Tennessee Board of Medical Examiners



Newsletter



A regulatory agency of the State of Tennessee

Cordell Hull Building, First Floor, 425 Fifth Avenue North, Nashville, TN 37247-1010

www.TennesseeAnytime.org



The September 11, 2001 attacks on the World Trade Center and Pentagon and the sending of anthrax laden letters through the mail has raised concerns in the United States about bioterrorism, the intentional release of harmful biological agents into populated areas, with the intent of causing fear, illness, or death. Initial response to a deliberate release of infective or toxic agents against civilian populations is largely a local responsibility. While national resources will play an important long-term role, it is the responsibility of state and local officials to have response systems and plans in place before an incident actually occurs. Part of any response system must include the ability to provide information to the state's medical doctors.

Because early diagnosis of either biological or chemical exposure will be an important prerequisite for establishing treatment and response modalities, it is vitally important that the Department of Health be in a position to quickly disseminate to physicians crucial information on outbreaks and other health events. To that end, the Department of Health has partnered with Professional Review Organization to collect e-mail addresses and/or fax numbers of all of Tennessee's licensed

medical doctors. This information will be placed in the State's database and used to provide practitioners with critically important information.

You may choose to provide e-mail and/or fax information to the Department by accessing the Board's website at www.tennesseeanytime.org/hlrs and proceeding as prompted. Alternatively, you may fill out the attached form and return it to the Board's Administrative Office, Cordell Hull Building, First Floor, 425 Fifth Avenue North, Nashville, TN 37247-1010.

Please respond in as timely a manner as possible. The Department's ability to communicate information directly to physicians is critical in order to assist them in identifying and treating disease quickly to halt the spread of an epidemic. Communication by physicians to the health department is also equally important. Any unusual disease occurrence or increased numbers of illnesses that might be associated with chemical or biological agents should be immediately reported to the local health department.

For more information about bioterrorism, go to www.state.tn.us/health and click on "bioterrorism" or visit the CDC's website at www.bt.cdc.gov.

WELCOME NEW BOARD MEMBERS! Two Appointments

Governor Don Sundquist made two new appointments to the Board in August.

Mitchell L. Mutter, M.D., Board-certified in cardiology and internal medicine, was appointed to fill the 2001-2006 term, replacing Dr. David M. O'Neal. Dr. Mutter graduated from the University of Tennessee School of Medicine in 1972 and completed his internship and Residency at Walter Reed in Washington, D.C. Dr. Mutter currently practices in Chattanooga.

Barbara Engelhardt, M.D., a Board- certified pediatrician and neonatologist, was appointed to fill the 2001-2006 term, replacing Dr. Daniel Starnes. Dr. Engelhardt is a 1976 graduate of the University of Heidelberg, Heidelberg, Germany. She completed her internship in internal medicine, surgery and dermatology at the University of Heidelburg and her Residency in Pediatrics at Marburg University, Marburg, Germany. She holds a neonatology fellowship at Vanderbilt University, where she is also an Associate Professor of Pediatrics.

NEW OFFICERS

Elections of new officers were held at the September 18, 2001 meeting. Dr. David L. Cunningham was unanimously elected President, Ms. Lueatrice Lovett was unanimously elected Vice President and Dr. Allen S. Edmonson was unanimously elected Secretary.

BOARD OF MEDICAL EXAMINERS LICENSING ONLINE

Renewing Your Professional License Just Got a Bit Easier at

www.TennesseeAnytime.org/HLRS/

There's a quick easy new way to renew your professional health license. For the past year, the Department of Health has been working on a project that allows all health care professionals and facilities to renew their licenses online and/or update their information. The process is quick, simple and convenient – and even allows you to pay for your renewal with a credit card at no additional charge.

OKAY, SO HOW DO I RENEW ONLINE?

In just 4 quick steps you'll be there...

Step One – Login In. You'll need to select your board, profession and enter your profession license number,

your date of birth and social security number or your transaction number from your renewal notice.

Step Two – Update Your Information. Here you'll have the opportunity to update your home address, your work address and even your billing address. Once you've completed entering that information, you're halfway done!

