



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

**Tuesday, March 15, 2016  
Wednesday, March 16, 2016**

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**MINUTES**

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The regular board meeting of the Tennessee Board of Medical Examiners was called to order at 8:41a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Zanolli, Board President.

Board members present: Michael Zanolli, MD  
Subhi Ali, MD  
Michael Baron, MD  
Melanie Blake, MD  
Pat Eller, Consumer Member  
Reeves Johnson, MD  
Deborah Christiansen, MD  
Nina Yeiser, Consumer Member  
Barbara Outhier, Consumer Member  
Dennis Higdon, MD  
C. Allen Musil, MD  
Neal Beckford, MD

Board member(s) absent: None

Staff present: Andrea Huddleston, Chief Deputy General Counsel  
Rene Saunders, MD, Medical Consultant, BME  
Maegan Martin, Executive Director  
Stacy Tarr, Administrative Manager  
Candyce Waszmer, BME Administrator  
Angela Lawrence, Past BME Administrator  
Jennifer Shell, MD X-Ray Operator Administrator

**I. CONSIDERATION OF APPLICATIONS**

Dr. Melanie Blake is currently absent from the meeting and is expected to join the meeting this afternoon.

### **MD X-Ray Applicant Interview(s):**

**Heather West** – appeared before the Board to address her criminal history and also because her application indicated that she may have been operating x-ray equipment without a license. It was determined that Ms. West resolved the unlicensed practice issue consistent with the Board’s policy. The Board asked Ms. West to discuss her arrest record and the circumstances giving rise to each incident. Ms. West confirmed that there are no pending criminal charges against her and she currently has a valid driver’s license. The Board sought to make Ms. West aware of the renewal and continuing education requirements of licensure and referred her to the statutes and rules governing her profession. The Board and staff’s discussion led to Dr. Ali’s motion to grant licensure with a required five (5) years of probation. During Ms. West’s probation, bi-annual reports must be provided to the Board from Ms. West’s supervisor regarding her progress, employment status and to confirm that there have been no further legal issues. The Board emphasized that it is Ms. West’s responsibility to make sure that the Board receives the letter from her supervisor and/or to notify the Board if she is not employed. The motion carried with Dr. Baron and Ms. Eller abstaining.

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

**Agthe Alexander, MD** – appeared before the Board because he was unable to provide a medical school transcript as required as TCA § 63-6-207(2)(A). The applicant has submitted a letter from the Regional Office for Health and Social Welfare, in Berlin, which states he completed his medical training between April 1986 and June 1993. That body administers Germany’s licensure examinations and in order to sit for the examination, the physician must successfully complete medical school. The Board interviewed the applicant and Dr. Beckford made a motion that the documentation in the file be accepted as his transcripts and to grant an unrestricted license. The motion was seconded by Dr. Ali and the motion carried.

**Mohamad Ali, MD** – was not present at the meeting and the Board held no discussion on this applicant.

**Basem Attum, MD** – appeared before the Board to address his criminal history which caused him to be dismissed from his residency program and has kept him out of practice since May 2013. Dr. Baron recused himself. Dr. Attum confirmed he did not complete his orthopedic residency program and his Kentucky residency license has been voluntarily surrendered. Dr. Attum stated that he has been sober since April 4, 2013. Dr. Attum intends to become board certified. At the conclusion of Dr. Attum’s interview, Dr. Musil made a motion to grant full licensure with a condition that the applicant establish a Tennessee Medical Foundation (herein after “TMF”) contract for the next five (5) years. At the conclusion of the current contract, Dr. Attum is to be reevaluated and the contract may be extended as recommended by TMF. Dr. Beckford seconded the motion and the motion carried with one recusal from Dr. Baron.

**Ntango Banani, MD** – appeared before the Board because he was placed on probation during his residency and was eventually dismissed from the program. His program reports that he missed 96 days between June 2010 and June 2011. He was dismissed in November 2011 after he failed to comply with the terms of his probation. Dr. Banani has not yet matched for another residency program and has been out of clinical practice since 2011. After the Board interviewed him, the Board’s consensus was that it would be unlikely to issue an unrestricted license at this point, without some type of remediation, considering the length of time Dr. Banani has been out of practice. The Board encouraged Dr. Banani to wait to see if he may have matched and consider appearing before the Board at its next meeting. If Dr. Banani has matched, remediation efforts would be unnecessary. At the conclusion of Dr. Banani’s interview, Ms. Eller made a motion to table his application until the Board’s May 2016 meeting. Tabling the application will allow the applicant to find out if he will have a place in any residency program. Dr. Higdon seconded the motion and the motion carried.

**Allen Elster, MD** – appeared before the board due to [REDACTED] prior board action in North Carolina. The Board discussed Dr. Elster’s diagnosis, completed treatment and what appears to be successful management of his condition. Dr. Elster is enrolled in an internal medicine residency program and has participated without incident. Dr. Roland Gray, Medical Director, TMF, spoke on Dr. Elster’s behalf and confirmed that Dr. Elster is currently under contract. Dr. Elster’s contract will be re-evaluated at its conclusion. After the Board and staff discussed the difference between conditional and contingent licensures, Dr. Ali made a motion to grant conditional licensure based on the applicant maintaining his current contract with TMF. Dr. Reeves Johnson seconded the motion. The motion passed with Dr. Higdon, Dr. Baron and Ms. Outhier opposed to the motion.

**Rabin Gerrah, MD** – appeared before the Board because he has not completed a three (3) year residency program as required by applicable statute and rule. Dr. Gerrah is not board certified though he has completed a five (5) year fellowship. The Board explained that it is unable to issue a license because of this deficiency; however, Dr. Gerrah would qualify for licensure if he were to become board certified, or if he chooses to petition the Board for a declaratory order. Dr. Ali made a motion to table the application for up to four (4) months to allow Dr. Gerrah to proceed in the manner of his choosing. Ms. Yeiser seconded the motion. The motion carried.

**Raza Hussain, MD** – appeared before the Board to address two alcohol-related arrests which caused him to associate with Arkansas’s PHP in 2009. Dr. Hussain successfully completed the contract in November 2014. The Board interviewed the applicant on his practice intentions in Tennessee, as well as his previous monitoring, training, and specialty. Dr. Gray stated, without knowledge about this particular applicant and case, an evaluation could be completed by TMF, but typically in a case where a physician has successfully completed monitoring with no relapse, the possibility of needing further monitoring is unlikely. Dr. Baron made a motion to grant licensure contingent on the applicant completing an evaluation from TMF. The motion was seconded by Dr. Ali and the motion carried.

