

**Tennessee Medical Laboratory Board**  
**July 21, 2017**  
**Minutes**

**Date:** July 21, 2017

**Time:** 9:00 AM CDT

**Location:** Tennessee Department of Health  
Division of Health Licensure and Regulations  
Metro Center Complex, Iris Room, Ground Floor  
665 Mainstream Drive  
Nashville, TN 37243

**Members Present:**

Patti J. Walton, MT-Hospital/Lab Manager/Adm. Dir., Chair  
Keisha Burnett, S.A.-Cytotechnologist  
Mark A. Calarco, DO, Independent Lab Manager/Administrator  
Tereyo M. Cox, MT-Medical-Technologist, General  
Carla M. Davis, MD-Pathologist  
Stephanie Dolsen, MT Supervisor Vice-Chair  
Michael Johnson, MT-Medical Technologist Generalist  
Gaye G. Jolly, MT-Hospital Administrator  
Kathleen Kenwright, MT- Medical Technologist, Educator  
Jon Parham,

**Members Absent:**

Royce Joyner, MD-Pathologist Educator  
Jason S. Nolan, MD-Pathologist, Non-Educator  
Michael J. Wright-Citizen Representative

**Vacant Position:** All board positions filled.

**Staff Absent:** All staff present for the meeting.

**CLIA Manager/Representative:** Sandra Bogard, MT CLIA Manager

**Presiding Officer:** Patti Walton, MT, Chair

**Call To Order:** The meeting was called to order at 9:01 am CDT by Board Chair Patti J. Walton.

**Introductions of Board Members:** Board members and staff made their introductions to the record.

**Introductions of Staff:** Board members and staff made their introductions to the record.

**Quorum:** Ten board members were present which constitute a quorum.

**Approve Minutes**

**P & E Committee Meeting**

A motion to approve the April 19, 2017 Personnel & Education Committee minutes was made by Ms. Kenwright.

Second: Mr. Johnson  
Committee Minutes Approved

**Full Board Meeting**

A motion to approve the April 20, 2017 board meeting minutes was made by Ms. Jolly.

Second: Ms. Dolsen  
Board Minutes: Approved

**Board Reports:**

**Ratification of Initial Determinations of the P&E Committee Meeting:**

Ms. Kenwright reported the actions of the Personnel & Education Committee meeting, July 20, 2017.

Motion to ratify Committee actions: Dr. Parham  
Second: Mr. Johnson  
Report: Accepted as presented

**Consent, Agreed, Compliance Orders & Letters of Reprimand**

**Consent Orders**

Two consent orders were presented to board members for consideration.

Consent Order #1:  
Geoff A. Dykes  
Murfreesboro, TN  
Medical Laboratory Technician  
License #10623

Mr. Dykes agreed to the stipulations found in the Consent Order #2017003641 based on his failure to comply with Rules & Regulations 1200-06-01-.12 relative to the completion of 24 hours of continuing education hours required for medical laboratory professional per this rule.

(The approved continuing education pertaining to laboratory technology medicine for the two (2) calendar years which proceeds the license renewal year.)

To avoid any further administrative action Mr. Dykes agreed to the following:

- 1) place his license as a medical laboratory technician in TN on probation for no less than one (1) year.
- 2) obtain twenty-four (24) hours of continuing education for the 2014-2015 cycle for which he was deficient, and submit to the Board's administrative office within one year of the effective date of this order.
- 3) these hours are in addition to the continuing education hours required to maintain his license with the Board as a Medical Laboratory Professional in Tennessee.
- 4) to lift the probation, Mr. Dykes must petition the Board for an Order of Compliance.
- 5) pay twenty-four (24) Type C civil penalties in the amount of fifty dollars (\$50.00) for each hour of the deficient continuing education hours (24) for a total of one thousand two hundred dollars \$1200.00 with payment due within six (6) months of the entry of this order.
- 6) Mr. Dykes is also charged with the payment of the actual and reasonable costs of prosecuting this case with the maximum amount one thousand dollars, \$1000.00, due within six (6) months of the issuance of the Assessment of Costs.

Motion to approve the Consent Order: Ms. Jolly

Second: Mr. Johnson

Consent Order: Approved

Consent Order #2:

Kelia N. Jenkins

Pikeville, TN

Medical Laboratory Technician

License #23266

Ms. Jenkins agreed to the stipulations found in the Consent Order #2016043401 based on her failure to comply with the Rules and Regulations 1200-06-01 pertaining to providing professional services while mentally incompetent, or under the influence of alcohol, a narcotic or other controlled, dangerous substance that is in excess of therapeutic amounts or without valid medical indication and violating or aiding and abetting the violation of any provisions of this chapter or the rules and regulations promulgated under this chapter.

