



## Tennessee Board of Medical Examiners Regular Board Meeting

Tuesday, September 16, 2014  
Wednesday, September 17, 2014

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### MINUTES

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The regular board meeting of the Tennessee Board of Medical Examiners was called to order at 8:41 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Ali, Board Vice President.

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

Board member(s) absent: Michael Zanolli, MD

Staff present: Rosemarie Otto, Director, Health Related Boards  
Andrea Huddleston, Chief Deputy General Counsel  
Maegan Carr Martin, Executive Director  
Stacy Tarr, Administrative Manager  
Angela Lawrence, Board Administrator  
Jennifer Shell, Administrator

### **I. CONSIDERATION OF APPLICATIONS**

#### **MD X-Ray Applicant Interview(s):**

**Julie Carley** – appeared before the Board because of convictions for DUI, public intoxication, and driving on a suspended license. Her initial application did not disclose her medications; however, Ms. Carley subsequently amended her application. After review of the materials contained in her licensure

file and interviewing her, Dr. Beckford made a motion to grant an unrestricted license. Dr. Lovelady seconded the motion. Dr. Johnson abstained. Dr. Baron and Ms. Yeiser opposed the motion. The motion passed.

**Kendall Colyer** – appeared before the Board because of two (2) DUI convictions. After review of the materials contained in his licensure file and interviewing him, Dr. Higdon made a motion to grant an unrestricted license. Dr. Beckford seconded the motion. Dr. Johnson made a motion for a friendly amendment that the license be granted contingent upon a TMF evaluation and advocacy which was accepted. Ms. Eller recused herself. Dr. Baron and Ms. Yeiser opposed. The motion passed.

**Jeff Gregg** – appeared before the Board because of two (2) DUI convictions. After review of the materials contained in his licensure file and interviewing him, Dr. Beckford made a motion to grant a license contingent upon TMF evaluation and advocacy. Dr. Musil seconded the motion. The motion passed unanimously.

**Joseph Matlock** – appeared before the Board because of a criminal background including a charge for domestic assault. After review of the materials contained in his licensure file and interviewing him, Dr. Lovelady made a motion to grant an unrestricted license. Dr. Musil seconded the motion. A friendly amendment was made by Dr. Musil that the license be granted contingent upon a TMF evaluation and advocacy. The motion passed unanimously.

**Kelsey Nix** – appeared before the Board because of a DUI arrest. She has not been convicted but disclosed the arrest on her application. Dr. Baron made a motion to grant a license contingent upon TMF evaluation and advocacy. Dr. Musil seconded the motion. The motion passed unanimously.

**Chivas Steele** – appeared before the Board because she was convicted of failure to maintain insurance after she was involved in a traffic accident. Her driver's license was ultimately revoked, however, she continued to drive on a revoked license and was repeatedly cited for the offense. After review of the materials contained in her licensure file and interviewing her, Dr. Baron made a motion to grant an unrestricted license. Dr. Lawrence seconded the motion. The motion passed unanimously.

**Emily Stern** – appeared before the Board because of a conviction for underage consumption and a pedestrian under the influence in 2007. After review of the materials contained in her licensure file and interviewing her, Dr. Lovelady made a motion to approve. Dr. Johnson seconded the motion. The motion passed unanimously.

#### **Medical Doctor Applicant Interview(s):**

**Marc Abramson, MD** – appeared before the board because his Step 1 and Step 3 USMLE scores are insufficient to overcome the one-point rule. After review of the materials contained in his licensure file and interviewing him, Dr. Beckford made a motion to grant an unrestricted license. Dr. Johnson seconded the motion. Dr. Beckford amended his motion to clarify that the motion was made on the belief that denying this doctor his license would result in manifest injustice. Dr. Lawrence and Ms. Yeiser opposed. The motion passed, the Board having determined that denial of Dr. Abramson would result in manifest injustice.

**James Broom, MD** – appeared before the Board because he has been out of clinical practice since 2009. Dr. Broom allowed his license to lapse in 2013 and now seeks reinstatement. After reviewing the materials in Dr. Broom's application and learning more about his activities since 2009, the Board suggested that he may need to complete a reentry program before the Board would authorize the issuance

of a full and unrestricted license. The Board offered him the opportunity to withdraw his application, which he elected to do.

