

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 July 2008. *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 MEDICAL EXAMINERS

Licensee: Clarinda Burton-Shannon, M.D., Mt. Juliet, TN
Violation: Unprofessional, dishonorable or unethical conduct; and 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 for durations not medically necessary, advisable, or justified for a diagnosed condition.
Action: License placed on probation for two (2) years; must meet certain terms and condition; and assessed costs.

Licensee: Bendik Larson Clark, M.D., Johnson City, TN
Violation: Unprofessional, dishonorable or unethical conduct; making false statements or representations, being guilty of fraud or deceit in the practice of medicine; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence, or incompetence in the course of medical 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 medicine; 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 for durations not medically necessary, advisable, or justified for a diagnosed condition; dispensing, prescribing or otherwise distributing any controlled substance or other drug to any person in violation of any law of the state or of the United States; in violation of O.C.R.R.S.T. 0880-2-.14(6)(e)(3) and O.C.R.R.S.T. 0880-2-.14(7)(a).
Action: License suspended commencing August 1, 2008 for not less than ninety (90) days; must meet certain terms and conditions; assessed \$800.00 in civil penalties, plus costs.

Licensee: James W. Foster, M.D., Newport, TN.
Violation: Unprofessional, dishonorable or unethical conduct; notwithstanding any other provision of law to the contrary, a health care provider shall furnish to a patient or a patient's authorized representative a copy or summary of such patient's medical records, at the opinion of the health care provider, within ten (10) working days upon request in writing by the patient or such representative.
Action: License reprimanded; assessed \$400.00 in civil penalties, plus costs

Licensee: John O'Dell Gernert, M.D., Orlando, FL
Violation: Unprofessional, dishonorable or unethical conduct; and disciplinary action against a person licensed to practice medicine by another state or territory of the United States for any acts or omissions that would constitute grounds for discipline of a person licensed in this state.
Action: License reprimanded; assessed costs

Licensee: Joel R. Gooch, M.D., Lenoir City, TN
Violation: Engaging in the practice of medicine when physically or mentally unable to do so; and 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 medicine.
Action: License reprimanded; and assessed costs.

Licensee: Gary Hobart Lea, M.D., Dover, TN
Violation: Engaging in the practice of medicine when mentally or physically unable to safely do so
Action: License PERMANENTLY SURRENDERED; assessed costs

Licensee: Richard L. Hubbell, M.D., Hendersonville, TN
Violation: Unprofessional, dishonorable or unethical conduct; and 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 for durations not medically necessary, advisable or justified for a diagnosed conditions.
Action: License revoked; assessed costs

Licensee: David Hubbert, M.D., Chattanooga, TN
Violation: Engaging in the practice of medicine when mentally or physically unable to safely do so; violation of Board Order; and 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 for durations not medically necessary, advisable, or justified for a diagnosed condition.
Action: License PERMANENTLY SURRENDERED; assessed costs

Licensee: Steve E. Ritchie, M.D., Knoxville, TN
Violation: Unprofessional, dishonorable or unethical conduct; and in violation of O. C.R.R.S.T. 0880-2-.18

Action: License placed on probation for three (3) years, must meet certain terms and conditions; must PERMANENTLY CEASE AND DESIST any practice that may reasonably be considered "cosmetic" or "plastic surgery"; assessed \$15,000.00 in civil penalties, plus costs.

Licensee: Thomas E. Thrush, M.D., Nolensville, TN

Violation: Engaging in the practice of medicine when mentally or physically unable to safely do so; violation of Board Order; and 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 for durations not medically necessary, advisable, or justified for a diagnosed condition.

Action: License placed on probation for no less than four (4) years; must meet certain terms and conditions; assessed costs

BOARD OF NURSING

Licensee: Sandra Jean Balke, R.N., Bonnerville, AR

Violation: Unprofessional conduct; and action in another state.

Action: License revoked; assessed \$500.00 in civil penalties, plus costs.

Licensee: Carol L. Branch, R.N., Camden, TN

Violation: Unprofessional conduct; and violation of Board Order

Action: License revoked; assessed \$500.00 in civil penalties, plus costs.

Licensee: Crystal Dawn Cordell, L.P.N., Blountville, TN

Violation: Unprofessional conduct; and violation of Board Order

Action: License revoked; assessed \$500.00 in civil penalties, plus costs.

Licensee: Ricky Falls, L.P.N., Nashville, TN

Violation: Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; guilty of a crime; unprofessional conduct; action taken in another state; and engaging in acts of dishonesty which relate to the practice of nursing.

Action: License revoked; assessed \$3,000.00 in civil penalties, plus costs.

Licensee: Adonica M. Ginger, L.P.N., Murfreesboro, TN

Violation: Unprofessional conduct; and violation of Board Order

Action: License revoked; assessed \$500.00 in civil penalties, plus costs.

Licensee: Mary E. Gresham, L.P.N., Nashville, TN

Violation: Is guilty of a crime; and unprofessional conduct.

