

MINUTES

TENNESSEE BOARD OF MEDICAL EXAMINERS

Office Based Surgery Committee

January 26, 2010

The meeting was called to order at 5:45 p.m. at the Health Related Boards' Iris Room, 227 French Landing, Ground Floor, Heritage Place Metro Center, Nashville, Tennessee 37243. Committee members present were Drs. George Eckles, Michael Zanolli, Subhi Ali and Neal Beckford.

The Committee was asked to revisit their May 19, 2009 decision denying the request for a waiver of certain life safety provisions of the Office Based Surgery level III rules of Stephen Lazarus, MD. The Committee heard from Mathew Scanlan, attorney for Dr. Lazarus who asked for waivers of three provisions for which Dr. Lazarus was cited in its last mandated inspection. The Board considered the request and granted the following waivers:

The Committee found that Dr. Lazarus' operation began prior to the implementation of the Office Based Surgery rules were promulgated by the Board. Dr. Lazarus has a lengthy history of patient safety and has never had a patient death during the entire time it has been in operation.

Regarding Piped Gas: The Committee found that because Dr. Lazarus' long history of patient safety that predates the inception of the subject rules that piped medical gas is not required. The Committee therefore granted Dr. Lazarus a waiver as to any piped medical gas.

Door Clearances: The Committee found that only three of the doors were part of the facility within the meaning of the regulations and that the remaining door widths did not need to be modified because they were in place prior to the implementation of the Office Based Surgery rules.

Monolithic Ceilings: The Committee found that Dr. Lazarus should not be required to install a monolithic ceiling because that ceiling was in place prior to implementation of the Office Based Surgery Rules and there have been no negative patient outcomes as a result of the ceilings.

The Committee adjourned at 6:35 p.m.