

Tennessee Board of Medical Examiners



Newsletter



2010

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
Phone: (615) 532-4384 - Toll Free: (800) 778-4123 ext. 24384 - Fax: (615) 253-4484 - tennessee.gov/health

BOARD WELCOMES NEW MEMBER

The Board of Medical Examiners is pleased to welcome a new member, Michael John Baron, M.D., MPH. Dr. Baron was appointed by Governor Bredesen on April 22, 2010 to a five year term. Dr. Baron went to Tulane University where he earned his medical degree and master's degree in public health in 1986. He is board certified in both anesthesiology and psychiatry.

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; Michael Baron, 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

January 25-26, 2011

March 22-23, 2011

May 24-25, 2011

July 19-20, 2011

September 20-21, 2011

November 15-16, 2011

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.]

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. However, the Board has taken action against physicians who fail to pay this tax. The actions are reported to the National Practitioner Databank and the Federation of State

Medical Boards and published on the Department of Health's website and its monthly disciplinary action report.

Physicians Currently Under Monitoring

The Board's disciplinary coordinator is currently "monitoring" 305 physicians:

- 27 suspended
- 86 probation
- 94 board order and restricted
- 98 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.

Licensure Statistics

The Board of Medical Examiners either alone or in concert with other committees or councils, has licensed, registered or certified the following health professionals in 2010:

Medical Doctors: 942

X-ray Operators in Physician Offices: 232

Physician Assistants: 88

Clinical Perfusionists: 6

Acupuncturists: 14

Radiology Assistants: 1

Polysomnography Technicians: 81

Polysomnography Technologists: 390

Genetic Counselors: 6

There are approximately 20,000 physicians with a Tennessee medical license and approximately 13,000 of those practicing in the state.

INFORMATION FOR PHYSICIANS REGARDING CARING FOR OPIOID- DEPENDENT PATIENTS

THE PHYSICIAN CLINICAL SUPPORT SYSTEM (PCSS)

The Health and Human Services Substance Abuse and Mental Health Services Administration has funded development of a free resource for physicians related to the prescribing of opioids, the caring of opioid-dependent patients and chronic pain patients being treated with methadone. Information about this resource has been provided by SAMSHA and the Physician Clinical Support System.

The PCSS website www.PCSSmentor.org provides clinical tools and short focused guidance on topics related to prescribing opioids, the care of opioid-dependent patients and the care of patients with chronic pain being treated with methadone. PCSS could be an important resource for the prescribers in Tennessee.

Through PCSS, health care providers can connect with expert mentors to get education about the use of methadone and buprenorphine, and the appropriate care of opioid dependent patients and chronic pain patients. Mentors provide individualized telephone, email and on-site support. They come from across the country and work in pain clinics, primary care, licensed opioid treatment programs, and other practice settings.

For more information on the **Physician Clinical Support System** you may:

Call 1-877-630-8812 Email PCSSproject@asam.org Visit www.PCSSmentor.org

PCSS answers questions about treatment with methadone and buprenorphine at no cost to participants, thanks to a project supported by the Center for Substance Abuse Treatment of SAMHSA and administered by the American Society of Addiction Medicine.

REMINDER ABOUT NATUROPATHY

Last year, the General Assembly amended Tenn. Code. Ann. Sect. 63-6-205 relative to the practice of naturopathy. Now, the definition of naturopathy **excludes** 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.

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.

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

Board's Website: www.state.tn.us/health

REMINDER ABOUT PRACTITIONER PROFILES

The Health Care Consumer Right-to-Know Act of 1998, T.C.A. § 63-51-101 et seq., requires designated licensed health professionals to furnish certain information to the Tennessee Department of Health. The information for public dissemination includes: (1) A description of any criminal convictions for felonies within the most recent ten (10) years. (2) A description of any final disciplinary actions of licensing boards in other states within the most recent ten (10) years. (3) A description of any final disciplinary actions of licensing boards in other states within the most recent ten (10) years. (4) A description of revocation or involuntary restriction of hospital privileges for reasons related to competence or character that has been taken by the hospital's governing body or any other official action of the hospital after procedural due process has been afforded, or the resignation from or nonrenewal of medical staff membership or the restriction of privileges at a hospital taken in lieu of or in settlement of a pending disciplinary case related to competence or character in that hospital. Only cases which have occurred within the most recent ten (10) years shall be disclosed by the department to the public. (5) All medical malpractice court judgments, all medical malpractice arbitration awards in which a payment is awarded to a complaining party and all settlements of medical malpractice claims in which a payment is made to a complaining party beginning with reports for 1998 and each subsequent year; provided, such reports shall not be disseminated beyond the most recent ten-year period, but shall include the most recent ten-year period for which reports have been filed. From the information submitted, the Department will compile a practitioner profile which is required to be made available to the public via the World Wide Web and toll-free telephone line after May 1, 1999. **Each practitioner who has submitted information must update that information in writing by notifying the Department of Health, Healthcare Provider Information Unit, within 30 days after the occurrence of an event or an attainment of a status that is required to be reported by the law.** A copy of your initial or updated profile will be furnished to you for your review prior to publication. That opportunity will allow you to make corrections, additions and helpful explanatory comments. **Failure to comply with the requirement to submit and update profiling information constitutes a ground for disciplinary action against your license.**

A blank copy of the profile may be obtained at:

<http://health.state.tn.us/Downloads/g6019027.pdf>

BOARD RENEWS CALL FOR EXPERT WITNESSES

The Board of Medical Examiners, in concert with the Office of General Counsel and the Bureau of Investigations, regularly contracts with physicians to serve as expert witnesses on cases before the Board. Expert witnesses are asked to provide independent medical opinions regarding the care rendered by a practitioner who is the subject of a complaint. The Board is continually updating its expert witness list and is asking physicians to consider offering their services. Your name will be kept on file and you may be contacted if the Board requires someone with your particular expertise. In the event you are asked to review a case, you are always free to decline your services. Being an expert witness involves the following:

1. A review of the case records and documents;
2. The preparation of a written report addressing the appropriateness of the provided care; and
3. Deposition or trial testimony, if necessary.

The Board will accept submissions from all physicians who meet the following requirements:

1. Holds a current Tennessee medical license in good standing;
2. Has no prior disciplinary action, or outstanding complaints; and
3. Has a minimum of five years in active practice in the area of specialty or subspecialty.

If you are interested in being an expert witness for the Board, please send your name, area(s) of expertise, current curriculum vitae, address, telephone number and hourly rates to:

Office of General Counsel
Attn: Brenda Metz
Plaza One, 220 Athens Way
Suite 210
Nashville, TN 37243

Under Board rules, if a licensee provides disciplinary case review at the request of the Department, **and** submits a written report of his or her conclusions regarding such disciplinary case review, the reviewing licensee shall receive one (1) hour of continuing medical education credit for each hour spent reviewing the materials and preparing the report. A maximum of ten (10) hours credit shall be awarded for reviewing disciplinary case materials during the two (2) calendar years (January 1 – December 31) that precede the licensure renewal year.

STATUTORY CHANGES OF INTEREST TO TENNESSEE PHYSICIANS

The 2010 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 No. 1043

This Public Chapter amends Tenn. Code Ann. Sect. 63-6-210(b)(2) and (c) and provides that a licensee may renew a license within sixty (60) days following the license expiration date upon payment of the renewal fee in addition to a late penalty established by the board for each month or fraction of a month that payment for renewal is late; provided that the late penalty shall not exceed twice the renewal fee. When any licensee fails to renew a license and pay the biennial renewal fee within sixty (60) days after renewal becomes due, as provided in this section, the license shall be automatically revoked at the expiration of sixty (60) days after the renewal was required without further notice or hearing.

Further, any licensee whose license is automatically revoked as provided in subsection (b), may apply in writing to the board for reinstatement of such license, which may be granted by the board upon the payment of all past due fees and reinstatement fees established by the board, and upon further conditions as the board may require.

