

MINUTES  
BOARD OF OSTEOPATHIC EXAMINATIONS  
NOVEMBER 15, 2006

A regular meeting of the Tennessee Board of Osteopathic Examinations was held at the Bureau of Health Licensure and Regulations Conference Room 220 Athens Way, Suite 104, Plaza 1 MetroCenter, Nashville, TN 37243

Members present: Donald H. Polk, D.O., Paul G. Smith, Jr., D.O.  
Rafael Sanchez, D.O., Joyce A. Brown, D.O.  
Janis E. Hinton, Citizen

Member Absent: Jill Robinson, D.O.

Staff Present: Rosemarie Otto, Medical Board Director, Larry Arnold, M.D.,  
Medical Director, Marsha Arnold, Unit Manager, Robert Kraemer,  
Advisory Attorney, David Hoffman, Administrator

The Board convened at 9:45a.m.with Dr. Polk presiding. Dr. Polk determined that a quorum was present in order to conduct business.

**Minutes**

Dr. Brown made a motion to accept the minutes from the August 16, 2006 meeting. Dr. Smith seconded the motion. The motion carried.

**Managers Report**

Ms. Marsha Arnold gave the Directors/Managers report to the Board, noting that as of October 31, 2006 the total number of active licenses for Osteopathic Physicians was 701, Active Midwives were 31, and D.O. X-Ray Operators were 16. Ms. Arnold told the Board our actual processing time for applications was 47.5 days as set against the benchmark of 100 days. Dr. Polk questioned how benchmarks were established and Ms. Arnold explained that a combination of all the Boards processing time is considered when arriving at a benchmark.

### **Office of General Counsel**

Mr. Robert Kraemer read his report to the Board concerning two rules. Rule (05-1397) 2005 Legislation and X-Ray Amendments and Rule (06-1325) Prescribing Course Continuing Education. Mr. Kraemer also stated that there are currently four (4) open disciplinary cases pertaining to the Board of Osteopathic Examination. Dr. Polk questioned Rule (06-1325), Mr. Kraemer deferred to Mr. Jerry Kosten, Rules Coordinator, for discussion on this rule.

### **Bureau Office Report**

Ms. Otto reported to the Board that the financial report in their books was the latest report available. Ms. Otto also pointed out that there were indications that the cost of the move to the Bureau would be less than anticipated.

### **Investigation Report**

Ms. Lea Phelps, Disciplinary Coordinator, informed the Board that the Office of Investigations currently has eight (8) open complaints in Investigations rather than eleven (11) as the report shows.

### **Disciplinary Report**

Ms. Lea Phelps informed the Board that the Office of Investigations is currently monitoring nine (9) disciplinary cases.

### **Rulemaking**

Mr. Jerry Kosten reported to the Board that there were no attendees at the Rulemaking Hearing scheduled on October 24, 2006 at the Division of Health Related Board's Conference Room on the Third Floor of the Heritage Place Building. Dr. Polk voiced his concerns regarding the Continuing Education Rule. After a lengthy discussion by the Board Members and staff present as to the merits of the rule, a motion to hold a roll call vote was made by Ms. Hinton. Dr. Sanchez seconded the motion. The motion carried. The vote was: 4 Yes, 1 Opposed (Dr. Brown) to accept the rule as proposed.

