



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

**Tuesday, January 10, 2023,
Wednesday, January 11, 2023**

MINUTES

The regular board meeting of the Tennessee Board of Medical Examiners (“the Board”) was called to order at 8:33 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Melanie Blake, Board President.

Board members present: Melanie Blake, MD, President
Robert Ellis, Consumer Member, Secretary
Deborah Christiansen, MD
Jennifer Claxton, Consumer Member
Randall Pearson, MD
John Hale, MD
Phyllis Miller, MD
Samantha McLerran, MD
Keith Anderson, MD
James Diaz-Barriga, Consumer Member
John McGraw, MD

Board member(s) absent: Stephen Loyd, MD, Vice President

Staff present: David Silvus, JD, Office of General Counsel
Stacy Tarr, BME Executive Director
Rene Saunders, Medical Consultant
Brandi Allocco, Administrative Director
Chikita Newsome, Board Administrator

I. ELECTION OF OFFICERS

a. President

Dr. John McGraw motioned to nominate Dr. Melanie Blake for President. Dr. John Hale seconded the motion. The motion passed.

b. Vice President

Mr. Robert Ellis motioned to nominate Dr. Stephen Loyd for Vice President. Dr. Samantha McLerran seconded the motion. The motion passed.

c. Secretary

Dr. McLerran motioned to nominate Mr. Ellis for Secretary. Dr. Phyllis Miller seconded the motion. The motion passed.

II. USMLE SPONSORSHIP REQUEST

Dr. Ashley Gutierrez-Santana appeared requesting the Board sponsor her to lift the bar which would allow her to sit for the United States Medical Licensing Examination (hereinafter “USMLE”) Step 3 examination. Dr. Ashley Gutierrez appeared in person with her Program Director. Ms. Amy Bueno and Ms. Suzanne Williams appeared on behalf of the USMLE. USMLE began by explaining the process of the sanction being imposed. After Dr. Gutierrez’s Step 2 CS examination, a yellow folder was left at the testing center. Dr. Gutierrez contacted the testing center to inquire about the yellow folder and asked if it could be returned to her or destroyed. The folder contained documents that appeared to have USMLE Step 2 CS content. After reviewing the content of the yellow folder, CS staff identified 64 live cases noted throughout the documentation in the folder. Dr. Gutierrez was notified an investigation had been opened and the Committee for Individualized Review (hereinafter “CIR”) would be meeting to review her case. Dr. Gutierrez attend the review and she was found to have engaged in irregular behavior and a three (3) year bar from accessing the examination was imposed. In order for Dr. Gutierrez to be allowed to sit for Step 3 of the USMLE she would need a State Medical Board to petition the USMLE to lift the bar. The CIR would then review the petition and ultimately decide if the bar should be lifted. The USMLE provided the Board with a transcript of the CIR meeting, the letter of their decision, and other supporting documents. Dr. Gutierrez addressed the Board sharing she has faced this head-on and is committed to her patients and their families. Dr. Norwood addressed the Board stating Dr. Gutierrez has been an upstanding resident and is exemplary beyond clinical care and she has the support of many in the program. Dr. Deborah Christiansen motioned to support the petition. Dr. Keith Anderson seconded the motion. The motion passed.

III. CONSIDERATION OF APPLICATIONS

Medical X-Ray Applicant Interview(s):

Robert Combest, AMDX – appeared before the Board without legal representation. Mr. Combest has been out of clinical practice since 2014. Mr. Combest is currently ARRT certified and has provided a letter of support from Brett Jones from Tennessee Ortho who has been working with Mr. Combest. Mr. Combest addressed the Board stating at his current position he has been positioning the patients under supervision and has been doing medical assisting. The letter from Mr. Jones indicated the supervision had taken place for about one (1) week. Dr. Anderson made a motion to grant a license contingent upon the completion of an additional one hundred twenty hours (120) of direct supervision within three (3) months. At the conclusion of the preceptorship, the preceptor should submit a letter of completion to the Medical Consultant for review and consideration. Dr. Randall Pearson seconded the motion. Dr. McGraw recused. The motion passed.

