



TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS
August 11, 2023

MINUTES

The regular Board meeting of the Tennessee Board of Podiatric Medical Examiners was called to order at 9:13am in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Bhekumuzi Khumalo, Board Chair.

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

Board Member(s) Absent: Gerald Stark, PhD, MSEM, CPO

Staff present: Candyce Wilson, Unit 1 Board Director
 Ashley Fine, Deputy General Counsel
 LaTonya Shelton, ASA3

Rulemaking Hearing

Ms. Ashley Fine presented the notice of rulemaking hearing. The purpose of this rulemaking hearing was to propose a revision to rule 1155-04-.12 Continuing Education. The proposed rule change will now permit no more than seven (7) hours of the annual CE requirement be completed by any multi-media format means listed in rule 1155-02-.12(1)(d). This rule currently only allows up to five (5) hours via multi-media format. Dr. Frazier motioned to approve the rulemaking hearing along with the presented Economic Impact Statement and the Regulatory Flexibility Analysis. Dr. Bumpus seconded the motion, and it passed by roll call vote.

Legislative Office Update by Mr. Grayson Carter

Noteworthy Health-Related Legislation

- The Department of Health's administration bill successfully extended current opioid prescription protections that were put into place in 2018 under the Tennessee Together Act.
- The Department of Health was extended to June 30, 2027, following an audit and subsequent sunset hearings.
- Multiple boards administratively attached to the Department of Health were extended by the legislature following audits and subsequent sunset hearings.

Please note that these are high-level overviews of each public chapter. They do not include every

detail or provide all bill information. Please review the text of the bill in its entirety at your own discretion. If you have any questions or need further clarity, please reach out to your attorney.

Pertinent Public Chapters

*All Public Chapters are hyperlinked to the actual document on the Secretary of State’s website.

[Public Chapter No. 1—SB1/HB1—Johnson/Lamberth](#)

This law prohibits a healthcare provider from knowingly performing or offering to perform on a minor, or administer or offer to administer to a minor, a medical procedure if the performance or administration of the procedure is for the purpose of enabling a minor to identify with or live as an identity inconsistent with the minor’s sex. This bill does not prohibit such medical procedure if the performance or administration is to treat a minor’s congenital defect, precocious puberty, disease, or physical injury or the medical procedure began prior to the effective date of this act and concludes on or before March 31, 2024. This law also prohibits a person from knowingly providing a hormone or puberty blocker by any means to a minor if the provision of the hormone or puberty blocker is not in compliance with this bill. This bill is effective on July 1, 2023.

[Public Chapter No. 2—SB3/HB9—Johnson/Todd](#)

This law creates a Class A misdemeanor offense for a person to perform adult cabaret entertainment on public property or in a location where the adult cabaret entertainment could be viewed by a person who is not an adult. Subsequent offenses are Class E felonies. This bill was effective on April 1, 2023.

[Public Chapter No. 36—SB23/HB17—Massey/Faison](#)

This law designates the month of May as “Silver Alert Awareness Month.” This bill was effective on March 14, 2023.

[Public Chapter No. 41—SB256/HB75—Johnson/Lamberth](#)

This law allows law enforcement or the district attorney general’s office to extend criminal immunity from being arrested, charged, or prosecuted to persons who are experiencing a subsequent drug overdose. This bill takes effect on July 1, 2023. *This was a Department of Mental Health and Substance Abuse’s legislative initiative.*

[Public Chapter No. 55—SB680/HB895—Reeves/Hurt](#)

This law clarifies that the Medical Assistance Act of 1968 does not require a vendor, healthcare provider, or telehealth provider group that provides healthcare services exclusively via telehealth to have a physical address or site in this state in order to be eligible to enroll as a vendor, provider, or provider group for that program. This law defines telehealth provider as two or more healthcare providers that share a common employer and provide healthcare services exclusively via telehealth. This law was effective on March 21, 2023.

