

DISCIPLINARY ACTION REPORT

EDITORS: Tennessee Code Annotated, Section 68-1-114 requires the Department of Health to issue a monthly press release listing all disciplinary actions taken by the health related boards during the prior month. Below is a list of actions taken during the month of May 2006. *Detailed information about disciplinary actions is available on our web site at www.tennessee.gov/health. Click on "License Verification" and enter the name of the person. When the license information comes up, click on "disciplinary action" and then "view board order."*

BOARD OF CHIROPRACTIC EXAMINERS

Licensee: Michael Trahin, D.C., Fayetteville, TN
Violation: Immoral, unethical, unprofessional, or dishonorable conduct; conduct designed to, or likely to deceive, or harm the public; being a party to or aiding and abetting the violation of the regulations or the laws of the State of Tennessee regulating the practice of chiropractic
Action: License placed on Probation for one year; assessed case costs

BOARD OF DENTISTRY

Licensee: Kurt Childress, DDS, Hindman, KY
Violation: Failed to comply with prior board order
Action: Reprimanded, pay additional \$100 civil penalty; and assessed costs

Licensee: James E. Collins, II, DDS, Atlanta, GA
Violation: Unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the board, or any criminal statute of the state of Tennessee; making false or misleading statements or representations, being guilty of fraud or deceit in obtain admission to practice; or in being guilty of fraud or deceit in the practice of dentistry; out of state action
Action: License placed on Probation for two years; must show proof of compliance with Illinois and Georgia orders; assessed \$500.00 in civil penalties; and assessed case costs

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Licensee: Sandra S. Davis, RDA, Hixson, TN
Violation: Practicing without a valid license
Action: Reprimanded; assessed \$500 in civil penalties; and assessed case costs

Licensee: James A. Dick, DDS, Chattanooga, TN
Violation: Unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the board, or any criminal statute of the state of Tennessee; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of professional practice
Action: License suspended for six months to be stayed as long as he is in compliance; license on Probation for five years; must meet certain terms and conditions; assessed case costs

Licensee: Angela C. Elder, RDA, Knoxville, TN
Violation: Unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the board, or any criminal statute of the state of Tennessee; making or signing in one's professional capacity any certificate that is know to be false at the time one makes or signs such certificate
Action: License placed on Probation for five years; must complete Ethics course; assessed \$500.00 in civil penalties; and assessed case costs

Licensee: Edward B. Elkins, DDS, Cowan, TN
Violation: Unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the board, or any criminal statute of the state of Tennessee; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of professional practice; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants in such manner as to adversely affect the person's ability to practice dentistry; dispensing, prescribing or otherwise distributing any controlled substance or any drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease; engaging in the practice of dentistry when mentally or physically unable to safely do so; conducting the practice of dentistry so as to permit directly or indirectly an unlicensed person to perform services or work that can be done legally only by licensed persons; prescribing violations
Actions: License Suspended for no less than six months; thereafter to be placed on Probation for a period of five years if certain terms and conditions are met; assessed \$16,500 in civil penalties; and assessed case costs

Licensee: Christine L. Getman, DDS, Cordova, TN
Violation: Unprofessional, dishonorable or unethical conduct; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of professional practice; violation of reporting requirements
Action: Reprimanded; assessed \$3,000 in civil penalties

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Licensee: Wade Harrouff, DDS, Tequesta, FL
Violation: Unprofessional, dishonorable or unethical conduct; out of state action
Action: Reprimanded; assessed \$500 in civil penalties; and assessed case costs

Licensee: Philip T. Hutcheson, III, DDS, Knoxville, TN
Violation: Unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the board, or any criminal statute of the state of Tennessee; making false or misleading statements or representations, being guilty of fraud or deceit in obtain admission to practice; or in being guilty of fraud or deceit in the practice of dentistry; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of professional practice; conducting the practice of dentistry so as to permit directly or indirectly an unlicensed person to perform services or work that can be done legally only by licensed persons; delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience or by licensure to perform them; failing to maintain an accurate and legible written evaluation and treatment history; prescribing drugs for other than legitimate dental purposes; providing prescriptions for any controlled substances to patients with whom no dentist/patient relationship has been established; failing to exercise reasonable diligence to prevent partners, associates, and employees from engaging in conduct which would violation any provision of the statutes or rules
Action: License placed on Probation for three years; must complete continuing education; assessed \$5,000 in civil penalties; and assessed case costs

Licensee: Brian Lowman, RDH, Ooltewah, TN
Violation: Unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the board, or any criminal statute of the state of Tennessee; failing to avoid interpersonal relationships that could impair professional judgment or risk the possibility of exploiting the confidence of a patient, including committing any act of sexual abuse, misconduct or exploitation related to the licensee's practice; violation of the American Dental Hygienists' Association Code of Ethics
Action: License Surrendered; assessed case costs

