

## **TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS**

**DATE:** October 16, 2008  
**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  
Lawrence Burns, DPM  
Kathryn Riffe, DPM  
Karen Garner, Citizen Member  
Karl Fillauer, CPO

### **STAFF**

**PRESENT:** James Hill, Board Administrator  
Elizabeth Miller, Director  
Shiva Bozarth, Advisory Attorney  
Barbara S. Maxwell, Administrative Director

Dr. Long, Chair, called the meeting to order at 9:06 a.m. A roll call vote was conducted and all Board members were present.

### **Review/Approve August 13, 2008 Board Meeting Minutes**

Upon review of the August 13, 2008 Board Meeting Minutes, Dr. Somers made a motion, seconded by Dr. Riffe, to approve the minutes as written. The motion carried.

### **Conflict of Interest Policy Statement**

Mr. Bozarth reviewed the Conflict of Interest Policy Statement with the Board members asking all members to disclose any potential conflict of interest, whether personal or financial, to determine if a conflict exists. Mr. Bozarth asked all Board members to sign the new Conflict of Interest Policy Statement.

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

Mr. Bozarth reviewed the Office of General Counsel Report stating there are currently no cases in OGC.

Mr. Bozarth presented three Agreed Citations for violation of the continuing education requirements for the Board to review:

Dr. Vincent Brendan Longobardo, who failed to obtain the required fifteen hours for 2005, signed the citation October 1, 2008, agreeing to obtain the continuing education hours within twelve months and pay a \$100 penalty.

Dr. Gary M. Mantell, who failed to obtain the required fifteen hours for 2005, signed the citation September 22, 2008, agreeing to obtain the continuing education hours within twelve months and pay a \$100 penalty.

Dr. David B. Trenner, who failed to obtain the required fifteen hours for 2005, signed the citation September 25, 2008, agreeing to obtain the continuing education hours within twelve months and pay a \$100 penalty.

Dr. Somers made a motion, seconded by Dr. Burns, to approve the citations as presented. The motion carried.

Mr. Bozarth presented a proposed rule amendment that reduces the renewal fees by \$100 for podiatrists, pedorthists, orthotists and prosthetists, as requested by the Board at the April 2008 meeting. Upon review, Mr. Fillauer made a motion, seconded by Dr. Somers, to approve the amendment. A roll call vote was conducted.

Mr. Bozarth presented a policy statement regarding the use of hyperbaric oxygen by podiatrists as a possible mode of treatment provided the treatment is performed within the standard of care for a podiatrists licensed in Tennessee. Dr. Burns made a motion, seconded by Dr. Riffe, to approve the policy statement as written. The motion carried.

Mr. Bozarth presented a policy statement regarding practicing on a lapsed license. Dr. Somers made a motion, seconded by Mr. Fillauer to approve the policy. The motion carried.

### **Investigative Report**

Ms. Stone reviewed the Investigative Report stating two (2) complaints against podiatrists have been closed. Ms. Stone stated there are no complaints against podiatric x-ray operators. There are two (2) complaints against orthotists, no complaints against pedorthists and no complaints against prosthetists.

### **Monitored Practitioners Report**

Ms. Stone stated she is currently monitoring two practitioners, one (1) of whom is on probation and the other whose license was revoked.

Ms. Stone said the Board has 99% of its penalties and costs collected.

## **Financial Report**

Mr. Hill reviewed the Financial Report stating the Board has a projected cumulative carryover as of June 30, 2008 of \$159,128.51.

In response to Dr. Long's question regarding the board's surplus, Ms. Miller said, if the funds are appropriated, it will be a percentage of the Board's surplus and not the entire amount.

## **Administrative Report**

Mr. Hill reviewed the Administrative Report with the Board stating there are 227 active podiatrists (206 TN residents), 101 active podiatric x-ray operators (96 TN residents), 176 active orthotists (158 TN residents), 146 active prosthetists (122 TN residents), and 80 active pedorthists (76 TN residents).

There have been two (2) orthotists, one (1) prosthetist and no pedorthists licensed since the last meeting.

