



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

**Tuesday, January 12, 2021
Wednesday, January 13, 2021**

MINUTES

The regular board meeting of the Tennessee Board of Medical Examiners was called to order at 8:58 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
Stephen D. Loyd, MD, Vice President
Robert Ellis, Consumer Member, Secretary
W. Reeves Johnson, MD
Neal Beckford, MD
Deborah Christiansen, MD
Julianne Cole, Consumer Member
Jennifer Claxton, Consumer Member
Randall Pearson, MD
John Hale, MD

Board member(s) absent: Phyllis Miller, MD
Samantha McLerran, MD

Staff present: Francine Baca-Chavez, JD, Office of General Counsel
Rene Saunders, MD, Medical Consultant, BME
Angela Lawrence, BME Executive Director
Stacy Tarr, Administrative Director
Candyce Wilson, Administrative Director

Ms. Lawrence made opening remarks to the Board and provided an overview of the requirements for a special meeting by teleconference. All the requirements were satisfied. The electronic meeting was scheduled for the purpose of considering time sensitive matters considering the covid-19 pandemic. Dr. W. Reeves Johnson motioned for approval to conduct the meeting electronically for this purpose and Dr. Neal Beckford seconded the motion. A roll call vote was taken, and it passed. By roll call confirmation all members present confirmed they received all meeting materials prior to this meeting. The teleconference was then turned over to the President of the Board, Dr. Melanie Blake.

Dr. Blake called the meeting to order. A roll call was conducted, and a quorum of the Board was established with the following members present: Dr. Melanie Blake, Dr. W. Reeves Johnson, Dr. Stephen Loyd, Dr. Neal Beckford, Mr. Robert Ellis, Dr. Deborah Christiansen, Ms. Julianne Cole, Ms. Jennifer Claxton, Dr. Randall Pearson and Dr. John Hale.

I. CONSIDERATION OF APPLICATIONS

Medical Doctor Applicant Interview(s):

Ashley Lewis, MD – appeared before the Board via WebEx without legal representation. The residency director at the Kansas University School of Medicine Psychiatry Residency has suggested a concern regarding fitness and competency for licensure based on training performance. Dr. Lewis does not qualify for a special training license because she has completed all three (3) steps of the USMLE and completed one (1) year of training. Dr. Lewis indicated that at the Kansas University training program she initially received wonderful evaluations. Then she began receiving poor evaluations. Dr. Lewis completed two (2) years of residency at Meharry, completing this at the end of June 2018. She went on to Kansas University for six (6) months. She reports studying for Step 3 of the USMLE between July 2018 to January 2020. Dr. Lewis entered the Meharry residency program in November 2020. Dr. Lewis seeks full licensure because she does not qualify for a training license and she needs a license number to fulfill all duties required of her in her training program at Meharry. Dr. Lloyd Williamson, Chair of Meharry Psychiatry Department, joined the Board meeting for questions. Dr. Williamson confirmed she was a part of the faculty during Dr. Lewis' initial training at Meharry. Dr. Williamson reports the department is very small and it offers a great opportunity for staff to work closely with the residents. In February 2018, Dr. Williamson took over as Residency Training Director. Dr. Williamson reports the *satisfactory* and then the abrupt change to *unsatisfactory* reports from Kansas University were confusing to her because she never found Dr. Lewis's performance to be under par for her level of training. Dr. Williamson reports she has not had direct contact with Dr. Lewis since she has returned to the program. However, Dr. Lewis's supervisor reports to Dr. Williamson and indicates there have been no concerns since she returned to the program (over the course of the last two (2) months). Dr. Williamson attests Dr. Lewis is competent to perform her duties and the program is eager for her to continue her training. Dr. Williamson confirmed that Dr. Lewis is not under any probation or remediation at Meharry and is in good standing in the program. Dr. Johnson motioned to grant her an unrestricted medical license. Dr. Beckford seconded the motion and it passed by roll call vote with Dr. Christiansen and Dr. Pearson abstained.

Jared Smith, MD - appeared before the Board via WebEx without legal representation. Dr. Smith is an applicant for initial licensure with no malpractice history, no criminal history, and no prior Board action. He satisfactorily completed one (1) year of training and all steps of the USMLE. Dr. Smith has experienced some difficulty in his postgraduate medical training. His clinical competence has been questioned. He completed a transitional year of training at Las Palmas Del Sol HCA and experienced adverse actions during training. Dr. Smith joined the family medicine residency program at Lake Cumberland Regional Hospital in Somerset, KY and departed shortly after beginning the program. It is noted in his file that Dr. Smith left the program early due to a difference in expectations and parted ways on good mutual terms. Dr. Smith reports he showed up to orientation at the training program in Somerset, KY and he quickly had sick days shortly thereafter, both of which were not favored in the program. He reports he is grateful for the experience and learned from it. Dr. Smith reports he is currently not in a training program and completing independent studying. He reports, in 2 – 3 years he may be interested in returning to residency training but at this time he is interested in practicing in a clinic setting. The postgraduate training verification form and letter of explanation indicate that Dr. Smith is not qualified to practice medicine safely without further training. Dr. Beckford does not support full licensure based on the negative comments from one (1) program, his quick departure in another program and his lack of a

