

MINUTES
BOARD OF OSTEOPATHIC EXAMINATION
NOVEMBER 14, 2007

A regular meeting of the Tennessee Board of Osteopathic Examination was held at the Bureau of Health Licensure and Regulation, 227 French Landing, 3rd Floor, HRB Conference Room, Heritage Place MetroCenter, Nashville, TN 37243

Members present: Jill Robinson, D.O., Donald H. Polk, D.O., Karen R. Shepherd, D.O., Paul G. Smith, Jr., D.O., Janis E. Hinton, Public Member

Members not present: Rafael M. Sanchez, D.O.

Staff Present: Rosemarie Otto, Executive Director, Marsha Arnold, Unit Manager, Schean Belton, Esq., Advisory Attorney, Matthew Scanlan, Esq., Deputy General Counsel, David Hoffman, Board Administrator

The Board convened at 9:20 a.m. with Dr. Robinson presiding. Dr. Robinson determined that a quorum was present in order to conduct Board business.

Mr. Matthew Scanlan introduced himself and Ms. Schean Belton to the Board. Mr. Scanlan informed the Board that Ms. Belton would be the advisory attorney for the Board.

Review Conflict of Interest Policy

Ms. Schean Belton reminded the Board of it's obligation with regards to the Conflict of Interest Policy. Ms. Belton explained the recusal duties of the Board members.

Minutes

Dr. Polk made a motion to ratify the minutes from the August 15, 2007 Board meeting and the Teleconference held August 27, 2007. Dr. Shepherd seconded the motion. The motion carried.

Statistical Report from Administrative Staff

Marsha Arnold gave the Statistical Report to the Board, noting the new format which shows more information. She reported that as of October 31, 2007 the total number of licenses for Osteopathic Physicians was 755, Active Midwives were 31, and D.O. X-Ray Operators were 15.

Office of General Counsel

Ms. Schean Belton reported that there were five active cases currently in the Office of General Counsel

Bureau Office Report

Rosemarie Otto reported to the Board that according to Lisa Tittle, Director of Administrative Services, the Board should stay the course regarding current licensure fees. She will continue to monitor the Board closely regarding the deficit, but she believes that they should close 2007 with sufficient revenues to gradually draw down the deficit.

Investigation Report

Ms. Juanita Stone, Disciplinary Coordinator for the Bureau of Investigations reported that 11 new complaints had been reported for a total of 22 open complaints in Investigations. She also explained the format of the report to the Board.

Disciplinary Report

Ms. Juanita Stone, Disciplinary Coordinator for the Bureau of Investigations reported that there were eight Osteopathic Physicians currently being monitored by the Disciplinary staff. Dr. Robinson asked about efforts by the state to collect costs assessed and civil penalties assigned to Osteopathic physicians when their licenses have been suspended or revoked. Ms. Otto informed the Board that the state had considered entering into a contract with a collection agency but she had no current information about the status of those discussions.

Review and Ratification of New Licensees

Dr. Smith made a motion to ratify the new licenses including Craig C. Benson, II, D.O., Donald W. Morando, D.O., Justin J. Madill, D.O., April Lambert-Drwiega, D.O., Roy C. Yonts, D.O. approved after the October 31, 2007 report. Dr. Shepherd seconded the motion. The motion carried. Dr. Smith made a motion to ratify reinstatements. Dr. Polk seconded the motion. The motion carried. Dr. Smith made a motion to ratify new D.O. X-Ray licenses. Dr. Shepherd seconded the motion. The motion carried. Dr. Polk made a motion to ratify new Midwives licenses. Dr. Smith seconded the motion. The motion carried.

Roll Call Vote

Ms. Schean Belton, Advisory Attorney, asked the Board for a roll call vote regarding Rule 1050-2-.21, Osteopathic physicians who perform Level III surgical procedures in the office based setting, pursuant to Public Chapter 373 of the Public Acts of 2007. Ms. Belton reviewed the economic impact on small businesses. After discussion the vote was unanimous with all members voting affirmative.

Ms. Belton also asked the Board for a roll call vote regarding: 1050-2-.04, Special Training License, 1050-2-.10, Licensure Discipline and Civil Penalties, 1050-2-.13, Specifically Regulated Areas and Aspects of Medical Malpractice, 1050-3-.04, Qualifications for Limited Certification of X-Ray Operators in Osteopathic Physicians' Office, 1050-3-.05, Obtaining and Upgrading Full and Limited Certification, 1050-3-.07, Educational Course Approval and Curriculum for Limited Certification, and 1050-3-.12, Continuing Education. Ms. Belton reviewed the economic impact on

small businesses. After discussion the vote was all members voting yes, except Dr. Polk, who voted no. The motion carried by majority vote.

Discussion

Mr. Matthew Scanlan, Deputy General Counsel, reviewed Rule 1050-2-.21, Office Based Surgery. The 38 page document encompassed the entire rule. Dr. Polk and Dr. Smith suggested delaying the vote until Board members had a chance to review the rule. After discussion a Teleconference was scheduled to be held December 10, 2007 at 8:00 a.m. CST with Ms. Hinton being present on behalf of the Board.

Contested Case Hearing

The contested case regarding Philip Morson, D.O. was continued.

The meeting adjourned at 10:25 a.m.

These minutes were ratified by the Board of Osteopathic Examination March 5, 2008.