



**Tennessee Board of Medical Examiners  
Regular Board Meeting**

**Tuesday, January 21, 2025**

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**MINUTES**

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The regular board meeting of the Tennessee Board of Medical Examiners was called to order at 9:00 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Stephen Loyd.

Board members present:	Stephen Loyd, MD, President Michael Bittel, Consumer Member, Secretary Deborah Christiansen, MD Keith Anderson, MD Todd Tillmanns, MD James Diaz-Barriga, Consumer Member Randall Pearson, MD Ricky Shelton, Consumer Member Bethany Lawrence, MD
Board member(s) absent:	Samantha McLerran, MD, Vice President John Hale, MD
Staff present:	Francine Baca-Chavez, JD, Office of General Counsel Michael Varnell, JD, Office of General Counsel Kavita Vankineni, MD, Medical Consultant Stacy Tarr, BME Executive Director Brandi Allocco, Administrative Director Rachel LaMascus, Board Administrator

The meeting was called to order by Dr. Loyd. Dr. Loyd introduced new Board Member Bethany Lawrence, MD. Dr. Loyd opened the meeting with a roll call of members and staff present.

**CONSIDERATION OF APPLICATIONS**

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

**Homayoun Pournik, MD** – appeared before the Board without legal representation. Dr. Christiansen motions, based on executive session, to grant a full and unrestricted license. Second by Mr. Bittel, motion passed.

**Indira Thirkannad, MD** – appeared before the Board without legal representation. Dr. Thirkannad is an international medical school graduate who has not completed 3 years of ACGME training. Dr. Thirkannad completed training in India. Holds active MD licenses in the following states: Florida, Illinois Kentucky, New Jersey & New York. Dr. Thirkannad addressed the Board. Motion by Dr. Anderson to table application for up to 6 months, seconded by Dr. Christiansen, motion passed. Motion by Dr. Christiansen to approve petition for declaratory order, second by Mr. Bittel, motion passed.

**Leonard Wright, MD** – was not present at the time of his interview. He was in contact with Board staff, his interview was postponed to the afternoon. After following up, Dr. Wright's interview will be moved to March's meeting.

**Sergio Alvarez, MD** – appeared before the Board with legal representation. Dr. Alvarez is an applicant for initial licensure who is a Board-Certified Plastic Surgeon that hold active licenses in Colorado, Florida, Georgia, Maryland and Texas. Dr. Alvarez has recent Board action in Florida regarding standard of care. Dr. Alvarez addressed the Board and answered all questions posed to him. Motion by Dr. Christiansen to grant a full and unrestricted license, second by Dr. Anderson, motion passed with Mr. Bittel opposed.

**Josef Massod, MD** – appeared before the Board without legal representation. Dr. Massod is an international graduate applicant for initial licensure who does not hold any current state licenses. Dr. Massod has criminal history for Medicaid and Medicare fraud, prior Board action in New Jersey and Ohio, both states revoked licensure because of criminal history. Dr. Massod addressed the Board. Dr. Loyd asked if Dr. Massod was on the LEIE list, (list of excluded individuals and entities from Federally funded health care programs). Discussion continued between the Board and Dr. Massod. Dr. Vankineni searched and found that Dr. Massod is on the LEIE list. Discussion continued. Dr. Loyd then informed Dr. Massod that when a license application is denied, it is reportable to the NPDB. Dr. Loyd extended the offer to allow Dr. Massod to withdraw his application and allow time for him to clear his current Board Action. After further discussion, Dr. Massod chose to withdraw his application.

#### **CONDUCT NEW BUSINESS**

- a. Discuss and take action as needed regarding CME Waiver Request. Ms. Tarr presented Dr. Frank White's CME Waiver request. Dr. Anderson motioned to grant the CME Waiver request, second by Dr. Pearson, motion passed.
- b. Discuss and take action as needed regarding Public Chapter 929 FAQ. Ms. Tarr presented the proposed PC 929 FAQs for review. The Board had a robust discussion about the proposed FAQs. After discussion, motion by Dr. Anderson to 1. change facility to provider and add an asterisk and provide the definition of a healthcare provider, 2. Add need a letter of demonstrated competency. Second by Mr. Shelton. Discussion continued and friendly self-amendments by Mr. Shelton to add demonstrated competency per the forthcoming rules and Dr. Anderson to change the wording of question 4 were accepted. Continuation of discussion took place prior to vote. Motion passed.
- c. Discuss and take action as needed regarding FAQs Review. Ms. Tarr presented to the Board amendments and updates to currently posted CME FAQs. Brief discussion by Board, motion to accept as present by Dr. Christiansen, second by Dr. Tillmans, motion