Tennessee Code Annotated 63-29-101 & 68-29-127

To avoid any further administrative action Ms. Jenkins to the following:

- 1) her license as a medical laboratory technician in TN. is placed on probation to run concurrent the TnPAP\* monitoring agreement that was signed by Ms. Jenkins, October 20, 2016.
- 2) to have the probation lifted Ms. Jenkins must petition the Board for an Order of Compliance.
- 3) before the probation can be lifted, proof of completion of the terms of the TnPAP monitoring agreement must be available to the board's administrative office.
- 4) 100% compliance with the TnPAP monitoring agreement must be maintained to include any amendments made to the monitoring contract.

\*Tennessee Peer Assistance Program

Motion to approve Consent Order: Ms. Dolsen  
 Second: Ms. Jolly  
 Consent Order: Approved

**Agreed Orders**

No Agreed Orders presented.

**Compliance Orders**

No Compliance Orders presented.

**Letters of Reprimand**

No Letters of Reprimand were presented.

**Presentations to the Board:**

**Tennessee Professional Peer Assistance Program (TnPAP):**

Mr. Mike Harkreader, MS,RN,CARN  
 TnPAP Director

The statistical report for July 1, 2016-June 30, 2017 was presented with two (2) individuals monitored during this time period.

Two referrals were made by the employer for impairment and positive urine drug screen in the workplace.

TnPAP evaluations were performed with both individuals consenting to treatment.

Two individuals declined TnPAP services and both have been reported to the Department for further review.

Mr. Harkreader gave board members a synopsis of Public Chapter #481 which concerns the possession of prescribed medications if found after a drug screen.

Note: See legislative report for web site, Public Chapter Section.

Motion to accept the TnPAP report: Dr. Calarco  
Second: Dr. Davis

Report accepted as given.

Note: Review of TnPAP materials via internet counts as clock hours toward continuing education credits.

A certificate of completion documenting review of these materials can be completed at the end of the session. Internet site: [www.TNPAP.org](http://www.TNPAP.org)

**Financial Report  
Noranda M. French  
Presentation/Discussion**

Ms. French gave the Mid-Year financial report during the meeting. Expenditures for the mid-2017 cycle were presented in detail broken down into each category.

The projected current year net is \$32,260.81 with a cumulative carryover projected to be \$1,627,252.27.

Motion to accept the report: Mr. Johnson  
Second: Ms. Jolly  
Report accepted as given.

A copy of the report is on file in the administrative office.

**Investigations Report  
Dorsey Luther  
Disciplinary Coordinator  
December 2016-July 2017**

Personnel: BIV received a total of five complaints concerning personnel issues, with two complaints remaining from December 2016.

One complaint was for unprofessional conduct, one complaint was for alleged use of drugs and three complaints for continuing education violations.

Facilities: One complaint remains from December 2016 with four complaints in January 2017: three complaints for unprofessional conduct and one complaint for care of services.

Motion To Accept Report: Mr. Johnson  
Second: Ms. Cox

Investigations Report accepted as given

**Legislative Report  
DOH Commissioner's Office  
Legislative Liaison  
Legislative Affairs  
James Layman**

Mr. Layman gave a summary of the legislative update for the 2017 session relating to operations and new legislation which could affect the practice of laboratory medicine in Tennessee.

Several Public Chapters, (PC350,PC215,PC240, PC481, and PC230) all pertain to health providers, some which specifically pertain to medical laboratory testing for drugs of abuse.

A summary of these legislative actions can be found on the TNMLB's web page: <http://tn.gov/article/media-about> .

Motion to accept report: Dr. Calarco  
Second: Ms. Kenwright

Report accepted as given.

**Discuss, review, take action, if needed, regarding but not limited to:**

**Ratifications:**

**The following items were presented to board members for ratification per staff, state surveyor or facility request:**

**APRN Policy  
Point of Care Exemptions**

Board members reviewed a policy pertaining to Advanced Practice Nurse Practitioner parameter of practices in the performance of previously granted exemptions.

This policy states that APRN's can perform and report any previously granted exemption for Registered Nurses associated with Point of Care 1200-06-03-.16, Alternate Site Testing, Rules and Regulations Governing Medical Laboratories 1200.06.13.

