



**TENNESSEE BOARD OF OSTEOPATHIC EXAMINATIONS
Regular Board Meeting**

May 3, 2017

MINUTES

A regular meeting of the Tennessee Board of Osteopathic Examination was held in the Poplar Conference Room, at 665 Mainstream Drive, Nashville, TN 37243 on August 10, 2015.

Members Present: Jeffrey L. Hamre, DO
 J. Michael Wieting, DO
 Jan Day Zieren, DO
 Shant H. Garabedian, DO
 Penny Grace Judd, Consumer Member

Members Absent: Shannon Kilkelly, DO

Staff Present: Sherry Williams, Administrator
 Stacy Tarr, Administrative Director
 Rene Saunders, BME Medical Director
 Maegan Carr Martin, JD, Executive Director
 Francine Baca-Chavez, JD, Deputy General Counsel

The necessary number of Board members joined the meeting and a quorum was established. Board of Osteopathic Examination Chair, Jeffrey Hamre, DO, called the meeting to order at 9:23 a.m.

Minutes

Dr. Zieren made a motion to approve the minutes from the March 1, 2017 meeting of the Board and Dr. Wieting seconded the motion. The motion carried unanimously.

Applicant Interview(s):

Timothy Carpenter, DO – Dr. Carpenter was asked to appear before the Board to address his history of substance abuse and addiction.

Dr. Wieting is requesting status of follow up in Tennessee and presented letter from Dr. Baron from the Tennessee Medical Foundation dated April 28, 2017.

Dr. Baron medical director of the TMF spoke on their behalf regarding the letter received from the Alabama Physician Health Program where Dr. Carpenter is in compliance, sober from multiple drug screens and toxicology and a copy of a life time contract with the state of Alabama. Dr. Baron

Dr. Carpenter was approved for unrestricted Tennessee license.

Dr. Wieting made a motion to approve Dr. Carpenter's application conditioned upon a signed Life Time contract where quarterly updates will be sent from the TMF. Dr. Garabedian seconds the motion. The motion passed.

Thomas Mendolia, DO -

Dr. Mendolia was asked to appear before the board by Dr. Wieting where he was ask to discuss the data bank information of non-renewal staff privileges.

Dr. Mendolia give a brief discussion regarding his GI background history in his private setting and the hospital setting. He stated the hospital in which he was working decide not to renew his staff privileges do to various reasons.

Dr. Wieting made a motion to table Dr. Mendolia's application until August 9, 2017 Board meeting to allow time for a Class Assessment Competency to Practice Medicine. Dr. Zieren Second. The motion passed.

Ratification of New Licensees

1. Review, approve/deny and ratify new licensure files for DO, DO X-Ray Operators, and Professional Midwifery.
 - New Licensees/Reinstatements

Reports

From the Office of Investigations

Ms. Nichelle Dorrah appeared on behalf of the Office of Investigations and reported that there are 18 open complaints.

From the Office General Counsel

Ms. Baca-Chavez appeared on behalf of the Office of General Counsel discussed the Conflict of Interest Policy with the Board 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.

Ms. Baca-Chavez provided an overview of the rules currently pending.

Repeal of Intractable Pain Act ---in the internal review process

Addiction specialists rule— PC 396, now codified in T.C.A. § 53-11-311--in the internal review process

CME rule in the internal review process.

Midwifery rule went into effect May 1, 2017 for a fee decrease of \$500.00 for applications and \$300.00 for renewals.

Litigation presented:

There are 27 cases open against 8 osteopathic physicians and no open cases against midwives. There are 21 cases that involve allegations of over-prescribing and are being handled by another attorney.

Appeals—None.

Legislative bills discussed:

HB500—This bill would change the per diem amount for the members of the Board of Osteopathic Examination to one hundred dollars (\$100) when they are engaged in the discharge of their official duties. This change would allow for the members of the Board to receive per diem that is commensurate with other professional boards.

- Signed by the governor on 4.24.17

SB0154---The bill changes the definition of a pain management specialist and amends the interventional pain management section within the Osteopathic Physicians practice act to broaden the ability of an osteopathic physician to practice interventional pain management.

- Signed by the governor on 4.28.17

SB0595---Interstate medical licensure compact

- Placed on House regular calendar for 5.3.17

SB0224--- This bill would amend the Health Care Empowerment Act of 2016 (HCEA) which allowed patients to enter into contracts (direct primary care agreements) with medical and osteopathic physicians to provide primary care services for an agreed fee over a period of time. The HCEA made clear that such contracts were not to be considered insurance. This bill would add chiropractors to the list of professions with whom patients could contract, and would

apparently grant authority to the Chiropractic Board to discipline chiropractors who breach such contracts. The bill would also apparently grant authority to the Osteopathic Board to discipline osteopathic doctors who breach such contracts.

- Signed by the governor on 4.24.17

BILL---1217 was mention at the FMSB conference regarding the North Carolina Board of Dentistry decision which adds legislation to address that issue. It was signed by the governor 4/24/2017.

Payton Smith-Attorney spoke on behalf of **Dr. Anthony Yount** where he entered into a Consent Order wherein he obtains a patient's medical records to obtain their telephone number and advances. **Dr. Yount** was reprimand and has to pay cost, he has completed courses satisfying VA requirements. Motion was made by Dr. Garabedian to accept the Consent Order and second by Dr. Zieren. Motion carried.

Jeffrey Payne-Paralegal spoke on behalf of **Dr. Jody Johnson** where they entered into a Consent Order where as they practice in the state of Kentucky, do not practice in the state of Tennessee but holds a Tennessee license. Dr. Johnson was discipline due KY receiving reports from the NPDB regarding a malpractice claim and Humana terminating his participation in their health plans. His license was restricted and limited due to activity in surgery cases. Dr. Johnson has been ask to take CPAP education courses where they were found deficiencies in their knowledge, reasoning and decision making. Dr. Johnson has completed a Critical Surgical Care course and plan to complete another in June of 2017.

Ms. Baca-Chavez mentions that even if he is not practicing in Tennessee the board needs to mirror Kentucky.

Dr. Wieting made a motion to accept the Consent Order and Dr. Garabedian second. Motion carried.

Administrative Office Report

Stacy Tarr provided statistical licensure report between March through April 30, 2017 as follows:

New applications received:		Total New Licenses Issued	
Osteopathic Physician	42		27
Locum Tenens	0		0
Telemedicine	2		0
Special Training	1		0
New DOX applications received	1	Reinstatements	2
		Renewals	
Osteopathic Physician	100		
Online	84-84%		

Dr. Wieting give a brief summary of the FMSB conference.

The Board discussed the possibility of a program where students attending board meetings during their training for each of the two boards.

Adjournment

DRAFT