

# Tennessee Board of Medical Examiners



# Newsletter

Summer 2009

A regulatory agency of the State of Tennessee

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Bureau of Health Licensure and Regulation • Health Related Boards • 227 French Landing, Suite 300, Heritage Place MetroCenter, Nashville, TN 37243  
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## ATTENTION PRESCRIBERS

### Details on Tamper-Resistant Prescription Pads

The Board of Medical Examiners has promulgated rules relative to tamper-resistant prescriptions. The rule, in its entirety, is provided below:

#### 0880-02-.23 Tamper-Resistant Prescriptions.

(1) Purpose. This rule is designed to implement the law requiring that licensed physicians have all written, typed, or computer-generated prescriptions issued on tamper-resistant prescription paper.

#### (2) Definitions.

The following definitions are applicable to this rule:

(a) "Drug" shall have the same meaning as set forth in T.C.A. §63-10-204(16).

(b) "Prescriber" means an individual licensed in Tennessee as a medical doctor, podiatrist, advanced practice nurse with a certificate of fitness to prescribe, dentist, optometrist, osteopathic physician, or physician assistant.

(c) "Prescription order" shall have the same meaning as set forth in T.C.A. §63-10204(34).

(d) "Tamper-resistant prescription" means a written prescription order with features that are designed to prevent unauthorized copying, erasure, modification, and use of counterfeit prescription forms.

#### (3) Tamper-Resistant Prescription Requirements.

(a) A prescriber shall ensure that all handwritten, typed, or computer-generated prescription orders are issued on tamper-resistant prescriptions. Tamper-resistant prescriptions shall contain the following features:

1. Either a void or illegal pantograph or a watermark designed to prevent copying;

2. Either quantity check-off boxes with refill indicators or a uniform, nonwhite background color designed to prevent erasure or modification; and

3. Security features and descriptions listed on the prescriptions designed to prevent use of counterfeit forms.

#### (4) Security Measures and Recordkeeping.

(a) Each prescriber shall undertake adequate safeguards and security measures to ensure against loss, improper destruction, theft, or unauthorized use of the tamper-resistant prescriptions in the prescriber's possession.

#### (5) Use of Tamper-Resistant Prescriptions.

##### (a) Facsimile Prescription Transmission.

1. Prescriptions sent by facsimile transmission are not required to be placed on tamper-resistant prescription paper.

2. If a prescriber transmits a prescription order to a pharmacy by facsimile transmission, the prescriber or someone designated by the prescriber shall document in the patient's medical record the name of the drug, strength, and quantity prescribed. The prescriber may, but is not required to, document the means by which the prescription was transmitted.

##### (b) Electronic Prescription Transmission.

1. Prescriptions sent by electronic transmission are not required to be placed on tamper-resistant prescription paper.

2. If a prescriber transmits a prescription order to a pharmacy by electronic transmission, the prescriber shall document the prescription in the patient's file and in accordance with the applicable laws and rules for each of the prescribers' respective professions as well as applicable federal laws and rules. The prescriber may, but is not required to, document the means by which the prescription was transmitted.

## BOARD WELCOMES NEW MEMBER

The Board welcomes a new member, Monica Franklin of Whites Creek, Tennessee as its new consumer member.

## CURRENT COMPOSITION OF THE BOARD

The Board of Medical Examiners is composed of the following members: Mitchell Mutter, M.D., President; Charles White, Sr., M.D., Vice-President; Subhi Ali, M.D., Secretary; George Eckles, Jr., M.D.; Dennis Higdon, M.D.; Neal S. Beckford, M.D.; Keith Lovelady, M.D.; Michael Zanolli, M.D.; Barrett Rosen, M.D.; Irene Wells, Public Member; Regine Webster, Public Member; and Monica Franklin, Public Member.

## BOARD MEETING DATES

September 15-16, 2009

November 2-3, 2009

January 26-27, 2010

March 16-17, 2010

May 18-19, 2010

July 20-21, 2010

September 14-15, 2010

November 16-17, 2010

All Board meetings begin at 8:30 a.m., Central Time. Board meetings are held at the Board's office and are open to the public. Dates are subject to change, but are listed on the Board's Website. [In the event of an electronic meeting, a conference room is made available to the public and is the location from which the electronic meeting is conducted.]

