

TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS

DATE: April 22, 2015
TIME: 9:00 A.M., CDT
LOCATION: Health Related Boards
Poplar Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Paul Rivard, D.P.M., Chair
Karl Fillauer, C.P.O., Secretary
Sheila Schuler, D.P.M.
Paul Somers, D.P.M.
David Sables, D.P.M.

BOARD MEMBERS

ABSENT: Karen Garner, Citizen Member

BOARD STAFF

PRESENT: Devin Wells, Deputy General Counsel
James Hill, Board Administrator
Teddy Wilkins, Administrative Director
Nichelle Dorroh, Investigations

Dr. Rivard called the meeting to order at 9:03 a.m. A roll call voted was conducted and all Board members were present.

Minutes

Upon review of the February 11, 2015 minutes, Dr. Somers made a motion, seconded by Mr. Fillauer, to approve the minutes as written. The motion carried.

Upon review of the March 12, 2015 teleconference minutes, Dr. Somers made a motion, seconded by Mr. Fillauer, to approve the minutes as written. The motion carried.

Office of General Counsel

Consent Order for Danielle Vanderpluym – Podiatric X-ray Operator - 299

Mr. Wells presented a Consent Order for **Danielle Vanderpluym Podiatric X-Ray Operator – License No. 299.**

Mr. Wells stated that Ms. Vanderpluym was disciplined for violating Tenn. Code Ann. §63-3-119(a) (2) conviction of a felony, conviction of any offense under state or federal drug laws or conviction of any offense involving moral turpitude; and (4) immoral, unethical, unprofessional or dishonorable conduct. Ms. Vanderpluym was terminated as a result of the charges prior to her conviction and has surrendered her license. Dr. Somers made a motion, seconded by Mr. Fillauer, to approve the consent order. The motion carried.

Mr. Wells introduced OGC's new attorney Paetria Hampton. Mr. Wells stated Ms. Hampton wanted to attend a Board meeting to see how they are conducted.

Mr. Wells stated there were no agreed orders, citations or rule amendments to report at this time.

There is no change regarding SB0096/HB0058 which changes the minimum age to sit for an examination to receive a Podiatry license is from eighteen (18) to twenty-four (24).

Mr. Wells said the Lawrence case which was appealed to Chancery Court is still waiting a decision by the Chancellor.

Mr. Wells said he is currently working on a resolution to be adopted by the Board and will have that ready for the next meeting.

Ms. Wilkins said a legislative liaison will attend the next meeting to present a report on the legislative session.

Financial Report

Ms. Wilkins stated there was no update on the financial report at this time.

Office of Investigations

Nichelle Dorroh stated there are currently two (2) open complaints in investigations against Podiatrists. Investigations is currently monitoring six (6) practitioners with two (2) of the six (6) being sent to the AG's office for further collections.

Administrative Report

Mr. Hill stated there are currently 257 actively licensed Podiatrists; 135 Podiatric X-ray Operators; 152 Orthotists; 146 Prosthetists and 60 Pedorthists.

Mr. Hill stated the conflict of interest statement must be updated annually and asked the Board members to review and sign the statement.

Review, Approve/Deny and Ratify New Licensure Files

Dr. Somers made a motion, seconded by Mr. Fillauer, to approve the following newly licensed Podiatric X-Ray Operators:

Caroline Stockett
Christy Hawkins

Megan Beckley
Robin Phipps
Sarah Smith

The motion carried.

The Board reviewed the application file of **Rachel Hartline**, Podiatric X-Ray Operator, who had a domestic assault violation on October 12, 2003 which was dismissed on March 10, 2004.

Dr. Somers made a motion, seconded by Mr. Fillauer, to approve Ms. Hartline's application. The motion carried.

Dr. Fillauer made a motion, seconded by Dr. Sables, to approve the following newly licensed Orthotist:

Hema Patel

The motion carried.

Correspondence

The Board reviewed an e-mail from Micah Grace, Virtual Assistant, for Anchor Virtual Services, a national DME provider in Tennessee asking what conditions, of any, the Occupational Therapist and Physical Therapist need to meet in order to provide non-custom shoes (A5500) and inserts (A5512). Ms. Grace's e-mail further asks that the Board confirm if the COTA and PTA can approve these same services under the supervision and direction of the licensed OT and PT.

Mr. Wells stated the Board does not have to make any recommendation or finding on this e-mail. Mr. Wells said Anchor Virtual Services wrote to the Occupational Therapist Board and Physical Therapist Board and asked for an opinion.

The Physical Therapy Board said that PTA's cannot provide these services since they cannot perform evaluations and assessments to determine a need and can only give the patient the inserts after the PT has explained the fitting and provided any needed education to the patient.

The Occupational Therapy Board said the company would need to petition the board for a declaratory order or a request for a formal legal opinion.

Upon discussion, Dr. Sables made a motion, seconded by Dr. Somers, to have Mr. Wells send a letter to Anchor Virtual Services asking them to submit a petition for a declaratory order, or a request for a formal legal opinion, if they are licensed in Tennessee. The motion carried.

Discuss and take action, if needed, regarding rulemaking, hearing, rule amendments and policies

Ms. Wilkins stated there is nothing to report at this time.

Discuss Legislation and take action if needed

Mr. Wells said he will report back to the Board on SB99.

Discuss other Board business:

Dr. Schuler said she received correspondence from Dr. Alan Canoots, a semi-retired Tennessee podiatrist who attended a Tennessee seminar last fall. Dr. Canoots, who is licensed in Michigan, said Michigan would not accept his continuing education from TN because the Board does not belong to the Council of Podiatric Medical Education.

Mr. Canoots said he discussed this with Dr. Cockrell who stated it was too costly to belong to the council.

Dr. Rivard suggested that Dr. Canoots discuss this with Gary Odom.

Dr. Rivard asked Dr. Schuler to investigate the costs for membership in the council and how the council is involved in continuing education.

Dr. Sables discussed continuing education for podiatrists, orthotists, prosthetists and pedorthists and stated the way the rules are written licensees must attend the state meetings to meet their continuing education requirements.

Ms. Wilkins said the rules pertaining to continuing education were last revised in September 2006 and suggested the Board consider an additional revision to the rules. Ms. Wilkins said the Board would have to give Mr. Wells suggestions as to how they wanted the rules amended.

Dr. Somers said if you amend the rules to not require that licensees attend the state meetings it would be detrimental to the state associations. Mr. Fillauer agreed with Dr. Somers and said he wanted more on-line courses for licensees.

With no other Board business to conduct, Dr. Somers made a motion, seconded by Dr. Schuler, to adjourn at 10:11 a.m. The motion carried.