



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

**Tuesday, May 26, 2020
Wednesday, May 27, 2020**

MINUTES

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

Board members present: W. Reeves Johnson, MD, President
Melanie Blake, MD, Vice President
Charles Handorf, MD, Secretary
Neal Beckford, MD
John Hale, MD
Robert Ellis, Consumer Member
Phyllis Miller, MD
Deborah Christiansen, MD
Stephen D. Loyd, MD
Samantha McLerran, MD
Jennifer Claxton, Consumer Member
Julianne Cole, Consumer Member

Board member(s) absent: None

Staff present: Mary K. Bratton, JD, Chief Deputy General Counsel
Rene Saunders, MD, Medical Consultant, BME
Angela Lawrence, BME Executive Director
Stacy Tarr, Administrative Director
Candyce Wilson, Administrative Director
Mitchell Mutter, MD Special Projects Director

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

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

I. CONSIDERATION OF APPLICATIONS

Surgical Assistant Applicant Interview(s):

Anita Cooper – appeared before the Board via WebEx without legal representation. Ms. Cooper appeared before the Board due to two (2) arrests for driving under the influence. She has already spoken with the Tennessee Medical Foundation (hereinafter “TMF”) and TMF has provided a letter of recommendation to the Board. She recently signed a two (2) year monitoring agreement with TMF which will involve weekly meetings, quarterly visits and worksite monitoring. The Board questioned the applicant on her sobriety date and prior treatment. Dr. Michael Baron, TMF Medical Director, presented before the Board and discussed his interview with the applicant and her current agreement and compliance. He recommends contingent licensure from the Board. Dr. Loyd motioned to approve licensure contingent on TMF compliance. Dr. Christiansen seconded the motion. The motion passed by roll call vote with an abstention from Ms. Jennifer Claxton who joined the meeting during the conversation, and three (3) opposition.

Medical Doctor Applicant Interview(s):

Michael Hof, MD – appeared before the Board via WebEx with legal representation from Ms. Michele Marsicano. Dr. Hof is an International Medical School graduate who has not completed a Board approved medical licensing examination, does not possess an ECFMG certificate, has no U.S. Residency training, no ABMS Board Certification and no active U.S. state medical license. He is not eligible for licensure per Board Rule 0880-02-.04. He reports he is not eligible to sit for the Boards. He reports having a job opportunity at Vanderbilt University. Ms. Marsicano stated a declaratory order was submitted two (2) weeks ago. Mr. Ellis motioned to table the application for up to six (6) months for the purpose of petitioning for a declaratory order and Dr. Beckford seconded the motion. The motion passed with a roll call vote. Dr. Blake motioned to grant Dr. Hof’s petition for declaratory order and Dr. Miller seconded the motion. Ms. Marsicano presented the petition before the Board. The motion passed by roll call vote.

Samir Hadi, MD - appeared before the Board via WebEx without legal representation. Dr. Hadi is an International Medical Graduate who has not completed three (3) years of an ACGME accredited Residency in one (1) discipline and is not currently ABMS Board Certified. The Board led a discussion on his training and whether or not he can obtain proof from his ACGME residency program director that he satisfactorily completed their program. Dr. Hadi is scheduled to take the first part of his Board exams in November 2020. Dr. McLerran motioned to table the application for up to one (1) year to allow him time to present proof of ACGME residency completion. Dr. Handorf seconded the motion. The motion passed by roll call vote.

Hafiz Mahmood, MD - appeared before the Board via WebEx without legal representation. Dr. Mahmood is an International Medical Graduate who has not completed a three (3) year U.S. residency training program and is not currently ABMS Board Certified. He states he will be eligible to sit for the internal medicine certification examination in August 2020. If Dr. Mahmood could verify he has completed a three (3) year U.S. ACGME residency then he would qualify for licensure. Dr. Mahmood should be able to obtain that letter of satisfactory completion at the end of June 2020. Technically, by the end of June 2020 he will have completed two (2) years of training and have one (1) year exempted. So, it

will be up to the program director to agree to him having satisfactorily completed the training program or not. Dr. Handorf motioned to grant licensure contingent on receiving a letter from the program director that he has completed all requirements to satisfactorily complete his residency. Mr. Ellis seconded the motion. The motion passed with a roll call vote.

