

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

**DATE:** January 25, 2007

**TIME:** 9:00 a.m., CST

**LOCATION:** Health Related Boards  
Conference Room  
227 French Landing, Suite 300

### **BOARD MEMBERS**

**PRESENT:** Kathryn Riffe, DPM  
Karl Fillauer, CPO  
Berkeley Nicholls, DPM  
Lawrence Burns, DPM  
Paul Somers, DPM

### **BOARD MEMBERS**

**ABSENT:** Shannon Bottoms, Citizen Member

### **STAFF PRESENT:**

James Hill, Board Administrator  
Ernie Sykes, Advisory Attorney  
Barbara Maxwell, Administrative Director  
Jerry Kosten, Regulations Manager

Dr. Riffe, secretary, called the meeting to order at 9:07 a.m. Dr. Riffe stated this is the Tennessee Board of Podiatric Medicine meeting and asked there be no talking and to turn off all cell phones as a courtesy.

A roll call vote was conducted and a sufficient number of board members were present to constitute a quorum.

### **Review/Ratify October 5, 2006 Minutes**

Upon review of the October 5, 2006 minutes, Dr. Riffe stated the minutes were missing discussion regarding the use of nitrous oxide as a general anesthetic.

Mr. Sykes said to amend the minutes as written to include the discussion and asked Dr. Nicholls to report his findings at the next meeting.

Upon discussion, Dr. Nicholls made a motion, seconded by Dr. Burns, to approve the minutes as amended. The motion carried.

### **Conflict of Interest Policy**

Mr. Sykes reviewed the Conflict of Interest Policy with the board asking the board members to disclose any conflict of interest they may have prior to contested cases or any other legal proceedings or matters to determine if there is a conflict of interest. Mr. Sykes stated that if a board member does have a conflict of interest they must recuse him/herself and leave the hearing room during the proceeding. Mr. Sykes asked the new board members to review the conflict of interest, sign and give to Mr. Hill at the end of the meeting.

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

Mr. Sykes said the amendment to Rule 1155-2-.02, .04, .08, .12, and .22 pertaining to advertising, ankle continuing education, lab tests and replacing the oral exam with the law exam, became effective July 10, 2006 and the amendment to Rule 155-2-.04, .05, .08, .14, and 1155-3-.01 pertaining to criminal background checks and exam rule clean-up became effective July 19, 2006.

Mr. Sykes said the new Rule 1155-4 pertaining to the new professions (Orthotists, Prosthetists and Pedorthists) became effective September 23, 2006.

Mr. Sykes said the amendment to Rule 1155-2-.01, .03, .11, .12, .19, and .21 pertaining to titles, advisory rulings, screening panels and PC-LLCs was sent to the Office of the Attorney General March 14, 2006 where it remains.

Mr. Sykes stated OGC currently has one (1) open disciplinary case pertaining to the Board of Podiatric Medical Examiners.

Mr. Sykes discussed a policy statement regarding Parts I, II, and III of the National Board of Podiatric Medical Examiners exam which requires an applicant who passed Parts I, II and III more than five years before applying for licensure in Tennessee to appear before the Board for an interview to determine if the applicant should retake the exams.

### **Investigative Report**

Mr. Hill reviewed the investigative report stating there are nine (9) complaints year-to-date against Podiatrists. Mr. Hill said all complaints have been closed, eight (8) with no action and one (1) referred to the Office of General Counsel.

Mr. Hill stated there are no complaints against Podiatric X-Ray Operators.

### **Disciplinary Report**

Mr. Hill reviewed the disciplinary report which gives the name of the disciplined practitioners, their license number, date of action, expiration date, civil penalty costs, continuing education requirements, reporting, peer assistance, and comments.

## **Financial Report**

Mr. Hill reviewed the financial report stating the board has a cumulative carry over of \$17,052.69 as of June 30, 2006.

## **Administrative Report**

Mr. Hill reviewed the administrative report stating there are currently 227 active podiatrists and 125 active podiatric x-ray operators.

Mr. Hill stated the benchmark for renewal processing is 10 days with Podiatrists averaging 6.4 days and Podiatric X-Ray Operators averaging 4.6 days.

Mr. Hill stated the benchmark for application processing is 100 days with Podiatrists averaging 95.375 days and Podiatric X-Ray Operators averaging 61.7 days.

