



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

Tuesday, May 16, 2023

MINUTES

The regular board meeting of the Tennessee Board of Medical Examiners was called to order at 8:35 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
John Hale, MD
Phyllis Miller, MD
Randall Pearson, MD
Samantha McLerran, MD
Keith Anderson, MD
James Diaz-Barriga, Consumer Member
John McGraw, MD

Board member(s) absent: Jennifer Claxton, Consumer Member

Staff present: Francine Baca-Chavez, JD, Office of General Counsel
Stacy Tarr, BME Executive Director
Samantha Green, Board Administrator
Jeffrin Zachariah, Board Administrator

I. CONSIDERATION OF APPLICATIONS

Medical X-Ray Applicant Interview(s):

Aaron Gribble, AMDX – appeared before the Board without legal representation. Mr. Gribble allowed his TN X-Ray operator license to lapse and is reapplying for a full license. Mr. Gribble has been out of practice since July 2020, prior to which he primarily worked in Interventional Radiology in a hospital setting. Mr. Gribble is currently employed at Fast Pace Health Clinic, where he is able to be precepted by Radiologic Technologists on staff. Dr. Deborah Christiansen motions to table the application for up to three (3) months to allow Mr. Gribble to submit documentation for the completion of fifty (50) hours of a preceptorship. The documentation should include a breakdown of the imaging studies conducted, and there should be variability in the imaging protocols. Mr. Gribble will be granted a full and unrestricted license contingent upon the completion of said preceptorship and submission of documentation to

administrative staff for both the preceptorship and up-to-date continuing education. Dr. John McGraw seconds the motion, and it passes.

Jamie Anders, MDXL – appeared before the Board without legal representation. Ms. Anders allowed her Limited Scope X-Ray Operator license lapse after moving out of state in September 2020. Ms. Anders has secured employment at a small family medicine clinic where she may be precepted by other licensed limited X-Ray operators in chest, extremities, and spine. Dr. Christiansen motions to table the application for up to three (3) months to allow Ms. Anders to submit documentation of completion of fifty (50) hours of a preceptorship to administrative staff, contingent upon completion of which a Limited Scope X-Ray Operator license will be granted for the modalities of chest, spine, and extremities. The documentation should include a breakdown of the imaging studies conducted with a concentration in the modalities of chest, spine, and extremities. Dr. McGraw seconds the motion, and it passes.

Katie Farrell, AMDX – appeared before the Board without legal representation. Ms. Farrell has previously appeared before the Board on March 7, 2023 for consideration of her Full MD X-Ray Operator license application. Ms. Farrell has been out of practice since 2019. The Board tabled the application for up to six (6) months to allow Ms. Farrell to obtain a preceptor and complete five (5) mandatory patient general care procedures, eighteen (18) mandatory imaging procedures, and eight (8) elective imaging procedures selected from the list of thirty-four (34) procedures. Upon completion of the preceptorship, a letter of completion from the preceptor was to be submitted to the administrative office and Ms. Farrell was to reappear before the Board for further consideration. Dr. Christiansen motions to grant a full and unrestricted license. Dr. Samantha McLerran seconds the motion, and it passes.

Medical Doctor Applicant Interview(s):

Ahmad Kheirkhah, MD – appeared before the Board with his legal representation, Ms. Dawn Campbell. Dr. Kheirkhah is an applicant for initial licensure with no board certification, no malpractice history, no criminal history, and no prior board action. Dr. Kheirkhah is an International Medical School graduate with no US ACGME accredited postgraduate training and has not completed all three (3) steps of the USMLE. Ms. Campbell spoke on behalf of Dr. Kheirkhah requesting that the Board consider the applicant's petition for Declaratory Order. Dr. Kheirkhah has been a practicing Ophthalmologist in Texas for five (5) years. Dr. McLerran motions to accept Dr. Kheirkhah's petition for Declaratory Order and to table the application for a period up to six (6) months to allow Dr. Kheirkhah additional time to go through the Declaratory hearing process. Dr. Christiansen seconds the motion, and it passes.

Dani Kruchevsky, MD – appeared before the Board with his legal representation, Ms. Dawn Campbell. Dr. Kruchevsky is an applicant for initial licensure with no board certification, no malpractice history, no criminal history, and no prior board action. Dr. Kruchevsky is an International Medical School graduate with no US ACGME accredited postgraduate training and took greater than ten (10) years to complete all steps of the USMLE. Ms. Dawn Campbell spoke on behalf of Dr. Kruchevsky. Dr. Kruchevsky currently holds a Pennsylvania license and practices Plastic and Reconstructive Surgery. He has been offered a position in the Burn Unit at University of Tennessee Health Science Center in Memphis. Ms. Campbell requests the Board consider Dr. Kruchevsky's extenuating circumstances for not completing all steps of the USMLE in ten (10) years. Dr. Kruchevsky was serving in the Israeli military at the time. Ms. Campbell also requests the Board consider Dr. Kruchevsky's petition for Declaratory Order. Ms. Francine Baca-Chavez went over the pathways to licensure. Dr. McLerran motions to accept Dr. Kruchevsky's petition for Declaratory Order and to table the application for a period up to six (6) months to allow Dr. Kruchevsky additional time to go through the Declaratory hearing process. Additionally, the motion accepts the extenuating circumstances resulting in Dr. Kruchevsky's greater than ten (10) years completion of the USMLE. Dr. McGraw seconds the motion, and it passes.

Ladoris Warren, MD – appeared before the Board with her legal representation, Mr. David Steed. Dr. Warren has previously appeared before the Board on January 10, 2023. Dr. Warren is an applicant for initial licensure with no board certification, no malpractice history, no criminal history, and no prior board action. Dr. Warren is an International Medical School graduate from an unapproved school and did not pass Step 3 of the USMLE within two (2) years of graduation from medical school, nor did she pass Step 3 on the first attempt. The Board tabled the application for a period of up to four (4) months to allow Dr. Warren to consider a Petition for Declaratory Order or withdraw her application. Mr. Steed spoke on behalf of Dr. Warren. Dr. Christiansen motions to accept Dr. Warren’s petition for Declaratory Order and to table the application for up to six (6) months to allow Dr. Warren to go through the Declaratory Order process. Dr. McLerran seconds the motion. The motion passes.

Jayati Pal, MD – appeared before the Board without legal representation. Dr. Pal is an applicant for initial licensure with no board certification, no malpractice history, no criminal history, and no prior board action. Dr. Pal is an International Medical School graduate who has not completed three (3) years of US ACGME accredited postgraduate residency training. Dr. Pal will complete her residency training as of June 30, 2023 and is seeking a temporary medical license so she can get credentialed at her future place of employment. Dr. Miller motions to grant a temporary license with an expiration date of June 30, 2023. The temporary license is non-renewable and cannot be converted to a full and unrestricted license. The temporary license is not disciplinary but is encumbered to the extent that the licensee shall not act as a supervising or collaborating physician to mid-level providers. Dr. Loyd seconds the motion and the motion passes.

Brent Ross, MD – appeared before the Board without legal representation. Dr. Ross is an applicant for initial licensure with no malpractice history, no criminal history, and no prior board action. Dr. Ross is an International Medical School graduate who has not completed three (3) years of US ACGME accredited postgraduate residency training in one (1) discipline. Dr. Ross has the opportunity to moonlight in his current residency program. Dr. Ross has completed two (2) years of General Surgery residency training and as of July 1, 2023 will have completed two (2) years of Radiology residency training. As the first year of residency in specialty fields is a transitional internship year, Dr. Ross will have completed three years of the required training provided he successfully completes his second year of Radiology training on July 1, 2023. Dr. Christiansen motions to grant a full and unrestricted medical license contingent upon Dr. Ross’s successful completion of his second year of postgraduate training in interventional radiology. Dr. McGraw seconds the motion, and it passes.

Michelle Reyes, MD – appeared before the Board without legal representation. Dr. Reyes is an applicant for initial licensure with malpractice history and board action, but no criminal history. Dr. Reyes has had action taken on her license by the California Medical Board for an issue for which this Board could reciprocate discipline. The Board expressed concern regarding Dr. Reyes’s malpractice history, practice outside of Dr. Reyes’s scope of postgraduate medical training, and the lapse of Dr. Reyes’s specialty board certification. Dr. Hale motions to ask the applicant to withdraw her licensure application in lieu of denial. Dr. Miller seconds the motion. Dr. Reyes withdrew her application for licensure.

Robbin Sinatra, MD – appeared before the Board without legal representation. Dr. Sinatra is an applicant for licensure reinstatement with no malpractice history, no criminal history, and no prior board action. Dr. Sinatra has been out of practice since 2004, is not currently ABMS board certified, and has not completed any continuing medical education since 2004. Dr. Sinatra suffered a spinal cord infarction of unclear etiology which left her suddenly without use below T4, and as a result unable to practice medicine. Dr. Sinatra has recently been offered an opportunity to practice Ophthalmology via telehealth, so she is interested in beginning the pathway back to licensure. Dr. Christiansen motions to table the application for up to six (6) months to allow Dr. Sinatra to secure a preceptor and to create a reentry plan for licensure. The preceptor should submit a CV and preceptorship plan to the Board’s Executive Director

for approval by Dr. Christiansen. Upon approval of the preceptor and plan, Dr. Sinatra will be required to meet before the Board to discuss the plan and the protentional for a limited license. Dr. McGraw seconds the motion and the motion passes.

Ann Lankford, MD – appeared before the Board without legal representation. Dr. Lankford is an applicant for licensure reinstatement with no malpractice history, no criminal history, and no prior board action. Dr. Lankford’s last date of clinical practice was July 7, 2017. Dr. Lankford has maintained her continuing medical education and board certification during her break from practice. Dr. Lankford presented to the Board completed continuing medical education hours and reported that she has been precepting several colleagues. Dr. Lankford presented patient logs; however, the logs are unsigned. Dr. Christiansen motions to grant a full an unrestricted license contingent upon receipt of signed patient logs in the Board’s Administrative Office. The logs will be reviewed by Dr. Christiansen for approval. Dr. Miller seconds the motion, and the motion passes.

Eric Saldinger, MD – appeared before the Board without legal representation. Dr. Saldinger is an applicant for licensure reinstatement with no malpractice history, no criminal history, and no prior board action. Dr. Saldinger has been out of clinical practice since December 31, 2020. Dr. Saldinger holds an active license in California and has completed over one-hundred forty (140) hours of continuing medical education. Dr. McLerran motions to table the application for up to six (6) months to allow Dr. Saldinger to secure a preceptor or to resume clinical practice within his current licensing state. The preceptor shall submit a CV and preceptorship plan to the Board’s Executive Director for approval. Upon approval of the preceptor and plan, Dr. Saldinger will be granted a limited license for up to one (1) year to allow him to complete a re-entry plan. The preceptor must be a board-certified radiologist who does not have to be licensed in Tennessee. The preceptorship shall be no less than three (3) months in length and includes indirect supervision by the preceptor. During the preceptorship, Dr. Saldinger is restricted from being the supervising physician of mid-level providers. Mr. Ellis seconds the motion, and the motion passes.