Robert Horne, MD - appeared before the Board without legal representation. Dr. Horne has medical board action related to not reporting malpractice action as well as reciprocal action related to this issue. Additionally, there is a large malpractice settlement for an issue related to sexual misconduct. Dr. Horne has been subject to evaluation and monitoring in his Nevada Board order. Dr. Horne provided a brief overview of the sexual misconduct settlement situation. Dr. Horne provided an overview of the Nevada Board order and what he completed to comply with that order. The Board discussed the possibility of having TMF complete an evaluation and he reports he would be willing to undergo an evaluation with TMF to determine his fitness for practice. Dr. Horne reports there has only been one (1) incident and there never will be another. Dr. Christiansen motioned to table the application for up to six (6) months for Dr. Horne to meet with TMF and the recommendations to come back before the Board. Mr. Ellis seconded the motion. The motioned passed by roll call vote with Dr. Beckford opposed. Dr. Miller stepped out of the meeting and therefore did not vote on this motion.

William Krost, MD - appeared before the Board via WebEx without legal representation. Dr. Krost is a graduate of an unapproved foreign medical school. He is not currently ABMS Board Certified. The Board discussed the option of issuing Dr. Krost a temporary license since he meets the qualifications based on the Board's policy relating to International Medical Graduates demonstrating competency for a temporary license. Dr. Krost reports it would likely take him about one (1) year to obtain Board Certification. Dr. Krost reports a temporary license with the inability to supervise mid-levels is not what he needs to completely perform the job he is seeking. Per the current rules and statutes, Dr. Christiansen reported at this time the only options would be to issue a temporary license or for the applicant to withdraw his application at this time. Dr. Blake motioned to grant a temporary license for up to two (2) years for the purpose of him becoming board certified. Dr. Christiansen seconded the motion. Ms. Baca-Chavez stated he would not be able to supervise mid-levels with a temporary license and this license is non-renewable. The motion passed by roll call vote.

Basil Al-Sabeq, MD - appeared before the Board via WebEx without legal representation. Dr. Al-Sabeq is a Canadian Medical School graduate who has completed only three (3) years of Royal College of Physicians and Surgeons of Canada (hereinafter "RCPSC") accredited primary specialty training. Per T.C.A. 63-6-207(a)(1)(c)(ii) he must have completed four (4) years of RCPSC accredited training. The Board and applicant led a discussion regarding his training. Dr. Beckford motioned to grant licensure based on the fact that the Board feels the training proof provided has met the requirements set out by the statute. Dr. Christiansen seconded the motion. The motioned passed by roll call vote.

Susan Schayes, MD - appeared before the Board via WebEx without legal representation. She completed two (2) years of residency from 1988 – 1990 and is ABMS board certified in Family Medicine. The current statutes and rules prevent licensure. The Board discussed the applicant submitting a petition for declaratory order. Dr. Schayes indicated she would be interested in submitting a petition for declaratory order. Dr. Beckford motioned to table this application up to one (1) year to allow the applicant to petition for a declaratory order. Dr. Handorf seconded the motion. The motioned passed by roll call vote.

Dr. Beckford requested the Development Committee review the rules and regulations to determine the restrictions currently set forth as we continue to see overly qualified applicants, licensed in other states, but they aren't meeting our requirements for licensure.

Otis Anderson, MD – appeared before the Board via WebEx without legal representation. Dr. Beckford recused himself. Dr. Anderson was fined by the Tennessee Board of Medical Examiners for practicing medicine without a license in 2011. He was reprimanded by the Mississippi Medical Board by reciprocal action in 2012. He has been practicing in Mississippi since completion of his residency. His license to practice medicine in Mississippi was suspended by the Mississippi Medical Board in November 2018 effective January 2019 and reinstated to probationary status with restrictions in April 2019. In January 2019, the applicant withdrew his application during an interview before this Board. He is now resubmitting his request for a full, unrestricted license to practice medicine in Tennessee. Dr. Anderson reports at this time he has a full and unrestricted license in Mississippi. Dr. Anderson currently has DEA restrictions that do not allow him to write opioids or weight loss prescriptions until November 2020. Dr. Anderson outlined a self-reported matter to the Mississippi medical board regarding his DEA and suboxone license. He reported that he was to appear before the Mississippi Board in 3 weeks. Within the applicant’s file is a notice from the DEA that they have an open investigation as of April 2020. Given the concerns which have developed since his last appearance before the Board, those of which could not have been preconceived; the consensus of the Board is they are not comfortable issuing an unrestricted license at this time. Dr. Christiansen motioned to table his application for up to one (1) year to resolve several of the issues discussed. Ms. Claxton seconded the motion. A roll call vote passed with six (6) members in agreement, four (4) in opposition and one (1) recusal by Dr. Beckford.

