

TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS MINUTES

DATE: January 24, 2008
TIME: 9:00 p.m., CST
LOCATION: Health Related Boards
Conference Room
227 French Landing, Suite 300
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Kathryn Riffe, DPM, Chair
Lawrence Burns, DPM
Paul Somers, DPM
David Long, DPM
Karl Fillauer, CPO

BOARD MEMBERS

ABSENT: Karen Garner, Citizen Member

STAFF PRESENT:

James Hill, Board Administrator
Mathew Scanlon, Deputy General Counsel
Barbara Maxwell, Administrative Director

Dr. Riffe, chair, called the meeting to order at 9:15 a.m... A sufficient number of board members were present to constitute a quorum.

The Board welcomed back David Long, DPM, to the Board. Dr. Long was a previous Board member from July 2003 to October 2006.

Review/Ratify October 4, 2007 Board Meeting Minutes

Upon review of the October 4, 2007 Board meeting minutes, Dr. Burns made a motion, seconded by Dr. Somers, to accept the minutes as written. The motion carried.

Conflict of Interest Policy Statement

Matt Scanlon, Deputy General Counsel with the Office of General Counsel, introduced himself to the board and stated he was filing in for Shiva Bozarth, the Board's new advisory/litigating attorney, who is absent due to a scheduling conflict.

Mr. Scanlon said Al Partee, the new General Counsel with the Office of General Counsel, wanted to be here today but he too had a scheduling conflict. Mr. Scanlon asked the Board to contact him if they had any questions regarding how meetings and hearings are being conducted.

Mr. Scanlon stated if a Board member had over a 10% interest in a matter that came before the board to disclose that so it can be determined if there is a potential conflict of interest.

OGC Report

Mr. Scanlon said there are no pending rules or litigation to come before the Board today. Mr. Scanlon said Mr. Bozarth will notify the Board if there are any bills in legislation that affect the practice of podiatry.

Advisory Opinion Letter

Dr. Riffe said in response to a letter submitted by **Matt Speyer, M.D.**, Chief of Staff at Skyline Medical Center, the board informed Dr. Speyer the letter should come from a podiatrist.

Dr. Riffe said as a result, **Daniel Medoza, DPM**, submitted a letter October 9, 2007 requesting an advisory ruling on whether the use of external fixators are within the scope of practice for a podiatrist who is authorized to perform ankle surgery.

Dr. Somers stated he is on the staff of skyline hospital and their by-laws are unclear.

Dr. Long said this comes down to placing a pin in the distal tibia but there are other ways to fix the ankle joint.

Dr. Riffe stated parts of the procedure which extend above or below the ankle is part of the procedure.

Dr. Long said there are two options; placing a pin is an intricate part of the surgery, or placing a pin is outside the scope of practice.

Dr. Somers stated the Board needs to say yes this is an intricate part of the procedure and the procedure is within the podiatry scope of practice. Dr. Somers said whether or not they want to abide by our opinion is their choice.

Upon discussion, Dr. Long made a motion, seconded by Dr. Somers, to issue the opinion that placing the pin proximal to the distal tibia is an ancillary part of the ankle procedure. The motion carried.

Mr. Scanlon said he would get with the Board chair to obtain the correct language for the procedure for the advisory ruling.

The board reviewed a letter from **Randall Coffman, C.Ped.** regarding continuing education requirements for podiatrists.

Mr. Fillauer said Mr. Coffman had fulfilled the required fifty-five (55) hours of continuing education for his certification through the American Board of Certification in Orthotics, Prosthetics and Pedorthics, Inc. out of state and did not want to take additional continuing education hours in Tennessee. Mr. Fillauer said the rules are clear that he has to obtain the six hours in Tennessee.

Dr. Long asked if the Board could give Mr. Coffman an extra month to obtain the hours. Mr. Scanlon said no, the rules set out what the Board can do; however, if Mr. Coffman can show that failure to comply is beyond his physical ability to obtain the continuing education hours the hours can be waived.