Roderick Gregory, MD – appeared before the Board without legal representation. Dr. Gregory is an applicant for licensure reinstatement with no malpractice history, no criminal history, and no prior board action. Dr. Gregory has been out of clinical practice since May 2020. Dr. Gregory holds an active license in Arkansas and has completed over forty (40) hours of continuing medical education. Dr. McLerran motions to table the application for up to six (6) months to allow Dr. Gregory to secure a preceptor or to resume clinical practice within his current licensing state. The preceptor shall submit a CV and preceptorship plan to the Board’s Executive Director for approval. Upon approval of the preceptor and plan, Dr. Gregory will be granted a limited license for up to one (1) year to allow him to complete a re-entry plan. The preceptor must be a board-certified psychiatrist. The preceptorship shall be no less than three (3) months in length and includes indirect supervision by the preceptor. During the preceptorship, Dr. Gregory is restricted from being the supervising physician of mid-level providers. Dr. McGraw seconds the motion, and the motion passes.

Alexis Snead, MD – appeared before the Board without legal representation. Dr. Snead is an applicant for initial licensure with no malpractice history, no criminal history, and no prior board action. Dr. Snead has been out of clinical practice since 2020. Dr. Snead reports she has been in a preceptorship since November 2022. Dr. Christiansen motions to table the application for up to three (3) months to allow Dr. Snead to secure documentation of her preceptorship. The preceptor shall submit documentation regarding the details of the preceptorship to the Board’s Executive Director for approval by Dr. McGraw. Upon approval of the completed preceptorship, Dr. Snead will be granted a full and unrestricted license. Dr. McGraw seconds the motion, and the motion passes.

Edward Pelote, MD – appeared before the Board without legal representation. Dr. Pelote is an applicant for licensure reinstatement with no malpractice history, no criminal history, and no prior board action. Dr. Pelote has been out of clinical practice since 2014 and is unable to produce the required CME hours. Dr. McLerran motions to table the application for up to six (6) months to allow Dr. Pelote to secure a preceptor, obtain a competency assessment, and provide proof of eighty (80) hours of continuing medical education. The preceptor shall submit a CV and preceptorship plan to the Board’s Executive Director for approval by Dr. Blake. Upon approval of the preceptor and plan, Dr. Pelote will be granted a limited license for up to one (1) year to allow him to complete a re-entry plan. The preceptor must be a board-certified in Dr. Pelote’s specialty area. The preceptorship shall be no less than one (1) year in length and includes both direct and indirect supervision by the preceptor. Quarterly updates of the preceptorship are to be submitted by the preceptor to the Board’s Administrative Office. During the preceptorship, Dr. Pelote is restricted from being the supervising physician of mid-level providers. Dr. McGraw seconds the motion, and the motion passes.

Tyler Woodall, MD – appeared before the Board without legal representation. Dr. Christiansen and Dr. Loyd recused. Dr. Woodall is an applicant for initial licensure with no malpractice history, no criminal history, and no prior board action. Dr. Woodall was dismissed from residency and has not practiced clinically since his dismissal in 2018. Dr. Woodall reports he had medical issues resulting in a one month leave of absence from his residency program. When he returned, Dr. Woodall repeated the first year of residency again only to be dismissed after completion of that year. Dr. Woodall has since been engaged in an informal preceptorship with Dr. Smoak of Cherokee Health Systems. Dr. Hale recommends that Dr. Woodall complete additional postgraduate training. Dr. Anderson seconds the motion. Dr. Woodall was given the opportunity to withdraw his application. Dr. Woodall withdraws his application.

Linda Meyers, MD – appeared before the Board without legal representation. Dr. Meyers is an applicant for licensure reinstatement with no malpractice history, no criminal history, and no prior board action. Dr. Meyers has been out of clinical practice since February 2020 following some personal hardships. Dr. Meyers is a participant of Texas’s Physician Health Program after self-reporting and has met with the Tennessee Medical Foundation (hereinafter “TMF”) regarding continuation of monitoring. Dr. Michael Baron, Medical Director of the TMF, spoke on behalf of Dr. Meyers. Dr. Meyers has signed a TMF monitoring agreement to mirror the Texas Physician Health Program agreement and end on November 12, 2026. Dr. McLerran motions to table the application for up to six (6) months to allow Dr. Meyers to secure a preceptor. The preceptors shall submit a CV and preceptorship plan to the Board’s Executive Director for approval by Dr. Anderson. Upon approval of the preceptor and plan, Dr. Meyers will be granted a limited license for up to one (1) year to allow him to complete a re-entry plan. The preceptors must be board-certified in Endocrinology. The preceptorship shall be no less than three (3) months in length and includes both direct and indirect supervision by the preceptor. During the preceptorship, Dr. Meyers is restricted from being the supervising physician of mid-level providers. Mr. Ellis seconds the motion, and the motion passes.

Allen Walker, MD – appeared before the Board without legal representation. Dr. Walker is an applicant for initial licensure. Dr. Walker has previously held a TN Medical License, which he voluntarily surrendered (same as revocation). Dr. Walker has been out of clinical practice since 2012. Dr. Christiansen motions to table the application for up to four (4) months to allow Dr. Walker to obtain an evaluation from TMF. Dr. Walker will reappear before the Board after the evaluation to discuss potential re-entry pathways. Mr. Ellis seconds the motion, and the motion passes.

Michael Davidson, MD – appeared before the Board without legal representation. Dr. Davidson is an applicant for initial licensure with no malpractice history, no criminal history, and no prior board action. Dr. Davidson is currently a resident at Vanderbilt University Medical Center and will complete the

program this summer. Dr. Baron spoke on Dr. Davidson’s behalf. Dr. Christiansen motions to grant a full and unrestricted license. Dr. McGraw seconds the motion, and the motion passes.

Gary Wease, MD – appeared before the Board without legal representation. Dr. Wease is an applicant for initial licensure with loss of hospital privileges and DUI conviction. Dr. Wease reports that he has been in compliance with the North Dakota Physician Health Program. Dr. Baron spoke with the North Dakota Physician Health Program who reports that Dr. Wease is out of compliance, therefore Dr. Baron cannot advocate for Dr. Wease. Dr. Pearson motions to deny the license. Dr. Hale seconds the motion. Dr. Wease withdraws his application.

II. UPDATES FROM TASKFORCES & COMMITTEE MEETINGS

a. **Development Committee Meeting Update (Dr. Loyd, Dr. Blake, and Mr. Ellis) -**

- i. The Committee met yesterday, May 15, 2023.
- ii. Public Chapter 949 – Public Chapter 949 amends TCA § 63-19-107(2) by adding a new subdivision allowing for remote site visits to be conducted electronically for up to ten (10) of the required annual remote site visits by a collaborating physician. Two (2) of the site visits must still be in person. Ms. Francine Baca-Chavez presented the Committee with proposed changes to supervisory rules to align with the amended statute. The Committee motions to approve the revisions to the rules.
- iii. Public Chapter 970 - Public Chapter 970 amends TCA Title 63, Chapter 6, Part 2, by adding a new section which allows the Board of Medical Examiners to issue a short-term visitor clinical training license to an eligible physician or medical graduate from a foreign country or foreign territory for a period of time not to exceed ninety (90) days. Ms. Baca-Chavez presented the Committee with proposed rules regarding this new licensure type. Dr. Kaufman from Vanderbilt University Medical Center was in the audience and has been instrumental in pushing forth the legislation. Dr. Pearson suggested a fee range of \$300 to \$500 for discussion as other states with a similar licensure type had fees that were lower than the standard licensure fee. Dr. McGraw added to the discussion surrounding the suggested fee for this licensure type application. Dr. Kaufman commented on the partnerships Vanderbilt and other training hospitals in Tennessee have with training hospitals in other countries and estimated an average of fifty applicants for this licensure type annually. After a robust discussion, the Committee proposed some revisions to the language of the rules proposed by Ms. Baca-Chavez. The Committee motions to accept the proposed rules with the Committee’s amendments.
- iv. Public Chapter 747 - Public Chapter 747 amends TCA § 63-6-207(a)(2)(F) by removing the word “residency” from the satisfactory completion of a three-year post-graduate training program required for an applicant who graduated from an international medical school. Ms. Baca-Chavez proposed revisions to the current Rules for licensure to reflect the change in statute. The Committee felt the amendments to the Rules should also be expanded to U.S. and Canadian medical school graduates. The Committee motions to accept the proposed Rule changes to include the amendments regarding U.S. and Canadian medical school graduates.
- v. Telehealth - This is a standing Development Committee item as information is still forthcoming regarding the future of telehealth. It is of the opinion of Dr. Loyd that the future of telehealth will be determined by third-party payers. There is uncertainty in how these third-party payers will reimburse providers and healthcare facilities for telehealth visits going forward. While there is no action

to be taken at the moment, the future of telehealth has implications in the prescribing of buprenorphine and other controlled substances.

- vi. Office-Based Surgery Committee - The current Office-Based Surgery committee members are Dr. Miller, Dr. Beckford, and Dr. Hale. As Dr. Beckford is no longer on the Board of Medical Examiners, new members will need to be appointed to the taskforce. The new members shall be charged with reviewing the Office-Based Surgery rules. The Office-Based Surgery committee is required to meet twice a year. Ms. Baca-Chavez will look into the statutes surrounding holding meetings virtually. Dr. Hale, Dr. Anderson, and Dr. McGraw volunteer as members of the Office-Based Surgery Committee. The motion passes to approve the memberships.
- vii. Advisory Opinions
 - 1. Randall Curnow, MD - Dr. Curnow requested clarification on how to satisfy the requirement for supervising APRNs with active Tennessee licenses who are providing remote care to patients in Tennessee. It is the Committee's understanding from the information provided that Dr. Curnow resides in Ohio and the company he works for partners with health systems to deploy remote patient monitoring and chronic care management solutions to support patients managing chronic conditions such as congestive heart failure and type 2 diabetes from home. A remote team of advanced practice registered nurses ("APRNs") virtually monitor patient-recorded vitals and titrate medications to national guidelines. Several current health system partners are inquiring into expanding your remote care services to patients of their clinics in Tennessee. It is the intention to utilize your current APRN workforce who will be licensed in Tennessee, but not physically present within Tennessee to provide remote care services to Tennessee patients. The APRNs typically work out of their homes and use their home addresses as their practice site. The supervisory relationship must be in accordance with all applicable rules governing a physician's supervision of a nurse practitioner. Regarding supervision, Board Rule 0880-06-.02 requires the supervising physician to visit any remote sites of their supervisees every thirty (30) days. This is true even if the nurse practitioner is practicing telemedicine and whether or not they are practicing in a location geographically distant from their supervising physician. While this rule has not been amended, on April 29, 2022, recent statutory changes made to both the Nursing and Physician Assistant Practice Acts became effective which permit APRNs and physician assistants, ("PAs") to arrange for the required personal review of the APRN's or PA's charts by a collaborating physician either via HIPAA-compliant electronic means or in person. The term, "HIPAA-compliant" as used in the statutes mean that the entity has implemented technical policies and procedures for electronic information systems that meet the requirements of 45 CFR §164.312. The new statutes further provide that the number of required annual remote site visits by a collaborating physician by HIPAA compliant electronic means rather than at the site of the clinic is capped at ten (10). The term, "annual" as used in the statute means a rolling twelve-month period. In accordance with the statutes, all other of the required site visits by a collaborating physician to a remote site must take place in person at the site of the clinic. This advisory ruling is not intended to supersede or replace any other guidance, policy, rule or

statute of the Board. It should be noted that, pursuant to T.C.A. § 63-6-101(a)(4), private letter rulings shall only affect the licensee making the inquiry and shall have no precedential value for any other inquiry or future contested case to come before the Board. The Committee motions to approve the advisory letter ruling as written.

