

## TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS

**DATE:** July 29, 2009

**TIME:** 9:00 A.M., CST

**LOCATION:** Health Related Boards  
Poplar Room  
227 French Landing  
Nashville, TN 37243

### BOARD MEMBERS

**PRESENT:** David Long, DPM., Chair  
Paul Somers, DPM  
Kathryn Riffe, DPM  
Karl Fillauer, CPO  
Karen Garner, Citizen Member

### BOARD MEMBER

**ABSENT:** Lawrence Burns, DPM

### BOARD STAFF

**PRESENT:** James A. Hill, Board Administrator  
Elizabeth Miller, Director  
Sarah Whitehead, Advisory Attorney  
Barbara S. Maxwell, Administrative Director

Dr. Long, Chair, called the meeting to order at 9:00 a.m. Dr. Long conducted a roll call vote and all members were present except Dr. Burns.

### Minutes

Dr. Somers made a motion, seconded by Mr. Fillauer, to approve the April 16, 2009 Board meeting minutes as written. The motion carried.

Dr. Somers made a motion, seconded by Ms. Garner, to approve the May 26, 2009 teleconference minutes. The motion carried.

### Conflict of Interest

Ms. Whitehead reviewed the conflict of interest policy statement stating that Board members are not to vote on any matter in which they have a personal, professional or financial interest.

Dr. Long asked Mr. Bozarth to discuss paragraph six on the conflict of interest statement.

Mr. Bozarth stated that no Board member shall serve as an officer, or policy-making role in any trade or professional association while servicing as a board member.

Mr. Bozarth said the department would expect anyone serving in this capacity resign upon completion of their term from one or the other. The purpose behind the policy is to prevent the appearance of impropriety that could cause people to suspect that the Board was operating not in the interest of the health safety and welfare of the citizens of the State of Tennessee but in the interest of their professional association.

### **Rulemaking Hearing**

Ms. Whitehead conducted a rulemaking hearing on Rule 1155-02-.23 pertaining to tamper-resistant prescriptions. Upon conclusion of the rulemaking hearing, Dr. Riffe made a motion, seconded by Dr. Somers, to approve the rules as written. A roll call vote was conducted and all members voted in the affirmative.

### **Office of General Counsel Report**

Ms. Whitehead said the rules pertaining to a fee decrease are being reviewed by the Attorney General. OGC has five open disciplinary cases pertaining to the Board of Podiatric Medical Examiners.

### **Continuing Education Agreed Citations**

Dr. Somers made a motion seconded by Mr. Fillauer, to approve the continuing education agreed citation for **Richard Breeden, DPM**. The motion carried.

Dr. Somers made a motion, seconded by Dr. Riffe, to approve the continuing education agreed citation for **Darrell Long, DPM**. The motion carried.

Dr. Riffe made a motion, seconded by Mr. Fillauer, to approve the continuing education agreed citation for **Renee Mason, DPM**. The motion carried.

Dr. Somers made a motion, seconded by Ms. Garner, to approve the continuing education agreed citation for **Aimee Judy, X-Ray Operator**. The motion carried.

Dr. Somers made a motion, seconded by Dr. Riffe, to approve the continuing education agreed citation for **Margaret White, X-Ray Operator**. The motion carried.

### **Investigative Report**

Ms. Stone stated there are four (4) cases ready for review and (4) cases currently being investigated for podiatrists and three (3) cases ready for review for pedorthists.

### **Disciplinary Report**

Ms. Stone said she is currently monitoring two practitioners, one (1) whose license is revoked and one (1) whose license is on probation.

### **Financial Report**

Mr. Hill said the Board had a balance of \$20,385.18 as of June 30, 2008.

### **Administrative Report**

Mr. Hill said there are 230 licensed podiatrists, 105 licensed podiatric x-ray operators, 173 licensed orthotists, 147 licensed prosthetists and 79 licensed pedorthists.

Mr. Hill reviewed the continuing education audit for January 2008 through December 2008. Sixty-three (63) podiatrists were audited, fifty-three (53) were compliant; thirty (30) x-ray operators were audited, twenty-six (26) were compliant.

### **Legislation**

Ms. Whitehead discussed the amendments to Title 63, Chapter 3, relative to podiatrists which became effective June 2, 2009.

The preceptorship program no longer qualifies individuals for an academic license and only residency programs will qualify a person for an academic license. The academic license will terminate when the person leaves the residency program.

