



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

Wednesday, May 3, 2023

MINUTES

The regular board meeting of the Tennessee Board of Osteopathic Examination was called to order at 8:58 a.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. J. Michael Wieting, Board President.

Board members present: Michael Wieting, D.O., President
Shant Garabedian, D.O., Vice President
Jan Zieren, D.O.
Michael Bernui, D.O.
Otis Rickman, D.O.
Ms. Penny Judd, Secretary and Consumer Member

Board member(s) absent:

Staff present: Paetria Morgan, JD, Office of General Counsel
Brandi Allocco, Administrative Director
Elizabeth Horner, Board Administrator

ELECTION OF OFFICERS

Dr. Zieren nominated Dr. Garabedian to serve as the president of the Board of Osteopathic Examination. Dr. Garabedian accepted the nomination, and it passes by unanimous vote.

Dr. Rickman nominated that Dr. Zieren serve as the vice president of the board; however, Dr. Zieren declined the nomination. Dr. Garabedian then nominates Dr. Rickman to serve as the vice president. Dr. Rickman accepted the nomination, and it passes by unanimous vote.

Dr. Garabedian nominates Penny Judd to serve as secretary of the board. Ms. Judd accepts the nomination, and it passes by unanimous vote.

APPROVAL OF MINUTES

The Board reviewed the minutes from the March 1, 2023 meeting. Dr. Zieren motioned to approve the minutes. Dr. Garabedian seconded the motion. The motion passed by unanimous vote.

CONSIDERATION OF APPLICATIONS- JAMES WALLACE, DO

The Board was introduced to the applicant James Wallace who had retired in the year 2016 with no plans to practice; however, due to a financial situation he has decided to come back to practice after previously practicing for thirty-three (33) years. So far, Dr. Wallace has completed twenty-seven (27) continuing education hours including the two (2) hours of controlled substance prescribing hours that Tennessee requires.

Dr. Garabedian questioned the type of practice Dr. Wallace planned to work in. Dr. Wallace explained that he had planned to work in a primary care setting. After Dr. Wallace explained his intended practice, Dr. Zieren asked if Dr. Wallace would be supervising mid-levels at his place of practice. Dr. Wallace explained that he was not entirely sure, but that it could be possible as he has supervised in the past.

Dr. Rickman proposed that Dr. Wallace complete additional hours for the years Dr. Wallace was not licensed. Dr. Rickman moved that before the license is granted Dr. Wallace must complete an additional fifty-three (53) more hours of Category One Continuing Education. Dr. Garabedian seconded and the motion passed by unanimous vote.

REPORT FROM THE OFFICE OF INVESTIGATIONS

Roger Knowlton, from the Office of Investigations, gave his report to the Osteopathic Board.

In 2023, there were thirty-two (32) new complaints opened and thirty-four (34) were closed for the following reasons: seventeen (17) closed for insufficient evidence to formally discipline, fifteen (15) complaints closed with no action, one (1) was closed with a letter of concern, one (1) was closed with a letter of warning, and currently there are thirty-six (36) open complaints.

Of the open complaints: one (1) was for substance abuse, one (1) was for board action in another state, eight (8) were for malpractice negligence, nineteen (19) for unprofessional conduct, one (1) was prescribing to friends or family, and two (2) were outside the investigative scope.

The Osteopathic X-Ray examiners currently have zero open complaints.

REPORT FROM THE ADMINISTRATIVE OFFICE

The activities that have transpired in the administrative office between November 1, 2022 and February 28, 2023 concerning Osteopathic Physicians are as follows:

New Applications Received:

- Osteopathic Physician: 107
- Locum Tenens: 0
- Telemedicine: 0
- Special Training: 1

- Compact: 29

New DOX Applications Received: 0

Total New Licenses Issued

- Osteopathic Physician: 81
- Telemedicine: 1
- Locum Tenens: 0
- Special Training: 0
- DOX: 0
- Compact: 29

Total Number of Reinstatement: 2

Total Number of Renewals:

Osteopathic Physicians: 188

Online 164 – 90%

Total number of active licensees as of April 30, 2023 is 2,738.

Total number of active licensees as of April 30, 2023 with a Tennessee mailing address is 1,682.

Total number of Special Training licenses as of April 30, 2023 is 16.

Total number of Telemedicine licensees as of April 30, 2023 is 27.

Total number of Active DO X-Ray Operators as of April 30, 2023 is 6.

Total number of Active Professional Midwives as of April 30, 2023 is 78.

REPORT FROM THE OFFICE OF GENERAL COUNSEL

Ms. Morgan proceeded to give her report to the board. As of April 30, 2023, there were eight (8) cases open against osteopathic physicians. Regarding these cases, five (5) involve allegations of over-prescribing and are being handled by other attorneys on the over-prescribing team. There is one (1) open case against one (1) midwife.

Ms. Morgan also inform the board of a pending appeal. A Petition for Judicial Review was filed with the Davidson Co. Chancery Ct on April 26, 2023, by C.J. Gideon in the case of Cody William Davis, D.O.

She then proceeded to give the Office of General Counsel report. The report is as follows:

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 7 with terms.

The total number on suspension is 1.

The total number that has had their license revoked or surrendered is 4.

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

RATIFICATION OF LICENSES

Dr. Garabedian motioned to ratify the list of new licensees. Dr. Bernui seconded the motion. The motion passed.

DISCUSS AND CONSIDER THE RE-ENTRY POLICY

Dr. Wieting proposed to the board the option of considering a re-entry policy for physicians that would like to come back to practice after a period of time where the license may have been inactive. The board will be conducting individual research that will be presented at the next meeting.

UPDATE ON FSMB STRATEGIES FOR PRESCRIBING OPIOIDS FOR THE MANAGEMENT OF PAIN

During the March 1, 2023, meeting, Dr. Wieting was nominated represent the board in reviewing the FSMB Strategies for Prescribing Opioids for the Management of Pain. Dr. Wieting reviewed the FSMB guidelines and was able to submit his comments before March 21, 2023, when they were due. The FSMB informed him that his comments were very well thought out. Once all the comments are taken into consideration, the FSMB will sent the information to all medical board throughout the nation.

PUBLIC CHAPTER 949

Ms. Morgan presented Ms. Baca-Chavez's draft of the new policy that would change the supervision permitting it be conducted electronically rather than the physician physically visiting the site. Ms. Judd suggested moving the exception to the end of each paragraph instead of the exceptions being listed in the beginning of each subsection. Ms. Morgan took note of the board's suggestion and will be passing that information along to Ms. Baca-Chavez for review.

PUBLIC CHAPTER 970

Ms. Morgan informed the board that Ms. Baca-Chavez is in the process of drafting a set of rules for a temporary license of ninety days for foreign medical graduates that was granted by legislation during the previous meeting with Dr. Rickman and it should be available to review at the next board meeting.

PUBLIC COMMENTS – No public comments

Dr. Wieting motioned to adjourn the meeting if there was no further discussion and Garabedian seconded. The motion passed unanimously.

Meeting adjourned at 10:06 a.m., CST