2. Michael Catausan, MD - Dr. Catausan asked if the required monthly site visits between supervising physicians and mid-level providers be allowed through virtual monthly meetings via a video platform like zoom because Dr. Catausan's healthcare company, Community Wellness, provides healthcare services to patients in a completely virtual environment with no brick-and-mortar facility. It is the Committee's understanding from the information provided in writing that all Dr. Catausan's providers including supervising physicians and mid-level providers along with the patients are at different remote sites. The supervisory relationship must be in accordance with all applicable rules governing a physician's supervision of a nurse practitioner. Regarding supervision, Board Rule 0880-06-.02 requires a supervising physician to visit any remote sites of their supervisees every thirty (30) days. This is true even if the nurse practitioner is practicing telemedicine and whether or not they are practicing in a location geographically distant from their supervising physician. While this rule has not been amended, on April 29, 2022, recent statutory changes made to both the Nursing and Physician Assistant Practice Acts became effective which permit APRNs and physician assistants, ("PAs") to arrange for the required personal review of the APRN's or PA's charts by a collaborating physician either via HIPAA-compliant electronic means or in person. The term, "HIPAA-compliant" as used in the statutes mean that the entity has implemented technical policies and procedures for electronic information systems that meet the requirements of 45 CFR §164.312. The new statutes further provide that the number of required annual remote site visits by a collaborating physician by HIPAA compliant electronic means rather than at the site of the clinic is capped at ten (10). The term, "annual" as used in the statute means a rolling twelve-month period. In accordance with the statutes, all other of the required site visits by a collaborating physician to a remote site must take place in person at the site of the clinic. This advisory ruling is not intended to supersede or replace any other guidance, policy, rule or statute of the Board. It should be noted that, pursuant to T.C.A. § 63-6-101(a)(4), private letter rulings shall only affect the licensee making the inquiry and shall have no precedential value for any other inquiry or future contested case to come before the Board. The Committee motions to approve the advisory letter ruling as written and it passes.
- viii. FSMB Annual Conference Update – Dr. Loyd provided the Board with an update from the conference. Ms. Stacy Tarr shared that the Tennessee Board is considered a front-runner in providing physicians the support they need with our Physician Health Program. Dr. Baron introduced April Mallory, a new case manager for the Tennessee Medical Foundation.

Next Development Committee Agenda

- a. Telehealth
- b. Death certificate rules and navigation of the Vital Records website

The Board recessed for lunch.

III. PRESENTATION – CONTESTED CASE TRAINING

David Silvus, Chief Deputy Counsel presented a training on the Contested Case deliberation process. There is no statute or rule that dictates how the panel should deliberate. The panel must appoint a chair. The chairperson is routed information after the trial is over. The chairperson may have to make some decisions on post-trial matters; however, this is a rare occurrence. After the chair is appointed, the deliberation process is just about having clear discussions on record. The panel does not have to agree with any of the Order proposed by the attorneys. The panel may completely create their own Order, or they may redline the Order proposed by either side's attorney. The panel may ask the Administrative Law Judge questions about the instructions. The panel may question the witnesses and if the question is out of line, the attorneys may object, or the administrative law judge may inform the panel that the witness cannot answer the question. The panel may determine the discipline, unless minimum disciplinary guidelines apply, the panel may require more discipline or less discipline depending on the case. The panel just needs to be sure they articulate their decisions and the findings that led to those decisions in deliberation.

IV. UPDATE FROM KYONZTE HUGHES-TOOMBS – DEPUTY DIRECTOR, HEALTH RELATED BOARDS

Ms. Hughes-Toombs provided an update on the search for a new Medical Consultant. The position will be posted on May 18, 2023 and will remain posted for a period of thirty (30) days. The Department will share resumes with either the Board chair or a taskforce once the application is closed. In the interim, Board members may create a schedule for reviewing files in office. The Department of Human Resources does not have a provision where the Board can hire an interim Consultant as the position is considered a full-time staff position. Dr. McGraw volunteered to review applications for licensure in office once a month. Ms. Hughes-Toombs will convey the concerns of the Board to The Department of Human Resources and report back on Day 2 of the Board of Medical Examiner's May Meeting.

V. CONSIDER AND APPROVE CONSENT AGENDA

Dr. Christiansen motions to accept the consent agenda. Mr. Ellis seconded the motion and it passed. The Consent Agenda contained the following:

1. Approval of March 7-8, 2023 Board of Medical Examiners Meeting minutes
2. Ratification of new licenses, reinstatement and renewals of Medical Doctors, MD X-Ray Operators, Genetic Counselors, Surgical Assistants, and Polysomnography
3. Review of the Office of General Counsel Report
4. Review report from the Administrative Office
5. Review report from the Office of Investigations
6. Review and approve unlicensed practice Agreed Citations – McKinzie Topper, RPSGT (license #1344).
7. Review and approve continuing education Agreed Citations – William Koch, MD (license #52445), Kenton Dodd, MD (license #38434), Rexford Agbenohevi, MD (license #34431), Ronald Michael, MD (license #21690), Carol Rauch, MD (license #47800)

VI. UPDATES FROM TASKFORCES & COMMITTEE MEETINGS (CONTINUED)

Dr. Christiansen motions to approve all the Development Committee motions. Dr. McLerran seconds the motion and the motions all pass.

VII. ORDERS OF COMPLIANCE

Bendik Clark, MD – appeared before the Board without legal representation. Ms. Francine Baca-Chavez presented the Order of Compliance. The petition requests the Board lift the probation on Dr. Clark’s medical license. It is the position of the Disciplinary Coordinator and the Office of General Counsel that he is compliant with the terms of his previous order. Upon further review, the Board finds that Dr. Clark is not compliant with the terms of his previous order as he has not met the required number of polygraph tests annually. He was required to submit a polygraph test every six (6) months for the first five (5) years of his lifetime TMF monitoring agreement. Dr. Clark has submitted three (3) polygraph tests in four (4) years. Mr. Ellis motions to deny the order of compliance until Dr. Clark provides five (5) years of polygraph tests every six (6) months. Dr. McGraw seconds the motion and it fails. Dr. Christiansen motions to deny the order of compliance until Dr. Clark provides three (3) years of polygraph tests every six (6) months. Mr. Ellis seconds the motion, and it passes with Dr. McGraw opposed.

Eddie Hamilton, MD – appeared before the Board without legal representation. Dr. Christiansen recused. Ms. Francine Baca-Chavez presented the Order of Compliance. The petition requests the Board lift the probation on Dr. Hamilton’s license. It is the position of the Disciplinary Coordinator and the Office of General Counsel that he is compliant with the terms of his previous order. Dr. McLerran motions to accept the order of compliance to lift Dr. Hamilton’s probation. Dr. Miller seconds the motion and it passes with Dr. Christiansen recused.

Steven Flatt, MD – appeared before the Board without legal representation. Dr. Hale and Dr. McLerran recused. Ms. Francine Baca-Chavez presented the Order of Compliance. The petition requests the Board lift the probation on Dr. Flatt’s license. It is the position of the Disciplinary Coordinator and the Office of General Counsel that he is compliant with the terms of his previous order. The probationary period is not yet up for Dr. Flatt, however the probationary period will be up on July 19, 2023 during which time Dr. Flatt will not be in the country to appear before the Board. Mr. Ellis motions to accept the order of compliance to lift Dr. Flatt’s probation as of July 19, 2023, contingent upon no further violations. Dr. Christiansen seconds the motion, and it passes with Dr. Hale and Dr. McLerran recused.

Terrance Craion, MD – appeared before the Board without legal representation. Ms. Francine Baca-Chavez presented the Order of Compliance. The petition requests the Board lift the opioid prescribing restrictions on Dr. Craion’s license. It is the position of the Disciplinary Coordinator and the Office of General Counsel that he is compliant with the terms of his previous order. Dr. McGraw motions to accept the order of compliance to lift the opioid prescribing restriction on Dr. Craion’s license. Dr. Pearson seconds the motion and it passes.

Shelton Hager, MD – appeared before the Board without legal representation. Ms. Francine Baca-Chavez presented the Order of Compliance. The petition requests the Board lift the probation on Dr. Hager’s license. The practice monitoring agreement and the restriction from prescribing Carisoprodol delineated in the Order are still in effect. It is the position of the Disciplinary Coordinator and the Office of General Counsel that he is compliant with the terms of his previous order. Dr. Christiansen motions to accept the order of compliance to lift Dr. Hager’s probation with the practice monitoring agreement and the restriction from prescribing Carisoprodol delineated in the Order still in effect. Dr. Miller seconds the motion and it passes.

Carroll Odem, MD – appeared before the Board without legal representation. Dr. Blake recused. Ms. Francine Baca-Chavez presented the Order of Compliance. Appearance of the petitioner is not required as

the petition only requests the lifting of the opioid prescribing restriction on Dr. Odem's license. It is the position of the Disciplinary Coordinator and the Office of General Counsel that she is compliant with the terms of his previous order. Dr. Christiansen motioned to accept the order of compliance to lift Dr. Odem's restriction on prescribing opioids. Dr. McLerran seconds the motion, and it passes with Dr. Blake.

VIII. DISCIPLINARY ORDERS

Consent Order(s)

William Merwin, MD – did not appear before the Board nor did his legal representative, Mr. Daniel Morrell, appear on his behalf. Mr. Michael Varnell represented the State. Dr. Christiansen recused. Respondent was licensed on July 17, 1990, which is currently set to expire on February 29, 2024. Respondent is an Ear, Nose and Throat specialist (hereinafter "ENT"). In or around November of 2018, Respondent began prescribing medications to patient W.W. This included prescribing Dextroamp Amphetamin (a schedule II controlled substance) for ADHD, Clonazepam (a schedule IV controlled substance) for vestibular migraines and Gabapentin (a schedule V controlled substance) for carpal tunnel syndrome. None of these medications were prescribed as part of Respondent's specialty as an ENT. W.W. was never seen in Respondent's office. Respondent only has one (1) year of medical records for W.W., which consist of only four (4) telehealth visits in 2021. Respondent prescribed Dextroamp Amphetamin to W.W. on thirteen (13) separate occasions from about November of 2018 to about February of 2022. Respondent prescribed Clonazepam to W.W. on fifteen (15) separate occasions from about December of 2018 to about February of 2022. Respondent prescribed Gabapentin to W.W. on ten (10) separate occasions from about April of 2021 to about March of 2022. The facts stipulated are grounds for discipline. This order shall voluntarily surrender Respondent's medical license. Voluntary surrender has the same effect as revocation. Before applying for a new Tennessee medical license Respondent shall complete required continuing medical education outlined in the order. Respondent shall pay one (1) Type A civil penalty and thirty-eight Type B civil penalties for a total of six thousand and three hundred dollars (\$6,300.00). Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand and five hundred dollars (\$2,500.00). If Respondent applies for a new Tennessee medical license, Respondent must appear in person, submit proof of completion of all requirements contained in the Order, answer any questions and provide any requested documentation to satisfy the Board that he is able to safely and competently practice medicine. Mr. Ellis motions to approve the order. Dr. McLerran seconds, and the motion passes with Dr. Christiansen recused.

