

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

DATE: August 19, 2022
TIME: 9:00 A.M., CST
LOCATION: Health Related
Boards Poplar Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Christopher Frazier.
Chad Webster, D.P.M.
Gerald Stark, PhD, MSEM, CPO
Bhekumuzi Khumalo, D.P.M.

**BOARD MEMBERS
NOT PRESENT:** Kelly Bumpus

BOARD STAFF

PRESENT: Diana Hunley, Regulatory Board Administrator Director
Tracy Alcock, Deputy General Counsel

Ms. Diana Hunley, Unit Director called the meeting to order at 9:00 a.m. Ms. Hunley determined that a sufficient number of members were in attendance to constitute a quorum. Members were advised to identify themselves before they spoke. The meeting was then turned over to Dr. Khumalo, Chair of the Board.

Election of Officers

Dr. Webster nominated Dr. Bhekumuzi Khumalo, to be the chair of the Board and Dr.Frazier seconded the motion. The motion carried. Dr. Webster nominated Dr. Gerald Stark as the Secretary of the Board and Dr. Khumalo seconded the motion. The motion carried.

Review/Approve Board Meeting Minutes

Upon review of the Board meeting minuetts for May 27, 2022, Dr. Webster made a motion to approve the minutes, seconded by Dr. Frazier. All approved. The motion carried.

Office of General Counsel

Ms. Alcock with the Office of General Counsel (“OGC”) presented the OGC report. She read aloud the Conflict of Interest Policy and the Open Meetings Act. She then addressed disciplinary and rule activity. Ms. Alcock stated there are no pending appeals nor civil suits. Ms. Alcock informed the board there are three 93) open cases against respondents who hold DPM licenses. Ms. Alcock informed the board that Ashley Fine will be the Boards attorney going forward.

Ms. Alcock report also indicated the following regarding disciplinary report for the Board of Podiatry is currently monitoring the following:

- One (1) licensee for a reprimand;
- Two (2) licensees for probation;
- Four (4) licensees for revocation.

Investigative Report

Mr. Rodger Knowlton stated the year 2022 for the entire podiatry profession, that five (5) new complaints was opened and closed six (6). Out of the six (6) that was closed (2) was closed with a letter of concern; and four (4) was closed with no action.

Dr. Peter Phillips, Director of CSMD discussing Gateway

Electronic Health Record (EHR)/Pharmacy Management System (PMS) Gateway integration history in TN • 2020 CSMD activates Bamboo Health's Gateway integration service to automate searches from within EHR/PMS ▫ Integration simplified the search by using technology to perform the search and have the data available if the healthcare provider decided to click the link to view the data ▫ Gateway report included all the CSMD Clinical Risk Indicators (CRI) ▫ Report available within the provider's clinical workflow.

Integrates PMP data directly into the clinical workflow through an EHR/EMR • Top 5 Licensees (providers viewed patient reports): ▫ Vanderbilt University Medical Center ▫ Summit Medical Group TN ▫ Phydata / AdvancedHEALTH ▫ Veteran's Health Administration ▫ Covenant Health • Top 5 Licensee Gateway Report views from May 2021 to May 2022: 463,871 • TN has had 27.68 million successful Gateway Requests over the last 18 months.

Currently, CSMD users can view a Practitioner vs. Peer report within the CSMD ▫ Practitioner vs. peer report available from Bamboo Health in the CSMD includes only prescription data ▫ The report shows the number of prescriptions prescribed under a user's primary DEA number, as well as their rank and number of peers • The Enhanced Prescriber Report created by OIA will assist prescribers in self monitoring in their prescribing habits ▫ Overdose information as allowed by law ▫ A comparison that includes data from multiple DEA numbers for a single user ▫ Patient level information for drug overdose patients that includes prescription information as allowed by law.

Each professional licensing board who supports the CSMD (except Board of Veterinarian Examiners) can continue to advocate for their licensees by again contributing reserve funds proportionately to provide a two-year extension of the CSMD Gateway EHR/PMS in addition to the creation of the Enhanced Prescriber Reports. • Gateway Year 1 and 2 were paid by reserve funds, and year 3 (current) is being paid by grant funding • The fees for the Gateway service and EPR: ▫ Year 4 and 5 Gateway: \$2,184,000 (\$1,092,000 per year) ▫ Year 1 and 2 EPR: \$109,994 (\$54,972 per year).