Medical Doctor Applicant Interview(s):

Jordan Ziegler, MD – appeared before the Board without legal representation. Dr. Ziegler appeared for voluntary surrender of clinical privileges while under investigation and a pending investigation with the California Medical Board. Dr. Ziegler explained the circumstances of the event leading to the pending California Medical Board action. The Board expressed interest in knowing the status of the California investigation. Administrative staff agreed to reach out to California Medical Board and see if they can find out the status of the investigation. Dr. Christiansen motioned to table the application for up to four (4) months to allow staff to reach out to California for the status of the pending investigation. Dr. McGraw seconded. The motion passed.

Victor Scott, MD – appeared before the Board without legal representation. Dr. Scott is an applicant for initial licensure that has been out of clinical practice since 2018. Dr. Scott has been out of practice due to a medical diagnosis. He informed the Board he has been practicing since 1987 in critical care and anesthesiology. He is seeking licensure in Tennessee to practice telemedicine. Dr. Hale motioned to table the application for a period of up to six (6) months to allow for a formal assessment approved by the Medical Consultant. Upon completion of the assessment, Dr. Scott must submit the results to the Board and reappear before the Board for further consideration of your application. Dr. Christiansen seconded the motion. The motion passed.

Ladoris Warren, MD – appeared before the Board without legal representation. Dr. Warren appeared because she is a graduate of an approved medical school. Dr. Warren addressed the Board and shared she is seeking Tennessee licensure for a position as an Assistant Professor at the University of Tennessee. After discussion and review of relevant Board policies it was determined Dr. Warren did not meet the requirements for licensure. Dr. Christiansen motioned to table your application for a period of up to four (4) months to allow you to consider a Petition for Declaratory Order or withdraw your application. Dr. Anderson seconded the motion. Dr. Hale opposed. The motion passed.

Ahmed Elbayer, MD – appeared before the Board without legal representation. Dr. Elbayer is an applicant for initial licensure who has not completed three (3) years of ACGME-accredited training. Dr. Elbayer has completed ACGME-I accredited training. Equivalency was not able to be determined after reaching out to the ACGME and the AMA. Dr. Elbayer submitted a petition for Declaratory Order that the Board did not have sufficient time to review and appeared to be incorrect. Dr. Anderson motioned to table your application for a period of up to six (6) months to allow you to correct the Petition for Declaratory Order and resubmit. Dr. McLerran seconded the motion. The motion passed.

Cynthia Ferris, MD – appeared before the Board without legal representation. Dr. Ferris is an applicant for locum tenens licensure who has prior board action and is a current participant in a Physician Health Program (hereinafter “PHP”). Dr. Ferris addressed the Board and shared that the event that led to discipline on her license occurred in 2017 and probation was completed in 2022. She has a sobriety date of September 2017. Dr. Ferris met with Dr. Michael Baron with the Tennessee Medical Foundation. Dr. Baron was present and spoke to the Board on Dr. Ferris’s behalf. The recommendation from Dr. Baron was that no additional monitoring is needed. Dr. Christiansen motioned to grant the license. Dr. McLerran seconded the motion. The motion passed.

IV. TENNESSEE MEDICAL FOUNDATION UPDATE FROM DR. MICHAEL BARON

Dr. Michael Baron provided the Board with an overview of Tennessee Medical Foundations (hereinafter “TMF”) and the illness they assist with and monitor. Since 2002 TMF has helped 2,741 healthcare professionals. Dr. Baron updated the Board on the Tennessee Professional Screening Questionnaire (hereinafter “TNPSQ”). The TNPSQ is a wellness tool to address depression, burnout, suicide, and other mental health problems among Tennessee’s licensed health professionals served by the Tennessee Medical Foundation. The results of the resource from 2/3/2020-1/5/2023 are:

- 556 Individuals screened
- 404 Reviewed MH professional response (73%)
- 128 Dialogued with Psychiatrist (32%)
 - 85 Requested an appointment or referral (66%)

- 305 Scored in Tier 1 –high/severe distress (55%)
- 222 Scored in Tier 2 –moderate distress (40%)
- 452 Were not already receiving therapy or treatment (83%)

Dr. Baron requested the Board approve an email blast to all Board of Medical Examiners licensees sharing the TN-PSQ resource to address mental health disorders. Dr. Hale motioned to send two email blasts over the year informing licensees of the TN-PSQ wellness tool. Dr. Pearson seconded the motion. The motion passed.