Upon discussion, Dr. Riffe asked Mr. Scanlon to have Mr. Bozarth obtain information regarding original legislation to determine if continuing education hours have to be obtained in Tennessee. Dr. Riffe also asked Mr. Scanlon to have Mr. Bozarth send Mr. Coffman a letter citing the Board's rules for continuing education requirements.

Investigative Report

Juanita Stone, Office of Investigation, stated of the ten (10) open complaints against podiatrists five were closed; two with no action, one with a letter of concern, one with a letter of warning and one referred to the Office of General Counsel..

Ms. Stone said there is one complaint against a podiatry x-ray operator which is still pending.

Ms. Stone stated there are no complaints against orthotists, pedorthist, or prosthetists.

Ms. Stone said she is currently monitoring four practitioners and if the monitored practitioner is not in compliance with the Board order it will come back before the board as another complaint.

Dr. Riffe asked if they have to come before the board upon compliance with the stipulations of the order.

Ms. Stone said yes, they have to petition the board for an order of compliance.

Financial Report

Mr. Hill reviewed the financial report with the board stating the Board has an actual cumulative carryover of \$136,395.87. Mr. Hill said the expenses for fiscal year 2006-2007 were \$65,215.91 and the current year net is \$71, 179.96.

Dr. Riffe asked what would be the cost of a peer assistance program.

Mr. Hill said the Board needs to determine what they want the peer assistance program to do so a grant could be developed.

Mr. Scanlon said the Board of Medical Examiners pays \$250,000 per year for its peer assistance program.

Ms. Lisa Tittle, Director of Administrative Services, addressed the board to discuss a peer assistance program. Ms. Tittle said the Board has a current year net of \$71,179.96 which will leave the board \$15,000 to \$20,000 to work with and that some of the smaller Boards have peer assistance contracts which cost around \$17,000 a year.

Upon discussion of the peer assistance program and the costs involved, Mr. Fillauer made a motion, seconded by Dr. Somers, to recede with the peer assistance program at this time. The motion carried.

Review/Approve Board Consultants

Mr. Hill said the Board requested the list of Board consultants and the number of times they reviewed complaints. Mr. Hill said Dr. Sables is the only podiatrist that reviews complaints but he didn't have the number of times he reviewed.

Dr. Riffe stated she would like the consultant list to include the new professions.

Mr. Hill suggested the Board submit the names of potential consultants and he would contact them requesting a resume if they are interested.

Upon discussion, the Board suggested the following practitioners be contacted to become a Board consultant.

Aaron Perkins, DPM
Jerry Langford, DPM
Gary Cockrell, DPM
Howard Nuss, DPM
Steve Chase, DPM
Michele Whittaker, DPM

Dr. Long made a motion, seconded by Dr. Somers, to remove everyone off the old list with the exception of Dr. Sables as they have not responded when a consultant was needed. The motion carried.

Mr. Fillauer provided Mr. Hill with the following list of orthotists and prosthetists for potential consultants:

John Reynolds, Orthotist
Otis Petties, Orthotist
Jerry Graybeal, Orthotist
Gary Stokes, Orthotist
Garry Ogilvie, Orthotist
Matthew Bulow, Prosthetist

Review/Approve Continuing Education Courses

Upon review of the continuing education course, TNRXSafety, Dr. Long made a motion, seconded by Mr. Fillauer, to approve the course and the continuing education course given at the state meeting. The motion carried.

Upon review of the continuing education course Medical, Surgical and Orthopedic Update in Podiatry offered at the 30th Annual Midwinter Seminar at Rosalind University, Dr. Long made a motion, seconded by Dr. Somers, to approve the course. The motion carried.

Review/Approve Jurisprudence Exam for Orthotists/Prosthetists/Pedorthists

Upon review of the jurisprudence examination for orthotists, prosthetists and pedorthists, Mr. Fillauer made a motion, seconded by Dr. Long, to approve the examination as written. The motion carried.

Electronic Newsletter

The board discussed the possibility of using the electronic system for newsletters instead of US mail.

