

TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS MINUTES

DATE: April 18, 2007

TIME: 9:00 a.m., CST

LOCATION: Health Related Boards
Poplar Room
227 French Landing, Suite 300
Nashville, TN

BOARD MEMBERS

PRESENT: Kathryn Riffe, DPM, Chair
Berkeley Nicholls, DPM, Secretary
Paul Somers, DPM
Lawrence Burns, DPM
Karl Fillauer, CPO
Karen Garner, Consumer Member

STAFF

PRESENT: James Hill, Board Administrator
Barbara Maxwell, Administrative Director
Ernest Sykes, Advisory Attorney
Lakita Taylor, AARBI

Dr. Riffe called the meeting to order at 9:10 a.m. A roll call vote was conducted. All Board members were present.

Ratify January 25, 2007 Board Meeting Minutes

Upon review of the January 25, 2007 Board meeting minutes, Dr. Nicholls made a motion, seconded by Mr. Fillauer, to ratify the minutes with amendments. The motion carried.

Conflict of Interest Policy Statement

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 new Board member, Karen Garner, 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 115-2-.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 1155-2-.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 (Orthotist. 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 Attorney General on March 14, 2006 and will become effective June 6, 2007.

Mr. Sykes said the amendment to Rule 1155-2-.08, .12, and .19 pertaining to exam score time limit, continuing education for prescribing, and stays and reconsiderations was sent to the Attorney General March 9, 2007 where it remains.

Mr. Sykes stated OGC currently has no open disciplinary case pertaining to the Board of Podiatric Medical Examiners.

Investigative Report

Ms. Moran discussed the Investigative Report stating there are four (4) complaints year to date against Podiatrists.

Ms. Moran stated there are no complaints against Podiatric X-Ray Operators.

Disciplinary Report

Ms. Moran 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.

Ms. Moran stated there are currently four (4) practitioners being monitored.

Financial Report

Mr. Hill reviewed the Financial Report stating the Board has a cumulative carryover of \$17,052.69 as of June 30, 2006.

Administrative Report

Mr. Hill reviewed the Administrative Report stating there are currently 228 active podiatrists and 123 active podiatric x-ray operators.

Mr. Hill stated the benchmark for renewal processing is 10 days with the Podiatrists averaging 4.68 days and Podiatric X-Ray Operators averaging 8 days.

Mr. Hill stated the benchmark for application processing is 100 days with Podiatrists averaging 61.4 days, Podiatric X-Ray Operators averaging 70.2 days, Orthotists averaging 5.8 days, Prothetists averaging 7.6 days and Pedorthist averaging 2 days.

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

Status Report

Mr. Hill reviewed the status report stating there are currently 228 actively licensed, 99 retired and 141 failed to renew Podiatrists.

Mr. Hill said there are currently 123 actively licensed, 5 retired and 80 failed to renew Podiatric X-Ray Operators.

Mr. Hill stated there are currently 91 actively licensed Orthotists, 73 actively licensed Prosthetists, and 34 actively licensed Pedorthists.

Review/Approve Application Files

Dixie C. Dallas, DPM, appeared before the Board stating she had been offered to complete a two (2) year surgical residency in Baltimore and would like to withdraw her application for licensure in the State of Tennessee. The Board accepted Dr. Dallas' decision.

Upon review of the application of **Francis Hawthorn, DPM**, requesting licensure as an orthotist and prosthetist, the Board decided to delay approval and have administration send Dr. Hawthorn a letter requesting proof of experience as an orthotist and prosthetist.

Upon review of the application of **Leonard Hilt, DPM**, requesting licensure as a prosthetist, the Board decided to delay approval and have administration send Dr. Hilt a letter requesting proof of experience as a prosthetist.

Upon review of the application of **Michael Webb, DPM**, requesting licensure as a pedorthist and indicating incompleteness of CPED certification, the Board decided to delay approval pending receipt of CPED certification.