John Chung, MD – did not appear before the Board nor did his legal representative, Ms. Catherine Dorvil, appear on his behalf. Mr. Michael Varnell represented the State. Dr. Blake and Dr. Miller recused. Respondent was licensed on September 20, 1999, which is currently set to expire on December 31, 2024. Patient J.S. had an excision surgery to remove a cyst from her left cheek on or about March 23, 2020 at Skin Cancer and Cosmetic Dermatology Center in Chattanooga, Tennessee. Respondent was scheduled to perform the excision surgery. Respondent performed the procedure with the assistance of his Physician Assistant, Jeremy Micheff. On or about April 20, 2020, J.S. returned to Respondent's office because the surgical site dehiscd and began tunneling. Here, Respondent instructed Mr. Micheff to cauterize the wound while Respondent performed a revision surgery. Respondent notated in J.S.'s medical records, including the operative notes, that he performed the medical procedures. Respondent did not notate in any of J.S.'s medical records or billing records the extent to which Mr. Micheff assisted with the medical procedure. The facts stipulated are grounds for discipline. This order shall reprimand Respondent's medical license. Respondent shall pay one (1) Type B civil penalty in the amount of five hundred dollars (\$500.00). Respondent shall pay all actual and reasonable costs of the case not to exceed one thousand and five hundred dollars (\$1,500.00). Respondent shall complete the equivalent of a two (2) day medical

course entitled “Medical Ethics, Boundaries and Professionalism” offered at The Case Western Reserve University Continuing Medical Education Program at The Case Western University School of Medicine located in Cleveland, Ohio. Dr. McGraw motions to approve the order. Dr. McLerran seconds, and the motion passes with Dr. Blake and Dr. Miller recused.

Joe Bryant, III, MD – did not appear before the Board nor did his legal representative, Mr. Edward Hadley, appear on his behalf. Mr. Michael Varnell represented the State. Respondent was licensed on July 11, 2013, which expired on November 30, 2019. Respondent practices in Emergency Medicine and was a physician at Williamson Medical Center in Franklin, Tennessee at all times pertinent hereto. Respondent saw patient B.S. at the Emergency Department at Williamson County Medical Center on or about April 4, 2017. Patient B.S.’s complaint was a contact lens stuck in his right eye. Respondent was unsuccessful in attempting to remove the contact lens. The Department contends Respondent used Dermabond when attempting to remove the contact lens, causing pain and injury to B.S.’s right eye. The facts stipulated are grounds for discipline. This order shall reprimand Respondent’s medical license. Respondent shall pay one (1) Type A civil penalty in the amount of five hundred dollars (\$500.00). Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand and five hundred dollars (\$2,500.00). Dr. Hale motions to approve the order. Dr. McLerran seconds, and the motion passes.

Brian Poore, MD – did not appear before the Board nor did his legal representative, Mr. C.J. Gideon, appear on his behalf. Mr. Michael Varnell represented the State. Mr. Ellis, Dr. McGraw and Dr. Miller recused. Respondent was licensed on September 1, 1993, which is currently set to expire on April 30, 2025. Respondent is a cardiovascular anesthesiologist and critical care specialist who previously held privileges at St. Thomas West Hospital. On or about July 25, 2018, staff at St. Thomas West Hospital found Respondent asleep in the call room and were unable to arouse him. When he did wake up, he had slurred speech and was confused. He was granted a leave of absence for a fitness for duty evaluation performed by the Tennessee Medical Foundation (hereinafter “TMF”), which cleared him to return to work on August 20, 2018. On or about September 6, 2018, a colleague of Respondent’s became suspicious of Respondent’s behavior. Respondent’s practice partners at St. Thomas West then confronted him about his behavior. Respondent admitted to them that he had used propofol. Respondent then requested a second leave of absence on or about September 13, 2018, which was granted. Respondent was admitted to the Florida Recovery Center (hereinafter “FRC”) on or about September 17, 2018 until about December 20, 2018. Respondent signed a five-year monitoring agreement with TMF on December 21, 2018. Respondent appeared before the Medical Executive Committee (hereinafter “MEC”) in order to reinstate his privileges, but the MEC found that Respondent had tested positive for Ketamine. Respondent then requested to continue his leave of absence and returned to FRC for an evaluation. Respondent’s privileges at St. Thomas West Hospital were not reinstated in 2019 and expired on September 30, 2019. However, the MEC allowed Respondent to resubmit his application for privileges. The MEC denied the application, and that denial was made final by the Board of Medical Directions on December 17, 2019. At no time was there any evidence of harm to any patient from Respondent’s behavior. In or around March of 2020, Respondent entered and completed a thirty-day (30) treatment program at Discovery Place in Burns, Tennessee. Respondent is in compliance with every element of his TMF monitoring agreement and has TMF advocacy. The facts stipulated are grounds for discipline. This order shall reprimand Respondent’s medical license. Respondent shall maintain a monitoring agreement with TMF so long as he maintains a license to practice medicine in the State of Tennessee. Respondent shall pay one (1) Type B civil penalty in the amount of five hundred dollars (\$500.00). Respondent shall pay all actual and reasonable costs of the case not to exceed three thousand dollars (\$3,000.00). Dr. Hale motions to approve the order. Dr. McLerran seconds, and the motion passes with Mr. Ellis, Dr. McGraw and Dr. Miller recused.

Robert Deal, MD – did not appear before the Board nor did his legal representative, Mr. Barret S. Albritton, appear on his behalf. Mr. Michael Varnell represented the State. Dr. Blake, Dr. Anderson, and

Dr. McGraw recused. Respondent was licensed on December 22, 2010, which is currently set to expire on May 31, 2024. Respondent is a plastic surgeon practicing in Chattanooga, Tennessee at Southern Surgical Arts. In or around June of 2020, Respondent assisted in the performance of cosmetic procedures on six patients at Fayetteville Surgical Arts in Fayetteville, North Carolina as described in paragraphs three (3) through eight (8) in the Order. Respondent does not have a license to practice medicine in the State of North Carolina. Respondent contends his participation in the procedures in paragraphs three (3) through eight (8) of the Order was intended for teaching purposes only. The facts stipulated are grounds for discipline. This order shall reprimand Respondent's medical license. Respondent shall pay six (6) Type A civil penalties in the amount of six thousand dollars (\$6,000.00). Respondent must enroll in and successfully complete the two (2) day medical course entitled "Medical Ethics, Boundaries & Professionalism" offered at The Case Western Reserve University Continuing Medical Education Program at The Case Western Reserve University School of Medicine located in Cleveland, Ohio or the three (3) day medical course entitled "Maintaining Proper Boundaries" offered at The Center for Professional Health at Vanderbilt University Medical Center located in Nashville, Tennessee, or an equivalent course approved in advance in writing by the Board's Medical Director. Respondent shall pay all actual and reasonable costs of the case not to exceed five thousand dollars (\$5,000.00). Dr. Hale motions to approve the order. Dr. McLerran seconds, and the motion passes with Dr. Blake, Dr. Anderson, and Dr. McGraw recused.

Heather Melton, MD – did not appear before the Board nor did her legal representative, Mr. Timothy Wehner, appear on her behalf. Mr. Michael Varnell represented the State. Dr. Pearson, Dr. McGraw and Mr. Ellis recused. Respondent was licensed on December 16, 2002, which is currently set to expire on February 28, 2025. Respondent treated and prescribed to family members, including her mother, C.G.; son, R.G.; daughter, A.G.; father, E.G.; and boyfriend, T.P. for various conditions and surgical procedures. Respondent performed the following surgical procedures: ACL repair surgery on her son, R.G., on or about October 10, 2018; meniscus repair surgery on her daughter, A.G., on or about March 24, 2023; carpal tunnel release on her father, E.G., on or about January 30, 2020; and right and left arthroscopic knee surgeries on her boyfriend, T.P., in March 2021 and March 2022. Respondent's treatment of her mother, C.G. was non-surgical, but included imaging studies, a steroid injection, and medication for knee and joint pain. Respondent contends the specific treatment of family members was appropriate and within the recognized standard of acceptable professional practice for an orthopedic surgeon for the medical conditions being treated. Respondent contends there were no injuries or complications to any of the above-referenced family members as a result of Respondent's treatment. The facts stipulated are grounds for discipline. This order shall reprimand Respondent's medical license. Respondent must enroll in and successfully complete the two (2) day medical course entitled "Medical Ethics, Boundaries & Professionalism" offered at The Case Western Reserve University Continuing Medical Education Program at The Case Western Reserve University School of Medicine located in Cleveland, Ohio and the three (3) day medical course entitled "Prescribing Controlled Drugs" offered by Vanderbilt University Medical Center or an equivalent course approved in advance in writing by the Board's medical consultant. Respondent shall pay five (5) Type A civil penalties in the amount of five thousand dollars (\$5,000.00). Respondent shall pay all actual and reasonable costs of the case not to exceed three thousand dollars (\$3,000.00). Dr. Hale motions to approve the order. Dr. Miller seconds, and the motion passes with Dr. Pearson, Dr. McGraw and Mr. Ellis recused.

Holly Amoroso, AMDX – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Michael Varnell represented the State. Respondent was licensed on July 1, 2019, which is currently set to expire on December 31, 2024. From about January 2021 through about January 2023, Respondent worked as a medical x-ray operator for twenty-five (25) months while her medical x-ray operator certificate was expired. The facts stipulated are grounds for discipline. This order shall reprimand Respondent's medical license. Respondent shall pay one (23) Type C civil penalty in the amount of two thousand and three hundred dollars (\$2,300.00). Respondent shall pay all actual and

reasonable costs of the case not to exceed one thousand and five thousand dollars (\$5,000.00). Dr. McGraw motions to approve the order. Dr. Christiansen seconds, and the motion passes.

Jon Draud, MD – did not appear before the Board nor did his legal representative, Mr. Charles Grant, appear on his behalf. Ms. Paetria Morgan represented the State. Respondent was licensed on July 13, 1992, which is currently set to expire on August 31, 2023. Respondent is board certified in psychiatry and has served as the supervising physician of thirteen (13) advanced practice registered nurses in multiple clinics. Respondent failed to be on-site at Primary Care & Hope Clinic, Genesis Psychiatric Services, Cedars Counseling, Novo Healthcare, Athena Consulting and Psychological Services once every thirty (3) days as required. The facts stipulated are grounds for discipline. This order shall reprimand Respondent’s medical license. Respondent shall pay five (5) Type B civil penalty in the amount of twenty-five hundred dollars (\$2,500.00). Respondent shall pay all actual and reasonable costs of the case not to exceed ten thousand dollars (\$10,000.00). Dr. McGraw motions to approve the order. Dr. McLerran seconds, and the motion passes.