Licensee: Leshia Mathes, Unlicensed, Knoxville, TN
Violation: Practicing without a valid license
Action: Assessed \$500 in civil penalties; and assessed case costs

Licensee: Donald N. Meyers, DDS, Antioch, TN
Violation: Permitting unlicensed practice
Action: Reprimanded; assessed case costs

Licensee: Mary Roberts, Unlicensed, Knoxville, TN
Violation: Practicing without a valid license
Action: Assessed \$1,000 in civil penalties; assessed case costs

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Licensee: Sharon Shettlesworth, RDA, Memphis, TN
Violation: Practicing on an expired license
Action: Reprimanded; assessed \$1,000 in civil penalties

Licensee: Kim Smiley, DDS, Goodlettsville, TN
Violation: Unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the board, or any criminal statute of the state of Tennessee
Action: Reprimanded; must complete continuing education course; assessed \$1,000 in civil penalties; and assessed case costs

Licensee: Perry E. Thomas, DDS, Memphis, TN
Violation: Unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the board, or any criminal statute of the state of Tennessee; making false or misleading statements or representations, being guilty of fraud or deceit in obtain admission to practice; or in being guilty of fraud or deceit in the practice of dentistry
Action: License Surrendered; assessed case costs

Licensee: Stephen K. Valadez, DDS, Signal Mountain, TN
Violation: Unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the board, or any criminal statute of the state of Tennessee; dispensing, prescribing or otherwise distributing any controlled substance or any drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease; practicing or offering to practice beyond the scope permitted by law; prescribing drugs for other than legitimate dental purposes
Action: License Surrendered; assessed case costs

Licensee: Ulysses Walls, DDS, Nashville, TN
Violation: Unprofessional, dishonorable or unethical conduct; practicing on an expired license
Action: License placed on Probation for one year; assessed \$1,000 in civil penalties; and assessed case costs

Licensee: Kent White, DDS, Chattanooga, TN
Violation: Unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the board, or any criminal statute of the state of Tennessee; ; making false or misleading statements or representations, being guilty of fraud or deceit in obtain admission to practice; or in being guilty of fraud or deceit in the practice of dentistry; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of professional practice; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants in such manner as to adversely affect the person's ability to practice dentistry; dispensing, prescribing or otherwise distributing any controlled substance or any drug not in the course of professional

practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease; engaging in the practice of dentistry when mentally or physically unable to safely do so

Action: License Surrendered; assessed case costs

BOARD OF MASSAGE LICENSURE

Licensee: Elizabeth Ferguson, Unlicensed, Winchester, TN

Violation: Practicing without a license

Action: Assessed \$500 in civil penalties and case costs

Licensee: Phillip and David Gould, d/b/a Gould's Day Spa and Salon, Memphis, TN

Violation: Operating a facility without a license

Action: Assessed \$9,250 in civil penalties; and assessed case costs

BOARD OF MEDICAL EXAMINERS

Licensee: John Byrnes, M.D., Smyrna, TN

Violation: Unprofessional, dishonorable or unethical conduct; dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, or in amounts and/or durations not medically necessary, advisable or justified for a diagnosed condition.

Action: License placed on Probation for five years; must meet certain terms and conditions; assessed \$3,000 in civil penalties; and assessed case costs

Licensee: Richard Daley, M.D., Phoenix, AZ

Violation: Out of state action

Action: Reprimanded

Licensee: Helmut Harnisch, M.D., Lewisburg, TN

Violation: Dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, or in amounts and/or durations not medically necessary, advisable or justified for a diagnosed condition

Action: Reprimanded; must complete continuing education courses; assessed case costs

Licensee: Bruce E. January, M.D., Houston, TX

Violation: Violation of Board Order

Action: Assessed \$1,000 in civil penalties; and assessed case costs

Licensee: Lonnie W. Litchfield, M.D., Fitzgerald, GA

Violation: Out of State action

Action: License placed on Probation to run concurrent with Oklahoma order; must comply with the terms and conditions of Oklahoma order; assessed \$1,000 in civil penalties; and assessed case costs

Licensee: Travis Roberson, M.D., Church Hill, TN

Violation: Engaging in the practice of medicine when mentally or physically unable to do so

Action: License voluntarily retired; assessed case costs

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Licensee: Ira Saposnik, M.D., Nashville, TN
 Violation: Unprofessional, dishonorable or unethical conduct; conviction of a felony, conviction of any offense under state or federal drug laws, or conviction of any offense involving moral turpitude
 Action: License Surrendered; assessed \$1,000 in civil penalties; and assessed case costs

Licensee: Audrey Smith, M.D., Knoxville, TN
 Violation: Dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, or in amounts and/or durations not medically necessary, advisable or justified for a diagnosed condition; medical record violations
 Action: License placed on Probation for four years; must meet certain terms and conditions; assessed case costs

