



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

**Friday, November 13, 2020**

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**MINUTES**

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The regular meeting of the Tennessee Board of Osteopathic Examination (hereinafter, “the Board”) was called to order at 9:07 a.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Michael Wieting.

Members Present: Michael Wieting, D.O.  
Jan Zieren, D.O.  
Jeffrey Hamre, D.O.  
Ms. Penny Judd, Consumer Member

Members Not Present: Shannon Kilkelly, D.O.  
Shant Garabedian, D.O.

Staff Present: Rene Saunders, MD, Medical Consultant  
Angela Lawrence, Director  
Candyce Wilson, Administrative Director  
Stacy Tarr, Administrative Director  
Francine Baca-Chavez, Office of General Counsel

Ms. Angela Lawrence opened with the teleconference script and a roll call. Ms. Lawrence explained how the meeting would be conducted and the Board voted to accept the meeting by teleconference. Dr. Hamre motioned to accept the meeting. Ms. Judd seconded the motion and it passed by roll call vote. Dr. Zieren motioned that the meeting met the requirements to have a teleconference meeting. Dr. Hamre seconded the motion and it passed by roll call vote. All Board members confirmed receipt of the meeting materials.

**APPLICANT INTERVIEW**

**Patricia Pettit, DO** – appeared before the Board via Webex without a legal representative. Dr. Pettit is an applicant for initial licensure. She is currently Board Certified, has no criminal history and has no malpractice history. Dr. Pettit does have prior Board action from the Virginia Board of Medicine in 2011.

The basis for this discipline was for conduct likely to deceive or defraud or harm the public, failure to maintain adequate medical records and abiding or abetting practice without a license. Dr. Wieting presented the following concerns regarding this application 1) incorrect application response regarding prior disciplinary action, 2) further explanation needed regarding the VA Board finding failure to maintain adequate and complete records of a patient evaluation and her allowing an unlicensed employee to use laser equipment which can only be used by a licensed professional and 3) for applicant to discuss her practice intentions in Tennessee. Dr. Pettit presented a thorough explanation to the Board regarding the events that led up to the VA Board action and thereafter. She reports she does not intend to practice in a Spa again. The Board led a discussion on the application page that needs to be corrected and that the VA Board action occurred less than 10 years so it should be added to the Mandatory Practitioner Profile. Furthermore, the applicant needs to add all postgraduate training to the Profile as well. Dr. Zieren motioned to grant licensure contingent on the Boards Administrative office receiving the corrected application and Profile pages as discussed. Dr. Hamre seconded the motion and it passed by roll call vote.

**APPROVAL OF MINUTES**

The Board reviewed the minutes from the August 5, 2020 meeting. Dr. Zieren motioned to approve the minutes. Ms. Judd seconded the motion and it passed by roll call vote.

**RATIFICATION OF LICENSES**

Dr. Hamre motioned to ratify the list of new licensees. Dr. Zieren seconded the motion and it passed by roll call vote.

**AFFILIATED MONITORS PRESENTATION by Ms. Denise Moran and Mr. Vincent DiCianni**

Ms. Moran and Mr. DiCianni provided the Board with an overview of the services provided by Affiliated Monitors. Ms. Moran reports their service is different than the service provided by the Tennessee Medical Foundation. Mr. DiCanni reports they often receive referrals for boundary related cases and cases where there is a need for administrative monitoring and assistance.

**REPORT FROM THE ADMINISTRATIVE OFFICE**

Ms. Stacy Tarr provided the following report to the Board:

New Applications Received:

- Osteopathic Physician 62
- Locum Tenens 0
- Telemedicine 0
- Special Training 1
- Compact 17

New DOX Applications Received 0

Total New Licenses Issued

- Osteopathic Physician 41
- Telemedicine 0
- Special Training 2
- DOX 0
- Compact 19

Total Number of Reinstatement 5

Total Number of Renewals:

Osteopathic Physician 235  
Online 202 – 85%

Total number of active licensees as of October 31, 2020 is 2,055.

Total number of active licensees as of October 31, 2020 with a Tennessee mailing address is 1,274.

Total number of Special Training licenses as of October 31, 2020 is 9.

Total number of Telemedicine licensees as of October 31, 2020 is 24.

Total number of Active DO X-Ray Operators as of October 31, 2020 is 12.

Total number of Active Professional Midwives as of October 31, 2020 is 65.

Discussion on application turnaround. Dr. Saunders extended the offer to assist the Board in their application review in any manner they wish.

**REPORT FROM THE DIVISION OF HEALTH LICENSURE AND REGULATIONS**

Ms. Alicia Grice presented the Board with the current financial report. The Boards revenue has exceeded its expenditure. Ms. Grice is not familiar with the costs which the Board pays to TMF. Dr. Michael Baron indicated that the line stating “Grants & Subsidies” may indicate the money paid to TMF because the grant is about \$25,000. Given the extensive carry-over balance, Dr. Zieren inquired as to when a good time would be to discuss an increase in the grant to TMF, Ms. Grice recommended the Board discuss any increase in the grant to TMF at their mid-year report.

**REPORT FROM THE OFFICE OF GENERAL COUNSEL**

Rules are in the post rulemaking process.

There are twenty-seven (27) cases open against eight (8) Osteopathic Physicians. Regarding these cases, twenty-three (23) involve allegations of over-prescribing and are being handled by other attorneys on the over-prescribing team. There are two (2) open cases against midwives. There are no appeals at this time.