**Frederick Lombard, MD** – at the last board meeting the Board granted the applicant’s petition for declaratory order conditioned upon his submission of a complete application that was approved by the medical consultant. Dr. Rene Saunders, medical consultant for the Board, has received the application and deemed the application submitted to be acceptable. Dr. Lombard will be present tomorrow, March 16<sup>th</sup>, for a contested case.

**Jay Parkinson, MD** – appeared before the Board because his application suggested that he has not been in full-time, traditional clinical medicine practice since 2009. Dr. Parkinson is the founder of Sherpa, a telehealth company based out of NY. During his interview, Dr. Parkinson stated that he has been practicing medicine, though not in traditional setting, since October 2014. The Board discussed Dr. Parkinson’s training and his practice, and was assured by Dr. Parkinson that he has practiced clinically as recently as last week. Dr. Baron made a motion to approve an unrestricted license and Dr. Musil seconded the motion. Dr. Beckford, Dr. Ali and Ms. Eller opposed the motion. Ms. Outhier and Dr. Christiansen abstained. The motion carried by majority vote.

**Sarah Pietrangelo, MD** – appeared before the Board in July 2015 to discuss her return to medical practice. In November 2015, she appeared again, at which time the Board approved her remediation plan. At that time, the Board asked that she reappear at the March meeting to provide a summary and acknowledgment letter from her preceptor, Dr. Frizzell, that her remediation was complete. Dr. Pietrangelo appeared with a letter from Dr. Frizzell confirming satisfactory completion of her remediation. Ms. Outhier made a motion to grant a full and unrestricted license and Dr. Beckford seconded the motion. The motion carried.

**James Ray, MD** – appeared before the Board because he has been a named party in five malpractice claims, four of which have been settled and one of which is pending. The Board interviewed the applicant regarding his practice intentions in Tennessee and malpractice history. Dr. Ali motioned to issue a full unrestricted license and Ms. Eller seconded the motion. The motion carried.

**Yusef Sayeed, MD** – appeared before the Board to address his criminal history and dismissal from his residency. These issues resulted from Dr. Sayeed’s struggle with alcoholism. Dr. Sayeed reports that he is currently under contract with Western Virginia’s PHP and that he has been sober for 2 ½ years. He is scheduled to complete his occupational medicine residency in June 2016. Dr. Sayeed seeks a license so that he may complete a training rotation in Tennessee in April 2016. He does not qualify for a single purpose license or a special training license. Dr. Gray spoke on Dr. Sayeed’s behalf and said that TMF will be able to closely work with the Western Virginia PHP during his clinical rotation and will provide him with local support groups during his time in Tennessee. Dr. Ali made a motion to grant the applicant a full and unrestricted license contingent upon continuation of his ongoing advocacy. The motion was seconded by Dr. Baron. The motion carried.

**Manuel Selva, MD** – appeared before the Board because, with the exception of intermittent pro-bono work, he has been out of clinical practice since 1990. Dr. Selva is currently board certified in internal medicine and seeks licensure to complete pro-bono work in Tennessee. The applicant and Board discussed a license with administrative restriction based on the applicant’s activities, practice intentions and the length of time that he has been out of clinical practice. The Board and staff discussed the future possibility of the Board offering an administrative license. Unfortunately, at this time, the Board only has the authority to issue licenses with an administrative restriction, which is reportable. Dr. Christianson made a motion to table the application for up to six (6) months to allow further options to develop. Dr. Johnson seconded the motion. The motion carried.

**James Ward, MD** – appeared before the Board in January 2016 due because he has been out of clinical practice since 2010. At that meeting, Dr. Ward’s application was tabled to allow him to explore the repercussions, if any, of accepting a license restricted to administrative practice. Dr. Ward intends to practice administrative medicine and is willing to accept a license restricted to administrative practice. Dr. Ward is aware that the restriction is reportable to the NPDB. Dr. Ali made a motion to grant a restricted administrative license and Ms. Yeiser seconded the motion. The motion carried.

The Board recessed for lunch and resumed their meeting at 1:11pm CT.

Dr. Ali summarized the Development Committee’s discussion from the previous evening. The Committee recommended that the Board create a taskforce made up of three (3) Board members to work towards developing a reentry policy proposal with the administrative and legal staff. The taskforce will meet the Monday afternoon prior to the May Board meeting, but may also meet prior to that time. Dr. Melanie Blake, Dr. Christiansen and Dr. Johnson have been selected to form the Taskforce. Dr. Zanolli reminded the taskforce that they are unable to communicate amongst one other regarding the matter and must wait for a scheduled, sunshined, meeting to deliberate. Dr. Beckford asked staff to explore the possibility of utilizing technology, such as “Go-to-Meeting,” for this and other committee work in the future. Ms. Huddleston stated that, because this matter requires timely action, and further, because an in-person meeting may not be possible before May 2016, it would seem that a meeting to address reentry would meet the requirements of an emergency telephonic meeting. Dr. Ali made a motion that designation of the taskforce as previously named be ratified by the Board, Dr. Higdon seconded the motion and the motion carried.

Dr. Ali presented the Development Committee’s recommendation that the Board adopt the revised licensure application as it has been presented and a second recommendation that administrative staff

investigate the utilization of the FSMB's uniform application. During discussion, Dr. Johnson inquired if the Board felt that language regarding the Board's new policy offering exceptions to the seven (7) year rule should be added to avoid misleading any applicants by the current language on the application stating they must have passed all steps of the USMLE within seven (7) years. The staff suggested adding language such as "unless you qualify for an exception" and adding a link to the policy on the application. Both motions from the Development Committee passed.

Dr. Zanolli expanded upon the Board's request to consider adopting the UA. He said that an increasing number of physicians use the UA service which allows physicians to have a depository of primary source verified information that will populate the UA in those states that accept it. Ms. Martin spoke to both ways a state medical board can move forward with adoption of the UA. The board can either adopt the UA and log-in to FCVS to pull information from the site, which will still require an administrator to manually log the information in, or, the board can adopt the UA and apply for a HRSA grant, which is available to offset the cost of upgrading the board's licensure system so that it is automatically populated and no manual keying is required. The administrative staff will explore this possibility and report back to the Board at the next meeting.

Dr. Ali stated that the Development Committee was briefed on SB1580, a bill that would empower the Board to issue limited licenses to physicians who have been out of practice for an extended period of time or who have been, or are currently, working in administrative medicine. The bill would also allow the Board to issue temporary licenses to foreign trained medical students.

The Board was again presented with a summary of the continuing education audit results. The Board did not take any action on this item.

Dr. Ali stated the Development Committee discussed a possible amendment to Board Rule 0880-02-.11 regarding the frequency of Board elections. The Development Committee's recommendation to the Board was to have officer elections every two (2) years with no term limits. The Board spoke in favor of the motion and the motion passed. Dr. Zanolli indicated that the process of a rulemaking hearing should be initiated by counsel and staff as needed.