## ATTENTION PHYSICIANS WHO INTEND TO PRACTICE LEVEL II OFFICE BASED SURGERY

T.C.A. §63-6-221(p) requires physicians who perform Level II office based surgery to so report at the time of initial application, reinstatement or renewal of a medical license. Level II office based surgery means "level II surgery, as defined by the Board of Medical Examiners in its rules and regulations, that is performed outside of a hospital, an ambulatory surgical treatment center, or other medical facility licensed by the Department of Health." The Board of Medical Examiners' rules regarding office based surgery can be found

at: <http://www.state.tn.us/sos/rules/0880/0880-02.pdf>

Please review these rules carefully if you perform level II procedures in your office. You are required to report certain "unanticipated events" to the Board of Medical Examiners within mandated time frames of the occurrence.

For more information or to obtain a copy of the statute, please contact the Board's Administrative Office at 1-800-778-4123 Extension 24384.

## COLLABORATIVE INITIATIVE

### BOARD OF MEDICAL EXAMINERS AND BOARD OF NURSING

At the Board of Medical Examiners' meeting in March 2008, the Board unanimously adopted a resolution and nominated three members to the Permanent Standing Joint Committee of the Board of Medical Examiners and Board of Nursing. The members are Mitchell Mutter, M.D., Barrett Rosen, M.D. and Dennis Higdon, M.D. The Committee will meet regularly with three members of the Board of Nursing to discuss matters of **mutual interest** as regulators and protectors of the public health, safety and welfare. Topics likely to be on upcoming agendas include:

- Retail Clinics
- Disruptive physicians
- Review of supervision/collaboration requirements

**The mission of the Standing Joint Committee is to take up and discuss in a collaborative fashion a variety of regulatory topics (as they occur) with an eye toward providing the highest quality of healthcare to the most Tennesseans as possible.**

## REMINDER TO PHYSICIANS CONTINUING MEDICAL EDUCATION REQUIRED

**Change in Continuing Medical Education Rule:** The Board's Rule regarding continuing medical education requires all licensees to complete forty (40) hours of continuing medical education courses during the two (2) calendar years (January 1 – December 31) that precede the licensure renewal year. Now, pursuant to Rule 0880-2-.19(b) **at least one (1) of the forty (40) required hours shall be a course designed specifically to address prescribing practices.**

The Board's Administrative Office audited 406 physicians in 2008 and found 345 (85%) to be compliant and 61 (15%) to be non-compliant. Non-compliant physicians are subject to Board discipline which includes a fine of \$40.00 per delinquent hour, a requirement to make up the delinquent hours, plus an additional ten hours. The action taken against the physician is reportable on the Department of Health web site on the monthly Disciplinary Action Report, but is not reported to the NPDB or the FSMB.

**You can view the CME Rule in its entirety at <http://www.state.tn.us/sos/rules/0880/0880-02.pdf> beginning at page 55.**

## PROFESSIONAL OCCUPATIONS TAX

TCA §67-4-1701, et seq., requires the payment of an annual professional privilege (occupation) tax. Failure to pay your professional privilege tax constitutes grounds for suspension of your license to practice medicine and surgery in Tennessee. If you fail to pay your professional privilege tax, the Department of Health will file formal charges against you seeking the suspension of your license pursuant to TCA §67-4-1704 and TCA §63-6-101, et seq. Avoid the possible suspension of your privilege to practice medicine in Tennessee by remitting your tax to the Department of Revenue in a timely fashion. For more information please go to:

<http://tennessee.gov/revenue/tntaxes/proftax.htm>

Note: The Board of Medical Examiners does not assess this tax and does not benefit from it. However, the Board's Administrative Office has recently mailed over 200 letters to licensees who have failed to pay their professional occupations tax. Physicians who remain delinquent are being processed for suspension of their medical licenses.

## Physicians Currently Under Monitoring

The Board's disciplinary coordinator is currently "monitoring" 310 physicians:

- 24 suspended
- 75 probation
- 11 restricted
- 61 Board order
- 139 surrendered/revoked

Many of the physicians currently under a Board order are required to retain and maintain the advocacy of the Tennessee Medical Foundation's Physician Health Program (PHP). For nearly a quarter of a century, the PHP has been offering professional assistance to physicians suffering chemical dependence, mental or emotional illness, or both. Physicians, their family members, colleagues, and anyone needing to refer to, or otherwise make use of, the PHP's peer assistance program may contact them at 216 Centerview Drive, Suite 304, Brentwood, TN 37027. Telephone: 615.467.6411.

