

MINUTES

TENNESSEE BOARD OF MEDICAL EXAMINERS

February 18, 2010

A teleconference meeting for the Board of Medical Examiners was held at 5:00 p.m. in the Poplar Room, Ground Floor, 227 French Landing, Heritage Place Metrocenter, Nashville, TN 37243.

Member in attendance: Ms. Regine Webster

Members in attendance electronically: Drs. Charles S. White, Sr., Keith Lovelady, Michael Zanolli, Neal Beckford, Barrett Rosen, Ms. Irene Well, and Ms. Monica Franklin.

Staff present: Rosemarie Otto, Executive Director; Larry Arnold, MD, Medical Director; Sandra Powell, Board Administrator; Marsha Arnold, Unit Manager and Shiva Bozarth, Deputy General Counsel

A teleconference was held to review and discuss some pending legislation which may be of interest to the Board and, if appropriate, develop a position for presentation to the General Assembly.

Ms. Arnold opened the meeting by taking the members through the procedural steps necessary to convene an electronic meeting. Ms. Wells made a motion to proceed with the meeting electronically and Dr. Rosen seconded the motion. After a roll call vote, the motion passed and the hearing proceeded electronically. The meeting was turned over to Ms. Regine Webster who was present to chair the meeting. Ms. Webster and Mr. Shiva Bozarth suggested that the best course to take would be for the board to review the bill, determine if it should be supported, opposed or deferred to. If the board supported or opposed the bill, it was suggested that they articulate a reason for the position so it could be passed on to the General Assembly. It was also suggested that the board not undertake the task of suggesting amendatory language to any bill.

The Board considered and opined on the following bills:

1. Senate Bill 3641/House Bill 3933 requires the board to evaluate centers for excellence in simulation programs. The board voted to oppose this bill because it is beyond the scope of the board's mission and they lack the experience and expertise

required to fully evaluate simulation programs. (Dr. Lovelady made a motion to oppose the bill and Dr. Rosen seconded the motion which passed unanimously. Dr. Zanolli recused himself.)

2. Senate Bill 3628/House Bill 3929 requires testing oxygen saturation rates for newborns. The board voted to oppose this bill because testing the oxygen levels of newborns is already the standard of care and, because standard of care can be fluid in nature, they do not believe it should be the subject of legislation. (Dr. Beckford made a motion to oppose the bill and Dr. Lovelady seconded the motion which passed with Ms. Wells and Franklin opposing.)

3. Senate Bill 3182/House Bill 3902 directs the board to collect, evaluate and report on malpractice claims related to the Emergency Medical Treatment and Active Labor Act (EMTALA.) The board voted unanimously to oppose this bill because it was outside the scope of the board's mission and they lack the resources, skills and expertise to comply with the provisions of the bill. (Dr. Rosen made a motion to oppose the bill which was seconded by Dr. Zanolli and passed unanimously.)

4. Senate Bill 3332/House Bill 3580 would prohibit allied health care providers from performing certain interventional pain management procedures unless under the direct supervision of a physician. The board voted to support this bill because the public's health, safety and welfare is jeopardized due to the nature of the procedures, their proximity to the spine and the potential for severe, debilitating complications. (Dr. Lovelady made a motion to support the bill which was seconded by Ms. Wells and passed unanimously.)

5. Senate bill 2494/House Bill 2560 makes it a crime to take, obtain or exercise control over a fully prescribed dose of a controlled substance previously prescribed for a patient. The board voted unanimously to oppose this bill because it hinders a physician from decreasing a controlled substance already prescribed if required and, further, interferes with a physicians' exercise of his/her professional judgment. (Dr. Rosen made a motion to oppose the bill which was seconded by Ms. Franklin and passed unanimously.)

6. House Bill 3369/Senate Bill 3362 would require the board to revoke the license of a physician found to be on the violent sexual offenders' registry. The board voted to oppose this bill because it removes from the board the statutory responsibility to fully and completely examine the qualifications of an applicant for licensure and denies them the ability to evaluate and assess each applicant on an individual basis. (Dr. White made a motion to oppose the bill which was seconded by Dr. Zanolli and passed with Ms. Wells and Ms. Franklin opposing.)

7. House Bill 3251/Senate Bill 3738 would require the board to enter into a contract with the Department of Homeland Security for the purpose of gaining access to the SAVE program. The board voted unanimously to support the bill. (Ms. Franklin made a motion to support the bill which was seconded by Dr. Rosen and passed unanimously.)

8. House Bill 3257/Senate Bill 3418 would authorize the board to set sanitation standards. The board voted to defer to the legislature. (Dr. White made a motion defer to the legislature and Dr. Rosen seconded the motion which passed unanimously.)

9. House Bill 3063/Senate Bill 3739 would bar a physician on the violent sexual offenders' registry to treat minors. The board voted unanimously to support this bill because it enhances the protection of minor children. The board distinguished this bill from House Bill 3369 because this bill allows them to retain the responsibility to examine a physician and the totality of his/her circumstances and determine if there is an appropriate practice setting available to the physician. (Dr. White made a motion to support the bill and Ms. Wells seconded the motion which passed unanimously.)

The Board then discussed designating a member or members to interact with the General Assembly on their behalf regarding these bills. Dr. Zanolli made a motion to nominate Drs. White and Rosen and Ms. Franklin seconded the motion. The motion passed.

Ms. Wells made a motion to adjourn and Dr. Rosen seconded the motion. The motion passed.

Adjourned at 6:30 p.m.

These minutes were ratified by the Board at the 3/16/2010 meeting.