



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

**Tuesday, March 7, 2023,
Wednesday, March 8, 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
Stephen Loyd, MD, Vice President
Robert Ellis, Consumer Member, Secretary
Deborah Christiansen, MD
Randall Pearson, MD
Samantha McLerran, MD
Keith Anderson, MD
John McGraw, MD

Board member(s) absent: John Hale, MD
James Diaz-Barriga, Consumer Member
Jennifer Claxton-Consumer Member
Phyllis Miller, MD

Staff present: Francine Baca-Chavez, Office of General Counsel
Stacy Tarr, BME Executive Director
Brandi Allocco, Administrative Director
Yvette Williams, Administrative Director

I. CONSIDERATION OF APPLICATIONS

Medical X-Ray Applicant Interview(s):

Katie Farrell, AMDX – appeared before the Board without legal representation. Ms. Farrell is an applicant for initial licensure who has been out of practice since January 2019. Ms. Farrell is looking at an opportunity in Oakridge, TN, and was agreeable to working under a preceptor. Dr. Deborah Christiansen made a motion to table your application for up to six (6) months to allow you to obtain a preceptor and complete five (5) mandatory patient general care procedures; eighteen (18) mandatory

imaging procedures; eight (8) of the elective imaging procedures from the ARRT Clinical Competency Requirements. Upon completion, the preceptor should submit a letter of completion to the Medical Consultant for review and consideration. Mr. Robert Ellis seconded the motion. The motion passed.

Jeffrey Powell, AMDX – appeared before the Board without legal representation. Mr. Powell is an applicant for initial licensure who has been out of practice for over two years. Mr. Powell outlined his clinical and teaching experience. Mr. Powell has recently completed forty-four hours of preceptorship at Fast Paced Urgent Care under direct supervision. Dr. Christiansen motioned to issue a license contingent upon the completion of a total of ninety-five (95) hours of preceptorship. At the conclusion of the preceptorship, the preceptor should submit a letter of completion to the Board’s medical consultant for review. Dr. John McGraw seconded the motion. The motion passed.

Leslie Ellison, MDXL – appeared before the Board without legal representation. Ms. Ellison is an applicant for initial licensure with previous participation with the Tennessee Professional Assistance Program (hereinafter “TNPAP”). She reports her sobriety date as February 6, 2019. Dr. Michael Baron with Tennessee Medical Foundation (hereinafter “TMF”) appeared and spoke on her behalf. Dr. Baron reported Ms. Ellison was compliant with the stipulations of her TNPAP agreement and the TMF supports her application for licensure. Dr. Christiansen motioned to approve for licensure. Dr. Samantha McLerran seconded the motion. The motion passed.

Medical Doctor Applicant Interview(s):

Susan Goodman, MD – appeared before the Board without legal representation. Dr. Goodman is an applicant for reinstatement from retired who has been out of clinical practice since August 15, 2019. Dr. Goodman has a position that would allow her to work under supervision. Dr. McLerran motioned to table the application for up to six (6) months to allow Dr. Goodman to secure a preceptor and provide a preceptorship plan to the Board’s medical consultant for approval. The requirements of the plan are no less than two (2) months in length; the preceptor must be ABMS board certified in your practice specialty; direct and indirect supervision by the preceptor; no supervision of mid-levels permitted. Upon approval, a limited license will be issued for up to six (6) months to allow Dr. Goodman to complete the plan. Dr. Christiansen seconded the motion. The motion passed.

Gary Spangler, MD – appeared before the Board without legal representation. Dr. Spangler is an applicant for initial licensure who has been disciplined by the Texas Medical Board. Dr. Spangler shared he started a house call program in 2008 serving underserved population. He was prescribing medication based on the statute in Texas which allowed pre signing of prescriptions. His medical license was sanctioned when the rule changed allowing him to pre sign the prescriptions. All requirements for the Texas Board action have been met. Dr. Keith Anderson motions to approve the license. Dr. McGraw seconded the motion. The motion passed.

