

**MINUTES
BOARD OF OSTEOPATHIC EXAMINATION
MARCH 5, 2008**

A regular meeting of the Tennessee Board of Osteopathic Examination was held at the Bureau of Health Licensure and Regulation, 227 French Landing, 1st Floor, Poplar Conference Room, Heritage Place MetroCenter, Nashville, TN 37243.

Members present: Donald H. Polk, D.O., Rafael M. Sanchez, D.O., Karen R. Shepherd, D.O., Janis E. Hinton, Public Member

Members not present: Jill Robinson, D.O., Paul G. Smith, Jr., D.O.

Staff present: Elizabeth Miller, HRB Director, Rosemarie Otto, BME Executive Director, Marsha Arnold, Unit Manager, Schean Belton, Esq., Advisory Attorney, David Hoffman, Board Administrator.

The Board was called to order at 9:05 a.m. with Dr. Polk presiding. After roll call was conducted, Dr. Polk determined that a quorum was present in order to conduct Board business.

Dr. Polk introduced Elizabeth Miller, HRB Director to the Board.

Conflict of Interest Policy

Ms. Belton reminded the Board of its obligations, pursuant to the Department's Conflict of Interest Policy.

Election of Board Officers

Dr. Polk opened the floor for nominations as Board President. Dr. Sanchez nominated Dr. Jill Robinson for President. Ms. Hinton seconded the motion. The vote was unanimous for Dr. Robinson to remain the Board President.

Dr. Polk opened the floor for nominations as Vice-President/Secretary. Dr. Shepherd nominated Dr. Polk for Vice-President/Secretary. Dr. Sanchez seconded the motion. The vote was unanimous for Dr. Polk to remain as Vice-President/Secretary.

Applicant Interviews

Craig S. Graul, D.O. from Kingsport, TN was interviewed regarding a pending malpractice claim. After questions from the Board, Dr. Sanchez made a motion to approve licensure. The motion was seconded by Dr. Shepherd. The motion carried.

Michael J. Sutton, D.O. from St. Claire, MI was interviewed regarding his involvement in three past malpractice claims and a pending claim. Dr. Sutton, who practices as an orthopedic surgeon answered questions from the Board. Dr. Sanchez made a motion to approve his application for licensure. Dr. Shepherd seconded the motion. After a vote by the Board, all voted affirmative except for Ms. Hinton who abstained from the vote. The motion carried.

Dennis E. King, D.O. from Port Charlotte, FL who practices as a radiologist was interviewed by the Board regarding a pending malpractice claim. After questions from the Board, Dr. Sanchez made a motion for approval of his application for licensure. Dr. Shepherd seconded the motion. The motion carried.

Administrative Staff Statistical Report

Marsha Arnold gave the Statistical Report to the Board. She reported that as of February 29, 2008 the total number of active Osteopathic Physicians was 771, Active Midwives was 31, and D.O. X-Ray Operators was 16.

Office of General Counsel Report

Ms. Schean Belton reported that there were six open cases in OGC against Osteopathic Physicians.

Ms. Belton also reported that the rules concerning X-Ray revision/upgrades, Titles, Disciplinary Conditions and Training Licenses 1050-2-.04, .10, and .13 were sent to the Attorney General for review on December 12, 2007 and have not yet been approved.

Ms. Belton also reported that the rule for the Office Based Surgery List 1050-2-.21 becomes effective April 9, 2008 and will permanently replace the public necessity rules that became effective October 5, 2007. The public necessity rules expire March 18, 2007. The Office Based Surgery rule is slated to go to rulemaking hearing on May 21, 2008.

Bureau Office Report

Rosemarie Otto, Executive Director reported on behalf of Lisa Tittle, Director of Administrative Services regarding the Board's budget. Ms. Otto reported that there is still a deficit, and that Lisa Tittle would review options for reducing the budget deficit at the next meeting. Ms. Otto reported to the Board that expenses seem to be somewhat stable and expressed hope that the new Osteopathic school in Harrogate, Tennessee would provide a pool of new licensees that would increase the revenue for the Board.