Action: License revoked; assessed \$1,000.00 in civil penalties, plus costs

Licensee: Glenna J. Hardy, R.N., Jamestown, TN

Violation: Unprofessional conduct, unfitness, or incompetency by reasons of negligence, habits or other causes; and action in another state.

Action: License PERMANENTLY RETIRED

Licensee: Daniel D. Hignight, Jr., APN, R.N., Knoxville, TN

Violation: Unprofessional conduct; and practicing professional nursing in a manner inconsistent with T.C.A. § 63-7-103

Action: License revoked; assessed \$1,000.00 in civil penalties plus costs.

Licensee: Mary J. Lee, L.P.N., Cleveland, TN

Violation: Guilty of a crime; unprofessional conduct; has violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto; unauthorized use or removal of narcotics, drugs, supplies, or equipment from any health care facility, school, institution or other work place location; practicing practical nursing in this state on a lapsed (state) license or beyond the period of a valid temporary permit; and engaging in acts of dishonesty which relate to the practice of nursing.

Action: License revoked; assessed \$3,500.00 in civil penalties, plus costs

Licensee: Fay Carol Misenhelter, R.N., Memphis, TN

Violation: Is unfit or incompetent by reason of negligence, habits, or other cause; guilty of unprofessional conduct; has violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto; failure to maintain a record for each patient which accurately reflects the nursing problems and intervention for the patient and/or failure to maintain a record for each patient which accurately reflects the name and title of the nurse providing care; making false or materially incorrect, inconsistent or unintelligible entries in any patient records or in the records of any health care facility, school, institution or other work place location pertaining to the obtaining, possession or administration of any controlled substance as defined in the Federal Controlled Substances Act; unauthorized use or removal of narcotics, drugs, supplies, or equipment from any health care facility, school, institution, or other work place location; and engaging in acts of dishonesty which relate to the practice of nursing.

Action: License revoked; assessed \$4,000.00 in civil penalties, plus costs

Licensee: Dana Lee Moore, L.P.N., Clarksville, TN

Violation: Guilty of a crime; is unfit or incompetent by reason of negligence, habits or other cause; and unprofessional conduct

Action: License suspended; must meet certain terms and conditions

Licensee: Joshua D. Patrick, L.P.N., Smithville, TN

Violation: Guilty of a crime; unprofessional conduct; has violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto.

Action: License revoked; assessed \$2,000.00 in civil penalties, plus costs.

Licensee: Tamara Ann Patterson, L.P.N., Dyersburg, TN.

Violation: Unprofessional conduct; and being under the influence of alcoholic beverages or under the influence of drugs which impair judgment while on duty in any health care facility, school, institution or other work place location.

Action: License revoked; assessed \$1,000.00 in civil penalties, plus costs.

Licensee: Mary Beth Phillips, R.N., Knoxville, TN

Violation: Is unfit or incompetent by reason of negligence, habits or other cause; is addicted to alcohol or drugs to the degree of interfering with nursing duties; unprofessional conduct; has violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto; being under the influence of alcoholic beverages or under the influence of drugs which impair judgment while on duty in any health care facility, school, institution or other work place location.

Action: Licensed revoked, assessed \$2,500.00 in civil penalties, plus costs

Licensee: Angie R. Rollings, L.P.N., Jasper, TN

Violation: Is unfit or incompetent by reason of negligence, habits, or other cause; is addicted to alcohol or drugs to the degree of interfering with nursing duties; guilty of unprofessional conduct; has violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto; failure to maintain a record for each patient which accurately reflects the nursing problems and intervention for the patient; making false or materially incorrect, inconsistent or unintelligible entries in any patient records or in the records of any health care facility, school, institution or other work place location pertaining to the obtaining, possession or administration of any controlled substance; unauthorized use or removal of narcotics, drugs, supplies, or equipment from any health care facility, school, institution, or other work place location; being under the influence of drugs which impair judgment while on duty in any health care facility, school, institution, or other work place location; and engaging in acts of dishonesty which relate to the practice of nursing.

Action: License revoked; assessed \$7,000.00 in civil penalties, plus costs

Licensee: Anthony L. Smith, R.N., Chattanooga, TN

Violation: Unprofessional conduct; and violation of Board Order

Action: License revoked; assessed \$500.00 in civil penalties, plus costs.

Licensee: Shana Warren Weems, R.N., Waverly, TN

Violation: Violation of Board Order

Action: License revoked; assessed \$500.00 in civil penalties, plus costs

BOARD OF PHARMACY

Licensee: Amy J. Atchison, RT, Dyersburg, TN

Violation: Theft and diversion of controlled substances from the pharmacy

Action: Revocation of registration

Licensee: Leslie L. Behrens, DPH, Brentwood, TN

Violation: Failure to provide patient counseling

Action: \$250 civil penalty

Licensee: Brian L. Carter, DPH, Knoxville, TN

Violation: Failure to provide patient counseling

Action: \$250 civil penalty

Licensee: Jeremy M. Crain, DPH, Hendersonville, TN
Violation: Allowing unregistered individuals to work in the pharmacy
Action: \$1,900 civil penalty