Dr. Zanolli stated that as of now the Development Committee will not meet in May 2016 due to there being no agenda items for consideration.

## **II. APPROVAL OF MINUTES**

The Board reviewed the minutes from the January 2016 Board of Medical Examiners meeting. The Board discussed modifications desired. It was requested that language be added to Dr. Andres Perez's applicant interview paragraph that states there was a motion to end the debate that was passed and during that debate Dr. Perez had several opportunities to withdraw his application. Dr. Ali made a motion to approve the modified minutes as discussed and Dr. Musil seconded the motion. The motion carried.

Ms. Martin presented the revised minutes from the November 2015 meeting which have been revised as previously requested. Dr. Ali made a motion to adopt the revised version of the minutes and Dr. Beckford seconded the motion. The motion carried.

The Board reviewed the January Development Committee meeting minutes. Dr. Johnson requested that Dr. Baron be removed as a present member on the meeting minutes due to Dr. Baron not being a member of the Committee. He appeared as a guest at that meeting. Dr. Ali made a motion to approve the minutes as amended and Dr. Higdon seconded the motion. The motion carried.

### **III. CONDUCT NEW BUSINESS**

Ms. Hannah Lanford, advisory attorney for the Acupuncture Committee, presented a revised lapsed license policy that was ratified by the Acupuncture Committee on February 1, 2016. The rates have remained the same as previously listed in the policy. Dr. Musil made a motion to accept the policy as presented and Ms. Yeiser seconded the motion. The motion carried.

Ms. Tracy Alcock, advisory attorney for the Polysomnography Committee, presented a revised lapsed license policy that was adopted by the Polysomnography Committee at their last meeting. Dr. Zanolli and staff discussed that this policy will not be changing the license approval and ratification processes currently in place. Dr. Ali motioned to approve this policy and Dr. Christiansen seconded the policy. The motion carried.

Ms. Alcock also presented the lapsed Registered Polysomnographic Technologist (“RPSGT”) Credential Policy. She stated there is statutory authority that requires polysomnographers to be not only licensed by the state but to be registered through the Board of Registered Polysomnography Technologists (“BRPT”). Dr. Johnson motioned to approve this policy and Dr. Christensen seconded the motion. The motion carried.

Dr. Ali made a motion to ratify newly licensed, reinstatements, and renewals for Medical Doctors, MD X-ray operators, Genetic Counselors, Acupuncture and Polysomnography professions. Dr. Johnson seconded the motion. The motion carried.

Ms. Martin stated there are two requests for approval of x-ray programs that are due for their biennial approval pursuant to Rule 0880-.5-.05. Rule 0880-.5-.05(2)(a) was outlined summarized for the Board. This rule outlines the requirements that must be met when a program is seeking approval and states that approved programs are subject to biennial review. Dr. Saunders stated that both programs have not indicated their instructors are physicians, ARRT technologists, or physicists. Dr. Saunders sought interpretation from the Board on the section of that rule that states “...or other work qualified personnel who are acting as instructors”. Dr. Beckford indicated that when the instructor is not a physician, ARRT technologist, or physicist it may be most appropriate to have the instructor appear before the Board to make the determination regarding whether the individual is qualified.

The Board and staff reviewed the approval requests before them and discussed the matter fully. Several Board members desired further specific information regarding the training and employment history for the program directors. The consensus of the Board was to for administration to have instructors appear before the Board for approval when the program director is not a physician, ARRT technologist, or physicist.

Dr. Melanie Blake joined the Board meeting at 2:22 pm CT.

#### **Presentation by Dr. Mitchell Mutter, Director of Special Projects**

Dr. Mutter presented proposed changes to the “Chronic Pain Guidelines” (hereinafter “CPG”) and asked the Board to consider ratifying the changes. The amended CPG will be published in the next several weeks. Dr. Zanolli asked the Board to accept the amendments and all Board members voted aye.

The Board watched a video prepared by the FSMB which seeks to summarize the Interstate Medical Licensure Compact. Dr. Zanolli stated that he would like to see the Board take a position on the compact in Tennessee next year. The Board collectively discussed the Compact’s pros and cons. Chief among the cons was the reality that the Compact, to the extent it contradicts existing licensure requirements, would

preempt those requirements, even if existing law were more stringent than the Compact. Dr. Beckford requested the Board members be provided with as much information as possible regarding the Compact at the Board's next several meetings.

The Board recessed and resumed at 3:49pm CT.

Ms. Huddleston presented changes to Rule 0880-02-.08(e) which are being proposed pursuant to the Board's newly adopted exceptions to the seven (7) year statute. The exceptions are: 1) board certification; 2) active clinical practice in another state; or 3) extraordinary circumstances which prohibited the applicant from completing the three steps of the USMLE within seven years. This proposed rule change reflects the policy adopted at the Board's January 2016 meeting. The Board made a motion for a rulemaking hearing on this matter at their last meeting.

Ms. Huddleston presented the proposed rule language regarding registration of medical spas. After discussion with the Board, Ms. Huddleston confirmed that there is legislation currently pending which may make future changes necessary, but this proposed rule change is being presented so that the rulemaking process. She did not believe that the rulemaking hearing would be possible by May though further information regarding how legislation will change should be available by then. Dr. Ali made a motion to approve the medical spa rulemaking hearing, with the revision discussed, and Dr. Beckford second the motion. The motion passed.

Ms. Huddleston confirmed that the language for a proposed rule change regarding the election of officers will be presented to the Board at their May meeting. She also reported the Attorney General's office has started its review of the telemedicine rules but she has no further updates.

Ms. Nichelle Dorroh, Office of Investigations, presented the investigative report. Currently there are 267 open complaints against medical doctors and three open complaints against x-ray operators. Twenty pain management clinics have been completed, leaving the office on course to complete 100 audits as projected by year's end. Ms. Dorroh also presented the disciplinary report. According to that report, there are 187 BME licensees (down from 221 in January) being monitored. She reported that the office has implemented a new policy where they utilize a "clear report" to confirm current addresses. The Office of Investigations hopes this report will result in greater efficiency.

Ms. Martin directed the Board to the Manager's Report which summarizes statistical information from January 1, 2015, through January 9th, 2016. Dr. Musil commented on the high number of medical spa registrations. Dr. Johnson acknowledged that the number of medical doctor applicants seems to be rising. Ms. Martin agreed that there has been an increase in applications, though the cause of the increase is presently unknown.