plan to continue any training at this time. Several Board members shared similar sentiments. Board staff made several attempts to reach out to the program directors and have them join the meeting for questions. Ultimately, neither program director was able to join the meeting. Dr. Hale motioned to deny the application and Dr. Beckford seconded the motion. Dr. Smith requested to withdraw his application.

Dr. Loyd left the meeting briefly.

Sydney Abramson, MD – appeared before the Board via WebEx without legal representation. Dr. Abramson is a Canadian Medical School graduate who has completed neither one (1) year of U.S. ACGME postgraduate training nor four (4) years of RCPSC postgraduate training. He reports having taken both the FLEX and the LMCC. He does not qualify for full licensure per Board Rule 0880-02-.03 and 0880-02-.05. Dr. Abramson reports he is Board eligible for the ABMS Board. He has passed his Canadian Boards with the Canadian College of Family Physicians. Dr. Abramson reports he is currently working in Florida and the company he works for has an opportunity in Tennessee for him. Also, he has two (2) private practices in Canada. Dr. Christiansen motioned to table the application for up to four (4) months for the applicant to decide if he wishes to petition the Board for declaratory order. Dr. Johnson seconded the motion. The motioned passed by roll call vote with Dr. Loyd abstained.

Stephanie Mueller, MD – appeared before the Board via WebEx without legal representation. Dr. Mueller graduated from an approved international medical school but has not completed three (3) years of U.S. postgraduate training in a single discipline. Dr. Mueller is not ABMS Board Certified, has no malpractice history, no prior Board action, and no criminal history. Dr. Mueller seeks licensure because she wishes to open a private practice in a rural Tennessee area after she graduates from her residency program, in five (5) months. The Board discussed the option of issuing a temporary license to Dr. Mueller because she shall complete residency in five (5) months and at that time be eligible for a full license. Dr. Beckford motioned to grant her a temporary license for one (1) year, that is non-renewable, it cannot be converted to a full license, all rules and regulations apply and she shall not serve as a supervising physician to mid-levels. The motion was seconded by Dr. Hale. The motioned passed by roll call vote with Dr. Loyd abstained and Ms. Cole was not available to vote.

Nalin Leelatian, MD – appeared before the Board via WebEx without legal representation. Dr. Leelatian is an international medical school graduate who has not completed three (3) years of U.S. residency training and is not currently certified by an ABMS Board. She has completed at least two (2) years of U.S. residency training and meets the requirements per the Boards temporary licensure policy. Dr. Leelatian holds no other state licensure, has no prior malpractice history and no criminal history. Dr. Leelatian reports she needs a license to take the ABMS Board Certification exam and she has accepted a fellowship position at Vanderbilt which begins July 1, 2021. Dr. Hale motioned to grant a temporary license, contingent upon the Boards office receiving results of a clean criminal background check, for one (1) year, in order for her to be able to sit for the Board examination, she cannot supervise mid-levels, the license is non-renewable and all rules and regulations apply. Mr. Ellis seconded the motion and it passed by roll call vote.

Francisco Baraona, MD – appeared before the Board via WebEx without legal representation. Dr. Baraona had his Washington Medical License disciplined for inappropriate prescribing which triggered discipline by several other state licenses. Some of the licenses were disciplined for failure to report the triggering action while others were due to reciprocal action. All disciplinary issues have concluded at this time. The Board questioned the applicant regarding the number of times he previously wrote a prescription for his family member. Dr. Baraona reports he wrote the prescription for his mother one-time, but the prescription was never picked up. In the Washington Boards disciplinary materials, it indicates that Dr. Baraona paid someone to pick up the prescription. However, Dr. Baraona states he never paid the money which prompted the individual to report the matter the Washington Board. Dr.

Baraona reports he is unclear if the one-time incident occurred in 2014 or 2015. The Board expressed confusion on whether it occurred once or more than once based on the materials provided to them. Ms. Baca-Chavez informed the Board they do have the full scope of options available to them for this application. The statute does permit the Board to deny a license based on disciplinary action by another state that would have resulted in discipline by this Board and for misrepresentation at the time of application. The Board expressed hesitation in reinstating the license. Dr. Baraona requested to withdraw his application due to the consensus of the Board.