[Public Chapter No. 91—SB454/HB609—Watson/Hawk](#)

This law authorizes family leave insurance to be written as an amendment or rider to a group disability income policy or life insurance policy, included in a group disability income policy or life insurance policy or a separate group policy purchased by an employer. Under this law, family leave insurance means an insurance policy issued to an employer related to a benefit program provided to an employee to pay for a percentage or portion of the employee’s income loss due to the birth or adoption of a child by the employee, placement of a child with the

employee for foster care, care of a family member of the employee who has a serious health condition, or status of family member of the employee who is a service member on active duty or has been notified of impending duty. This law will be effective on January 1, 2024.

[Public Chapter No. 94—SB679/HB803—Reeves/Marsh](#)

This law authorizes certified medical assistants, pursuant to a physician's or nurses' delegation, to administer or prepare only medications that have been ordered by authorized healthcare provider and that are consistent with policies and procedures of the applicable licensed facility. This law also amends the current list of authorized medications by requiring intramuscular or subcutaneous medications to continue to be in a single dose and adds rectal medications and medications prepared by the certified medical assistant for administration by the provider. This law also prohibits certified medical assistants from preparing the current list of drugs prohibited from delegation by a physician or nurse. This law was effective on March 31, 2023.

[Public Chapter No.107—SB72/HB1195—Watson/Williams](#)

This law authorizes nurse practitioners and physician assistants to refer individuals, either orally or in writing, for physical therapy. This law also removes certain minimum education requirements to engage in the independent practice of physical therapy and allows physical therapists to treat patients without a referral from a physician under certain circumstances. This bill clarifies the definition of "notified" for purposes of treating a patient without a referral. This act became effective on April 4, 2023.

[Public Chapter No.114—SB255/HB74—Johnson/Lamberth](#)

This law changes the terms "general education development credential," "high school equivalency test," and variations of the terms to "high school equivalency credential" as referenced throughout the code. This law also replaces any references in code from GED(R) or HiSET(R) classes, coursework, testing, or services with the phrase "adult education programming to include preparation and testing toward obtaining a high school equivalency credential" throughout the code. This law is effective on July 1, 2023. *This was a Department of Labor and Workforce Development legislative initiative.*

[Public Chapter No.150—SB523/HB495— Jackson/Martin](#)

This bill enacts the "Topical Medical Waste Reduction Act of 2023," which allows facilities, defined as a hospital operating room, hospital emergency room department, or ambulatory surgical treatment center, to offer a patient an unused portion of certain medications required for continuing treatment upon discharge when the medication was ordered at least 24 hours in advance for surgical procedures and is administered to the patient at the facility. If a medication is used in an operating room or emergency department setting, then the prescriber shall counsel the patient on a medications proper use and administration, and the requirement of pharmacist counseling is waived. This law was effective on April 13, 2023.

[Public Chapter No.156—SB40/HB206—Roberts/Ragan](#)

This law extends the Department of Health to June 30, 2027. This law was effective on April 17, 2023.

[Public Chapter No.157—SB86HB734—Walley/Rudd](#)

This law clarifies that a person requesting public records is not entitled to special or expedited access to those records based on their occupation or association with a

profession. This law was effective on April 17, 2023.

[Public Chapter No. 168—SB600/HB90—Hensley/Moody](#)

This law prohibits counties, municipalities, and metropolitan governments from expending funds for the purpose of assisting a person in obtaining a criminal abortion. This prohibition includes using funds as part of a health benefit plan or for travel to another state for the purpose of obtaining an abortion. This law was effective on April 17, 2023.

[Public Chapter No. 188—SB277/HB325—Johnson/Lamberth](#)

This law extends legislation enacted in 2018 to preserve opioid prescription limitations for acute care. In addition, this law exempts individuals who had recent cancer treatment from this prescription limitation. “Recent cancer treatment” is defined as six months following the end of an active cancer treatment. This law creates an exception for informed consent where a healthcare practitioner who issued the initial prescription does not have to obtain and document informed consent, if the subsequent prescription is for the same opioid and for the same episode of treatment. Outside of this exception, informed consent must be updated periodically. This law also requires the Commissioner of the Department of Health to provide a letter, in consultation with the health-related boards, no to certain elected officials that includes information on the impact and the effects of this legislation in each even-numbered year. This law was effective on April 24, 2023. *This law was a Department of Health legislative initiative.*

[Public Chapter 190—SB350/HB294—Campbell/Freeman](#)

This law creates the “Save Tennessee Students Act” and requires public institutions of higher education to include, among other thing, the telephone number of the suicide and crisis lifeline on student identification cards for students enrolled in the institution. This law takes effect July 1, 2023.