Ms. Martin presented the proposed welcome brochure which will be sent to all new physician licensees. The brochure seeks to address some of the most frequently asked questions for the physician profession. Ms. Martin asked the Board whether there were suggested edits as the brochure is the document is nearing its final draft phase. The Board was supportive of the project.

Ms. Martin reported that the Board is in its second year of a five-year contract with TMF. She and Dr. Saunders conducted an audit at TMF to determine compliance with contract deliverables. It was determined that TMF is in compliance with the terms of the contract. The administrative office will be visiting TMF annually for the duration of the contract and providing updates as appropriate.

Ms. Martin reminded the Board that it had previously authorized two staff people to attend the FSMB Annual Meeting. Because the Board of Osteopathic Examination also authorized two staff people to

attend, the decision was made to allow the Board to sponsor Dr. Saunders' attendance and the BOE will sponsor Ms. Martin's. Ms. Martin inquired whether the Board would allow a staff member from the Office of Investigations to attend the meeting as well. The Board spoke in favor of allowing the allocated funds for the FSMB annual meeting to be used on a staff member from Investigations to attend.

### **Office of General Counsel**

Dr. Zanolli requested an update on the rule to increase the fee. Ms. Huddleston stated she cannot speak for the Governor's office but it appears that the office is not in support of a fee increase with the Board's revenue currently in the black. The Board and staff discussed their revenue, anticipated increased expenditures and contemplated that these costs may cause the Board to close with a deficit in the next year or so.

Ms. Huddleston covered the conflict of interest statement which must be signed by each Board member annually. She reminded the members that if they have a personal or financial connection to an applicant, disciplinary issue, rulemaking hearing or with any issue before the Board, they should disclose this on the record and refrain from deliberations to avoid the possibility of an outside party attempting to have a Board order voided due to that relationship or knowledge.

She reported there has been no change regarding litigation on appeals since their January meeting. Also, there has been a significant increase in case numbers over the last year or more.

Ms. Huddleston summarized a case from the court of appeals involving a complaint against multiple physicians who were alleged to have diluted dialysis medications. In the case, the Board issued a directed verdict. The result of that directed verdict was that the respondents were entitled to attorney's fees. This is because a directed verdict is appropriate when the state fails to prove its case, not when there has been a violation of law, but the Board does not necessarily think there's a need for punishment. She cautioned the Board to issue a directed verdict only when it believes that a case is not sufficiently well-founded and/or was not brought in good faith.

Ms. Huddleston provided the Board with a reminder regarding the open meetings act and public record law. The open meeting act requires that all Board discussions regarding Board business be on the record and in a forum that is open to the public. The public records law indicates that everything—all emails, correspondence, records, etc.—is public record unless it falls under an exception. Some, not all, exceptions include investigative material, information gathered by OGC before filed for a notice of charges, and protected health information.

Dr. Zanolli asked whether OGC needs more board member availability for screening panels given the increase in cases. Ms. Huddleston responded that additional time is not needed from members at the moment; however, she will plan to keep the Board apprised of changes.

Dr. Baron inquired if there were any legislative updates. Ms. Martin stated there were no scheduled updates at this time but she would be happy to check into any legislation that is of particular interest to Dr. Baron or any other Board member.

There being no other day one business, the meeting adjourned for the day.

### **Two of the Regular Meeting of the Tennessee Board of Medical Examiners Wednesday, March 16, 2016**

The second day of the regular board meeting was called to order at 8:44 a.m. in the Iris Room, Ground



Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee, by Board of Medical Examiners' President, Dr. Michael Zanolli. Members present included: Dr. Michael Baron, Ms. Pat Eller, Dr. Reeves Johnson, Dr. Deborah Christiansen, Dr. Melanie Blake, Dr. Neal Beckford, Ms. Barbara Outhier, Dr. Subhi Ali, Dr. Dennis Higdon, and Dr. C. Allen Musil.

### **FY 2015 Financial Report**

Ms. Lisa Tittle appeared before the board to discuss the FY 2015 Financial report. Ms. Tittle started by introducing Mr. Butch Jack, who will be leading the fiscal team. Ms. Vanessa Crutcher then went over the various expenditures and revenue. Total expenditures are \$2,973,750.00 and total revenue is \$3,333,196.00. The current year net is \$359,445.00 and the carryover is \$2,725,410.00. The Board did close in the black last year. Ms. Tittle then explained that they were pleasantly surprised that Controlled Substance Monitoring closed in the black, as it was not projected that that would happen. Ms. Tittle directed the Board to the percentage of the CSMD that they pay, which is part of their administrative costs. Over four years the costs have fluctuated. It was noted that the vendor's costs have gone up and Dr. Baron explained that was due to an increase in storage needs.

Ms. Tittle stated that in 2015, if Pain Management Clinics had been treated like an individual Board they would have closed in the red. Revenue and expenditures for pain management clinics are based on clinic ownership. The Board is assigned 83.59% of the expense as part of their administrative costs, but they also get that same percentage of the revenue. There has been talk about increasing the fees for certification of PMCs and Ms. Tittle thinks that should be considered, otherwise the pain management clinics won't be carrying their own weight.

Ms. Tittle prepared an estimate of what the Board can expect to bring in in a full year with the proposed increase in renewal and application fees. Ms. Tittle then brought up some costs that the Board needs to be aware of going forward. The OGC costs were down in 2015 and they are expected to rise. They are also moving forward with the online application process on LARS, but it has been cleared with the Department of Finance and Administration that it can come out of Board reserves, instead of them having to pay for it out of their current year. Dr. Zanolli asked if they could do that every year. Ms. Tittle replied that the division worked to get special language into the appropriations bill that allows system development costs so that it wouldn't be considered a recurring expense. Their share in 2016 is estimated to be \$83,000.00 and in 2017, \$160,000.00. Ms. Eller noted the fee about the sheet on medical doctors regarding renewals wasn't correct, and Ms. Tittle replied that it must have been an old field they picked up, so their correct revenue would be even higher.

### **Order(s) of Compliance**

**Rodney Dunham, MD** – was not present but is represented by Counsel Mr. Robert Cramer. Mr. Dunham's license was disciplined in 2011 for inappropriately intimate relationships with patients. He was originally suspended and that suspension was backdated because he had been summarily suspended prior to that. Shortly after the date of that Order his license was placed on probation for a period of five years. He was ordered to have a TMF contract as well as other terms, and pay penalties and costs. He is not due to have his probation lifted until the 22<sup>nd</sup>, but the Board had agreed at the last meeting that they would hear those Orders if they fell in between two meetings. He is in compliance with the requirements and is entitled to have his petition granted. Dr. Christiansen made a motion to accept the Order. Ms. Eller seconded the motion which passed.