Kenneth Christenberry, MD – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Jessica Turner represented the State. Mr. Ellis and Dr. Christiansen recused. Respondent was licensed on January 1, 1966, which is currently set to expire on April 30, 2025. On or about December 9, 2022, patient M.B. saw Respondent for an ear infection. During this visit, Respondent made inappropriate sexual jokes toward M.B. At one point, Respondent had her blow into his otoscope to turn the light on and then blow the air into it again to turn it off. He then asked her the difference between a man versus a woman doing this and commented that this would turn a man on and not off. Respondent not only admits to making the aboved-mentioned comment to patient M.B., but also admits to making a similar comment to a patient in the past. Respondent further admits that he has previously been instructed that such statements are inappropriate and agreed that his behavior needs to be modified. The facts stipulated are grounds for discipline. This order shall reprimand Respondent’s medical license. Respondent must enroll in a distressed physician’s course such as the one offered at Vanderbilt Medical Center. Respondent shall pay one (1) Type C civil penalty in the amount of one hundred dollars (\$100.00). Respondent shall pay all actual and reasonable costs of the case not to exceed three thousand dollars (\$3,000.00). Dr. McGraw motions to approve the order. Dr. Miller seconds, and the motion passes with Mr. Ellis and Dr. Christiansen recused.

Agreed Order(s)

Andrew Rudin, MD – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Lara Gill represented the State. Respondent was licensed on June 10, 2009, which expired on April 30, 2019. Beginning on or about July 19, 2016, Respondent served as the supervising physician for Jeffery Young, R.N., A.P.R.N., who provided treatment to multiple patients as an A.P.R.N., including prescribing controlled substances, at PreventaGenix in Jackson, Tennessee. As Mr. Young’s supervising physician, Respondent was responsible for ensuring Mr. Young complied with the applicable standard of care for prescribing controlled substances. Respondent was responsible for personally reviewing Mr. Young’s patient medical records, including those in which he prescribed controlled substances. A criminal indictment was filed on or about April 15, 2019 in the matter of *United States of America v. Jeffrey W. Young, Jr., Alexander Alperovich, M.D., and Andrew Rudin, MD.*, Case No. 1:19-cr-10040-JDB in the United States District Court for the Western District of Tennessee, naming Respondent as a defendant for felony offenses. Respondent failed to report his federal indictment to the Board within seven (7) calendar days of acquiring knowledge of the indictment, as required by law. On or about May 9, 2019, an order became effective with the New York State Board for Professional Medical Conduct, which prohibits Respondent (1) from manufacturing, prescribing, distributing, dispensing or administering any controlled substances, and (2) from overseeing, supervising or collaborating with any medical professional in manufacturing, prescribing, distributing, dispensing or administering any controlled

substance which would otherwise be authorized under New York law. Respondent agreed to the restrictions. On or about January 6, 2021, an order became effective with the Illinois Medical Disciplinary Board of the Department of Financial and Professional Regulation of the State of Illinois, wherein Respondent's Illinois Physician and Surgeon license was placed on Indefinite Probation for a minimum of two (2) years, and Respondent's Illinois Controlled Substance License was Indefinitely Suspended. Pursuant to the Order, while Respondent's Illinois Physician and Surgeon license is on Indefinite Probation, among other restrictions: Respondent cannot prescribe controlled substances in Illinois; Respondent shall not engage in providing home health care; if Respondent engages in telemedicine, he shall be limited to his specialty; and Respondent shall obtain a practice monitor if he engages in solo practice other than telemedicine. The Illinois Medical Disciplinary Board took the action based on evidence that in May of 2019, the New York State Board for Professional Medical Conduct issued an Interim Order of Conditions which restricted Respondent's New York medical license. On or about March 13, 2023, Respondent entered into a Plea Agreement with the United States District Court for the Western District of Tennessee, Eastern Division, which is incorporated herein as Exhibit A. Respondent pled guilty to the following felony offense: "one count of making a false statement in connection with a health care matter in violation of Title 18, United States Code, Section 1035," as contained in the Order on Guilty Plea and Notice of Setting. The Respondent agrees to the facts that Respondent stipulated to in the Plea Agreement. The facts stipulated are grounds for discipline. This order shall place Respondent's medical license on probation for no less than three (3) years and until Respondent has completed all the requirements contained in the Order. Respondent must enroll in, and successfully complete continuing medical education outlined in the Order. Respondent shall pay six (6) Type B civil penalties in the amount of one thousand two hundred dollars (\$1,200.00). During the time period that Respondent's Tennessee medical license is on probation and thus is encumbered, Respondent shall not supervise any mid-levels, including Advanced Practice Registered Nurses and Physician Assistants. Respondent shall pay all actual and reasonable costs of the case not to exceed four thousand dollars (\$4,000.00). At the expiration of the three (3) year probationary period, Respondent becomes eligible to petition the Tennessee Board of Medical Examiners for an Order of Compliance lifting the restrictions imposed by this Consent Order and placing his license in an unencumbered status. As part of his petition for an Order of Compliance, Respondent shall appear personally before the Board. Dr. Pearson motions to approve the order. Dr. Hale seconds, and the motion passes.

Frederick Hodges, MD – did not appear before the Board nor did his legal representative, Ms. Kimberly Silvus, appear on his behalf. Ms. Brittani Kendrick represented the State. Respondent was licensed on August 13, 2018, which is currently set to expire on September 30, 2024. Respondent is a board-certified obstetrician/gynecologist that has been practicing as an OB/GYN in Memphis, Tennessee. In or around September of 2017, the Board issued an Order revoking Respondent's license number 34304, effective November 30, 2017, and ordering the Respondent to pay civil penalties in the amount of thirty thousand dollars (\$30,000.00) and costs not to exceed ten thousand dollars (\$10,000.00). The Order provided that Respondent shall begin paying the civil penalties and costs within sixty (60) days of the issuance of the Assessment of Costs and shall be paid in full within three (3) years from the issuance of the Assessment of Costs dated November 21, 2017. In or around August of 2018, the Board issued Respondent a license with certain conditions and restrictions including, but not limited to, placing Respondent's license on probation for a period of two (2) years and requiring a trained chaperone be present with Respondent during every patient encounter. On or about December 19, 2019, Respondent provided treatment to two (2) patients in the setting of training for a procedure (vaginal rejuvenation) with chaperones present, but the chaperones had not been trained. Also, on or about December 19, 2019, one of the persons who participated in the training and received the treatment from Respondent was Respondent's wife. In or around March 2020, the Division's Disciplinary Coordinator mailed certified receipt a letter of reminder to Respondent regarding his civil penalties and costs assessed due on November 21, 2020. In or around May of 2022, the Division's Disciplinary Coordinator approved the Respondent for a payment plan which provided that Respondent pay one thousand dollars (\$1,000.00) a month on the 15th of each month

beginning in June of 2022. In or around June of 2022, Respondent made a sole thousand-dollar (\$1,000.00) payment towards his total civil penalties and costs of forty thousand dollars (\$40,000.00). In or around October of 2022, Respondent made a second lump sum payment of twenty thousand dollars (\$20,000.00) towards his total civil penalties and costs of forty thousand dollars (\$40,000.00). On or about May 2, 2023, Respondent made a third lump sum payment of nineteen thousand dollars (\$19,000.00) towards his total civil penalties and costs of forty thousand dollars (\$40,000.00). Respondent did not fully comply with the Board's September 2017 Order to make his civil penalties and costs payment in full by November 21, 2020, until May 2, 2023, almost three (3) years late. The facts stipulated are grounds for discipline. This order shall extend Respondent's medical license probation for a period of one (1) year. During the period of probation Respondent's license remains encumbered, such that Respondent shall not serve as a supervising/collaborating physician or substitute supervising/collaborating physician to any advanced practice registered nurse, physician assistant, or pharmacist. Respondent shall pay one (1) Type A civil penalty, one (1) Type B civil penalty, and twenty-nine (29) Type C civil penalties in the amount of two thousand fifty dollars (\$2,050.00). Respondent shall pay all actual and reasonable costs of the case not to exceed three thousand dollars (\$3,000.00). At the expiration of the probationary period and upon completion of the requirements listed in the Order, Respondent may file a Petition for Order of Compliance demonstrating compliance with all terms, conditions of his conditional license and requirements contained in the Order. As part of his Petition for Order of Compliance, Respondent must appear personally before the Board. If the Board agrees to lift Respondent's probation, the Board shall have discretion to restrict Respondent's license in another manner to protect the health, safety, and welfare of the public. Dr. Christiansen motions to approve the order. Mr. Ellis seconds, and the motion passes with Dr. Hale and Mr. Diaz-Barriga abstained.

Consent Order(s) continued

Charles Boles, MD – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Elta Breen represented the State. Respondent was licensed on June 14, 2004, which expired on March 31, 2022. Respondent was the owner and sole provider for Covenant Healthcare for Women in Murfreesboro, Tennessee (hereinafter "Covenant Healthcare"). On or around December 10, 2020, Respondent's patient D.H. received a call from Covenant Healthcare information her that Respondent would retire effective December 21, 2020. When D.H. asked how she could obtain her medical records, she was told to call back. When D.H. called back the next week, she was unable to reach anyone. At least one of Respondent's patients, D.H., was not informed of how to obtain her Covenant Healthcare medical records or provided any information for how to request her records. Accordingly, Patient D.H. was unable to request and has not received her records. Respondent is currently practicing medicine in Florida. The facts stipulated are grounds for discipline. This order shall suspend Respondent's medical license until Respondent demonstrates the following: a. Respondent has provided for the security, or transfer, or otherwise established a secure method of patient access to their records for patients of his former practice, and b. Patient D.H. has been provided with either her medical records or information outlining a viable way for her to request or access her medical records. When respondent can demonstrate compliance with the terms of suspension, Respondent becomes eligible to petition the Board for an "Order of Compliance" lifting the suspension restriction imposed by this Consent Order. As part of his petition for an order of compliance, Respondent must appear personally before the Board unless said appearance is waived, in writing, by the Medical Director. Respondent must enroll in a distressed physician's course such as the one offered at Vanderbilt Medical Center. Respondent shall pay one (1) Type A civil penalty in the amount of one thousand dollars (\$1,000.00). Respondent shall pay all actual and reasonable costs of the case not to exceed three thousand dollars (\$3,000.00). Dr. Hale motions to approve the order. Dr. McGraw seconds, and the motion passes.