**Joseph Cheong, MD** – appeared before the board because of two significant malpractice events. After review of the materials contained in her licensure file and interviewing her, Dr. Beckford made a motion to grant an unrestricted license. Dr. Baron seconded the motion. The motion passed unanimously.

**Stephen Greene, MD** – previously appeared before the board at the July meeting. At that time, his application was tabled to allow Dr. Greene to request and receive a letter from his residency program director confirming that it is the policy of the program to require all residents to successfully complete USMLE Step 3 in order to be promoted to PGY3. He also did not meet the 1-Point Rule. Ms. Yeiser recused herself. After review of the materials contained in his licensure file and interviewing him, Dr. Lovelady made a motion to grant an unrestricted license due to manifest injustice. Dr. Beckford seconded the motion. Dr. Lawrence and Dr. Baron opposed. Dr. Johnson abstained. The motion passed.

**Ward Houck, MD** – appeared before the board because he is a party to a pending civil suit alleging an extensive health insurance fraud scheme in CA. After review of the materials contained in his licensure file and interviewing him, Dr. Beckford made a motion to grant an unrestricted license. Dr. Lawrence seconded the motion. Ms. Outhier opposed the motion. Drs. Musil and Baron and Ms. Eller and Ms. Yeiser abstained. Drs. Ali, Higdon, Beckford, Lawrence and Lovelady voted in favor of the motion. The motion passed.

**Michael Labanowski, MD** – did not appear before the board. Because of his absence, Dr. Beckford made a motion to deny the application on the basis of missing multiple meetings. Ms. Yeiser seconded the motion. Dr. Lawrence abstained. The motion passed. After a break it was discovered that Dr. Labanowski did ask to be put on the Agenda for the November meeting and was added to the September meeting in error. Dr. Higdon made a motion to reconsider his application. Ms. Yeiser seconded the motion. The motion was passed unanimously. Dr. Lovelady made a motion to strike the motion from the morning session and let Dr. Labanowski be considered at the November meeting. Dr. Musil seconded the motion. A friendly amendment was suggested that the file be updated to make all documents current and seen by the Board no later than January 2015. Dr. Baron and Ms. Eller were opposed. The motion passed. It was also requested that the next Board meeting interview letter should be sent certified mail. It will also be noted in the minutes when an applicant does not show.

**Christian Lansing, MD** – appeared before the board because of previous alcohol impairment during medical school in 2005. He reports that he has been in recovery for nine (9) years. Dr. Lansing was terminated from his residency program at UTC in 2010 for prescribing to a colleague. He has advocacy in West Virginia which is set to expire in 2016. He has been in contact with TMF. After review of the materials contained in his licensure file and interviewing him, Dr. Baron made a motion to grant an unrestricted license. Dr. Johnson seconded the motion. Mrs. Eller recused herself. The motion passed.

**Nicole Paier-Mullan, MD** – appeared before the board because she underwent two (2) months of remediation during her intern year to help her with developing boundaries while working with patients who have borderline personality disorder. After review of the materials contained in her licensure file and interviewing her, Dr. Musil made a motion to grant an unrestricted license. Dr. Baron seconded the motion. The motion passed unanimously.

**James Perkins, MD** – appeared before the board because his USMLE Step 1 score was insufficient to overcome the one-point rule; however he is board certified. After review of the materials contained in his licensure file and interviewing him, Dr. Beckford made a motion to grant an unrestricted license. Ms. Eller seconded the motion. The motion passed unanimously.

**Larry Perry, MD** – appeared before the board because his Tennessee license was revoked in 2013 for issues related to sexual misconduct and improper prescribing. Dr. Perry has also been disciplined in Kentucky. Drs. Higdon and Baron and Ms. Yeiser recused themselves; however, after clarification from Counsel regarding when a recusal is appropriate, Dr. Higdon withdrew his recusal. Dr. Perry’s counsel was present and answered the Board’s question regarding the nature of Dr. Perry’s appeal from the Board order. After review of the materials contained in his licensure file and interviewing him, Dr. Musil made a motion to deny Dr. Perry’s application for a full and unrestricted license. Ms. Outhier seconded the motion. The motion to deny was passed unanimously.