Mr. Hill stated the results of the 2006-2007 continuing education audit are as follows:

April

7 podiatrists audited  
1 non compliant

1 podiatric x-ray operator audited  
0 non compliant

May

1 podiatrist audited  
0 non compliant

2 podiatric x-ray operators audited  
0 non compliant

## **Review/Approve Continuing Education Courses**

Upon request for approval of a one hour lecture titled "Clinical Experience with a Novel Extracellular Matrix: Soft Tissue Repairs and Wound Care" by the Department of Veterans Affairs Medical Center of Miami in Las Vegas, Nevada, Dr. Burns made a motion, seconded by Dr. Somers, to approve the courses. The motion carried.

## **Discuss Proposed Legislation**

Mr. John Williams discussed a proposal that the Tennessee Podiatric Medical Association has prepared that increases the terms of Board members from three (3) to four (4) years; removes the section “the Board conducted the exam;” require a one year residence in Tennessee to practice podiatric medicine; allows podiatrist to substitute for a another for six weeks to six months; issues local tenant licenses for podiatrists; updates the names of the national organizations. He also discussed the proposal to increase the Board members per diem to \$100 and to delete the section requiring a Board member to be a representative of each of the nearest schools from which applicants for examination come.

### **Applicant Interview**

The Board interviewed applicant, **Rachna Gupta, DPM**, who was issued a citation in Florida for failure to report continuing education hours. Dr. Gupta stated she contacted Florida and was told the citation was not disciplinary action. Upon discussion, Dr. Burns made a motion, seconded by Dr. Riffe, to approve Dr. Gupta for licensure. The motion carried.

### **Review/Approve Applications for Podiatrists, X-Ray Operators, Orthotists, Prosthetists and Pedorthists**

Upon review of the application for **Theresa VanHorn, DPM**, Dr. Riffe made a motion, seconded by Dr. Somers, to hold open Ms. VanHorn’s application until receipt of documentation that indicates she has completed the Board approved course and passed the examination as stipulated in the Florida rules. The motion carried.

Upon review of the application for **Melanie S. Porter, DPM**, Dr. Somers made a motion, seconded by Ms. Garner, to approve Dr. Porter for licensure. The motion carried.

Upon review of the orthotics and prosthetics application of **Joseph Hoffert**, who attended a non-accredited orthotics program, Mr. Fillauer made a motion, seconded by Dr. Riffe, to approve Mr. Hoffert for licensure. The motion carried.

Upon review of the orthotics application of **Frank Lewis**, who had a misdemeanor conviction, Mr. Fillauer made a motion, seconded by Dr. Burns, to approve Mr. Lewis for licensure. The motion carried.

The Board reviewed the orthotics and prosthetics application for **Keith Wilson**, who was unable to get his employer sign off on his residency. Mr. Wilson stated he informed his employer he was going to work somewhere else after completion of his residency, and his employer refused to sign off on his residency. Upon review, Mr. Fillauer made a motion, seconded by Dr. Somers, to approve Mr. Wilson for licensure. The motion carried.

### **Ratify Newly Licensed X-ray Operators, Orthotists and Prosthetists**

Upon review, Dr. Somers made a motion, seconded by Mr. Fillauer, to ratify the licenses of **David V. Knowles, Frank J. Lewis, and Melanie Porter**. The motion carried.

### **Ratify Closed Files**

Upon review, Dr. Riffe made a motion, seconded by Dr. Somers, to ratify the closed files of **Cheryl Bagwell, Joni Elmore, Erin Miller and Vernon Wilmoth**. The motion carried.

Mr. Hill distributed envelopes which contained information regarding the new time and attendance program called Edison. Mr. Hill stated that board members will no longer receive a check stub but could obtain the information from Edison. Mr. Hill said if a Board member did not want to key in their travel to give him a copy of the form and he will key in their time and mail copies to the Board members.

With no other Board business to conduct, Mr. Fillauer made a motion, seconded by Dr. Somers, to adjourn at 10:50 a.m. The motion carried.

Approved by the Board of Podiatric Medical Examiners on this the 4<sup>th</sup> day of February 2009.