



**MEETING MINUTES
TENNESSEE BOARD OF PODIATRIC MEDICAL
EXAMINERS**

Friday, May 5, 2023

MINUTES

Ms. Candyce Wilson, Unit Director called the meeting to order at 9:05 a.m. Ms. Wilson determined that a sufficient number of members were in attendance to constitute a quorum. Members were advised to identify themselves before they spoke. The meeting was then turned over to Dr. Khumalo, Chair of the Board.

Board members present: Bhekumuzi Khumalo, D.P.M
 .Kelly Bumpus
 Gerald Stark, PhD, MSEM
 Christopher Frazier
 Chad Webster, D.P.M.

Staff present: Candyce Wilson, Regulatory Board Administrator Director
 Ashley Fine, Deputy General Counsel
 LaTonya Shelton, Administrative Services Assistant 3

APPROVAL OF MINUTES

Upon review of the Board meeting minutes for March 10, 2023, Dr. Webster made a motion to approve the minutes, seconded by Dr. Stark. All approved. The motion carried.

REPORT FROM THE OFFICE OF INVESTIGATIONS

Ms. Barbara Granum stated as for 2023 year for podiatry there have been four (4) new complaints and zero (0) closed.

Ms. Granum also reported that no complaints have been opened or closed for podiatric x-ray operators, orthotists, pedorthists and prosthetist.

FINANCIAL REPORT

Keeyona Love, fiscal manager reviewed the Financial Report for the projected ending fiscal year June 30, 2023, actual revenue, and expenditures. The Board projected total expenditures of \$91, 103.12. The actual Board expenditures of \$37, 959.63. The projected current year net \$6, 480.88 with a projected cumulative carryover of \$657,755.11. Ms. Keeyona Love stated the cumulative carryover does not

exceed two times the three-year average of operating expenditures.

Ms. Ashley Fine spoke about the history regarding the fee reductions at the July 30, 2021 and the March 5, 2023 Board meeting. The Board voted to approve a licensure renewal fee decrease as follows: Podiatrists renewal fee of \$275.00 will decrease to \$20.00, Podiatric Xray Operators from \$30.00 to \$10.00 and orthotist, prosthetics and pedorthists from \$160.00 to \$20.00. Ms. Fine stated that the May 2023 meeting Mr. David Silvas expressed concerns with the Board about their drastic fee reduction will result in fees being increased once again to become self-sufficient again.

After a lengthy discussion the voted to decrease the renewal fees for Podiatry and sub professions by fifty percent (50%) of the current fees. The new renewal fees will be as follows: Podiatrists renewal fee of \$275.00 will decrease to \$140.00, Podiatric Xray Operators from \$30.00 to \$15.00 and orthotist, prosthetics and pedorthists from \$160.00 to \$80.00. The Board will review again in 2 years and if the cumulative carryover is still high the Board will look at decreasing the fees by half once again. The Board also voted to resend the previous fee reductions that is currently in review. A roll call vote was conducted, and all was in favor.

Dr. Frazier wanted it mentioned on record that this is the third time the Board has discussed a fee decrease.

ADMINISTRATIVE OFFICE REPORT

Ms. LaTonya Shelton provided the following administrative report (March 5, 2023 – May 4, 2023):

321 Active Podiatrists
111 Active Podiatric X-ray
operators 140 Active Orthotists
143 Active Prosthetists
37 Active Pedorthists

Newly licensed (March 5, 2023 – May 4, 2023):

Podiatrist: 3 new licenses, 22 renewed, 1 expired
Podiatry X-Ray Operators: 3 new operators, 1 reinstate, 5 renewed, 1 retired, 3 expired
Orthotist: 0 new licensees, 0 reinstate, 8 renewed licensed, 1 retired, 1 expired
Prosthetics: 0 new licensees, 0 reinstate, 13 renewed, 1 retired, 1 expired
Pedorthists: 0 new license, 0 reinstate, 2 renewed licensed, 2 retired, 0 expired.

Ms. Shelton also informed the Board the 2023 meeting dates are as follows:
August 11, 2023, and November 17, 2023

OFFICE OF GENERAL COUNSEL REPORT

Ms. Fine with the Office of General Counsel (“OGC”) presented the OGC report. She read aloud the Conflict-of-Interest Policy and the Open Meetings Act. She then addressed disciplinary and rule activity. Ms. Fine stated there are no pending appeals nor civil suits. Ms. Fine informed the board there are two (2) open cases against respondents who hold DPM licenses.

Ms. Fine report indicated the following regarding disciplinary report for the Board of Podiatry is currently monitoring the following:

- One (1) licensee for a reprimand;
- Two (2) licensees for probation;
- Four (4) licensees for revocation.

CONDUCT NEW BUSINESS

Continuing Education and Survey Request:

Consider and act if necessary, regarding continuing education (rule 1155-02-.12) and survey request: The letter was submitted from the federal boards, Dr. Khumalo presented this letter to be placed on the agenda for the Board to read. Ms. Fine pointed out an issue within the letter, the APMA was not included in the bill so they do not have the authority to give a class. APMA is asking the board to recognize ACCME a one-time, eight-hour training “on the treatment and management of patients with opioid or other substance use disorders. This eight-hour training is for podiatric physicians to maintain their DEA and for newly licensed podiatric physicians to obtain their DEA license.