passed. Second FAQ updated were the General FAQs. After review by the Board, motion to accept as present by Dr. Christiansen, second by Dr. Tillmans, motion passed.

- e. Discuss and take action as needed regarding BME Emergency Rules. Ms. Baca-Chavez informed the Board that a roll call vote is required by the Attorney General's office for Emergency Rules. There have been no changes to the rule package since their last vote. Motion by Dr. Christiansen to accept the BME Emergency rules, second by Dr. Anderson. Roll call vote by Ms. Tarr, approved unanimously.
- f. Discuss and take action as needed regarding retrospective rule review. Ms. Baca-Chavez explained the purpose of this rule review and presented to the Board the proposed changes to 0880-05 X-ray operator rules. Extensive discussion by Board and staff. Ms. Tarr requested a discussion around high school education and requiring a copy of applicant's high school diplomas.

#### **The Board took a break.**

- f. continued. Discussion continued after Ms. Tarr confirmed statutory language regarding high school education. Final motion by Dr. Tillmanns to accept the x-ray rules as presented, with the following additions change pass rate for continued course approval from 65% to 70%, removal of date specific education hours for limited scope modalities, and change current rule wording to high school graduate or equivalent, second by Dr. Christiansen, motion passed.  
Ms. Baca-Chavez presented next set of rules for Board review, 0880-06 APRN Supervision, and proposed changes. Motion to accept rule change as presented by Dr. Christiansen, second by Dr. Anderson, motion passed. Dr. Loyd asked for APRN Supervision Rules be added to the Development Committee's agenda. Dr. Vankineni advised Dr. Loyd it is on their agenda for March.  
Next set of rules for Board review 0880-09 Radiologist Assistants. Ms. Baca-Chavez presented the proposed changes. Motion to accept proposed changes by Dr. Christiansen, second by Mr. Bittel, motion passed.  
Ms. Baca-Chavez presented the final set of rules for review, 0880-13 Genetic Counselors. The Board had questions about who can supervise genetic counselors. Ms. Baca-Chavez offered to look more into this and present those findings to Development committee. After further discussion, the Board would like more information prior to deciding on the proposed rule change. Motion by Dr. Christiansen to move this to Development Committee, second by Dr. Tillmanns, motion passed.
- g/h. Discuss and take action as needed regarding Applicants presenting Petition for Declaratory Order appearing electronically and 4-5-223(d)Rules to designate authority to the medical consultant to decide on petitions for declaratory order. Dr. Loyd started discussion and presented the reason these items were included on the agenda. Ms. Baca-Chavez discussed with the Board the different statutes that govern declaratory orders and the duties of the Medical Consultant. After a robust discussion among the Board members, motion by Dr. Christiansen to allow applicants for declaratory order to appear remotely, second by Dr. Tillmanns. Friendly amendment by Mr. Bittel to have applicants appear by video and not by phone. Accepted by Dr. Christiansen and Dr. Tillmanns. After discussion, motion passed. Motion by Dr. Anderson for Ms. Baca-Chavez to meet with a Board Member to develop language to be presented to Development committee at March 2025 meeting regarding the decision to designate authority to Medical Consultant

on petitions for Declaratory Orders. Second by Dr. Christiansen. Dr. Anderson volunteered to work with Ms. Baca-Chavez. Motion passed.