Alan Lefkin, MD – appeared before the Board via WebEx without legal representation. Dr. Lefkin has prior Board action in Florida which resulted in a voluntary surrender (same as revocation) of his license. Based on his Florida Board action, the same occurred to his New York license. He has also been excluded from Medicaid/Medicare participation and been convicted of a crime. It also appears he has been out of clinical practice since 2011. The Board discussed the need for remediation due to him being out of practice since 2011. The Board reviewed the re-entry diagram. The consensus of the Board is not to reinstate the license based on the prior disciplinary matters. Dr. Beckford motioned to deny the application. Dr. Pearson seconded the motion. Dr. Lefkin opted to withdraw his application.

Abelrahman Mohamed, MD – appeared before the Board via WebEx without legal representation. Dr. Mohamed is applying for a new license after having his previous Tennessee license voluntarily surrendered/permanently revoked by Board Order. This action was taken after Dr. Mohamed was convicted of healthcare fraud, sentenced to prison, and required to surrender his DEA certificate. This action occurred approximately two (2) years ago. Dr. Mohamed reports the conviction was based around over billing. He reports he initially planned to retire but due to the pandemic he wishes to reapply for licensure. He reports his last date of clinical practice as August 22, 2020. Dr. Mohamed was on the top 50 prescribers list in Tennessee for at least two (2) years. Ms. Baca-Chavez informed the Board that permanent revocation means the license is permanently revoked and, in his order, it stated he shall not apply for any future license in Tennessee. Dr. Beckford motioned to deny the application and seconded by Dr. Hale. Dr. Mohamed requested to withdraw his application.

II. **New staff introduction to the Board**

Mr. George Darden, Health Related Boards Director

Mr. Grant Mullins, Deputy Counsel for the Office of General Counsel

III. **Updates from Taskforces & Committees**

a. **Development Committee (Dr. Loyd, Dr. Blake, Dr. Johnson, Dr. Beckford, Mr. Ellis and Dr. Christiansen) – Dr. Loyd presented the following update:**

- i. The Committee met yesterday, January 11, 2021.
- ii. **CME FAQs** – The Committee discussed the desire to phase out using Maintenance of Certification (hereinafter “MOC”) and remove it to qualify as CME proof. Removing this option will require a notification to the licensees and clear communication of the change, possibly through an e-mail blast. Dr. Blake reports the FAQs will be revised to remove MOC. Dr. Johnson reports not all certifying Boards have the same MOC requirements. For instance, the Board of Neurosurgery gives them ten (10) years to complete CMEs so you could essentially not do CMEs for nine (9) years and complete all CMEs in one (1) year. At the next meeting, this will be removed from the FAQs and presented to the Board for approval. This will come before the Board in March.
- iii. **Residency and Fellowship Training Clarification** – A one-year U.S. training program is what the statute requires. The Committee decided that training consists of one (1) year of core residency or ACGME accredited fellowship. This is how the Committee decides to define the term “training program” in the

statute. This comes before the Board with a motion and a second. The motion passed by roll call vote. Ms. Baca-Chavez will update the current packet of rules that are already in the internal review process with this change.

- iv. **DVC Membership** – the Board reviewed the draft Development Committee Policy which outlines the composition and purpose of the Development Committee. The Committee will have standing members but will include appointed members, on a case by case basis, based on the expertise needed for specific agenda items. The standing Committee members will be the three (3) Board Officers and the Immediate Past President of the Board. The Board reviewed the Development Committee Policy and it comes before the Board with a motion and second to adopt. The motion passed by roll call vote. There is a motion, with a second, from the Committee to appoint the following standing Committee members are Dr. Blake, Dr. Loyd, Mr. Ellis and Dr. Johnson. This motion passed by roll call vote.
- v. **Presentation of applicant interviews to the Board** – to be an ongoing discussion between the development committee and Dr. Saunders.
- vi. **Advisory Ruling Review for Carol L. Gruver, MD** – Dr. Blake is recused. The request was regarding a Tennessee licensed physician, being employed by an affiliate of a Georgia licensed hospital to practice medicine in Tennessee, without being subject to discipline by the Board. The Committee deemed this request like an advisory ruling in 2019 and opted to proceed with a similar response. It is the Boards opinion that the licensee would not be subject to discipline based on the circumstance and expectation that certain conditions are met. This is outlined in the advisory letter which went before the Board with a motion and a second. The motion passed by roll call vote with Dr. Blake recused.
- vii. **Advisory Ruling Review for - Marie Morrison, MD** – Dr. Morrison supervises mid-levels through a hospice/palliative care and nursing home program and questioned the ability to satisfy the thirty (30) day visitation rules. The Committee felt comfortable with the level of supervision with bi-monthly meetings and the availability she provides to the mid-levels on a regular basis. Despite her not being able to visit each home monthly. The Board reviewed the proposed advisory ruling and it comes before the Board with a motion and a second from the Committee. It passed by roll call vote.

