

**MEETING MINUTES**  
**TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS**

**DATE:** May 10, 2019

**TIME:** 9:00 A.M., CST

**LOCATION:** Health Related Boards  
Iris Room  
665 Mainstream Drive  
Nashville, TN 37243

**BOARD MEMBERS**

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

**BOARD STAFF**

**PRESENT:** David Silvus, Assistant 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.

**Minutes**

Upon review of the February 8, 2019 minutes, Dr. Sables moved to accept the minutes, seconded by Mr. Fillauer. All in favor. The motion carried.

**Investigative and Disciplinary Report**

Ms. Lori Leonard reported that from February to date the Office of Investigations received two (2) new complaints for Podiatrists; there were no complaints for Podiatric X-ray Operators, Prosthetists, Orthotists, or Pedorthists.

Ms. Leonard further reported she is monitoring one Podiatric X-Ray Operator under a reprimand; two (2) licensees under probation; and five (5) have been revoked. Dr. Davis questioned Ms. Leonard about the status of Dr. Steven Chapman and the status of his monitoring. Ms. Leonard stated she would ensure Dr. Chapman’s status would be reported.

Later in the meeting Ms. Leonard provided information regarding Dr. Chapman. He is on probation and has paid all fines and costs.

## **Financial Report**

Ms. Noranda French presented the mid-year fiscal report for 2019. For FY 2019 (mid-point December 2018) salaries and wages were \$5492; employee benefits totaled \$1027; travel totaled \$3027; communications totaled \$482; professional services and dues totaled \$4324; state professional services totaled \$718 with total expenditures of \$15, 072. Allocated expenditures were Administration \$4583; investigations were \$5977; legal were \$9055; and cash office was \$247 for a total allocated expenditures of \$19,863. Allocated expenditures are based on the number of licensees as well as hours spent servicing the board. Revenue collected for the same time period was \$53,033 with a net of \$18, 098.

Dr. Schuler questioned regarding the new CSMD expense. Ms. French stated this is still not in effect and will not be counted in FY 2019 totals but when they become effective they will be taken from the carryover amount. Dr. Sables asked if the FY 2019 net would be part of the carryover. Ms. French responded that it would be provided.

## **Report on Chronic Pain Guidelines**

Ms. Linda Johnson provided the report in Dr. Mitchell Mutter's absence. Ms. Johnson reviewed the changes in the guidelines. Tennessee is still number ten (10) in the United States in prescribing. Chronic pain is still a large public health problem. The chapter on methadone was added again. The twelve (12) core competencies initiated by the governor were added. The requirements for the CSMD prescribers have been revised. Acute pain guidelines have been added as well as peri-operative, palliative care, and pediatric guidelines. The table of frequently prescribed medications was removed. This information can be found at the CSMD website. Type in "Tennessee Chronic Pain Guidelines" to access the information.

Dr. Schuler asked about the new law for "e-prescribing" opioid prescriptions and when it will become effective. The date is January 1, 2021. All prescribers who prescribe opioids must be registered with the CSMD. Also, physician assistants and advanced practice nurses working under the supervision of podiatrists must also register with the CSMD. "Tennessee Together" is also a good resource for information and can be found at: <https://www.tn.gov/opioids.html>.

## **Office of General Counsel**

Mr. Silvus, Office of General Counsel, reviewed the conflict of interest policy stating

"If you have a personal or financial interest in the outcome of any issue or matter before this board which may suggest a bias on your part, you are asked to state that interest on the record so that a determination can be made as to whether there exists a need for recusal. You are reminded that it is the duty of this board to protect the health, safety and welfare of the citizens of Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety."

RULES

The Rule regarding record-keeping for podiatrists and the revisions to the Rule regarding the length of time that testing is valid were revised at the rulemaking hearing in November to reflect the concerns of the TPMA. Those revised rules were sent to the Attorney General's office, which requested some non-substantive changes. Those changes were made and ultimately approved by the Attorney General's office. The Rules were then sent to the Secretary of State's office, but the Governor issued a 90-day stay on all new rules. That stay went into effect on the same date that the Rules were sent to the Secretary of State's office. The stay has since expired and these rules resent to the secretary of state's office.

At the February 2018 meeting, the Board indicated that non-DPM licensees of the Board should have a similar Rule as podiatrist for record-keeping. Two (2) different approaches to address this were drafted and presented to the Board at the May meeting. The first is simply a Rule that would adopt the DPM Rule for orthotists, prosthetists, and pedorthists. The second is a Rule that is an effort to reproduce the DPM Rule without inapplicable language (such as prescribing, etc.). Mr. Fillauer advised that he wanted to review the draft language and suggest revisions, if appropriate, before the Board took any action on that proposed Rule. He reviewed the proposed language of the rule with the TSOP and we had a conference call to discuss the desired revisions to the initial draft I prepared. Those changes were incorporated in the language included in the Board materials.

Mr. Fillauer requested a change in the notice to the patient requirement if a practitioner leaves a group. Discussion was held about the length of time in which notice is to be provided to a patient and where the obligation lies to provide notice, the practice group or the practitioner. The rule is about getting the information to the patient of the departure of the practitioner and how to deal with patient records. Motion to approve the rules was made by Ms. Oglesby seconded by Dr. Pavuluri. The motion carried.