Step Three – Enter your Renewal Information. At this step you'll answer all necessary questions and provide information on licenses from other states. You'll have the ability to update your education information and list your principal place of employment.

Step Four – Payment. Here's where it all comes together. By entering your credit card through the secure site and choosing submit, you will have completed the online renewal application.

WHAT HAPPENS NEXT?

Your renewal information will be posted to the Department of Health's licensing system and once you have met all of the criteria for your profession, you will be mailed your Renewal Certificate.

That's it – you're done!

So, come check it out and renew online – or even just update your information. We'll see you at www.TennesseeAnytime.org/hlrs!

MAKING THE RENEWAL PROCESS WORK Common Pitfalls to Avoid

If you choose not to renew online, you can ensure that the renewal process will work...and work the first time, every time for you. There are common pitfalls that are shared by persons in each profession. Recognizing these common errors may assist you in avoiding them and ensure trouble-free renewals. Here's how:

Sign your renewal - All applications must bear the licensee's signature.

Return the renewal form intact - Don't separate the one-page renewal form. While it looks like you could, and perhaps should, separate your renewal application, return the original form in ONE PIECE.

Keep your address current – Mail (including your renewal form) is generated using a computer program, which downloads the address the Board's Office has on file for you. If the Board's Office has an incorrect address, the incorrect address will be used for your renewal.

If you are a doctor, file your PPQ (or update) – By statute, we cannot renew your license UNLESS you have a Practitioner Profile Questionnaire on file. (If you need to update your PPQ, simply copy from the one on the internet, make changes in red, and send it to the Board's Office.)

If answering "YES" to any one of the three questions on the back of your renewal, provide an explanation

- The Board's Office cannot process your renewal until we have written documentation [letter from your physician, court/disciplinary board order(s), etc.] and your written explanation of the events which made you answer "Yes" on your renewal.

Mail the appropriate fee with your renewal application – Some renewals are received without the fees, or fees are sent separately from renewals, or fees are sent in the wrong amounts.

If any of these errors are made, the renewal application will not be smoothly processed, if at all. Remember, failure to renew by the end of the 60 day grace period will subject the license/registration to administrative revocation for which reinstatement will be required.

STATUTORY CHANGES Continuing Medical Education

In May 2001, Governor Sundquist signed into law, Public Chapter No. 320 which amended T.C.A. Title 63, Chapter 6, requiring any person licensed to practice medicine in this state to "complete continuing medical education as required by the Board of Medical Examiners." The Board approved rules at their November meeting that require 40 hours of continuing medical education in Category 1 courses every two calendar years. The courses must be sponsored by an organization accredited as a sponsor of continuing medical education by either the Accrediting Council for Continuing Medical Education (ACCME) or by a state medical association recognized by the ACCME. They must also be designated or certified by the accrediting sponsor as meeting the criteria for Category 1 continuing medical education credit of the American Medical Association's Physician's Recognition Program, or be designated by the American Academy of Family Physicians (AAFP) as meeting the criteria of the AAFP's prescribed credit. Physicians will be required to retain the documentation for four years and will only submit the documentation to the board office when requested.

INTRACTABLE PAIN

In May 2001, the "Intractable Pain Treatment Act" became law. Public Acts, 2001, Chapter No. 327 amends TCA Title 39, Title 53, Title 63 and Title 68 and specifically addresses the treatment of intractable pain. At the July 2001 board meeting, the Board approved a

rulemaking hearing to implement the new law. The rulemaking hearing was held in October 2001 for the purpose of hearing public comment. The Board took final action on the proposed rule when it voted unanimously to approve the rule at its November 2001 meeting. The rule will now be forwarded to the Attorney General's Office for approval and will become effective 75 days later. The Intractable Pain Treatment Act (codified as TCA § 63-6-1101, et. seq.) can be accessed through the Board's website at www.tennesseeanytime.org. The rule can also be accessed through the Noteworthy Section of the Board's website.