Public Chapter No. 1122

This Public Chapter amends Tenn. Code Ann. Sect. 63-6-211, by adding the following as a new subsection (c): (c) For purposes of enforcing federal immigration laws which relate to the licensure of foreign physicians in this state, the board of medical examiners shall enter into a written agreement, in accordance with federal and other applicable law, between the board and the United States Department of Homeland Security concerning the enforcement of federal immigration laws, which may include participation in the federal systematic alien verification of entitlements program, referred to as the "SAVE program", and its verification information system, operated by the United States Department of Homeland Security or a successor program designated by the United States Department of Homeland Security or any additional certifying agent within the department or approved by the department.

Public Chapter No. 724

This Public Chapter creates a new licensure category for those individuals practicing medicine at St. Jude Children's Research Hospital Global Collaboration. The applicants must meet all the requirements for licensure contained in current law with the exception of completing a residency or training program. The bill provides that the Board of Medical Examiners ("Board") may use its discretion to issue the license and that the Board has the authority to promulgate rules to implement this new licensure category, including, but not limited to establishing fees. The bill also provides that the

physician with this license may only practice medicine at St. Jude. Should the licensee's employment with St. Jude terminate, then this special license shall terminate as well. St. Jude would be responsible for submitting all necessary information and applications to the Board on behalf of the applicant and St. Jude would be responsible for notifying the Board office when a licensee's employment with St. Jude is terminated.

Public Chapter No. 677

This Public Chapter sets the Board of Medical Examiners' Committee on Physician Assistants' termination date at June 30, 2013.

Public Chapter No. 663

This Public Chapter requires all physicians, dentists, optometrists, podiatrists, veterinarians, and advance practice nurses with a certificate of fitness, to report a person to local law enforcement within five (5) business days if the health care provider has good reason to believe that the person has obtained controlled substances unlawfully. The Public Chapter also changes current law by providing that the health care provider must have actual knowledge that the person has obtained the controlled substances unlawfully. Further, the controlled substance database advisory committee has the authority to develop a form that health care providers may choose to use to make reports; this provision is not contained in current law. Further, the Public Chapter provides that a health care provider may, but is not required, to report this information who is providing treatment to a person with a mental illness. This Public Chapter further provides that a health care provider is not prohibited from conveying information to local law enforcement if the information was obtained from the controlled substance monitoring database as long as the information is pertinent and is for the period of time thirty (30) days prior to the date of treatment leading to the alleged offense. This thirty (30) day report is grounds to obtain more detailed controlled substance database information. Current law provides that the health care provider would be immune from liability for notifying local law enforcement of the controlled substance information. This Public Chapter expands this by providing immunity from liability to persons working under the direction of a health care provider. The Public Chapter also amends current law by adding language to the current law providing that the penalty against a health care provider for violating the provisions of this law would be a civil penalty assessed by the licensing board that regulates the health care provider and shall be limited to cases involving a pattern of willful failure to make a report.

Public Chapter No. 790

This Public Chapter amends Tenn. Code Ann. Title 37 (Juveniles), Chapter 10 (Miscellaneous Provisions), Part 3 (Parental Consent for Abortion of Minors); Title 39 (Criminal Offenses), Chapter 15 (Offenses Against the Family), Part 2 (Abortion); Title 63 (Healing Arts), and Title 68 (Health, Safety and Environmental Protection), relative to preventing

forced abortions. The Public Chapter amends current law by providing that a physician's office in which abortions are performed and ambulatory surgical treatment centers shall conspicuously post a sign notifying patients that an abortion can only be performed with the patient's voluntary consent and without coercion. The Public Chapter also provides that should a physician's office or ambulatory surgical treatment center fail to post the required sign, the facility shall be assessed a two thousand five hundred dollar (\$2,500.00) civil penalty. In the event that the patient is a minor, then the physician or other health care professional (nurse, physician assistant, midwife, psychologist, or social worker) shall inform the patient that she cannot be forced to have an abortion and that she must give her voluntary consent to have the abortion performed. Prior to the performance of the abortion, the patient shall certify in writing that she was properly informed and the certification shall be placed in the patient's file. The Public Chapter provides that the Board for Licensing Health Care Facilities shall be responsible for enforcing these provisions in physician's offices where abortions are performed, ambulatory surgical treatment centers, and hospitals. The Public Chapter is effective on October 1, 2010.

Public Chapter No. 865

This Public Chapter amends Tenn. Code Ann. Title 63 (Healing Arts), Chapter 2 (Medical Records), Part 1, relative to charges for copying and certifying medical records. The Public Chapter increases the costs of obtaining medical records from health care providers by lowering the threshold amount of pages that can be provided to a requestor for twenty dollars (\$20.00). Current law (Tenn. Code Ann. §63-2-102, Costs of reproduction, copying or mailing of records) provides that the cost for obtaining medical records shall not exceed twenty dollars (\$20.00) for medical records that do not exceed forty (40) pages; the bill changes forty (40) page limit to five (5) pages. Current law provides that the cost for those records exceeding forty (40) pages is twenty-five cents (\$.25) for each page. The Public Chapter changes the per page cost from twenty-five cents (\$.25) to fifty cents (\$.50) for those pages of the medical record that exceed the five (5) page limit. The Public Chapter also adds a provision that is not contained in current law providing that if the requested records are delivered by email, then the processing fee may not exceed fifty dollars (\$50.00). Mailing or shipping costs may be added on to this processing fee should the digital or electronic records be shipped to the requestor. The Public Chapter adds another provision indicating that the health care provider may charge a fee not to exceed twenty dollars (\$20.00) for certifying medical records that require notarization. The Public Chapter removes provisions contained in current law that provide that payment of the costs may be required by the provider prior to the records being furnished and that upon payment, the records shall be provided without delay. Also removed is a provision providing that in workers' compensation cases, a request for medical records shall include a medical or anatomical impairment rating. The Public Chapter also removes a provision providing that the payment requirements contained in current law will not supersede any other provision of the law that establishes costs for

reproduction and copying. The Public Chapter became effective July 1, 2010.

Public Chapter No. 1100

This Public Chapter sets the Council for Certified Professional Midwifery's termination date at June 30, 2011.

Public Chapter No. 976

This Public Chapter amends Tenn. Code Ann. Sect. 63-6-207(b), and requires the Board of Medical Examiners to grant an extension to applicants who have not passed the United States Medical Licensing Examination within seven (7) years so long as the applicant is licensed in good standing in at least three (3) other jurisdictions and who has otherwise met the requirements under this section.

Public Chapter No. 995

This Public Chapter set the termination date of the Tennessee Acupuncture Advisory Committee at June 30, 2013.

Public Chapter No. 637

This Public Chapter amends Tenn. Code Ann. §63-6-221 by requiring physicians performing Level III office-based surgery to report the following to the Board of Medical Examiners within fifteen (15) days after the physician discovers the event: death of a patient during a level III surgery or within seventy-two (72) hours thereafter; transport of a patient to a hospital emergency department; unplanned admission of a patient to a hospital within seventy-two (72) hours of discharge; discovery of a foreign object erroneously remaining in a patient; or performance of a the incorrect surgical procedure, surgery on the incorrect site, or surgery on the wrong patient. Current law only requires physicians performing Level II office-based surgery to report this information to the Board. Level II office-based surgery is surgery performed outside of a hospital, ambulatory surgical treatment center or other licensed medical facility pursuant to Board of Medical Examiner rules, including, but not limited to biopsies, hernia repairs, colonoscopy, or liposuction. Level III surgeries can be the same type of surgeries, but require greater sedation than Level II surgeries. The Public Chapter also renames the definition of "Office-based surgery" to "Office-based surgery" or "Level III office-based surgery" in an effort to distinguish between Level II and Level III office-based surgery. This Public Chapter is effective July 1, 2010.