The Office of General Counsel currently has five open cases pertaining to five respondents who hold DPM licenses. A 320c notice letter has gone to all. A formal notice of charges has been filed on two, and one of those has a signed Agreed Order for your consideration today. Of the remaining three (3), we are awaiting an expert review on one, another may also require an expert review, and the third came over from investigation on April 30, 2019.

Mr. Silvus requested the board to approve him to attend Regulatory Law Seminar of the Federal Association of Regulatory Boards (FARB) conference in St. Louis. The dates are October 3-6, 2019. The FARB Forum will be in January in Colorado Springs. Ms. Oglesby made a motion to approve Mr. Silvus seconded by Dr. Sables. The motion carried. Dr. Davis expressed an interest in attending. Dr. Pavuluri made a motion to approve Dr. Davis to also attend seconded by Mr. Fillauer.

### **AGREED ORDER**

Narin George Singer, DPM, license number 792, entered into an Agreed Order for being under a Consent Order in Alabama whereby he admitted he engaged in "the use of narcotics to such an extent that is unfit to be a holder of a license for the proper practice of podiatry in Alabama." Dr. Singer is not practicing in Tennessee at this time. Conditions of the Agreed Order are that his license be suspended for a period of not less than one year and he must comply with the

requirements of the order. Requirements are that he must communicate with Tennessee Medical Foundation (TMF) about his progress in his substance abuse program. At the end of the program he must submit to an evaluation by a program approved by TMF and cause to submit a complete copy of the evaluation to the Office of Investigations disciplinary coordinator. After completion of the program Dr. Singer must cause to be submitted quarterly reports of his progress to the disciplinary coordinator. TMF shall notify the disciplinary coordinator of any violation of the monitoring contract. Further, Dr. Singer must surrender his Drug Enforcement Administration registration within seven (7) days. After one year, he may seek to lift the suspension by petitioning the board for an order of compliance when he completes all requirements of the order. He must appear before the board in person at a regularly scheduled meeting. Should the board agree to lift the suspension, the license shall be on probation for a period of not less than three (3) years from the date of the lifting of the suspension. Dr. Singer shall pay costs in an amount not to exceed \$3000.00.

Motion to approve the agreed order make by Ms. Oglesby seconded by Dr. Pavuluri. Motion carried.

### **Administrative Report**

Ms. Hayes stated as of May 9, 2019 there are 271 active Podiatrists; 136 active X-ray operators; 150 active Orthotists; 141 active Prosthetists and 42 active Pedorthists. Between February 8, 2019 and May 9, 2019 the following occurred: Podiatrists – 5 new, 13 renewed, 2 retired, 1 expired; Podiatric X-Ray Operators – 10 new, 5 renewed, no retired 6 expired; Orthotists – 1 new, 5 report, no retired, 2 expired; Prosthetists – no new, 6 renewed, no retired, 2 expired; Pedorthists – 2 new, 4 renewed, no retired, 2 expired.

Ms. Hayes said the Board meeting dates for **2019** are as follows:

### **Board Meeting Dates for 2019**

November 8, 2019 (changed to November 1, 2019)

### **Newly Licensed**

#### **Podiatrists**

Laurence Z. Cane  
Cheree S. Eldridge  
Michael R. Hansen  
Christopher A. Juels  
Sallee R. Randolph

Dr. Sables made a motion to approve the newly licensed Podiatrists, seconded by Ms. Oglesby. The motion carried.

#### **Podiatric X-Ray Operators**

Debra M. Bertand  
Kayla L. Bishop  
Lindsay N. Crane  
Crystal J. Hammermeister

Shannon T. Harris  
Colette A. Hipp  
Marquess W. James  
Rebecca N. Mendoza  
Karen R. Miller

Mr. Fillauer made a motion to approve the newly licensed Podiatric X-ray Operators, seconded by Dr. Davis. The motion carried.

**Orthotist**

Adam L. Fann

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

**Pedorthists**

Thomas W. Fischer  
Diana E. Glover-Camp

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

**Reinstated Orthotists**

Nicholas D. Brown  
Jason M. Watson

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

**Reinstated Podiatric X-Ray Operators**

Brittany Gilliland

Dr. Pavuluri made a motion to approve the reinstated Podiatric X-ray Operators, seconded by Ms. Oglesby. The motion carried.

**Other Board Business**

Dr. Schuler requested to have advance notice of elections if new members are appointed. There was discussion about new members and re-appointments. Ms. Wilkins stated she has not been informed yet of new members or re-appointments. Mr. Silvus stated it is best to wait on new officer elections until new members or re-appointments are decided by the governor.

Dr. Davis requested a change in the wording of the application pertaining to members of the military. Mr. Silvus replied to the comment and stated the wording in question is correct pursuant to the statute. Ms. Wilkins stated very few applications ask for the expedited military qualification.

**Adjournment**

Dr. Sables made a motion to adjourn the meeting at 11:00 a.m., seconded by Ms. Oglesby. Motion carried. The meeting adjourned.

*Ratified by the Board of Podiatric Medical Examiners on August 9, 2019*