Licensee: Samuel Westerfield, M.D., Lancaster, OH
 Violation: Unprofessional, dishonorable or unethical conduct; violation of board order
 Action: License Revoked; assessed case costs

BOARD OF RESPIRATORY CARE

Licensee: Silvia Cole, RRT, Joelton, TN
 Violation: Immoral, unethical, unprofessional or dishonorable conduct; performing blood gas analysis without an endorsement
 Action: License placed on Probation for one year; assessed \$2,500 in civil penalties; and assessed case costs

Licensee: Cynthia D. Miller, RRT, Nashville, TN
 Violation: Habitual intoxication or personal misuse of narcotics, controlled substances or any other drugs or the use of alcoholic beverages or stimulants in such manner as to adversely affect the person's ability to practice respiratory care; engaging in the practice of respiratory care when mentally or physically unable to safely do so; any other unprofessional or unethical conduct specified in the rules
 Action: Suspended until she enters contract with the Tennessee Professional Assistance Program, thereafter to be placed on Probation to run concurrent with contract; assessed case costs

BOARD OF SOCIAL WORKER CERTIFICATION & LICENSURE

Licensee: David M. McElroy, LCSW, Mount Juliet, TN
 Violation: Fraud or deceit in procuring or attempting to procure a certificate or license, and presenting to the board dishonest or fraudulent evidence of qualification; unprofessional, dishonorable, and unethical conduct; conduct reflecting unfavorably upon the profession of social work
 Action: License Suspended for no less than two years; assessed case costs

BOARD OF VETERINARY MEDICAL EXAMINERS

Licensee: Randy Cooke, DVM, Sparta, TN
 Violation: Unprofessional or unethical conduct; or engaging in practices in connection with the practice of veterinary medicine which are in violation of the standards of professional conduct
 Action: Assessed \$1,000 in civil penalties and assessed case costs

Licensee: Timothy Dalpiaz, DVM, Johnson City, TN
 Violation: Unprofessional or unethical conduct; or engaging in practices in connection with the practice of veterinary medicine which are in violation of the standards of professional conduct
 Action: License placed on Probation for three years; must complete additional continuing education and appear before the board annually; assessed case costs

Licensee: Mark Roberts, DVM, Readyville, TN
 Violation: Unprofessional or unethical conduct; or engaging in practices in connection with the practice of veterinary medicine which are in violation of the standards of professional conduct
 Action: License placed on Probation for five years; must practice under the supervision of a Veterinarian, must appear before the board annually; assessed \$300 in civil penalties; and assessed case costs

Licensee: Joseph Tabery, DVM, Knoxville, TN
 Violation: Willful or repeated violation of any statute or rule of the board; Unprofessional or unethical conduct; or engaging in practices in connection with the practice of veterinary medicine which are in violation of the standards of professional conduct; conduct reflecting unfavorably upon the profession of veterinary medicine; practice in a facility without a premises permit
 Action: Assessed \$900 in civil penalties; and assessed case costs

MAY ABUSE REGISTRY PLACEMENTS

Individual: LaDonna Allison, CNA, Springhill, TN
 Violation: Misappropriation
 Action: Placed on Abuse Registry, CNA Certification Revoked

Individual: Toronika Bullock, Direct Care Staff Member, Memphis, TN
 Violation: Physical Abuse/Neglect
 Action: Placed on Abuse Registry

Individual: Kristy S. Carrington, RN, Jefferson City, TN
 Violation: Physical Abuse
 Action: Placed on Abuse Registry

Individual: Raven Epperson, Direct Care Staff Member, Bartlett, TN
 Violation: Neglect/Verbal Abuse
 Action: Placed on Abuse Registry

Individual: Amber Hazelwood, CNA, Spring City, TN
 Violation: Misappropriation

Action: Placed on Abuse Registry, CNA Certification Revoked

Individual: Trevia Hick, Direct Care Staff Member, Memphis, TN

Violation: Verbal Abuse/Neglect

Action: Placed on Abuse Registry

Individual: Lutisha McBee, Personal Assistant, Memphis, TN

Violation: Physical and Verbal Abuse

Action: Placed on Abuse Registry

Individual: Linda Montgomery, Direct Care Staff Member, Bartlett, TN

Violation: Physical Abuse

Action: Placed on Abuse Registry

Individual: Brandon Roark, SLC, Greeneville, TN

Violation: Physical Abuse

Action: Placed on Abuse Registry

Individual: Maurice Sago, Home Manager, Memphis, TN

Violation: Physical Abuse

Action: Placed on Abuse Registry

Individual: Samantha Warner, Home Manager, Troy, TN

Violation: Misappropriation

Action: Placed on Abuse Registry

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