[Public Chapter No. 203—SB799/HB859—Yarbro/Jernigan](#)

This law authorizes the Department of Health to disclose de-identified data that is collected from EMS run reports for the purpose of providing opioid overdose response and resources throughout this state. This law was effective on April 24, 2023.

[Public Chapter No. 252—SB221/HB273—Roberts/Terry](#)

This law requires the division of health-related boards to consult with the Board of Medical Examiners in the hiring of a medical consultant. This law also gives the medical consultant authority to consult on various issues and to work with the board’s attorney on certain portions of the complaint and settlement process. Additionally, the division must provide biannual surveys to the Board for its feedback and review of the consultant. This law authorizes the Board to promulgate rules to effectuate this process. This law was effective on April 28, 2023.

[Public Chapter No. 265—SB669/HB0981—Reeves/Faison](#)

This law vacates and reconstitutes the Tennessee Emergency Medical Services Board, as of July 1, 2023. This law staggers the initial terms of appointment so that a portion of new members must be appointed in each year for the next four years. Members serving on the Board as of June 30, 2023, may be reappointed to the new Board. After the initial round of appointments, the terms of appointment expand to four years. Additionally, this law also makes various changes to the qualifications for candidates being considered as an appointment for the Board. For purposes of promulgating rules and carrying out administrative duties, this law was effective on April 28, 2023. For all other purposes, this law takes effect on June 30, 2023.

[Public Chapter No. 270—SB859/HB982—Reeves/Terry](#)

This law protects a person's statement regarding the use or possession of marijuana to a healthcare provider through the course of a person's medical care for the purpose of obtaining medical advice on the adverse effects of marijuana with other medications or medical treatments. Under this law, such statement is not admissible as evidence in a criminal proceeding in which the person is a defendant unless a person expressly waives this prohibition and requests that the statement be admitted as evidence. This law was effective on April 28, 2023.

[Public Chapter No. 300—SB551/HB448—Lowe/Davis](#)

This law requires governmental entities to provide a period of public comment for public meetings but authorizes the governmental entities to place reasonable restrictions on the period for public comment. This does not apply to a meeting of a governing body, or a portion thereof, where the governing body is conducting a disciplinary hearing or a meeting for which there are no actionable items on the agenda. This takes effect July 1, 2023.

[Public Chapter 313—SB745/HB883—Helton-Haynes/Briggs](#)

This law specifies that terminating an ectopic or molar pregnancy does not constitute a criminal abortion. This law removes the current affirmative defense in law and instead provides that it is not an offense of criminal abortion if the abortion is performed or attempted by a licensed physician in a licensed hospital or ambulatory surgical treatment center and certain conditions are met. This law also requires the Department of Health to collect reports submitted under this law and report quarterly the number of abortions performed in this state to certain individuals in the executive and legislative branches no later than January 1, April 1, July 1, and October 1 of each year. This law is effective April 28, 2023.

[Public Chapter No. 316—SB1426/HB1004—Roberts/Darby](#)

This law requires an appointed member of a governing body for a state entity to serve in such capacity until the member's successor is duly appointed and qualified. Under this, an appointed member of a board, commission, or other governing body for a state governmental entity may be removed by the member's appointing authority with or without cause. A vacancy created by the removal of a member must be filled by the appointing authority in the same manner as the original appointment. This law also creates an advisory council on state procurement. This law was effective on April 28, 2023.

[Public Chapter No. 325—SB1191/HB1388—Bailey/Ragan](#)

This law terminates the Radiologic Imaging and Radiation Therapy Board of Examiners with no wind down period. This law authorizes the Board of Medical Examiners to establish and issue limited and full X-ray certifications. This law was effective on April 28, 2023.