***Dr. Christopher Stanley-CSMD Director of Special Project introduced himself to the Board.**

V. **CONDUCT NEW BUSINESS**

a. **Review of application and renewal questions**

The Board reviewed the application and renewal questions and determined, “Are you currently under investigation by a licensing board?” Dr. Christiansen motioned to add the pending investigation questions to the initial and renewal application. Dr. Miller seconded the motion. The motion passed. It was then discussed the language on the renewal competency question should contain “since your last renewal” to alleviate the need to answer yes to competency questions on every renewal. Dr. Christiansen motioned to add “since your last renewal to the competency questions.

b. **Sending attorney and staff to FARB January 26-28, 2023**

It was decided all interested parties are covered to attend this meeting. No action was taken on this agenda item.

c. **Sending attorney and staff to FSMB May 4-6, 2023**

Mr. Ellis made a motion to send one (1) attorney, one (1) staff member, and two (2) Board members to FSMB. Dr. McLerran seconded the motion. The motion passed. After lunch, an additional motion was made by Dr. McGraw to send Dr. Stanley to FSMB. Dr. Hale seconded the motion. The motion passed.

VI. **CONSIDER AND APPROVE CONSENT AGENDA**

Dr. Hale motioned to accept the consent agenda. Dr. McGraw seconded the motion. The motion passed. The Consent Agenda contained the following:

a. **Approval of Meeting Minutes:**

1. October 31, 2022, Reentry Taskforce
2. November 1-2, 2022, Board of Medical Examiners Meeting
3. December 29, 2022, Special Meeting Minutes

b. **Ratification of new licenses and reinstatements of the following professions:**

1. Medical Doctor_MD X-Ray Operator_Genetic Counselor_Surgical Assistant

c. Approval of Agreed Citation(s)

1. Dale Norris, MD-Continuing Education

d. Departmental Reports

1. Office of Investigations
2. Administrative Office
3. Office of General Counsel

VII. UPDATES FROM TASKFORCES & COMMITTEE MEETINGS

a. Re-Entry Taskforce

The reentry diagram was modified and left open to determine on a case-by-case basis. The preceptorship will be required, and one or more items may be required. Continuing education has been added for consideration.

b. Sexual Misconduct Taskforce

Dr. Baron provided the update for the task force which included Dr. Stephen Loyd and Ms. Francine Baca-Chavez. The policy was revised to include sexual relations with patients and relations with subordinates.

c. Development Committee

1. Sexual Misconduct Policy

Brought forth with a motion and a second. The motion passed.

2. Supervision Rules-Public Chapter 949

Due to legislation that passed in the spring ten (10) of twelve (12) site visits to be completed by HIPPA-compliant means. Dr. McGraw motioned to authorize legal counsel to begin drafting rules. Dr. Hale seconded the motion. The motion passed.

3. Revised Reentry Diagram

Brought forth with a motion and a second. The motion passed.

4. Request for Advisory Ruling- Abdelhamid Alsharif, MD

Brought forth with a motion and a second. The motion passed.

5. Public Chapter 970

Dr. McGraw motioned for Dr. Randall Pearson to coordinate with Ms. Baca-Chavez to develop rules for PC 970. Dr. Hale seconded. The motion passed.

6. Public Chapter 747

Dr. McGraw motioned for Dr. Randall Pearson to coordinate with Ms. Baca-Chavez to develop rules for PC 970. Dr. Hale seconded. The motion passed.