- d. Discuss and take action as needed regarding encumbered license definition. Ms. Baca-Chavez started the discussion with the Board. She presented the rules where this term is present and that there is currently no definition for this term. After a robust discussion, Dr. Christiansen motions Ms. Baca-Chavez, after hearing the Boards discussion, create language for the Board to include in their definition. Second by Mr. Bittel, motion passed.
- i. Discuss and take action as needed regarding Applications. Ms. Tarr presented a proposed version of the reinstatement application, reflecting a change to the questions asked to match those asked on the initial application. After Board review and discussion, motion to approve changes to reflect what we have already approved around Lorna Breen by Dr. Christiansen, second by Dr. Pearson. After further discussion, motion passed.
- k. Discuss and take action as needed regarding Sponsorship to the “Stop the Stigma” education campaign sponsored by the ALL IN: Wellbeing First for Healthcare, a national coalition led by the Dr. Lorna Breen Heroes’ Foundation. Ms. Tarr presented the documents and potential advocate sponsor position. Board reviewed and discussed request. Dr. Barron was asked to address the Board to provide input on this campaign. There was a very through discussion around this request. Dr. Loyd requested a proposal be created and presented to Development Committee. Motion by Dr. Christiansen to create proposal for Sponsorship, second by Dr. Tillmanns, motion passed.
- j. Discuss and take action as needed regarding Staff and Board Member(s) travel to FSMB. Dr. Loyd started the discussion about FSMB conference in Seattle. Motion by Dr. Christiansen to support 2 members to travel to FSMB mtg in Seattle, second by Dr. Pearson. Ms. Baca-Chavez had a point of clarification regarding the motion, historically one member of staff, Medical Consultant, and one person from the office of general council have also been covered by the Board to travel to FSMB. Friendly amendment to cover 3 staff members to current motion accepted by Dr. Christiansen and Dr. Pearson. Not further discussion, motion passed.

#### **CONSIDER AND APPROVE CONSENT AGENDA**

Dr. Christiansen motions to accept the consent agenda. Second by Mr. Bittel the motion, and it passes. The Consent Agenda contained the following:

- 1. Approval of July 30, 2024, BME Development Committee
- 2. Ratification of new licenses, reinstatement and renewals of Medical Doctors, MD X-Ray Operators, Genetic Counselors, Surgical Assistants
- 3. Agreed Citations
  - a. Reuben Tovar, MD
  - b. Sarah Braska, MDXL
  - c. Ann Cantrell, MDXL
- 4. Review of the Office of Investigations report
- 5. Review report from the Administrative Office
- 6. Review report from the Office of General Counsel Report

Mr. Bittel requested a change to the November 12-13, 2024, meeting minutes, he requested language stating Dr. McLerran was chair for Dr. Pedro Ortiz’s Declaratory Hearing. Motion by Mr. Bittel to accept

November 12-13, 2024 meeting minutes with requested change, second by Dr. Christiansen, motion passed.

**The Board recessed for lunch.**

### **UPDATES FROM TASKFORCE, COMMITTEES AND MEETINGS**

Dr. Tillmanns provided an update on Public Chapter 1042. PC 1042 Taskforce met on January 31, 2025.

### **COMMITTEES AND TASKFORCE REQUESTS FOR AGENDA ITEMS**

a. Development Committee

This committee did not meet this month. Requested agenda items from this meeting will be added to the March 25, 2025, agenda.

b. Office Based Surgery

This committee did not meet this month. Their next meeting is scheduled for March 26, 2025. Dr. Anderson gave a brief update on what they will be discussing at their scheduled meeting.

### **CONDUCT NEW BUSINESS, CONTINUED**

- 2i. The Board revisited this agenda item after staff request for clarification. Motion by Mr. Bittel to approve the full application, second by Dr. Christiansen. After discussion, motion passed. Motion by Dr. Christiansen to accept foreign training license, second by Mr. Bittel, motion passed. Motion by Dr. Christiansen to accept short-term visitor clinical training license, second by Dr. Tillmanns, motion passed. Motion by Dr. Christiansen to accept graduate physician license, second by Dr. Tillmanns, after discussion and friendly amendment to add collaborating physician course, motion passed. Motion to accept temporary license by Dr. Christiansen, Dr. Tillmanns seconded, amended to correct spelling of USMLE, motion passed.