Mr. Hill said the newsletter would be posted under each Board's web site.

Dr. Burns said if the Board is going to move into the future he thinks posting the newsletter online is something they need to keep in mind.

Upon discussion, Dr. Somers made a motion, seconded by Dr. Long, to continue sending the newsletters by US mail. The motion carried.

Schedule 2009 Board Meeting Dates

Mr. Scanlon asked the Board to not schedule Board meetings in January as the advisory/litigating attorneys write the bill analysis for the Department of Health and they get inundated with bills in January.

Upon discussion, the Board scheduled the following dates for their 2009 Board meetings:

February 4, 2009

April 29, 2009

July 29, 2009

Dr. Riffe said she does not have the date for the 2009 TPA meeting and requested the Board wait to schedule that meeting so it will coincide with the association meeting.

Mr. Hill said he would put this on the agenda for the April meeting.

Administrative Report

Mr. Hill reviewed the administrative report with the Board stating there are 226 active podiatrists, 107 active podiatric x-ray operators, 156 active orthotists, 129 active prosthetists and 65 active pedorthists.

Mr. Hill said the internet is continuously being updated and practitioners can renew their licenses up to 120 days prior to the expiration date. Mr. Hill said practitioners can also change their address at this site and obtain copies of the most current rules and statutes.

Status Report

Upon review of the status report, Mr. Hill stated he compiles the statistical information for the administrative report from the status report.

Rule Amendments

Mr. Hill stated there are no rule amendments at this time.

Review/Ratify Applications

Upon review, Dr. Long made a motion, seconded by Mr. Fillauer, to approve the following applications for Orthotists, Prosthetics and Pedorthists:

Orthotists

**James P. Rogers
Lynn H. Barcroft
Jon M. Knickerbocker
David J. Smith
Thomas E. Brady
Ramesh D. Dubey
John D. Gilbreath
Floyd T. Shown
Jerry D. Hinton
Horace T. Shown
Karl Michael Fillauer
Adrienne Parker-Smith
Cathie J. Baker
Karstan I. Merrell
Christian Smith
Brandon R. Noble
Thomas J. Bonneville**

**Larry J. Butler
Robert W. Corbett
Tracy D. Adams
Jackie J. Bond
Bryan K. Alexander
Richard G. Mason
Micah B. Spears
Jason D. Joyce
Locke H. Davis
Richard A. Berggren
Kathy L. Smith
Keith A. Dwyer
Nadine T. Bourg
Harry F. Brandt, Jr.
Jay P. Cranford
John P. Brothers
Christopher T. Patterson**

**Terrell S. Tate
Polly J. Allard
Richard W. Brown
Scott R. Thrash
Monette B. Cowan
Mark D. Kirshner
Donald R. Haynes
Daniel R. Hartung
Calvin K. Hoyle
Alan R. Kur
Tendal S. Wilson**

Prosthetics

**Cathie J. Baker
Christian Smith
John K. Gardner
Jon M. Knickerbocker
Michael D. Dean
Thomas E. Brady
Thomas A. Elliot
Ramesh D. Dubey
James P. Rogers
Robert D. Young
Thomas J. Bonneville
Andrew J. Humann
Robin B. King
Floyd T. Shown
Brian D. Johnson
James J. Neumeyer
Richard G. Mason
Tendal S. Wilson
James S. McElhiney
Steven E. Ellis
Brian K. Rogers
Claude E. Harmon
Micah B. Spears
William E. Carver, Jr.
James A. Grummel**

Pedorthists

**Epps Richmond Sanders III
Michael R. Eberly
Brian E. Vinsonhaler
Thomas J. Bonneville**

**James S. McElhiney
Donna J. Justice**

**Steven E. Ellis
Brian K. Rogers
Claude E. Harmon
Jim A. Huddleston
John H. Reynolds
William C. Kitchens**

**Janel S. Carnes
Robert X. MacArthur III
John Dunagan**

**Belinda D. McKenzie
Horace T. Shown
Edward G. Martin
Jeffrey M. Skahan
Sammie J. Wicks
Jay P. Cranford
John D. Gilbreath
Abigail T. Chandler
Keith A. Dwyer
John P. Brothers
Jerry O. Swanson
Terrell S. Tate
Gerald D. Allen
Paul T. Halkiades
Rocky J. Goodall
Scott R. Thrash
Tim D. Leppert
Monette B. Cowan
Calvin K. Hoyle
Richard A. Berggren
Eric D. Kimsey
John H. Reynolds
Jeremy E. Harris
Locke H. Davis**