Public Chapter No. 862

This Public Chapter amends Tenn. Code Ann. Title 63 (Professions of the Healing Arts), Chapter 2 (Medical Records), Part 1 (Release of Medical Records) and Title 68 (Health, Safety and Environmental Protection), Chapter 11 (Health Facilities and Resources), Part 15 (Protection of Patient's Privacy), to enact the "Colby Stansberry Act" relative to the authorized release of medical records. This Public Chapter allows a patient's authorized representative or next of

kin (in the event that there is no authorized representative) to obtain the patient's medical records after the patient is incapacitated or deceased. Current law (Tenn. Code Ann. §63-2-101, Release of medical records) already provides that a health care provider shall provide a patient or the patient's authorized representative with a copy or summary of the patient's medical records upon the patient's or authorized representative's written request. Current law does not require that the informed consent must be presented to the health care provider when the patient is alive or is competent. The Public Chapter, which adds a new section to current law, does not change an authorized representative's ability to obtain the patient's medical records; it clarifies that the authorized representative's informed consent survives the patient's death and incapacity and that a health care provider shall provide the medical records to the representative even if the representative provides the informed consent after the patient's death or incapacity. The Public Chapter also provides that should the patient not have an authorized representative, upon the patient's death or incapacity, the patient's next of kin could obtain the patient's medical records. Current law does not contain a provision authorizing the patient's next of kin to obtain the patient's medical records. The Public Chapter also adds a new subsection to the law to specify what the patient's informed consent must contain. The form must include the name of the patient; type of information; name of facility; permitted purpose; individuals, agencies, or organizations to whom disclosure may be made; signature of patient or representative; date signed; and effective time period of consent. Current law does not contain a provision about what must be contained in a informed consent. The Public Chapter also amends current law (T.C.A. 68-11-1503(a)(1) Confidentiality) relative to the obligations of a licensed health care facility in releasing a patient's medical records. The Public Chapter contains the same language about the release of medical records after the patient's death or incapacity that was placed in Title 63 as stated above. The Public Chapter also adds a new subsection to the law relative to licensed health care facilities to specify what the patient's informed consent must contain; the Public Chapter contains the same language as provided in Title 63 as stated above. This bill became effective April 30, 2010.

Public Chapter No. 904

This Public Chapter amends Tennessee Code Annotated, Section 63-6-214, by deleting subdivision (b)(10) and substituting instead the following:

(10) Conviction of a felony, conviction of any offense under state or federal laws relative to drugs or the practice of medicine, conviction of any offense involving moral turpitude or conviction of any offense for which the person is required to register as a sexual offender or violent sexual offender pursuant to Title 40, Chapter 39, Part 2;

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following new section:

Section 63-6-238.

(a)(1) The general assembly finds that a person who is licensed to practice medicine in this state and who is required to register with the Tennessee Bureau of Investigation as a sexual offender or violent sexual offender is injurious to the public safety, health and welfare as well as the public's perception of and confidence in the medical profession.

(2) The general assembly further finds that the strongest remedial action possible should be taken against a person's license to practice medicine when such person has been convicted of a sexual offense, or violent sexual offense as both are defined in Title 40, Chapter 39, Part 2, and continues to engage in the practice of medicine in this state after such conviction.

(3) Enactment of this section by the general assembly is declared to be a remedial action necessary to assure the safety of the citizens of this state and their faith and confidence in the medical profession. This section is not to be construed to be punitive against any person to whom this section may apply.

(b) As used in this section:

(1) "Registry" means the registry created by the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004, codified in Title 40, Chapter 39, Part 2.

(2) "Registering agency" means a sheriff's office, municipal police department, metropolitan police department, campus law enforcement agency, the Tennessee Department of Correction, a private contractor with the Tennessee Department of Correction or the board with whom sexual offenders and violent sexual offenders are required to register under Title 40, Chapter 39, Part 2;

(3) "Sexual offense" means those offenses defined as "sexual offenses" in § 40-39-202;

(4) "Violent sexual offense" means those offenses defined as "violent sexual offenses" in § 40-39-202;

(c)(1) If the registering agency of a person who registers as a sexual offender or violent sexual offender, as defined by Title 40, Chapter 39, Part 2, has reason to believe that such person is licensed to practice medicine in this state pursuant to this chapter, the registering agency shall prepare and forward to the board of medical examiners a certified copy of the offender's TBI registration form within thirty (30) days of the sexual offender's or violent sexual offender's registration.

(2) Upon receipt of the form, or upon receipt of credible evidence from any other source indicating that a person licensed to practice medicine in this state has been convicted of a sexual offense or a violent sexual offense, the board shall investigate to determine whether such person is a sexual offender or violent sexual offender, as defined by § 40-39-202, and a person licensed to practice medicine pursuant to this chapter.

(A) If the board determines that the person named on the TBI registration form, or by another source, is a person licensed to practice medicine in this state pursuant to this chapter and the offense for which the person is required to register a violent sexual offense, such conviction constitutes a material change in the person's licensure qualifications, and the board shall conduct a hearing at which the person may present evidence that the information received by the board is incorrect. If, after the hearing, the board finds the person was convicted of a violent sexual offense and is required to register with the TBI as a violent sexual offender, the board shall revoke the person's license to practice medicine in accordance with §63-6-216. The person may appeal the ruling of the board as provided in the Uniform Administrative Procedures Act, but such appeal shall be limited to the issue of whether or not such person has been convicted of a violent sexual offense and is therefore required to register as a violent sexual offender. The license revocation shall remain in effect during the pendency of any appeal.

(B) If the person licensed to practice medicine is required to register as a sexual offender, the board shall conduct a hearing to determine the extent to which the person poses a continuing risk to patients; the degree to which the person has been rehabilitated; what treatment, if any, the person has undergone; the areas of medicine in which the person is qualified to engage without endangering the safety of patients; and any other factor the board deems relevant in determining the outcome most likely to protect the public while considering the interests of the person. At the conclusion of the hearing, the board may:

(i) Revoke the license of the person; or

(ii) If the board does not revoke the license, it may place such conditions on the person's license as it deems appropriate and advisable to protect the interests and safety of the public; provided, the board shall place the following restrictions on the person's license:

(a) Prohibit the physician from engaging in direct patient care or contact; and

(b) Such other conditions and limitations on the person's license as the board deems advisable.

(C)(i) If a person's license to practice medicine was revoked, suspended or conditioned pursuant to subdivision (c)(2)(B) because such person was convicted of a sexual offense and such person applies for and is granted termination of sexual offender registry requirements pursuant to § 40-39-207, such person may petition the board for reinstatement of the person's license to practice medicine.

(ii) If a petition is filed for reinstatement pursuant to this subsection, the board shall hear the petition within thirty (30) calendar days of its receipt. At the hearing the board shall use the same analysis set out in

subdivision (c)(2)(B) to determine whether the person should be permitted to practice medicine in this state under any circumstances.

(iii) If the written findings of the board are that the person is no longer a threat to public safety and could return to the practice of medicine in some capacity, it may:

(a) Reinstatement the person's license without conditions;

(b) Reinstatement the person's license with any or all the conditions available under subdivision (c)(2)(B); or

(c) Remove some or all of the restrictions or conditions that were placed on a license made conditional pursuant to subdivision (c)(2)(B).

(iv) If the written findings of the board are that the person could not safely return to the practice of medicine, it shall deny the person's petition and set a date certain after which the person may petition the board.

(D) If the board receives credible evidence from any source indicating that the person is in violation of the restrictions placed upon such person's license to practice medicine pursuant to this section, the board shall conduct a hearing as provided in subdivision (c)(2)(B). If at the conclusion of the hearing, the board finds that the person is in violation of the restrictions placed upon the person's license in a material respect or in a repetitive manner, the board shall revoke the license. If the board finds that the violation is minor or isolated, it may place other conditions on the person's license, such as increased reporting to the board by both the person and the person's employer or contractor, if any.