Nidal Rahal, MD – did not appear before the Board nor did his legal representative, Ms. Katherine Anderson, appear on his behalf. Ms. Elta Breen represented the State. Dr. Anderson recused. Respondent

was licensed on August 30, 2005, which is currently set to expire on June 30, 2024. From around May 2017 through April 2022, Respondent was employed as a physician by Avalon Hospice in Memphis, Tennessee (hereinafter “Avalon”). During this time, Respondent attended an interdisciplinary group meeting every other week, for approximately fifty-eight (58) months, and routinely pre-signed at this meeting as many as one hundred (100) paper prescriptions at a time that were left otherwise blank. These prescriptions were distributed to Avalon staff and used to prescribe Avalon patients medication including narcotics, Ativan, and Gabapentin. While Avalon was not set up for electronic prescribing until around March or April of 2022, nurses who were trained to use pre-signed prescriptions when working with Respondent worked with other Avalon doctors who had no such system in place. In or around April of 2022, Respondent’s contract with Avalon was terminated for cause at the conclusion of an investigation into his use of pre-signed paper prescriptions. No proof indicates that the prescriptions pre-signed by Respondent at Avalon were used improperly. The facts stipulated are grounds for discipline. This order shall place Respondent’s medical license on probation for one (1) year. At the expiration of the one (1) year probationary period, Respondent becomes eligible to petition the Board for an “Order of Compliance” lifting the probation restrictions imposed by this Order. As part of his petition for an “Order of Compliance”, Respondent shall appear personally before the Board. Respondent shall pay fifty-eight (58) Type B civil penalties in the amount of five thousand eight hundred dollars (\$5,800.00). Respondent shall pay all actual and reasonable costs of the case not to exceed five thousand dollars (\$5,000.00). Respondent must enroll in and successfully complete continuing medical education outlined in the Order. During the period of probation, Respondent shall not serve as a collaborating physician or substitute collaborating physician. Dr. Hale motions to approve the order. Dr. McGraw seconds, and the motion passes.

Paul Abbey, MD – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Elta Breen represented the State. Respondent was licensed on June 5, 1991, which is currently set to expire on November 30, 2024. From at least April 29, 2021, through July 13, 2022, Respondent and Dr. M.S. worked as physicians for Dube Orthopedics and Physical Therapy (hereinafter “Dube”), which is a group practice that contracts with and receives management assistance from Advanced Diagnostic Health, also known as Advanced Diagnostic Imaging (hereinafter “ADI”). Respondent no longer works at Dube, but he currently has his own practice and is a contract employee of ADI. On eleven (11) occasions from about April 29, 2021, through July 13, 2022, while at Dube, Respondent and his medical assistant, T.P., at Respondent’s direction, prescribed Respondent medication by submitted e-scripts through eClinicalWorks using Dr. M.S.’s name and credentials. The prescribed medication included the following non-controlled drugs: prednisone, metoprolol succinate, methylprednisolone, Duexis, allopurinol, and ibuprofen. While Respondent told T.P. that he obtained permission from Dr. M.S.’s medical assistant, J.T., when asking T.P. to e-scribe Respondent medication using Dr. M.S.’s name and credentials, permission from J.T. or Dr. M.S. was never obtained. J.T. and Dr. M.S. discovered that Respondent and T.P. had e-scribed medication for Respondent using Dr. M.S.’s name and credentials when J.T. received a phone call from a pharmacy to confirm an unusually high dose of prednisone. Respondent has asserted that he self-regulates his own gout medication. Respondent admits that he used Dr. M.S.’s name and credentials to prescribe himself prednisone without asking or being treated by Dr. M.S. when Respondent ran out of refills, in order to obtain a higher dose, or to avoid the appearance of self-prescribing. The facts stipulated are grounds for discipline. This order shall place Respondent’s medical license on probation for three (3) years. During the period of probation, 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 Consent Order. At the expiration of the probationary period, Respondent becomes eligible to petition the Board for an “Order of Compliance” lifting the probation restrictions imposed by this Consent Order. As part of his petition for an “Order of Compliance” Respondent shall appear personally before the Board. Respondent shall pay eleven (11) Type C civil penalties in the amount of one thousand one hundred dollars (\$1,100.00). Respondent shall pay all actual and reasonable costs of the case not to exceed five thousand dollars (\$5,000.00). Within six

(6) months of the effective date of this Order, Respondent shall successfully complete the Professional/Problem Based Ethics Program conducted by the Center for Personalized Education for Physicians or an equivalent program preapproved by the Board's medical consultant. During the period of probation, Respondent shall not serve as a collaborating physician or substitute collaborating physician. Dr. Hale motions to approve the order. Dr. McGraw seconds, and the motion passes.

Clay Pickard, MD – did not appear before the Board nor did his legal representative, Mr. Michael Goodman, appear on his behalf. Ms. Elta Breen represented the State. Dr. Blake recused. Respondent was licensed on May 15, 1990, which is currently set to expire on August 31, 2023. On or about November 1, 2022, the Virginia Board of Medicine issued a Consent Order disciplining Respondent's Virginia license based upon Respondent repeatedly making inappropriate or offensive comments to or about colleagues, students, and patients. Respondent was ultimately terminated from his employment based on this behavior. Pertinent facts are outlined in the Order. According to the Virginia Order, Respondent's diagnoses of Asperger's syndrome and dysthymia require ongoing monitoring and treatment. According to the Virginia Order, Respondent completed the *Program for Distressed Physicians* – a three-day continuing medical education professional development course for clinicians who have had problems with intimidating and disruptive behaviors towards patients, colleagues, and staff – at the Vanderbilt University Medical Center on October 6-8, 2021. The Virginia Order reprimanded Respondent's license, required him to bear all costs associated with the terms and conditions of the Virginia Order, and placed him on indefinite probation for a period of not less than one (1) year from the date of entry of the Virginia Order, subject to the terms and conditions outlined in the Order. The acts for which Respondent was disciplined in Virginia would be ground for disciplinary action in Tennessee. While Respondent admits that he made inappropriate comments, he disputes certain word choices. He also asserts that the Virginia Order solely relates to actions in Virginia, and that he has not practiced in Tennessee since 2017. The facts stipulated are grounds for discipline. This order shall place Respondent's medical license on probation, running concurrent with and for as long as the probation of his Virginia license. The terms of the probation are outlined in the Order. Respondent shall pay all actual and reasonable costs of the case not to exceed five thousand dollars (\$5,000.00). Dr. Christiansen motions to approve the order. Dr. Hale seconds, and the motion passes with Dr. Blake recused.

Jennifer Santana, MD – did not appear before the Board nor did a legal representative appear on her behalf. Ms. Elta Breen represented the State. Respondent was licensed on May 3, 2011, which is currently set to expire on February 29, 2024. On or about August 24, 2022, Respondent refused to see or provide care to M.W., an individual who presented to the Williamson Medical Center (hereinafter "WMC") emergency department when Respondent was the one nephrologist on-call with her practice. M.W. presented with a chief complaint of emergent hemodialysis, and she was admitted for shortness or breath and hyperkalemia secondary to missed dialysis. When WMC sought to revoke Respondent's clinical privileges and medical staff membership based upon the aforementioned conduct violating its medical staff bylaws and policy, Respondent relinquished her privileges and resigned. Respondent alleges that she declined to see or provide care to M.W. on August 24, 2022, because she had previously terminated M.W. as a patient due to personal safety concerns. WMC was apprised of these safety concerns. The facts stipulated are grounds for discipline. This order shall reprimand Respondent's medical license. Respondent shall pay one (1) Type A civil penalty in the amount of one thousand dollars (\$1,000.00). Respondent shall pay all actual and reasonable costs of the case not to exceed three thousand dollars (\$3,000.00). Dr. McGraw motions to approve the order. Dr. Hale seconds, and the motion passes.

Matthew Miko, PA – did not appear before the Board nor did his legal representative, Ms. Brie Stewart, Esq., appear on his behalf. Mr. Gerard Dolan represented the State. Respondent was licensed on December 8, 2006, which expired on March 31, 2023. From in or around 2018 to in or around January 2019, Respondent worked as a physician assistant at Advanced Spine and Pain, during which time Dr. Timothy Bunker served as Respondent's supervising physician. From in or around January 2019 to in or

around November 2019, Respondent worked as a physician assistant at Lifeforce Pain and Wellness (hereinafter “Lifeforce”), a Tennessee pain management clinic, during which time Dr. Hemal Mehta serves as Respondent’s supervising physician. From in or around December 2019 until at least March 2022, Respondent worked as a physician assistant at Perimeter Pain and Primary (hereinafter “Perimeter”), a Tennessee pain management clinic, during which time Dr. Timothy Bunker served as Respondent’s supervising physician. While Respondent was working at Lifeforce, his Drug Enforcement Administration (hereinafter “DEA”) number was used to write prescriptions to Respondent’s coworker Justin Kindrick, R.N., A.P.R.N., for testosterone, yet no medical record for Mr. Kindrick was created or maintained. Respondent acknowledges that his DEA number was used to write these prescriptions but denies that he wrote them himself. The Department’s investigation included the review of twenty-one (21) of Respondent’s patients’ medical records. The Department contends that these medical records show evidence supporting the statements in paragraphs 7 through 19 in the Order. While Respondent neither admits nor denies these statements, specifically and solely for purposes of resolving this matter, Respondent acknowledges that, if proven, these statements would support the determination that he more likely than not violated the following statutes or rules which are part of the Tennessee Physician Assistants Act and the Rules promulgated therewith, for which disciplinary action before the Board is authorized. It is the Department’s position that the treatment Respondent provided included prescribing large doses of opioids, including combinations of short-action and long-acting opioids, in amounts and/or for durations not medically necessary, advisable, or justified for a diagnosed condition. All medication prescriptions were reviewed by Respondent’s supervising physician, who signed off on all treatment plans. It is the Department’s position that the treatment Respondent provided included prescribing opioids to patients who were concurrently taking other controlled substances which could be dangerous in combination with opioids, such as benzodiazepines and carisoprodol. All medication prescriptions were reviewed by Respondent’s supervising physician, who signed off on all treatment plans. It is the Department’s position that Respondent prescribed controlled substances to his patients without a clear objective and documented finding of a chronic pain source to justify ongoing and increasing prescribing. All medication prescriptions were reviewed by Respondent’s supervising physician, who signed off on all treatment plans. It is the Department’s position that Respondent prescribed controlled substances and other medication without taking a history of the patient’s illness, without performing and adequate physical examination of the relevant area or areas, and without making appropriate, individualized diagnoses and/or documenting adequate support for diagnoses sufficient to justify the treatment rendered. All medication prescriptions were reviewed by Respondent’s supervising physician, who signed off on all treatment plans. It is the Department’s position that Respondent’s physical examinations of the patients are poorly documented and fail to provide support or verification of patient’s complaints of pain. It is the Department’s position that Respondent prescribed controlled substances and other medication without developing, documenting, and monitoring a written treatment plan with regard to the use of controlled substances and other medications. Respondent states that all of his patients were subject to a written treatment agreement, which is a part of the electronic medical record system. It is the Department’s position that Respondent failed to integrate consultations, previous medical records, and other medical information into the treatment plan. It is the Department’s position that Respondent failed to order diagnostic tests prior to prescribing controlled substances. It is the Department’s position that Respondent’s records fail to include adequate treatment information, including physical examinations, and oftentimes Respondent’s charting appears to be cloned from prior visits. It is the Department’s position that Respondent failed to adequately monitor patients for abuse of prescribed medications. Respondent states that all patients were subjected to pill counts, had their urine screened, and were queried in the applicable CSMD database. It is the Department’s position that Respondent prescribed his patient’s dangerous combinations of medications without consistently documenting an explanation of risks and benefits of the combinations. All medication prescriptions were reviewed by Respondent’s supervising physician, who signed off on all treatment plans. It is the Department’s position that Respondent frequently failed to provide alternative modalities of treatment to opioid medication where medically indicated. It is the Department’s position that Respondent frequently failed to monitor his