Board members reviewed the policy again after their approval in April 2017 for any possible changes to the policy wording.

No changes were made; no further action was taken on the matter.

**American Red Cross  
Tennessee Valley**

J. Scott Webber, Executive Director of Quality & Regulatory Affairs/Compliance for the ARC Centers, appeared before board members to request an exemption to the Rules and Regulations Governing Medical Laboratory Personnel, specifically 1200-06-01-.20(5)(c); and Rules and Regulations Governing Medical Laboratories 1200-06-03,14 relative to the minimum requirements of once a month on-site visits by the medical laboratory director to each licensed ARC location in Tennessee.

After discussion, board members agreed to a visit every six months to the ARC donor stations in Johnson City, TN (license # 2081) and Murfreesboro, TN (license #4137).

These facilities perform hemoglobin testing as their only clinical laboratory procedure at these locations as part of their donor suitability evaluations, any changes to this menu will require a re-visit or re-evaluation by board members.

Note: This exemption is not applicable to the American Red Cross Blood Services Nashville, TN location.

Motion: Ms. Kenwright  
Second: Ms. Dolsen

Abstain: Dr. Calarco

**Ratifications:**

*The following items were presented for ratification per staff, state surveyor, or facility request:*

**Point of Care Exemptions  
1200-06-03.16 (1)**

- 1. Tennova Healthcare  
Dyersburg Regional  
Medical Center  
Dyersburg, TN 38024**

This exemption request was for Registered Nurses who work in the Cardiac Cath. Laboratory to perform and report

activated clotting times (ACT's) utilizing the Hemochron Signature Elite instrument and methodology.

Motion: Ms. Jolly  
Second: Ms. Dolsen

Exemption granted

**2. TriStar Summit  
Medical Center  
Hermitage, TN 37076**

This exemption request was to permit Registered Nurses to perform and report lactate testing procedures in the Emergency Department utilizing i-STAT.

Motion: Dr. Calarco  
Second: Ms. Kenwright

Exemption granted.

**3. TriStar Summit  
Medical Center  
Hermitage, TN 37076  
Respiratory Therapy**

This exemption request was to permit Licensed Respiratory Therapists (ABD-endorsed) to perform and report arterial blood gases to include associated parameters, and lactate testing procedures throughout the facility to include the Emergency Department.  
The instrument of choice is i-STAT.

Motion: Ms. Dolsen  
Second: Ms. Jolly

Exemption granted.

**4. Region One Health  
Memphis, TN 38103**

Two exemptions were presented for board approval.

Exemption #1:  
Permits Advanced Practice Registered Nurses to perform and report vaginal wet preps in the Employee Clinic, Ground Floor of the Medical Outpatient Services area.

Motion: Ms. Jolly  
Second: Ms. Kenwright

Exemption granted.



Exception #2:  
Permits Registered Nurses to perform and report urine drug screens in the OB/GYN Clinic using the BluRapid multi-drug test kit.

Motion: Ms. Kenwright  
Second: Dr. Parham

Exemption granted.

**5. Williamson County  
Medical Center  
Franklin, TN 37067**

Permits Licensed Registered Nurses (RN's), and CRNA's to perform and report blood gases to include pH, pO<sub>2</sub>, TCO<sub>2</sub>, HCO<sub>3</sub>, SO<sub>2</sub>, Base Access, all with associated parameters with the addition of lactate, hemoglobin, hematocrit, sodium, Ca<sup>+</sup>, and potassium in the Operating Rooms of this facility utilizing i-STAT instrument utilizing Registered Nurses. This exemption is granted with submission of correlation on the instrument to the administrative office.

Motion: Ms. Jolly  
Second: Mr. Johnson

Exemption granted.

Note: Ms. Walton recused herself from the discussion and vote and presented this request to board members.

Vice-chair Dolsen conducted this portion of the meeting.

The gavel then returned to Chair Walton for the remainder of meeting events.

**6. TriStar Horizon  
Medical Center  
Dickson, TN 37055**

This facility made the following exemption requests: to permit Licensed Registered Nurses (RN's), Licensed Practical Nurses (LPN's), EMT-Paramedics, Respiratory Therapists (ABG-endorsed), and Radiology Technicians to perform and report the following clinical laboratory testing procedures throughout the facility.

