



TENNESSEE BOARD OF OSTEOPATHIC EXAMINATIONS

May 7, 2014

A regular meeting of the Tennessee Board of Osteopathic Examination was held in the Poplar Conference Room, at 665 Mainstream Drive, Poplar Conference Room, Nashville, TN 37243 on May 7, 2014.

Members Present:

Donald H. Polk, D.O.
Jack G. Pettigrew, D.O.
Karen R. Shepherd, D.O.
J. Michael Wieting, D.O.
Jeffrey L. Hamre, D.O.
R. Fletcher Lance, Consumer Member

Staff Present:

Devin Wells, Advisory Attorney
Andrea Huddleston, Deputy General Counsel
LaTonya Shelton, Administrator
Rosemarie Otto, Director of Health Related Boards
Stacy Tarr, Unit Manager

The Board convened at 9:07 a.m. with Dr. Polk, Secretary, presiding and determining a quorum was present to conduct a meeting.

Minutes

Dr. Weiting made a motion to approve the minutes from the March 5, 2014 meeting of the Board and Dr. Hamre seconded the motion. The motion carried.

Applicant Interview(s):

Edward Perkins, DO - Dr. Perkins was present without legal counsel. Dr. Perkins appeared before the Board to address a malpractice event which occurred in 2006. After interviewing Dr. Perkins, Dr. Pettigrew made a motion to approve his application and grant an unrestricted license, contingent upon the Administrative Office's receipt of confirmation of Dr. Perkins'

successful completion of a board review course in family practice, or successful completion of the SPEX or COMLEX examination. Dr. Shepherd seconded the motion which passed unanimously.

Follow-Up Interviews

Gregg Kling, DO - Dr. Kling was present without legal counsel. Dr. Kling appeared before the Board on November 6, 2013 to discuss his application to practice as an Osteopathic Physician in Tennessee. Dr. Kling was invited to appear before the Board to discuss his past medical history and current prescription use. At that time, the Board requested that Dr. Kling contact the Tennessee Medical Foundation (TMF) and obtain an evaluation. After interviewing Dr. Kling, Dr. Pettigrew made a motion to grant Dr. Kling an unrestricted license and Dr. Wieting seconded which passed unanimously.

Geneth Wolfer, DO - Dr. Wolfer appeared before the Board to discuss her application for reinstatement as an Osteopathic Physician in Tennessee. She was unrepresented by counsel. Dr. Wolfer's application first came before the Board on March 5, 2014 when the Board declined to ratify the consultant's preliminary approval of her application. At that meeting, the Board conveyed concerns regarding Dr. Wolfer's failure to renew her license in 2009, her absence from practice since 2008, and her failure to complete required continuing medical education (CME). The Board requested documentation demonstrating her clinical competence to return to the practice of medicine. After interviewing Dr. Wolfer, Dr. Shepherd made a motion to grant an unrestricted license and Dr. Wieting seconded. The motion passed unanimously.

Office of General Counsel

Devin Wells reiterated the conflict of interest statement and the responsibilities of Board members. Mr. Wells reported that there is no pending or recently enacted legislation or rules requiring deliberation or action by the Board at this time. Mr. Wells presented the following consent orders to the Board:

Consent Orders:

Richard J. Settles, DO - Dr. Settles was not present. Dr. Settles is not represented by counsel. Ms. Andrea Huddleston appeared on behalf of the State of Tennessee Department of Health. Dr. Hamre made a motion to accept the consent order as written and Dr. Shepherd seconded the motion. The motion carried.

Marilyn H. Greene-Campbell, CPM - Mrs. Greene-Campbell was not present. She is not represented by counsel. Mrs. Kyonzte Hughes-Toombs appeared on behalf of the State of Tennessee Department of Health. Dr. Pettigrew made a motion to accept the consent order as written and Dr. Shepherd seconded the motion. The motion carried.

Office of Investigations

Denise Moran informed the Board that there are 12 open complaints for osteopathic physicians in the Office of Investigations. There are currently no complaints pending relative to osteopathic x-ray licensees.

Denise Moran also introduced the new Disciplinary Coordinator, Ms. Tammy Cochnauer, and the new investigator, Ms. Sheila Maclin.

Review and Ratification of Licenses

Dr. Wieting made a motion to ratify all new osteopathic physicians and osteopathic x-ray licensees. Dr. Hamre seconded the motion. The motion carried. Please see attached list.

