



TENNESSEE BOARD OF MEDICAL EXAMINERS

Rulemaking Session Telemedicine & Examination

Monday, May 19, 2014

MINUTES

The meeting of the Board of Medical Examiners' Telemedicine Workgroup was called to order at 2:06 p.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243. Board of Medical Examiners President, Michael Zanolli, MD, presided over the meeting.

Board members present: Michael Zanolli, MD
Subhi Ali, MD
Dennis Higdon, MD
Michael Baron, MD
Neal Beckford, MD
Pat Eller, Consumer Member
Reeves Johnson, MD
Keith Lovelady, MD
C. Allen Musil, MD
Barbara Outhier, Consumer Member
Nina Yeiser, Consumer Member

Board member(s) absent: Jeff Lawrence, MD

Staff present: Rosemarie Otto, Director Health Related Boards
Larry Arnold, BME Medical Director
Andrea Huddleston, Chief Deputy General Counsel
Stacy Tarr, Interim Administrative Manager
Angela Lawrence, BME Administrator

**Rulemaking Hearing
Rule 0880-02-.16 “Telemedicine”
May 19, 2014, 2:00 p.m.**

After the board members completed introductions, Dr. Zanolli turned the Rulemaking Hearing over to Ms. Andrea Huddleston, Board of Medical Examiners’ Chief Deputy General Counsel. Ms. Huddleston, for the record, also acknowledged the presence of Dr. David Reagan, Chief Medical Officer; Ms. Rosalind Kurita and Ms. Rosemarie Otto for. Ms. Huddleston outlined the purpose of the first rulemaking hearing concerning the amendment of Rule 0880-02-.16 relative to “Telemedicine Licensure and the Electronically mediated Practice of Medicine”. Ms. Huddleston stated that a copy of the notice was provided by email to the Tennessee Medical Association, Tennessee Hospital Association and Vanderbilt on March 16, 2014. There were several written comments that were submitted prior to the hearing which were provided to all board members. The following stakeholders and members of the public presented oral testimony:

Steven Godbold
Mountain State Health Alliance

Rebecca Hafner-Fogerty
Zipnosis

David Linville
East Tennessee State University

Don Best
Sevier County Schools

Gregg Perry, MD
Cherokee Health Systems

Mark Wilkinson, MD
Appalachian Emergency Physicians

Susan Veale
Rural Health Association of Tennessee

Sherri Beasley
Mountain State Health Alliance

Vaughan Frigon
Bureau of TennCare

Allen Kaiser
Vanderbilt University

Alysia Williams
Tennessee Association of Mental Health Organizations

Howard Burley, MD
Tennessee Department of Mental Health and SAS

Kathy Steuer
St. Jude

Libby Thurman
Tennessee Primary Care Association

Jackie Moreland
Tennessee Hospital Association

Henry DePhillips, MD
Teladoc

Kristin Benton
Amerigroup

Yarnell Beatty
Tennessee Medical Association

Deborah Lance
Regional Obstetrical Consultants/ STORC

William Andrade, MD
CCA

Adrian Jaryn-Kuldeskajdfsd
TnStar/HCA

Chris Ford,
Tennessee/American Academy of Pediatrics

Kenneth Williams
Tennessee Department of Corrections

Janice Huckaby
United HealthGroup

Renee McLaughlin
CIGNA

Asher Turney
Centurion

After the Board had heard all oral testimony, Dr. Johnson made a motion that the Board close the comment period. Dr. Beckford seconded the motion. The motion passed unanimously. Due to the volume of information to consider, Dr. Zanolli suggested the board recess until 8:00 a.m. May 20, 2014 for the purpose of contemplating further action on the rule.

Rulemaking Hearing
Rule 0880-02-.08. "Examination" (One-Point Rule)
May 19, 2014, 5:30 p.m.

At 5:27 p.m., the Board reconvened to consider the second order of rulemaking business, proposed amendments to Rule 0880-02-.08 governing examinations. Ms. Huddleston explained that the proposed rule would amend the existing rule by deleting part (2)(a)1 and its subparts and items in their entirety and adding subparagraph (2)(c) to read:

(c) If an applicant fails any step of the USMLE or FLEX examinations more than three (3) times, then the Board shall require proof of board-certification by an ABMS-recognized specialty board and proof of meeting requirements for Maintenance of Certification prior to application before consideration for licensure.

Dr. Ali made a motion to accept the revision. Dr. Musil seconded the motion. The motion passed.

After discussion by the Board, Dr. Ali made a motion to amend subparagraph (3) by eliminating the existing provision and replacing with the proposed language, which is as follows:

Oral examination may be required pursuant to Rule 0880-02-.07(4). The Board may also, in its discretion, require an applicant for licensure to take and pass the SPEX examination prepared by the FSMB. The circumstances under which the Board may require the SPEX examination include, but are not limited to, applicants for licensure who have been disciplined in another state; applicants who would be subject to discipline in Tennessee based on their conduct or condition; or applicants who have not engaged in the clinical practice of medicine for more than two (2) years.

Dr. Johnson seconded the motion. The motion passed.

Dr. Ali made a motion to delete all extensions identified in section 0880-02-.08(4)(e) with the exception of .2 which address examinees who have been serving in the armed forces. Dr. Ali amended his motion to suggest that the Board accept the amended Rule 0880-02-.08 wholly with all suggested edits. Dr. Johnson seconded the motion. The motion passed.

There being no other items for discussion, the rulemaking hearing **adjourned at 6:16 p.m.**

Rulemaking Hearing, CONTINUED
Rule 0880-02-.16 "Telemedicine"
May 20, 2014, 8:00 a.m.

The meeting was called to order at 8:05 a.m. by Dr. Zanolli. He asked for a roll call of board members present. Dr. Zanolli opened the continuation of the Rulemaking Hearing regarding Telemedicine by complimenting the board members for their work and demeanor listening to the concerns of those present with public comments on May 19. Dr. Zanolli asked for input from board members regarding how to proceed. Dr. Beckford suggested that the board use the Federation of State Medical Board (FSMB) guidelines as a model to structure Tennessee guidelines with amendments when appropriate. Ms. Otto suggested the board consider developing a waiver provision to address the concerns of some agencies. After discussion it was decided that the Board will meet again to clarify or consider modification of specific topics addressed regarding this rule making hearing. A tentative retreat was considered for July 11-12, 2014 with a specific location to be determined (possibly a state park) later.

The Rulemaking Hearing adjourned at 9:07 a.m.