



**Tennessee Board of Osteopathic Examination  
Regular Board Meeting**

**Wednesday, August 2, 2023**

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**MINUTES**

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The regular board meeting of the Tennessee Board of Osteopathic Examination was called to order at 9:03 a.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Shant Garabedian, Board President.

Board members present: Shant Garabedian, D.O., President  
Michael Wieting, D.O.  
Jan Zieren, D.O.  
Ms. Penny Judd, Secretary and Consumer Member

Board member(s) absent: Michael Bernui, D.O.  
Otis Rickman, D.O, Vice President

Staff present: Francine Baca-Chavez, Office of General Counsel  
Stacy Tarr, Executive Director  
Brandi Allocco, Administrative Director  
Elizabeth Horner, Board Administrator

**APPROVAL OF MINUTES**

The Board reviewed the minutes from the May 3, 2023, meeting. Dr. Wieting motioned to approve the minutes. Dr. Zieren seconded the motion. The motion passed by unanimous vote.

**CONSIDERATION OF APPLICATIONS- COLIN BUMANN, DO**

Dr. Bumann explained that he was initially explained that he was pulled over for speeding. Dr. Garabedian asked for Dr. Baron to explain Dr. Bumann's case. Dr. Baron explained that Dr. Bumann was in an Oklahoma monitoring program that just finished today. Due to the circumstances, Baron suggested that Dr. Bumann could be monitored for up to a year. Dr. Wieting moved to grant a license contingent on being monitored for one year, Dr. Zieren seconded.

## **CONSIDERATION OF APPLICATIONS- WILLIAM FREMONT STILES III, DO**

Dr. Garabedian stated that Dr. Stiles had been out of practice for three years. Dr. Stiles confirmed that it was true, but he had done several surgeries before. Dr. Stiles explained that he had left his job a few months before Covid was widespread. That made it hard to obtain a job or travel. Then Dr. Stiles contracted Covid and was near death and it took time to recover. Since recovery, Dr. Stiles has maintained his knowledge by reading medical textbooks, attending seminars, and meetings. Dr. Wieting motioned that table for six months to allow Dr. Stiles to secure a preceptor. The preceptor should submit a CV and preceptorship plan to Dr. Wieting for consideration. Upon approval of the preceptor and plan, Dr. Stiles will be granted a limited license for up to one year to allow completion of the re-entry plan. The requirements of the plan are the preceptor must be board-certified in urology and must include direct supervision of five urology surgical procedures. Dr. Zieren seconded and the motion passed.

## **REPORT FROM THE OFFICE OF INVESTIGATIONS**

Roger Knowlton, from the Office of Investigations, gave his report to the Osteopathic Board.

In 2023, there were fifty-eight (58) new complaints opened and sixty-three (63) were closed for the following reasons: thirty-eight (38) closed for insufficient evidence to formally discipline, eighteen (18) complaints closed with no action, one (1) was closed with a letter of concern, one (1) was closed with a letter of warning, and currently there are thirty-one (31) open complaints.

Of the open complaints: one (1) was for substance abuse, two (2) was for board action in another state, eleven (11) were for malpractice negligence, thirty-seven (37) for unprofessional conduct, two (2) was prescribing to friends or family, and four (4) were outside the investigative scope.

The Osteopathic X-Ray examiners currently have zero open complaints.

There is currently one (1) open complaint for a DO Special Training.

## **REPORT FROM THE ADMINISTRATIVE OFFICE**

The activities that have transpired in the administrative office between May 1, 2023, and July 31, 2023, concerning Osteopathic Physicians are as follows:

New Applications Received:

- Osteopathic Physician: 122
- Locum Tenens: 0
- Telemedicine: 0
- Special Training: 1
- Compact: 56

New DOX Applications Received: 0

Total New Licenses Issued

- Osteopathic Physician: 86
- Telemedicine: 1
- Locum Tenens: 1
- Special Training:
- DOX: 0
- Compact: 56

Total Number of Reinstatement: 11

Total Number of Renewals:

Osteopathic Physicians: 251

Online 164 – 88%

Total number of active licensees as of July 31, 2023, is 2 816.

Total number of active licensees as of July 31, 2023, with a Tennessee mailing address is 1,602.

Total number of Special Training licenses as of July 31, 2023, is 17.

Total number of Telemedicine licensees as of July 31, 2023, is 28.

Total number of Active DO X-Ray Operators as of July 31, 2023, is 6.

Total number of Active Professional Midwives as of July 31, 2023, is 82.

**REPORT FROM THE OFFICE OF GENERAL COUNSEL**

Ms. Francine Baca-Chavez proceeded to give her report to the board. As of July 28, 2023, there were twelve (12) cases open against eleven (11) osteopathic physicians. Regarding these cases, six (6) involve allegations of over-prescribing and are being handled by other attorneys on the over-prescribing team. There is one (1) open case against one (1) midwife.

She then proceeded to give the Office of General Counsel report. The report is as follows:

The total number of Osteopathic Physicians being monitored for discipline is 9.

The total number on reprimand is 0.

The total number on probation is 6 with terms.

The total number on suspension is 0.

The total number that has had their license revoked or surrendered is 3.

The total number of Osteopathic X-Ray Technicians being monitored is 0.