Manager's Report

Ms. Stacy Tarr provided the following statistical information: Between March 1, 2014 and April 30, 2014 there were 39 new osteopathic physician applications received, 28 new licenses issued and 3 reinstatements. There were a total of 84 renewals and 61 were completed online, bringing the online renewal to 73% for the Osteopathic Board. The total number of active osteopathic licensees at the end of April 30, 2014 was 1,110. There were 41 active midwives as of this date, and 5 osteopathic x-ray operators.

Financial Report

Ms. Vanessa Crutcher from the Bureau Office provided members with the projected revenue and expenditures report for the Fiscal Year ending June 30, 2014. She explained that the discrepancy in the salaries and wages was a reporting problem which has been addressed for future reports. The report showed that the Board had a cumulative carry-over of \$523,345.64 for FY 2014. Ms. Rosemarie Otto provided some examples of future expenditures that will be assessed to the Board, such as the implementation of the new Versa program and renewing the peer assistance contracts.

Legislation

Jeremy Davis, JD, and Ben Simpson, JD, of the Office of Legislative Affairs, gave the following report on legislation that directly and indirectly affects the Board of Osteopathic Examination:

Customer Focused Government (SB1629/HB1425)

- Allows for initial licensure applications to be accepted online (renewing licenses is already available online)
- It also makes available to the public annual inspections of health care facilities and pharmacies, similar to how nursing home inspections are already available
- Awaiting Governor's signature
- This act goes into effect on July 1, 2014

Controlled Substance Monitoring Database Update (SB1630/HB1426)

- Prior to writing a script for an opiate or benzodiazepine, a practitioner must check the database for their patient
- Allows the patient's profile to be placed in their medical record, which is subject to HIPAA
- Also allows the Department of Health to make available aggregate, de-identified data from the CSMD, upon request
- Public Chapter 622
- This act goes into effect July 1, 2014

Naloxone Rescue Act (SB1631/HB1427)

- Naloxone is an opioid antagonist designed to stop the effects of an opiate related overdose
- Allows a licensed healthcare practitioner to prescribe naloxone to a person at risk of having an opiate related overdose, or a family member or friend of the at risk individual
- Requires training in administration of naloxone prior to drug being prescribed (Training being prepared by TDH)
- Provides immunity from civil prosecution for both prescribing practitioner and individual administering naloxone
- Public Chapter 623
- This act goes into effect July 1, 2014

Professional Privilege Tax (SB1636/HB1432)

- Revises delinquent privilege tax provisions to require DOR to notify taxpayer that failure to cure delinquency/deficiency prior to licensure renewal date can result in renewal abeyance
- "Cure" means payment in full, entering into agreed payment plan, or abatement of tax liability
- Licensing Boards will be provided monthly with list of licensees delinquent 90 days or more and may not process licensure renewal
- Awaiting Governor's signature
- This act goes into effect upon signature

Limitations on Scheduled Prescribing (SB1663/HB1512)

- Requires healthcare practitioner to notify appropriate licensing Board within 10 days of starting or ending employment at a pain clinic
- Requires pharmacy wholesalers to notify BOP and prescribing Boards when suspicious orders (unusual size, deviations from normal pattern, and unusual frequency) are discovered
- Wholesalers must report a theft or significant loss of controlled substances to the CSMD committee and local law enforcement within 1 business day of discovery
- Prevents health care prescribers from dispensing an opioid or benzo except under the following conditions:
 - dispensed as a complimentary sample to practitioner's own patient
 - dispensed in the DOC setting
 - dispensed in connection with a surgical procedure at a licensed HCF and not exceeding a 7-day supply

- dispensed as part of an approved clinical trial
- dispensed at an opiate addiction treatment facility
- dispensed to a patient at a licensed HCF or a licensed MHF
- dispensed in conjunction with a workman's compensation program
- dispensed by a licensed veterinarian
- dispensed in accordance with current pain clinic laws
- Requires all opioids and benzodiazepines not falling under the exemptions to be returned to a reverse distributor or to local law enforcement by Jan. 11, 2015; also requires wholesalers to buy back undispensed inventory, in certain instances
- Awaiting Governor's signature
- Goes into effect January 1, 2015

Anti-Meth Production Bill (SB1751/HB1574)