### **ORDERS OF COMPLIANCE**

[Hemal Mehta, MD\\*](#) – appeared before the Board with his legal representative Ms. Lisa Helton. Ms. Francine Baca-Chavez presented the Order of Compliance. The petition requests the Board lift the probation on Dr. Mehta's medical license. It is the position of the Disciplinary Coordinator and the Office General Counsel that he is compliant with the terms of his previous order. Dr. Christiansen motions to accept the order of compliance, second by Dr. Anderson. Motion passes.

[Zhiqiang Sun, MD\\*](#) – appeared before the Board without his legal representative. Ms. Francine Baca-Chavez presented the Order of Compliance. The petition requests the Board lift the probation on Dr. Sun's medical license. It is the position of the Disciplinary Coordinator and the Office of General Counsel that he is compliant with the terms of his previous order. Dr. Christiansen motions to accept the order of compliance, second by Dr. Tillmanns. Motion passes.

## **DISCIPLINARY ORDERS**

### **Consent Order(s)**

[Richard Rolen, MD\\*](#) – did not appear before the Board nor did a legal representative. Mr. Gerald Dolan represented the State. Dr. Loyd recused himself. Motion to approve the order by Dr. Anderson, second by Mr. Diaz-Barriga, motion passed with Dr. Loyd abstaining.

[Thomas Conway, MD\\*](#) – did not appear before the Board nor did a legal representative. Ms. Candace Garner represented the State. Motion to approve the order by Dr. Christiansen, second by Dr. Tillmanns, motion passed.

[James Williams, MD\\*](#) – did not appear before the Board nor did a legal representative. Ms. Candace Garner represented the State. Dr. Tillmanns motions to approve the order. Dr. Christiansen seconds, and the motion passes.

[Brandi Callery, MDXL\\*](#) - did not appear before the Board nor did a legal representative. Ms. Paetria Morgan represented the State. Dr. Tillmanns motions to approve the order. Mr. Diaz-Barriga seconds, and the motion passes.

[Luginia Hill, AMDX\\*](#) - did not appear before the Board nor did a legal representative. Ms. Paetria Morgan represented the State. Dr. Christiansen motions to approve the order. Dr. Tillmanns seconds, and the motion passes.

[Lura Lipsky, AMDX\\*](#) - did not appear before the Board nor did a legal representative. Ms. Paetria Morgan represented the State. Dr. Christiansen motions to approve the order. Dr. Tillmanns seconds, and the motion passes.

[Karim Serhane, MD\\*](#) - did not appear before the Board nor did a legal representative. Ms. Paetria Morgan represented the State. Dr. Christiansen motions to approve the order. Dr. Tillmanns seconds, and the motion passes.

### **Agreed Order(s)**

[Carol Cantrell, MD\\*](#) – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Gerald Dolan represented the State. Dr. Anderson motions to approve the order. Mr. Diaz-Barriga seconds, and the motion passes.

**The Board recessed at 2:02 pm CT. This concludes the regular Board business**



**Tennessee Board of Medical Examiners  
Regular Board Meeting**

**Day Two of the Regular Meeting of the Tennessee Board of Medical Examiners**

**Wednesday, January 22, 2025**

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Board members present:	Deborah Christiansen, MD Randall Pearson, MD Michael Bittel, Consumer Member
Staff present:	Francine Baca-Chavez, JD, Office of General Counsel Michael Varnell, JD, Office of General Counsel Kavita Vankineni, MD, Medical Consultant Stacy Tarr, BME Executive Director Brandi Allocco, Administrative Director Rachel LaMascus, Board Administrator

**Declaratory Order – Iris Room**

**Shivanand Maharaj, MD v. State of Tennessee Board of Medical Examiners**

**Administrative Law Judge: Richard Murrell**

**Panelists: Deborah Christiansen, MD, Randall Pearson, MD, and Michael Bittel, Consumer Member**

**Counsel for State: Francine Baca-Chavez, Deputy General Counsel**

**Counsel for Petitioner: David Steed**

A panel of the Board, chaired by Deborah Christiansen, MD, heard the position of the Petitioner and the State and reviewed any evidence presented. After discussion and consideration, the panel motioned and seconded, which was followed by an approval of the following Final Order with all findings of fact and conclusions of law considered and agreed upon.