[Public Chapter No. 337—SB269/HB317—Johnson/Lamberth](#)

This law designates June 19th as a new official state holiday for Juneteenth. This law was effective on May 5, 2023, and applies to June 19, 2023. *This was one of Governor Lee's legislative initiatives.*

[Public Chapter No. 379—SB0365/HB0355—Massey/Alexander](#)

This law requires that a health benefit plan that provides coverage for a screening mammogram must provide coverage for diagnostic imaging and supplemental breast screening without imposing a cost-sharing requirement on the patient. This law is effective 90 days after May 11, 2023.

[Public Chapter No. 414—SB0781/HB1281—Crowe/Holsclaw](#)

This law establishes a family medicine student loan repayment grant program to incentivize physicians in residency training to provide medical health services in health resource shortage areas following completion of their training. This law is effective July 1, 2023.

[Public Chapter No. 426—SB0458/HB0496—Watson/Martin](#)

This law requires certain health related boards to either render a decision on the application or inform the applicant of the need to appear before such board within 60 days from the date the respective board receives a completed application for licensure from either an initial applicant or an applicant who is licensed in another state or territory of the United States or in the District of Columbia. This law was effective on May 11, 2023, and applies to applications submitted on or after that date.

[Public Chapter No. 432—SB702/HB1095—Crowe/Boyd](#)

This law places requirements for registration of a temporary healthcare staffing agency. This law requires a temporary healthcare staffing agency to submit a biannual report to the Health Facilities Commission. This law lays out penalties and disciplinary proceedings for temporary healthcare staffing agency, such as revoking registration, under certain circumstances. Sections of this law have differing effective dates.

[Public Chapter No. 443—SB296/HB779—Gardenhire/Helton-Haynes](#)

This law requires the Board of Medical Examiners, the Board of Osteopathic Examination, the Board of Nursing, the Board of Physician Assistants, and the Alcohol and Drug Abuse Counselors Board to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, render a decision on the application or inform the applicant of the need to appear before the board within 45 days from the date the board receives the application. This law requires the Board of Athletic Trainers to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, render a decision on the application or inform the applicant of the need to appear before the board within 60 days from the date the board receives the application. "Completed application" means an application that satisfies all statutory and board rule requirements. This law takes effect May 17, 2023.

[Public Chapter No. 446—SB361/HB942—Massey/Alexander](#)

This law creates the dentist and dental hygienist compact. The compact details licensure requirements and other provisions related to the practice of dentists and dental hygienists who participate in the compact. While this law has been enacted in Tennessee, it will not take effect until the date the seventh compact state enacts the same legislation. This legislation has been enacted in three states as of the date of this publication: Tennessee, Washington, and Iowa. Four states have this legislation: Texas, Kansas, Minnesota, and Ohio.

[Public Chapter No. 452—SB543/HB634—Jackson/Moody](#)

This law creates a childcare improvement pilot program, administered by the Department of Human Services, to provide grants to nonprofit organizations to be used for establishing a new child care agency in this state or making improvements to, or assisting with staffing, recruitment, or salary gaps, at an existing child care agency in this state. The program must be operated from July 1, 2023, to June 30, 2026. This law was effective on May 17, 2023.

[Public Chapter No. 457—SB753/HB1317—Haile/Kumar](#)

This law changes the composition and number of members of the Board of Pharmacy by adding two members to the Board and adding a residency requirement of no less than five years for pharmacist members of the board. This law authorizes the Board of Pharmacy to issue advisory opinions. This law also specifies that the current board members must serve on July 1, 2023, through the end of the members' existing terms. This law was effective May 17, 2023.

[Public Chapter No. 470—SB937/HB1311—Briggs/Kumar](#)

This law creates the "Graduate Physicians Act." This act allows medical students who have graduated from medical school and have passed Step 1 and Step 2 of the USMLE, or equivalent, but have not completed an approved postgraduate residency, to practice under a collaborative practice arrangement with a licensed physician under certain parameters. The graduate physician collaborative practice arrangement must limit the graduate physician to providing primary care services in a medically underserved rural area of the state, a pilot project area established for graduate physicians to practice, or a rural health clinic. This law establishes guidelines for the reviewing of graduate physicians' charts by physicians who have entered into a graduate physician collaborative practice agreement. A graduate physician's license is only valid for 2 years and cannot be renewed. For the purposes of promulgating rules, this act was effective May 17, 2023. For all other purposes, this act takes effect July 1, 2025.

