



Tennessee Board of Medical Examiners Regular Board Meeting

Tuesday, September 24, 2024

MINUTES

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. Deborah Christiansen.

Board members present: Deborah Christiansen, MD
Keith Anderson, MD
Todd Tillmanns, MD
Michael Bittel, Consumer Member
James Diaz-Barriga, Consumer Member
Randall Pearson, MD
Ricky Shelton, Consumer Member

Board member(s) absent: Stephen Loyd, MD, Vice President
Samantha McLerran, MD, Secretary
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
Samantha Green, Board Administrator
Rachel LaMascus, Board Administrator

The meeting was called to order by Dr. Deborah Christiansen with a motion to appoint Dr. Keith Anderson as chair of the meeting. Mr. Michael Bittel seconded the motion, and the motion passes. Mr. Bittel motions to appoint Dr. Christiansen as vice chair for the meeting. Dr. Pearson seconds the motion and the motion passes. Having determined a quorum with seven members present, Dr. Anderson opened the meeting with a roll call of members and staff present.

I. CONDUCT NEW BUSINESS

- a. Discuss and take action as needed regarding Foreign Medical School Policy- Approved Medical Schools: Dr. Kavita Vankineni briefly went over the current policy and the lists utilized to determine approved schools. As of 2020, the California Board of Medicine stopped updating their approved medical schools list, which was one of the lists in the

policy. Forty of the fifty states utilize ECFMG certification as the standard for approved medical schools. Dr. Vankineni proposes the Board adopt ECFMG certification as part of the Foreign Medical School Policy in determining approved schools. Some Board members questioned the length of time between reassessment of the schools approved by the ECFMG. The schools are reassessed on a rolling basis, however the length of time between the assessments is not listed on ECFMG's website. Dr. Christiansen motions to accept the amendment to the Foreign Medical School Policy. The motion was seconded by Mr. James Diaz-Barriga, and it passes.

II. CONSIDERATION OF APPLICATIONS

Medical Doctor Applicant Interview(s):

Shaniece Craft, MD – appeared before the Board without legal representation. Dr. Craft is an applicant for initial licensure who had attended a medical school not on one of the previous approved lists. As the Board voted to amend their Foreign Medical School policy prior to this interview, Dr. Craft has now attended a medical school approved by the Board. Mr. Michael Bittel motions grant Dr. Craft a full and unrestricted license. Dr. Christiansen seconds the motion, and the motion passes.

Anjali Raj, MD – did not appear before the Board, nor did a legal representative appear on her behalf. Dr. Raj was not required to appear in person as her appearance solely relates to the status of her medical school under the Board's previous Foreign Medical School Policy. Dr. Raj was readily available by phone should the board wish to interview her. Dr. Raj is an applicant for initial licensure who had attended a medical school not on one of the previous approved lists. As the Board voted to amend their Foreign Medical School policy prior to this interview, Dr. Raj has now attended a medical school approved by the Board. Mr. Bittel motions grant Dr. Raj a full and unrestricted license. Dr. Christiansen seconds the motion, and the motion passes.

Shivanand Maharaj, MD – appeared before the Board with his legal representative, Mr. David Steed. Dr. Maharaj is an International Medical School graduate who has not completed any ACGME accredited training and has failed Step 3 of the USMLE. Dr. Maharaj completed an Otolaryngology residency in Trinidad and a one-year fellowship in Advanced Rhinology/Skull Base at the University of Miami. Dr. M. Boyd Gillespie, Chair of Otolaryngology-Head and Neck Surgery at the University of Tennessee Health Science Center in Memphis, TN, appeared along with Dr. Maharaj in support of his application. Dr. Maharaj submitted for the Board's consideration a petition for Declaratory Order. Dr. Christiansen motions to approve the petition for declaratory Order. Mr. Bittel seconds the motion and the motion passes. Mr. David Steed also requests the Board consider Dr. Maharaj's application under the provisions of Public Chapter 211. At the July 2024 meeting, the Board voted not to approve an application for this public chapter, however the statute is currently in effect and Dr. Maharaj meets the criteria for licensure under the statute. Dr. Christiansen motions to issue Dr. Maharaj a temporary license under Public Chapter 211 to practice at University of Tennessee Health Science Center until his Declaratory Order Hearing. Mr. Bittel seconds the motion and the motion passes.