**Brian Pratt, MD** – appeared before the board because he was suspended from his residency program for two weeks due to a lapse in professionalism. After review of the materials contained in his licensure file and interviewing him, Dr. Baron made a motion to grant an unrestricted license. Dr. Johnson seconded the motion. The motion passed unanimously.

**Shahidur Rahman, MD** – appeared before the board because he has not been in clinical practice in approximately 14-15 years. He has been practicing administrative medicine. After review of the materials contained in his licensure file and interviewing him, Dr. Beckford made a motion to grant an unrestricted license. Dr. Johnson seconded the motion. Drs. Beckford, Johnson, Musil and Ms. Yeiser voted to approve the license. Ms. Eller, Dr. Lawrence, Dr. Baron, Dr. Lovelady, and Dr. Ali and Ms. Outhier voted against. Dr. Higdon abstained. The motion to grant an unrestricted license having failed, Dr. Ali made a second motion to grant a license restricted to administrative practice. Dr. Lawrence seconded the motion. Dr. Higdon abstained. The motion passed.

**William Sobat, MD** – appeared before the board to address the high number of malpractice events reported on his application. After review of the materials contained in his licensure file and interviewing him, Ms. Yeiser made a motion to grant an unrestricted license. Dr. Beckford seconded the motion. Ms. Yeiser, Dr. Beckford, Dr. Baron and Dr. Musil voted to grant an unrestricted license. Dr. Lawrence, Ms. Eller, Dr. Higdon, Ms. Outhier and Dr. Lovelady opposed. Dr. Johnson abstained. The motion having failed, the Board gave Dr. Sobat the opportunity to withdraw his application. Dr. Sobat elected to do so.

**John Tazelaar, MD** – appeared before the board because of a history of alcohol dependency and other impairment. He pled guilty to DUI, one count of public intoxication and misuse of 911 services in 2007. He currently has advocacy in Texas. He was disciplined in Texas for providing false information on his application, but was ultimately licensed. After review of the materials contained in his licensure file and interviewing him, Dr. Baron made a motion to grant a telemedicine license with the caveat that the administrative office receive notification from the Texas Physician’s Health Program that his monitoring is up to date, which can be verified with a . Dr. Higdon seconded the motion. The motion passed unanimously.

**Hung Tran, MD** – appeared before the board because he attended a medical school that does not meet the requirements of the Board as set out in Board rule. The Board has recognized an exception to an applicant’s attendance of a “unapproved” medical school if the applicant 1) passes all three steps of the USMLE on the first attempt; and 2) is board-certified. While Dr. Tran is newly board-certified in Family Medicine, he did not pass the USMLE Step 2(CS) until his third attempt. After review of the materials contained in his licensure file and interviewing him, the Board offered to allow Dr. Tran to withdraw his application. Dr. Tran elected to do so.

**Mureena Wells, MD** – appeared before the Board, first, to address multiple malpractice suits to which she was a party, and secondly, to request a fee waiver. After moving from Tennessee, Dr. Wells allowed her Tennessee medical license to lapse rather than inactivating her license. As a result, Dr. Wells is obligated to pay her past due renewal fees in order for her license to be reinstated. With respect to Dr.

Wells' malpractice events, one of those events resulted in a judgment for plaintiffs in the amount of \$15,000,000. Dr. Wells reported that the patient was in a randomized research trial and had to undergo a procedure which led to a placental abruption and resulted in an emergency C-Section. The case went to trial and that first trial resulted in a hung jury. The case went to trial a second time and resulted in a verdict for the plaintiff with a jury verdict of \$15,000,000 (not a judgment). The medical malpractice cap is being contested in Indiana so a complete disposition hasn't been made in the case. The Board declined to approve Dr. Wells' request for a fee waiver because 1) Board rule specifies that all fees are non-refundable; 2) it is unclear whether the Board has sufficient statutory authority to grant such a waiver; and 3) there is no precedent for granting such a request. Dr. Beckford made a motion to approve granting of a license. Dr. Beckford rephrased his motion to approve unrestricted licensure contingent upon payment of past due fees. Dr. Lawrence seconded the motion. Dr. Ali and Ms. Outtheir abstained. The motion passed.

