



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

May 2, 2018

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 May 2, 2018.

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: Candyce Waszmer, Administrative Director
 Stacy Tarr, Administrative 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 President, J. Michael Wieting, DO, called the meeting to order at 9:00 a.m.

Minutes

The Board reviewed the previously distributed minutes. Dr. Jan Zieren motioned to ratify the March 7, 2018 meeting minutes. Dr. Jeffrey Hamre seconded the motion and it passed.

Ms. Francine Baca-Chavez reminded the Board of its obligations to the Conflict of Interest Policy in which it is their duty to protect the health, safety and welfare of the citizens of Tennessee.

Applicant Interview(s):

Lauren Christman, DO – appeared before the Board with legal representation. Dr. Christman appeared before the Board to address two pending malpractice cases in which she has been a named party in both suits. Her attorney, Mr. McDearmon, stated Dr. Christman is finishing up her fourth year of residency and provided an overview of both pending malpractice suit for which Dr. Christman is expected to be dismissed from. The Board interviewed the applicant further. Dr. Hamre motioned to approve Dr. Christman's application. Ms. Penny Judd seconded the motion, which passed.

Jon Taveau, DO - appeared before the Board without legal representation. Dr. Taveau appeared before the Board to address six (6) malpractice cases, two (2) were settled, three (3) were dismissed and one (1) is pending. Dr. Taveau explained each of the malpractice cases and reported that two (2) of the cases were prior to leaving his residency. The Board had no further questions. Dr. Zieren made a motion to accept Dr. Taveau's application. Dr. Garabedian seconded the motion and the motion passed.

Ratification of New Licensees

Dr. Hamre made a motion to ratify initial approvals for DO, DO X-Ray Operators, and Professional Midwifery. This motion was seconded by Dr. Garabedian and it passed.

X-Ray Instructional Programs

The Board reviewed and Dr. Hamre made a motion to approve the X-Ray Instructional Program. Dr. Zieren seconded the motion and the motion was carried.

Office of General Counsel

Rules

Ms. Baca-Chavez presented to the Board that the rule changes have been combined into one rulemaking packet and are in the internal review process.

Ms. Baca-Chavez presented to the Board there are twenty-nine (29) cases open against ten (10) osteopathic physicians and no open cases against midwives. There are twenty-one (21) cases that involve allegations of over-prescribing and are being handled by another attorney and there are no appeals pending at this time.

Consent Orders(s)

Angela Derosa, DO - was not present nor did a legal representative appear on her behalf. Dr. Derosa entered into a consent order with the Arizona Board of Osteopathic Examiners on July 13, 2017. The respondent mismanaged a patient with hypothyroidism, did not see the patient and relied on the nurse practitioners for care. The proposed discipline for Dr. Derosa shall reprimand her license and require her to pay fees and costs. Dr. Derosa has already signed consent order. Ms. Judd made a motion to accept the consent order. Dr. Hamre seconded the motion and the motion carried.

Vincent Disanto, DO - was not present nor did a legal representative appear on his behalf. Mr. Peyton Smith represented the state. Respondent has been licensed since January 2, 2003 and has a current expiration date of June 30, 2018. On June 16, 2016, the Colorado State Medical Board administered disciplinary action to Respondent in the form of a letter of admonition. This letter was based on Respondent's failure to "respond in an honest, materially responsive, and timely manner to a complaint"..."thereby constituting unprofessional conduct". On October 24, 2016 the Illinois Department of Financial and Professional Regulation disciplined Respondent, requiring him to pay a \$500.00 fine, based on the Colorado action. On December 7, 2017, the Michigan Board of Osteopathic Medicine and Surgery and the disciplined Respondent, requiring him to pay a \$250 fine, based on the Colorado action and his failure to report the Colorado action. On June 2, 2017, the Idaho State Board of Medicine publicly reprimanded Respondent and required him to pay a \$1000 fine for violation Idaho's Telehealth Access Act by treating patient through the telephone and issuing prescription for controlled substances to Idaho patients without the required registrations through the Idaho Board of Pharmacy and the D.E.A. The facts stipulated are sufficient to establish grounds for discipline. This order shall reprimand Respondents license. Respondent must pay four (4) Type B civil penalties for a total of eight hundred dollars

(\$800.00). Respondent must pay all actual and reasonable costs of this case not to exceed two thousand dollars (\$2,000.00). Dr. Zieren made a motion to approve this order. Dr. Hamre seconded the motion and the motion passed.