(E) The provisions of this subdivision (c)(2) shall apply regardless of whether commission of the sexual offense or violent sexual offense resulting in the person being required to register as a sexual or violent sexual offender occurred prior to or subsequent to the date the person was licensed to practice medicine in this state.

(d) By September 1, 2010, the board shall compare or have compared a list of all persons who are licensed to practice medicine in this state against the list of persons who are registered as sexual offenders or violent sexual offenders pursuant to Title 40, Chapter 39, Part 2. If it appears from this comparison that the same name appears on both lists, the board shall request a certified copy of that person's TBI registration form. Upon receipt of the form from the TBI, the board shall conduct an investigation to determine if the person licensed to practice medicine in this state is the same person who is a registered sexual offender or violent sexual offender. Such investigation shall take no more than thirty (30) days. If the board determines that the person whose name appears on both lists is the same person, it shall immediately take action as provided in subdivision (c)(2) of this section. If the person whose name appears on both lists is not the same person, the board shall take no action.

(e)(1) Upon the effective date of this act, the board shall determine, before granting a license to practice medicine in this state, or renewing an existing license, if the person who is applying for such a license is registered or is required to be registered as a sexual offender or violent sexual offender pursuant to Title 40, Chapter 39, Part 2.

(2) If any applicant for a license to practice medicine in this state is a registered violent sexual offender or is required to register as a violent sexual offender, the board shall deny the application. If any person who is licensed to practice medicine in this state and is seeking to renew such license is a registered violent sexual offender or is required to register as a violent sexual offender, the board shall revoke the physician's license.

(3) If any applicant to the board is registered as a sexual offender or is required to register as a sexual offender, the board shall consider whether the applicant poses a risk to patients; the degree to which the person has been rehabilitated; what treatment, if any, the person has undergone; the areas of medicine in which the applicant is qualified to engage without endangering the safety of patients; and any other factor the board deems relevant in determining what conditions are most likely to protect the public while considering the interests of the applicant. The board may deny the application or may place such conditions upon the applicant as are necessary to protect the public. If the board grants the license, at a minimum the board shall prohibit the applicant from engaging in direct patient care or contact for so long as the applicant is required to register as a sexual offender.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it and shall apply to any person licensed to practice medicine in this state, whether such license was issued prior to or after the effective date of this act, and to any person applying to practice medicine in this state, whether the application was filed prior to or after the effective date of this act.

Public Chapter 1084

This Public Chapter amends Tenn. Code Ann. Sect. 63-1-149. and requires that on and after October 1, 2010, before employing or contracting with any person who would be providing direct patient care, for whom a background check has not been completed, a health care professional licensed under any chapter of title 63 or title 68, chapters 24 and 140, shall initiate and perform a "registry check" which for the purposes of this section is defined as:

(1) A state-by-state look in any state in which the person has lived in the previous seven (7) years of the national sex offender public registry website coordinated by the United States department of justice, including but not limited to the sexual offender registry maintained by the Tennessee bureau of investigation pursuant to title 40, chapter 39, part 2; and

(2) Any adult abuse registry maintained for any state in which the person has lived in the previous seven (7) years; and

(3) The department of health's elder abuse registry established pursuant to title 68, chapter 11, part 10.

Additionally, should an applicant be listed on any of the registries listed above in subdivisions (a)(1)-(3), the health care professional shall not employ or contract with the person if the person would be providing direct patient care.

A health care professional who complies with the requirements to perform registry checks under subsection (a), or relies on a documented representation provided by an entity with which the health care professional contracts that the person who will work in the office is not on any of these registries, shall not be subject to civil or criminal liability solely based upon the information provided through a registry check under this section. This immunity shall extend to a claim related to the professional's refusal to employ or contract with a person based on information obtained from a registry check.

This section is not intended to apply to contracted, external staff who provide such services as cleaning services, maintenance of office or medical equipment or other services where direct patient contact is not intended.

This section shall not apply to health care professionals licensed under title 63, chapter 12.

The Department of Health shall post no later than October 1, 2010 in a conspicuous location on its website as well as the website of each applicable licensing board a link to all potential databases the health care professional would be required to check pursuant to subsection (a) above. In addition, each applicable licensing board shall notify all of its licensees at least annually through board newsletters of their obligations under this statute.

PUBLIC CHAPTER NO. 795

Amends Tennessee Code Annotated, Title 63, relative to the prescriptions for certain drugs issued by health care providers.

Tennessee Code Annotated, Title 63, Chapter 3, Part 1, is amended by adding the following as a new section:

SECTION 1. First, Section 63-3-128. Any written, printed or computer-generated order for a Schedule II controlled substance prepared by a podiatrist who is authorized by law to prescribe a drug must be written legibly, printed or computer-generated as a separate prescription order. The written, printed or computer-generated order must contain all information otherwise required by law. The prescribing podiatrist must sign the written, printed or computer-generated order on the day it is issued.

SECTION 2. Next, Tennessee Code Annotated, Section 63-5-122, is amended by adding the following as a new, appropriately designated subsection:

() Any written, printed or computer-generated order for a Schedule II controlled substance prepared by a dentist who is authorized by law to prescribe a drug must be legibly printed or typed as a separate prescription order. The written, printed or computer-generated order must contain all information otherwise required by law. The prescribing dentist must sign the written, printed or computer-generated order on the day it is issued.

SECTION 3. Next, Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new section:

§ 63-6-239. Any written, printed or computer-generated order for a Schedule II controlled substance prepared by a physician or surgeon who is authorized by law to prescribe a drug must be legibly printed or typed as a separate prescription order. The written, printed or computer-generated order must contain all information otherwise required by law. The prescribing physician or surgeon must sign the written, printed or computer-generated order on the day it is issued. Nothing in this section shall be construed to prevent a physician or surgeon from issuing a verbal prescription order.

SECTION 4. Next, Tennessee Code Annotated, Title 63, Chapter 8, Part 1, is amended by adding the following as a new section:

§ 63-8-134. Any written, printed or computer-generated order for a Schedule II controlled substance prepared by an optometrist who is authorized by law to prescribe a drug must be legibly printed or typed as a separate prescription order. The written, printed or computer-generated order must contain all information otherwise required by law. The prescribing optometrist must sign the written, printed or computer-generated order on the day it is issued. Nothing in this section shall be construed to prevent an optometrist from issuing a verbal prescription order.

SECTION 5. Tennessee Code Annotated, Title 63, Chapter 9, Part 1, is amended by adding the following as a new section:

§ 63-9-118. Any written, printed or computer-generated order for a Schedule II controlled substance prepared by an osteopathic physician who is authorized by law to prescribe a drug must be legibly printed or typed as a separate prescription order. The written, printed or computer-generated order must contain all information otherwise required by law. The prescribing osteopathic physician must sign the written, printed or computer-generated order on the day it is issued. Nothing in this section shall be construed to prevent an osteopathic physician from issuing a verbal prescription order.

SECTION 6. Tennessee Code Annotated, Section 63-7-123(b)(3), is amended by adding the following language at the end of that subdivision:

(F) Any written, printed or computer-generated prescription order for a Schedule II controlled substance prepared by an advanced practice nurse who is authorized by law to prescribe a drug must be printed or typed as a separate prescription order. The written, printed or computer-generated prescription order must contain all information otherwise required by law. The prescribing advanced practice nurse must sign the written, printed or computer-generated prescription order on the day it is issued.

SECTION 7. Tennessee Code Annotated, Section 63-19-107(2)(G), is amended by adding the following language at the end of that subdivision:

(F) Any written, printed or computer-generated prescription order for a Schedule II controlled substance prepared by a physician assistant who is authorized by law to prescribe a drug must be legibly printed or typed as a separate prescription. The written, printed or computer-generated prescription order must contain all information otherwise required by law. The prescribing physician assistant must sign the written, printed or computer-generated prescription order on the day it is issued.

SECTION 8. Nothing in this act shall be construed as limiting any practitioner's or pharmacist's ability to order the use of or distribute non-prescription drugs or devices otherwise in accordance with applicable law.