**Daniel Zapko, MD** – appeared before the board because he was dismissed from his residency program for improperly accessing his spouse's medical records on multiple occasions. Ms. Eller recused herself. After review of the materials contained in his licensure file and interviewing him, Dr. Beckford made a motion to approve Dr. Zapko's application to practice medicine. Dr. Higdon seconded the motion. The motion passed.

## **II. APPROVAL OF MINUTES**

At the Board's July meeting, Dr. Zanolli made the following requests: 1) that the minutes for the Telemedicine Rulemaking Hearing which occurred on May 19th be separated from the regular board meeting minutes from May 20 and 21, 2014; 2) that the name and affiliation of everyone who gave oral testimony at the May 19th rulemaking hearing to be added to the minutes; and 3) that the minutes from the one-point rulemaking hearing be amended to include the maintenance of certification discussion.

Dr. Ali made a motion to approve the minutes from the regular meeting in July. The motion passed unanimously. Dr. Ali made a motion to approve the minutes from the July Telemedicine Rulemaking hearing. The motion passed unanimously. Dr. Ali made a motion to approve the amended minutes from the May Telemedicine Rulemaking Hearing. The motion passed unanimously.

## **III. DEPARTMENT REPORTS**

### **1. OGC/Disciplinary Business**

#### **a. Orders of Compliance**

**Dr. Russell Beis** – was not present, nor was his counsel present. Dr. Beis was disciplined in 2011 due to improper prescribing. Ms. Andrea Huddleston represented the state. He is in compliance with the requirements of his existing order and is entitled to have his petition granted. Dr. Baron made a motion to accept the Order. Dr. Johnson seconded the motion which passed a voice vote.

**Dr. Charles White**: was not present; however, his counsel, Robert Kramer, appeared on his behalf. Ms. Andrea Huddleston represented the state. Dr. White was discipline for two DUI convictions, one occurring in 2010 and the second in 2011. He is in compliance with the requirements of his existing order and is entitled to have his petition granted. Dr. Higdon made a motion to accept the Order. Dr. Beckford seconded the motion which passed a voice vote.

**Dr. Frederick Yarid:** was present and was represented by attorney John Butler. Ms. Andrea Huddleston represented the state. Dr. Yarid was disciplined in early 2014 for failure to properly supervise a nurse practitioner under his employ. Dr. Yarid did not review controlled substance prescriptions written by the nurse practitioner, nor was there a written protocol in place. He is in compliance with the requirements of the existing order and is entitled to have his petition granted. Ms. Yeiser made a motion to accept the order. Dr. Musil seconded the motion which passed a voice vote.

2. **Discussion of Public Chapter 832:** Dr. Dillard, Executive Director, Board of Pharmacy, made a presentation to the Board regarding Public Chapter 832, which was passed in the 2014 legislative session and became effective July 1, 2014. It allows for a collaborative practice agreement between pharmacists and physicians and directs the Board of Pharmacy, Board of Medical Examiners and Board of Osteopathic Examination to collaborate to promulgate rules. Ms. Andrea Huddleston expressed concern over the possibility of pharmacists prescribing controlled substances and suggested that the Boards consider excluding that possibility in the rulemaking process. Dr. Ali agreed that the issue warranted further consideration. Dr. Ali recommended the issue be tabled and an ad hoc committee or task force be created to consider the issue. Dr. Baron, Higdon, and Ms. Eller will make up the committee and will be working with the Board of Osteopathic Examination and Board of Pharmacy and will report back at the November meeting.
3. **Investigative Report:** Ms. Denise Moran presented the report to the board. There are currently one hundred eighty three (183) open complaints in the Office of Investigations relative to medical doctors. Ms. Moran also gave a disciplinary report as of September 2014 and it reads as follows for Medical Doctors:
  - 33 Suspended
  - 59 on Probation
  - 104 Revoked/Surrendered
  - 120 are subject to a board-orderThere are currently eleven (11) open complaints against registered pain clinics in the Office of Investigations.
4. **OGC Report:** Ms. Huddleston gave an update on the status of pending Board rules. The rule amendment regarding continuing education has been approved by the Attorney General's office and will go into effect on December 2nd, 2014. The rule amendment for the one-point rule is still being reviewed by the Attorney General's office. There has been no movement on the appeals that are pending in Chancery Court or the Court of Appeals. Ms. Huddleston informed the board that as of July 19, 2014, there were one hundred forty-one (141) disciplinary complaints against ninety-six (96) respondents pending in the Office of General Counsel.
5. **Agreed Citations**

Dr. Mehr only earned one (1) CE hour out of forty (40) required hours. He was assessed a civil penalty in the amount of \$3,900, which represents \$100 hours for each hour he was deficient. Dr. Higdon made a motion to ratify. Dr. Johnson seconded the motion. The motion passed.

