

MINUTES
BOSRD OF OSTEOPATHIC EXAMINATION
MAY 13, 2009

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, Iris Conference Room, Heritage Place MetroCenter, Nashville, TN 37243

Members Present: Donald H. Polk, DO, Karen R. Shepherd, DO, Paul G. Smith, Jr., DO, Janis Hinton, Public Member

Members Absent: Rafael M. Sanchez, DO, Jill B. Robinson, DO

Staff Present: Rosemarie Otto, Executive Director, Elizabeth Miller, HRB Director, Marsha Arnold, Unit Manager, Shiva Bozarth, Esq., Deputy General Counsel, David Hoffman Administrator

The Board was called to order at 9:10 a.m. with Dr. Polk presiding. Dr. Polk determined that a quorum was present in order to conduct Board business.

Conflict of Interest Policy

Shiva Bozarth reiterated the Boards responsibility pursuant to the Department of Health's Conflict of Interest Policy.

Minutes

Dr. Shepherd made a motion to ratify the minutes from the March 4, 2009 Board meeting. Dr. Smith seconded the motion. The motion carried.

Tamper Resistant Prescription Pads

Ms. Alison Cleaves spoke to the Board concerning Tamper Resistant Prescription Pads. A draft of the rule was provided to the members for review along with the Regulatory Flexibility Analysis. The rule implements Public Chapter 1035 of the Public Acts of 2008 and provides that certain authorized prescribers including but not limited to Osteopathic Physicians, are required to issue handwritten, typed or computer generated Prescriptions on tamper-resistant prescription paper in accordance with the guidelines established by the Center for Medicare and Medicaid Services (CMS). The act became effective on October 1, 2008 with respect to TennCare prescriptions and July 1, 2009 for all other prescriptions

Dr. Smith made a motion to send the rule to Rulemaking Hearing and Dr. Shepherd seconded the motion. The motion passed unanimously.

Dr. Smith made a motion to accept the Regulatory Flexibility Analysis. Dr. Shepherd seconded the motion. The motion passed unanimously.

Applicant Interviews

Amy Rehfield, DO was invited to today's Board meeting to discuss inconsistencies on her application and competency issues with regard to her post graduate medical program. After questioning by the Board, Dr. Smith made a motion to grant a license to Dr. Rehfield. Dr. Shepherd seconded the motion. The motion carried.

Jana Marjenhoff was invited to today's Board meeting concerning legal actions in another state and disciplinary action against her license in Iowa.. Dr. Polk informed the Board he had practiced with Dr. Marjenhoff years ago and wished to recuse himself. Dr. Polk's' recusal would have resulted in a loss of a quorum so, Mr. Bozarth asked Dr. Polk if he believed he could listen to Dr. Marjenhoff and make an unbiased decision. Both Dr. Polk and Dr. Marjenhoff agreed that Dr. Polk could do so and each agreed to proceed. A short recess was taken to review the voluminous file of Dr. Marjenhoff. At the conclusion of the recess, Dr. Smith made a motion to continue the matter until the next Board meeting. Dr. Shepherd seconded the motion which passed unanimously. The Board asked that information be obtained from the Iowa Board of Medicine regarding Dr. Marjenhoff's compliance with their order of probation and from the Center for Personalized Education of Physicians (CPCP), where Dr. Marjenhoff has been referred. Dr. Marjenhoff was directed to execute all necessary release to permit the information to be provided to the Board.

Administrative Staff Statistical Report

Marsha Arnold gave the statistical report which indicated that as of April 3, 2009 the total number of active Osteopathic Physicians was 830, active Midwives was 28, and DO X-Ray Operators was 16.

Office of General Counsel

Mr. Bozarth reported both cases scheduled for today's meeting had been continued and that there were ten open cases in OGC. He also reported that the Office Based Surgery Rule (07-0464) has not yet been approved by the Attorney General and that the Continuing Education Rule was filed with the Attorney General's office on March 6, 2009.

Bureau Office Report

Ms. Rosemarie Otto reported on behalf of the Director of Administrative Services regarding the Board's budget. She reported that the report was unchanged from the last meeting and showed a reduction in the overall deficit. She also reported that there should be an updated report at the next Board meeting.

Office of Investigations Report

Ms. Rosemarie Otto reported on behalf of the Director of the Office of Investigations that there were currently 18 open complaints in Investigations

Disciplinary Coordinator Report

Ms. Rosemarie Otto reported on behalf of the Disciplinary Coordinator that there currently are 11 practitioners being monitored.

Review and Ratification of New Licenses

Dr. Shepherd made a motion to ratify the new licensees. Dr. Smith seconded the motion. The motion carried.

Discussion

Ms. Rosemarie Otto reported to the Board that Public Chapter 42 extends the Board's Sunset date to 2015.

Ms. Otto also reported that the State continues to conduct monthly audits of compliance with Continuing Medical Education requirements and that Osteopathic Physicians enjoy a high rate of compliance.

Dr. Polk reported on his trip to the Federation of State Medical Boards Annual Meeting. He stated that there was a major interest in Doctor of Nurse Practitioners program, which would allow nurses to treat patients in hospitals and in specialized practice, as fully independent providers. He discussed the "push back" on proposed maintenance of licensure proposals and request that the Federation continue to study the impact of maintenance of licensure proposals on physicians.

Dr. Shepherd made a motion to adjourn the meeting. Dr. Smith seconded the motion. The motion carried. The meeting adjourned at 10:55 a.m.

These minutes were ratified by the Board November 17, 2009.