## **DEPARTMENTAL REPORTS**

Oliva Spears gave a summary of public chapters 41, 55, 94, 123, 150 156, 188, 196, 199, 201,211 270, 300, 306 316, 386, and 443.

When Ms. Spears gave her summary on chapter 150, Dr. Garabedian commented that this would be very helpful in the waste of medication that occurs within the hospital. Ms. Spears continued her report until chapter 196 when Dr. Garabedian asked to elaborate on this one as to why they would limit the law. Spears was unable to elaborate and suggested that it may have been an occurring issue. During the report of chapter 211, Ms. Penny Judd had questioned if this will affect the licensees of the BOE board. Ms. Baca-Chavez said that it will not, but that chapter 470 will affect the board and that they will be discussing it during this meeting. Dr. Garabedian has also asked during the summary of chapter 306 what exactly would be an enhancement. Spears explained that the punishments would be heavier and stricter. Lastly chapter 443, Dr. Garabedian asked if this was something that we needed to address; however, this is not a problem within the BOE office as the board is well below the 45-day limit in approving applications.

## **RATIFICATION OF LICENSES**

Dr. Wieting motioned to ratify the list of new licensees. Dr. Zieren seconded the motion. The motion passed.

## **PUBLIC CHAPTER 949**

Ms. Baca-Chavez gave an update regarding the proposed language for the rules. The statute is currently going through the rule review process.

## **PUBLIC CHAPTER 970**

Ms. Baca-Chavez informed the board that Dr. Rickman and she had come together from the last meeting and drafted a set of proposed rules for this public chapter. However, Ms. Baca-Chavez did not come up with a fee for the doctors that come from outside the United States in a foreign county to practice within Tennessee.

Dr. Wieting expressed concern that there are certain areas within the new statute does not coincide with the Osteopathic Board's post graduate training. Dr. Wieting volunteered to help Ms. Baca-Chavez re write the proposed rules to apply more to the Osteopathic Board so that issues do not come up in the future when the rules are in effect.

## **PUBLIC CHAPTER 470**

This will involve creating the graduate physician act. January 1, 2025 is when the law will be effective; however, the lawmaking process can take time so we need time with one board member to help Ms. Baca-Chavez in making those rules. Dr. Garabedian volunteered in helping Fran with reviewing that statute and creating those rules.

## **HEALTHY TENNESSEE 2023 MULTI MILITARY BRANCH MISSION**

Ms. Baca-Chavez explained that the military would be providing healthcare in a couple of counties in TN for a limited time.

## **RE-ENTRY POLICY**

Dr. Garabedian suggested that Dr. Wieting do research with Fran for the re-entry policy since he had already done some research regarding re-entry processes. Dr. Wieting will be work with Ms. Baca-Chavez.

## **SENDING ATTORNEY TO FARB AND CLEAR CONFERENCES IN SEPTEMBER 2023**

Dr. Wieting moved to approve sending an attorney to the conferences and Dr. Zieren seconded.

## **REVIEW OF APPLICATION AND RENEWAL QUESTIONS/ FSMB RECOMMENDATIONS**

Dr. Garabedian explained that the questions on the application could affect how a doctor answers. If that doctor is struggling mentality but they do not want that to affect how that may look on the application, then they may never seek mental help. The FSMB has suggested that the board review the questions on the application to make sure they are not scrutinizing or being intrusive the applicant. After reviewing the questions, Ms. Baca-Chavez and the board believe that the FSMB may not have had access to the correct application and will send a copy of the correct application for another review. Dr. Wieting motion that communication will be sent to the lawyer for the FSMB and ask for consideration to be included in with the states that meet the qualifications.

## **TENNESSEE MEDICAL FOUNDATION REPORT- DR. MICHAEL BARON, MEDICAL DIRECTOR**

Dr. Baron spoke of the national meeting that will be meeting that will be coming to Tennessee. He suggested that the board members attend if they are able. He also gave a presentation on the number of doctors that are suffering with mental health and addiction. There is a significant increase in physicians receiving mental help. Dr. Baron is asking that the board send a blast email for the TN-PSQ link to be

emailed out for doctors to complete. Dr. Wieting moved to approve the blast email and Dr. Zieren seconded and the motioned passed unanimously.

#### **PRESENTATION OF DISCIPLINARY ORDERS- DR. LOVE**

This was a case where Dr. Love had been prescribing to friends/family. Ms. Baca-Chavez explained that this is a case where the doctor did not need to appear in person at the board meeting. She also explained that Dr. Love met all requirements to remove an unincumbered license. Dr. Wieting moved to remove the unincumbered status from Dr. Love's license and Dr. Zieren seconded. The motion passed unanimously.

#### **ADVISORY OPINION- DANIEL STEWART, DO**

Dr. Wieting moved to reply that we do not have the statutory authority to answer the question. Dr. Zieren seconded and passed unanimously.

#### **PUBLIC COMMENTS – No public comments**

Dr. Zieren informed the board that an email was sent out from the DEA stating that they now have an eight (8) hour course that includes the two (2) hours prescribing. Dr. Baron confirmed that the email was correct, and the DEA has included the course within their requirements.

Dr. Wieting motioned to adjourn the meeting if there was no further discussion and Dr. Garabedian seconded. The motion passed unanimously.

**Meeting adjourned at 11:49 a.m., CST.**