John Netterville, MD – appeared before the Board without legal representation. Dr. Netterville is an applicant for initial licensure after revocation who is applying for an administrative license. Dr. Stephen Loyd recused. Dr. Netterville’s license was revoked in 2010 for engaging in a relationship with a patient. He has not paid the penalties and cost for the 2010 order. Dr. Baron with the TMF appeared and stated Dr. Netterville has been in weekly therapy sessions for the last twenty (20) years and shared supportive comments from Dr. Netterville’s psychologist. The TMF supports the application for licensure conditioned on signing of a lifetime monitoring agreement. Dr. Christiansen motioned to grant an administrative license contingent payment of all Board fees and conditioned on lifetime TMF advocacy. Dr. Pearson seconded

the motion. The motion failed. Dr. McGraw motioned to grant an administrative license with the payment of all fees to be received within one (1) year and conditioned on lifetime advocacy. The motion failed. Further discussion was had regarding the payment of costs. Dr. Christiansen motioned to grant an administrative license contingent payment of all Board fees and conditioned on lifetime TMF advocacy. Dr. Pearson seconded. Dr. Loyd recused. The motion passed.

Usha Doshi, MD – appeared before the Board without legal representation. Dr. Doshi is an applicant for a Special Volunteer license who may have practiced on a lapsed license. Dr. Doshi addressed the Board stating her license expired March 31, 2022. Dr. Doshi shared she had been taking care of a family member and had not been practicing. When she called in a prescription in May she was told her license was expired and she has not practiced since then. Dr. Christiansen motioned to grant the license. Dr. McGraw seconded. The motion passed.

Todd Jarosz, MD – appeared before the Board without legal representation. Dr. Jarosz is an applicant for initial licensure who has prior board action secondary to sexual misconduct, is a current participant in a Physician Health Program (hereinafter “PHP”), loss of clinical privileges, and medical malpractice actions. Dr. Jarosz addressed the Board and shared he had a sexual relationship with a former patient which led to discipline on his license. He is currently performing nonoperative practice and has not performed surgery since December of 2021. He is currently working with another physician and would like to take over his practice when he retires in the near future. The Board expressed concern over the work recommendations, the missed check-ins with the KPHF, that he is currently under discipline with Kentucky, and with the physician he is working with retiring would leave Dr. Jarosz in a solo practice. Dr. Baron was present and spoke to the Board regarding Dr. Jarosz. Dr. Baron summarized all the records gathered during his consultation with Dr. Jarosz and shared the KPHF advocates for Dr. Jarosz with the workplace recommendations which include practice monitoring and having a chaperone present for all female patient interactions, not being alone with female co-workers and no solo practice. Discussion took place if the workplace recommendations were compatible with practice. Dr. Christiansen made a motion to grant a license conditioned on the following: practice monitor present for all female patient encounters including call shifts and the monitor must be informed of the problematic behavior; patients shall not have Dr. Jarosz’s personal cell phone number, Dr. Jarosz shall not attend social events with patients or staff; he shall not treat or prescribe for himself, family, friends, or coworkers; no solo practice, must return to the PEP in April 2023 for the one week recheck and then annually or as to be determined by Pine Grove; and maintain lifetime TMF advocacy. Dr. Anderson seconded the motion. The motion failed. Dr. Jarosz withdrew his application.

II. MID-YEAR FINANCIAL REPORT

Ms. Keeyona Love with Health Licensure and Regulation presented the mid-year financial report and shared there is no current concerns. The Board expressed concerns over the staff shortage. Ms. Tarr informed the Board that the vacant position would be posted on March 9th and that Samantha Green would be returning mid-April. Discussion took place on upgrading iPad and Board members receiving mobile devices for Board business. Ms. Tarr informed the Board that issuing laptops to Board members would not be approved but she would bring up the possibility of new iPads for all of Health Related Boards. We are discussing with upper leadership the possibility of Board members receiving per diem for reviewing Board meeting material. The question was raised about what caused the increase in Professional Services and Dues in 2022. Ms. Love said she would need to research this and would let the Board know.

III. CONDUCT NEW BUSINESS

a. **Select a voting delegate for FSMB's annual conference**

Dr. Stephen Loyd will be attending FSMB for the Board. Dr. McGraw made a motion to nominate Dr. Loyd as the voting delegate. Dr. Pearson seconded. The motion passed. Dr. McGraw will also attend FSMB.

b. **Select a Board member for Public Chapter 949 Taskforce**

Francine Baca-Chavez explained Public Chapter 949 has to do with modification of the supervision rules and allows up to ten (10) visits to be held via electronic means. The taskforce would consist of a member from the Board of Osteopathic Examination, the Board of Medical Examiners, the Board of Physician Assistants, and the Board of Nursing. If the Board would just like a revision of the rules to comply with the public chapter a task force may not be needed. Dr. Christiansen made a motion to elect Dr. Loyd for the Public Chapter 949 taskforce. Dr. McGraw seconded. The motion passed.