Chanrashekara Reddy, MD - appeared before the Board via WebEx without legal representation. Dr. Reddy has prior Board action with two (2) state medical boards due to an allegation of unprofessional conduct. Dr. Reddy reports, in India, he was trained a specific way to hold the stethoscope but has since changed the way he performs his exams to avoid this issue from ever happening again. He wishes to practice in Tennessee to be close to family. He discussed his understanding that it is best to have a chaperone in the room when performing certain exams to protect him from allegations. The Board led a lengthy discussion in regards to the unprofessional conduct which was reported to happen about ten (10) years prior and the efforts the applicant took to resolve that matter. Dr. Baron indicated that without knowing any history of this applicant, having such an allegation on anyone’s record is always a red flag. Dr. Christiansen motioned to grant a full and unrestricted medical license. Dr. Beckford seconded the motion. The motion passed by roll call vote with seven (7) in agreement, three (3) in opposition and one (1) abstention.

The Board recessed for a lunch break.

The Board meeting resumed and a quorum was confirmed by roll call vote.

Sanjeev Saxena, MD - appeared before the Board via WebEx without legal representation. Dr. Saxena has initial medical board discipline in Alabama and reciprocal Board action in New York, Florida and Pennsylvania. The hospital for which he worked at reported him on fourteen (14) cases. In June 2017, the Alabama Board notified him of a hearing set for October 2017. He reports the Board found one (1) of fourteen (14) cases to not meet medical necessity based on the charts documentation. A consent order issued in November 2017 required him to complete continuing education courses, he would have a peer review of his implants while on probation and he would pay the state’s administrative fees. He reports his Alabama Board action was considered administrative action and it was not reportable. At this time, all of his active licenses are unrestricted. Currently he does have one (1) pending malpractice case. The Board discussed confusion on how the Alabama Board would issue probation due to one (1) chart being inadequate out of fourteen (14). Dr. Handorf motioned to grant a full and unrestricted license. Dr. Beckford seconded the motion. The motion passed by roll call vote with Dr. Christiansen opposed.

Bryant Unruh, MD - appeared before the Board without legal representation. Dr. Unruh is a current participant in the Texas Physicians Health Program (hereinafter “PHP”) secondary to substance use

disorder. Dr. Unruh reports his sobriety date as October 3, 2018. He reports that he has already met with TMF and their recommendation was to sign a five (5) year monitoring contract. Dr. Baron presented before the Board and reported that Dr. Unruh did voluntarily sign a contract with TMF, he did not have a history of being impaired at work and he recommends the Board issue licensure contingent on a five (5) year TMF contract. Dr. Handorf motioned to grant unrestricted licensure contingent on him signing a five (5) year monitoring contract with TMF. Dr. Christiansen seconded the motion and it passed by roll call vote.

William Doebler, MD - appeared before the Board via WebEx without legal representation. Dr. Doebler has past criminal history and multiple medical board actions related to that incident. He has received PHP evaluations in the past (which are not provided in the application materials) and states he has not been required to submit to monitoring. He was asked to contact Dr. Baron with TMF for evaluation and Dr. Baron has provided the Board with a letter including recommendations. He has an evaluation scheduled for next week at the University of Florida. Dr. Christiansen motioned to table the application for up to six (6) months for the applicant to complete that evaluation requested by TMF and the results to be brought to the TMF and the Board for further consideration. Dr. Beckford seconded the motion. Dr. Baron presented and stated he felt a more extensive evaluation was necessary in this case. The motion passed by roll call vote.