**Phillip W. Hunt, MD** – was not present nor did a legal representative appear on his behalf. Dr. Hunt's license was suspended for two months in 2010 due to substance abuse issues. He has previously had that suspension lifted and is requesting to have his probation lifted. Dr. Hunt was also required to have a TMF

contract as well as other terms, and pay costs. He is in compliance with the requirements and is entitled to have his petition granted. Ms. Huddleston noted that Dr. Hunt was not present and she didn't know if his appearance was waived; the order did not say he had to be present. Dr. Zanolli asked if there were any objections to proceeding and there were none, so the Board proceeded. Ms. Christiansen made a motion to accept the Order. Dr. Musil seconded the motion which passed.

**Russell W. Rhea, III, M.D.** – was not present nor did a legal representative appear on his behalf. Dr. Rhea's license was placed on probation for a period of three years in 2013 related to inappropriate prescribing. Dr. Rhea was also required to take certain coursework and pay penalties and costs. Ms. Huddleston noted that Dr. Rhea was not present and that his attendance was waived. Dr. Christiansen recused herself. Dr. Beckford made a motion to accept the Order. Dr. Ali seconded the motion which passed.

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

**William Caulkins** – was not present nor did a legal representative appear on his behalf. Ms. Jennifer Putnam represented the state. Although Dr. Caulkins was convicted of several reportable offenses between 2007 and 2014, he did not report his convictions to the Board until he submitted his renewal application in October 2015. The Consent Order presented to the Board orders that Dr. Caulkins' medical license be reprimanded. Dr. Caulkins shall also contact the TMF for an assessment and must comply with any resulting recommendations. Mr. Caulkins must also pay Civil Penalties in the amount of \$300.00, as well as costs not to exceed \$1,000.00. Dr. Christiansen made a motion to accept the order. Dr. Musil seconded the motion, which passed.

**John McMichen, MD** – was not present nor did a legal representative appear on his behalf Ms. Jennifer Putnam represented the state. A medical malpractice payment in the amount of \$570,000.00 was made on behalf of Dr. McMichen for premature discharge from an institution after a two year old was released following a three hour observation for the possible ingestion of narcotics. An hour after discharge, the child was transported back as unresponsive, not breathing and did not have a pulse. The child was transported to East Tennessee Children's Hospital via helicopter. The child never regained consciousness and the autopsy report indicated the cause of death was Oxycodone intoxication with global hypoxic-ischemic brain injury, early bronchopneumonia and blunt head trauma. The Consent Order presented to the Board orders that Dr. McMichen's medical license be reprimanded. Dr. McMichen must also pay Civil Penalties in the amount of \$500.00 and costs not to exceed \$1,000.00. Dr. Ali made a motion to accept the order. Dr. Baron and Dr. Zanolli abstained. Dr. Beckford seconded the motion, which passed.

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

**Melissa A. Breitling, MD** – was not present. She was represented by attorney Stephen Hale. Ms. Jennifer Putnam represented the state. On or about October 14, 2014, Dr. Breitling, while serving as the Medical Director of the West Tennessee State Penitentiary (WTSP), attempted to walk through a check point metal detector but could not clear the search. Dr. Breitling was advised to remove her shoes by a correctional officer and after removing her shoes, handed the correctional officer a package containing pills which were hidden inside her shoe. Dr. Breitling was attempting to bring in a partial Medrol dose pack for a nurse on staff who had recently injured her back. On or about May 15, 2015, Respondent was granted judicial diversion and will be on unsupervised probation until May 14, 2016. The Agreed Order presented to the Board orders that Dr. Breitling medical license be reprimanded. Within ninety (90) days of the entry of the Order, Respondent agrees to undergo an evaluation with a treatment facility approved by the TMF must comply with any resulting recommendations. Dr. Breitling must also pay Civil Penalties in the amount of \$1,000.00 and costs not to exceed \$1,000.00. Dr. Ali made a motion to accept the order. Dr. Beckford and Dr. Baron were opposed. Dr. Musil seconded the motion, which passed.

**Rikki Pleasants, MD** – was not present nor did a legal representative appear on her behalf. Ms. Jennifer Putnam represented the state. Dr. Pleasants wrote three prescriptions for controlled substances for two South Carolina patients while living in Tennessee. At the time, her South Carolina medical license, DHEC license, DEA license were expired. Dr. Pleasants entered into an Order with the Medical Examiners of South Carolina that reprimanded her license and assessed \$1,500.00 in administrative costs and a fine of \$3,000.00, both to be paid within six months of the date of the Order. The Consent Order presented to the Board orders that Dr. Pleasants’ medical license be reprimanded. Dr. Pleasants must also pay costs not to exceed \$1,000.00. Dr. Ali made a motion to accept the order. Dr. Musil abstained. Dr. Blake seconded the motion, which passed.

**Frank D. Wade, MD** – was not present nor did a legal representative appear on his behalf. Ms. Jennifer Putnam represented the state. On September 14, 2014, Dr. Wade was arrested for DUI but was ultimately convicted of reckless driving. Dr. Wade was fined and given 11 months and 29 days of unsupervised probation. The Respondent was not on call for his patients when the incident occurred. The Consent Order presented to the Board orders that Dr. Wade’s medical license be reprimanded. Dr. Wade must also pay Civil Penalties in the amount of \$1,000.00 and costs not to exceed \$1,000.00. Dr. Musil made a motion to accept the order. Dr. Baron, Ms. Eller, and Dr. Johnson opposed. Dr. Ali seconded the motion, which passed.

The proper discipline for Dr. Wade was vigorously debated. The Board took note of the circumstances of his arrest and their role in disciplining licensees. Dr. Ali urged the Board to speak frankly regarding this and other matters, regardless of who is listening and stated his belief that instructions to the Board regarding its deliberations and deliberative methods are out of order.

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

**David C. Tabor** – was present, as was his counsel, Mr. C.J. Gideon. Ms. Tracy Alcock represented the state. Dr. Higdon, Dr. Zanolli, and Dr. Christiansen recused themselves. Respondent routinely prescribed controlled substances to his wife despite personal knowledge of her substance use disorder. Dr. Tabor also wrote controlled substance prescriptions for individuals at his wife’s request without establishing a patient-physician relationship and proper diagnosis. Respondent voluntarily underwent an assessment with Vanderbilt Comprehensive Assessment Program in late October 2015. The Agreed Order presented to the Board orders that Dr. Tabor’s medical license be placed on probation and certain other conditions met. Dr. Tabor also agrees to pay costs not to exceed \$10,000.00.