IV. CONSIDER AND APPROVE CONSENT AGENDA

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

a. **Approval of Meeting Minutes**

1. January 9, 2023 Re-Entry Taskforce
2. January 9, 2023 Development Committee
3. January 24, 2023 Informal Hearing
4. January 10-11, 2023 Board of Medical Examiners

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

1. Medical Doctor_MD X-Ray Operator_Genetic Counselor_Surgical Assistant
2. Polysomnography
3. Acupuncture

c. **Approval of Agreed Citations and Agreed Orders**

1. Jessica Richardson, PSPG
2. William Rogers, MD
3. Kristen Marquardt, MD
4. Timothy Spitler, MD
5. Akshay Menon, MD
6. Teresa Albanese, LAc

d. **Departmental Reports**

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

e. Limited Scope Examination Results

V. UPDATES FROM TASKFORCES & COMMITTEE MEETINGS

Development Committee

There was no Development Committee meeting for March. Telehealth discussion will be on the May Development Committee meeting agenda. Dr. Melanie Blake has a request from a licensee regarding office based surgery requirements. Specifically, when a physician is required to have hospital privileges in order to do office based surgery but they don't meet any of the local hospital privileges requirements. This will be included on the May Development Committee meeting agenda.

VI. DISCIPLINARY ORDERS

Consent Order(s)

Latania Akers-White, MD – did not appear before the Board nor did a legal representative appear on their behalf. Ms. Elta Breen represented the State. Dr. Akers-White's (hereinafter "Respondent") licenses in Virginia and North Carolina were disciplined for improper prescribing, improper office drug management and improper advertising practices. Virginia reprimanded the Respondent's license in August 2021 and North Carolina followed suit in August 2022. Respondent did not report the Virginia action to Tennessee until August of 2022. Tennessee would like to take reciprocal discipline and reprimand the license. Respondent shall pay (11) Type C civil penalties in the amount of fifty dollars (\$50.00) each, representing the number of months that she failed to notify the State of her Virginia Board action beyond the permitted thirty (30) days, in violation of TENN. CODE ANN. § 63-32-117, for a total of five hundred and fifty dollars (\$550.00) and Respondent shall pay the actual and reasonable costs of prosecuting this case. This will be reported to the National Practitioner Data Bank (hereinafter "NPDB"). Dr. Christiansen made a motion to approve the order. Dr. Anderson seconded. the motion passed.

Karen Armour, MD- did not appear before the Board nor did a legal representative appear on their behalf. Ms. Brittany Kendrick represented the State. Ms. Kendrick summarized the order. This is an improper supervision case. Dr. Armour (hereinafter "Respondent") was the collaborating physician for several APRNs. While in this collaborating relationship, the APRNs treated various patients which included prescribing controlled substances. The Respondent failed to sign one hundred (100) percent of the charts involving those APRNs for which controlled substances were prescribed. Two (2) of the APRNs were disciplined by the Board of Nursing. Proposed reprimand on the license. Respondent must complete courses Intensive course for Medical Documentation and Prescribing Controlled Drugs: Critical Issues and Common Pitfalls. Respondent must not prescribe controlled substances for six (6) months from the date of the order. Respondent must pay six (6) Type A Civil Penalties in the amount of one thousand dollars (\$1000.00) each and the cost of pursuing this case. This is a formal disciplinary action and will be reported to the NPDB. Dr. Christiansen motioned to approve the order. Dr. McGraw seconded. the motion passed.

Jason Herndon, MD- did not appear before the Board nor did a legal representative appear on their behalf. Mr. Gerard Dolan represented the State. Dr. Herndon (hereinafter "Respondent") was the medical

director at Interventional Spine and Pain Center. Respondent failed to be physically present on-site at the pain center at any time for fifteen (15) weeks and failed to adequately supervise the health care providers working at the clinic. Mr. Dolan proposed a reprimand on the license. Respondent must pay Civil Penalty in the amount of Seven thousand Five Hundred Dollars (\$7,500.00) as well as the cost of pursuing this case. This is a formal disciplinary action and will be reported to the NPDB. Dr. Christiansen motioned to approve the order. Dr. Anderson seconded. The motion passed.