## POLYSOMNOGRAPHY PROFESSIONAL STANDARDS COMMITTEE

TCA §63-31-101 created the Polysomnographic Professional Standards Committee to assist the Board of Medical Examiners in developing licensure requirements and practice standards for polysomnography professionals in Tennessee. The statute created a committee of seven members composed of: three (3) registered polysomnographic technologists; one (1) physician certified in sleep medicine by the national certifying body recognized by the American Academy of Sleep Medicine; one (1) person who is the director of an accredited, hospital-based sleep center; one (1) respiratory therapist who is also registered as a polysomnographic technologist; and one (1) consumer member.

The Committee is composed of the following members: Thomas G. Higgins, M.D., Chair; Kristin W. Lester, PST, Secretary; Kelia C. Ingram, PST; Natasha C. Webb, PST; Donald A. Samples, Ed.D.; Madelyn K. Cunningham, Consumer Member. There is currently one vacancy on the Committee.

The Committee has met and promulgated rules to implement the requirements of TCA §63-31-101. Those rules are currently in the Attorney General's Office awaiting final approval. Once approved, and not later than July 1, 2010, the Committee and the Board of Medical Examiners will begin to license this profession. To view the proposed rules in their entirety, please visit: [http://www.tn.gov/sos/rules\\_filings/09-37-08.pdf](http://www.tn.gov/sos/rules_filings/09-37-08.pdf)

## CHANGE OF ADDRESS

Must be reported (in writing or by e-mail) to the Board's Office within 30 days! Please include the following:

- Your name and license number;
- Your profession;
- Your old address and phone number;
- Your new address and phone number, e-mail address, and/or your fax number;
- Your SIGNATURE!

Keeping the Board's administrative staff up to date on your location facilitates the timely notification to you of important information such as your application for licensure renewal and important statutory and rule changes. You may fax your change to the Board's administrative office at (615) 253-4484 or by mail at: 227 French Landing, Heritage Place MetroCenter, Suite 300, Nashville, TN 37243. You also can e-mail the Board at: [TN.Health@state.tn.us](mailto:TN.Health@state.tn.us).

Board's Fax Number: (615) 253-4484

Board's Website: [www.state.tn.us/health](http://www.state.tn.us/health)

## STATUTORY CHANGES OF INTEREST TO TENNESSEE PHYSICIANS

The 2009 Legislative Session has ended, and the Board of Medical Examiners' administrative staff has monitored several bills that are of interest to physicians in the state of Tennessee. Below is a brief summary of those bills. If you wish to review any of these public chapters in their entirety, please visit: <http://www.tennessee.gov/sos/acts/index.htm>.

### Public Chapter 416

#### RELATIVE TO THE PRACTICE OF NATUROPATHY

This public chapter amends T.C.A. §63-6-205 relative to the practice of naturopathy. The new public chapter changes the definition of naturopathy to exclude the sale of herbs or natural health information exchanges so long as the sale or provision of information exchanges is not conducted for the purpose of prevention, diagnosis or treatment of any physical

ailment or physical injury to or deformity of another. The seller must obtain a signed acknowledgement from the buyer that the seller is neither a licensed practitioner of the healing arts in Tennessee, nor meets the recognized qualification criteria which would allow the provision of any form of diagnosis, treatment recommendation, or medical care in Tennessee.

#### **Public Chapter 48**

##### **CONSUMER RIGHT TO KNOW**

This public chapter does not change the reporting requirement of T.C.A. §63-51-117, but allows the Department of Health, relative to physicians and osteopathic physicians, to accept a report by the provider's insurer as satisfying malpractice reporting requirement. The insurer must also indicate that the insurer made the payments and that the insurer has notified the insured provider.

#### **Public Chapter 67**

##### **CONTROLLED SUBSTANCES**

This public chapter amends Tennessee Code Annotated, Title 53, Chapter 11, Part 3 by adding a new section providing that it is unlawful for a person to deceive or fail to disclose to a physician, nurse practitioner or other health care provider that he or she has received the same controlled substance or a therapeutically similar controlled substance within the previous thirty (30) days.