Dr. Polk asked if the State made an effort to collect civil penalties and costs taxed to respondent physicians at the conclusion of a contested case. He asked that the question be submitted to the Department and the answer reported back to the Board at its next meeting.

Bureau of Investigations Report

Rosemarie Otto, Executive Director reported on behalf of Denise Moran, Director for the Bureau of Investigations that there were currently twenty one open complaints currently being investigated. There were three new cases opened in January 2008.

Disciplinary Coordinator Report

Rosemarie Otto reported on behalf of Juanita Stone, Disciplinary Coordinator that there were eight practitioners being monitored by the Disciplinary Coordinator.

Review and Ratification of New Licenses

Dr. Shepherd made a motion to ratify the new licenses including John R. Holland, D.O. William M. Tosh, D.O., Howard S. Teitelbaum, D.O., John C. Egelhoff, D.O. (Telemedicine), Steven D. Spady, D.O. (Reinstatement), Laura E. Michael, D.O. and D.O. X-Ray Limited Certification Upgrade for Mandie D. Whaley. These applications were approved after the initial report was submitted. Dr. Sanchez seconded the motion. The motion carried.

Dr. Sanchez made a motion to ratify the reinstatement licenses as reported. Ms. Hinton seconded the motion. The motion carried.

Dr. Sanchez made a motion to ratify new Midwives licenses as reported. Ms. Hinton seconded the motion. The motion carried.

Discussion

Dr. Shepherd made a motion nominating Dr. Polk to attend the Federation of State Medical Boards Annual meeting, May 1-3, 2008. Dr. Sanchez seconded the motion. The motion carried.

Discussion regarding placing the Osteopathic newsletter on the internet in lieu of mailing was tabled until the May 21, 2008 meeting.

Contested Cases

A default hearing in the matter of Floyd Brown, D.O. from Manchester, Tennessee has held. Administrative Law Judge, Lynn England presiding. Prosecuting attorney for the State was Ms. Schean Belton. Panel members for the Board were Donald H. Polk., D.O., Chairperson, Karen R. Shepherd, D.O., Rafael M. Sanchez, D.O. and Janis Hinton, Public member. Dr. Floyd Brown who had previously pled guilty and was subsequently convicted of a class "C" felony in Franklin County Tennessee on theft of service charges. After the notice of charges and proposed order was reviewed by the panel Dr. Sanchez made a motion for revocation of his license, pay the cost of the proceedings not to exceed \$2000, and make appropriate reports to the National Practitioner Data Base and any other similar national reporting entities. Dr. Shepherd seconded the motion. The motion carried unanimously.

A default hearing in the matter of Kristine Brown, D.O. from Manchester, Tennessee was held. Administrative Law Judge, Lynn England presiding. Prosecuting attorney for the State was Ms. Schean Belton. Panel members for the Board were Donald H. Polk, D.O., Chairperson, Karen R. Shepherd, D.O., Rafael M. Sanchez, D.O., and Janis Hinton, Public member. Dr. Kristine Brown was previously convicted of a class "D" felony in Missouri and a class "C" felony in Franklin County Tennessee on theft of service charges. After the notice of charges and proposed order were reviewed by the panel Dr. Sanchez made a motion for the revocation of license, pay the cost of the proceedings not to exceed \$2000, and make reports to the National Practitioner Data Base and any other national reporting entities. Dr. Shepherd seconded the motion. The motion carried unanimously.

A default hearing in the case of James Daly, D.O. was scheduled to be heard. Administrative Law Judge, Lynn England presiding. Prosecuting attorney for the State was Ms. Schean Belton. Panel members for the Board were Donald H. Polk., D.O., Chairperson, Karen R. Shepherd, D.O., Rafael M. Sanchez, D.O. and Janis Hinton, Public member. Dr. James Daly is currently incarcerated in the state of California. Judge Lynn England granted a continuance.

The meeting was adjourned at 12:20 p.m.

These minutes were ratified by the Board at the May 21, 2008 meeting.