

**TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS
TELECONFERENCE**

DATE: September 29, 2009

TIME: 12:30 P.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
Lawrence Burns, DPM
Karl Fillauer, CPO

BOARD STAFF

PRESENT: James A. Hill, Board Administrator
Alison Cleaves, Chief Deputy General Counsel
Sarah Whitehead, Advisory Attorney
Barbara Maxwell, Administrative Director

Dr. Long, chair, called the meeting to order at 12:30 p.m. A roll call vote was conducted and all Board members were present. Dr. Long turned the meeting over to Alison Cleaves, Chief Deputy General Counsel, to conduct the teleconference.

Ms. Cleaves stated that T.C.A. §8-44-108 provides that physical presence by a quorum of the members is not practical within the period of time requiring action and a reason for the teleconference must be placed in the minutes. Ms. Cleaves said the board needed to meet by teleconference and not physical quorum because the board needed to consider an additional comment made relative to the rulemaking that was done in an expedited manner because the rules were originally promulgated by public necessity rules, meaning they are effective for only a very short period of time and then the permanent rulemaking process begins. Ms. Cleaves said there was not enough time for the Board to convene by physical quorum to consider the comments to meet the time sensitive requirements of public necessity rulemaking. Dr. Somers made a motion, seconded by Dr. Burns, that the teleconference is a necessity. The motion carried.

Ms. Cleaves stated that the limited purpose of the teleconference is to consider one of the comments made in the July 15, 2009 correspondence by the TMA relative to the tamper resistance prescription pad rulemaking. Ms. Cleaves said one of the comments was for

the Board to consider the method of transmission of electronic or facsimile prescriptions, which the Board already considered at the rulemaking hearing. Ms. Cleaves said she did not realize it was the Tennessee Medical Association's (TMA) intent for the Board, as well as the other Boards, to consider the issue of whether the definition of prescriber should be altered relative to the licensees of the Board of Nursing. Ms. Cleaves said the rulemaking currently describes and defines prescriber relative to the Board of Nursing as advanced practice with a certificate of fitness to prescribe, which the TMA says should be altered to say nurse practitioner.

Ms. Cleaves stated the committee who developed the rulemaking, as well as each individual Board, decided to define prescriber relative to the Board of Nursing as an advanced practice nurse with a certificate of fitness to prescribe in an effort to capture a broader or the larger group of licensees licensed by the Board of nursing who have the ability to prescribe.

Ms. Cleaves said the tamper resistant law provides that all prescribers put any typed or written prescription on a tamper resistance prescription pad. Ms. Cleaves said the committee, the Medical Board, Nursing Board, as well as all Boards affected by this rule, decided to use advanced practice nurse with a certificate of fitness to prescribe. Ms. Cleaves stated the sole purpose of the teleconference is for the Board to consider whether it wants to alter the definition or leave the definition as it is.

Upon discussion, Dr. Riffe made a motion, seconded by Dr. Somers, to keep the definition as it is. A roll call vote was conducted and all Board members voted in the affirmative. The motion carried.

With no other Board business to conduct, Dr. Somers made a motion, seconded by Mr. Filhauer to adjourn at 12:50 p.m.

Approved by the Board of Podiatric Medical Examiners on this the 3rd day of February 2010.