



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

Wednesday, November 9, 2022

MINUTES

The regular board meeting of the Tennessee Board of Osteopathic Examination was called to order at 9:06 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: J. Michael Wieting, DO, President
Penny Judd, Secretary and Consumer Member
Jan Zieren, DO
Michael Bernui, DO
Otis Rickman, DO

Board member(s) absent: Shant Garabedian, DO, Vice President

Staff present: Francine Baca-Chavez, JD, Office of General Counsel
Rene Saunders, MD, Medical Consultant, BME
Stacy Tarr, Executive Director
Candyce Wilson, Administrative Director

APPROVAL OF MINUTES

The Board reviewed the minutes from the August 3, 2022, meeting. Ms. Judd motioned to approve the minutes. Dr. Zieren seconded the motion and the motion passed.

REPORT FROM THE OFFICE OF INVESTIGATIONS

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

There have been eighty-three (83) new complaints opened this year. Out of the eighty-three (83) new complaints, ninety-four (94) were closed. Of those closed complaints, thirty-seven (37) were closed for insufficient evidence, five (5) were sent to the Office of General Counsel, forty-one (41) no action, two (2) received a letter of concern, and nine (9) received a letter of warning.

Of the eighty-three (83) complaints received, the allegations for these complaints were seven (7) for action by another state, one (1) for criminal charges, twenty-two (22) for malpractice or negligence, twenty-nine (29) for unprofessional conduct, two (2) for medical records request, five (5) for over-prescribing, two (2) for failure to supervise, two (2) for mental and/or physical impairment, eleven (11) for outside of the investigative scope, and two (2) related to COVID.

REPORT FROM THE FISCAL OFFICE

Keyyona Love, with the Fiscal Office, gave the fiscal 2022 year-end report to the Board. The Board recently had a rule change, July 2022, to reduce their application and renewal fees. The Board did not have any questions.

REPORT FROM THE ADMINISTRATIVE OFFICE

The activities that have transpired in the administrative office between August 1, 2022, and October 31, 2022, concerning Osteopathic Physicians are as follows:

New Applications Received:

- Osteopathic Physician: 105
- Locum Tenens: 0
- Telemedicine: 1
- Special Training: 3
- DOX Applications Received: 0

Total New Licenses Issued

- Osteopathic Physician: 69
- Telemedicine: 1
- Special Training: 0
- DOX: 0
- Compact: 43

Total Number of Reinstatement: 6

Total Number of Renewals:

Osteopathic Physicians: 249

DO Online Renewals 214 – 85%

Total number of active licensees as of October 31, 2022 is 2,574.

Total number of active licensees as of October 31, 2022 with a Tennessee mailing address is 1,498.

Total number of Special Training licenses as of October 31, 2022 is 17.

Total number of Telemedicine licensees as of October 31, 2022 is 24.

Total number of Active DO X-Ray Operators as of October 31, 2022 is 7.

Total number of Active Professional Midwives as of October 31, 2022 is 73.

REPORT FROM THE OFFICE OF GENERAL COUNSEL

Ms. Baca-Chavez informed the Board that there are nine (9) cases open against eight (8) osteopathic physicians. Regarding these cases, five (5) involve allegations of over-prescribing and are being handled by attorneys on the overprescribing team. There are one (1) open case against 1 midwife. There are no appeals pending. There are no pending rule changes currently in process.

The total number of Osteopathic Physicians being monitored for discipline is 13.

The total number on reprimand is 1 with terms.

The total number on probation is 8 with terms.

The total number on suspension is 1.

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.

RATIFICATION OF LICENSES

Dr. Bernui motioned to ratify the list of new licensees. Ms. Judd seconded the motion and the motion passed.

CONDUCT NEW BUSINESS

- I. Susy L. Vergot, DO Practice Monitoring Consideration** – was not present nor was a legal representative present. Ms. Baca-Chavez provided an overview of the material provided to the Board and the request before the Board. Dr. Vergot has a ratified consent order, effective March of 2019. The Board is being asked if they feel comfortable lifting the requirement of practice monitoring for Dr. Vergot. Ms. Erin LeBel, with Affiliated Monitors, joined the meeting by phone to answer the Board's questions regarding her practice monitoring compliance. The Board reviewed all content provided and asked several questions of Ms. LeBel and their legal counsel. Dr. Rickman motioned to lift the requirement of practice monitoring. Dr. Bernui seconded the motion and it passed.
- II. FSMB letter of nomination request** – Dr. Wieting expressed an interest in running for the Board of Directors with the FSMB. Apart of the requirements to do so, requires formal support/approval by this Board and a written letter of nomination. Dr. Zieren motioned to nominate and support Dr. Wieting for the Board of Directors with the FSMB. Dr. Rickman seconded the motion. Ms. Judd stated the nomination for full support should be by acclimation and all Board members agreed. Dr. Wieting received full support from the Board and will obtain the letter from the administrative office to support his packet.
- III. Discuss and/or Consider the Number of Attempts to Pass the Licensure Examination** – Dr. Wieting made the Board aware there is a limit of four (4) attempts for each of the three (3) licensing exams. This Board does not have a limit within their rules. Dr. Wieting provided information on national licensure data stating the following: twenty-two (22) states have limits on the number of attempts for Step 1 (with that limitation ranging from two (2) to six (6) attempts), twenty-five (25) states that have limits on the number of attempts for Step 2 (with that limitation ranging from two (2) to six (6) attempts), and thirty-seven (37) states that have limits on the number of attempts for Step 3 (with that limitation ranging from three (3) to six (6) attempts). Also, the Tennessee Board of Medical Examiners rules state a limit of three (3) attempts on any Step of the USMLE. Dr. Saunders provided an overview of the exam petition the Board could potentially see. Through this process, a doctor may petition a state licensing board for their support in taking an exam step again. This petition is something the licensure examination entity allows the doctor to do when they have exceeded the number

of attempts allowed by their rules. Dr. Saunders proposed the Board may wish to consider this information if they ended up discussing any kind of rule change imposing an exam limitation. The Board did not express an interest in revising their rules regarding this information at this time.

- IV. IMLCC Letter of Qualification Information** – The Board members were provided information on Compact requirements for which Dr. Wieting wanted to make sure everyone was aware of. This information is outlined in IMLCC rules. When a Compact SPL licensee wishes to obtain a new Letter of Qualification from the Board (which expires twelve months of receipt), they are not required to be Board Certified. This differs from the physician’s initial request for a Letter of Qualification because initially they must be Board Certified.
- V. Update from the IMLCC Meeting** – Ms. Judd provided an overview of the most recent IMLCC meetings she attended. It was stated that a new rule passed at the last meeting with twenty-three (23) in favor and twenty (20) opposed. This new rule will require Non-SPL licensees to be suspended within ninety (90) days of their SPL license being disciplined.
- VI. Update on FARB Regulatory Law Seminar Meeting from September 29 – October 1, 2022** – Mr. Michael Varnell with the Office of General Counsel presented a brief overview of this seminar.
- VII. Update on CSMD Meeting** – This will be tabled to the next meeting agenda since Dr. Garabedian was unexpectedly unable to attend today’s meeting.

PUBLIC COMMENTS – There were no public comments.

The meeting adjourned at 10:00 a.m., CST.