### **Legislation Discussion**

No discussion

## **Case Review**

Dr. Jeffrey Haas reported to the Board as ordered in the order of August 16, 2006 to report on his progress in complying with the terms of that order. Pursuant to that order, Dr. Haas was required to, among other things, gain and maintain the advocacy of the Tennessee Medical Foundation (TMF). Dr. Haas reported that he had completed the course work required under the order, but failed to obtain an evaluation acceptable to the TMF in order to obtain their advocacy. Mr. Michael Todd, representing the TMF acknowledged that the TMF could not advocate for Dr. Haas as of the date of the meeting. Moreover, while Dr. Haas did seek an evaluation, the evaluation deferred on issues critical to the TMF and the Board's consultant, Larry Arnold, M.D. who was present to discuss the evaluation and its deficiencies. While the Board was pleased to see that Dr. Haas was seeking help, and did make contact with the TMF, the Board found that he had not gained the support of the TMF and therefore could not lift the suspension of his license. There was considerable discussion regarding the Board's August 16, 2006 order regarding the requirement that Dr. Haas personally appear before the Board to have his suspension lifted. Dr. Haas asked the Board if administrative staff (Dr. Arnold) could lift the suspension when he obtained TMF advocacy. After discussion by the Board, they rejected the proposal and order the suspension stay in place until the Board next meets on March 7, 2007. The Board felt this was their clear intention regardless of whether that is properly reflected in the Board's order. Ms. Schean Belton, attorney for the state who prepared the order following the contested case in August said she would review the transcript in an attempt to resolve any discrepancies. A motion to deny lifting the suspension was made by Dr. Smith and seconded by Sanchez. The motion carried. Dr. Haas was encouraged by Dr. Polk and Dr. Smith to continue his efforts to comply exactly with the order of August 16, 2006.

## **Consent Order**

Ms. Schean Belton, Attorney with the Office of General Counsel presented to the Board a Consent Order in the matter of Paul Brundage, D.O. Case #200500750. Ms. Belton passed copies of the Order to the Board members. She reviewed for the Board the stipulated facts upon which they could discipline Dr. Brundage's license. Those facts include, but are not limited to, Dr. Brundage's history of substance abuse and chemical dependency. The Consent Order further stated that Dr. Brundage's license be placed on Probation for a period of five (5) years commencing from the effective date of the order (November 15, 2006). Dr. Brundage must gain and maintain the lifetime advocacy of the TMF. Dr. Brundage must execute all appropriate releases allowing the TMF to report on said compliance and any violation of the Consent Order and/or the terms and conditions of any recommended treatment directly to the Board's Director no less than quarterly throughout the probationary period. Dr. Brundage shall be and is hereby required to personally appear before the Board, no sooner than five (5) years, to petition the Board to lift the probationary status of his license to practice osteopathic medicine in the State of Tennessee and present evidence to the Board that he has complied with all of the terms and conditions of this Consent Order. Dr. Brundage is also to pay all cost allowable by

law associated with the prosecution of this matter within thirty (30) days of his receipt of the Affidavit of Cost. Dr. Sanchez made the motion to accept the Order as written, Ms. Hinton seconded the motion. Dr. Smith recused himself. The motion carried.

### **File Review**

Dr. Smith made a motion to ratify the new licensees including Diane Abby, D.O., Leigh A. Livingston, D.O., Ahmed A. Alwan, D.O., Gregory A. Thompson, D.O. all approved by Board members after October 31, 2006. Dr. Polk seconded the motion. The motion carried.

The following licensee's applications were reviewed and approved and subsequently ratified: Beatrice C. Eugene, D.O., Britta L. Denman, D.O., Curtis J. Brasseur, D.O. (Locum Tenens), Michael Moffatt, D.O., Matt S. Turpin, D.O., Bryan S. Robinson, D.O., J.D. Littleton, D.O., Sanford Epstein, D.O. (Reinstatement), Aaron V. Barson, D.O. (Single Purpose).

Dr. Smith made the motion to ratify the reinstatement applications and to ratify the failed to renew files. Dr. Sanchez seconded the motion. The motion carried.

### **Discussion**

After discussion by the Board, Dr. Smith made a motion to direct the Board's executive director to contact Dr. Robinson to ask if she would like to represent the Board at the Federation of State Medical Boards (FSMB) meeting in San Francisco, CA May 5-7, 2007. If Dr. Robinson is unable to attend, the Board directed that other members be called to determine who might be able to attend. Dr. Sanchez seconded the motion. The motion carried.

A request was made that information, perhaps in the form of an executive summary regarding the Controlled Substance Database be made available to the Osteopathic Association to be printed in their newsletter.

Dr. Polk (with the concurrence of the rest of the Board) suggested that in view of the fact that they hear very few contested cases, additional training may assist them in future proceedings. It was decided that Bob Kraemer (with the assistance of Robbie Bell) will conduct a training session immediately following the conclusion of Board business on March 7, 2007.

The meeting adjourned at 12:25p.m.