This omission leaves podiatric physicians in the unfortunate position of being required to seek this training via alternative providers like the American Medical Association (AMA) and American Osteopathic Association (AOA), which are accredited by ACCME. For podiatrists whose DEA license renewal is on or shortly after June 27 this year, it is particularly burdensome, especially so if their state licensing board only recognizes education provided by CPME and/or CPME-approved entities like APMA and state podiatric components or societies and does not automatically recognize ACCME-accredited programs as acceptable.

On behalf of the members of the American Podiatric Medical Association (APMA), the national organization representing the vast majority of the nation’s estimated 15,000 doctors of podiatric medicine (DPMs), also known as podiatric physicians and surgeons, we are writing to request that state licensing boards adopt temporary flexibility in permitting DPMs to receive continuing education contact hours (CECH) from providers only accredited via the Accreditation Council for Continuing Medical Education (ACCME), for continuing Drug Enforcement Agency (DEA) MATE requirements where possible. When it was originally introduced in July 2021, the MATE Act outlined new requirements for a one-time, eight-hour training “on the treatment and management of patients with opioid or other substance use disorders.” In its initial language and subsequent versions, it omitted references to APMA, the Council on Podiatric Medical Education (CPME), or any reference to podiatric physicians as a core group of DEA-licensed providers, who may routinely prescribe opioids or other controlled substances that lead to substance use disorders. APMA’s Legislative Advocacy team closely followed the bill, and it appeared to die in committee. Unfortunately, it was revived in late December 2022, when it was unexpectedly dropped into the end-of-year omnibus package, leaving no time to address or respond to the omission of podiatric physicians and where they would receive this new required education. The compliance deadline for this training is tied to the provider’s DEA renewal cycle. Any provider renewing on or before June 27, 2023, is required to have completed the eight hours of education in advance of the DEA license renewal.

After a lengthy discussion the Board decided not to take any action regarding the letter from APMA. However, under the guidance of the Boards legal counsel Dr. Webster made the motion to accept the five (5) credit hours by the AMA of American Osteopathy Association and each licensee must be in compliance with the DEA renewal or new license and follow the requirements of rule 1155-02-.12 (3)(b) course approval.

Ratification of New Licensees

Dr. Webster made a motion to approve the newly licensed Podiatrists, Podiatry Xray Operators, Orthotists, Prosthetics, Pedorthists seconded by Dr. Bumpus. All approved. The motion carried.

Podiatrists

Dr. Lance Reeves
Dr. Mitchell Rider
Dr. Alexander San Diego

Podiatric X-ray Operators

Heather Miller
Becca Tate
Ashley Williams

Orthotists

None

Prosthetists

None

Reinstated X-Ray Operators

Stefon Pollard

Reinstated Orthotists

None

Reinstated Prosthetics

None

Reinstated Pedorthists

None

Rules Activity:

At the July 30, 2021 Board meeting, the Board voted to approve a licensure renewal fee decrease among all licensee categories. This rule packet is currently in the internal review process.

Also at the December 17, 2021 meeting, the Board voted to change the amount of continuing education hours that can be obtained virtually for orthotists, prosthetists, and pedorthists. This rule packet has been approved for a rulemaking hearing and will be scheduled for the August 11, 2023, Board meeting.

UPCOMING CONFERENCES

FARB 2023 Regulatory Law Seminar September 21-23, 2023, in Chicago, IL: After a discussion with the Board Dr. Stark made a motion to approve funding for Board staff or whomever is affiliated with the Tennessee Board of Podiatric Medical Examiners to attend FARB and Dr. Webster seconded the motion.

CLEAR 2023 Annual Education Conference September 27-30 in Salt Lake City, UT. After a discussion with the Board Dr. Bumpus made a motion to approve funding for Board staff or Board legal counsel and Dr. Webster seconded the motion.

PRESENTATION OF DISCIPLINARY ACTION

Order of Compliance: **Bill H. Vuong, DPM Lic. No.598** was present without legal counsel. Ashley Fine , Senior Associate General Counsel represented the State. MS. Amber Johnson, Disciplinary Coordinator of the General Counsel for Health Related Boards with the Tennessee Department of Health found that pursuant to the following Orders, the Consent Order, entered by the Board of Podiatric Medical Examiners on November 8th, 2017; and the Order of Compliance, entered by the Board of Podiatric Medical Examiners on February 7th, 2018, Bill H. Vuong, DPM, license number 598 has been monitored by this office in accordance with the Board's Order(s) and the standard business practices of this Office. As such, I hereby certify that the named practitioner is in compliance with the terms and conditions of said Order(s). Dr. Webster made the motion to reinstate and remove the probation status from Dr. Vuong's license. Dr. Frazier seconded the motion. The motion carried.

OTHER BOARD BUSINESS:

Dr. Julie Wieger stated that she was never ratified at the past board meeting. Dr. Bumpus made the motion to ratify her license and Dr. Frazier seconded the motion.

Dr. Khumalo had concerns that future meetings will have a quorum issue with Board members term expiring. Ms. Wilson informed the Board that normally members serve on the Board until they are reappointed.

ADJOURNMENT:

Dr. Bumpus made a motion to adjourn the meeting at 10:21 a.m., Dr. Frazier seconded. All approved. Motion carried.