After hearing from Dr. Tabor and Mr. C. J. Gideon and discussing the issue, the following changes were made to the proposed order: The original paragraph number 4, which reads “Respondent voluntarily underwent an assessment with Vanderbilt Comprehensive Assessment (“VCAP”) Program in late October 2015” was removed in its entirety. In paragraph 12 (previously 13), the first part of b. was changed from “During the period of probation, the Respondent, who intends to practice in the supervised setting...” to “During the period of probation, if the Respondent intends to practice, he is required to practice in the supervised setting...”. Paragraph 13 (previously 14) was changed to read: “Respondent agrees to and by his signature below does hereby surrender his Drug Enforcement Administration (“DEA”) registration in its entirety and agrees not to seek reinstatement of such DEA privileges throughout the duration of his lifetime probationary period.” Dr. Beckford made a motion to accept the order with the modifications previously mentioned. Dr. Musil seconded the motion, which passed.

#### **Agreed Citations (CME)**

**Michael H. Meadors, MD** – was not present nor did a legal representative appear on his behalf. Ms. Martin presented the agreed citation. As part of his agreed citation, Dr. Meadors has agreed to pay \$200.00 in civil penalties for failure to obtain 2 CME hours, to include two (2) hours of prescribing

practices with instructions on the Department's Chronic Pain Guidelines. Dr. Johnson made a motion to accept the agreed citation. Dr. Ali seconded the motion, which passed.

**Matthew C. Nadaud, MD** – was not present nor did a legal representative appear on his behalf. Ms. Martin presented the agreed citation. As part of his agreed citation, Dr. Nadaud has agreed to pay \$1,700.00 in civil penalties for failure to obtain 17 CME hours. Dr. Johnson made a motion to accept the agreed citation. Dr. Ali seconded the motion, which passed

**Thomas Lee Hardy, MD** – was not present nor did a legal representative appear on his behalf. Ms. Martin presented the agreed citation. As part of his agreed citation, Dr. Hardy has agreed to pay \$1,075.00 in civil penalties for failure to obtain 10.75 CME hours. Dr. Johnson made a motion to accept the agreed citation. Dr. Ali seconded the motion, which passed

**Robert Stephenson, MD** – was not present nor did a legal representative appear on his behalf. Ms. Martin presented the agreed citation. As part of his agreed citation, Dr. Stephenson has agreed to pay \$3,600.00 in civil penalties for failure to obtain 36 CME hours. Dr. Johnson made a motion to accept the agreed citation. Dr. Ali seconded the motion, which passed

**David C. Heusinkveld, MD** – was not present nor did a legal representative appear on his behalf. Ms. Martin presented the agreed citation. As part of his agreed citation, Dr. Heusinkveld has agreed to pay \$1,850.00 in civil penalties for failure to obtain 18.5 CME hours, to include two (2) hours of prescribing practices with instructions on the Department's Chronic Pain Guidelines. Dr. Johnson made a motion to accept the agreed citation. Dr. Zanolli and Dr. Baron recused themselves. Dr. Ali seconded the motion, which passed

**Joseph B. Eatherly, MD** – was not present nor did a legal representative appear on his behalf. Ms. Martin presented the agreed citation. As part of his agreed citation, Dr. Eatherly has agreed to pay \$3,900.00 in civil penalties for failure to obtain 39 CME hours, to include two (2) hours of prescribing practices with instructions on the Department's Chronic Pain Guidelines. Dr. Johnson made a motion to accept the agreed citation. Dr. Ali seconded the motion, which passed

**Whitson Lowe, MD** – was not present nor did a legal representative appear on his behalf. Ms. Martin presented the agreed citation. As part of his agreed citation, Dr. Meadors has agreed to pay \$200.00 in civil penalties for failure to obtain 2 CME hours, to include two (2) hours of prescribing practices with instructions on the Department's Chronic Pain Guidelines. Dr. Johnson made a motion to accept the agreed citation. Dr. Ali seconded the motion, which passed

**Deborah G. Dunn** – was not present nor did a legal representative appear on her behalf. Ms. Martin presented the agreed citation. As part of her agreed citation, Ms. Dunn has agreed to pay \$400.00 in civil penalties for failure to obtain 20 CE hours, which includes two (2) hours of instruction on appropriate statutes, rules, regulations, and A.R.R.T. Standards of Ethics. Dr. Johnson made a motion to accept the agreed citation. Dr. Ali seconded the motion, which passed.

**Teresa Stewart** – was not present nor did a legal representative appear on her behalf. Ms. Martin presented the agreed citation. As part of her agreed citation, Ms. Stewart has agreed to pay \$40.00 in civil penalties for failure to obtain 2 CE hours, which includes two (2) hours of instruction on appropriate statutes, rules, regulations, and A.R.R.T. Standards of Ethics. Dr. Johnson made a motion to accept the agreed citation. Dr. Ali seconded the motion, which passed.

**Stacey W. Willis** – was not present nor did a legal representative appear on her behalf. Ms. Martin presented the agreed citation. As part of her agreed citation, Ms. Willis has agreed to pay \$40.00 in civil penalties for failure to obtain 2 CE hours, which includes two (2) hours of instruction on appropriate statutes, rules, regulations, and A.R.R.T. Standards of Ethics. Dr. Johnson made a motion to accept the agreed citation. Dr. Ali seconded the motion, which passed.

**Kyle Broadbent Morgan** – was not present nor did a legal representative appear on his behalf. Ms. Martin presented the agreed citation. As part of his agreed citation, Mr. Morgan has agreed to pay \$40.00 in civil penalties for failure to obtain 2 CE hours, which includes two (2) hours of instruction on appropriate statutes, rules, regulations, and A.R.R.T. Standards of Ethics. Dr. Johnson made a motion to accept the agreed citation. Dr. Ali seconded the motion, which passed.

**Melissa A. Williams** – was not present nor did a legal representative appear on her behalf. Ms. Martin presented the agreed citation. As part of her agreed citation, Ms. Williams has agreed to pay \$40.00 in civil penalties for failure to obtain 2 CE hours, which includes two (2) hours of instruction on appropriate statutes, rules, regulations, and A.R.R.T. Standards of Ethics. Dr. Johnson made a motion to accept the agreed citation. Dr. Ali seconded the motion, which passed.

**Tammy Moffat** – was not present nor did a legal representative appear on her behalf. Ms. Martin presented the agreed citation. As part of her agreed citation, Ms. Moffat has agreed to pay \$40.00 in civil penalties for failure to obtain 20 CE hours, which includes two (2) hours of instruction on appropriate statutes, rules, regulations, and A.R.R.T. Standards of Ethics. Dr. Johnson made a motion to accept the agreed citation. Dr. Ali seconded the motion, which passed.