Britton D. Leitch

Christy M. Muecke
Richard E. Overman
Nicole D. Leverton
Keith J. Saffles
Alexander D. Seen
Linda L. Sables
Steven E. Ellis
Monette B. Cowan
Kathy K. Drew
Abigail T. Chandler
Harriette E. Bryant
Jerry Hinton

Richard W. Brown
John H. Reynolds
Jerry W. Ellis
Locke H. Davis
Phillip S. Isaacs
Jerry Ellis
Harriette Bryant
Richard W. Brown
Daniel Hosford
Michael Hosford

The motion carried.

Upon review of the orthotist application for **Jerry W. Ellis**, Mr. Fillauer made a motion, seconded by Dr. Burns, to hold Mr. Ellis' application until 60 days after Mr. Ellis takes the next available certification examination offered by the American Board for Certification in Orthotics and Prosthetics, Inc. Mr. Fillauer asked that the next examination date be put in the record. The motion carried.

Upon review of the orthotist application for **Phillip Graves**, Mr. Fillauer made a motion, seconded by Dr. Long, to hold Mr. Graves' application until 60 days after Mr. Graves takes the next available certification examination offered by the American Board for Certification in Orthotics and Prosthetics, Inc. and submit a letter pertaining to the charges in his criminal background check. The motion carried.

Upon review of the prosthetist application for **Daniel Hastung**, Dr. Long made a motion, seconded by Mr. Fillauer, to deny Mr. Hastung's application as he does not meet the requirements for a prosthetist license. The motion carried.

Upon review of the orthotist application for **David Thomas**, Dr. Long made a motion, seconded by Mr. Fillauer, to have Mr. Hill contact the Board of Certification for verification of Mr. Thomas' certification and table his application review until the next meeting. The motion carried.

Upon review of the orthotist and prosthetic application for **Christian Smith**, Mr. Fillauer made a motion, seconded by Dr. Somers, to approve Mr. Smith for licensure. The motion carried.

Upon review of the pedorthist application for **John Dunagan**, Dr. Long made a motion, seconded by Mr. Fillauer, to approve Mr. Dunagan for licensure. The motion carried.

Upon review of the pedorthist application for **Daniel Hosford**, Dr. Long made a motion, seconded by Mr. Fillauer, to approve Mr. Hosford for licensure. The motion carried.

Upon review of the pedorthist application for **Michael Hosford**, Dr. Long made a motion, seconded by Dr. Burns, to approve Mr. Hosford for licensure. The motion carried.

Upon review of the pedorthist application for **Grady Fletcher**, Dr. Long made a motion, seconded by Mr. Fillauer, to deny Mr. Fletcher's application for licensure as he does not meet the educational requirements. The motion carried.

Upon review, Mr. Fillauer made a motion, seconded by Dr. Long, to approve the following podiatry applications:

Exam

Cheryl A. Haag

Reciprocity

Brian N. Christiansen

Paul P. Zimmerman

Tomika S. Thomas

The motion carried.

Upon review, Mr. Fillauer made a motion, seconded by Dr. Burns, to approve the following podiatric x-ray operator applications:

Erica R. Marino

Jamilyn L. Richardson

The motion carried.