Upon approval the Board has the unique opportunity to maintain the Gateway Integration Service: ▫ to improve accessibility of CSMD information ▫ to further improve clinical care ▫ to utilize reserve funds contributed by licensees normally not available to the Board • Request Board to advocate for licensees ▫ by approving use of reserve funds for Gateway Integration Service to continue into year 4 and 5 ▫ by approving funds for EPR.

After a lengthy discussion Dr. Webster made a motion to table this decision until the Board has more information of the number of PME's using the Bamboo Gateway platform and the financial report to

make sure the boards current funds in reserve to make a better informative decision going forward. Mr. Stark seconded the motion.

Financial Report:

Alicia Grice informed the board that the financial report will be ready at the November 2022 meeting due to the fiscal year closing.

Administrative Report

Ms. LaTonya Shelton provided the following administrative report:

319 Active Podiatrists
116 Active Podiatric X-ray operators
141 Active Orthotists
140 Active Prosthetists
38 Active Pedorthists

Newly licensed (May 27, 2022- August 18, 2022):

Podiatrist: 11 new licenses, 24 renewed, 1 expired
Podiatry X-Ray Operators: 1 new operators, 9 renewed, 0 retired, 2 expired
Orthotist: 0 new licensees, 1 reinstate, 16 renewed licensed, 0 retired, 4 expired
Prosthetics: 1 new licensees, 0 reinstate, 14 renewed, 1 retired, 4 expired
Pedorthist: 1 reinstate, 3 renewed licensed, 0 retired, 1 expired.

Ms. Shelton also informed the Board at the November 2022 meeting the meeting dates for 2023 will be given.

Ratification of Licenses:

Newly Licensed Podiatrist:

Mccollum, Michael Brandon
Morrison, Elizabeth Dr
Tighe, Christopher John Jr Dr
Bork, Reva
Bork, Rhennetta Jo
Cartman, Joelaki Jasher
Ezim, Casmir
Hyde, Ethan Alexander Dr.
Libby, Adam Benjamin DPM
Perri, Katarina Miranda
Vinogradov, Aleksandr

Dr. Webster made a motion to approve the newly licensed Podiatrists, seconded by Dr. Frazier. All approved. The motion carried.

Reinstated Podiatric X-Ray Operators:

Hunt, Cassie Pateete
Manley, Brandy R.

Townsend, Kelly Ruth

Dr. Webster made a motion to approve the newly licensed Podiatric X-Ray Operators, seconded by Dr. Frazier. All approved. The motion carried.

Reinstated Orthotists:

Petties, Keffer R. (reinstatement)

Dr. Webster made a motion to approve the newly licensed Orthotists, seconded by Mr. Stark. All approved. The motion carried.

Newly Licensed Pedorthists:

Vanzant, Jacob Kyle

Dr. Webster made a motion to approve the newly licensed Pedorthists, seconded by Mr. Stark. All approved. The motion carried

Rules Activity:

At the July 30, 2021, Board meeting, the Board voted to approve a licensure renewal fee decrease among all licensee categories. However, this rule packet is currently on hold in the internal review process.

Dr. Chad Webster made a motion to table the vote regarding the fee reduction until the board receives the financial report at the November 2022 meeting and Mr. Stark seconded the motion.

Also at the December 17, 2021, meeting, the Board voted to change the amount of continuing education hours that can be obtained virtually for orthotists, prosthetists, and pedorthists. This rule packet is in the internal review process.

Other Board Business:

Mr. Stark raised a question regarding assistants for Orthotist and Prosthetist perusing licensure and his interpretation is that they don't need a license because they are under supervision. Ms. Hunley stated that would be a statute change. Ms. Alcock suggested they work with a lobbyist or the professions organization to make this change.

Dr. Chad licensing new podiatrist in a timely manner after they complete residency. He suggested maybe having a July meeting to ensure the new licensee can get privileges at hospitals and insurance plans.

Office of Legislative Affairs- 2022 Legislative Update given by Olivia Spears

[Public Chapter 644—SB1823/HB1867—Johnson/Zachary](#)

Re: Covid-19 Vaccine Exemptions. This public chapter requires that an employer grant certain exemptions to requirements of proof/receipt of vaccinations if the request for exemption is either (1) supported by signed/date statement by a licensed physician that the staff member has a condition recognized under generally accepted medical standards as a basis for the medical exemption or (2) the staff member attests in writing (including electronic means) that the staff member has a sincerely held religious believe that prevents the staff member from complying the requirement in accordance with

guidance from Medicare and Medicaid services. This public chapter creates a civil penalty of \$10,000 for violation of this statute.

Effective as of March 11, 2022.