The Board recessed for lunch.

IV. **Conduct New Business**

1. January 2021 Federal Associations of Regulatory Boards Forum – the meeting will be conducted virtually but there is a registration fee. Dr. Loyd motioned for Ms. Angela Lawrence and the Boards attorney to attend the meeting. Mr. Ellis seconded the motion and it passed by roll call vote.
2. April 2021 Rx Drug Abuse and Heroin Summit – The summit has agreed to authorize Dr. Saunders to attend on a voucher, from last year’s payment that was made despite her being unable to attend that meeting. Dr. Loyd will be attending but not through the Boards funding.
3. Radiology Education Seminars Online Training Approval Request by Ms. Ann Watson – The Boards rules do not discuss permission for training courses to be offered solely online. Ms. Watson expressed that she received the Boards approval in 2019 to offer an online program. Due to the pandemic, the program needs to be offered all online. RES was under the impression they already had the correct approval to offer all online courses but is

now before the Board to request this approval as needed. Ms. Baca-Chavez reports the rules discuss classroom hours and clinical training hours. Ms. Watson provided the consultant of the Board with instructional information regarding the online program. Ms. Baca-Chavez reports the Board can interpret their rules as they see fit and they may want to consider if the online program being offered meets the requirements of the Board. The Board was presented with recent pass rates of the program. Ms. Watson reports all the procedures in place for in-person class have been carried over into the online class. Ms. Watson reports this only covers the classroom hours, it does not cover the clinical hours. Dr. Saunders confirms, in 2019, RES received approval from the Board to offer 50% of their classroom hours on online. Currently, the program is requesting for 100% of their classroom hours be online. Dr. Johnson motioned to grant approval for all classroom hours to be conducted online for the next year and when RES submits their course request for reapproval in 2022 the Board can reconsider the need for this at that time. Dr. Pearson seconded the motion and the motion passed by roll call vote.

4. Re-entry Diagram Revisions – The Board has requested Commissioner of Health, Dr. Piercey, to appear at one of their meetings to discuss the re-entry policy. Dr. Piercey is unable to appear before the Board at this time based on her restraints and requirements of the pandemic and she reported the Board should continue to conduct their business as they have and they can reconvene this discussion at a later time when she is available to meet.
5. X-Ray Unlicensed Practice Policy – the office began sending a letter to the physician who is allowing x-ray operators to practice unlicensed; the policy as it stands does not address any form of discipline for the physician who has allowed this unlicensed practice. The Board has been asked to review the policy and consider if they desire to make any changes. Dr. Johnson motioned to table this discussion to the Development Committee. Mr. Ellis seconded the motion and it passed by roll call vote.
6. Usher Syndrome Information reviewed– Ms. Lawrence reports this was an informational e-mail sent out by the Deputy Director Ms. Jennifer Putnam.
7. Dr. Saunders spoke to the internal medicine residents about the rules and regulations on licensure, via zoom, to Erlanger Medical Center prior to the holidays.
8. Dr. Saunders informed the Board she received the exam pass rates for x-ray programs, in the office today, and it appears the Vatterott program is not meeting the Boards requirement. The consensus of the Board is that a representative of Vatterott should appear before the Board in March 2021 to explain the pass rates being less than that required by Board rule. During the administrative staff's pre-board meeting it was determined that Vatterott was removed as an approved program, by the Board, on July 31, 2018 and it had already been removed from the Boards website as an acceptable program. The Board does not need to review their pass rate and discuss this matter further.

V. **Disciplinary Order(s) – Order(s) of Compliance**

Vishal Verma, MD – appeared before the Board via Webex with legal representation by Mr. Vincent Roth. Ms. Francine Baca-Chavez represented the State. On September 30, 2020, the Petitioner entered into a Consent Order with the Tennessee Board. Ms. Baca-Chavez reviewed the Consent Order. This order placed the Petitioners license on probation. The State agrees he is compliant with the terms of his 2020 consent order. The Board was presented with an order of compliance. Dr. Hale motioned to accept the order of compliance. Dr. Christiansen seconded the motion and it passed by roll call vote.

Mark Ernest, MD – appeared before the Board via Webex with his legal representative, Mr. Jeremy Goolsby. Ms. Francine Baca-Chavez represented the State. On November 13, 2019, the Petitioner entered an Agreed Order with the Tennessee Board. Ms. Baca-Chavez reviewed the Agreed Order.