**Amanda Hadden** – was not present nor did a legal representative appear on her behalf. Ms. Martin presented the agreed citation. As part of her agreed citation, Ms. Hadden has agreed to pay \$40.00 in civil penalties for failure to obtain 2 CE hours, which includes two (2) hours of instruction on appropriate statutes, rules, regulations, and A.R.R.T. Standards of Ethics. Dr. Johnson made a motion to accept the agreed citation. Dr. Ali seconded the motion, which passed.

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

**Louis E. Koella, MD** was not present nor did a legal representative appear on his behalf. Mr. Andrew Coffman represented the state. The Department of Health reviewed 20 of Dr. Koella's patients' medical records as part of its investigation in this matter and found that Dr. Koella regularly prescribed controlled substances, primarily opioids, muscle relaxants, and benzodiazepines, which were not medically justified. The Consent Order presented to the Board orders that Dr. Koella's medical license be placed on Probation for a period of five years. As a condition of Dr. Koella's probation, he must use a practice monitor through Affiliated Monitors, Inc. for a period of one year. Additionally Dr. Koella must take specific courses as specified in the Order. Dr. Koella must also pay Civil Penalties in the amount of \$10,000.00 and costs not to exceed \$1,500.00. Dr. Johnson made a motion to accept the order. Dr. Beckford seconded the motion, which passed.

**Angus M. Green Cook, MD-** was not present nor did a legal representative appear on his behalf. Ms. Paetria P. Morgan represented the state. Dr. Cook is being disciplined for improperly prescribing to a co-worker. The Consent Order presented to the Board orders that Dr. Cook's medical license be reprimanded. Dr. Cook must also complete specific courses as stated in the Order and pay Civil Penalties in the amount of \$600.00 and costs not to exceed \$3,000.00. Dr. Johnson made a motion to accept the order. Dr. Beckford seconded the motion, which passed

**Shelby Lynn Cunningham MD** – was not present nor did a legal representative appear on her behalf. Ms. Paetria P. Morgan represented the state. While practicing at HMC, Dr. Cunningham had several patient complications which resulted in the executive medical committee completing a review of her medical records and voting to request that she “obtain additional training prior to performing any further GYN procedures based upon concerns related to patient safety, judgment, technical abilities, and medical record documentation.” Subsequently, Dr. Cunningham entered into a contract with TMF which was terminated for noncompliance in August 2015. The Consent Order presented to the Board states that Dr. Cunningham agrees to Voluntarily Surrender her license to practice medicine. Dr. Cunningham must also

pay costs not to exceed \$2,000.00. Dr. Beckford made a motion to accept the order. Dr. Johnson seconded the motion, which passed.

**Joseph Allan Mixon, MD** – was not present. He was represented by attorney Robert J. Kraemer. Ms. Paetria P. Morgan represented the state. On January 18, 2015, Dr. Mixon worked as an emergency room physician and treated eighteen patients while under the influence. Dr. Mixon’s urine drug screen revealed positive indications for opiates, benzodiazepines, and alcohol. Dr. Mixon has completed a residential treatment program for chemical dependency and entered into a contract with the TMF. The Consent Order presented to the Board orders that Dr. Mixon’s medical license be placed on Probation to run concurrent with the duration of his TMF contract or any subsequent extension. Dr. Mixon must also pay Civil Penalties in the amount of \$5,400 and costs not to exceed \$5,000.00.

After a brief discussion with Mr. Kraemer, the following paragraphs were added to the Order: On May 24, 2015, Respondent completed a residential treatment program for chemical dependency; On May 26, 2015, Respondent entered into a continuing care contract with the TMF. Dr. Higdon made a motion to accept the order. Dr. Christiansen seconded the motion, which passed. Dr. Zanolli added that Dr. Mixon must appear before them unless there is some physical or illness that precludes it.

**Peter A. Reardon, MD** – was not present nor did a legal representative appear on his behalf. Ms. Paetria P. Morgan represented the state. In 2006, Dr. Reardon began a physician-patient relationship with his romantic partner. On at least ten occasions, from March 2013 to January 2015, the Respondent prescribed controlled substances to his partner in violation of applicable law. The Consent Order presented to the Board orders that Dr. Reardon’s medical license be reprimanded. Dr. Reardon must also complete specific courses as stated in the Order and pay Civil Penalties in the amount of \$2,000.00 and costs not to exceed \$5,000.00. Dr. Ali made a motion to accept the order. Ms. Eller and Dr. Baron opposed. Dr. Christensen seconded the motion, which passed

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

**Candace Meek**– was not present nor did a legal representative appear on her behalf Ms. Alcock represented the state. Ms. Meek’s RPSGT credential expired on July 17, 2012. From July 17, 2012 through November 2013, Ms. Meek was employed in a position at Vanderbilt University Medical Center as a polysomnographic technologist scoring sleep studies. When Ms. Meek became aware of her expired RPSGT credential, she self-reported to her employer and was suspended from work on December 5, 2013. She sat for and passed the RPSGT exam on December 26, 2013. Thereby, Ms. Meek became recredentialed with the BRPT on December 26, 2013. The Agreed Order presented to the Board orders that Ms. Meek pay \$1,700.00 and costs not to exceed \$500.00. The Consent Order was previously accepted by the Polysomnography Committee. Dr. Christiansen made a motion to accept the order. Dr. Johnson seconded the motion, which passed.

#### **Additional Agreed Citation(s)**

**Allen D. Hogue**– was not present nor did a legal representative appear on his behalf. Ms. Alcock presented the agreed citation. As part of his agreed citation, Mr. Hogue has agreed to pay \$1,700.00 in civil penalties for unlicensed practice as a polysomnography technologist. The Agreed Citation was previously accepted by the Polysomnography Committee. Dr. Beckford made a motion to accept the agreed citation. Dr. Ali seconded the motion, which passed.

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

**Timothy D. Gowder, MD** –was not present nor did a legal representative appear on his behalf. Ms. Mary Katherine Bratton represented the state. Since this matter was currently at trial, Dr. Baron and Dr. Higdon were asked to recuse themselves and leave the room. From at least 2011 to the present, Dr. Gowder provided treatment that included prescribing narcotics and other medications and controlled substances in

amounts and/or for durations not medically necessary, advisable, or justified for a diagnosed condition. The Agreed Order presented to the Board orders that Dr. Gowder's medical license be retired. The Respondent agrees to voluntarily surrender his Drug Enforcement Administration (DEA) registration and Pain Management Clinic certification on or before July 1, 2016. Dr. Gowder shall not apply for reinstatement of his license for at least one year from the date of the Agreed Order. Should he apply for reinstatement of his license, Dr. Gowder agrees that he shall not practice in a pain management clinic nor provide pain management services. Should he apply for reinstatement of his license he also agrees he shall not apply for reinstatement of his DEA registration. Dr. Gowder must also pay costs not to exceed \$45,000.00. Dr. Beckford made a motion to accept the order. Dr. Ali seconded the motion. Dr. Johnson abstained. The motion passed.

