

TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS

DATE: February 7, 2018
TIME: 9:00 A.M., CST
LOCATION: Health Related Boards
Poplar Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Sheila Schuler, D.P.M., Chair
Tyrone Davis, D.P.M., Vice-Chair
Karl Fillauer, C.P.O, Secretary
Martha Kay Oglesby, Consumer Member
David Sables, D.P.M.

NOT PRESENT: Ramesh Pavuluri, D.P.M.

BOARD STAFF

PRESENT: David Silvus, Assistant General Counsel
Andrea Huddleston, Deputy General Counsel
Vanessa Hayes, Board Administrator
Theodora Wilkins, Administrative Director

Dr. Schuler called the meeting to order at 9:00 a.m. A roll call vote was conducted and all Board members were present with the exception of Dr. Ramesh Pavuluri.

Minutes

Upon review of the February 7, 2018 minutes, Ms. Oglesby moved to accept the minutes seconded by Mr. Fillauer. The motion carried.

Rulemaking Hearing

Ms. Andrea Huddleston of the Office of General Counsel conducted a Rulemaking hearing pursuant to Tennessee Code Annotated 4-5-204. These rule amendments are required by public chapter number 167 from the 110th General Assembly that legislation requires the Board to establish a registration process for Orthotic and Prosthetic residents. It requires those residents to register prior to practicing within their residency. The rules provide the registration process including payment of a ten dollar (\$10) fee. Those already practicing within a residency are required to register within sixty (60) days of the effective date of this rule. This rule would limit the practice of those residents to within the scope and supervision of an NCOPE accredited program and require the program director to notify

the Board of a resident's termination from that program. The registration is good for twenty-four (24) months and may be renewed one (1) time only. Residents must report the status of their residency every six (6) months to the Board. These rules add a new section that allows certified Orthotic and Prosthetic assistants a broader scope of practice under the supervision of their Podiatrist. Mr. Fillauer made a motion to accept the rules seconded by Ms. Oglesby. The motion carried.

Ms. Huddleston presented an Economic Impact Statement pertaining to the impact on small businesses. Mr. Fillauer made a motion to accept the Economic Impact Statement seconded by Dr. Sables. The motion carried.

Investigative Report

Ms. Lori Leonard reported that of the currently monitored practitioners one (1) is on probation, one (1) is suspended, and five (5) are revoked. There are zero (0) new open complaints for Podiatrists year to date and three (3) being monitored.

Office of General Counsel

Mr. David Silvus, Advisory Attorney from the Office of General Counsel presented the OGC report. He stated that there are no pending appeals. There are four (4) open cases for DPM's and one (1) open case for an Orthotic license. There are no new consent orders.

Dr. Bill Vuong appeared before the Board requesting to have his suspension lifted. Conditions of his suspension were to complete a course on prescribing controlled substances and improving documentation and pay a fine. He has met these conditions. After his suspension is lifted he will be on probation for 5 years. Ms. Oglesby made a motion to lift the suspension, seconded by Mr. Fillauer. Dr. Sables abstained due to his not being at the last meeting and not being familiar with the case. All others voted in favor. The motion carried.

Administrative Report

Ms. Hayes stated as of February 7, 2018 there are 265 active Podiatrists; 141 active X-ray operators; 151 active Orthotists; 143 active Prosthetists and 51 active Pedorthists. Ms. Hayes reviewed the monthly statistical breakdown of the renewed, retired and failed to renew.

Ms. Hayes said the Board meeting dates for 2018 are as follows:

August 8, 2018
November 2, 2018

Applicant for File Review

Dr. Daniel Tucker appeared before the Board to request a waiver of the requirement that the PMLexis III must be taken within five (5) years of the day of applying for licensure. Mr. Silvus informed the Board that there is a statute that deals specifically with reciprocity and it allows the Board, if they choose to do so, to waive the written exam entirely, but the Board must find that the applicant is licensed in a State that has requirements that are at least equivalent to our requirements for licensure as a Podiatrist. Dr. Tucker has been licensed in multiple states including Virginia. Mr. Silvus has determined that Virginia has the toughest and most similar requirements to Tennessee's. Virginia has the same educational, moral conduct, residency, and

exam requirements as Tennessee. Dr. Tucker addressed the Board stating that he has been practicing nearly twenty (20) years and is Board Certified by the American Board of Foot and Ankle Surgery as well as having certification in both foot surgery and reconstructive rear foot and ankle surgery. He has been recertified within the past five (5) years.