Dr. Oxley only earned four (4) CE hours out of forty (4) required hours. Ratification of the Agreed Citation was needed. Dr. Lawrence made a motion to ratify. Dr. Baron seconded the motion. The motion passed.
6. **Report from BME's Administrative Office:** Ms. Maegan Martin reported on the Administrative Office's licensing activities from July 1, 2014 through August 30, 2014. The

statistics are as follows: 183 new applications were received, 281 new licenses were issued, 1,721 renewals (1,194 online renewals), 94 licensees failed to renew, 46 licensees retired their license, 21 reinstatements and the total number of telemedicine licenses is 470.

The number of active licenses as of August 30, 2014 is 20,925. The total number of active licensees as of June 30, 2014 with a Tennessee mailing address is 16,116.

The possibility of improving the applicants' picture quality has also been investigated and at this time it is not possible to do so.

#### **IV. RATIFICATION OF LICENSES**

Dr. Johnson made a motion to ratify and approve the new, reinstated, failed to renew and voluntarily retired licenses for **Medical Doctors**. Ms. Eller seconded the motion which passed unanimously.

Dr. Johnson made a motion to ratify and approve the new, reinstated, failed to renew and voluntarily retired licenses for **MD Special Training**. Ms. Eller seconded the motion which passed unanimously.

Dr. Johnson made a motion to ratify and approve the new, reinstated, failed renew and voluntarily retired licenses for **MD X-Ray Operators**. Ms. Eller seconded the motion which passed unanimously.

Dr. Johnson made a motion to ratify and approve the new, reinstate, failed renew and voluntarily retired licenses for **Genetic Counselors**. Ms. Eller seconded the motion which passed unanimously.

**Adjourn 5:53 pm**

### **Day Two of the Regular Meeting of the Tennessee Board of Medical Examiners Wednesday, September 17, 2014**

The second day of the regular board meeting was called to order at 8:50 a.m. at the Health Related Board's Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee, by Board of Medical Examiners' Vice President, Dr. Subhi Ali.

Members present included: Dr. Jeff Lawrence, Dr. Michael Baron, Dr. Reeves Johnson, Ms. Pat Eller, Dr. Dennis Higdon, Ms. Nina Yeiser, Allen Musil, Ms. Barbara Outhier, Dr. Neil Beckford, and Dr. Keith Lovelady

#### **1. Ratification of Licenses (continued)**

Dr. Baron made a motion to ratify and approve the new, reinstated, failed renew and voluntarily retired licenses for **Acupuncturists**. Dr. Musil seconded the motion which passed.

Dr. Johnson made a motion to ratify and approve the new, reinstated, failed renew and voluntarily retired licenses for **Physician Assistants**. Dr. Baron recused himself. Dr. Beckford seconded the motion which passed.

## **2. Closing of Anthem Career College**

Anthem Career College, a Board-approved program offering limited X-Ray training, recently went bankrupt and closed their doors leaving many of its current students in a difficult position. Vatterott Career College in Memphis has proposed becoming an approved school for limited X-Ray and in which case, would take over training of those students. Dr. Arnold will review the submitted request from Vatterott, make a recommendation, and schedule a conference call in order to put the recommendation before the Board for consideration.

## **3. Recommendation from the Committee on Office Based Surgery**

On September 15, 2014 the Committee on Office Based Surgery met to consider changing the applicable rules to require an inspection prior to the completion of a renovation or modernization. The existing rule does not include such a requirement and the effect is often that inspectors are unable to confirm that proper provisions have been made (consistent with applicable codes) without cutting holes in sheet rock, moving heavy, immobile equipment, etc. Dr. Higdon made a motion to adopt the Committee's recommendation. Dr. Johnson seconded the motion which passed unanimously. Ms. Huddleston will work with the director of Health Care Facilities, Vincent Davis, to generate a draft rule for rulemaking.