The State agrees he is compliant with the terms of his original 2019 Agreed Order but as stated in the previous order he shall continue to not serve as the Medical Director of a Tennessee Non-Residential Office-Based Opiate Treatment Facility for the remainder of the five (5) years. The Board was presented with an order of compliance. Dr. Christiansen motioned to accept the order of compliance with the restriction of working in an opiate treatment facility as just stated. Dr. Johnson seconded the motion. Dr. Ernest confirmed the clinic he works for accepts only insurance-based payments. Dr. Loyd recused himself. The lifting of the probation and restriction of him being unable to serve as a medical director would be reported to the NPDB. The motion passed by roll call vote with Dr. Loyd recused.

Martin Nwosu, MD – appeared before the Board via Webex with his legal representative, Mr. Jeremy Goolsby. Ms. Francine Baca-Chavez represented the State. On September 27, 2017, Petitioner entered in an Agreed Order with the Tennessee Board. Ms. Baca-Chavez reviewed the Agreed Order. The State agrees he is compliant with the terms of his original 2017 consent order. The Board was presented with an order of compliance. Dr. Christiansen motioned to accept the order of compliance. Dr. Johnson seconded the motion and it passed by roll call vote.

VI. Consider and Approve Consent Agenda

Dr. Christiansen motioned to accept the consent agenda. Dr. Beckford seconded the motion and it passed by roll call vote with Dr. Miller and Dr. Pearson not present to vote. The Consent Agenda contained the following:

1. Approval of November 3-4, 2020 Board meeting minutes
2. Approval of November 2, 2020 Development Committee meeting minutes
3. Ratification of new licenses, reinstatement and renewals of Medical Doctors, MD X-Ray Operators, Genetic Counselors, Acupuncture and Physician Assistants
4. Review of Office of Investigations Statistical Complaint Report and Currently Monitored Practitioners Report
5. Review of Administrative Office Statistical Licensing Report
6. Review of the Office of General Counsel Report
7. Review and approve unlicensed practice Agreed Citation – Gena Carter, MD (license # 49602)

VII. Quiztime Presentation by Dr. Bonnie Miller –

- a. Continuing Education opportunity available based on a grant by the CDC
- b. Quiztime is a method to learn and be tested over a period of time by receiving one (1) question a day
- c. Adolescents, geriatrics, behavioral health and perinatal care will be addressed in the continuing education this year
- d. 95% of users agree this is an effective method of learning
- e. They now offer a ten question Covid-19 vaccination course

Dr. Loyd praised the program and the courses offered but suggested that claiming the CE certificate should be made easier as he expressed difficulty in doing so.

VIII. Disciplinary Order(s)

Consent Order(s)

Timothy Thomason, PA – did not appear before the Board nor did his legal representative, Mr. Sam Helmbrecht, appear on his behalf. Ms. Tracy Alcock represented the State. This order has been ratified by the Committee on Physician Assistants. Respondent was licensed on November 29, 2001 and the license

had an expiration of August 31, 2020. From at least 2015 to at least 2018, Respondent provided chronic pain treatment as a physician assistant to multiple patients at First Med in Pigeon Forge, Tennessee. Respondent's supervising physicians from in or around 2015 to in or around 2018 was Robert Maughon, MD. At the end of May 2018, First Med was purchased by a new owner and there were significant personnel changes and turnover at the clinic. According to Respondent, the new owners made certain representations to Respondent regarding additional assistance in treating patients. The additional assistance never arrived, and Respondent inherited numerous patients that were previously seen by departed healthcare providers. Towards the end of 2018, the new owners of First Med stated that the clinic would close before the end of the year. According to Respondent, the announcement of the closing caused a rush of patients seeking assistance in finding new providers and help with the potential gap in treatment. During this rush of patients, Respondent continued established patients'-controlled substance drug prescriptions without conducting a physical examination or proper office visit. In addition, Respondent encountered a gap in coverage of a supervising physician and prescribed controlled substances to patients without a supervising physician, during the sale of the clinic. The facts stipulated are grounds for discipline. This order shall place Respondents license on probation for three (3) years. At the end of probation, Respondent is eligible to petition the Committee for an Oder of Compliance lifting the probation. Respondent must complete the "Prescribing Controlled Drugs" continuing medical education course. Respondent is prohibited from prescribing opioids for six (6) months from the date this order is approved. This prohibition from prescribing opioids shall automatically cease six (6) months and one (1) days from the date this order is approved. Respondent shall notify the Board that he has notified his supervising physician of this order. Respondent must pay two (2) Type A civil penalties for a total of one thousand dollars (\$1,000.00). Respondent shall pay actual and reasonable costs of the case not to exceed three thousand five hundred dollars (\$3,500.00). Dr. Hale motioned for approval. Dr. Christiansen seconded the motion and it passed by roll call vote.