This public chapter also amends T.C.A. §53-11-309 by adding a new subsection providing that a physician, dentist, optometrist, podiatrist, veterinarian, physician assistant, or licensed practical nurse or registered nurse working under the supervision of a physician or osteopathic physician shall report to local law enforcement within three (3) business days if they have good reason to believe that a person has obtained or attempted to obtain a controlled substance when they obtained the same or a therapeutically similar controlled substance within the previous thirty (30) days.

This public chapter also provides that the health care provider is immune from civil liability if they furnish this information to law enforcement in good faith. The bill also provides that a violation of the section created in this bill providing that it is unlawful to obtain or attempt to obtain a controlled substance when they obtained the same or a therapeutically similar controlled substance within the previous thirty (30) days, is a Class A Misdemeanor. This bill became effective on July 1, 2009.

#### **Public Chapter 46**

##### **DEFINITION OF A MEDICAL REVIEW COMMITTEE**

This public chapter amends T.C.A. §63-6-219(c) by adding the committee of a medical group practice to the definition of a medical review committee.

#### **Public Chapter 70**

##### **RENAL DIALYSIS CLINICS**

This public chapter authorizes renal dialysis clinics to employ physicians in certain circumstances.

#### **Public Chapter 581**

##### **VOLUNTARY PROVISION OF HEALTH CARE SERVICES**

This public chapter expands the settings in which health care providers can provide volunteer health care services without being liable for any civil damages resulting from the volunteer services provided. Further, this public chapter provides that a health care provider can provide volunteer services in a clinic where health care services are being provided without charge or with a nominal charge to patients.

#### **Public Chapter 425**

##### **HEALTH CARE LIABILITY**

This public chapter revises provisions governing notice that must be given by any person asserting a potential claim for medical malpractice to each health care provider against whom the claim is being made; revises provisions governing certificate of good faith that must be filed.

#### **Public Chapter 513**

##### **DOMESTIC ABUSE REPORTING**

This public chapter requires the Department of Health to undertake a statewide campaign to remind all health care providers of their duty to report incidents of domestic abuse without naming the victim. Any licensed health care practitioner who knows, or has reasonable cause to suspect, that a patient's injuries, whether or not such injuries cause a patient's death, are the result of domestic violence or domestic abuse, shall report to the Department Of Health, Office of Health Statistics, on a monthly basis. Health care practitioners, in active status, can report suspected domestic abuse via the Domestic Violence Reporting System. Note: the name of the victim of domestic violence is never reported!

**If you are a health care practitioner, in active status, and would like instructions on how to make a report please call (615) 741-1954 or E-mail [DomesticViolence.Health@tn.gov](mailto:DomesticViolence.Health@tn.gov)**

##### **DISCIPLINARY ACTION 2008-2009**

The Board took action against the following medical doctors from June 2008 through May 2009:

**Samuel M. Ashby, M.D.**, Date of Order: 11/19/2008. License Summarily Suspended. Engaging in the practice of medicine when mentally or physically unable to safely do so.

**Samuel M. Ashby, M.D.**, Date of Order: 1/28/2009. License revoked, must comply with terms of March 20, 2007 Consent Order within sixty (60) days; and assessed \$15,000.00 in civil penalties, plus costs. 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 this chapter or any lawful order of the Board issued pursuant thereto, 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 medical practice; 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 to any person a controlled substance or other drug if such person is addicted to the habit of using controlled substances without making a bona fide effort to cure the habit of such patient; engaging in the practice of medicine when mentally or physically unable to safely do so; failure to perform an appropriate history and examination and formulate a therapeutic plan.

**Rodolfo Scott Beer, M.D.**, Date of Order: 1/07/2009. License placed on probation for 5 years; and must maintain lifetime advocacy with the Tennessee Medical Foundation. Disciplinary action taken by another state.

**Bruce Jeffrey Biller, M.D.**, Date of Order: 9/23/2008. License reprimanded, assessed costs. Unprofessional, dishonorable or unethical conduct; and disciplinary action against a person licensed to practice medicine in another state.

**Britt Michael Borden, M.D.**, Date of Order: 9/23/08 License reprimanded, assessed costs. Unprofessional, dishonorable or unethical conduct; and disciplinary action against a person licensed to practice medicine in another state or territory of the United States for any acts or omissions that would constitute grounds for discipline of a person licensed in the state.