[Public Chapter 680—SB1909/HB1904—Johnson/Faison](#)

Re Autoclave Requirements. This public chapter exempts autoclaves from the clearance requirements of the Board of Boilers Rules if the autoclave sterilizes reusable medical or dental equipment used by an individual licensed under title 68 or 63, is installed in accordance with the manufacturer’s recommendations, contains a boiler, and is regulated by the FDA.

Effective as of March 28, 2022. The Governor did not sign this public chapter.

[Public Chapter 749—SB2572/HB2465—Crowe/Leatherwood](#)

Re Naloxone Standing Order. This public chapter allows licensed healthcare workers to prescribe, directly or through standing order, naloxone or other similarly acting and equally safe drugs approved by the FDA to an organization or municipal or county entity, including but not limited to a recovery organization, hospital, school, or county jail. This public chapter also allows an individual or entity under a standing order to receive and store an opioid antagonist and provide an opioid antagonist directly or indirectly to an individual. Additionally, this public chapter authorizes a first responder acting under a standing order to receive and store an opioid antagonist and to provide an opioid antagonist to an individual at risk of experiencing a drug-related overdose or to a family member friend or other individual in a position to assist an at-risk individual. This public chapter includes “unresponsiveness, decreased level of consciousness, and respiratory depression” to be included within the definition of drug related overdose.

Effective on July 1, 2022.

[Public Chapter 756—SB1789/HB2858—Briggs/Kumar](#)

Re Conditions of Participation. This public chapter removes the requirement that a healthcare provider enrolled in Medicare or Medicaid be subject to conditions of participation to be exempt from the definition of “private business” or “governmental entity” for purposes of the Title 14/Covid-19 state laws.

Effective as of March 31, 2022.

[Public Chapter 764—SB2427/HB2177—Johnson/Lamberth](#)

Re Drug Paraphernalia. This public chapter excludes narcotic testing equipment used to determine whether a controlled substance contains a synthetic opioid from the definition of “drug paraphernalia” as used within the criminal code unless the narcotic testing equipment is possessed for purposes of the defendant’s commission of certain drug related offenses. This public chapter will be repealed on July 1, 2025.

Effective as of March 31, 2022.

[Public Chapter 766—SB2453/HB2655—Yager/Hawk](#)

Re Telehealth. This public chapter extends the ability for healthcare providers to receive reimbursement for healthcare services provided during a telehealth encounter. This public chapter also clarifies that a healthcare provider acting within the scope of a valid license is not prohibited from delivering services through telehealth. Lastly, this public chapter adds that the requirement of an in-person encounter between the healthcare services provider, the provider’s practice group, or the healthcare system and patient within sixteen months prior to the interactive visit is tolled for the duration of a state of emergency declared by the Governor provided that healthcare services provider or patient, or both, are located in the geographical area covered by the state of emergency.

Effective as of April 1, 2022 and applies to insurance policies or contracts issued, entered into, renewed, or amended on or after that date.

[Public Chapter 769—SB568/HB702—Johnson/Lamberth](#)

Re Anatomical Gifts. This public chapter prohibits a healthcare provider, a hospital, an ambulatory surgical treatment center, a home care organization or any other entity responsible for matching anatomical gifts or organ donors to potential recipients from, solely on the basis of whether an individual has received or will receive a Covid-19 vaccine, (1) consider an individual ineligible for transplant or receipt of an anatomical gift, (2) deny medical or other services related to transplantation, (3) refuse to refer an individual to a transplant center or specialist, (4) refuse to place an individual on an organ or tissue waiting list, or (5) place an individual at a position on an organ or tissue waiting list lower than the position the person at which the individual would have been placed if not for the individual's vaccine status.

Effective as of April 8, 2022.

[Public Chapter 804—SB1802/HB1763—Reeves/Lamberth](#)

Re Drug Paraphernalia. This public chapter includes pill press devices and pieces of pill press devices to the definition of drug paraphernalia for the purposes of drug offenses. Pill devices or pieces of pill press devices are not included within this definition if used by a person or entity that lawfully possesses drug products in the course of legitimate business activities, such as a pharmacy or pharmacist.

Effective on July 1, 2022 and applies to offenses committed on or after that date.

[Public Chapter 825—HB2171/SB2421—Lamberth \(Terry\)/Johnson \(Reeves\)](#)

Re CSMD. Creates data protection and pathways through the CSMD for reporting of Part 2 data and methadone. Expands data sharing within the CSMD committee process but requires that the commissioner enter into agreements in order to disseminate such data. Health's Administration Bill.

Effective as of April 14, 2022.