Agreed Order(s)

Colton Lowe, PA – did not appear before the Board nor did his legal representative, Ms. Laura B. Rufolo, appear on his behalf. Mr. David J. Silvus represented the State and Ms. Tracy Alcock presented the order on his behalf. Dr. Loyd, Dr. Blake and Dr. Handorf recused. This order has been ratified by the Committee on Physician Assistants. Respondent was licensed on October 14, 2016 and the license expires on January 31, 2021. Respondent's license to practice as a physician assistant was summarily suspended by the Committee by order dated August 26, 2019. That Order of Summary Suspension was ratified by the Board on August 29, 2019. That summary suspension arose out of the same nucleus of facts that gives rise to the instant disciplinary action against the Respondent. From 2016 until June of 2018, the Respondent worked as a physician assistant at Coffey Family Medical Clinic in Oneida, TN. On May 23, 2017, patient N.W. became a patient of Coffey Family Medical Clinic (hereinafter "Clinic"). In that first visit, she was seen by D. Alex Coffey, M.D., who ordered some testing of her and did not prescribe any controlled substances to her at that time. Patient N.W. returned to the Clinic on June 8, 2017, when the Respondent began treating her. At that time Respondent prescribed N.W. 20mg of oxycodone to be taken 4 times a day, as well as 0.25mg of alprazolam to be taken twice a day. The Respondent saw N.W. on the following subsequent dates, each time prescribing her 20mg of oxycodone to be taken 4 times a day: June 22; July 6; July 20; August 31; September 19; October 3; October 24; November 24; November 28; and December 13 of 2017 and January 24, 2018. The Respondent reduced N.W.'s prescriptions to 15mg of oxycodone, 4 times a day, on February 14, 2018. He continued with that reduced prescription on the following subsequent dates in 2018, each time prescribing her 15mg of oxycodone to be taken 4 times a day: February 28, March 14, March 28, April 11, April 25 and May 7. On at least one (1) occasion while the Respondent was actively seeing N.W. as a patient and prescribing her opioids, Respondent locked the examination room door while alone with N.W. and engaged in sexual conduct with N.W. Respondent did not have a sexual relationship with N.W. prior to becoming her treating physician assistant. The Respondent denied, under oath, ever having a sexual relationship with any patient, including N.W. The

Respondent also denied, under oath, that he was ever alone in a locked room with N.W. at any time. The statements made by the Respondent under oath identified in the previous paragraph were false and the Respondent knew they were false when he made them. The Respondent admitted under oath that if he had sexual contact with a chronic pain patient who is dependent on opioids it would be “grossly inappropriate”, “exploitive”, “unethical” and a “breach of the standard of care”. The Respondent continued to maintain the denials while counsel for N.W. began playing an audiovisual recording of an encounter she had with the Respondent as his patient. Ultimately, however, the Respondent admitted that the recording depicted him in an examination room with N.W., that he locked the door, and that he had “one instance of sexual contact” with N.W. at that time. The facts stipulated are grounds for discipline. This order shall revoke Respondent’s medical license. Respondent is prohibited from applying for a new physician assistant license or seeking reinstatement of his current license for a period of one (1) year from the date of this order. Respondent is aware the Committee is not required to award him a new license or reinstate his revoked license. If the Committee did issue a new license or reinstate the revoked license, his license would be placed on probation. Respondent shall pay actual and reasonable costs of this case not to exceed fifteen thousand dollars (\$15,000.00). Dr. Hale motioned for approval. Mr. Ellis seconded the motion and it passed by roll call vote with Dr. Blake, Dr. Loyd and Dr. Blake recused.

Consent Order(s)

David Barrus, MD – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Paetria Morgan represented the State. Respondent was licensed on August 9, 2000 and the license expires on May 31, 2022. On January 25, 2020, Respondent, a neonatologist, prescribed four (4) alprazolam pills to a colleague without establishing a physician-patient relationship. Respondent has prescribed alprazolam to a few other colleagues without establishing a physician-patient relationship. Respondent has also written non-controlled substance prescriptions to colleagues without establishing a physician-patient relationship. Respondent failed to create a medical record for the stated prescriptions. The facts stipulated are grounds for discipline. Respondent must complete a three (3) day medical course entitled “Prescribing Controlled Drugs: Critical Issues and Common Pitfalls”. Respondent must complete a two (2) day medical course entitled “Intensive Course in Medical Documentation: Clinical, Legal and Economic Implications for Healthcare Providers”. Respondent must pay one (1) Type A civil penalty for a total of one thousand dollars (\$1,000.00). Respondent shall pay actual and reasonable costs of the case not to exceed five thousand dollars (\$5,000.00). Dr. Beckford motioned for approval. Dr. Christiansen seconded the motion and it passed by roll call vote.