*The Board recessed for lunch-Ms. Claxton was excused

VIII. DISCIPLINARY ORDERS

Consent Order(s)

Raju Indukuri, MD – did not appear before the Board nor did a legal representative appear on their behalf. Ms. Lara Gill represented the State. Dr. Indukuri (hereinafter “Respondent”) is a psychiatrist that has been at all times pertinent hereto licensed by the Board as a Medical Doctor in the State of Tennessee, having been granted Tennessee medical license number 28138 by the Board on August 9, 1996, which has a current expiration date of June 6, 2024. From at least 2010 to the present, Respondent has treated multiple patients both in person and by telemedicine in Nashville, Tennessee. The Department conducted an investigation of Respondent's practices that included the review of thirty-three (33) of the patient records prepared and kept by Respondent. Respondent provided treatment that included prescribing benzodiazepines, buprenorphine, and other medications and controlled substances in amounts and/or durations not medically necessary, advisable, or justified for a diagnosed condition. Respondent prescribed controlled substances used for the treatment of anxiety in conjunction with other medications with a high potential for abuse without making a clear objective finding to justify the ongoing and increasing prescribing. Respondent prescribed controlled substances without documenting that he reviewed the Controlled Substance Monitoring Database (CSMD). Respondent prescribed controlled substances and other medication without obtaining a thorough history or adequately inquiring into the patients' potential substance abuse history and/or failing to document such history. Respondent prescribed benzodiazepines and/or other controlled substances to persons when the quantity, duration and method was such that the persons would likely become addicted to the habit of taking said controlled substances and failed to make a bona fide effort to cure the habit of such persons or failed to document any such effort. The facts stipulated to in the Stipulations of Fact are sufficient to establish that grounds for discipline of Respondent's medical license exists. Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following: The Tennessee medical license of Raju V. Indukuri, M.D., license number 28138, is hereby placed on PROBATION for a period of not less than three (3) years and until Respondent has completed the requirements. Respondent must petition for an Order of Compliance and appear personally before the Board for the probation of Respondent's license to be lifted. Respondent acknowledges that such probation is an encumbrance on his license. Respondent is prohibited from collaborating with any Advanced Practice Registered Nurse or Physician Assistant while his license is on probation and thus encumbered. Respondent shall notify any and all midlevel practitioners, including but not limited to Advanced Practice Registered Nurses and Physician Assistants, with which Respondent collaborates, of Respondent's probationary status and inability to serve as a collaborating physician. Within five (5) days of this order, Respondent shall submit proof to the Board's Disciplinary Coordinator that any such practitioners have been informed of this discipline. Respondent agrees that he shall not prescribe opioids, including Buprenorphine, Suboxone, and Subutex, for a period of at least six (6) months from the date of entry of this Consent Order. While this restriction is in effect, it shall constitute an encumbrance of Respondent's license. Respondent is assessed and must pay, pursuant to Tenn. Code Ann. §63-6-214 and Rule 0880-02-.12(1)(h) of the Official Compilation Rules and Regulations of the State of Tennessee, eight (8) Type "A" Civil Penalties in the amount of five hundred dollars (\$500.00) each for a total Civil Penalty of Four Thousand Dollars (\$4,000.00). Respondent must pay, pursuant to Tenn. Code Ann. § 63-6-214(k) and Rule 0880-02-.12(1)(j) of the Official Compilation Rules and Regulations of the State of Tennessee, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Division.

The maximum amount for the assessment of costs shall be fifteen thousand dollars (\$15,000.00). For the duration of time that Respondent's license is on probation, Respondent shall obtain Practice Monitoring through a psychiatrist (hereinafter "Practice Monitor"). At the expiration of the three (3) year probationary period, Respondent becomes eligible to petition the Tennessee Board of Medical Examiners for an "Order of Compliance" lifting the restrictions imposed by this Consent Order. As part of his petition for an "Order of Compliance," Respondent shall appear personally before the Tennessee Board of Medical Examiners. Respondent understands that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (N.P.D.B.) and/or a similar agency. Dr. McGraw motioned to approve the consent order. Dr. Pearson seconded the motion. The motion passed.