The discussion indicated that applicants who completed one year of residency needed a temporary license in order to apply for insurance privileges. Dr. Somers said it needed to be stated in the letter and in the rules that if the residency program is not completed the letter is void. Ms. Miller said the Board cannot issue a temporary license until the requirements of the rules are met.

Ms. Whitehead requested that action on this matter be deferred to the next meeting.

Ms. Whitehead discussed the locum tenens licenses which the Board has the authority to issue to podiatrists licensed in other states who wish to practice podiatry in Tennessee for a limited period of time if they meet the requirements established by the Board by rule for a locum tenens license.

John Williams said the legislation was passed for podiatrists who need someone to take over their practice for a limited period of time. Mr. Williams suggested that the medical board rules pertaining to locum tenens be used as a model.

Ms. Whitehead said Rule 1155-2-.06(4)(c) pertaining to fees and Rule 1155-2-.09(2) pertaining to licensure renewal are being reviewed by the Attorney General.

## Correspondence

Ms. Whitehead said she cannot do any research or answer any questions unless the request is put in the form of an advisory ruling. Ms. Whitehead said the Board had been getting quite a few questions about podiatrists taking a history and physical examination prior to podiatric surgery which was addressed at the last meeting by Mr. Bozarth who prepared a letter to Dr. Haverly on this matter. Ms. Whitehead said the Board could continue to issue advisory rulings on an as needed basis or Mr. Bozarth's letter could be put in the form of a policy and posted at the Board's web site. The Board reviewed the letter sent to Dr. Haverly in April 2009. Dr. Somers made a motion, seconded by Mr. Fillauer, to attach the letter to the April 2009 minutes. The motion carried. Dr. Somers made a motion, seconded by Dr. Riffe, to make the letter a policy to be posted on the Board's web site. The motion carried.

The Board deferred action on a request from Dr. Ira Kraus regarding laser treatment of onychomycosis in order to review the law pertaining to laser use at the next Board meeting.

The Board reviewed a letter from Dr. McCrumb requesting that Harvard continuing education hours she obtained be deemed to have met the Board's criteria for continuing education. Dr. Long said it appears seven (7) of the thirty-seven (37) hours are acceptable. Dr. Somers made a motion, seconded by Dr. Riffe, to approve the seven (7) hours for continuing education. The motion carried.

The Board reviewed continuing education courses by the Ohio Podiatric Medical Association Dr. Riffe submitted for approval. Dr. Somers made a motion, seconded by Ms. Garner, to approve the continuing education courses. The motion carried.

The Board reviewed on-line continuing education hours submitted for approval by Dr. Shu who was short eleven (11) hours for 2007-2008. Upon review, Dr. Somers made a motion, seconded by Mr. Fillauer, to approve five (5) of the eleven (11) hours and request that staff inform Dr. Suh that he must obtain six (6) hours in a classroom setting. The motion carried.

## Review Applications

Dr. Riffe made a motion, seconded by Mr. Fillauer, to approve **Joe Ades, DPM**, for licensure. The motion carried.

Dr. Somers made a motion, seconded by Dr. Riffe, to approve **James Cutler, DPM** for licensure.

Dr. Somers made a motion, seconded by Mr. Fillauer, to approve **Jessica Kelly, X-Ray Operator** for licensure. The motion carried.

Dr. Somers made a motion, seconded by Mr. Fillauer, to approve **Patricia Oliver, X-Ray Operator** for licensure. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve **Jeffrey Loyd, Orthotist** for licensure. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve **Mary Bodine, Prosthetist** for licensure. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve **Terry Graybeal, Prosthetist** for licensure. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve **Jeffrey Loyd, Prosthetist** for licensure. The motion carried.

### **Newly Licensed**

Dr. Riffe made a motion, seconded by Dr. Somers, to approve **Joe Ades and Jesse Bradley** for licensure as podiatrists. The motion carried.

Dr. Somers made a motion, seconded by Mr. Fillauer, to approve **Taraneh Kapadia, Jessica Kelly and Patricia Oliver** for licensure as x-ray operators. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve **Jeffrey Loyd** for licensure as an orthotist. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve **Mary Bodine, Jeremy Farley and Jeffrey Loyd** for licensure as prosthetists. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve **Wendy Beasley** for licensure as a pedorthist. The motion carried.

With no other Board business to conduct, Dr. Riffe made a motion, seconded by Dr. Somers, to adjourn at 11:10 a.m. The motion carried.

**Approved by the Board of Podiatric Medical Examiners on this the 14th day of October 2009.**