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

**Gary Allen Moore, MD** – was not present nor did a legal representative appear on his behalf. Ms. Mary Katherine Bratton represented the state. Ms. Outhier recused herself. From at least August 2011, to the present, Dr. Moore provided treatment to multiple patients including prescribing narcotics and other medications and controlled substances in amounts and/or for durations not medically necessary, advisable, or justified for a diagnostic condition. The Consent Order presented to the Board orders that Dr. Moore's license be placed on probation for two years. He must petition for an Order of Compliance and appear personally before the Board before his probation can be lifted. Dr. Moore agrees that he shall not practice in a pain management clinic nor provide pain management services. Dr. Moore must also pay costs not to exceed \$15,000.00. Dr. Baron recused himself. Dr. Johnson made a motion to accept the order and Dr. Christiansen seconded the motion. Dr. Beckford opposed. The motion passed.

#### **Contested Case(s)**

##### ***State of Tennessee Board of Medical Examiners v. Frederick W. Lombard, MBChB***

#### **Mockingbird Room**

<b>Admin. Law Judge:</b>	<b>Thomas J. Stovall</b>
<b>Panelists:</b>	<b>Michael Zanolli, MD, Neal Beckford, MD, Michael Baron, MD</b>
<b>Counsel for State:</b>	<b>Francine Baca-Chavez</b>
<b>Respondent:</b>	<b>Frederick W. Lombard, MD</b>
<b>Counsel for Respondent:</b>	<b>Michele Marsicano</b>

Dr. Lombard seeks a declaratory order issuing a full and unrestricted Tennessee medical license. Dr. Lombard has not completed a three-year residency in the United States and did not complete the USMLE. Dr. Beckford made a motion to approve the petitioner's proposed final order. Dr. Zanolli seconded the motion. After further panel discussion, Dr. Beckford noted paragraph 17 needed to be changed and proposed the final sentence read "Given Petitioner's training, experience, rare skillset, and the need for his unique combination of anesthesiology subspecialties, Petitioner does not meet the requirements for a full, unrestricted license in Tennessee, however, the citizens of Tennessee would benefit by him having a full and unrestricted license." The motion to accept the petitioner's proposed final order with the changes Dr. Beckford proposed passed.

##### ***Sara Bomar, MD v. State of Tennessee Board of Medical Examiners***

#### **Iris Room**

<b>Admin. Law Judge:</b>	<b>Elizabeth D. Cambron</b>
<b>Panelists:</b>	<b>Barbara Outhier, Melanie Blake, MD, C. Allen Musil, MD</b>
<b>Counsel for State:</b>	<b>Andrea Huddleston</b>
<b>Respondent:</b>	<b>Sara Bomar, MD</b>
<b>Counsel for Respondent:</b>	<b>James C. Sperring</b>

Dr. Bomar seeks a declaratory order for removal of the administrative practice only restriction on her medical license. On or about March 17, 2006, Dr. Bomar was granted a medical license restricted to administrative practice. The restriction prohibited Dr. Bomar from engaging in any clinical practice. After some discussion by the panel members and as a result of some questions that were raised by them, Ms. Huddleston and Mr. Sperring came up with a proposed settlement for the panel. The Order presented to the Board orders that the Petition for Declaratory Order filed by Petitioner, Sara Bomar, M.D., is granted to the extent that the administrative practice only restriction on Dr. Bomar's license is removed. Dr. Bomar's license is hereby restricted to the clinical practice of medicine under the supervision of another licensed physician in the State of Tennessee, for a period of six months, during which time Dr. Bomar shall shadow a primary care physician for no less than eight hours per week. At the end of the six month period, Dr. Bomar shall submit evidence of compliance with the terms of paragraph 10 to the Board, as well as a statement from the physician she has shadowed during that time period, attesting to her clinical competency. At that time, the Petitioner may request that the Board grant her a full, unrestricted license and the matter will be taken up by the Board at its November 15-16, 2016 meeting. Dr. Blake made a motion to accept the proposed Agreed Order granting petition for Declaratory Order. Dr. Outhier seconded the motion, which passed.

***State of Tennessee Board of Medical Examiners v. Alexander Zotos, MD***

**Iris Room**

<b>Admin. Law Judge:</b>	<b>Elizabeth D. Cambron</b>
<b>Panelists:</b>	<b>Barbara Outhier, Melanie Blake, MD, C. Allen Musil, MD</b>
<b>Counsel for State:</b>	<b>Andrea Huddleston</b>
<b>Respondent:</b>	<b>Alexander Zotos, MD</b>
<b>Counsel for Respondent:</b>	<b>Mr. C.J. Gideon</b>

Dr. Zotos seeks a Declaratory Order seeking to have the requirement of a lifetime agreement with the Tennessee Medical Foundation ended. On or about October 2, 2006, Dr. Zotos was offered an unrestricted medical license in the state of Tennessee conditioned on his agreement to maintain a lifetime advocacy contract with the Tennessee Medical Foundation with quarterly reporting to the Board's administrative office. After discussion, the panel members made the following changes to the order: paragraph 4 is removed except for the first sentence; paragraph 6 is changed to read: "Petitioner met the burden of proof to establish that lifetime TMF advocacy is no longer necessary or beneficial; Petitioner provided evidence that he is safe to return to the level of monitoring of other unrestricted licensees."; paragraph 7 was added, which reads "TMF advocacy is no longer required." In paragraph 8 (previously 7), "paragraphs 1-6" was changed to "paragraphs 1-7". In the Policy Statement, the word "citizens of" was changed to "people in". In paragraph 9 (previously 8) the word "denied" was changed to "granted" and the following sentence was added: "The condition of lifetime advocacy by the Tennessee Medical Foundation is ended." [Insert motion and second]

**Jaimi M. Vasquez, MD (Consent Order)** – was not present nor did a legal representative appear on his behalf. Ms. Jennifer Putnam represented the state. Respondent admitted to self-prescribing medications for non-controlled substances since 2006. Signed Affidavits from two of Dr. Vasquez's treating physicians who were prescribing these medications for him prior to 2006, confirm that Dr. Vasquez took over prescribing the medications that these physicians had been prescribing for him, as a convenience to each physician, which they approved. The Consent Order presented to the Board orders that Dr. Vasquez's medical license be reprimanded. Dr. Vasquez must also pay Civil Penalties in the amount of \$500.00 and costs not to exceed \$1,000.00). Dr. Blake made a motion to accept the order. Ms. Outhier seconded the motion. Dr. Musil opposed. The motion passed.

The meeting adjourned.