Mark Grenkoski, MD- did not appear before the Board nor did a legal representative appear on their behalf. Ms. Lara Gill represented the State. Dr. McGraw recused. Dr. Grenkoski (hereinafter "Respondent") failed to respond to a top twenty (20) buprenorphine prescribing letter within the required timeframe despite numerous requests. Respondent has agreed to a reprimand for dishonorable conduct as well as penalties not to exceed one thousand two hundred and thirty dollars (\$1,230.00) and costs not to exceed two thousand dollars (\$2,000.00). This reprimand is reportable to the National Practitioner Data Bank (hereinafter "NPDB"). Dr. Christiansen motioned to approve the consent order. Mr. Ellis seconded the motion. Dr. McGraw recused. The motion passed.

Laurence James, MD- did not appear before the Board nor did a legal representative appear on their behalf. Ms. Elta Breen represented the State. Dr. Anderson recused. Dr. James (hereinafter "Respondent") had a pattern of refusal to sign death certificates within forty-eight hours of death which is required by statute for two individuals that the State is aware of. Respondent's license is reprimanded, and the Respondent is assessed two Type C civil penalties of one hundred dollars (\$100.00) and cost not to exceed two thousand dollars (\$2000.00). The reprimand will be reported to the NPDB. Dr. Christiansen motioned to approve the consent order. Mr. Ellis seconded the motion. Dr. Anderson recused. The motion passed.

Williams Doss, III, MD - did not appear before the Board nor did a legal representative appear on their behalf. Ms. Elta Breen represented the State. Dr. Doss (hereinafter "Respondent") signed a consent order with the Virginia Board of Medicine for violation of the care of ten (10) patients resulting in chronic pain care complaints from 2003-2018. Respondent's VA license was reprimanded. Reciprocal discipline is imposed on Respondent's TN license. Respondent has agreed to pay costs not to exceed five thousand dollars (\$5000.00) and the discipline will be reported to the NPDB. Dr. Christiansen motioned to approve the consent order. Dr. McLerran seconded the motion. The motion passed.

Jeffrey Hoffman, MD- did not appear before the Board nor did a legal representative appear on their behalf. Mr. Michael Varnell represented the State. Dr. Hoffman (hereinafter "Respondent") On November 30, 2020, Respondent pled guilty to a felony criminal charge for conspiracy to defraud the United States Government. On April 26, 2022, Respondent was sentenced to twelve (12) months and one (1) day of federal incarceration to be followed by three (3) years of supervised release and was ordered to pay restitution in the amount of two hundred and thirty-eight thousand one hundred and fifty dollars (\$238,150.00). On July 18, 2022, the North Carolina Board revoked Respondent's medical license. The Tennessee medical license of Respondent is now revoked, and Respondent is to pay costs not to exceed five thousand dollars (\$5,000.00). Dr. Christiansen motioned to approve the consent order. Dr. Pearson seconded the motion. The motion passed.

Matthew Bagamery, MD- did not appear before the Board nor did a legal representative appear on their behalf. Mr. Michael Varnell represented the State. Dr. Blake and Dr. Miller recused. Dr. Bagamery (hereinafter "Respondent"). On July 16, 2021, the Medical Executive Committee for Erlanger Medical Center summarily suspended the privileges of Respondent. On August 31, 2021, Respondent voluntarily

resigned his privileges and medical staff membership and Parkridge Medical Center during a focused professional practice evaluation. These events stemmed from incidents involving the competency and judgment of Respondent. On September 1, 2021, Respondent retired from Goodman Gastroenterology and is no longer practicing medicine. Respondent's TN medical license is voluntarily retired. Should Respondent wish to reinstate his TN medical license he shall obtain a fitness for duty evaluation. Respondent has agreed to pay costs not to exceed five thousand dollars (\$5000.00). Dr. Hale motioned to approve the consent order. Dr. Pearson seconded the motion. Dr. Blake and Dr. Miller recused. The motion passed.