SECTION 9. Sections 1 through 7 of this act shall not apply to prescriptions written for inpatients of a hospital, outpatients of a hospital where the physician or other person authorized to write prescriptions, writes the order into the hospital medical record and the patient or patient's agent or representative never has the opportunity to handle the written order, a nursing home, or an assisted care living facility as defined in § 68-11-201 or inpatients or residents of a mental health hospital or residential facility licensed under Title 33 or individuals incarcerated in a local, state or federal correctional facility.

SECTION 10. Nothing in this act shall be construed as limiting any professional nurse's ability to issue drugs in accordance with the provisions of Tennessee Code Annotated, Section 63-7-124.

SECTION 11. The Department of Health, division of health related boards and the board of pharmacy, are authorized to promulgate uniform rules to effect the purposes of this act in accordance with Tennessee Code Annotated, Title 4, Chapter 5. The power and duty to enforce those rules shall be vested in the various boards that regulate healthcare providers affected by this act, in accordance with Tennessee Code Annotated, Section 63-1-122.

SECTION 12. Tennessee Code Annotated, Section 63-6-236, is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 13. Tennessee Code Annotated, Section 63-3-127(a), is amended by deleting the language "both letters and"

in the second sentence and by substituting instead the language "letters or in".

SECTION 14. Tennessee Code Annotated, Section 63-5-122(c), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 15. Tennessee Code Annotated, Section 63-8-126(a), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 16. Tennessee Code Annotated, Section 63-9-116(a), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 17. Tennessee Code Annotated, Section 63-7-123(b)(3)(B), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 18. Tennessee Code Annotated, Section 63-19-107(2)(E)(ii), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 19. This act shall not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

SECTION 20. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.



DISCIPLINARY ACTION 2009-2010

The Board took action against the following medical doctors from July 2009 through September 2010:

JULY 2009

Licensee: James W. Adams II, M.D., Memphis, Tenn.

Violation: Prescribed controlled medications to himself and family members.

Action: License reprimanded; must meet certain terms and conditions; and assessed \$13,900 in civil penalties, plus costs.

Licensee: Charles M. Allen, M.D., Florence, AL.

Violation: Failed to perform appropriate histories and physical examinations, perform appropriate diagnostic tests, and/or

obtain appropriate medical consultation, or failed to document such substances and other medications.

Action: License voluntarily surrendered/revoked.

Licensee: Raja A. Atiyah, M.D., Lawrenceburg, Tenn.

Violation: Prescribed narcotics on a limited basis, for himself and staff members.

Action: License reprimanded; must meet certain terms and conditions; assessed \$2,000 in civil penalties, plus costs.

Licensee: Settimio U. Castellani, M.D., Madison, Tenn.

Violation: Engaging in sexual activity with patients.

Action: License summarily suspended

Licensee: Christina Evans, M.D., Jackson, Tenn.

Violation: Unprofessional, dishonorable or unethical conduct; and chemical dependency.

Action: License placed on probation for not less than five years and until completion of contract with the Tennessee Medical Foundation; assessed \$3,000 in civil penalties, plus costs.

Licensee: Alex A. S. Fider, M.D., Murfreesboro, Tenn.

Violation: Pled guilty to reckless aggravated assault.

Action: License placed on probation for three years; must meet certain terms and conditions; assessed \$1,000 civil penalty, plus costs.

Licensee: Andrew J. Hanly, M.D., Miami Lakes, FL.

Violation: Disciplinary action taken by the states of NC, AK, NY, and FL.

Action: License reprimanded; and assessed costs.

Licensee: Robert B. Hashemiyoan, M.D., Brentwood, Tenn.

Violation: Disciplinary action taken by the state of CA.

Action: License reprimanded; assessed \$1,000 in civil penalties, plus costs.

Licensee: James H. Hudson, M.D., Paris, Tenn.

Violation: Inappropriate display of anger toward patients.

Action: License reprimanded; must meet certain terms and conditions; and assessed costs.

Licensee: Sharon L. Inglehart, M.D., Houston, TX.

Violation: Disciplinary action taken by the state of TX.

Action: License reprimanded; must comply with any and all terms of Texas Agreed Order; and assessed costs.

Licensee: David Larsen, M.D., Jackson, Tenn.

Violation: Prescribed controlled substances to multiple patients without obtaining sufficient medical history, physical examinations, and/or diagnostic testing to justify the medical necessity and/or duration of the medications.

Action: License placed on probation for not less than five years; must meet certain terms and conditions; and assessed \$4,000 in civil penalties, plus costs.

Licensee: Michael A Rhodes Sr., M.D., Springfield, Tenn.

Violation: Prescribed controlled substances without documenting appropriate medical histories or performing adequate physical examinations; and not medically necessary or for inappropriate durations according to patient records.

Action: License reprimanded; must meet certain terms and conditions; and assessed \$9,000 in civil penalties, plus costs.

Licensee: Carl A. Recine, M.D., Roanoke, VA.

Violation: Disciplinary action taken by the states of CO, NC, CA, HI.

Action: License reprimanded; and assessed costs.

Licensee: Jerome N. Sheridan, M.D., Asheville, NC.

Violation: Failed to pay professional privilege tax.

Action: License suspended; must pay all delinquent privilege taxes and penalties to the Tennessee Department of Revenue; and assessed costs.

Licensee: William Shippen, M.D., Clarksville, Tenn.

Violation: Failed to produce required documentation of continuing education courses.

Action: License reprimanded; must meet certain terms and conditions; and assessed \$4,000 in civil penalties, plus costs.

Licensee: Joseph Thomasson, M.D., Tullahoma, Tenn.

Violation: Prescribed controlled substance to a patient without a legitimate medical basis for the prescription.

Action: License reprimanded; must meet certain terms and conditions; and assessed costs.

Licensee: Andrew Wyant, M.D., Lenoir City, Tenn.

Violation: Provided false information indicating that sobriety was maintained when applying for a license.

Action: License permanently surrendered.

Licensee: Ely David Zaslow, M.D., Asheville, NC.

Violation: Disciplinary action taken by the states of VT and NC.

Action: License placed on probation for not less than sixty days and until certain terms and conditions have been met; and assessed costs.

SEPTEMBER 2009

Licensee: Rexford Agbenohevi, M.D., Cookeville, Tenn.

Violation: Engaged in consensual sexual activity with a patient.

Action: License suspended; must meet certain terms and conditions; assessed \$1,000 civil penalty, plus costs.

Licensee: Brad E. Blankenship, M.D., Murfreesboro, Tenn.

Violation: Failed to properly supervise the usage of lasers and other cosmetic procedures performed by unlicensed staff.

Action: License placed on probation for not less than 2 years and until certain terms and conditions are met; assessed \$7,000 civil penalty, plus costs.

Licensee: Bruce D. Boggs, M.D., Gray, Tenn.

Violation: Advertising violation.

Action: License reprimanded; assessed \$5000 civil penalty, plus costs.

Licensee: Roger W. Catlin, M.D., Chattanooga, Tenn.

Violation: Misused prescription medication and has significant health and substance abuse problems.

Action: License surrendered/revoked.

Licensee: Alexander Chernowitz, M.D., Lebanon, Tenn.

Violation: History of substance abuse.

Action: License restricted; must meet certain terms and conditions.

Licensee: Henry T. Clay Jr., M.D., Lansing, Tenn.

Violation: Allowed unlicensed person to perform x-rays.

Action: License reprimanded; assessed \$1,300 civil penalty, plus costs.

Licensee: Frances L. Cross, M.D., Oak Ridge, Tenn.

Violation: Failed to properly maintain or submit sufficient continuing education credits.

Action: Assessed \$480 civil penalty; must submit 12 hours of continuing education within 180 days and an additional 10 hours within two years.

Licensee: Michael N. Dube, M.D., Johnson City, Tenn.