**Clarinda Mattea Burton-Shannon, M.D.**, Date of Order 7/22/2008. License placed on Probation for two (2) years; must meet certain terms and condition; and assessed costs. 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.

**Rodney Gerald Carter, M.D.**, Date of Order 3/20/2009. Summary suspension of license. Violation of T.C.A. §63-6-214 for unprofessional conduct and negligence in the course of his medical practice.

**Brian Adimolisa Chigbue, M.D.**, Date of Order: 1/28/2009. License permanently revoked; and assessed costs. Unprofessional, dishonorable or unethical conduct; and action against a person licensed to practice medicine in 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.

**David Robert Delaplane, M.D.**, Date of Order: 1/28/2009. License suspended until such time Virginia license are unencumbered and unrestricted; and assessed costs. Disciplinary action against a person licensed to practice medicine by another stat or territory of the United States for

any acts that would constitute grounds for discipline of a person licensed in this state.

**Bernhard Eric Dietz, M.D.**, Date of Order: 7/22/2008. Restriction lifted on prescribing Schedule II and Schedule III controlled substances, license to remain on Probation for remainder of five (5) yrs from previous Order. Petitioner has proven to the satisfaction of the Board compliance with all provisions of the order previously issued. Petitioner is therefore entitled to the relief for which the petition was filed.

**Gardner Luke Dixon, M.D.**, Date of Order: 11/10/2008. License Summarily Suspended. Unprofessional, dishonorable or unethical conduct, to wit; violation of O.C.R.R.S.T. 0880-2-.14(7) as to patient care, diagnosis, testing, therapeutic planning; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice; 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 diagnosed conditions.

**Gardner Luke Dixon, M.D.**, Date of Order: 5/20/2009. License permanently surrendered/revoked; and assessed costs. Violation of Tenn. Comp. R & Regs. R. 0880-2-.14(7); unprofessional, dishonorable, or unethical conduct; gross malpractice or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice; 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.

**Kelvin Lynn Douglas, M.D.**, Date of Order: 11/19/2008. License suspended. License suspended by agreement of the parties as a condition for the granting of a continuance.

**Kelvin Lynn Douglas, M.D.**, Date of Order: 2/19/2009. License permanently revoked; and assessed costs. 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; 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; except as provided in subparagraph (b), it shall be a prima facie violation of T.C.A. §63-6-214(b)(1),(4), and (12) for a physician to prescribe or dispense any drug to any individual, whether in person or by electronic means or over the internet or over the telephone lines, unless the physician, or his/her licensed supervisee pursuant to appropriate protocols or medical orders, has first done and appropriately documented, for the person to whom a prescription is to be issued or drugs dispensed, all of the following; performed appropriate history and physical examination, made a diagnosis based upon the examination and all diagnostic and laboratory tests consistent with good medical care; and formulated a therapeutic plan, and discussed it, along with the basis for it and the risks and

benefits of various treatments options, as part which might be the prescription or dispensed drug, with the patient; and insured availability of the physician or coverage for the patient for appropriate follow-up care; and in violation of Rule 0880-2-.15(4)(a) of the Tenn. Comp R & Regs.

**James William Foster, M.D.**, Date of Order: 7/22/2008. License reprimanded; assessed \$400.00 in civil penalties, plus costs. 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.

**Matthew Morgan Gangwer, M.D.**, Date of Order: 1/27/2009. License suspended for one year from July 22, 2008, or the duration of his criminal sentence, whichever is longer; must meet certain terms and conditions; and assessed costs. Engaging in the practice of medicine when physically or mentally unable to safely do so; 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; and conviction of a felony, conviction of any offense under state or federal drug laws, or conviction of any offense involving moral turpitude.

**Herman Alpha Garrett, Jr., M.D.**, Date of Order: 7/22/2008. Suspension lifted. Petitioner has proven to the satisfaction of the Board compliance with all provisions of the Order previously issued. Petitioner is therefore entitled to the relief for which the petition was filed.

**John O'Dell Gernert, M.D.**, Date of Order: 7/23/2008. License reprimanded; assessed costs. 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.

**Elmer Gibbs, M.D.**, Date of Order: 1/27/2009. License reprimanded; must meet certain terms and conditions; assessed \$5,000.00 in civil penalties, plus costs. Unprofessional, dishonorable or unethical conduct.

**Joel Robert Gooch, M.D.**, Date of Order: 7/22/2008. License reprimanded; and assessed costs. 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.