RULE CHANGE Code Of Ethics

The Board also authorized a rulemaking hearing to adopt the "Code of Medical Ethics" published by the AMA Council on Ethical and Judicial Affairs as it may, from time to time, be amended. Under the rule, the AMA's Code of Medical Ethics is adopted in its entirety as the Board's Code of Medical Ethics. Any violation of the Board's Code of Ethics shall be grounds for disciplinary action pursuant to TCA § 63-6-214 (b) (1). After its effective date, the rule's citation will be 0880-2-.14 (8).

PRESCRIPTION LEGIBILITY

Rule 0880-2-.14 (4) regarding prescription legibility has also been the subject of a rule change. Physicians now "may utilize a legible and specifically identifying electronic signature to satisfy the requirements of [Rule 0880-2-.14 (4)] and as the official certifying act of the physician." As with the other rules adopted by the Board at its November meeting, this rule has been forwarded to the Attorney General's Office for approval, with an effective date 75 days later.

Statutory changes may be accessed by using the Board's website, or by contacting the Board's Office to receive a copy.

ELECTRONIC PRESCRIPTION MONITORING TASK FORCE..... UPDATE

The proposed "Controlled Substance Monitoring Act of 2001" lacked funding for last year's legislative session and did not pass. However, the Task Force (licensed board members whose professions have prescribing authority) continues its mission to bring this innovative, computerized tracking system to Tennessee's more than 1,700 pharmacies. New legislation is expected to be introduced in 2002.

Currently, some 18 other states utilize this tracking and monitoring system to eliminate "doctor shopping" by patients who are seeking controlled substances for self-medication or for diversionary purposes (use by family member or friend, or for resale on the street).

BOARD'S OFFICE FIELDS COMPLAINTS:Patients, Practitioners, & Medical Records

What do you do when a patient requests a copy of their medical record? Simply, comply with T.C.A. §63-2-101 and 102 which outlines what the patients' and practitioners' rights and duties are for all health-related boards.

Here's a summary:

- The patient (or patient's authorized representative) must furnish a written request for the medical records;
- 2) The doctor shall furnish the medical records within ten (10) working days;
- 3) The doctor may charge a reasonable copying fee, as follows:
 - <40 pages = not more than \$20.00
 - >40 pages = \$20.00 up to 40 pages, then,
 .25¢ per page.
- 4) The doctor may charge the actual cost of mailing the records; and
- 5) The doctor may require that the patient, or patient's representative, pay the costs of copying prior to the "records being furnished". The patient then has the right to his or her medical records without delay.

CALL FOR EXPERT REVIEWERS

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 consultants on cases before the Board. Expert consultants 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 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. If you agree to be

an expert reviewer, fee for your services will be negotiated.

Being an expert consultant reviewer 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
- Testimony before the Board of Medical Examiners, if necessary.

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

- Holds a current Tennessee medical license in good standing;
- 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 consultant reviewer for the Board, please send your name, area(s) of expertise, current curriculum vitae, address, telephone number and hourly rates to:

Board of Medical Examiners
Attn: Rosemarie Otto, Executive Director
First Floor
Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37247-1010

CREDENTIAL VERIFICATION

If you are an employer who wishes to check your assistant's credentials, you may do so by accessing the automated phone system and requesting a faxed verification. The facsimile verification will denote all certifications which are possessed by the assistant. Please follow these steps:

- Dial 1-888-310-4650
- Listen to the <u>entire</u> first message. Listen for the "pause". Then, listen to the **second** message.
- "To obtain information regarding a health professional, such as. . doctor. .etc." [Press 1]
- "To verify the status of a license, or. . . ." [Press 1]
- "To search our database, you will need the Social Security Number of the health professional. To verify the license status, you can press 1, or visit...."
 [Press 1]

- "Please enter the person's Social Security Number" [Enter the SSN]
- [Verify SSN and Press 1, if correct]
- [Press 1 to ask for a fax. Enter your area code and fax machine number.]

PEER ASSISTANCE SERVICES AVAILABLE FOR ALL LICENSEES AND APPLICANTS

The Physicians' Health Program is a peer assistance program provided by the Tennessee Medical Foundation, a subsidiary of the Tennessee Medical Association. The program offers consultation, referral and monitoring for physicians whose practice is impaired, or potentially could be impaired, due to the use of drugs or alcohol or a psychological or physiological condition.