Pedro Ortiz, MD – appeared before the Board along with Dr. Cyndya Shibao, Program Director for the Autonomic Medicine Program at Vanderbilt University Medical Center. Dr. Ortiz is an International Medical School graduate who completed residency in Peru and completed a one-year ACGME accredited training program in Autonomic Medicine. Dr. Shibao spoke in support of Dr. Ortiz who submitted a petition for Declaratory Order. Dr. Christiansen motions to approve Dr. Ortiz's petition for Declaratory Order. Mr. Bittel seconds the motion and the motion passes.

Mustafa Omami, MD – appeared before the Board without legal representation. Dr. Omami is an applicant for initial licensure who took greater than ten (10) years to pass all three (3) steps of the USMLE. Dr. Omami reports that due to the civil war in Libya he was unable to complete the third step within the ten (10) years required by the Board. Dr. Christiansen motions to grant a full and unrestricted license. Dr. Randall Pearson seconds the motion and the motion passes.

Ebubechi Okwumabua, MD – appeared before the Board without a legal representative. Dr. Okwumabua is an applicant for initial licensure who had a residency probation and subsequent resignation after receiving one (1) year of credit. Dr. Okwumabua states their last date of clinical practice was December 2022, prior to her resignation from her residency program. The program only gave credit to Dr. Okwumabua for the years of 2020-2021. As Dr. Okwumabua graduated from a U.S. Medical School, the requirement is only completion of one year US ACGME accredited training, which she was given credit for prior to her resignation. Dr. Christiansen strongly encourages Dr. Okwumabua complete more training prior to returning to medical practice as she does not feel Dr. Okwumabua is ready for independent practice. Dr. Christiansen motions to grant a full and unrestricted license. Dr. Anderson seconds the motion, and a roll-call vote was conducted. The motion passes with Dr. Todd Tillmanns, Mr. Ricky Shelton, and Mr. Bittel opposed.

The Board took a brief break.

Ahsan Ali, MD – appeared before the Board without legal representation. Dr. Ali is an applicant for initial licensure who has prior Board action, adverse action taken during two residency programs, and a Tennessee Medical Foundation (hereinafter “TMF”) referral for boundary issues which resulted in the Board action. Dr. Ali also completed one year of internal medicine residency and two years of preventative medicine residency, which the Medical Consultant requests guidance from the Board on whether this would meet their one-discipline policy for International Medical graduates. Dr. Michael Baron spoke on behalf of Dr. Ali. Dr. Ali was referred by the TMF to the Maintaining Professional Boundaries Course offered by the Center for Professional Health at Vanderbilt University Medical Center. No further monitoring was recommended by TMF at this time. Dr. Christiansen motions to grant a full and unrestricted license. Mr. Bittel seconds the motion. Dr. Christiansen further stipulates that as part of her motion the one year of internal medicine residency and the two years of preventative medicine residency meets the one-discipline policy. The motion passes.

Octaviano Espinosa, MD – appeared before the Board without legal representation. Dr. Espinosa is an applicant for initial licensure who was referred to TMF as he is currently participating in another Physician Health Program. Dr. Baron spoke on behalf of Dr. Espinosa. Dr. Espinosa has already signed a monitoring contract transferring his monitoring to the Tennessee Medical Foundation. Dr. Christiansen motions to grant a full and unrestricted medical license. Dr. Pearson seconds the motion and the motion passes.

Hunter Dulaney, MD – appeared before the Board without legal representation. Dr. Dulaney is an applicant for initial licensure who recently completed residency after completing a probationary period due to professionalism issues, failure to remediate issues, and Title IX complaints which resulted in a subsequent TMF referral. Dr. Baron spoke on behalf of Dr. Dulaney. Dr. Dulaney has signed a monitoring agreement with TMF at this time and plans to engage in a fellowship program in Tennessee. Mr. Bittel motions to grant a full and unrestricted license to Dr. Dulaney. Dr. Tillmanns seconds the motion. Mr. Diaz-Barriga suggests a friendly amendment that the license should be conditioned. Mr. Shelton seconds the amendment, and the amendment passes. The motion is now amended to grant a full and unrestricted license conditioned on maintaining TMF advocacy for the duration of monitoring. A roll call vote was taken, and the motion fails. Mr. Bittel motions to grant a full and unrestricted license. Dr. Pearson seconds the motion and the motion passes with Mr. Shelton opposed.