James A. Brothers appeared before the Board stating he was under the impression that prior convictions had been removed from his record and, therefore, failed to indicate those convictions on his application. Upon review, Mr. Fillauer made a motion, seconded by Dr. Nicholls, to approve Mr. Brothers' licensure as an orthotist. The motion carried.

Upon review of the application of **James Gilley, DPM**, requesting five (5) year work history in Ohio to count as experience towards Tennessee licensure as a pedorthist and indicating no CPED

certification, the Board decided to deny request of Ohio experience and have administration send Dr. Gilley a letter requesting proof of CPED certification.

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

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

Sanjay Upadhyaya
David Weigand
Lawrence Owens
Marcus Baker
Morris Hunter

The motion carried.

Ratify Newly Licensed Podiatrists, Orthotists, Prosthetists and Pedorthists

Upon review, Dr. Nicholls made a motion, seconded by Dr. Burns, to approve the following newly licensed Podiatrists:

Christopher Frazier
Jeffrey Loveland
Christian Smith

The motion carried.

Upon review, Mr. Fillauer made a motion, seconded by Dr. Nicholls, to approve the following newly licensed X-Ray Operators:

Mary Raines

The motion carried.

Upon review, Dr. Nicholls made a motion, seconded by Mr. Fillauer, to approve the following newly licensed Orthotists:

Michael Adams
Regina Adcock
Jackie Ball
Calvin Berry, Sr.
Stephen Blackwell
William Bray
Nicholsa Brown

**Berry Calvin
David Cloud
Daniel Coins
Jennifer Coursey
Gilbert Cupp
Christopher Dandridge
Barry Davidson
Charles Davis
Grady Fletcher
Larry Ford
Jerald Gifford
Jerry Gilliam
Kevin Gilliam
John Gray
Terry Graybeal
Will Graybeal
Christopher Grey
Francis Hammer
Stacy Harkleroad
Richard Hill
Richard Huff
Stephen Hughes
Earl Hulse, Jr.
Thomas Keller
Ashley Kelly
Jason Kiser
Shannon Kiser
Peter Kosloski
George Lancaster
Fernando Lara
Patricia Lipsey
Michael McElroy
Larry McNeel
David Mosier
Joseph Neely
Keffer Petties
Richard Phelps
Robert Pittman
Bryan Ploughe
Chris Plunk
Steve Potter
Marcum Randall
Earl Robertson
Rhonda Robertson
Lawrence Rohling
Richard Ruble**

**Timothy Russell
Wendy Sandlin
Saro Sluppick
Billy Stagner, Jr.
William Stubbs
Douglas Walters
Mark Watson
Dallas Whicker
Sammie Wicks
Sharon Williams
Billy Wilson
Mark Woolley**

The motion carried.

Upon review, Mr. Fillauer made a motion, seconded by Dr. Somers, to approve the following newly licensed Prosthetists:

**Christopher Alexander
Calvin Berry, Sr.
Stephen Blackwell
William Bray
Milton Bull
Larry Butler
David Cloud
Daniel Coin
Barry Davidson
Charles Davis
Aaron Fitzsimmons
Larry Ford
Jerald Gifford
Kevin Gilliam
Will Graybeal
Faith Hadley
Francis Hammer
Richard Hill
Jerry Hinton
Richard Huff
Earl Hulse, Jr.
Jason Joyce
Ashley Kelly
Jason Kiser
Shannon Kiser
Peter Kosloski
Fernando Lara
Michael McElroy**

**Larry McNeel
Joseph Neely
Richard Phelps
Robert Pittman
Marcum Randall
Jeffrey Roberts
Earl Robertson
Richard Ruble
Billy Stagner, Jr.
William Stubbs
Douglas Walters
Mark Watson
Dallas Whicker
Billy Wilson**

The motion carried.