## **Status Report**

Mr. Hill reviewed the status report stating there are currently 227 actively licensed, 98 retired, and 141 failed to renew Podiatrists.

Mr. Hill said there are currently 125 actively licensed, 5 retired, 77 failed to renew Podiatric X-Ray Operators.

Mr. Hill stated all travel request must be submitted 120 days prior to the travel date.

## **Report from Jerry Kosten, Regulations Manager**

Mr. Kosten discussed the rulemaking hearing for Rule 1155-2-.08 regarding time limit for effectiveness of scores, stating an applicant's test score on an examination required by this rule which was taken more than five (5) years before application was made for licensure in Tennessee will be considered by the Board on a case by case basis after the applicant appears before the Board for an interview.

Mr. Kosten discussed the rulemaking hearing for Rule 1155-2-.12 regarding continuing education, stating beginning January 1, 2008, at least one (1) hour of the fifteen (15) hour requirement every other calendar year shall be a course designed specifically to address prescribing practices.

Mr. Kosten discussed the rulemaking hearing for Rule 1155-2-.19 regarding board meetings, officers, consultants, records, declaratory orders, advisory rulings and screening panels, stating the Board shall authorize the member who chaired the board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Upon discussion, Mr. Fillauer made a motion, seconded by Dr. Somers, to conduct a roll call vote for the rulemaking hearing held December 19, 2006. The motion carried. A roll call vote was conducted and all board members voted in the affirmative.

### **Review and Approve Applications**

Upon review of the application of **Amy Marie DeGirolamo, DPM**, Dr. Nicholls made a motion, seconded by Dr. Burns, to approve Dr. DeGirolamo for licensure by reciprocity. The motion carried.

Upon review of the application of **Dixie C. Dallas, DPM**, indicating incompleteness of residency program because of termination, the board requested Dr. Dallas to appear at the next board meeting.

Upon review of the application of **Billy Stagner**, indicating convictions on the criminal background check, Dr. Somers made a motion, seconded by Mr. Fillauer, to approve Mr. Stagner for licensure. The motion carried.

Upon review of the application of **Barry Davidson**, indicating convictions on the criminal background check, Dr. Nicholls made a motion, seconded by Mr. Fillauer, to approve Mr. Davidson for licensure. The motion carried.

Upon review of the application of **Richard Phelps**, indicating convictions on the criminal background check, Dr. Somers made a motion, seconded by Mr. Fillauer, to approve Mr. Phelps for licensure. The motion carried.

Upon review of the application of **Timothy Russell**, requesting licensure by grandfathering, Dr. Somers made a motion, seconded by Dr. Fillauer, to delay approval pending receipt of a letter from Kingsport Brace & Limb with supplemental information regarding Mr. Russell's employment. The motion carried.

Upon review of the application of **Earl Robertson**, indicating convictions on the criminal background check, Dr. Nicholls made a motion, seconded by Mr. Fillauer, to approve Mr. Robertson for licensure. The motion carried.

Upon review of the application of **David Weigand**, requesting licensure by grandfathering, Mr. Fillauer made a motion, seconded by Dr. Nicholls, to delay approval pending receipt of Mr. Weigand's w-2 forms proving work history. The motion carried.

### **Ratify newly licensed Orthotists, Prosthetists and Podiatrists**

Upon review, Dr. Nicholls made a motion, seconded by Dr. Somers, to approve the following newly licensed Podiatrists, Orthotists, Prosthetists and Podiatrists:

Orthotists

**Michael Adams**  
**James P. Atkins**  
**Fredrick M. Avery**  
**William Bray**  
**Nicholas Brown**  
**Barry K. Canter**  
**Cecil E. Carter**  
**David Cloud**  
**Daniel Coin**  
**Leroy Cook**  
**Gilbert Cupp**  
**Christopher Dandridge**  
**Dennis J. Daniel**  
**James R. Davis**  
**Daniel P. Edwards**  
**Sandra D. Edwards**  
**Lara Fernando**  
**David T. Fillauer**  
**Karl D. Fillauer**  
**Larry Ford**  
**Avery Fredrick**  
**Jerry Gilliam**  
**John Gray**  
**Jerry L. Graybeal**  
**Joshua Graybeal**  
**Patricia N. Graybeal**  
**Christopher Grey**  
**Stacy Harkleroad**  
**Richard Hill**  
**Richard Huff**  
**Stephen Hughes**  
**Earl Hulse, Jr.**  
**Thomas Keller**  
**Ashley Kelly**  
**Leslie K. King**  
**Jason Kiser**  
**Shannon Kiser**  
**Peter Kosloski**  
**George Lancaster**  
**Patricia Lipsey**  
**Randall Marcum**  
**Michael McElroy**  
**Larry McNeel**  
**David Mosier**