S.L. Lampkin, IV, MD - did not appear before the Board nor did a legal representative appear on their behalf. Mr. Michael Varnell represented the State. Dr. Lampkin (hereinafter "Respondent") signed an agreed order on November 29, 2017, reprimanding his license and prohibiting him from acting as a collaborating physician. Dr. Lampkin continued to act as a collaborating physician from November 17, 2017, through July 20, 2020. Respondent's license will be placed on probation for three (3) years. Respondent must pay thirty-three (33) Type C civil penalties in the amount of one hundred dollars each for a total of three thousand three hundred dollars (\$3,300.00) and costs not to exceed five thousand dollars (\$5,000.00). Dr. Hale motioned to approve the consent order. Dr. Miller seconded the motion. The motion passed.

David Martin, MD- did not appear before the Board nor did a legal representative appear on their behalf. Mr. Michael Varnell represented the State. Dr. Martin (hereinafter "Respondent") is an OBGYN who has been on leave from Covenant Health since February 28, 2022. Three (3) of the Respondents' surgical cases came under review due to extensive hospitalizations for patients to heal. Upon completion of the review, it was determined there was a deficiency in the standard of care by the Respondent. On November 21, 2021, Respondent's clinical privileges were indefinitely limited or restricted due to quality of care concerns and Respondent was required to obtain a neurological evaluation. The conclusion of the initial and subsequent evaluations was the Respondent is not able to practice his profession due to Lewy Body Dementia with mild cognitive impairment. Respondent's TN medical license is voluntarily retired. Should the Respondent wish to reinstate his medical license a fitness for duty evaluation will be required. Respondent agrees to pay the costs to prosecute this case, not to exceed five thousand dollars (\$5,000.00). Dr. Pearson motioned to approve the consent order. Dr. McGraw seconded the motion. The motion passed.

Charles Villoch, MD - did not appear before the Board nor did a legal representative appear on their behalf. Mr. Michael Varnell represented the State. Dr. Villoch (hereinafter "Respondent") entered into a consent order with the Virginia Board of Medical Examiners reprimanding his VA license. The discipline stemmed from prescribing controlled substances to himself, prescribing controlled substances to three (3) family members and a co-worker and two (2) other individuals without a practitioner – patient relationship, and providing false statements to the Virginia Medical Board. The Respondent's TN medical license will be reprimanded, and the Respondent has agreed to pay the costs to prosecute this case in an amount not to exceed one thousand dollars (\$1,000.00). Dr. Christiansen motioned to approve the consent order. Dr. Miller seconded. The motion passed.

Agreed Order(s)

Omar Ahmad, MD – did not appear before the Board nor did a legal representative appear on their behalf. Ms. Brittany Kendrick presented who represented the State. Omar Ahmad (hereinafter "Respondent") Respondent is currently summarily suspended pursuant to an order entered into on March 16, 2022. Respondent was previously summarily suspended in March 2014 and entered into an agreed order in November of 2014 on the grounds of practicing while mentally unable to do so. An order of compliance was granted in January 2020 lifting the suspension and placing the Respondent on probation

with terms to include lifetime monitoring and advocacy from the Tennessee Medical Foundation. In March 2022 the Respondent's license was again summarily suspended for similar reasons and failure to maintain TMF advocacy. Respondent's license is suspended, and he has agreed to pay the cost pursuant to this matter. Dr. McGraw motioned to accept the agreed order. Mr. Diaz-Barriga seconded the motion. The motion passed.

Order(s) of Compliance

Roland McDow, MD- appeared before the Board without legal representation. Mr. David Silvus presented the order. Dr. McDow's (hereinafter "Respondent") license was placed on probation for a period of at least three (3) years on May 29, 2019, by ratification of a consent order. It is the position of the Disciplinary Coordinator and the Office of General Counsel that Respondent is compliant with the terms of that Order. Dr. Christiansen motioned to approve the order. Dr. McLerran seconded the motion. The motion passed.

Rex Yannis, MD – did not appear before the Board nor did a legal representative appear on his behalf. Mr. Silvus presented the order. Dr. Blake recused. Dr. Yanni's (hereinafter "Respondent") license was reprimanded by ratification of a consent order on May 24, 2022. It is the position of the Disciplinary Coordinator and the Office of General Counsel that Respondent is compliant with the terms of that Order. Dr. Christiansen motioned to approve the order. Mr. Ellis seconded the motion. Dr. Blake recused. The motion passed.