Violation: Violation of Board Order.

Action: License indefinitely suspended; must meet certain terms and conditions; assessed costs.

Licensee: Robert W. Enzenauer, M.D., Chattanooga, Tenn.

Violation: Action taken by the state of Colorado.

Action: License reprimanded; assessed costs.

Licensee: Daniel C. Garner, M.D., Franklin, Tenn.

Violation: Failed to have adequate training, education and experience to supervise the performance of laser treatment or to act as medical director for Dermacare of Cool Springs; allowed individuals to practice medicine without a license or to practice beyond the scope of their license.

Action: License placed on probation for not less than 2 years; assessed \$2,000 civil penalty, plus costs.

Licensee: Jack L. Glisson II, M.D., Dresden, Tenn.

Violation: Assisted a nurse practitioner, at her request during a procedure and did not have an active license.

Action: License placed on probation for 5 years; must maintain advocacy with the Tennessee Medical Foundation; assessed \$1,000 civil penalty, plus costs.

Licensee: Larry J. Hargis, M.D., Oneida, Tenn.

Violation: Action taken by the state of Kentucky.

Action: License indefinitely restricted; shall not prescribe, dispense, or otherwise professionally utilize controlled substances; assessed costs.

Licensee: Roger Charles Joy, M.D., Danville, Il.

Violation: Action taken by state of Illinois.

Action: License suspended until terms of Illinois order are met.

Licensee: Douglas W. Kane, M.D., Cookeville, Tenn.

Violation: Diversion of controlled substance for personal use; practicing under the influence of controlled substances.

Action: License placed on probation for not less than 5 years; must maintain advocacy of the Tennessee Medical Foundation for not less than 5 years.

Licensee: Brant G. Kersey, M.D., Knoxville, Tenn.

Violation: Multiple prescribing errors.

Action: License reprimanded; cease and desist pain management practice; assessed \$5,000 civil penalty, plus costs.

Licensee: John R. McGauley, Jr., M.D., Oak Ridge, Tenn.

Violation: Failed to properly maintain or submit sufficient continuing education credits

Action: Assessed \$1,600 civil penalty; must submit 40 hours of continuing education within 180 days and an additional 10 hours within two years.

Licensee: Larry M. Mitchell, M.D., Franklin, Tenn.

Violation: Prescribed controlled medications without maintaining medical records.

Action: License reprimanded; must meet certain terms and conditions; assessed \$3,000 civil penalty, plus costs.

Licensee: James Herman Pogue, M.D., Nashville, Tenn.

Violation: Unprofessional, dishonorable or unethical conduct.

Action: License reprimanded; must meet certain terms and conditions; assessed costs.

Licensee: Thomas M. Webster, M.D., Oak Ridge, Tenn.

Violation: Failed to properly maintain or submit sufficient continuing education credits.

Action: Assessed \$810 civil penalty; must submit 20.25 hours of continuing education within 180 days and an additional 10 hours within two years.

Licensee: Harry A. Zain, M.D., Morristown, Tenn.

Violation: Guilty of a crime.

Action: License reprimanded; must comply with terms of VCAP Assessment; assessed \$500 civil penalty, plus costs.

NOVEMBER 2009

Licensee: James M. Bachstein, M.D., Lebanon, Tenn.

Violation: Inappropriate prescribing controlled substances.

Action: License placed on probation for no less than three years unless otherwise stated; must meet certain terms and conditions; and assessed costs.

Licensee: Richard S. Clark, M.D., West Memphis, Tenn.

Violation: Action taken by state of Arkansas and North Carolina.

Action: License indefinitely suspended, action stayed due to compliance with other state action.

Licensee: Suzanne P. Riva Grisham, M.D., Nashville, Tenn.

Violation: Prescribing violation.

Action: License placed on probation for five years, must maintain 100 percent advocacy with the Tennessee Medical Foundation.

Licensee: Joseph G. Grau, M.D., Maryville, Tenn.

Violation: Failure to pay delinquent privilege taxes.

Action: Must pay all delinquent privilege taxes and penalties within 180 days; assessed \$100 civil penalty, plus costs.

Individual: Naveed A. Khan, Unlicensed, Knoxville, Tenn.

Violation: Action taken by state of Alabama, New York and Georgia.

Action: Cease and desist any conduct that is considered the practice of medicine; assessed \$500 civil penalty, plus costs.

Licensee: Helmut G. Kramer, M.D., Punta Gorda, Fla.

Violation: Failure to pay delinquent privilege taxes.

Action: License revoked; must pay all delinquent privilege taxes and penalties; assessed costs.

Licensee: Karl E Lawrence, M.D., Knoxville, Tenn.

Violation: Inappropriately prescribed controlled substances.

Action: License placed on probation for five years, must meet certain terms and conditions, assessed \$5,000 civil penalties, plus costs.

Licensee: Angela S. Moss, M.D., Gordonsville, Tenn.

Violation: Prescribing violation.

Action: License placed on probation for two years; must meet certain terms and conditions; and assessed costs.

Licensee: Robert W. Osteen, M.D., Crossville, Tenn.

Violation: Diverted fentanyl for his personal use and altered narcotic count sheet in effort to conceal the diversion.

Action: License placed on probation for not less than five years; must maintain advocacy with the Tennessee Medical Foundation; and assessed costs.

Licensee: Larry E. Perry, M.D., Oneida, Tenn.

Violation: Sexual misconduct with patients.

Action: License summarily suspended.

Licensee: Keith E. Pratt, M.D., Rogersville, Tenn.

Violation: Failure to maintain patient records.

Action: License reprimanded; must meet certain terms and conditions; assessed \$3,000 civil penalty, plus costs.

Licensee: Rajashaker P. Reddy, M.D., Atlanta, Ga.

Violation: Action taken by state of Alabama, New York and Georgia.

Action: Assessed \$2,000 civil penalty, plus costs.

Licensee: Milton Smith, M.D., Lynchburg, Tenn.

Violation: Failure to pay delinquent privilege taxes.

Action: License revoked; must pay all delinquent privilege taxes and penalties; assessed costs.

Licensee: Hani M. Sonbati, M.D., Staten Island, NY

Violation: Failure to pay delinquent privilege taxes.

Action: License revoked; must pay all delinquent privilege taxes and penalties within 1 year; and assessed costs.

Licensee: David L. Stockton, M.D., Winchester, Tenn.

Violation: Pled guilty to misdemeanor DUI.

Action: License placed on probation for no less than five years and until certain terms and conditions are met; must

maintain lifetime advocacy with the Tennessee Medical Foundation; and assessed costs.

Licensee: Ronald R. Trotman Sr., M.D., Atlanta, Ga.

Violation: Failure to pay delinquent privilege taxes.

Action: License suspended; must pay all delinquent privilege taxes and penalties to the; and assessed costs.

Licensee: Barton W. Warner, M.D., Murfreesboro, Tenn.

Violation: Failed to properly maintain sufficient continuing education credits.

Action: Assessed \$120 civil penalty; must submit two hours continuing education credits within 180 days and an additional ten hours within two years.

Licensee: Teresa Dunn Warren, Med Xray, Lavinia, Tenn.

Violation: Failed to properly maintain sufficient continuing education credits.

Action: Assessed \$280 civil penalty; must submit six hours continuing education credits within 180 days.

Licensee: Sarah Berke Willing, M.D., Salt Lake City, Utah

Violation: Failure to pay delinquent privilege taxes.

Action: Must pay all delinquent privilege taxes within 180 days; assessed \$300 civil penalty and costs.

Licensee: Stephen J. Yallourakis, M.D., Kingsport, Tenn.

Violation: Failed to properly maintain sufficient continuing education credits.

Action: Assessed \$280 civil penalty; must submit 2.5 hours continuing education credits within 180 days and an additional 10 hours within two years.

DECEMBER 2009

Licensee: Daniel S. Fearnow, M.D., Germantown, Tenn.