Review/Ratify Newly Licensed

Upon review, Dr. Long made a motion, seconded by Dr. Burns, to approve the following lists of newly licensed podiatrists, x-ray operators, orthotists, prosthetists and pedorthists:

Podiatrists

Damieon G. Brown

Brian N. Christiansen

Paul P. Zimmerman

Podiatric X-Ray Operator

Erica R. Marino

Orthotists

**Tracy D. Adams
Bryan K. Alexander
Polly J. Allard
Cathie J. Baker
Lynn Barcroft
Jackie J. Bond
Jon M. Knickerbocker
Thomas J. Bonneville
Nadine T. Bourg
Thomas E. Brady
Harry F. Brandt, Jr.
John P. Brothers
Richard W. Brown
Larry J. Butler
Robert W. Corbett
Monette B. Cowan
Ramesh D. Dubey
Steven E. Ellis
Karl M. Fillauer
Marvin R. Fourroux
John D. Gilbreath
Claude E. Harmon
Daniel R. Hartung
Jerry D. Hinton
Jim A. Huddleston
Donna J. Justice
Mark D. Kirshner**

Prosthetists

**Gerald D. Allen
Cathie J. Baker
Thomas J. Bonneville
Thomas E. Brady
John P. Brothers
Matthew A. Bulow
Monette B. Cowan
Michael D. Dean
Ramesh D. Dubey
Thomas A. Elliott
Steven E. Ellis
Marvin R. Fourroux
John K. Garner
Paul T. Halkiades
Claude E. Harmon**

**Alan R. Kur
Richard G. Mason
James S. McElhiney
Karstan I. Merrell
Paul D. Meyer
Brandon R. Noble
William C. Kitchens
Calvin K. Hoyle
Andrew J. Humann
Brian D. Johnson
Robin B. King
Jon M. Knickerbocker
Tim D. Leppert
Adrianne N. Parker-Smith
Christopher T. Patterson
Brian K. Rogers
James P. Rogers
Floyd T. Shown
Horace T. Shown
David J. Smith
Micah B. Spears
Dennis L. Stanek
Christopher E. Stovall
Terrell S. Tate
Scott R. Thrash
Tendal S. Wilson**

**Edward G. Martin
James S. McElhiney
Belinda D. McKenzie
Paul D. Meyer
Scott A. Moore
James J. Neumeyer, Jr.
Brian K. Rogers
James P. Rogers
Floyd T. Shown
Horace T. Shown
Jeffery M. Skahan**

**Micah B. Spears
Jeffrey D. Swanson
Jerry O. Swanson
Terrell S. Tate
Scott R. thrash
Sammie J. Wicks
Tendal S. Wilson
Robert D. Young**

**Calvin K. Hoyle
Andrew J. Humann
Britton D. Leitch**

Pedorthists

**Thomas J. Bonneville
Janel S. Carnes
Monette B. Cowan
John M. Daniel
Michael R. Eberly
Steven E. Ellis
Daniel R. Hartung
Jerry D. Hinton
Calvin K. Hoyle**

**Nicole D. Leverton
Robert X. MaCarthur, III
Christy M. Muecke
Charles A. Murphy
Richard E. Overman
Linda L. Sables
E. Richmond Sanders, III
Alexander D. Seen
Brian E. Vinsonhaler
Tendal S. Wilson**

The motion carried.

Review/Ratify Reinstatements

Upon review, Dr. Long made a motion, seconded by Mr. Fillauer, to approve the following podiatric x-ray operator reinstatement:

Cynthia Kay Lovell

The motion carried.

Review/Ratify Closed Files

Upon review, Dr. Long made a motion, seconded by Dr. Somers, to approve the closing of the following podiatric x-ray operator file:

Jada M. Tarkington

The motion carried.

Election of Officers

Dr. Somer's nominated David Long, DPM, for chair and Dr. Burns nominated Katherine Riffe, DPM for chair. By a vote of three to two, Dr. Long was elected chair.

Mr. Fillauer nominated Lawrence Burns, DPM, for secretary. By a vote of three to one, Dr. Burns was elected secretary.

With no other Board business to discuss, Dr. Burns made a motion, seconded by Mr. Fillauer, to adjourn at 2:29 p.m. The motion carried.

Approved by the Board of Podiatric Medical Examiners on this the 23 day of April 2008.