James Crabb, MD – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Paetria Morgan represented the State. Respondent was licensed on January 1, 1973 and the license expires on September 30, 2021. On or about February 28, 2020, Respondent pled guilty to conspiring to commit healthcare fraud. Specifically, Respondent signed orders and prescriptions for durable medical equipment regardless of medical necessity, in the absence of a pre-existing doctor-patient relationship, without a physical examination, based solely on a brief telephonic conversation with the Medicare beneficiary, and/or, frequently, without any conversation with the Medicare beneficiary. Between in and around February 2015 and August 2019, Respondent received approximately \$493,780 in kickback payments from co-conspirators and marketing companies for signing orders and prescriptions for durable medical equipment. When Respondent entered into the plea agreement in February 2020, Respondent agreed to surrender his license to practice medicine. The facts stipulated are grounds for discipline. The order shall voluntarily surrender Respondent’s license, which is the same as revocation. Respondent shall pay actual and reasonable costs of the case not to exceed three thousand five hundred dollars (\$3,500.00). Dr. Hale motioned for approval. Dr. Johnson seconded the motion and it passed by roll call vote.

Lisa Costello, MDXL – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed on February 26, 2007 and the

license expires on April 30, 2022. On January 24, 2018, Respondent was reprimanded by the Board for failing to obtain twenty (20) hours of continuing education, including two (2) hours in a course designed to address statutes, rules, regulations and A.R.R.T.'s Standards of Ethics, in the 2014 and 2015 calendar years. Respondent agrees to pay two (2) Type C civil penalties for a total of one hundred dollars (\$100.00). Respondent failed to pay the civil penalties and costs assessed against her license. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license. Respondent shall pay one (1) Type B civil penalty for a total of two hundred dollars (\$200.00). Respondent shall pay actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Loyd motioned for approval. Dr. Hale seconded the motion and it passed by roll call vote.

Lauren W. Wise, AMDX – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed on July 27, 2011 and the license expires on June 30, 2021. From April 2016 until November 2019, Respondent worked as a medical x-ray operator while her medical x-ray operator certificate was expired. During eleven (11) of these months, Respondent did not work in a physician's office, which would require having a license. Therefore, Respondent worked thirty-two (32) months in a physician's office while her medical x-ray operator certificate expired. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license. Respondent shall pay thirty (30) Type C civil penalties for a total of three thousand dollars (\$3,000.00). Respondent shall pay actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Christiansen motioned for approval. Dr. Loyd seconded the motion and it passed by roll call vote.

William Sago, MD – did not appear before the Board nor did a legal representative appear on his behalf. Mr. Peyton Smith represented the State. Respondent was licensed on March 14, 2018 and the license expires on March 31, 2021. On or about March 24, 2014, Respondent was convicted of Driving Under the Influence in the Sacramento Superior Court of California. On or about June 25, 2018, Respondent was convicted of Driving Under the Influence in the Los Angeles Superior Court of California. The facts stipulated are grounds for discipline. The order shall reprimand Respondents license. Respondent agrees to undergo an evaluation coordinated through the Tennessee Medical Foundation (hereinafter "TMF"). Respondent agrees to comply with all recommendations of the TMF. Respondent shall ensure the results of the evaluation are forwarded to the Disciplinary Coordinator for the Board. Respondent agrees to obtain and maintain a monitoring agreement with TMF and submit quarterly reports to the Disciplinary Coordinator if the evaluation results recommend such follow-up or continued treatment. Respondent shall pay one (1) Type B civil penalty for a total of five hundred dollars (\$500.00). Respondent shall pay actual and reasonable costs of the case not to exceed five thousand dollars (\$5,000.00). Dr. Hale motioned for approval. Dr. Beckford seconded the motion and it passed by roll call vote.

Rebecca Weingart, MD – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Dr. Loyd recused himself. Respondent was licensed on April 29, 1996 and the license expires on December 31, 2022. This order outlines twenty (20) prescriptions the Respondent wrote for her son, without creating and maintaining a medical record. During the period of time Respondent prescribed the above medications to her son, she was being treated for neuromuscular degenerative disorder pain and being prescribed Oxycodone-Acetaminophen by her own physician. The facts stipulated are grounds for discipline. The order shall suspend Respondents license. Respondent agrees to surrender any and all DEA registrations to prescribe or dispense controlled substances. Respondent agrees to undergo an evaluation with TMF and comply with all recommendations. Respondent shall provide proof to the Boards medical consultant that she has notified any mid-levels whom she collaborates with regarding this discipline. The order outlines the requirements Respondent must meet and steps to take to Petition for an Order of Compliance. Upon the lifting of her suspension the Respondents license will be placed on probation for no less than five (5) years. Respondent must complete the course entitled "Prescribing Controlled Drugs". Respondent shall pay

twenty (20) Type A civil penalties for a total of ten thousand dollars (\$10,000.00). Respondent shall pay actual and reasonable costs of the case not to exceed five thousand dollars (\$5,000.00). Dr. Christiansen motioned for approval. Dr. Johnson seconded the motion and it passed by roll call vote with Dr. Loyd recused.