Dr. Davis made a motion to accept Virginia's requirements as being equal to Tennessee's seconded by Mr. Fillauer. Dr. Sables abstained. All others voted in favor. The motion carried. Dr. Davis made a motion to approve Dr. Tucker's application based on reciprocity from Virginia and their having equal requirements, seconded by Ms. Oglesby. Dr. Sables abstained. All others voted in favor. The motion carried.

It has been brought to the attention of the Board that Dr. Justin Jex was issued a license in August of 2017 and had not met the five (5) year rule. Dr. Jex is licensed in Georgia and Texas as well. He has not had any disciplinary actions and his licenses are in good standing. It has been already determined that he is otherwise qualified to practice in the State of Tennessee. The Board compared Texas requirements with Tennessee requirements. Dr. Davis made a motion to accept that Texas has comparable equal exam requirements, seconded by Dr. Sables. All voted in favor. The motion carried. Dr. Davis then made a motion to approve Dr. Jex and waive his PMLexis examination requirement, seconded by Dr. Sables. All voted in favor. The motion carried.

Ms. Hayes presented the application for Dr. Hood who had taken his PMLexis in June of 2012 and applied for licensure in November of 2017. He was five (5) months short of the five (5) year requirement. He is also licensed in Pennsylvania with no disciplinary actions. Dr. Schuler stated that Pennsylvania has requirements that meet or exceed ours. Dr. Davis made a motion to approve the application, seconded by Ms. Oglesby. Dr. Sables abstained. All others voted in favor. The motion carried.

Newly Licensed

Podiatrist

Mitchell P. Hilsen

Blake A. Weeks

Dr. Davis made a motion to approve the newly licensed Podiatrist, seconded by Mr. Fillauer. The motion carried.

Podiatric X-Ray Operators

Brenda B. Bienati

Kasey L. Carter

Tracy E. McKenzie Eley

Danielle L. Neal

Latisha R. Townes

Tiffany M. Townsend

Dr. Davis made a motion to approve Podiatric X-Ray Operators, seconded by Ms. Oglesby. The motion carried.

Orthotists

Christopher D. Fink

Tyler C. Lambright

Jennie M. Rhodes

Mr. Fillauer made a motion to approve the Orthotists, seconded by Ms. Oglesby. The motion carried.

Pedorthist

Linda Wear Johnson

Mr. Fillauer made a motion to approve the Pedorthists, seconded by Ms. Oglesby. The motion carried.

Prosthetists

Justin Darm

Christopher D. Fink

Mr. Fillauer made a motion to approve the Prosthetists, seconded by Ms. Oglesby. The motion carried.

Other Board Business

Mr. John Williams, J.D. appeared on behalf of the Tennessee Podiatric Medical Association requesting that there be a rule for Podiatric residents to be permitted to apply for licensure at least three (3) months in advance of completing residency. Ms. Wilkins made the point that there is no restriction on when they can apply for licensure. The Board decided that it should be stated in our policy clearly that Podiatry applicants may begin the application process up to six (6) months prior to completion of their residency and that the verbiage be placed on our website as well. Dr. Davis made a motion to approve seconded by Mr. Fillauer. The motion carried.

The Board has requested a discussion on a rule revision to be put on the agenda for the next meeting on May 9, 2018 for Rule 1155-02-.08 on the requirement of the PMLexis to have been taken in the last five (5) years.

The Board discussed record retention and decided to take home the rules drafted by Dr. Sables and Mr. Silvus and review them for the next Board meeting.

The Board would like to discuss the Lapsed license policy at the May 9, 2018 Board meeting.

Adjournment

A motion to adjourn was made by Dr. Schuler and seconded by Dr. Davis. The motion carried. The meeting adjourned.