**Robert E. Grindstaff, M.D.**, Date of Order: 11/18/2008. License placed on probation for two (2) years; must meet certain terms and conditions; and assessed costs. 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 this chapter or any lawful order of the Board issued pursuant thereto, 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 medical practice; 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; and engaging in the practice of medicine when mentally or physically unable to safely do so.

**Carol Winfred Guess, M.D.**, Date of Order: 3/20/2009. License reprimanded, shall not perform surgeries in the state of Tennessee until all restrictions on Kentucky license are lifted, and assessed costs. Unprofessional, dishonorable or unethical conduct.

**Richard Lemaster Hubbell, M.D.**, Date of Order: 7/23/2008. License revoked, may not reapply for one (1) year, must meet certain terms and conditions, assessed costs. Unprofessional, prescribing 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 diagnosed conditions.

**David E. Hubbert, M.D.**, Date of Order: 7/22/2008. License permanently surrendered. Costs assessed. 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.

**Radwan Rafik Khuri, M.D.**, Date of Order: 11/18/2008. License reprimanded. Shall not supervise nurse practitioners or physician assistants unless he is residing in and practicing in the same state as the supervisee; and assessed costs. 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.

**Lifford Lee Lancaster, M.D.**, Date of Order: 1/28/2009. License reprimanded; must meet certain terms and conditions; and assessed \$2,000.00 in civil penalties, plus costs. Unprofessional, dishonorable or unethical conduct.

**John David Lay, M.D.**, Date of Order: 1/28/2009. License reprimanded; must meet certain terms and conditions; assessed \$15,000.00 in civil penalties, plus costs. A pattern of continued ignorance; prescribing controlled substances in amounts and/or durations not medically advisable for a diagnosed condition.

**Gary Hobart Lee, M.D.**, Date of Order: 7/23/2008. License permanently surrendered. Assessed Costs. Engaging in the practice of medicine when mentally or physically unable to safely do so.

**William Leon, M.D.**, Date of Order: 9/23/2008. Suspension lifted, license placed on probation for five (5) years, must maintain lifetime TMF advocacy. Petitioner has proven to the satisfaction of the Board compliance with all provisions of the Order previously issued. Petitioner is therefore entitled to the relief for which the petition was filed.

**Louis Anthony Leskosky, M.D.**, Date of Order: 3/4/2009. Application for medical license granted with conditions: Must comply with 5 yr contract with the Tennessee Professional Assistance Program. Disciplinary action in another state.

**Geoffrey Darrell Lifferth, M.D.**, Date of Order: 7/22/2008. Probation lifted. Petitioner has proven to the satisfaction of the Board compliance with all provisions of the Order previously issued. Petitioner is therefore entitled to the relief for which the petition was filed.

**Augusto Loaiza, M.D.**, Date of Order: 9/25/2008. License revoked, and assessed costs. Unprofessional, dishonorable or unethical conduct; and disciplinary action against a person licensed to practice medicine in another state or territory of the United States for any acts or omissions that would constitute grounds for discipline of a person licensed in the state.

**Roswell Tempest Lowry, M.D.**, Date of Order: 11/18/2008. Reinstatement of medical license denied. 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.

**Gary Lee Malakoff, M.D.**, Date of Order: 2/11/2009. Application for medical license granted with conditions. Must maintain lifetime advocacy with the Tennessee Medical Foundation.

**Steven Gary Marchbank, M.D.**, Date of Order: 4/2/2009. Suspension lifted, must comply with all terms of contract with the Tennessee Medical Foundation. Petitioner has proven to the satisfaction of the Board compliance with all provisions of the Order previously issued. Petitioner is therefore entitled to the relief for which the petition was filed.

**Robert Danna Mayfield, M.D.**, Date of Order: 9/23/2008. License permanently revoked, assessed costs. 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; and disciplinary action against a person licensed to practice medicine in 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.

**Odis Jerry Maynard, M.D.**, Date of Order 9/25/2008. License revoked. Unprofessional, dishonorable or unethical conduct; and violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful Order of the Board pursuant thereto, or any criminal statute of the state of Tennessee.

**Pamela D. Murray, M.D.**, Date of Order: 11/18/2008. Conditions placed on medical license. Gross malpractice or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice.