Mary Jones, PSPG - did not appear before the Board nor did a legal representative appear on their behalf. Mr. Justin Harleman represented the State. Ms. Jones (hereinafter "Respondent") Worked on an expired license as a Registered Polysomnographic Technologist from approximately June 1, 2017, until about October 15, 2020, practicing for a total of forty (40) months on an expired license. Respondent has retired and moved to the state of Mississippi and is not practicing. Mr. Harleman proposed a reprimand on the license. Additionally, Respondent must pay the cost of pursuing this case. This is a formal disciplinary action and will be reported to the NPDB. Dr. Christiansen motioned to approve the order. Dr. McLerran seconded. The motion passed.

Kenneth Bartholomew, MD - did not appear before the Board nor did a legal representative appear on their behalf. Mr. Michael Varnell represented the State. Dr. Bartholomew (hereinafter "Respondent") is an anesthesiologist who resigned from Northridge Surgery Center while under investigation for allegedly leaving the surgical theater prior to the removal of a port during a radio-ablation procedure. Respondent contends he has not practiced medicine since his resignation. Northridge Surgery Center also had concerns about impairment issues. Respondent consulted with the TMF who referred him to the Vanderbilt Comprehensive Assessment Program (hereinafter "VCAP"). Through VCAP, Respondent obtained a neuropsychology evaluation which found subtle declines in memory and language. Mr. Varnell proposed the license of Respondent is voluntarily retired. Should Respondent intend to reinstate the license he must obtain a fitness for practice evaluation. Respondent must pay the cost of pursuing this case. Dr. Christiansen motioned to approve the order. Mr. Ellis seconded the motion. The motion passed.

Benny Gardner, MD- did not appear before the Board nor did a legal representative appear on their behalf. Mr. Michael Varnell represented the State. Dr. Gardner (hereinafter "Respondent") practices internal medicine and was the primary care provider for patient L.B. L.B. had a blood draw that Respondent failed to review which delayed L.B.'s diagnosis of liver failure. Mr. Varnell proposed a reprimand on the license. Respondent must pay seven hundred fifty dollars (\$750.00) and the cost of pursuing this case. Dr. McGraw motioned to approve the order. Dr. Christiansen seconded the motion. The motion passed.

Keith Perkins, MD - did not appear before the Board nor did a legal representative appear on their behalf. Mr. Michael Varnell represented the State. Dr. Perkins (hereinafter "Respondent") has been the collaborating physician for Charles Miller, APRN since July 2019. Respondent specialized in Family Medicine, Internal Medicine, and Pediatrics. Mr. Miller is the owner of Scenic City Neurotherapy which is a treatment center utilizing anesthetics, typically in the form of Ketamine infusions. Ketamine is a schedule III controlled substance. Respondent does not have any training or certification in Ketamine infusion or administration. Respondent only views and signs approximately fifty (50) percent of the medical records, a majority of which involve Ketamine. Respondent only visits the site once every 4-6 weeks. Mr. Varnell proposed the license be placed on probation for a period of three (3) years. Respondent shall complete Prescribing Controlled Drugs: Critical Issues and Common Pitfalls. Respondent must obtain twenty-five (25) hours of Continuing Medical Education credits regarding the treatment of psychiatric patients with Ketamine. Respondent must pay one thousand dollars (\$1000.00) and the cost of pursuing this case. This is formal disciplinary action and will be reported to the NPDB. Dr. Christiansen motioned to approve the order. Dr. Loyd seconded the motion. The motion passed.

Order(s) of Compliance

David Kickliter, MD- did not appear before the Board. Ms. Baca Chavez presented the order. Dr. Kickliter's (hereinafter "Respondent") license was placed on probation on July 19, 2022, by ratification of a consent order. Terms of consent order included no prescribing of opioids for at least six (6) months and the successful completion of Prescribing controlled Drugs: Critical Issues and Common Pitfalls. Respondent has complied with those terms. The petition for compliance is to lift the restriction for prescribing opioids. Dr. Christiansen motioned to approve the order. Dr. McLerran seconded the motion. Dr. McGraw recused. The motion passed.

Patrick Toy, MD –appeared before the Board with legal representation, Mr. William Ramsey. Ms. Baca-Chavez presented the order. Dr. Toy's (hereinafter "Respondent") license was placed on probation to run concurrently for the duration of Respondent's criminal probation by ratification of a consent order on July 19, 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. Dr. McGraw seconded. The motion passed.