A referral can be made confidentially by an employee assistance program, a co-worker, family member, friend or the practitioner him/herself. If the practitioner is willing to undergo a thorough evaluation to determine the extent of the problem and any treatment needed, all information may be kept confidential from the Board of Medical Examiners. The Board also makes referrals to the Physicians' Health Program when a rehabilitation program is deemed appropriate as a part of any disciplinary action.

Chemical dependency is a significant problem among health professionals and is a chronic, progressive illness that can be treated effectively. As with all chronic illnesses, the earlier the identification and treatment, the better the prognosis. Some signs of chemical dependence are:

Mood swings, inappropriate behavior at work, frequent days off for implausible reasons, non-compliance with acceptable policies and procedures, deteriorating appearance, deteriorating job performance, sloppy and illegible charting, errors in charting, alcohol on breath, forgetfulness, poor judgment, and lack of concentration.

If you have any questions or concerns, contact:

Physicians' Health Program at: P.O. Box 1317 Murfreesboro, TN 37133 Phone: 615-893-7755

Services are available to those practitioners, whether or not they have had disciplinary action by the Board. For more information, please refer to the Board's website, or contact the peer assistance program.

LICENSURE STATISTICS

New Licenses Issued in 2001

 Medical Doctors
 1,060

 Special Training
 26

 MD X-Ray Operators
 244

CHANGES OF ADDRESS

Must be reported (in writing) to the Board's Office within 30 days!

- Your name and license number;
- Your profession;
- Your old address and phone number;
- Your new address and phone number; and
- Your SIGNATURE!

Board's Fax Number: 615-253-4484

2002 BOARD MEETING DATES

January 22-23 March 19-20 May 21-22 July 23-24 September 17-18 November 12-13

All 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.]

REFERENCE NUMBERS FOR THE BOARD

Phone Number: 1-888-310-4650, ext. 24384

Fax Number: 615-253-4484

Hours of Operation: 8:00 a.m. to 4:30 p.m.,

Central Time

DISCIPLINARY ACTION 2001

- Blevins, Ballard, 8431: 2/15/01-Probation extended for either six months or until petitions and appears before the Board to request probation be lifted.
- Beckwin, Joseph, 14759: 9/27/01-License revoked by the Alabama Board for unprofessional conduct, unsafe practice, and inappropriate and/or over prescribing. Default order-License revoked.
- Bryson, Gary Keith, 13690: 1/30/01-Probation lifted.
- **Darby, Dewayne, 11040:** 1/24/01-Failure to supervise physician assistant. Letter of reprimand.
- Davenport, Larry, 19912: 1/24/01-Unprofessional conduct-wrote prescriptions on expired DEA certificate. Obtained prescriptions issued under another physician's name and number. Agreed Order-License suspended for three months or until education requirements are fulfilled; Probation for two years.
- Davenport, Larry, 19912: 5/8/01-Compliance with educational requirements. Suspension lifted; Probation for two years.
- **Dellinger, Oscar, 28033:** 3/20/01-Unprofessional, dishonorable, or unethical conduct; Disciplinary action in another state. Agreed Order-License placed on probation until Georgia probation is lifted.
- Dodd, Halbert B., 8308: 1/18/01-Order Modification.
 Probation remains in effect; Shall abide by all terms
 and conditions of the "Advocacy Agreement" entered
 into with the Tennessee Medical Foundation; Shall
 obtain a proctor approval by the Board with proctor to
 submit quarterly reports; Notify Board of termination of
 employment or if employment in Jackson, Tennessee
 does not occur; Shall refrain from any violent, disruptive
 or intimidating behavior in the course of medical
 practice during probation.
- **Feldman, Richard, 10062:** 10/1/01 \$1,000 civil penalty (paid 10/24/01); Probation continues as set forth in previous order. Advertising.
- Fletcher, Christopher, 18384: 5/30/01 –
 Unprofessional, dishonorable, or unethical conduct;
 Inappropriate prescribing-wrote prescriptions for
 controlled substances for his own consumption.
 Agreed Order Probation for a period of not less than
 10 years.
- Goswitz, Francis, 5412: 10/18/01 Unprofessional, dishonorable or unethical conduct; Excessive prescribing of controlled substances without medical indication; Prescribing to addicted individuals without a plan of a bona fide effort to cure the habit; Sexual misconduct. Order of Summary Suspension – May not