These procedure include: lactate, troponin 1, CKMB, myoglobin, activated clotting times, Pt/INR, sodium,

potassium, chloride, CO<sub>2</sub>, glucose, BUN, creatinine, Ca<sup>+</sup>, hemoglobin, hematocrit, and blood gas analysis to include pH, pCO<sub>2</sub>, pO<sub>2</sub>, HCO<sub>3</sub>, TCO<sub>2</sub>, SO<sub>2</sub>, BE, with applicable calculated parameters.

Specific test location, tests and testing personnel to be determined by the medical laboratory director of record.

Motion: Dr. Calarco  
Second. Dr. Parham

Exemption granted.

**7. TriStar Natchez ER  
Dickson, TN 37055**

This request was to permit Licensed Registered Nurses (RN's), Licensed Practical Nurses (LPN's), EMT-Paramedics, Respiratory Therapists (ABG-Endorsed), and Radiology Technologists to perform and report the following clinical laboratory test throughout the facility utilizing i-STAT.

The tests are: lactate, troponin 1, sodium, potassium, chloride, CO<sub>2</sub>, glucose, BUN, creatinine, Ca<sup>+</sup>, hemoglobin, hematocrit and blood gas analyses to include pH, pCO<sub>2</sub>, pO<sub>2</sub>, HCO<sub>3</sub>, TCO<sub>2</sub>, SO<sub>2</sub>, and BE with applicable calculated parameters.

Motion: Mr. Johnson  
Second: Ms. Dolsen

Exemption granted.

**Direct 3+ Labs  
1200-06-03-.13(5)**

Ryan Brock Neil, Ph.D. BCLD  
Collierville, TN 38017

Dr. Neil appeared before the board to the addition of a 4<sup>th</sup> laboratory in addition to three labs he currently directs which include:

Memphis Pathology/AEL Memphis  
Germantown Surgery Center  
Germantown, TN 38138

Memphis Pathology/AEL Humphreys  
Memphis, TN 38120

Total Diagnostics II, CQuentia Labs  
Memphis, TN 38125

Note:

The 4<sup>th</sup> laboratory will be a second division of CQuentia Laboratories and is projected to open in September of this year and is located at the same physical location as the Total Diagnostics laboratory.

After discussion board members agreed to the addition of a 4<sup>th</sup> laboratory under Dr. Neil's direction.

Motion: Ms. Kenwright  
Second: Dr. Davis

Abstain: Ms. Dolsen

Motion: Approved

### **Reports/Requests:**

#### **Board Director's Report Lynda S. England BS MT(ASCP)**

Ms. England gave the board director's report for the quarter April 01, 2017 thru June 30, 2017.

The report included statistical data concerning the licensure of laboratory personnel, laboratory facilities, health fair/health screening events.

After discussion board members accepted the report given by Ms. England.

Motion: Mr. Johnson  
Second: Ms. Cox

Report accepted as read.

(A copy of the report is kept on file in the board's administrative office)

#### **Board Attorney Report Kyonzté Hughes-Toombs Deputy General Counsel**

Counsel Hughes-Toombs gave her report for the past quarter: There are four open cases in the Office of General Counsel. Two consent orders were presented today, leaving two open cases for review.

Personnel Rules (1200.06.01) revisions may be presented in the form of a Public Rulemaking Hearing hopefully to be held during the October 19, 2017 board meeting.

The proposed rules will be posted on the Secretary of

State's web page 45 days for public review, and comment.

A separate Open Meeting Notice will also be posted to the web site for this event.

Motion: Ms. Kenwright

Second: Ms. Dolsen

Report approved as given.

#### **REINSTATEMENT OF LICENSE**

No licenses to reinstate this quarter.

#### **ADDITIONS/DELETIONS TO THE BOARD'S WAIVED TEST LIST**

No additions or deletions were made to this board-approved waived test list.

#### **Review/Discuss:**

#### **Licensure of Medical Laboratory Director**

Matthew Hardison, Ph.D.  
Brentwood, TN 37027

Dr. Hardison received his BS degree  
From Lipscomb University and his  
Ph.D. from the University of Alabama in  
Birmingham.

His training was at the National Centers for  
Pain Management & Research in Alabama.

He holds current certification in the National  
Registry of Certified Chemists as a Toxicological  
Chemist and is currently licensed as a Director-  
Molecular Diagnostics.

Dr. Hardison requests an addition to his license to include  
licensure as Director of Toxicology.

Motion: Dr. Calarco

Second: Dr. Davis

License approved.