III. LEGISLATIVE UPDATE

Mr. Holt Whitt, Assistant Commissioner for Legislative Affairs at the Department of Health, presented an overview of the 2024 legislative wrap as it pertains to the Board of Medical Examiners. Dr. Tillmanns requested further clarification on Public Chapter 783 and Public Chapter 893. Dr. Christiansen requested clarification on Public Chapter 924 which allows the Board to enter into an executive session for the discussion or deliberation of health conditions of a licensee or prospective licensee. Ms. Baca-Chavez reports that rules are currently being drafted for the executive session to allow for the Board to have these deliberations prior to the regular Board meeting. Should the applicant begin to discuss during the regular Board session topics that are sensitive in nature, the Board will not go back into an executive session.

The Board recessed for lunch.

IV. CONDUCT NEW BUSINESS

- a. Discuss and take action as needed regarding Tennessee Medical Foundation Update – Dr. Michael Baron, Medical Director: Dr. Baron will give his report at the November 2024 Board of Medical Examiners meeting.
- b. Discuss and take action as needed regarding BME case consultants: Melanie Rucker, Assistant Director for the Office of Investigations for Health-Related Boards, presented the resumes of physicians who have agreed to review cases for the department. Ms. Rucker also requests the Board provide suggestions for other potential candidates for case review in needed specialties. Dr. Christiansen motions to approve the list of case consultant candidates. Mr. Diaz-Barriga seconds the motion and the motion passes.
- c. Discuss and take action as needed regarding appointing board member to Office Based Surgery Committee: Dr. John McGraw resigned from the Board of Medical Examiners and was previously a member of the Office Based Surgery Committee. Mr. Bittel motions to nominate Dr. Todd Tillmanns to be appointed to the committee. Mr. Diaz-Barriga seconds the motion and the motion passes.
- d. Discuss and take action as needed regarding Reentry Policy – Genetic Counselors, Xray Operators, Surgical Assistants: Dr. Kavita Vankineni presented the policy to the Board. At the July 2024 Board of Medical Examiners meeting the Board voted to create a policy for reentry of Genetic Counselors, Xray Operators, and Surgical Assistants who have been out of clinical practice for a duration greater than five (5) years. The Board voted at the July 2024 meeting that applicants in those professions who have been out of clinical practice greater than five (5) years must submit two-hundred fifty (250) related continuing education hours and completion of a preceptorship as determined by the Board's Medical Consultant. Dr. Vankineni requests the Board reconsider the number of continuing education hours as the two-hundred fifty (250) hours are impossible to obtain in some professions. The Board considered the drafted policy presented by Dr. Vankineni which removes surgical assistants and decreases the number of hours of continuing education to fifty (50) hours related to the profession. Dr. Christiansen motions to approve the policy as proposed by Dr. Vankineni. Mr. Diaz- Barriga seconds the motion and the motion passes.
- e. Discuss and take action as needed regarding the length of time for a Temporary Genetic Counselor license: Ms. Stacy Tarr presented the policy, which the Board voted to create at the July 2024 Board of Medical Examiners meeting. Mr. Bittel motions to accept the policy as written. Mr. Shelton seconds the motion and the motion passes.
- f. Discuss and take action as needed regarding panel members for contested case hearings: Ms. Baca-Chavez requests the Board appoint a new panel for the contested case hearing

that was continued at the July 2024 Board of Medical Examiner's meeting as two of the panel members have since resigned. The statute requires the Board's President decide the members of the panels. Historically the Board's administrative staff has created the panels for the contested case hearings. In light of the statute, Ms. Baca-Chavez proposes the Board's administrative staff may create the panels and the Board's President may approve the panels as constructed by staff. Elections will be held at the November 2024 Board of Medical Examiners meeting to determine the Board President.