**Joseph Neely  
Keffer Petties  
Daniel N. Phillips  
Robert Pittman  
Chris Plunk  
Steve Potter  
Michael Prumbs  
Rhonda Robertson  
Richard Ruble  
Patrick R. Simpson  
Saro Sluppick  
Gerald E. Stark  
Gary E. Stokes, Sr.  
Mark G. Turner  
Roland D. Turner  
Guy F. Wallace  
Douglas Walters  
Lynn B. Watson  
Mark Watson  
Royce Watson  
Sammie Wicks  
Dennis S. Williams  
Donnie R. Williams  
Billy Wilson  
Mark Woolley**

Prosthetists

**Fredrick M. Avery  
William Bray  
Larry Butler  
Barry K. Canter  
Cecil E, Carter  
David Cloud  
Daniel Coin  
Leroy Cook  
Dennis J. Daniel  
James R. Davis  
Daniel P. Edwards  
Sandra D. Edwards  
Lara Fernando  
David T. Fillauer  
Karl D. Fillauer  
Karl M. Fillauer  
Aaron Fitzsimmons  
Larry Ford**

**Jerry L. Graybeal**  
**Joshua Graybeal**  
**Cary S. Greer**  
**Richard Hill**  
**Terry Hinton**  
**Earl Hulse, Jr.**  
**Richard Huff**  
**Jason Joyce**  
**Thomas Keller**  
**Ashley Kelly**  
**Leslie K. King**  
**Jason Kiser**  
**Shannon Kiser**  
**Peter Kosloski**  
**Randall Marcum**  
**Michael McElroy**  
**Larry McNeel**  
**David Mosier**  
**Kim N. Nguyen**  
**Daniel N. Phillips**  
**Robert Pittman**  
**Michael Prumbs**  
**Randy E. Robertson**  
**Richard Ruble**  
**Carl M. Sellers**  
**David A. Sellers**  
**Gerald E. Stark**  
**Gary E. Stokes, Sr.**  
**Thien Tran**  
**Roland D. Turner**  
**Douglas Walters**  
**Lynn B. Watson**  
**Mark Watson**  
**Royce Watson**  
**Bobby J. Webb**  
**Donnie R. Williams**  
**Billy Wilson**

Pedorthists

**David A. Brown**  
**Barry Canter**  
**Cecil E. Carter**  
**Michael Cohen**  
**Ivan Cooper**  
**Keith Copley**

**Daniel P. Edwards**  
**Sandra D. Edwards**  
**Charles Gillard**  
**Jack Jensen**  
**Amy Johnson**  
**Ramon Lovato**  
**Janet Myers**  
**Russell Oliver**  
**Aaron W. Perkins, Jr.**  
**Robert Pittman**  
**Kathryn Riffe**  
**Gary E. Stokes, Sr.**  
**Jon Warren**

The motion carried.

### **Election of Officers**

Upon discussion, Dr. Somers made a motion, seconded by Mr. Fillauer, to elect Dr. Riffe as Chair. The motion carried.

Upon discussion, Dr. Burns made a motion, seconded by Mr. Fillauer, to elect Dr. Nicholls as Secretary. The motion carried.

A roll call vote was conducted and all members voted in the affirmative to elect Dr. Riffe Board Chair and Dr. Nicholls Board Secretary.

### **Peer Assistance Program**

The board discussed implementing a contract with a peer assistance program which will aide in providing assistance to practitioners with impairments. Ms. Bell stated this would help practitioners applying for licensure who may have prior DUI and/or drug convictions. Ms. Bell stated the Tennessee Professional Assistance Program and Tennessee Medical Foundation both have an impaired program to be considered. Further discussion of a peer assistance program was tabled until the next board meeting.

With no other business to conduct, Dr. Somers made a motion, seconded by Mr. Fillauer, to adjourn at 1:09 p.m. The motion carried.