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

Conclusion of Day One



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

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

Wednesday, March 8, 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
 Robert Ellis, Consumer Member
 Deborah Christiansen, MD
 Keith Anderson, MD
 John McGraw, MD
 James Diaz-Barriga, Consumer Member

Staff present: Michael Varnell, Office of General Counsel
 Paetria Morgan, Office of General Counsel
 Jessica Turner, Office of General Counsel
 Stacy Tarr, Executive Director
 Brandi Allocco, Administrative Director

Consent Order(s)

Farhaad Riyaz, MD – did not appear before the Board nor did a legal representative appear on their behalf. Ms. Bac-Chavez represented the state. Dr. Riyaz (hereinafter “Respondent”) was issued his license through the IMLCC and is set to expire on March 31, 2023. Pursuant to criminal information from March 2017 to June 2020, Respondent devised and executed a scheme to defraud Amazon and it’s online retailers in order to obtain money and property by fraudulent means. December 2021 Respondent entered into a pleas agreement wherein he plead guilty to federal mail fraud, which is a felony. March 2022 Respondent was adjudged guilty to one count of mail fraud. February 2022 the Colorado Medical Board summarily suspended the Respondent’s compact medical license. Respondents Tennessee compact medical license was automatically administratively suspended on April 17, 2022. The proposed roposed Respondents license be reprimanded and placed on probation. Probations of Respondent’s license is stayed until such time the Respondent is granted a medical license through the traditional licensure process. Respondent will be required to appear before the Board prior to issuance of any medical license. Any medical license issued to Respondent in the future will be place on probation for a period of no less than two (2) years. Dr. Blake motioned ot approve the order. Dr. Christiansen seconded the motion. The motion passed.

Sara Bush, MD - did not appear before the Board nor did a legal representative appear on their behalf. Ms. Bac-Chavez represented the state. The Department contends Dr. Bush (hereinafter Respondent), pre-

signed blank prescriptions for patients entering a nursing home to receive respite care. One nurse, fraudulently obtained both hydrocodone and oxycodone prescriptions for her personal use by using the pre-signed prescriptions that were unlawfully obtained. the proposed order reprimands the Respondents license. Respondent shall not prescribe opioids for six (6) months and during this period shall not collaborate with mid-levels for issuing opioids. Respondent shall complete the course Prescribing Controlled Drugs: Critical Issues and Common Pitfalls. Respondent shall pay civil penalties in the amount of five thousand and six hundred dollars (\$5,600.00) and the costs of pursuing this case. This is formal disciplinary action and will be reported to the NPDB. Dr. Christiansen motioned to approve the order. Mr. Ellis seconded. The motion passed.

Conclusion of Board business

Poplar Room

Edward Akeyson, MD v. State of Tennessee Board of Medical Examiners
Panelists: Melanie Blake, MD, Deborah, Christiansen, MD, and Robert Ellis, 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:

No further disciplinary action will be taken, and the case is dismissed.

Mr. Ellis made a motion to approve the order as rewritten. Dr. Blake seconded. The motion passed.

Iris Room

Joseph Netterville, MD v. State of Tennessee Board of Medical Examiners
Administrative Law Judge: Rachel Waterhouse
Panelists: Keith Anderson, MD, John McGraw, MD, and James Diaz-Barriga, Consumer Member
Counsel for State: Michael Varnell, Associate General Counsel
Counsel for Respondent: Chris Tardio, 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:

Respondent 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 17219 by the Board on July 2, 1986. Respondent's license is currently active and has an expiration date of February 28, 2025. Respondent was on call as an anesthesiologist at St. Thomas West in Nashville, Tennessee from 4:00pm on December 9, 2019 until 10:00am on December 10, 2019. Respondent arrived to work at St. Thomas on December 9, 2019 for the purpose of performing his regular job duties as an anesthesiologist. Respondent's job duties at St. Thomas consisted of providing coverage for the intensive care unit, the special care unit, and overnight surgeries for the cardiovascular service. Shortly after arriving at St. Thomas West on December 9, 2019, Respondent was observed with unusual demeanor, slurred speech, and unsteady gait. When

confronted prior to providing any patient care, Respondent admitted to having consumed alcohol and alprazolam prior to the start of his shift and voluntarily submitted to a test that confirmed that. Respondent tested positive for alprazolam and had a blood alcohol content level of 0.247. Respondent did not care for any patients on December 9, 2019, and he was immediately relieved of his duties once he was suspected of being impaired. Respondent received inpatient treatment for substance abuse from about December 16, 2019 through about February 24, 2020. Respondent signed a 5-year monitoring agreement with TMF on February 25, 2020. Respondent is compliant with his TMF monitoring agreement and has TMF advocacy.