Violation: Allegedly selling prescriptions of controlled substances to individuals without legitimate medical reason.

Action: License summarily suspended

Licensee: Elizabeth Ellis Reimers, M.D., Winchester, Tenn.

Violation: Indicted for two counts of distribution of controlled substances and for causing the deaths of certain patients.

Action: License temporarily suspended

JANUARY 2010

Licensee: Milton J. Arras, M.D., Sevierville, Tenn.

Violation: Failed to pay professional privilege taxes. All taxes and penalties have been paid.

Action: Assessed \$200 civil penalties, plus costs.

Licensee: Gary Barnes, M.D., Hixon, Tenn.

Violation: Fraudulently used health insurance to obtain prescriptions for his personal use.

Action: License placed on probation for five years; must meet certain terms and conditions; and assessed costs.

Licensee: Robert F. Benson, M.D., Odessa, Fla.

Violation: Failed to pay professional privilege taxes.

Action: Must pay all professional privilege taxes and penalties; assessed \$300 civil penalties, plus costs.

Licensee: Carol Cantrell, M.D., Springfield, Tenn.

Violation: Failed to appropriately document patient records.

Action: License reprimanded; must meet certain terms and conditions; assessed \$9,000 civil penalties, plus costs.

Licensee: Terrance C. Casey, M.D., St. Louis, Mo.

Violation: Failed to appropriately document patient records.

Action: License reprimanded, and assessed costs.

Licensee: Mei-Suey Chen, M.D., Dover, Tenn.

Violation: Failed to properly maintain sufficient continuing education credits.

Action: Must submit 40 continuing education credits within 180 days and an additional 10 credits within two years; assessed \$1,600 civil penalty; all requirements have been satisfied.

Licensee: Andrew C. Coleman, M.D., Paris, Tenn.

Violation: Consumed Fentanyl without prescriber authorization.

Action: License placed on probation for five years; must meet certain terms and conditions, assessed costs.

Licensee: Rosalia Dominguez, M.D., McMinnville, Tenn.

Violation: Exhibited cognitive impairment while working.

Action: License suspended until certain terms and conditions are met; assessed costs.

Licensee: James Brendan Durkin, M.D., Etowah, Tenn.

Violation: Prescribed unjustified quantities of controlled substances for a patient with whom he had an inappropriate relationship.

Action: License placed on probation for five years; must meet certain terms and conditions; assessed costs.

Licensee: Cary M. Finn, M.D., Memphis, Tenn.

Violation: Inappropriate medical record keeping.

Action: License reprimanded; must meet certain terms and conditions; assessed \$10,000 civil penalties, plus costs.

Licensee: Robert A. Helsel, M.D., Knoxville, Tenn.

Violation: Failed to properly maintain sufficient continuing education credits.

Action: Must submit 11 continuing education credits within 180 days and an additional 10 credits within two years; assessed \$440 civil penalty; all requirements have been satisfied.

Licensee: Nizamuddin Khaja, M.D., Kennesaw, Ga.

Violation: Failed to properly maintain sufficient continuing education credits.

Action: Assessed \$880 civil penalty; must submit 22 continuing education credits within 180 days and an additional 10 credits within two years; all requirements have been satisfied.

Licensee: Ernest B. Kleier, Jr., M.D., Waverly, Tenn.

Violation: Unprofessional, dishonorable or unethical conduct.

Action: License placed on probation for two years; must meet certain terms and conditions; assessed costs.

Licensee: Frank Knopp, M.D., Sevierville, Tenn.
Violation: Violation of board order.
Action: License permanently surrendered/revoked.

Licensee: George P. Knox III, M.D., Gallatin, Tenn.
Violation: Guilty of a crime; prescribed controlled substances without properly maintaining records.
Action: License revoked; assessed costs.

Licensee: Mireille Lalanne, M.D., Nashville, Tenn.
Violation: Misconduct requiring emergency action to protect the public and for a conviction of facilitation for trafficking in controlled substances.
Action: License summarily suspended.

Licensee: James L. McCoy, M.D., Kingsport, Tenn.
Violation: Action taken by the state of Virginia.
Action: License reprimanded; assessed costs.

Licensee: Sidi Yousseff Noor, M.D., Kingsport, Tenn.
Violation: Inappropriately prescribed controlled substances.
Action: License revoked; assessed costs.

Licensee: Daniel J. Scott III, M.D., Millington, Tenn.
Violation: Prescribed controlled substances without properly maintaining records.
Action: License placed on suspension for a minimum of six months; suspension stayed if compliant with certain terms and conditions; probation for seven years with terms and conditions; assessed \$90,000 civil penalty, plus costs.

Licensee: Jane A. Shows, M.D., Memphis, Tenn.
Violation: Failed to pay professional privilege taxes.
Action: Must pay all professional privilege taxes and penalties; assessed \$200 civil penalties, plus costs.

Licensee: Visuvalingham Vilvarajah, M.D., Nashville, Tenn.
Violation: Misconduct requiring emergency action to protect the public and for a conviction of facilitation for trafficking in controlled substances.
Action: License summarily suspended.

Individual: Jean Landsee, unlicensed, Millington, Tenn.
Violation: Engaged in the unlicensed practice of medicine
Action: Cease and desist engaging in any conduct that constitutes the practice of medicine; assessed \$2,000 civil penalties, plus costs.

Licensee: Robert W. Robinson, Jr., M.D., Nashville, Tenn.
Violation: Failed to properly maintain sufficient continuing education credits.
Action: Assessed \$880 civil penalty; must submit 10 continuing education credits within 180 days and an additional 10 credits within two years; all requirements have been satisfied.

Licensee: Sharon Kaye Walls, M.D., X-Ray Op., Rockwood, Tenn.
Violation: Failed to properly maintain sufficient continuing education credits.
Action: Assessed \$400 civil penalty; must submit 20 continuing education credits within 180 days.

Licensee: Shannon Michelle Wiederholt, M.D., X-Ray Op., Bristol, Tenn.
Violation: Failed to properly maintain sufficient continuing education credits.
Action: Assessed \$120 civil penalty; must submit six continuing education credits within 180 days.

MARCH 2010

Licensee: Amie B. Coday, Md. Xray, Rutherford, Tenn.
Violation: Obtained prescriptions for controlled substance for her own personal use by using the name of her employer.
Action: License revoked; assessed costs.

Licensee: Randall Jay Bolar, M.D., Clarksville, Tenn.
Violation: Action taken by the state of Ohio.
Action: License reprimanded; assessed costs.

Licensee: Carey F. Browder, Smyrna, Tenn.
Violation: Physically or mentally unable to practice medicine safely.
Action: License suspended until certain terms and conditions are met; assessed costs.

Licensee: Kou-Wei Chiu, M.D., Nashville, Tenn.
Violation: Guilty of a crime.
Action: License placed on probation for nine years; must meet certain terms and conditions; assessed costs.

Licensee: Thomas O. Daniel, M.D., San Diego, Ca.
Violation: Failed to properly maintain sufficient continuing education credits.
Action: Assessed \$1,600 civil penalty; must submit forty continuing education credits within 180 days and an additional ten hours within two years.

Licensee: Daniel S. Fearnow, M.D., Germantown, Tenn.
Violation: Unprofessional, dishonorable or unethical conduct; dispensed, prescribed or otherwise distributed controlled substances not medically necessary, advisable or justified for a diagnosed condition.
Action: License permanently revoked; assessed \$27,000 civil penalty, plus costs.

Licensee: Michael S. Insler, M.D., New Orleans, Tenn.
Violation: Action taken by the state of Florida.
Action: License reprimanded; assessed costs.

Licensee: Mireille Lalanne, M.D., Nashville, Tenn.
Violation: Unprofessional, dishonorable or unethical conduct; conviction of a felony, convictions of any offense of state or federal drug laws, or convictions of any offense involving moral turpitude.
Action: License placed on probation for five years; and until certain terms and conditions are met; assessed \$1,000 civil penalty, plus costs.

