

TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS

DATE: May 10, 2017
TIME: 9:00 A.M., CST
LOCATION: Health Related Boards
Poplar Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

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

BOARD STAFF

PRESENT: Andrea Huddleston, Chief Deputy General Counsel
Jennifer L. Smith, General Counsel
Vanessa Hayes, Board Administrator
Theodora Wilkins, Administrative Director

Dr. Somers called the meeting to order at 9:00 a.m. A roll call vote was conducted and all Board members were present.

Minutes

Upon review of the February 8, 2017 minutes, Dr. Schuler moved to accept the minutes seconded by Dr. Davis. The motion carried.

Office of General Counsel

Ms. Jennifer Smith presented the OGC report stating that there was a Rulemaking hearing in February 2017 to reduce the Podiatrists bi-annual renewal fee to \$275 and to reduce the Orthotist, Prosthetist, and Pedorthist renewal fee to \$150. It has been approved by the Attorney General and will take effect in July.

Ms. Smith stated that there is currently some proposed language to amend the restrictions on the practice of Orthotist, Prosthetist, and Pedorthist and that is mainly to expand the duties of the Orthotists and Prosthetists assistants. There is also proposed language to amend the qualifications for licensure rule to establish a registration process for Orthotists and Prosthetist residents.

Ms. Smith stated there are no appeals or civil suits pending. There are no Consent Orders or Agreed Orders pending in the Office of General Counsel. There are 3 open cases on Podiatrists.

Ms. Smith stated that there is an Order of Compliance for Mr. Richard Babcock, license number 222. There was a Consent Order signed by the Board in February of 2015 due to the Respondent practicing before licensure. He was ordered to 2 years' probation, civil penalties of \$3,500 and costs. There is a sworn Affidavit from Ms. Nichelle Dorroh, the Disciplinary Coordinator, stating that Mr. Babcock is in compliance with the terms and conditions of probation including paying all of the fees. Dr. Schuler made a motion to approve the Order of Compliance, seconded by Dr. Davis. The motion carried.

Financial Report

Noranda French presented the Mid-Year financial report and discussed the anticipated year end numbers. The total potential expenditures for the year are \$32,792.05 and total revenue for the year \$57,529.76. The board could potentially close at \$56,825 with a cumulative carry over of \$343,028.

Investigative Report

The Disciplinary and Investigative Reports were presented by Nichelle Dorroh. The Investigative Report showed there are currently seven (7) complaints for Podiatrists pending review in their office as of May 9, 2017.

Administrative Report

Ms. Hayes stated as of May 9, 2017 there are 268 active podiatrists; 132 active X-ray operators; 152 active Orthotists; 143 active Prosthetists and 53 active Pedorthists. Ms. Hayes reviewed the monthly statistical breakdown of the renewed, retired and failed to renew.

Ms. Hayes said the remaining dates for Board meetings in 2017 are as follows:

August 9, 2017

November 8, 2017

Application Review

Mr. Donald Box was present to discuss his application for licensure as a Prosthetist. Mr. Box has BOC Certification, but he did not complete the Residency requirement and does not have the required Orthotist and Prosthetist (O & P) specific training from a Certificate program. After reviewing his application and speaking with Mr. Box, the Board determined that he would need to complete an Orthotist and Prosthetist Certificate program or the equivalent of it. He also must provide proof of a Residency. Mr. Box opted to withdraw his application. Mr. Fillauer made a motion to accept him withdrawing his application, seconded by Dr. Somers. The motion carried.

Newly Licensed/Certified

Podiatrist

Margaret Ann Withrow

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

Podiatric X-Ray Operators

Amber F. Reeves

Dominique D. Smith

Dr. Schuler made a motion to approve Podiatric X-Ray Operators, seconded by Dr. Sables. The motion carried.

Orthotists

Caitlyn A. Collins
Jeana L. Oldham

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

Prosthetists

Caitlyn A. Collins
Jeana L. Oldham

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

Pedorthists

John W. Owen

Mr. Fillauer made a motion to approve the Pedorthist, seconded by Dr. Sables. The motion carried.

Reinstatements

Podiatrist:

John J. Cauthon

Upon review Dr. Somers made a motion, seconded by Dr. Schuler, to approve the reinstated Podiatrist License. The motion carried.

Prosthetist:

Brian D. Cumby

Upon review, Mr. Fillauer made a motion, seconded by Dr. Somers, to approve the reinstated Prosthetist License. The motion carried

Expired Applications

Upon review, Mr. Fillauer made a motion, seconded by Dr. Somers, to approve the following expired licenses. The motion carried.

Podiatrist

Aaron C. Allred

Podiatric X-Ray Operators

Teresa E. Bittner
Leslie M. Bizzoco
Wanda Clifton
Tara M. Hansen

Kendra Johnson
Veronica M. Sandoval
Constance A. Wells

Orthotist
Bradley S. Parrott
John H. Reynolds

Prosthetist
John H. Reynolds

Other Board Business

Mr. Fillauer discussed the proposed rule language. What was set out to do was to expand on the definition of what an assistant for an Orthotist and/or Prosthetist is able to do. Mr. Fillauer stated that they would like to be able to recognize the ABC credential for Orthotist and Prosthetist assistants and to create within the rules another definition for an assistant as a Certified Assistant. An ABC Certified Assistant must pass an exam and must have completed 1400 hours of training under a licensed Orthotist and Prosthetist. The old rule would still apply for non-certified individuals acting as an assistant where they would only be able to perform minor repairs and adjustments. The new rule would be added that would basically say that an individual holding a certificate from the ABC in Orthotist and Prosthetist as an Orthotist and Prosthetist assistant may perform Orthotist and Prosthetist duties and related task set forth by the ABC guidelines and scope of practice for Certified Orthotist and Prosthetist assistants. They would be able to do more than just minor repairs; they would also be able to assist directly in a patient fitting as well. However, they would not be able to do any kind of evaluation managing patient care and they could not deliver a definitive device. Mr. Fillauer would like for the word duties to replace the word procedures.

Mr. Fillauer stated that when the licensure Bill was created in 2006 this credential didn't exist. Now that it is here and available he would like for the State to recognize and put the limitations that they want to protect the public, and make sure these assistants are not acting as if they are licensed, but to allow them to do what their scope of practice says they can do. This does not create a new category of licensure, but it does recognize an existing credential.

Ms. Smith and Ms. Huddleston discussed placing the proposed language for residents under Necessity of Licensure 1155-04-.05 rather than under Qualifications for Licensure 1155-04-.06. Ms. Smith stated that in addition to the requirements for residency registration, she would like to add proof of completion of educational program, the degree, and proof of completion of the exams.

Dr. Somers made a motion to accept the proposed language of changing the wording procedures to duties, taking out the language "management of patient care to may perform duties", adding a \$10 registration fee for registration of residents, and adding the additional requirements of proof of completion of an educational program, the degree, and completion of the exams. This motion was seconded by Mr. Fillauer. Majority ruled. The motion carried.

Ms. Huddleston notified the Board of an upcoming seminar by the Federation of Association of Regulatory Boards in Savannah, GA. She asked the Board if they would be willing to sponsor Ms. Smith to go to the Regulatory Law Seminar. Dr. Somers made a motion to approve the sponsorship, seconded by Dr. Schuler. All in favor. Motion carried.

Dr. Schuler reminded the Board of the National meeting held at Gaylord Opry Mills Hotel. Dr. Somers made a motion for all of the Board and one staff member to attend seconded by Dr. Davis. All in favor. Motion carried.

Adjournment

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