## **4. Retirement of Long-time Medical Director, Dr. Larry Arnold**

Dr. Ali made a motion to adopt a resolution commending Dr. Arnold for an exemplary job as the Board of Medical Examiners' medical director. Dr. Arnold leaves his position after more than a decade of service. His last day will be October 3<sup>rd</sup>. Dr. Johnson seconded the motion which passed unanimously.

## **5. Ad Hoc Committee to Review Applications**

In light of Dr. Arnold's impending departure, Dr. Ali offered the assistance of a panel of the Board to help in the transition to Dr. Arnold's replacement. An ad hoc Committee was suggested, and could be available to assist in filling in and reviewing files until the new medical director joins the staff. The Chair will be Dr. Higdon, the Vice Chair will be Dr. Zanolli, and the other members of the Committee will be Dr. Baron and Dr. Lovelady. Dr. Lawrence made a motion to approve the appointment of an ad hoc committee. Dr. Beckford seconded the motion which passed unanimously.

## **6. Disciplinary Docket**

### **Consent Orders**

**Dr. Andrew Jones** – was not present; however, his counsel, Jim Catanzaro, appeared on his behalf. Ms. Jennifer Putnam represented the state. Dr. Jones is an OBGYN who entered into an inappropriate romantic relationship with a patient from 2011 to 2013. The doctor self-reported and underwent a comprehensive evaluation related to boundary issues. Dr. Ali, Dr. Lawrence, Dr. Johnson, and Ms. Eller recused themselves. Dr. Baron abstained. Ms. Yeiser made a motion to accept the order. Dr. Beckford seconded the motion which passed with a voice vote.

**Dr. Howard DeHaven** – was not present; however, his counsel, Frank Scanlon, appeared on his behalf. Ms. Jennifer Putnam represented the state. Dr. DeHaven's consent order was heard by a smaller panel at the July Board Meeting for suspension. It was recommended at that meeting that the previous order be rejected in lieu of a voluntary surrender of his license. He was practicing in Kentucky at a pain clinic on a locum tenens license. While there he wrote several prescriptions in unjustifiable amounts to an individual who shared his prescriptions with his girlfriend, who subsequently overdosed. He was allowed to voluntarily retire his license in Kentucky, which prompted this disciplinary action. Dr. Ali recused himself. Dr. Johnson was not present in the room. Ms. Yeiser made a motion to accept the order. Dr. Musil seconded the motion which passed a voice vote.

**Dr. Murad Salaita** – was not present nor did a legal representative appear on his behalf. Ms. Jennifer Putnam represented the state. From January 2010 to March 2014, Dr. Salaita prescribed controlled substances to individuals that were not pursuant to a doctor-patient relationship. There were seventy-nine (79) inappropriate prescriptions in total. Ms. Yeiser made a motion to accept the order. Dr. Beckford seconded the motion which passed a voice vote.

**Dr. Steven Flatt** – was not present nor did a legal representative appear on his behalf. Ms. Jennifer Putnam represented the State. On or around June 2011, Dr. Flatt entered into a romantic relationship with an individual who later became a patient of record. The respondent admits to treating the patient from July 2011 until July 2012, including writing prescriptions which were documented and administered in appropriate amounts. In July 2012 the patient was referred to another medical professional. Dr. Baron made a motion to accept the order. Dr. Musil seconded the motion. The motion passed a voice vote.

### **Agreed Orders**

**Dr. John Tasker** was not present nor was he represented by counsel. Mr. Marc Guilford represented the State. Dr. Tasker was disciplined in 2010 and the order was amended in 2011. There were concerns with Dr. Tasker's pain management practice. He was placed on probation and had to meet several requirements including monitoring. CPEP has done five reviews which found patient charts failed to meet the standard of care. CPEP had him undergo a comprehensive evaluation. The results of the evaluation led to concerns with Dr. Tasker's cognitive functioning. They recommended several things including additional evaluation. Dr. Tasker has not completed any of the recommendations of CPEP and has not met some of the other requirements of his probation. According, the Office of General Counsel now requests that Dr. Tasker voluntarily surrenders his license. The order would not take effect until October 10, 2014 in order to allow his patients to be placed in other clinics. In addition, if he ever wanted to be licensed in Tennessee again he would be required to undergo a comprehensive assessment and follow through with all recommendations, in addition to meeting the requirements of the 2010 order before he ever appeared before the board. He would also have to appear before the board and discuss everything before the board. The board would still have full authority as to whether to grant a license or not. Dr. Johnson made a motion to accept the order. Dr. Musil seconded the motion which passed with none opposed.