Anita Hood, Uncertified Midwife – was not present nor did a legal representative appear on her behalf. Ms. Kyonzte Hughes-Toombs represented the state. On December 9, 2016, Ms. Hood helped patient A.S. deliver A.S.'s baby at home, and the baby was born pulseless and not breathing. The baby and mother were transported to Saint Thomas Rutherford Hospital by ambulance. The hospital records indicate that the infant suffered from cardiac arrest. While at the hospital, A.S. delivered the placenta and underwent repairs for second degree lacerations. If a patient experiences tear(s) during delivery, Ms. Hood does not make any repairs, instead, she advises patients to contact a licensed practitioner for care. Respondent performs newborn care by assessing the color, muscle tone, and reflexes of the infant. Respondent advises patients that it is their responsibility to decide when to visit the emergency room, and does not have a collaboration agreement with a physician. Ms. Hood admitted to a Department investigator that she is not a certified professional midwife and that she receives donations for her services. Respondent, Anita Hood has agreed to pay one (1) Type A civil penalty of one thousand dollars (\$1,000.00) for providing midwifery services to patient A.S. for compensation without having a certification to practice as a professional midwife. Ms. Hood has also agreed to pay costs up to two thousand dollars (\$2,000.00). Dr. Kilkelly made a motion to accept the order. Dr. Hamre seconded the motion and the motion passed.

Conference Request

Ms. Baca-Chavez requested Board approval to send one (1) attorney to the upcoming Federation Association of Regulatory Board meeting being held in Portland, OR, September 20-30, 2018. Dr. Zieren motioned to send a representative to the Oregon meeting. Dr. Kilkelly seconded the motion and the motion passed.

Agreed Citation

Noridia Maurus, DO – was not present. Ms. Stacy Tarr spoke on behalf of the state, stating Dr. Maurus was selected for Continuing Education audit and failed to obtain two (2) hours for prescribing education with instruction on the department guidelines. She was cited forty dollars (\$40.00) per deficient credit which totals to eighty dollars (\$80.00). Dr. Kilkelly made a motion to approve the citation. Dr. Hamre seconded the motion and it passed.

Compact Commissioner

Dr. Garabedian motioned to nominate Ms. Penny Judd for Compact Commissioner representing the Board. Ms. Judd accepted this nomination. Dr. Zieren seconded the motion and it passed.

Lori Leonard, Report from the Office of Investigations

Ms. Lori Leonard appeared on behalf of the Office of Investigations. Ms. Leonard reported that there are five (5) Osteopathic physicians being monitored, three (3) suspended, one (1) revoked/surrendered and two (2) under Board order. She reported there have been thirty four (34) newly opened complaints for the year and thirty (30) complaints closed. Of those closed complaints, four (4) closed with evidence for discipline, eighteen (18) closed without discipline, six (6) closed with a letter of warning, two (2) closed with a letter of concern. Twenty (27) files are pending review or are being investigated. Of that twenty-seven (27), eleven (11) are for malpractice/negligence, eight (8) complaints are for discipline in another state, eight (8) are for unprofessional conduct, and four (4) are for over prescribing. She reports most complaints are coming out of East Tennessee.

She reports zero (0) complaints were received year-to-date for Osteopathic X-ray Operators, Office Based Surgery and Special Training.

FSMB Annual Meeting update

Dr. Wieting shared with the Board that he will send out information regarding the FSMB Annual meeting, but he shared some of the discussion of the meeting with the Board.

Administrative Office Report

The Board was presented with the March 1, 2018 through April 30, 2018 data as follows:

New applications received:	Total New Licenses Issued:
Osteopathic Physician – 73	Osteopathic Physicians – 31
Locum Tenens – 0	Locum Tenens – 0
Telemedicine – 0	Telemedicine – 1
Special Training – 1	Special Training – 0
X-Ray – 1	X-Ray – 0
Reinstatements – 1	

Total Number of Osteopathic Physician: renewal 59, online renewal, 40 – 68%

Total number of active licensees as of April 30, 2018 is 1,525.

Total number of active licensees as of April 30, 2018 with a Tennessee mailing address is 992.

Total number of Telemedicine licensees as of April 30, 2018 is 29.

Total number of Active DO X-Ray Operators as of April 30, 2018 is 15.

Total number of Active Professional Midwives as April 30, 2018 is 46.

Dr. Garabedian shared with the Board that he was nominated for vice-chair for the CSMD and gave an update on the meeting regarding the Opioid Crises.

Ms. Judd made a suggestion to honor Mrs. Maegan Martin at the August 8, 2018 board meeting and ask if this could be funded by the Board funds. Ms. Tarr stated she would check with the finance department to see if the Board could fund a plaque for Mrs. Martin. Ms. Judd made a motion to honor Mrs. Martin at our August Board meeting with a plaque. Dr. Garabedian seconded the motion and the motion carried.

Ms. Baca-Chavez informed the Boards that Legislation just ended and a Legislative Liaison will update the Board at their August 8, 2018 meeting.

Adjournment