- Caps the sale/purchase of ephedrine or pseudoephedrine products at 5.76 g/month or 28.8 g/year, per person
- The caps shall not apply with respect to a valid prescription from a practitioner authorized to prescribe
- No person under the age of 18 may purchase the products except pursuant to a valid prescription from a practitioner or from a pharmacist generated prescription
- Awaiting Governor's signature
- Goes into Effect July 1, 2014

Supervising Physician (SB1853/HB2171)

- Adds the supervising physician to Consumer Right to Know Database and makes database searchable by APN, PA or physician name
- Gives physicians an avenue to remove or revoke the supervising relationship shown on Consumer Right to Know Database
- Requires notification to the Department within 30 days of any change in supervising relationship by all providers to keep all information available to public up to date
- Awaiting Governor's signature
- Goes into effect January 1, 2015

Pain Clinic Update (SB2000/HB1939)

- Defines chronic non-malignant pain treatment as prescribing or dispensing opioids, benzodiazepines, barbiturates or carisoprodol for ninety (90) days or more in a twelve (12) month period for pain unrelated to cancer or palliative care
- Pain Clinics are private practices that treat a majority of its total patients for any 90 day period for chronic non-malignant pain
- Exempts interventional pain treatment and multispecialty practices under certain circumstances
- Public Chapter 700
- Goes into effect July 1, 2014

Medical Spa Truth in Advertising (SB2033/HB1896)

- Defines cosmetic medical service as any service that uses a biologic or synthetic material, a chemical application, a mechanical device, or a displaced energy form of any kind that alters or damages, or is capable of altering or damaging, living tissue to improve the patient's appearance or achieve an enhanced aesthetic result
- Requires any business advertising as a medical spa to display the medical director or supervising physician of the practice on a sign at the practice
- Posting shall include whether medical director or supervising physician is Board certified by appropriate entity or holds no Board certification
- Awaiting Governor's signature
- Goes into effect July 1, 2014

Telehealth as Covered Practice (SB2050/HB1895)

- Allows telehealth providers to contract with insurance companies
- Telehealth services must comply with state licensure requirements promulgated by Board with jurisdiction over provider
- Sets out that for reimbursement for treatment through telehealth cannot be denied solely because the treatment did not include an in-person encounter
- Public Chapter 675
- Goes into effect January 1, 2015

Civil Immunity for Quality Improvement Committees (SB2052/HB1955)

- Allows Quality Improvement Committees (QIC's) to share information with their counterparts and keeps this information confidential, privileged and protected from subpoena, discovery or trial evidence
- Removes liability surrounding those who give information to QIC's
- Removes liability based solely on actions taken by the QIC
- Adds a good faith presumption to those who provide information to QIC
- Public Chapter 651
- Took effect April 8, 2014

Other Board Business

The Board members all agreed to add to the August 2014 meeting agenda and public notice to discuss Board members/consultants being compensated for reviewing files.

The meeting adjourned at 11:57 a.m.

These minutes were ratified by the Board of Osteopathic Examination August 13, 2014