Alfred Jackson, Jr., MD -appeared before the Board without a legal representative. Mr. Silvus addressed the Board stating Dr. Jackson was disciplined by the Board in November 2016 and again in 2020. Part of the requirements was to receive advocacy and comply with TMF, take prescribing classes, and pay costs. Mr. Silvus does not have a compliance packet or a signed affidavit of compliance by the disciplinary coordinator, however, it seems as if Dr. Jackson is compliant with the terms of the order. Dr. Jackson was told to appear today. Dr. Baron was present and spoke on Dr. Jackson's behalf confirming Dr. Jackson has maintained advocacy and is still under contract. The Board will table this until tomorrow so Mr. Silvus can investigate this further and confirm compliance. For the purpose of the order of compliance, the appearance has been made.

IX. **PUBLIC COMMENT** – No public comment.



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

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

Wednesday, January 11, 2023

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

Board members present: Melanie Blake, MD, President
Samantha McLerran, MD
Phyllis Miller, MD
Randall Pearson, MD
John Hale, MD
James Diaz-Barriga, Consumer Member

Staff present: David Silcus, JD, Office of General Counsel
Laura Gill, JD, Office of General Counsel
Justin Harlem, JD, Office of General Counsel
David Silvus, JD, Office of General Counsel
Jessica turner, JD, Office of General Counsel
Stacy Tarr, Executive Director
Brandi Allocco, Administrative Director
Chikita Newsome, Board Administrator

Poplar Room

DISCIPLINARY ORDERS

Order(s) of Compliance

Alfred Jackson, Jr., MD -did not appear nor did a legal representative appear on his behalf. Dr. Jackson (hereinafter “Respondent”) appeared in front of the Board yesterday and the Board excused his appearance at today’s meeting. Mr. Silvus present the order. This order is coming before the Board with an avadavat of compliance, however, Mr. Silvus communicated with the disciplinary coordinator and medical consultant, and they have agreed Respondent has complied with the terms of his consent order. Dr. Pearson motioned to approve the order. Mr. Diaz-Barriga seconded. The motion passed.

Consent Order(s)

Jay Gordon Shires, MD- did not appear nor did a legal representative appear on his behalf. Ms. Ashley Fine presented the Order. Dr. Shires (hereinafter “Respondent”) practiced at and was co-owner of Downtown Medical Clinic in Bells, TN. Respondent hired and supervised Ms. Mary Bond, APRN, at the clinic. On April 1, 2022, Respondent entered into a guilty plea to making false statements related to a health care matter. Respondent stipulated to making false statements to the Department of Health regarding his supervision of Mary Bond, APRN. On November 15, 2022, Respondent was sentenced among other discipline to six (6) months confinement with the Federal Bureau of Prisons starting on January 11, 2023, and one (1) year of supervised release after he is released from confinement. Respondent’s license is suspended for a period of six (6) months or until his release from confinement, whichever happens later. Respondent’s license shall remain suspended until he obtains an Order of Compliance from the Board. After obtaining an Order of Compliance from the Board, the suspension shall be lifted, and the license will be placed on probation for a period of not less than three (3) years. Respondent shall not supervise or collaborate with any mid-levels while his license is on probation. From the date the license is placed on probation Respondent shall not prescribe any controlled substances for a period of at least six (6) months or until completion of his court-ordered supervised release, whichever is later. He shall not be able to act as a medical director of a pain management clinic. At the expiration of this time period, Respondent may petition the Board to lift the restriction on prescribing controlled substances. Within one hundred and twenty (120) days of license being placed on probation, Respondent must enroll in and successfully complete two courses: Medical Ethics, Boundaries and Professionalism and Prescribing Controlled Drugs: Critical Issues and Common Pitfalls. Within thirty days of this Order, Respondent must provide proof that he has notified all mid-levels with whom he collaborates of this disciplinary action. At the expiration of the probationary period, Respondent may file a Petition for an Order of Compliance and personally appear before the Board to lift the probation. Respondent must pay the costs to prosecute this case in an amount not to exceed three thousand dollars (\$3,000.00). Respondent understands this discipline will be reported to the NPDB. Dr. Pearson motioned to approve the consent order. Mr. Diaz-Barriga seconded. The motion passed.