**CONSENT ORDER**

**Avinash G. Reddy, DO** – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Francine Baca-Chavez represented the State. Respondent was licensed on March 25, 2009 and it expires June 30, 2021. Respondent failed to submit documented proof of properly maintaining sufficient continuing education credits upon request by the Department. Respondent’s continuing medical education audit for January 1, 2017 thru December 31, 2018 showed the Respondent failed to obtain two (2) hours of required continuing education credits related to controlled substance prescribing. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license. Respondent shall complete two (2) hours of continuing education that he is deficient related to controlled substance prescribing. Respondent shall provide proof of completion within one hundred eighty (180) days. Respondent shall complete ten (10) additional continuing education hours due within one (1). Respondent shall pay two (2) Type B Civil Penalties for a total of eighty dollars (\$80.00). Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Hamre motioned to approve the consent order. Dr. Zieren seconded the motion and it passed by roll call vote.

#### **AGREED CITATIONS**

**James Teet, DO** – did not appear before the Board nor did a legal representative appear on his behalf. Dr. Teet was found to be deficient in his continuing education audit by two (2) hours of required continuing education specific to prescribing practices. This order requires Dr. Teet to pay a civil penalty for a total of eighty dollars (\$80.00). Dr. Teet must submit proof of the two hours he is deficient within one hundred and eighty (180) days and an additional ten (10) hours of continuing education within two (2) years. Dr. Zieren motioned to approve the agreed citation. Dr. Hamre seconded the motion and it passed by roll call vote.

**Corey Campbell, DO** – did not appear before the Board nor did a legal representative appear on his behalf. Dr. Cambell was found to be deficient in his continuing education audit by two (2) hours of required continuing education specific to prescribing practices. This order requires Dr. Cambell to pay a civil penalty for a total of eighty dollars (\$80.00). Dr. Cambell must submit proof of the two (2) hours he is deficient within one hundred and eighty (180) days and an additional ten (10) hours of continuing education within two (2) years. Dr. Zieren motioned to approve the agreed citation. Ms. Judd seconded the motion and it passed by roll call vote.

**Melissa Lawrence, DO** – did not appear before the Board nor did a legal representative appear on his behalf. Dr. Lawrence was found to be deficient in her continuing education audit by two (2) hours of required continuing education specific to prescribing practices. This order requires Dr. Lawrence to pay a civil penalty for a total of eighty dollars (\$80.00). Dr. Lawrence must submit proof of the two (2) hours she is deficient within one hundred and eighty (180) days and an additional ten (10) hours of continuing education within two (2) years. Dr. Hamre motioned to approve the agreed citation. Dr. Zieren seconded the motion and it passed by roll call vote.

**Public comments** - No public comments.

**Dr. Michael Baron, TMF Medical Director**

Dr. Baron reports he does not have a formal report to present at this meeting. He informed the Board that there has been an increase in referral numbers and the trend indicates that physicians are experiencing more stress at this time.

Ms. Judd inquired as to how TMF receives a referral. Dr. Baron reports a referral can come to TMF by a multitude of avenues such as by a spouse, office partner, business partner, chief of staff, patient and self-referrals. There has been an increase in self-referrals. Dr. Baron reports there was an oversight in their office which led to the recent TMF newsletter not indicating that this Board provides a financial grant and this error has been corrected. Dr. Baron reports that BOE supports about \$12 per licensee. Dr. Wieting inquired as to what the process would be if the Board is interested in increasing the per licensee support/to increase the total TMF grant.

### **REPORT FROM THE OFFICE OF INVESTIGATIONS**

Ms. Lori Leonard, Disciplinary Coordinator for the State of Tennessee gave her report for the Osteopathic Board as she is currently monitoring two (2) for a reprimand, five (5) who are on probation, one (1) who is suspended, and one (1) who is revoked/surrendered.

There were fifty-eight (58) new complaints opened. Out of the fifty-eight (58) new complaints, one (1) for falsification of records, one (1) was for substance abuse, eleven (11) for malpractice/negligence, thirty-three (33) for unprofessional conduct, two (2) failure to supervise, one (1) mental and/or physical impairment, one (1) for prescribing to friends and/or family, one (1) for continuing education violation, four (4) for outside of score and three (3) for relation with Covid-19. Ms. Leonard reports the Covid-19 code was added because the office was getting complaints on elective procedures being preformed despite current executive orders prohibiting it at the time. Dr. Saunders indicated the are receiving many consumer complaints that some office staff or practitioners are not wearing a mask. Ms. Baca-Chavez stated there has been an increase in Covid-19 related complaints, primarily with the Board of Medical Examiners, to include complaints that there are not measures in place to limit waiting room interactions.

They have thirty-three (33) total complaints closed. Seven (7) closed for insufficient evidence to formally discipline, one (1) sent for formal discipline, twenty-one (21) complaints closed with no action, and two (2) closed with a letter of concern and two (2) closed with a warning letter. The office has a total of fifty-two (52) currently opened complaints.

### **2021 Board Meeting Dates**

Ms. Tarr reported she e-mailed the Board their 2021 meeting dates this morning. It was previously requested that the August Board meeting be moved to the second week of August. The Board members present reported that changing the 2021 meeting to August 11<sup>th</sup> would be fine.

**The meeting adjourned at 10:46am CT.**