christopher Hodge, DO – Dr. Hodge has appeared before the Board on three (3) different occasions due to his suspension of his medical license in Ohio. Dr. Hodge revealed that he has nearly completed his treatment and will be attempting to obtain a spot in a residency program. Dr. Hodge wanted confirmation from the Board that if he obtained this residency spot, he would be authorized

to practice. The Board was not comfortable giving Dr. Hodge that assurance, as he has not yet completed his treatment plan, but did not rule out the possibility. The Board relayed that if a license were ever issued, it would likely include restrictions to practice.

Upon discussion, Dr. Hodge felt it would be best for him to withdraw his application.

James McGinnis, DO – Dr. McGinnis was asked to appear before the Board due to not completing a licensure examination as required by TENN. COMP. R. & REGS. 1050-02-.06(1). Dr. McGinnis also has a history of alcohol abuse, which led to discipline in Ohio, New Jersey and Kentucky. He completed monitoring in Ohio and his probation was lifted in 2009.

Dr. Zieren stated there must have been some type of examination that was taken since Dr. McGinnis has been licensed in Ohio, New Jersey and Kentucky. Dr. Kilkelly stated it would be best to have NBOME query their system or contact other states in which he holds a license to see the examination that was successfully passed.

Dr. Baron spoke on behalf of TMF and stated they could do an informal evaluation if requested by the Board to see if any additional monitoring would be needed.

Ms. Judd made a motion to table the application until the May 3, 2017 meeting to allow the administrative staff time to receive confirmation of successful completion of a licensure examination and information regarding his family medicine certification. The motion passed.

Ratification of New Licensees

Dr. Hamre made a motion to ratify all initially approved applications. Dr. Zieren seconded the motion which passed.

Report from the Office of Investigations

Ms. Nichelle Dorroh appeared on behalf of the Office of Investigations and reported that there are 14 complaint cases pending, and 3 files are with the Attorney General's office. The Office of Investigation is currently monitoring 9 individuals at this time.

Continuing Education Policy regarding those in a training program

Ms. Martin presented the continuing education policy for those who are in a training program. She stated for those who are enrolled in a AOA or ACGME residency or fellowship training programs must comply with the requirements of T.C.A. § 63-1-402 and Board Rule 0880-02-.19(1)(b) by completing a minimum of two (2) continuing education hours during every renewal cycle related to controlled substance prescribing, which must include instruction to the Department's treatment guidelines on opioids, benzodiazepines, barbiturates, and carisoprodol.

Dr. Zieren made a motion to accept the continuing education policy. Ms. Judd seconded the motion which passed.

Discussion of DO Application

Dr. Zieren stated because she works at Lincoln Memorial, it was brought to her attention from the individual who receives the transcript requests, that there isn't a mention of a fee that the institution

may charge to have the transcripts sent to our department. She recommended that we add something in the instruction regarding reaching out to the school to see if there is a fee to have a transcript submitted to our department or possibly add more information so the institution can reach out to the individual.

Ms. Martin stated we could make both changes on the application.

Dr. Hamre requested we add the word “Osteopathic” in the instruction box on the application.

Office of General Counsel

Ms. Baca-Chavez discussed the Conflict of Interest Policy with the Board stating it’s their duty to protect the health, safety and welfare of the citizens of Tennessee.

Ms. Baca-Chavez provided an overview of the rules currently pending. The intractable pain rules and addiction specialist rules are pending in internal review. There are 27 cases open against osteopathic physicians and no cases open against midwives.

The Board discussed the following legislative bills:

SB1056 – This bill would allow for the independent practice of nursing. It amends the definition of the practice of medicine to create a new exemption for Advanced Practice Registered Nurses (APRNs) to practice without physician supervision to the extent authorized in section 2 of the bill.

After discussion, Dr. Kilkelly made a motion to take a position stating that the Tennessee Board of Osteopathic Examiners feels that SB1056 is not in the best interest of the health, safety and welfare of the citizens in Tennessee. Dr. Hamre seconded the motion. Dr. Zieren abstained. The motion passed.

SB313 – This bill would increase the scope of practice of a chiropractic practice. Current law codified at T.C.A. 63-4-101(a) limits chiropractors to the diagnosis and treatment of neuromuscular and musculoskeletal conditions through physical agent modalities and manipulative therapies. The definition of “differential diagnosis” in this bill would authorize chiropractors to examine “body systems and structures to determine the source, nature and extent of a disease or other physical condition for the purpose of establishing an appropriate plan of care for the patient.

After discussion, Dr. Kilkelly made a motion to take a position stating the Tennessee Board of Osteopathic Examiners feels that SB313 is not in the best interest of the health, safety and welfare of the citizens in Tennessee. Dr. Hamre seconded the motion. The motion passed.

SB0850 – This bill creates the “Doctor of Medical Science Act”. This bill adds a doctor of medical science license in the PA chapter which will be issued by the BME. The bill does not define the scope of practice but defines a doctor of medical science as a graduate of an accredited doctor of medical science program who lawfully renders services, whether diagnostic and therapeutic, in the practice of primary care. The bill would allow practice in primary care, with the supervision of a specific supervising physician, as well as the association or affiliation with a hospital or group practice.

After discussion, Dr. Kilkelly made a motion to take a position stating the Tennessee Board of Osteopathic Examiners feels that SB0850 is not in the best interest of the health, safety and welfare

of the citizens in Tennessee. Dr. Hamre seconded the motion. Dr. Zieren abstained. The motion passed.

Administrative Office Report

Ms. Tarr provided the statistical licensure report. There are 1,405 DO licensees licensed.

Dr. Hamre thanked Board members and staff for their hard work and complimented the Board on the quality of its discussion. There being no further business, the meeting was adjourned.