Development Committee Agenda items for the March 2021 Meeting

- To discuss and consider revisions to the x-ray unlicensed practice policy
- Dr. Beckford to attend the next Committee meeting based on his policy development expertise.
- Dr. Loyd requested for Mr. David Silvas to appear before the Committee to discuss the investigative approach when looking at over prescribing matters and for the Committee to discuss the parameters of disciplining such cases
- Review and consider CME FAQ revisions

Case Review

Ms. Baca-Chavez extended an invitation to the Board members to attend a case review. It was also suggested that she would speak to Mr. Silvas and determine if he would be okay with a member attending an over-prescribing case review. Dr. Johnson reports he has been able to attend both reviews and highly recommends other members to participate in these opportunities.

Public Comment – None.

Justice 3D Financial Approval Request – Ms. Lawrence does not have an update available as she is still attempting to coordinate what is needed between another staff member. Ms. Lawrence asked the members if they had a date in mind for this to be scheduled. The Board discussed the possibility of scheduling this training for the Monday before the May 2021 Board meeting.

There may be one (1) petition for declaratory order, from Dr. Sydney Abramson, for the Board to hear tomorrow. Dr. Blake concluded it would be appropriate for a panel of the Board to discuss and consider the one (1) agenda item, if needed, tomorrow.

The Board recessed at 4:23pm CT.



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

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

Wednesday, January 13, 2021

A panel of the Tennessee Board of Medical Examiners was called to order at 9:30 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Stephen Loyd, Board Vice President.

Board members present:	Stephen D. Loyd, MD, Vice President W. Reeves Johnson, MD John Hale, MD
Board member(s) absent:	None
Staff present:	Francine Baca-Chavez, JD, Office of General Counsel Rene Saunders, MD, Medical Consultant, BME Angela Lawrence, BME Executive Director Stacy Tarr, Administrative Director Candyce Wilson, Administrative Director

Ms. Lawrence made opening remarks to the Board and provided an overview of the requirements for a special meeting by teleconference. All the requirements were satisfied. The electronic meeting was scheduled for the purpose of considering time sensitive matters considering the covid-19 pandemic. Dr. W. Reeves Johnson motioned for approval to conduct the meeting electronically for this purpose and Dr. John Hale seconded the motion. A roll call vote was taken, and it passed. By roll call confirmation all members present confirmed they received all meeting materials prior to this meeting. The teleconference was then turned over to the Vice President of the Board, Dr. Stephen Loyd.

Petition for Declaratory Order

Sydney Abramson, MD – appeared before the Board via Webex. The panel of the Board reviewed Dr. Abramson’s petition for declaratory order. Dr. Abramson reports he is considering obtaining ABFM Board Certification. Dr. Hale motioned to accept the petition for declaratory order. Dr. Johnson seconded the motion and it passed by roll call vote.

The regular Board business recessed at 9:50am CT.

Contested Case

Paula Dozzi, MD v. State of Tennessee Board of Medical Examiners

Iris Room via WebEx

Administrative Law Judge: Rachel Waterhouse

Panelists: Stephen Loyd, MD, W. Reeves Johnson, MD, John Hale, MD

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

Counsel for Respondent: None

Petitioner, Paula Dozzi, MD, attended the University of Western Ontario and graduated with a medical degree in 1994. Thereafter, Petitioner completed a post-graduate two-year residency in family medicine at the University of Western Ontario, Schulich School of Medicine and Dentistry from July 1, 1994 through June 30, 1996. This post-graduate training was accredited by the Royal College of Physicians and Surgeons of Canada. Petitioner currently holds ABMS board certification in family medicine. Petitioner has held this certification since July of 2000. Petitioner has not submitted evidence of the satisfactory

completion of any accredited post-graduate training as all of her training was done outside of the U.S. Petitioner has also not submitted evidence of the satisfactory completion of a primary specialty training that is accredited by the Royal College of Physicians and Surgeons of Canada and that is of a duration of not less than four (4) years. The Board finds that the Petitioner's training and expertise meets or exceeds the licensure requirements of the state and the relief requested by this petition shall be granted. The proposed order was revised as stated above and there was a motion, a second and it passed by roll call vote.

This concludes the Board of Medical Examiners day 2 meeting.