- g. Discuss and take action as needed regarding Public Chapter 211: Dr. Anderson had the Board review the July 2024 Board of Medical Examiner's meeting minutes as a refresher of the Board's decisions at the meeting. The Board reviewed the proposed application for Public Chapter 211. Mr. Bittel motions to accept the application as drafted and to adopt the rules and application. Mr. Diaz-Barriga seconds the motion and the motion passes. The consultant is unable to approve licensure for this application type so the potential licensees will have to appear before the full Board of application consideration.
- h. Discuss and take action as needed regarding rules for Public Chapter 929: Ms. Baca-Chavez presented proposed rules for Public Chapter 929. There will not be a rule making hearing for these rules as they are being drafted as emergency rules. There will be an internal review of the rules. The emergency rules, if approved, would be effective for one-hundred eighty (180) days. The first part of Public Chapter 929 discusses the Foreign Training License, and the second part discusses Temporary Licensure. Ms. Baca-Chavez had the Board review the proposed rules in two parts for this reason. In review of the rules for the Foreign Training License, the Board made several amendments. Dr. Christiansen motions to approve the rules as drafted with the amendments made by the Board. Mr. Diaz-Barriga seconds the motion and the motion passes. In review of the rules for the Temporary License, the Board made several amendments. Dr. Christiansen motions to approve the rules as drafted with the amendments made by the Board. Mr. Diaz-Barriga seconds the motion and the motion passes.

V. CONSIDER AND APPROVE CONSENT AGENDA

Dr. Christiansen motions to accept the consent agenda. Mr. Diaz-Barriga seconds the motion, and it passes. The Consent Agenda contained the following:

1. Approval of July 30-31, 2024, Board of Medical Examiners Meeting minutes
2. Ratification of new licenses, reinstatement and renewals of Medical Doctors, MD X-Ray Operators, Genetic Counselors, Surgical Assistants, Acupuncture, Polysomnography
3. Review of the Office of General Counsel Report
4. Review report from the Administrative Office
5. Review report from the Office of Investigations
6. Ratification of Polysomnography Continuing Education Policy

The Board took a brief break.

VI. ORDERS OF COMPLIANCE

Frederick Hodges, MD – appeared before the Board without his legal representative, Ms. Kimberly Silvus. Ms. Francine Baca-Chavez presented the Order of Compliance. The petition requests the Board lift the probation on Dr. Hodges'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. Baron spoke on behalf of Dr. Hodges. Dr. Hodges will be monitored by the Tennessee Medical Foundation for the lifetime of his licensure and will be required to have a chaperone for all patient encounters. Dr.

Christiansen motions to accept the order of compliance as amended. Mr. Bittel seconds the motion, and it passes.

Elmer Pinzon, MD – appeared before the Board without his legal representative, Mr. W. Dale Amburn. Ms. Francine Baca-Chavez presented the Order of Compliance. The petition requests the Board lift the probation on Dr. Pinzon’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. Baron spoke on behalf of Dr. Pinzon. Dr. Christiansen motions to accept the order of compliance. Dr. Tillmanns seconds the motion, and it passes.

VII. **DISCIPLINARY ORDERS**

Consent Order(s)

Kenneth Wiley, MD* – did not appear before the Board. His legal representative, Mr. David Steed, appeared on his behalf. Ms. Brittani Kendrick represented the State. Dr. Christiansen motions to approve the order. Mr. Diaz-Barriga seconds, and the motion passes.

William Mays, MD* – did not appear before the Board. His legal representative, Ms. Kimberly Silvus appeared on his behalf. Ms. Brittani Kendrick represented the State. Dr. Christiansen motions to approve the order. Dr. Tillmanns seconds, and the motion passes.

Wen Wen Chen, L.Ac* – did not appear before the Board nor did a legal representative appear on her behalf. Ms. Brittani Kendrick represented the State. Mr. Diaz-Barriga motions to approve the order. Dr. Christiansen seconds, and the motion passes.

Wayne Curfman, MD* – did not appear before the Board, nor did his legal representative, Mr. Daniel Swanson, appear on his behalf. Ms. Candace Carter represented the State. Dr. Christiansen recused. Mr. Bittel motions to approve the order. Dr. Tillmanns seconds, and the motion passes with Dr. Christiansen recused.