Upon review, Dr. Nicholls made a motion, seconded by Mr. Fillauer, to approve the following Pedorthists:

**Michael Baglione
Howard Bronson
Michael Brown
Barry Canter
Michael Cohen
Orly Cohen
Ivan Cooper
Keith Copley
Brian Douglas
Ashley Fisher
Charles Gillard
Francis Hammer
Robert Hancock
Francis Hawthorn
Leonard Hilt
Brian Jackson
Jack Jensen
Amy Johnson
Roland Kimberlin
Ramon Lovato
Janet Myers
Russell Oliver
Robert Patai
Robert Pittman
Kathryn Riffe
David Sandberg**

**Heather Sandberg
Billy Stagner, Jr.
Jon Warren
Dallas Whicker**

The motion carried.

Ratify Reinstatements

Upon review, Dr. Nicholls made a motion, seconded by Mr. Fillauer, to approve the following reinstated Podiatric X-Ray Operators:

Laverne Dancy

The motion carried.

Peer Assistance Program

Mike Harkreader, Tennessee Professional Assistance Program (TNPAP), appeared before the Board to present information regarding the TNPAP and the services it can offer the Board. Mr. Harkreader stated the program is an alternative to discipline and its mission is to assist practitioners in obtaining treatment for impairments such as substance abuse. Mr. Harkreader said individuals are first evaluated and then referred to the appropriate practitioner or facility for treatment. Mr. Harkreader said upon completion of treatment, the individual is required to sign a contract, undergo random urine screenings, workplace monitoring and attend a support group such as AA meetings.

Mike Todd, Administrator, Tennessee Medical Foundation (TMF), appeared before the Board to present information regarding the TMF and the services it can offer the Board. Mr. Todd stated the program offers assistance to practitioners with issues with substance abuse, mental health disorders, sexual boundaries, and more. Mr. Todd said the program works closely with treatment facilities to address these issues. Mr. Todd stated upon completion of treatment, individuals are required to sign a contract for a minimum of five (5) years for monitoring purposes. Mr. Todd stated assistance for family members is now being offered to assist them with the issues of their family member.

Dr. Riffe asked the Board to review the information presented by the peer assistance programs and discuss at the next Board meeting.

Set Board Meeting Dates for 2008

January 23, 2008
April 23, 2008
July 23, 2008
September 4, 2008

Correspondence

The Board discussed adopting a position statement as it applies to scope of practice regarding lower extremity multi-level arterial/vascular testing and allergy test patches. Upon discussion, the Board decided as long as a condition is directly related to the examination, treatment, and/or diagnosis of the foot, it is within the scope of practice.

Dr. Nicholls made a motion, seconded by Dr. Somers, to adopt the following position statements:

It is the position of the State of Tennessee Board of Podiatric Medical Examiners that lower extremity multi-level arterial/vascular testing is within the scope of practice for podiatrists, insofar as it is done for the purpose of examining, diagnosing, or treating medically, mechanically, or surgically, ailments of the human foot, ankle and soft tissue structures extending no higher than the distal tibial flair.

In the event such testing reveals an ailment or ailments which fall outside the scope of podiatric medicine, then the podiatrist would be obligated to refer the patient to a physician or other appropriate practitioner.

It is the position of the State of Tennessee Board of Podiatric Medical Examiners that the use of allergy skin patches (whether applied to the back or any other part of the body) is within the scope of practice for podiatrists, insofar as such patches are used for the purpose of examining, diagnosing, or treating medically, mechanically, or surgically, ailments of the human foot, ankle and soft tissue structures extending no higher than the distal tibial flair.

In the event allergy patches reveal an ailment or ailments which fall outside the scope of podiatric medicine, then the podiatrist would be obligated to refer the patient to a physician or other practitioner.

The motion carried.

With no other Board business to conduct, Mr. Fillauer made a motion, seconded by Dr. Nicholls, to adjourn the meeting at 1:49 p.m. The motion carried.

Ratified by the Tennessee Board of Podiatric Medical Examiners on July 19, 2007.