Agreed Order(s)

Rebecca Sacora, MD- did not appear, her legal representative appeared on her behalf. Ms. Jessica Turner presented the Order. Dr. Sacora’s (hereinafter “Respondent”) license is currently expired. On June 9, 2021, Respondent was scheduled to see patients beginning at 8:30 a.m. From the beginning of her shift, Respondent was observed to be impaired. As a result of Respondent’s behavior, the site supervisor at the Clinic consulted with the Assistant Vice President and Administrator of the Hospital and Regional Director of Operations to discuss further steps. Following the consultation, Respondent was instructed to undergo alcohol and drug testing based on reasonable cause. Results of the drug screen were positive for cocaine and amphetamines. Respondent has obtained advocacy from the TMF. Her license will be placed on probation for a period of no less than five (5) years, with the period of probation to begin when Respondent’s license is reinstated from expired status. Respondent has agreed to pay costs to prosecute this case in an amount not to exceed five thousand dollars (\$5,000.00). This action will be reported to the NPDB. Dr. Pearson motioned to approve this order. Mr. Diaz-Barriga seconded this motion. The motion passed.

This concludes Regular Board Business.

**Scott Caudle, MD v. State of Tennessee Board of Medical Examiners
Poplar Room**

Administrative Law Judge: Michael Begley

Panelists: John Hale, MD, Randall Pearson, MD, and James Diaz-Barriga, Consumer Member

Counsel for State: Jessica Turner, Senior Associate General Counsel

Counsel for Respondent: Jenny Miller, Esq

After consideration of the Notice of Charges, the evidence presented by both parties, and the record as a whole, the Board finds as follows:

The Board finds no discipline is needed and the case is dismissed.

**Randolph Lowry, MD v. State of Tennessee Board of Medical Examiners
Iris Room**

Administrative Law Judge: Steve Darnell

Panelists: Melanie Blake, MD, Samantha McLerran, MD, and Phyllis Miller, MD

Counsel for State: Lara Gill, Senior Associate General Counsel

Counsel for Respondent: Unrepresented

After consideration of the Notice of Charges, the evidence presented by both parties, and the record, the Board finds as follows:

The Tennessee medical license of Randolph Lowry, MD license number 12162, is hereby permanently revoked, effective the date of entry of this Order by the Board. Respondent shall pay twelve (12) "Type A" civil penalties in the amount of one thousand dollars (\$1,000.00) each, representing one civil penalty per individual to whom Respondent perpetrated sexual misconduct upon, plus one civil penalty per violation of law for a total of twelve thousand dollars (\$12,000.00). Respondent must pay, pursuant to Tenn. Code Ann. § 63-6-214(k) and Rule 0880-02-.12(1)(j), the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed by the Office of Investigations, Secretary of State, Administrative Procedures Division, as well as the Office of General Counsel. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall be twenty-five thousand dollars (\$25,000.00). This is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or similar agency. Any and all costs shall be paid in full within twelve (12) months from the Issuance of the Assessment of Costs. Payments shall be made in equal monthly installments by the fifth day of each month until paid in full, with payments to commence the fifth day of the month immediately following the issuance of the Assessment of Costs. Respondent shall begin paying the civil penalties and costs within sixty (60) days of the issuance of the Assessment of Costs, and costs and civil penalties shall be paid in full within three (3) years from the issuance of the Assessment of Costs. The Tennessee Board of Medical Examiners takes this action in order to protect the health, safety, and welfare of people in the State of Tennessee. Respondent has sexually exploited vulnerable female patients seeking treatment for addiction for at least four (4) years. Respondent used the trust, emotions, and influence derived from his status as a prescribing physician to force patients to perform sexual acts against their will. Respondent's conduct is also a gross violation of his ethical duties and responsibilities. Dr. Miller made a motion to approve. Dr. McLerran seconded. The motion passed.

This concludes day two.