The Tennessee medical license of Joseph David Netterville, M.D. license number 17219, is hereby reprimanded. During the period of TMF monitoring Respondent shall cause the TMF to submit quarterly reports to the Board's Disciplinary Coordinator regarding the Respondent's compliance and progress. The quarterly reports shall continue every three months after the date the initial quarterly report was submitted until Respondent is no longer under a monitoring agreement with the TMF. Respondent must maintain advocacy with the TMF and must maintain one hundred percent (100%) compliance with all provisions and terms of Respondent's TMF monitoring agreement any subsequent extension thereof. Respondent shall cause the TMF to notify the Board's Disciplinary Coordinator in writing of any violation of the TMF monitoring agreement. Respondent shall immediately notify the Board's Medical Consultant and the Board's Disciplinary Coordinator if at any time Respondent no longer has the advocacy of the TMF. Within 30 days of the effective date of this order, Respondent must provide written documentation to the Board's disciplinary coordinator, by mail that he has updated his information on file with the Board, to include LARS and the CSMD, to accurately reflect termination of his collaborating relationships, or a statement that no update is needed. Proof must also be submitted to the Board's disciplinary coordinator that Respondent has notified his supervisees, by certified mail return receipt requested, of this discipline and his inability to continue to serve as their supervising/collaborating physician. During the period of TMF monitoring, Respondent shall maintain good and lawful conduct, and any violation of law that relates to the practice of medicine or Respondent's ability to safely and competently practice medicine will be a violation of the terms of this Order. Respondent must pay one (1) "Type A" civil penalty, in the amount of one thousand dollars (\$1,000.00). Respondent must pay the actual and reasonable costs of prosecuting this case.

Mr. Diaz-Barriga made a motion to approve the amended order. Dr. McGraw seconded. Dr. Anderson opposed. The motion passed.

Joseph Motto, MD v. State of Tennessee Board of Medical Examiners

Administrative Law Judge: Rachel Waterhouse

Panelists: Keith Anderson, MD, John McGraw, MD, and James Diaz-Barriga, Consumer Member

Counsel for State: Paetria Morgan, Esq.

Counsel for Respondent: Scott McDearman, Esq.

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

Respondent has been at all times pertinent hereto licensed by the Board as a medical doctor, having been granted license number 14144 on about July 1, 1982, which currently has an expiration date of September 30, 2023.

Respondent is an otolaryngologist. During an inspection of the Respondent's clinic in January 2021, it was discovered that the cleaning, disinfection and sterilization practices at the clinic were inadequate in preventing the transmission of infectious agents during patient care.

The Tennessee medical license of Joseph A. Motto, M.D., license number 14144, is hereby reprimanded. Within fifteen (15) days of Respondent agreeing to treat patients at any clinic, office, hospital, etc., Respondent must notify the disciplinary coordinator of the practice location. Within thirty (30) days of Respondent treating patients at any clinic, office, hospital, etc., Respondent must obtain a certified infection preventionist to develop and maintain a comprehensive infection control plan that adheres to the minimum standards as outlined by the Centers for Disease Control and Prevention's "Guide to Infection Prevention for Outpatient Settings: Minimum Expectations for Safe Care." The infection control plan must also outline appropriate cleaning, disinfection and sterilization of surgical instruments that adheres to the minimum standards as outlined by the Centers for Disease Control and Prevention taking into account the safety of both patients and staff. Respondent must submit the infection control plan to the Board's medical consultant and disciplinary coordinator within sixty (60) days of employment at a clinic, office, hospital, etc. Respondent must cause the certified infection preventionist to submit four (4) quarterly reports to the Board's medical consultant and disciplinary coordinator detailing his adherence to the infection control plan developed by the certified infection preventionist beginning within (60) days of employment at a clinic, office, hospital, etc. Within six (6) months of the effective date of this Order, Respondent must successfully complete at least ten (10) continuing education hours in infection control. Within thirty (30) days after completion of such coursework, Respondent shall mail or deliver proof of compliance with this course requirement to the Department. Respondent must pay one (1) "Type A" civil penalty, in the amount of five hundred dollars (\$500.00) and the cost of pursuing this case. This is formal disciplinary action and will be reported to the NPDB. Mr. Diaz-Barriga made a motion to approve the amended order. Dr. McGraw seconded the motion. The motion passed.

Conclusion of Day Two