

MINUTES
TENNESSEE BOARD OF OSTEOPATHIC EXAMINATIONS
MARCH 8, 2006

A regular meeting of the Tennessee Board of Osteopathic Examination was held in the Cumberland Room located on the Ground Floor of the Cordell Hull State Office Building on March 8, 2005

Members Present: Donald H Polk, D.O., Joyce Ann Brown, D.O.,
Rafael Sanchez, D.O. and Janis Hinton, Citizen Member

Staff Present: Sheila Bush, Administrator, Rosemarie Otto, Medical Board Director, Marsha Arnold, Unit Manager, Robert Kraemer, Advisory Attorney, Lea Phelps, Disciplinary Coordinator, Laurie Doty, Attorney and Schean Belton, Attorney.

Members Absent: Jill Robinson, D.O. and Paul G Smith, Jr, D.O.

The Board convened at 9:08 am with Dr. Polk presiding. Dr. Polk determined that a quorum was present in order to conduct Board business.

Ratify Minutes of Previous Meeting

Dr. Sanchez made a motion to accept the minutes from the November 9, 2005 meeting. Dr. Brown seconded the motion. The motion carried.

Managers Report

Ms. Marsha Arnold, Unit Manager, gave the Director/Manager report to the Board.

Office of General Counsel Report

Mr. Robert Kraemer read his report to the Board and explained that there were nine open cases in the Office of General Counsel. Mr. Kraemer also explained to the Board how a compliant is filed through the Bureau of Investigations.

Financial Report

Ms. Rosemarie Otto, Medical Board Director, gave the financial report. Ms. Otto explained to the Board that additional charges will be added to the Board's financial statement due to Health Related Board Division of the Department of Health will be moving and upgrading the computer system. Due to the increase in fees, the Board should be out of the negative by next year.

Investigative Report

Ms. Lea Phelps, Disciplinary Coordinator, gave the report to the Board. Ms. Phelps informed the Board that there are nineteen complaints in the Bureau of Investigations.

Disciplinary Report

Ms. Phelps also gave the disciplinary report.

General Discussion

The Board discussed withdrawing the chelation therapy rules from the State Attorney General Office. Dr. Polk asked Mr. Kraemer to explain to the new Board members the history of the chelation rule proposal. After discussion, Dr. Sanchez made a motion to withdraw the chelation rules submitted to the State Attorney General's Office until the results of the TACT study is completed. The TACT study is set for completion in the year 2007. Dr. Brown seconded the motion. The motion carried.

Ms. Hinton made a motion to nominate Dr. Polk as a delegate to the Federation of State Medical Boards meeting to be held in Boston, MA, April 20-22, 2006. Dr. Brown seconded the motion. The motion carried.

Dr. Polk informed the Board that Lincoln Memorial University will be opening a College of Osteopathic Medicine in the fall of 2007. It will be the first school of Osteopathic Medicine in the State of Tennessee.

Request for waiver of Continuing Medical Education

Dr. Lewis D. Elliston submitted a written request asking the Board to grant a waiver of his CME's upon renewal of his license on November 30, 2006. Mr. Kraemer advised the Board of the continuing education rule 1050-2-.12 (1)(a) concerning the waiver of continuing education hours. After discussion, Dr. Sanchez made a motion asking the administrative office to correspond with Dr. Elliston to determine if he has continuing education hours for the 2004 and 2005 calendar year. If Dr. Elliston has not completed

the required number of hours, he must submit in writing the reason for failure to obtain the necessary hours. Ms. Hinton seconded the motion. The motion carried.

Consent Orders

Fred Foshee, DO-Dr. Foshee was not present nor represented by legal counsel. Ms. Laurie Doty represented the State. Ms. Doty handed out the Consent Order. Dr. Foshee is charged with violating T. C. A. 63-9-111 (b)(1), (11) and (12). The Consent Order states that Dr. Foshee will be on probation for four years, must have TMF advocacy from the Tennessee Medical Foundation (TMF) and assessed costs. Dr. Sanchez made a motion to accept the Consent Order. Dr. Brown seconded the motion. The motion carried.

George Bailly, DO-Dr. Bailly was not present nor represented by legal counsel. Ms. Schean Belton represented the State. Ms. Belton handed out the Consent Order. Dr. Bailly is charged with violating T.C.A. 63-9-111 (a). The Consent Order states that Dr. Bailly's licensed will be revoked. Dr. Sanchez made a motion to accept the Consent Order. Ms. Hinton seconded the motion. The motion carried.

Noteworthy

Dr. Sanchez made a request to have a link added to the Board's website to connect with the Bureau of Investigations website and also a link to the Board of Medical Examiners rules concerning supervision of nurse practitioner.

File Review

Robert Davis Lutz, DO- Dr. Lutz submitted an application to reinstate his Tennessee Osteopathic Physician license. After review, Dr. Sanchez made a motion to approve Dr. Lutz's application for reinstatement. Ms. Hinton seconded the motion. The motion carried.

Ratification of New License and Reinstatements

Dr. Brown made a motion to ratify the new osteopathic physician license. Dr. Sanchez seconded the motion. The motion carried.

Dr. Sanchez made a motion to ratify the reinstatements of osteopathic physician license. Dr. Brown seconded the motion.

Dr. Sanchez made a motion to ratify the new midwifery certification. Ms. Hinton seconded the motion. The motion carried.

Ms. Hinton made a motion to ratify the reinstatement of midwifery certification. Dr. Sanchez seconded the motion. The motion carried.

Ms. Hinton made a motion to adjourn at 10:30 a.m.. Dr. Brown seconded the motion. The motion carried.

Donald H Polk, DO
Secretary