Petitioner graduated from medical school at the University of the West Indies, St. Augustine Campus (UWI), in July 2011. UW is on the California list of approved international medical schools. Petitioner then completed a one-year internship at the Eric Williams Medical Sciences Complex, Mt. Hope Women's Hospital, and Sangre General Hospital in Trinidad and Tobago from July 2011 through June 2012. Petitioner then worked as a house officer from July 2012-July 2015 at Eric Williams Medical Sciences Complex, Medical Associates Hospital and Port of Spain General Hospital doing mandatory surgical and ER rotations prior to applying for residency. The house officer's duty is similar to that of a junior surgical resident. Petitioner then completed six (6) years of residency from 2016-2022, at the University of the West Indies, St. Augustine Campus (UWI), receiving a Doctorate of Medicine in Otorhinolaryngology. Petitioner completed a residency elective in 2019 at the USC Keck School of Medicine under the supervision of Dr. J. Oghalai and Dr. C. Voelker, and at the House Ear Institute,

under the supervision of Dr. D. Brackman. Petitioner received a Diploma of Otolaryngology and Head and Neck surgery (DOHNS Part B) from the Royal College of Surgeons of Edinburgh, passing in 2019. There is a need for a physician with Petitioner's qualifications in Tennessee. The petition for Declaratory Order, for this Petitioner, and the relief requested therein was approved. Petitioner additionally completed a one-year Fellowship in Rhinology & Skull Base Surgery at the University of Miami (UHealth Tower), Sylvester Cancer Center, Jackson Memorial Hospital from February 2023 through February 2024. Petitioner has passed all three steps of the ECFMG Certification. Petitioner received a resident registration license in Florida on January 25, 2023. This license has not been disciplined. He has never received any disciplinary action throughout his entire career. Petitioner has distinguished himself with published articles, research, presenting at national meetings and most recently been invited as an instructor at the International Sinus Dissection Course at University of Miami. He will be presenting at the NASBS & World Federation of Skull Base Society meeting in New Orleans in February 2025. Petitioner has received an employment from the University of Tennessee Health Sciences Center, ("UTHSC") and accepted the position, which requires a Tennessee medical license. Petitioner has not completed three years of ACGME accredited postgraduate training. Portioner has passed step 3 of the USMLE. Petitioner has completed a one-year surgical fellowship in rhinology/skull base surgery at the University of Miami, which is an internationally recognized center for skull base surgery. The fellowship is accredited by the American Rhinologic Society and North American Skull Base Society. It is not ACGME accredited, but this is not unusual for ENT fellowships. The program director for the Rhinology and Endoscopic Skull Base Program which Dr. Maharaj recently completed successfully, Roy Casiano, MD had the opportunity to directly supervise and observe Dr. Maharaj's competence as a physician as well as his personal attributes. He has offered his testimony unequivocally confirming Fr. Maharaj's competency as a physician, and also urging that Dr. Maharaj be granted a Tennessee State medical license, as stated in his affidavit and attached letter. Petitioner was previously granted a temporary Tennessee license, which does not include all the functions permitted with a full license. The addition of a licensed physician with specialized Fellowship training in otolaryngology and anterior skull base surgery, and who desires to practice in Memphis, as does Petitioner, is in the best interests of the people in the State of Tennessee because of the exceptional, advanced training of the Petitioner and the paucity of physicians with his specialty in Tennessee and particularly Memphis. There is always a severe shortage of physicians with Petitioner's skills and training in Tennessee and particularly the Memphis area, as demonstrated by these other facts: Boyd Gillespie, MD has been searching for a Fellowship-trained skull base surgery specialist which is desperately needed in the ENT and neurology programs at UTHSC, but after several months has been unable to fill the position. UTHSC has great need for such a physician. Licensing Petitioner to practice in Tennessee will have significant impact on a critical need for specialty trained physicians in the Memphis area. His wife has been offered a position in Memphis due to her specialized training in regional anesthesia, which is also desperately needed. Should Petitioner be unable to practice in Tennessee, this could result in the loss of both physicians who can help meet the critical need in this already underserved area. Petitioner's petition for Declaratory Order and the relief requested therein is granted and a full, unrestricted license shall be issued.

**This concludes the Board of Medical Examiners Day 2 meeting.**