Virgil Yates, MD* – did not appear before the Board, nor did his legal representative, Mr. Marty Phillips, appear on his behalf. Ms. Paetria Morgan represented the State. Dr. Christiansen motions to approve the order. Dr. Tillmanns seconds, and the motion passes.

Ramon Aquino, MD* – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Paetria Morgan represented the State. Dr. Christiansen motions to approve the order. Dr. Tillmanns seconds, and the motion passes.

Bret Moldenhauer, L.Ac* – did not appear before the Board nor did a legal representative appear on her behalf. Ms. Paetria Morgan represented the State. Dr. Christiansen motions to approve the order. Mr. Bittel seconds, and the motion passes.

Agreed Order(s)

Allen Tate, PA* – did not appear before the Board nor did a legal representative appear on his behalf. Mr. Gerard Dolan represented the State. Dr. Christiansen motions to approve the order. Mr. Bittel seconds, and the motion passes.

VIII. **PUBLIC COMMENT**

Staff handed copies of correspondence made with the Board regarding public chapter 211 since the last Board meeting. It was not public comment as individuals wishing to make public comment must appear in person.

The Board recessed at 4:02 pm CT.



Tennessee Board of Medical Examiners Regular Board Meeting

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

Wednesday, September 25, 2024

The regular board meeting of the Tennessee Board of Medical Examiners was called to order at 8:30 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Keith Anderson.

Board members present: Deborah Christiansen, MD
Keith Anderson, MD
Todd Tillmanns, MD
Michael Bittel, Consumer Member
James Diaz-Barriga, Consumer Member
Randall Pearson, 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
Samantha Green, Board Administrator
Rachel LaMascus, Board Administrator

IX. CONDUCT NEW BUSINESS (CONTINUED)

- a. Discuss and take action as needed regarding discussion about Open Meetings Law: Mr. David Silvus, Chief Deputy General Counsel presented an overview of the Open Meetings Law to the Board. Some of the Board members requested additional information on the public comment portion of the Open Meetings Law.

This concludes the regular Board business. The Board will break into two panels for the remaining Day 2 business.

Contested Case – Iris Room

[Aaron Hernandez-Ramirez, MD*](#) v. State of Tennessee Board of Medical Examiners
Iris Room
Administrative Law Judge: Richard Murrell

Panelists: Keith Anderson, MD, Todd Tillmanns, MD, and James Diaz-Barriga, Consumer Member

Counsel for State: Michael Varnell, Associate General Counsel

Counsel for Respondent: Samuel Helmbrecht, Esq.

The Respondent appeared before a panel of the Board along with his legal representative, Mr. Samuel Helmbrecht, Esq. A panel of the Board, chaired by Dr. Tillmanns, heard from both parties prior to deliberation. After discussion and questions, the panel motioned and seconded, which was followed by the approval of the Final Order.

Contested Case – Poplar Room

[Kirk Brody, MD*](#) v. State of Tennessee Board of Medical Examiners

Poplar Room

Administrative Law Judge: Claudia Padfield

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

Counsel for State: Brittani Kendrick, Senior Associate General Counsel

Counsel for Respondent: Respondent was not represented

The Respondent did not appear before a panel of the Board nor did a legal representative appear on his behalf. A panel of the Board, chaired by Dr. Christiansen, voted to proceed in default. After discussion and questions, the panel motioned and seconded, which was followed by an approval of the Final Order with all findings of fact and conclusions of law considered and agreed upon.

Contested Case – Iris Room

Naomi Paschall, MD v. State of Tennessee Board of Medical Examiners

Iris Room

Administrative Law Judge: Richard Murrell

Panelists: Keith Anderson, MD, Todd Tillmanns, MD, and James Diaz-Barriga, Consumer Member

Counsel for State: Justin Harleman, Senior Associate General Counsel

Counsel for Respondent: Samuel Helmbrecht, Esq.

The Respondent appeared before a panel of the Board along with her legal representative, Mr. Samuel Helmbrecht, Esq. A panel of the Board, chaired by Dr. Tillmanns, heard from both parties. After discussion and questions, the matter was continued and will be taken up at a future date.

This concludes the Board of Medical Examiners Day 2 meeting.