Licensee: David A. Darnell, DPH, Jackson, TN
Violation: Failure to provide patient counseling
Action: \$250 civil penalty

Licensee: Mitchell Dietrich, DPH, Cleveland, TN
Violation: Unprofessional conduct
Action: License revoked

Licensee: Robert A. Dodd, DPH, Gallatin, TN
Violation: Allowing unregistered individuals to work in the pharmacy
Action: \$600 civil penalty

Licensee: William Donaldson, DPH, Celina, TN
Violation: Allowing unregistered individuals to work in the pharmacy
Action: \$4,600 civil penalty

Licensee: David H. Douglas, DPH, Maryville, TN
Violation: Addicted to the use of alcohol, narcotics, or other drugs
Action: License indefinitely suspended

Licensee: David L. Douglass, DPH, Memphis, TN
Violation: Allowing unregistered individuals to work in the pharmacy
Action: \$250 civil penalty

Licensee: Billy P. Ford, DPH, Cookeville, TN
Violation: Failure to perform Drug Regime Review
Action: \$500 civil penalty

Licensee: Sharon D. Godsey, RT, Smyrna, TN
Violation: Theft of money from the pharmacy
Action: Registration placed on a five year term of probation

Licensee: Melissa H. Gossett, DPH, Chattanooga, TN
Violation: Failure to provide patient counseling
Action: \$250 civil penalty

Licensee: Nancy Kemp, DPH, Nashville, TN
Violation: Addicted to the use of alcohol, narcotics, or other drugs
Action: License indefinitely suspended

Licensee: Lori K. Lewis, DPH, Johnson City, TN
Violation: Failure to provide patient counseling
Action: \$250 civil penalty

Licensee: Allen M. Lyall, DPH, Blountville, TN

Violation: Allowing unregistered individuals to work in the pharmacy
Action: \$400 civil penalty

Licensee: Michael McDuffee, DPH, Gallatin, TN
Violation: Allowing unregistered individuals to work in the pharmacy
Action: \$2,100 civil penalty

Licensee: Sunny B. McKinney, DPH, Gray, TN
Violation: Failure to provide patient counseling
Action: \$250 civil penalty

Licensee: George E. Miller, DPH, Sevierville, TN
Violation: Filled or refilled prescriptions for controlled substances that were not authorized
Action: License placed on five (5) year's probation; \$1,000 civil penalty

Licensee: Craig R. Mullins, DPH, Newport, TN
Violation: Unprofessional conduct
Action: License suspended for a period of six (6) months; license placed on a ten (10) year term of probation beginning effective July 15, 2008

Licensee: James A. Owen, DPH, Covington, TN
Violation: Addicted to the use of alcohol, narcotics, or other drugs
Action: License revoked

Licensee: Patrease Pruitt, DPH, Smyrna, TN
Violation: Allowing unregistered individuals to work in the pharmacy
Action: \$500 civil penalty

Licensee: Alexander Rhoton, DPH, Chattanooga, TN
Violation: Allowing unregistered individuals to work in the pharmacy
Action: \$1,700 civil penalty

Licensee: Ashley N. Rogers, RT, Etowah, TN
Violation: Theft and diversion of controlled substances from the pharmacy
Action: Revocation of registration

Licensee: Matthew S. Shaw, DPH, Knoxville, TN
Violation: Failure to provide patient counseling
Action: \$250 civil penalty

Licensee: Ronnie F. Sheron, DPH, Gainesboro, TN
Violation: Failure to perform Drug Regiment Review
Action: \$500 civil penalty

Licensee: Tekia Smith, RT, Madison, TN
Violation: Theft and diversion of controlled substances from the pharmacy
Action: Revocation of registration

Licensee: Sammie Thompson, DPH, Hermitage, TN
Violation: Allowing unregistered individuals to work in the pharmacy
Action: \$3,100 civil penalty

Licensee: Walgreens Pharmacy #4169, Kimberlin Heights, TN
Violation: Failure to provide patient counseling
Action: \$1,000 civil penalty

Licensee: David M. Voorhees, DPH, Knoxville, TN
Violation: Addicted to the use of alcohol, narcotics, or other drugs
Action: License indefinitely suspended

Licensee: Patricia M. Young, RT, Nashville, TN
Violation: Theft and diversion of controlled substances from the pharmacy
Action: Revocation of registration

COMMITTEE ON PHYSICIAN ASSISTANTS

Licensee: Craig Edward Dean, P.A.-C, Mount Juliet, 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; dispensing, prescribing, or otherwise distributing any controlled substance to any person in violation of any law of the state or of the United States of America or any rule of the Board or Committee; and in violation of T.C.A § 63-19-107(2) and O.C.R.R.S.T. 0880-3-.10 and 0880-3-.21.
Action: License placed on Probation for not less than two (2) years; must surrender DEA certificate and shall not obtain a new certificate prior to the expiration of the probation period; must meet certain terms and conditions; and assessed costs.

JULY 2008 ABUSE REGISTRY PLACEMENTS

Individual: Mitchell Clark, Nashville, tN
Abuse: Neglect
Action: Placed on Abuse Registry