* HEALTH REGULATORY BOARDS *
NEWLY LICENSED
Mon May 5 2014

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Profession : Osteopaths

Licenses Issued from 03/01/2014 To 04/30/2014

File Number	License Number	Date Issued	Name	Expiry Date
2631	2631	04/21/2014	BEESAN SHALABI AGHA DO	04/30/2016
2638	2638	04/03/2014	MICHAEL ALLEN ANDERSON DO	07/31/2015
2651	2651	04/16/2014	BRANDON LUCAS COFFEY DO	03/31/2015
2623	2623	04/03/2014	PATRICK WAYNE COLLINS DO	11/30/2015
2569	2569	03/20/2014	CHRISTOPHER PATRICK DOUGHERTY DO	02/28/2015
2640	2640	04/16/2014	JOSEPH TRENT ELLENBURG DO	10/31/2015
2659	2659	04/30/2014	THOMAS LOUIS GARCIA DO	05/31/2015
2598	2598	04/03/2014	ANTHONY CHARLES GERACI DO	11/30/2015
2619	2619	04/23/2014	VELDA JEAN GIVENS DO	04/30/2016
2641	2641	04/17/2014	VIKRAM MANJUNATH GOPAL DO	01/31/2017
2662	2662	04/30/2014	EMILY ANN GREER DO	01/31/2017
2642	2642	04/03/2014	BARRY SYKES GRIMM DO	01/31/2016
2603	2603	04/03/2014	JAY THOMAS HOFFMAN DO	01/31/2016
2629	2629	04/03/2014	RYAN CARL HUBBARD DO	10/31/2016
2643	2643	04/17/2014	JONATHAN TILLMAN HUTCHINGS DO	04/30/2015
2592	2592	03/06/2014	JODY JOHNSON DO	07/31/2016
2666	2666	04/17/2014	ONNA GABRIELA KONICEK DO	02/28/2017
2668	2668	04/23/2014	TODD LILJE DO	04/30/2015
2527	2527	03/06/2014	MICHAEL VINCENT LOGUIDICE DO	01/31/2017
2636	2636	04/03/2014	MEHAK D. NANGRANI DO	09/30/2016
2650	2650	04/17/2014	RICHARD H. PLUMMER DO	04/30/2016
2628	2628	04/03/2014	DEREK CHAD RILEY DO	03/31/2016
2612	2612	04/03/2014	MAY-LEE MELKI ROBERTSON DO	11/30/2015

2632

2632

04/03/2014 JEFFRY CARLE RUFF JR DO

11/30/2015

* HEALTH REGULATORY BOARDS *
NEWLY LICENSED
Mon May 5 2014

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Profession : Osteopaths

Licenses Issued from 03/01/2014 To 04/30/2014

File Number	License Number	Date Issued	Name	Expiry Date
2647	2647	04/03/2014	EVE SPRAGUE DO	04/30/2016
2621	2621	04/03/2014	TORBEN SVENDSEN DO	09/30/2015
2637	2637	04/16/2014	MICHAEL FRANK TABONE DO	01/31/2017
2649	2649	04/03/2014	RIFAT ALI WAHAB DO	05/31/2016

Total Number of Licensees:

28

* HEALTH REGULATORY BOARDS *
(227 FRENCH LANDING)
Licensee Listing
Mon May 5 2014

Profession: 1907 Osteopaths

Report : REINSTATED

Selection: From Status Date 03/01/2014 To 04/30/2014

Sorted : ALPHABETICALLY

Date	Name	City	ST	Licensure Category
04/22/2014	RICARDO RAMIREZ ALMAGUER Last Active: 12/16/2011 REINSTATE-VOLUNTARY RETIRE DO	D.O.RENO	NV	Licensed File # : 1982 Xact Cde : 6310
03/06/2014	ALAN D CREEK DO Last Active: 06/01/1993 REINSTATE RENEWAL >=2 YEARS DO	KINGSPORT	TN	Licensed File # : 413 Xact Cde : 6210
04/16/2014	ALAN MATTHEW TRIPP D.O. Last Active: 08/07/2013 REINSTATE RENEWAL <=2 YEARS DO	INDIANAPOLIS	IN	Licensed File # : 1876 Xact Cde : 6110

Number Of Records Selected: 3

* HEALTH REGULATORY BOARDS *
Licensee Listing
Mon May 5 2014

Profession: 1907 Osteopaths

Report : Volunt Retired

Selection: From Status Date 03/01/2014 To 04/30/2014 And License Status 51

Sorted : ALPHABETICALLY

Date	Name	City	ST	Licensure Category
04/22/2014	KEVIN D. KEITH D.O.	EDINBORO	PA	Volunt Retired
	File # : 1986	License # : 1986		
03/21/2014	JEFFREY SCOTT LITT DO	NASHVILLE	TN	Volunt Retired
	File # : 2427	License # : 2427		

Number Of Records Selected: 2

Profession: 1907 Osteopaths

Report : Expired

Selection: From Status Date 03/01/2014 To 04/30/2014 And License Status 55

Sorted : ALPHABETICALLY

Date	Name	City	ST	Licensure Category
03/07/2014	JAMES LEE PITTMANN DO			
	File # : 1537	SAINTE MARYS	PA	Expired
	License # : 1537			
03/07/2014	WARREN JASON WISNOFF DO			
	File # : 2270	BAKERSFIELD	CA	Expired
	License # : 2270			
03/07/2014	TERRY NEAL YORK DO			
	File # : 2446	YORK	PA	Expired
	License # : 2446			

Number Of Records Selected: 3