patients' prescription history by failing to frequently review the Tennessee Controlled Substance Monitoring Database ("CSMD"). Although Respondent may not have personally queried the CSMD, he believes that the office staff performed this function for all of his patients with sufficient regularity. On August 4, 2021, in accordance with T.C.A. § 68-1-128(c), the Department sent Respondent a letter by certified mail to the most recent mailing address he had reported to the Board. This letter notified Respondent that he was listed as a high-risk prescriber in Tennessee for calendar year 2019 (hereinafter the "August letter"). The August letter also notified Respondent of his obligation to fulfill certain requirements, including completing a continuing education course, making educational material available in his office, and obtaining written consent meeting certain requirements from patients receiving opioid therapy. The August letter further required that Respondent complete the required continuing education course within seven (7) months of his receipt of the letter and submit proof of completion to the Department within thirty (30) days of completion. The United States Postal Service confirmed delivery of the August letter on August 7, 2021. Seven (7) months after August 7, 2021, was March 7, 2022. On or about March 22, 2022, Department staff notified Respondent that he was delinquent in his requirements as a high-risk prescriber. This notification was sent by email to the most recent email address Respondent had reported to the Board. Respondent subsequently submitted evidence that he completed his requirements as a high-risk prescriber on June 17, 2022, approximately three (3) months after the deadline. In or about February 2022, Perimeter applied for a new pain management clinic license for a new location. Perimeter began operating at the new location on February 14, 2022, prior to obtaining a pain management clinic license for said location. Respondent practiced at an unlicensed pain management clinic. Respondent was not aware that Perimeter was operating a pain management clinic without a license at any material time. On multiple occasions after May 31, 2021, Respondent provided chronic nonmalignant pain treatment, including prescribing opioids, by telemedicine. Respondent acknowledges that his DEA number may have been utilized to make these prescriptions, but denies that he was practicing as a physician's assistant at that time. Respondent was unemployed between April 2, 2021 and February 17, 2022. The facts stipulated are grounds for discipline. This order shall reprimand Respondent's medical license. Respondent is prohibited from prescribing opioids for six (6) months from the effective date of this Consent Order or until Respondent has successfully completed the continuing education courses described in the Order, whichever period is longer. Respondent shall pay one (1) Type A civil penalty in the amount of one thousand dollars (\$1,000.00). Respondent shall pay all actual and reasonable costs of the case not to exceed ten thousand dollars (\$10,000.00). Dr. Christiansen motions to approve the order. Mr. Ellis seconds, and the motion passes.

Final Order(s)

Allen E. Tate, PA - did not appear before the Board nor did his legal representative, Mr. Samuel Helmbrecht, Esq., appear on his behalf. Mr. Gerard Dolan represented the State. Respondent was licensed on May 16, 2008, which is currently set to expire on January 31, 2024. Respondent was employed at the Lincoln Tree Clinic (hereinafter "Lincoln Tree"), a pain management clinic in Manchester, Tennessee, as a physician assistant from at least 2009 until about July 2018. During Respondent's employment at Lincoln Tree, Respondent's supervising physician was James E. Roth, MD, who at all relevant times held a full, unrestricted, and active Tennessee medical license. The Department conducted an investigation of Respondent's practice that included the review of twenty-one (21) of the patient records prepared and kept by Respondent during his employment at Lincoln Tree. The patients at issue are as follows: B.V., C.B., D.M., G.L., J.A., J.H., L.H., L.V., M.S.H., R.B., S.H., S.K., S.L., T.V., V.J., Z.K., D.H., M.T.H., M.P., and S.W. A review of Respondent's records indicates that the treatment Respondent provided to his patients included incomplete and insufficient documentation to meet the practice standards of a physician assistant. The facts stipulated are grounds for discipline. This order shall place Respondent's medical license on probation for a period of not less than two (2) years. Prior to petitioning to lift the probation described in the Order, Respondent shall obtain practice monitoring through the Center for Personalized Education for Professionals; Affiliated Monitors, Inc.; or through another practice monitoring program

with approval from the Board of Physician Assistants. The monitoring agreement requirements are outlined in the Order. Within three (3) months of the effective date of this Order, Respondent must register for and within twelve (12) months of the effective date of this Order, Respondent must successfully complete the continuing medical education outlined in the Order. Respondent shall pay all actual and reasonable costs of the case not to exceed fifty thousand dollars (\$50,000.00). Dr. Christiansen motions to approve the order. Dr. Hale seconds, and the motion passes.

Consent Order(s) continued

Wayne Liou, MD – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Francine Baca-Chavez represented the State. Respondent was licensed on February 13, 2006, which is currently set to expire on August 31, 2024. On or about March 15, 2023, the Wisconsin Medical Examining Board entered into a Final Decision and Order with the Respondent based on departing from or failing to conform to the standard of minimally competent medical practice. Specifically, at all times relevant to the Final Decision and Order, Respondent practiced as a radiologist and provided remote/teleradiology services to a hospital in Wisconsin. On or around September 17, 2014, a forty-nine-year-old male patient was admitted to the hospital after presenting to the ER with complaints of numbness and tingling to the extremities, left arm paresthesia, an abnormal EKG with left ventricular hypertrophy, and a concurrent viral upper respiratory infection. The patient underwent a CT cervical spine with contrast, among other imaging studies. Respondent performed a preliminary interpretation of the CT on an emergent basis. Respondent’s findings included, “no significant spinal central canal or neural foraminal stenoses.” Respondent’s impression was: *No evidence of acute cervical bony injury, no regions of abnormal enhancement and nonspecific mild fat standing in the medical lower left neck near the thoracic inlet suggesting scarring, edema, or inflammation.* On or around September 18, 2014, the hospital’s in-house radiologist reviewed and interpreted the same CT cervical spine that Respondent had interpreted, and found:

FINDINGS: There is a left C7-T1 facet joint widening and severe erosive changes. There is a multiloculated posterior perifacet abscess measuring 3 x 1.5 x 2 cm extending from C6-7 to T1-2. There is sclerosis and narrowing of the left C6-7 and T1-2 facet joints without frank erosive changes... There is disc space narrowing, marginal spurring facet joint narrowing can sclerosis from C4-5 to C6-7. Atlantoaxial articulation intact. Neural foramina appear patent. IMPRESSION: Left C7-T1 septic joint arthritis with perifacet abscess and inflammatory changes. Respondent failed to report that the CT showed narrowing of the spinal canal and/or compression of the cord, as well as the existence of fluid collection around the facet. These findings should have been recognized and noted. This failure departed from the standard of minimally competent medical practice. Respondent’s Wisconsin medical license was reprimanded. Respondent was also ordered to successfully complete three hours of education on the topic of imaging and neurological emergencies in the spine, including taking and passing any exam offered for the courses. Respondent was also ordered to pay costs. The facts stipulated are grounds for discipline. This order shall reprimand Respondent’s medical license. Respondent shall comply with all terms and conditions of the March 15, 2023, Final Decision and Order of the Wisconsin Medical Examining Board and any violation will be considered to be a violation of this Order. Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. McGraw motions to approve the order. Dr. McLerran seconds, and the motion passes.

Shushri Mishra, MD – did not appear before the Board nor did a legal representative appear on her behalf. Ms. Francine Baca-Chavez represented the State. Respondent was licensed on August 27, 2002, which is currently set to expire on December 31, 2023. Respondent has failed to submit documented proof of properly maintaining sufficient continuing education credits upon request by the Department. Results of Respondent’s continuing medical education audit for the period of January 1, 2015 thru December 31, 2016 showed that Respondent failed to obtain forty (40) hours of required continuing education credits. The facts stipulated are grounds for discipline. This order shall reprimand Respondent’s

medical license. Respondent shall complete the forty (40) hours of continuing education that she is deficient; to include two (2) hours related to controlled substance prescribing, which must include instruction in the Department's treatment guidelines on opioids, benzodiazepines, barbiturates, and carisoprodol, and may include such other topics as medicine addiction, risk management tools, and other topics approved by the Board. This is in addition to completing the continuing education hour requirement for the current year. Respondent shall also complete ten (10) additional continuing education hours. This requirement is in addition to the forty (40) deficient hours noted above and is in addition to the continuing education requirement for the current year. Respondent shall pay forty (40) Type B civil penalties in the amount of four thousand dollars (\$4,000.00). Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. McGraw motions to approve the order. Dr. Christiansen seconds, and the motion passes.

Ayesha Muzammil, MD – did not appear before the Board nor did a legal representative appear on her behalf. Ms. Francine Baca-Chavez represented the State. Respondent was licensed on March 5, 2008 which is currently set to expire on February 29, 2024. Respondent failed to submit documented proof of properly maintaining sufficient continuing education credits upon request by the Department. Results of Respondent's continuing medical education audit for the period of January 1, 2018, thru December 31, 2019, showed that Respondent failed to obtain forty (40) hours of required continuing education credits. The facts stipulated are grounds for discipline. This order shall reprimand Respondent's medical license. Respondent shall complete the forty (40) hours of continuing education that she is deficient; to include two (2) hours related to controlled substance prescribing, which must include instruction in the Department's treatment guidelines on opioids, benzodiazepines, barbiturates, and carisoprodol, and may include such other topics as medicine addiction, risk management tools, and other topics approved by the Board. This is in addition to completing the continuing education hour requirement for the current year. Respondent shall also complete ten (10) additional continuing education hours. This requirement is in addition to the forty (40) deficient hours noted above and is in addition to the continuing education requirement for the current year. Respondent shall pay forty (40) Type B civil penalties in the amount of four thousand dollars (\$4,000.00). Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Christiansen motions to approve the order. Dr. McLerran seconds, and the motion passes

Robert Coble, MD – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Francine Baca-Chavez represented the State. Respondent was licensed on January 26, 1976, which is currently set to expire on November 30, 2024. Respondent was employed by MedChoice LLC, a Hendersonville, Tennessee based company from approximately August 2021 through September 2021. The website for MedChoice LLC indicated that an individual could order a COVID-19 vaccine waiver for approximately one hundred thirty-nine dollars (\$139.00). The website offered, "handwritten medical waivers personally reviewed and signed by a licensed physician." Along with the fee and individual applicant was asked to select boxes next to statements that applied to them to determine eligibility for the waiver. Some of the selections included "I have an irrational fear of needles," "I am very anxious about getting the vaccine. (ex. poor sleep, feelings of being overwhelmed, increased heart rate, monopolizing fear)," "I am immune suppressed," and, "I have an autoimmune disease." While employed by MedChoice LLC, Respondent issued COVID-19 vaccine waivers to individuals located in Tennessee and in other states including Maine and Washington without being licensed as a medical doctor in any other state besides Tennessee. Respondent issued these waivers to individuals in the absence of any patient/physician relationship. If a waiver signed by Respondent was rejected by the individual's human resources department, or a school's student health department, Respondent would contact the individual to whom a waiver was issued and interview them over the phone. Respondent would then contact the department that rejected the waiver to try and convince them to reverse their decision. The facts stipulated are grounds for discipline. This order shall voluntarily surrender Respondent's medical license. Respondent understands that this action has the same effect as revocation of his medical license. Respondent agrees that a medical

license application will not be accepted or entertained prior to the expiration of at least one (1) year from the effective date of this Order. Respondent shall pay two (2) Type B civil penalties in the amount of one thousand dollars (\$1,000.00). Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Hale motions to approve the order. Dr. McLerran seconds, and the motion passes with Dr. Pearson abstained.