- practice medicine and may not accept any new patients pending the resolution of this matter at hearing.
- Harnisch, Helmut K., 15067: 9/27/01 Probation lifted.
- Hawks, Charles, 26588: 9/18/01 Disciplinary action in another state. License revoked with permission to reapply for licensure after a period of six months or upon regaining his license in Georgia, whichever is later.
- Hayes, Joseph S., 9516: 6/6/01 *Unprofessional conduct*. License revoked; \$3,000 civil penalty.
- Humphreys, Robert, 9953: 11/28/01 Permitted persons under his direct supervision to perform x-ray procedures without those persons being licensed or certified. Agreed Order – Probation for one year with conditions.
- Jensen, Robert, 6462: 9/19/01 Inappropriately prescribed controlled substance prescriptions. Agreed Order – Surrender DEA registration certificate to prescribe schedule II, III, and IV medications immediately.
- **Johnson, Samuel T., 11374:** 6/1/01 *Compliance with order.* Granted unconditional license.
- Kennedy, John H., 9944: 8/1/01 License granted with conditions.
- Knight, C. Dewayne, 10104: 7/25/01 Criminal convictions for writing illegal prescriptions. Engaging in practice of medicine when physically or mentally unsafe to do so; Unprofessional, dishonorable, or unethical conduct. Agreed Order Revocation with leave to reapply after one year if certain conditions are met.
- Lambert, Denny, 19200: 9/19/01 Unprofessional, dishonorable or unethical conduct; Inappropriate prescribing; Felony conviction for conspiring to knowingly, intentionally and unlawfully distribute and dispense a Schedule II controlled substance without a legitimate medical purpose. Agreed Order – License surrendered.
- Lemler, Jerry, 9048: 3/20/01 Unprofessional conduct; Gross malpractice or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence; Violation of statutes and rules governing the prescribing of controlled substances. Agreed Order – Probation for two years.
- Letard, Francis, 13791: 11/28/01 Facilitated unlicensed practice of medicine in his office. Agreed Order Probation for one year; \$500 civil penalties.
- Livingston, David, 24082: 11/28/01 Prescribed to individuals who were not patients and whom he had not examined. Agreed Order – Agrees to prescribe only for individuals with whom he has a valid physician/patient

- relationship. Complete two-day course on prescribing within one year.
- Mayer, Jan, 10148: 4/4/01 Felony conviction for mail fraud; Guilty of fraud or deceit in the practice of medicine. Agreed Order – License revoked.
- Mintz, Philip G., 13053: 11/28/01 Permitted persons under his direct supervision to perform x-ray procedures without those persons being licensed or certified. Agreed Order – Probation for one year with conditions.
- Mirani, Haresh, 14547: 4/9/01 Compliance with order. Probation lifted.
- Montojo, Pedro, 22466: 3/20/01 Order modification.
 Must pass SPEX exam and provide score within nine months; Attend not less than 40 hours of continuing education per calendar year for remainder of probation; Continue with current proctor with quarterly reports to the board; Appear before board no later than January 2002 and provide proof of compliance.
- Nollner, Robert, 14856: 5/25/01 Compliance with order. Order Modification – Probation lifted.
- Norton, Richard, 18164: 8/10/01 Criminal convictions; Disciplinary action in another state (Virginia). License revoked.
- Oladinni, Allen, 26997: 1/24/01 Disciplinary action taken in another state (Kentucky). Agreed Order – License suspended indefinitely until further order by the board or until authorized in writing by the Medical Director to begin CPEP Education Plan.
- Olaechea, Reynaldo, 7369: 7/25/01 Inappropriate prescribing. Agreed Order – Shall maintain ACLS and PALS certification and supply proof to the Board annually; Shall obtain 25 hours of Category 1 CME in family practice annually and send proof to the board annually.
- Oni, Adedamola, 27436: 6/1/01 Compliance with order. Granted unconditional license.
- Pierce, Johnny D., 24404: 11/28/01 Violation of previous board orders by failing to maintain advocacy of TMF and failing to pass SPEX exam; Arrested on 2/5/01 for possession of controlled substance; Tested positive for presence of cocaine in a urinalysis taken during his arraignment in Criminal Court. Default Order – License revoked.
- Rodriguez, James, 15206: 3/20/01 Unprofessional, dishonorable, or unethical conduct; felony conviction; illegal prescribing. Default Order – License permanently revoked.
- Sacks, Eugene, 15920: 1/24/01 Unknowingly and unavoidably engaging in the practice of medicine when