**David Karl Patzer, M.D.**, Date of Order: 4/13/2009. License placed on probation for five (5) years, must maintain advocacy with the Tennessee Medical Foundation; must comply with terms of Arizona Consent Order.

**David W. Pitts, M.D.**, Date of Order: 1/29/2009. License suspended for a minimum of 6 months; must meet certain terms and conditions; and assessed costs. Engaging in the practice of medicine when mentally or physically unable to safely do so.

**Anthony Hector Ramirez, M.D.**, Date of Order: 2/27/2009. License placed on probation for five (5) years, must maintain compliance with Tennessee Medical Foundation contract. Not permitted to supervise allied health professionals. Not permitted to practice in excess of sixty (60) hours per week. The Board has the authority to issue restricted licenses and special licenses based upon licensure to another state for the limited purpose of authorizing the practice of telemedicine to current applicants or current licensees or both as it deems necessary, pursuant to the Uniform Administrative Procedures Act.

**Steve Edward Ritchie, M.D.**, Date of Order: 7/23/2008. 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. Medical practice to be monitored and/or supervised. Unprofessional, dishonorable or unethical conduct; and in violation of Board rules.

**Devyani B. Sanders, M.D.**, Date of Order: 1/27/2009. License permanently surrendered; and assessed costs. Engaging in the practice of medicine when physically or mentally unable to do so; dispensing, prescribing or distributing controlled substance or any other drugs in violation of state or federal law. Specifically failed to comply with 21 CFR §1301.71 regarding security requirements for dispensing controlled substances.

**Anup Kumar Satpathy, M.D.**, Date of Order 3/25/2009. License revoked, assessed costs. Unprofessional, dishonorable or unethical conduct.

**Russ Marc Savit, M.D.**, Date of Order: 3/20/2009. License reprimanded, assessed \$100 in civil penalties, plus costs. Disciplinary action against a person licensed to practice medicine in another state or territory of the United States for any acts or omissions that would constitute grounds for discipline of a person licensed in the state.

**Tahnnya Dunn See, M.D.**, Date of Order: 11/19/2008. License revoked; must immediately surrender DEA Certificate, and assessed costs. Practicing medicine on a lapsed license.

**Thomas Earl Thrush, M.D.**, Date of Order 7/22/2008. Licensed placed on probation for no less than four (4) years; must meet certain terms and conditions; assessed costs. 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.

**Ronald Toolsie, M.D.**, Date of Order: 2/11/2009. License suspended, must appear before the Board to reapply for DEA certificate, must meet certain terms and conditions, and assessed costs. 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 this chapter or any lawful Order of the Board issued pursuant thereto, 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 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 persons 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 amounts and/or for durations not medically necessary, advisable or justified for a diagnosed condition; dispensing, prescribing or otherwise distributing to any person a controlled substance or other drug if such person is addicted to the habit of using controlled substances without making a bona fide effort to cure the habit of such patient; dispensing, prescribing or other wise distributing any controlled substance or other drug to any person in violation of any law of the state or of the United States; and in violation of Rule 0880-2.14(3), 0880-2-.14(6)(e)(3); 0880-2-.14(7)(a) except as provided in subparagraph (b); 0880-2-.15(4)(a) of the Tenn. Comp. R & Regs.; 21 C.F.R. 1304.04(a); 21 C.F. R. 1304.11(a); and 21 C.F.R. 1306.04(a).

**Forrest C. Ward, M.D.**, Date of Order: 1/27/2009. License reprimanded; must meet certain terms and conditions; and assessed \$500.00 in civil penalties, plus costs. Unprofessional, dishonorable or unethical conduct.

**Robert Alan Wilson, M.D.**, Date of Order: 1/27/2009. Cease and desist any and all aspects of the smoking cessation treatment program provided by Welplex. License reprimanded; must meet certain terms and conditions; and assessed \$1,000.00 in civil penalties, plus costs. Advertising a medical business in which untrue or misleading statements are made, or causing the publication or circulation of fraudulent relative to any disease, human ailment or condition; and in violation of O.C.R.R.S.T. 0880-2-.014(2)(b).

**Ramesh Yalamanchili, M.D.**, Date of Order: 11/18/2008. License reprimanded, must meet certain terms and conditions, and assessed costs. Unprofessional; dishonorable or unethical conduct; and failed to timely complete, sign and medically certify death certificates.



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