IX. CONDUCT NEW BUSINESS

Discuss, consider and take action as needed regarding sending attorney and staff to FARB September 21-23, Chicago, IL – Ms. Baca-Chavez requested that the Board send an attorney from the Office of General Counsel to attend the conference. Mr. Ellis motions to approve the request. Dr. Christiansen seconds and the motion passes.

Discuss, consider and take action as needed regarding sending attorney and staff to CLEAR September 27-30, Salt Lake City, UT – Ms. Baca-Chavez requested that the Board send an attorney from the Office of General Counsel to attend the conference. Dr. McGraw motions to approve the request. Mr. Diaz-Barriga seconds and the motion passes.

Appointing a Board member to represent the Board at the CSMD meeting in June – Dr. McGraw requests the Board appoint someone to cover his seat during the June CSMD meeting. Mr. Ellis volunteers to cover. Dr. Pearson volunteers to cover should Mr. Diaz-Barriga not be able to attend. Dr. McGraw motions to approve both. Dr. Hale seconds the motion and it passes.

- X. **PUBLIC COMMENT** – Dr. Rene Saunders made public comment regarding her time as Medical Consultant for the Board and raising concern for the Board’s Administrative Staff going forward without a Board Medical Consultant.

The Board recessed at 5:00 pm CT.



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

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

Wednesday, May 17, 2023

The regular board meeting of the Tennessee Board of Medical Examiners was called to order at 9:11 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
- Stephen Loyd, MD, Vice President
- Robert Ellis, Consumer Member, Secretary
- Deborah Christiansen, MD
- John Hale, MD
- Phyllis Miller, MD
- Jennifer Claxton, Consumer Member
- Randall Pearson, MD
- Samantha McLerran, MD
- Keith Anderson, MD
- James Diaz-Barriga, Consumer Member
- John McGraw, MD

Staff present:

- Francine Baca-Chavez, JD, Office of General Counsel
- Jessica Turner, JD, Office of General Counsel
- Paetria Morgan, JD, Office of General Counsel
- Stacy Tarr, Executive Director
- Jeffrin Zachariah, Board Administrator
- Samantha Green, Board Administrator

XI. UPDATE FROM KYONZTE HUGHES-TOOMBS – DEPUTY DIRECTOR, HEALTH RELATED BOARDS (CONTINUED)

Ms. Hughes-Toombs reappeared before the Board with updates to the Board’s questions regarding an interim Medical Consultant. Dr. McGraw volunteers to assist with consulting duties one day per month. Dr. Loyd motions to appoint Dr. Reeves Johnson as temporary medical consultant beginning May 18, 2023. Mr. Ellis seconds the motion and the motion passes. Dr. Loyd motions to create a taskforce consisting of Dr. Blake, Dr. Loyd, and Mr. Ellis to promulgate rules concerning public chapter 252 and the requirement of FCVS profiles for the application process, as well as the supervision of the temporary medical consultant. Dr. McGraw seconds the motion and the motion passes.

Contested Case – Iris Room

Todd Brooks, MD v. State of Tennessee Board of Medical Examiners

Iris Room

Administrative Law Judge: Michael Begley

Panelists: John Hale, MD, Deborah Christiansen, MD, and Robert Ellis, Consumer Member

Counsel for State: Paetria Morgan, Senior Associate General Counsel

Counsel for Respondent:

The Respondent did not appear before a panel of the Board nor did a legal representative appear on his behalf. After consideration of the Notice of Charges, the evidence presented, 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 13157 by the Board on February 10, 1981. Respondent's license will expire on September 30, 2024. On May 24, 2022, the Respondent entered into an Agreed Order (hereinafter "May Order") with the Board. The May Order required the Respondent to undergo two evaluations within sixty days of the effective date of the May Order. One evaluation had to be completed by a Tennessee Medical Foundation approved provider. The second required evaluation was a comprehensive fitness to practice and neuropsychological evaluation completed through a program such as the Vanderbilt Comprehensive Assessment Program. The May Order also required the Respondent pay civil penalties and costs. The Respondent violated the May Order by failing to complete the evaluations and pay the costs for prosecuting the case. The conclusions of law are outlined in the order. This order shall suspend Respondent's medical license. The suspension shall not be lifted until the Respondent becomes compliant with the terms of the May Order and fulfills the reinstatement an/or re-entry to practice requirements. Additionally, prior to petitioning for an Order of Compliance to lift the suspension, Respondent must comply with the terms listed in the Final Order. Once Respondent becomes compliant with the May Order and the terms of the Final Order, Respondent may petition the Board for an Order of Compliance to lift the suspension. As part of his petition for an Order of Compliance, Respondent shall appear personally before the Tennessee Board of Medical Examiners unless appearance is waived by the Board's Medical Consultant. Upon successful petition for an Order of Compliance lifting the suspension, Respondent's license shall be placed on probation pursuant to the terms of the May Order. Respondent shall pay one (1) Type B civil penalty in the amount of five hundred dollars (\$500.00). Respondent shall pay all actual and reasonable costs of the case not to exceed three thousand dollars (\$3,000.00). After discussion and questions, the panel motioned and seconded, which was followed by an approval of the Final Order with all findings of fact and conclusions of law considered and agreed upon.

Contested Case – Iris Room

Sommer Williams, MD v. State of Tennessee Board of Medical Examiners

Iris Room

Administrative Law Judge: Michael Begley

Panelists: John Hale, MD, Deborah Christiansen, MD, and Robert Ellis, Consumer Member

Counsel for State: Paetria Morgan, Senior Associate General Counsel

Counsel for Respondent:

The Respondent did not appear before a panel of the Board nor did a legal representative appear on her behalf. After consideration of the Notice of Charges, the evidence presented, 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 41522 by the Board on September 12, 2006. Respondent's license will expire on September 30, 2023. Respondent routinely prescribed controlled substances, including opioids, to an immediate family member which numbered in excess of eight thousand (8,000) pills with a fraudulent indication as to the diagnosis. Respondent failed to create and/or maintain a medical record for the prescriptions written to her immediate family member. Respondent prescribed excessive amounts of controlled substances to patients L.W. and C.W. Respondent failed to create and/or maintain a medical record for the prescription written to L.W. and C.W. Respondent used a prescription pad from a previous practice location to write the prescriptions referenced above. The conclusions of law are outlined in the order. This order shall suspend Respondent's medical license. Within sixty (60) days of the effective date of this order, Respondent must undergo an evaluation by a Tennessee Medical Foundation (TMF) approved provider. Respondent must submit the evaluation report to the Board's Medical Consultant as soon as it is available but no later than two weeks after the evaluation. If the TMF recommends that the Respondent enter into a monitoring contract, Respondent must comply with the requirements outlined in the Final Order. After which time advocacy is obtained the medical license will be placed on probation for a minimum of three (3) years. Respondent must enroll in an successfully complete all continuing medical education outlined in the Final Order. When the suspension is lifted, Respondent shall not prescribe any controlled substances for at least twelve (12) months and until completion of the continuing education courses listed in the Final Order. During the period of probation and while the Respondent's license remains encumbered, Respondent shall not serve as a supervising/collaborating physician or substitute supervising/collaborating physician to any advanced practice registered nurse, physician assistant, or pharmacist. Respondent shall pay one (1) Type A civil penalty and fifty (50) Type C civil penalties in the amount of six thousand dollars (\$6,000.00). Respondent shall pay all actual and reasonable costs of the case not to exceed fifteen thousand dollars (\$15,000.00). At the expiration of the probation period and after all terms have been met, Respondent becomes eligible to petition the Board for an "Order of Compliance" lifting the restrictions imposed by this Order. As part of his petition for an "Order of Compliance", Respondent shall appear personally before the Board unless appearance is waived by the Board's Medical Consultant. After discussion and questions, the panel motioned and seconded, which was followed by an approval of the Final Order with all findings of fact and conclusions of law considered and agreed upon.

Contested Case – Poplar Room

Ricardo Causo, MD v. State of Tennessee Board of Medical Examiners

Poplar Room

Administrative Law Judge: Richard Murrell

Panelists: Phyllis Miller, MD, Keith Anderson, MD, and Randall Pearson, MD

Counsel for State: Jessica Turner, Senior Associate General Counsel

Counsel for Respondent:

The Respondent did not appear before a panel of the Board nor did a legal representative appear on his behalf. After consideration of the Notice of Charges, the evidence presented, 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 19907 by the Board on July 11, 1989, which expired on March 31, 2022. On or about May 27, 2020, Respondent entered into a Consent Order with the State of Tennessee, Department of Health, acting through the Board of Medical Examiners for improperly submitting, or causing to be submitted, claims to the TennCare program for services that were not rendered from July 1, 2012, through August 31, 2017. Under the terms of the Consent Order, Respondent agreed to the following: a) pay actual and reasonable costs of prosecuting this case up to

three thousand dollars (\$3,000.00); and b) enroll in and successfully complete within one (1) year of the effective date of the Order, the two (2) day medical course entitled “*Medical Ethics, Boundaries & Professionalism*” offered at The Case Western Reserve University Continuing Medical Education Program at the Case Western Reserve University School of Medicine located in Cleveland, Ohio, or an equivalent course approved in advance by the Board’s Medical Director. Within thirty (30) days after completion of such course, Respondent shall deliver proof of compliance with this course to the Department of Health. As of May 3, 2023, Respondent has failed to complete the required two (2) day medical course, which was to be completed within one (1) year of the entry of the Consent Order. Furthermore, Respondent has failed to pay the actual and reasonable costs of prosecuting the case, with a remaining balance of one thousand and sixty-nine dollars and forty-five cents (\$1,069.45), which was to be paid within sixty (60) days of the entry of the Consent Order. The conclusions of law are outlined in the order. This order shall suspend Respondent’s medical license. Respondent’s license shall remain suspended until Respondent is fully compliant with the terms of the Consent Order entered on or about May 27, 2020, and has paid costs, in full, in this matter before the Board. Respondent shall pay all actual and reasonable costs of the case not to exceed ten thousand dollars (\$10,000.00). After discussion and questions, the panel motioned and seconded, which was followed by an approval of the Final Order with all findings of fact and conclusions of law considered and agreed upon.

XII. CONDUCT NEW BUSINESS (CONTINUED)

Discuss, consider and take action if needed regarding the request for funding for Gateway Project by Dr. Peter Phillips, CSMD Director – Peter Phillips, DPh, TDOH CSMD Director, presented to a panel of the Board the new Gateway service extension and the enhanced prescriber report. The Gateway service integrates the CSMD web portal with electronic medical records to allow providers to view the CSMD patient data within the clinical workflow of their electronic medical records. Dr. Phillips requested funding for sponsoring the Gateway Project. Dr. Phillips shared that the percentage allocated across prescribing Boards is based on the number of licensees. Dr. Anderson motions to extend the funding for the Gateway Project past eighteen months. Dr. Miller seconds the motion and it passes. Dr. Phillips will reappear before the Board at the July 2023 Board of Medical Examiners meeting to discuss further funding.

This concludes the Board of Medical Examiners Day 2 meeting.