[Public Chapter No. 477—SB1111/HB1380—Bowling/Ragan](#)

This law creates the "Mature Minor Doctrine Clarification Act." This act prohibits a healthcare provider from providing a vaccination to a minor unless the healthcare provider first receives informed consent from a parent or legal guardian of the minor. The healthcare provider must document receipt of and include in the minor's medical record proof of prior parental or guardian informed consent. This law also requires written consent from a parent or legal guardian before providing a minor with a COVID- 19 vaccine. Additionally, this law prohibits an employee or agent of the state to provide, request, or facilitate the vaccination of a minor child in state custody except when certain situations apply. This law was effective May 17, 2023.

[Public Chapter No. 486—SB1440/HB239—Roberts/Bulso](#)

This law defines "sex" in code to mean a person's immutable biological sex as determined by anatomy and genetics existing at the time of birth and evidence of a person's biological sex. "Evidence of a person's biological sex" includes, but is not limited to, a government-issued identification document that accurately reflects a person's sex listed on the person's original birth certificate. This law takes effect on July 1, 2023.

Applicant Interview(s)

Dr. Louis Mahairas applied by reciprocity for licensure as a Podiatric Medical Examiner. This application was reviewed by a Board consultant. Dr. Mahairas has been licensed for more than twenty (20) years in the State of California and at the time of his initial license he wasn't required to take the Part 3 of the Federation exam. After a brief discussion, Dr. Webster made a motion to accept the application for licensure by reciprocity as is. Dr. Bumpus seconded the motion and it passed.

APPROVAL OF MINUTES

The meeting minutes will be tabled until the next Board meeting.

REPORT FROM THE OFFICE OF INVESTIGATIONS

Ms. Barbara Granum stated as for 2023 year for podiatry there have been seven (7) new complaints and six (6) closed. Ms. Granum also reported that no complaints have been opened or closed for podiatric x-ray operators, orthotists, pedorthists and one (1) closed for prosthetist.

ADMINISTRATIVE OFFICE REPORT

Ms. LaTonya Shelton provided the following administrative report:

317 Active Podiatrists
103 Active Podiatric X-ray Operators
141 Active Orthotists
146 Active Prosthetists
36 Active Pedorthists

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 Podiatry licenses.

LITIGATION

The Board discussed and clarified their vote on February 7, 2020, regarding cases to be set for a contested case hearing before an Administrative Law Judge. The Board opted to rescind their prior vote from 2020 and wish to hear all cases moving forward. Dr. Webster made the motion to rescind and hear all future cases. Dr. Frazier seconded the motion and it passed by roll call vote.

DISCIPLINARY REPORT

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 (1) licensees for probation;
- Four (4) licensees for revocation.

CONDUCT NEW BUSINESS

Continuing Education and Survey Request:

Dr. Larelyn Crear is requesting an extension on the CME credits to renew her Podiatry license. Dr. Crear took a sabbatical from work to personal concerns. Dr. Crear reports to have endured extenuating circumstances during the past few months. Dr. Crear’s only sibling died suddenly. In addition to this untimely and devastating ordeal; Dr. Crear became a partner caregiver to assist her mother in the care of her grandmother who suffered a stroke as well out of state. Dr. Crear has since returned to Tennessee and is requesting a minimum of ninety (90) days to secure the CME credits. Dr. Webster made the motion to accept the extension request and Frazier seconded the motion and it passed. Dr. Crear’s CME hours were waived for 2021, she must complete another fifteen (15) hours

for the year 2021 and all of the hours required for 2023 within those ninety (90) days.

Ratification of New Licensees

Dr. Webster made a motion to approve the newly licensed Podiatrists, Orthotists, Prosthetics, Pedorthists. Dr. Bumpus seconded the motion and it passed.

Dr. Webster made a motion to approve the Podiatry Xray Operators. Dr. Frazier seconded the motion and it passed.

Adjournment:

The Board made a motion to adjourn the meeting at 11:23 a.m., all approved and the motion passed.