ACTION ITEM: CSMD rule-making.

[Public Chapter 833—HB1997/SB1936—Cochran/Jackson](#)

Re UAPA. Clarifies that the ALJ shall decide a procedural questions of law. Allows the director of the administrative procedures division of the secretary of state's office to issue subpoenas. Allows electronic participation in hearings, by agreement of the parties. The hearing officer may allow electronic testimony if the absence of the witness would otherwise cause of delay of the hearing. Requires that a final orders be issued within 90 days. Allows that a petition for reconsideration be filed within 15 days of the entry of the final order or initial order.

Effective as of April 19, 2022.

[Public Chapter 881—SB2240/HB2335—Haile/Vaughn](#)

Re Buprenorphine. Prohibits prescribing of buprenorphine via telehealth unless the healthcare provider is employed by a licensed non-residential opioid treatment facility, a community mental health center, an FQHC, a hospital, or through TennCare.

Effective as of April 14, 2022.

[Public Chapter 883—SB2285/HB1749—Bell/Ragan](#)

Re UAPA and Judicial Review Standards. Requires that a judge over a contested case not defer to an agency's interpretation of the statue or rule and shall interpret it de novo. Remaining ambiguity shall be resolved against the agency.

Effective as of April 14, 2022.

[Public Chapter 911—HB2309/SB2464—Freeman/Reeves](#)

Re Professional License Requirements. Mandates that a person seeking a professional license have US

citizenship or be authorized under federal law to work in the US as verified by the SAVE Program (allows DACA children who are now adults to obtain professional licensure if not otherwise prevented by the license).

Effective July 1, 2022.

[Public Chapter 930—HB1871/SB1982—Hulsey/Hensley](#)

Re Covid Vaccinations and Acquired Immunity. Amends Title 14 to mandate that acquired immunity from a previous Covid-19 infection be treated the same as a Covid-19 vaccination by a governmental entity, school, or local education authority. Mandates that private businesses who require vaccinations also include recognition for acquired immunity for Covid-19.

Effective as of April 11, 2022—This was not signed by Governor.

[Public Chapter 1054—HB1747/SB1877—Jernigan/Yarbro](#)

Re Cannabanoid Oil and Quadriplegia. Adds quadriplegia to one of the qualifying ailments that can be in legal possession of cannabanoid oil.

Effective as of May 25, 2022.

[Public Chapter 1061—HB2228/S2465—Ramsey/Reeves](#)

Re Opioid Antagonists. Requires that a prescriber offer a prescription for an opioid antagonist when issuing a prescription for an opioid if the prescription is for longer than 3 days and there is a history of or suspicion of abuse. This does not apply in palliative care or veterinarian settings. Penalties are included for failure to comply.

Effective on July 1, 2022 and applies to opioid prescriptions issued after that date.

[Public Chapter 1073—HB2665/SB2449—Sexton, McNally](#)

Re Covid Visitation Policies and Limitations on Covid Treatment Exemptions. Clarifies that a prescriber can be disciplined for prescribing controlled substances and/or narcotics for treatment of Covid, if appropriate. In addition, creates a patient advocate process that hospitals must follow during times of covid concern. Allows that person to enter a facility if they agree to follow procedures but provides certain exceptions to access to locations within the hospital.

Effective as of May 25, 2022.

[Public Chapter 1094—SB1891/HB1905—Hulsey/Doggett](#)

Re Mandatory Reporting of Fatal Drug Overdoses. Requires that a fatal overdose be reported to law enforcement, including by doctors and nurses.

Effective July 1, 2022.

[Public Chapter 1117—SB2448/HB2671—White/Farmer](#)

Re: Extended Liability Protection Against Covid Claims. Extends the liability protection against claims based on Covid exposure until July 1, 2023.

Effective as of June 1, 2022.

[Public Chapter 1123—SB2574/HB2535—Crowe/Alexander](#)

Re: End-of-Life Visitation at Nursing Homes and Assisted Living Facilities. Requires that nursing homes and assisted living facilities allow for visitation during a disaster, emergency, or public health emergency for Covid-19. Provides an exemption if the visitation would violate federal or state law.

Effective July 1, 2022.

[Public Chapter 1135—SB1997/HB2043—Bell/Cochran](#)

Re Tianeptine as Controlled Substance. Classifies Tianeptine and all derivatives thereof as Schedule II

controlled substances.
Effective July 1, 2022.

Adjournment:

Dr. Webster made a motion to adjourn the meeting at 10:44 a.m., Dr. Frazier seconded. All approved.
Motion carried