

TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS MINUTES

DATE: October 5, 2006

TIME: 1:00 p.m., CST

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

BOARD MEMBERS

PRESENT: David Long, DPM, Chair
Kathryn Riffe, DPM, Secretary
Berkeley Nicholls, DPM
Karl Fillauer, CPO

BOARD MEMBERS

ABSENT: Aaron Perkins, DPM
Shannon Bottoms, Citizen Member

STAFF PRESENT:

James Hill, Board Administrator
Ernie Sykes, Advisory Attorney
Barbara Maxwell, Administrative Director
Lakita Taylor, Administrative Assistant

Dr. Long, chair, called the meeting to order at 1:09 p.m. A roll call vote was conducted and with the absence of board member Dr. Nicholls, it was uncertain if a sufficient number of board members were present to constitute a quorum.

Mr. Sykes, advisory attorney, asked the board to adjourn for a few minutes to determine if the board had a quorum.

Upon review, Mr. Hill stated pursuant to rule 1155-2-.19, three (3) members of the Board shall at all times constitute a quorum.

With a sufficient number of board members present to constitute a quorum the board reconvened.

Review June 23, 2006 Minutes

Upon review of the June 23, 2006 minutes, Dr. Riffe made a motion, seconded by Dr. Fillauer, to ratify the minutes upon correction. The motion carried.

Dr. Long asked that the record show that Dr. Nicholls has arrived for the meeting.

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.

Office of General Counsel Report

Mr. Sykes stated the amendments to Rules 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.

Mr. Sykes said the amendments to Rules 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 amendments to Rules 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 no open disciplinary cases 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.

Upon discussion, Dr. Fillauer made a motion, seconded by Dr. Nicholls to adopt the policy statement as written. The motion carried.

Investigative Report

Ms. Phelps reviewed the investigative report stating there are five (5) complaints year-to-date against Podiatrists. Ms. Phelps said four (4) complaints have been closed with no action. Ms. Phelps stated there are no complaints against Podiatric X-Ray Operators.

Disciplinary Report

Ms. Phelps reviewed the disciplinary report which lists the name of the disciplined practitioners, which includes their license number, date of action, expiration date, civil penalty costs, continuing education requirements, reporting, peer assistance, and comments. Ms. Phelps stated all of the information in the disciplinary report is public information.

Financial Report

Mr. Hill reviewed the financial report stating the board has a cumulative carry over of \$10,507.65 as of June 30, 2006.

Mr. Kosten said the cost for the move is considerably lower than anticipated because some of the rent for the Cordell Hull Building was placed in a moving fund for the department.

Administrative Report

Mr. Hill reviewed the administrative report stating there are currently 229 active podiatrists and 132 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 administrative report stating there are currently 229 actively, 97 retired, 139 failed to renew, 42 expired, and 25 deceased Podiatrists.

Mr. Hill said there are currently 132 actively licensed, 5 retired, 70 failed to renew, and 8 expired Podiatric X-Ray Operators.

Jerry Kosten, Rules Coordinator

Mr. Kosten discussed amendment to Rule 1155-2-.05 regarding procedures for licensure to make it coordinate more closely with the statute by removing the enrollment portion and only stating completion. Upon discussion, the Board determined that an amendment is not needed.

Mr. Kosten discussed the amendment to Rule 1155-2-.12 regarding prescribing practices. Mr. Kosten said every other calendar year at least one (1) hour, of the fifteen (15) hour requirement,

shall be a course designed specifically to address prescribing practices. The rule amendment will go to rulemaking hearing December 19, 2006.

Mr. Kosten discussed Rule 1155-2-.19 regarding stays and reconsiderations which authorizes 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.

Mr. Kosten discussed Executive Order #38 which states prior to any state agency promulgating any new rules the board must consider the economic impact of the amendment to small businesses.

Upon discussion, Dr. Nicholls made a motion, seconded by Dr. Riffe, to accept the amendments as written. The motion carried.

The board determined that the rule amendments had no economic impact on small businesses.

Review and Approve applications

Upon review of the applications of **Gina Mendoza, DPM** and **Michael T. Wiles, DPM**, Dr. Fillauer made a motion, seconded by Dr. Nicholls, to approve Dr. Mendoza and Dr. Wiles for licensure. The motion carried.

Upon review of the applications of **James Lane Chadburn, DPM** and **Jonathan Clair Graham, DPM**, Dr. Fillauer made a motion, seconded by Dr. Riffe, to approve Dr. Chadburn and Dr. Graham 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, Dr. Nicholls made a motion, seconded by Dr. Fillauer, to delay approval pending receipt of supplemental information from Dr. Dallas and the residency program director explaining reason for termination. The motion carried.

Ratify newly licensed Podiatrists and Podiatric X-Ray Operators

Upon review, Dr. Fillauer made a motion, seconded by Dr. Riffe, to approve the following newly licensed Podiatrists and Podiatric X-Ray Operators:

Podiatrists

Christopher David Anna
James Lane Chadburn
Bradley Gipson
Jonathan C. Graham
Gina Mendoza
Michael T. Wiles

Podiatric X-Ray Operators

**Beverly Caldwell
Amanda Brandi Cash
Carolyn Marie Payne
Liesl Karin Schneller
Shari Ladon Williams
Wednesday LeeAnn Wiseman**

The motion carried.

Ratify reinstated Podiatrists

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

**Scott Mitchell Beairsto, DPM
Lester Timothy Haag, DPM
Maria L. Krahn, DPM
Aaron M. Owens, DPM**

The motion carried.

Ratify closed files

Upon review, Dr. Riffe made a motion, seconded by Dr. Fillauer, to ratify the following closed files:

**William B. Turner
Pamela K. Weir
Shannon K. Futral**

The motion carried.

Schedule 2007 Board Meeting Dates

January 25, 2006 - 9:00 a.m.
April 26, 2006 - 9:00 a.m.
July 19, 2006 - 9:00 a.m.
September 2006 - TBD

Correspondence

Upon discussion of a letter from **John E. Bell, DPM**, requesting legislation to acknowledge Podiatrists who practice Hyperbaric Oxygen Therapy in the state of Tennessee, the board decided to send a letter of response stating it would be up to Dr. Bell to have his attorney address this issue.

Upon discussion of the use of nitrous oxide as a general anesthetic in office the Board delayed discussion upon a report from Dr. Nichols at the next meeting.

With no other business to conduct, Dr. Riffe made a motion, seconded by Dr. Fillauer, to adjourn at 3:45pm. The motion carried.

Approved by the Board of Podiatric Medical Examiners January 25, 2007.