Licensee: David Livingston, M.D., Hermitage, Tenn.
Violation: Unprofessional, dishonorable or unethical conduct; prescribed controlled substances to multiple patients without obtaining a sufficient medical history, physical examinations,

and/or diagnostic testing to justify the medical necessity and/or duration of the medications.

Action: License permanently revoked; assessed costs.

Licensee: Cupid R. Poe, M.D., Nashville, Tenn.

Violation: Guilty of a crime.

Action: License placed on probation for five years; assessed costs.

Licensee: David L. Stockton, M.D., Nashville, Tenn.

Violation: Violation of board order.

Action: License permanently retired; assessed costs.

Licensee: Joel Trent Sutton, M.D., Ooltewah, Tenn.

Violation: Failed to properly maintain sufficient continuing education credits.

Action: Assessed \$1,100 civil penalty; must submit 27.75 continuing education credits within 180 days and an additional ten hours within two years.

Licensee: Visuvalingam Vilvarajah, M.D., Nashville, Tenn.

Violation: Unprofessional, dishonorable or unethical conduct; conviction of a felony, convictions of any offense of state or federal drug laws, or convictions of any offense involving moral turpitude.

Action: License revoked; must meet certain terms and conditions before reapplying; assessed \$1,000 civil penalty, plus costs.

Licensee: Wydell L. Williams, M.D., Las Vegas, Nev.

Violation: Action taken by the state of Nevada and California.

Action: License reprimanded; assessed costs.

Licensee: Seth Leigh Yoser, M.D., Germantown, Tenn.

Violation: Guilty of a crime.

Action: License revoked; assessed costs.

MAY 2010

Licensee: Kevin Collen, M.D., Nashville, Tenn.

Violation: Positive drug screen.

Action: License placed on probation for no less than five years; must obtain lifetime advocacy with the Tennessee Medical Foundation; assessed \$1,000 civil penalty, plus costs.

Licensee: Douglas S. Dewar, M.D., Knoxville, Tenn.

Violation: Dispensed, prescribed or otherwise distributed controlled substances not in the course of professional practice.

Action: License suspended for one year commencing July 19, 2010; must meet certain terms and conditions, assessed costs.

Licensee: Stephen H. Heffington, M.D., Columbia, Tenn.

Violation: Prescribed...controlled substances or any drug...in amounts and/or durations not...advisable or justified for a diagnosed condition.

Action: License placed on probation for not less than five years, beginning November 18, 2009; must obtain and maintain 100% advocacy of Affiliated Monitors; must meet certain terms and conditions; assessed \$6,100 civil penalty, plus costs.

Licensee: Dewey W. Hood, M.D., Decherd, Tenn.

Violation: Guilty of a crime.

Action: License revoked; assessed \$1,000 civil penalty, plus costs.

Licensee: George H. Jackson, M.D., Butler, Tenn.

Violation: Failed to pay professional privilege taxes.

Action: License revoked; must pay all delinquent professional privilege taxes and penalties before eligible for re-licensure; assessed costs.

Licensee: Michael L. Jackson, M.D., Seymour, Tenn.

Violation: Action taken by the state of Indiana.

Action: Must comply with terms of Indiana Order; assessed \$500 civil penalty, plus costs.

Licensee: Rita Marie Kikkawa, M.D., Nashville, Tenn.

Violation: Failed to prepare documentation in a timely manner following a procedure.

Action: License reprimanded; must meet certain terms and conditions, assessed costs.

Licensee: Wayne D. Murray, M.D., Memphis, Tenn.

Violation: Unprofessional, dishonorable or unethical conduct.

Action: License placed on probation; must submit to evaluation with the Tennessee Medical Foundation within 30 days; assessed \$1,000 civil penalty, plus costs.

Licensee: John Netterville, M.D., Nashville, Tenn.

Violation: Dispensing, prescribing or otherwise distributing controlled substances not medically necessary, advisable or justified for a diagnosed conditions.

Action: License revoked; assessed costs.

Licensee: Curesser Parker, Med X-ray, Memphis, Tenn.

Violation: Failed to indicate a felony or misdemeanor conviction on application for licensure.

Action: License revoked.

Licensee: Nejat M. Tajen, M.D., Knoxville, Tenn.

Violation: Voluntarily surrendered license in lieu of administrative proceedings being brought against him.

Action: License voluntarily surrendered/revoked.

Licensee: Mark T. Weeks, M.D., Murfreesboro, Tenn.

Violation: Dispensed, prescribed or distributed any controlled substances to family members.

Action: License placed on probation for two years; must meet certain terms and conditions; assessed \$7,000 in civil penalties, plus costs.

JULY 2010

Licensee: John W. Bacon, M.D., Gallatin, Tenn.

Violation: Inappropriately prescribing.

Action: License placed on probation for 5 years; assessed \$25,000 civil penalty, plus costs.

Licensee: Edward M. Baylor, III, Jackson, Tenn.

Violation: Inappropriate prescribing.

Action: License reprimanded; must submit 10 hours of American Medical Association type one continuing education for five years.

Licensee: Ken Berry, M.D., Camden, Tenn.

Violation: Misleading advertising.

Action: License reprimanded; assessed \$7,500 civil penalty, plus costs.

Licensee: Jerry N. Campbell, M.D., Murfreesboro, Tenn.

Violation: Failed to properly maintain sufficient continuing education credits.

Action: Assessed \$1,600 civil penalty; must submit 40 continuing education credits within 180 days and an additional 10 hrs within two years.

Licensee: Settimio Castellani, M.D., Madison, Tenn.

Violation: Engaging in sexual activity with patients.

Action: License permanently revoked; assessed costs.

Licensee: Jan A. DeWitt, M.D., Johnson City, Tenn.

Violation: Action taken by the state of Kentucky.

Action: License reprimanded; assessed costs.

Licensee: Cyrus C. Erickson, III, M.D., Franklin, Tenn.

Violation: Personal misuse of drugs.

Action: License suspended for 90 days; must meet certain terms and conditions, assessed costs.

Licensee: Jack K. Gray, Jr., M.D., Norman, Okla.

Violation: Action taken by the state of Florida.

Action: License voluntarily surrendered/revoked; assessed costs.

Licensee: Kent A. Grotefendt, M.D., Chattanooga, Tenn.

Violation: Failed to document treatment to justify dosages of controlled substances.

Action: License placed on probation for five years; must meet certain terms and conditions; assessed \$10,000 civil penalty, plus costs.

Licensee: William H. Hughes, M.D., Brentwood, Tenn.

Violation: Guilty of a crime.

Action: License revoked; assessed costs.

Licensee: Clarence L. Jones, M.D., Cookeville, Tenn.

Violation: Failed to document treatment to justify dosages of controlled substances.

Action: License placed on probation of five years; must meet certain terms and conditions; assessed costs.

Licensee: Deborah Wen-Yee Mark, M.D., Mount Juliet, Tenn.

Violation: Practitioner agreed that if charges in July 12, 2010 indictment were proven, it would constitute a violation of T.C.A. § 63-6-214(b)(2).

Action: License suspended.

Licensee: Bruce H. Marko, M.D., Charlotte, N.C.

Violation: Action taken by the state of North Carolina.

Action: License reprimanded; assessed costs.

Licensee: Howard B. McNeeley, M.D., Clinton, Tenn.

Violation: Inappropriate prescribing.

Action: License reprimanded; assessed costs.

Licensee: John J. Tasker, M.D., Kingsport, Tenn.

Violation: Dispensing, prescribing or otherwise distributing controlled substances not medically necessary, advisable or justified for a diagnosed condition.

Action: License placed on probation for five years; must meet certain terms and conditions; assessed \$7,500 civil penalty, plus costs.

Licensee: Tommy C. Thompson, M.D., Memphis, Tenn.

Violation: Failed to provide patient records as requested.

Action: License reprimanded; assessed costs.