**Regional Surveyors Reports,  
Complaint Investigations/PT  
Events  
Regional Offices:  
East, Middle, West Tennessee**

**ETRO Report**  
**Taylor Carpenter, MT**  
**Consultant/Surveyor**

East TN Regional Office: April 01-June 30, 2017

Complaint Investigations: Zero

Unsuccessful Proficiency Testing:

One first unsuccessful PT event for BUN with an acceptable plan of correction.(April)

One first unsuccessful PT event for bacteriology with an acceptable plan of correction. (May)

One first unsuccessful PT event for antibody Identification with an acceptable plan of correction. (May)

East TN Regional Office: April 01-June 30, 2017

Complaint Investigations: Zero

Unsuccessful Proficiency Testing:

One first unsuccessful PT event for BUN with an acceptable plan of correction.(April)

One first unsuccessful PT event for bacteriology with an acceptable plan of correction. (May)

One first unsuccessful PT event for antibody Identification with an acceptable plan of correction. (May)

**MTRO Report**  
**Richard Carroll, MT**  
**Consultant/Surveyor**

Middle TN Regional Office: April 01-June 30, 2017

Complaint Investigations: One

Unsuccessful Proficiency Testing:

Two facilities were reported with a first unsuccessful PT event with acceptable plans of correction per on-site inspections in the facility.

**WTRO Report**  
**Karon Hathcoat, MT**

**Consultant/Surveyor**

West TN Regional Office: April 01-June 30, 2017

Complaint Investigations: Zero

Unsuccessful Proficiency Testing:

One laboratory with first unsuccessful occurrence for PT event.

One laboratory with second unsuccessful occurrence for PT event.

In both instances acceptable plans of correction were provided to the surveyor.

Motion to accept regional surveyor reports: Mr. Johnson  
Second: Ms. Jolly

All surveyor reports accepted as presented.

**Board Ratifications  
Facility Laboratory Applications**

**Sumner Station ER Lab  
Suite 100  
225 Big Station Camp Blvd.  
Gallatin, TN 37066**

Specialties:  
Microbiology (limited)  
Parasitology (limited)  
Virology (limited)  
Hematology  
Immunoematology  
(limited to emergency release)  
Clinical Chemistry  
Urinalysis  
Endocrinology  
Toxicology

Laboratory Director:  
Julie W. Lemmon, M.D.  
Anatomic/Clinical Pathology

Motion: Ms. Kenwright  
Second: Dr. Parham

Abstain: Mr. Johnson  
License Approved.

**Associated Pathologists/  
PathGroup  
1755 Gunbarrel Road # 1  
Chattanooga, TN 37421**

Specialties:  
Pathology  
Histopathology  
Oral Pathology

Laboratory Director:  
Thomas Mezzetti, M.D.  
Anatomic/Clinical Pathology

Motion: Ms. Kenwright  
Second: Mr. Johnson  
License Approved.

**BioMat, USA  
3748 Nolensville Pike  
Nashville, TN 37211**

Specialties:  
Plasmapheresis Center  
Hematocrit  
Total Serum Protein  
Glucose  
Laboratory Director:  
Gates J. Wayburn, M.D.  
American Bd./Ophthalmology

Motion: Ms. Jolly  
Second: Ms. Dolsen

Licensed Approved.

**Resolve Molecular  
Diagnostics Esoteric Laboratory  
357 Riverside Drive Ste. 214  
Franklin, TN 37064**

Specialties:  
Esoteric Molecular Diagnostics

Laboratory Director:  
David L. Smalley, Ph.D. ABB-BCLD

Motion: Dr. Parham  
Second: Ms. Dolsen

License Approved.

**Resolve Diagnostics  
Esoteric Laboratory  
357 Riverside Drive Ste. 204  
Franklin, TN 37064**

Specialties:  
Esoteric Toxicology

Laboratory Director:  
James W. Denham, M.D.  
Anatomic and Clinical Pathology

Motion: Dr. Davis  
Second: Mr. Johnson

License Approved.

#### **Statement of Next Meeting**

The next Board Meeting will be October 19,2017 and is scheduled to begin at 9 AM CDT in the Iris Conference Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, TN 37243

#### **Record of Adjournment**

With no further business to discuss and with a motion properly presented, the meeting adjourned at 12:04 pm CDT.

Motion to adjourn: Dr. Calarco  
Second: Dr. Parham

Meeting Adjourned.