## **7. Other Board Business**

There being no other Board business, the meeting adjourned.

**Adjourn 10:02 am**

### **Contested Case (Iris Room)**

Panelists: Dr. Michael Baron, Dr. Alan Musil, Ms. Barbara Outhier  
Judge: Judge Joyce Safley

Hearing for Dr. Robin Freeman  
Attorney for the State: Ms. Kyonzte Hughes-Toombs

Dr. Freeman was represented by Mr. Frank Scanlon. Judge Safley read into record the charge of the panel and the contested case began with opening statements from Ms. Hughes-Toombs who presented for the record the notice of charges and stated that Dr. Freeman is guilty of unprofessional conduct and a

violation of the Code of Medical Ethics due to self-prescribing while employed at Surgical Associates. Mr. Frank Scanlon, attorney for Dr. Freeman, stated in his opening statement explained that his client would dispute some of the allegations and present evidence to that effect. The panel then heard testimony from the following witnesses: Ms. Jessica Till, Ms. Lori Grimes, Dr. Elizabeth Lund, Ms. Meg Shelley, Ms. Amy Grady, Ms. Rebecca Johnson and Ms. Elizabeth Roberts. The contested case was recessed at 3:24 pm until the next board meeting.

**Petition for Declaratory Order (Poplar Room)**

Panelists: Dr. Subhi Ali, Dr. Keith Lovelady and Ms. Nina Yeiser  
Judge: Judge Joyce Carter-Ball

Hearing for Adedamola Oni, MD  
Attorney for the State: Mr. Chris Smith

Dr. Oni was not present and was represented by Mr. James White. Mr. White made a motion to bifurcate. Mr. Smith asked the Board to reject the motion to bifurcate. The motion to bifurcate was denied. Mr. White made a motion to continue since Dr. Oni was unable to attend. Mr. Smith asked the Board to reject the motion to continue.

Ms. Yeiser made a motion to deny the Motion to Dismiss. Dr. Lovelady seconded the motion which passed unanimously. The State's proposed final Order to Discipline Dr. Oni suggested revocation. Mr. White did not submit a proposed order but presented three (3) past disciplinary cases to use for comparison to Dr. Oni's cases in considering the appropriate discipline. Mr. Smith presented similar cases to the Board. The parties disputed which cases and prior disciplines were most apt and relevant. After consideration of the documents and arguments presented by the parties, Ms. Yeiser made a motion to revoke Dr. Oni's license. The motion was seconded by Dr. Lovelady, which passed unanimously.

**Petition for Declaratory Order (Poplar Room)**

Panelists: Dr. Subhi Ali, Dr. Keith Lovelady, Ms. Pat Eller  
Judge: Judge Mary Collier

Hearing for Matthew Danter, MD  
Attorney for the State: Ms. Andrea Huddleston

Dr. Mathew Danter was present and represented by counsel, J. Blake Carter, Esq. Dr. Danter sought licensure in Tennessee as he anticipates an appointment to Vanderbilt University Medical Center. He has not completed the one year of US training, required pursuant to TENN. CODE ANN. § 63-6-207(a)(1)(c). Dr. Danter filed a Petition for Declaratory Order arguing that his extensive and exceptional training should be considered in lieu of the aforementioned one year of US training and seeking a license limited to practice at Vanderbilt University Medical Center.

The parties each presented proposed orders to the panel. The Board agreed that Dr. Danter is an exceptionally trained physician and leader in his profession. Ms. Eller spoke against issuing a conditional license and in favor of an unrestricted license. Dr. Lovelady suggested that the findings of facts be amended to specify US training, not residency. Ms. Eller made a motion to accept the amended findings of fact based on the State's proposed order. Dr. Lovelady seconded. The panel engaged in a discussion concerning Dr. Danter's qualifications. Ms. Eller made a motion to grant Dr. Danter a full and

unrestricted license to practice in Tennessee. The motion was seconded by Dr. Lovelady and passed unanimously.