- physically unable to safely do so. Agreed Order License surrendered.
- Samad, Fasih, 8071: 10/1/01 Order Modification. Probation lifted; No conditions or restrictions on license.
- Slaski, Andrzej, 34065: 3/20/01 Guilty of fraud or deceit in obtaining admission to practice; Disciplinary action taken in another state. Agreed Order – Respondent is reprimanded for being deceitful on Tennessee licensure application; License placed on probation until the expiration of probation in Arizona; Practice restricted.
- Slay, Jerry L., 12549: 5/23/01 Unprofessional conduct; Personal misuse of drugs/intoxicants; Inappropriate and/or illegal prescribing practices; Engaging in the practice of medicine when mentally or physically unsafe to do so. Agreed Order License suspended indefinitely; Surrender DEA certificate with proof to the Board.
- Smiley, Karen, 17564: 9/27/01 Unprofessional conduct; Misprescribing and overprescribing controlled substances; Gross malpractice. License permanently revoked; Immediately surrender license; \$16,500 civil penalty.
- Smith, Sarah, 9192: 11/28/01 Disciplinary action in another state; Unsafe practice. Agreed Order License suspended for a period to run concurrently with Georgia suspension; Shall not practice in Tennessee.
- Sparman, Alfred, 31870: 1/30/01 Unprofessional conduct; Felony conviction for sexual abuse in New York; False statement on application. Default Order License revoked; \$2,000 civil penalty (paid 10/12/01).
- Thompson, Bobby, 3987: 11/28/01 Disciplinary action in another state. Agreed Order – License reprimanded and placed on probation concurrently with disciplinary reprimand presently imposed in the State of Illinois.
- Vilvarajah, Visuvalingam, 9540: 8/3/01 Compliance with order. Order Modification – Granted unencumbered license.
- Wiley, Gregory, 16070: 1/17/01 License summarily suspended pending a full hearing.
- Wiley, Gregory, 16070: 7/24/01 Unprofessional, dishonorable, or unethical conduct; Engaging in practice of medicine when mentally or physically unable to do so. Agreed Order – Continue on a license which is revoked with said revocation suspended for two years.
- Witt, Terry, 9215: 9/19/01 Fraudulently obtained narcotic drugs for own use. Agreed Order Probation for one year.

Tennessee Board of Medical Examiners First Floor, Cordell Hull Building 425 Fifth Avenue North Nashville, TN 37247-1010

Tennessee Board of Medical Examiners Board Members as of July, 2001

Dr. David L. Cunningham President Memphis

> Dr. Sam T. Barnes Cookeville

Dr. Barbara Engelhardt Nashville

Dr. Robert C. Ripley Nashville Lueatrice Lovett Vice-President Nashville

Dr. Travis L. Bolton Covington

Barbara H. McElroy Elizabethton

Dr. Charles W. White, Sr. Lexington

Dr. Allen S. Edmonson Secretary Memphis

Dr. George L. Eckles, Jr. Murfreesboro

Dr. Mitchell L. Mutter Chattanooga

> Nina Yeiser Counce

Board Staff

Dr. James E. Roth Medical Director

Linda Hudgins Board Administrator

Latonya Shelton Board Administrator MA/G6032094/BME Marsha Arnold Unit Manager

Rebecca Brown Board Administrator Rosemarie Otto Executive Director

Vicky Pentecost Board Administrator

Debbie Wilson Licensing Technician