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

Bendik Clark, MD – appeared before the Board via WebEx with legal representation by Mr. Robert Kraemer. Dr. Lloyd recused himself. Ms. Francine Baca-Chavez represented the State. The Board reviewed the order of compliance packet. Ms. Baca-Chavez reviewed the facts regarding his prior Board action, prior PHP involvement and all actions taken that led up to his petition for order of compliance. The Office of General Counsel confirms he has complied with the terms of his order. The Board considered the petition and Dr. Baron presented on this matter. The Petitioner has signed a lifetime monitoring agreement with TMF as of February 2020. After further discussion, it was determined that the consensus of the Board was that the Petitioner met the terms to lift the suspension but the Petitioner’s license should be placed on probation with terms. Dr. Christiansen motioned for Petitioner’s probation terms to be no less than three (3) years, to run concurrent with TMF monitoring, a restriction on Petitioner’s license to only non-clinical practice and at any time Petitioner wishes to do clinical practice Petitioner must appear before the board, complete a psychosocial evaluation, Petitioner must reappear before the Board to have the probation lifted and Petitioner must notify employers of the imposed restrictions. Dr. Hale seconded the motion. The motion passed by roll call vote with Dr. Lloyd recused and Dr. Blake abstained.

Sanjay Chavda, MD - appeared before the Board via WebEx with legal representation by Mr. Kenneth Humphries. Ms. Francine Baca-Chavez represented the State. The Board reviewed the order of compliance packet. The petitioner has complied with the Boards order and the Office of General Counsel finds that he is compliant. According to his most recent CPEP evaluation, it indicates that the petitioner should have supervision to practice. Dr. Chavda reports he is not under any requirements or recommendations from the CPEP evaluation and does not feel as though supervision is necessary for his practice. Mr. Humphries clarified that the petitioner has practiced within the last two (2) years in a critical care clinic, under the supervision of his preceptorship and under supervision in the hospital in his mentorship. Dr. Chavda is not interested in receiving a Tennessee license if it were to include practice restrictions. Dr. Handorf motioned to table the petition for up to six (6) months to allow the petitioner to receive clarification from CPEP that he does not need supervision. Dr. Beckford seconded the motion. The motion passed by roll call vote.

Andrew Sugantharaj, MD - appeared before the Board via WebEx with legal representation by Mr. James Price. Ms. Francine Baca-Chavez represented the State. The Board reviewed the order of compliance packet. The Office of General Counsel agrees the petitioner is in compliance and that the terms have been met to petition for this order of compliance. Dr. Handorf motioned to approve this order of compliance. Dr. Beckford seconded the motion and it passed by roll call vote.

Medical Doctor Applicant Interview(s) (continued):

Robert Turner, MD - appeared before the Board via WebEx without legal representation. Dr. Turner has had prior Board action and his DEA certificate surrendered related to substance use disorder. His license has been reinstated and remains unrestricted and his DEA certificate has been restored. Additionally, he is currently participating in the South Carolina PHP after having completed an initial mandatory contract and a length of non-monitored practice. Dr. Baron with TMF has provided a letter to the Board. Dr. Turner reports November 1, 1999 as his date of sobriety. Dr. Baron presented before the Board reporting Dr. Turner's recovery is a story of success and he does not suggest any contingencies on his license. Also, that he does not require a monitoring agreement. However, Dr. Turner prefers to be monitored. Dr. Christiansen motioned to grant unrestricted licensure and Dr. McLerran seconded the motion. The motion passed by roll call vote with Dr. Handorf abstained

Richard Hayward, MD - appeared before the Board via WebEx without legal representation. Dr. Hayward is an active participant with the TMF since 2017 and has earned their advocacy. He has a prior history of substance use disorder. Dr. Hayward reports his involvement with TMF was voluntary and he is two (2) years into his five (5) year monitoring agreement. He reports his date of sobriety is April 14, 2016. Dr. Baron presented before the Board stating that Dr. Hayward has maintained TMF compliance. Dr. Beckford motioned to grant an unrestricted medical license. Mr. Ellis seconded the motion and it passed by roll call vote.

Robert McKnight, MD - appeared before the Board via WebEx without legal representation. Dr. McKnight is a participant in the TMF for substance use disorder. He has the advocacy of the program and a current monitoring contract. Dr. McKnight entered treatment in August 2019 until October 2019. After completing his treatment he signed a five (5) year monitoring agreement with TMF. Dr. McKnight reports he sought treatment voluntarily. He reports July 27, 2019 as his sobriety date. Dr. Baron presented before the Board and reports full compliance with his contract and does not recommend licensing with any conditions. Dr. Handorf motioned to grant unrestricted licensure and Dr. Hale seconded the motion. The motion passed by roll call vote.

Robert Gardner, MD - appeared before the Board via WebEx without legal representation. Dr. Gardner has a conviction for reckless driving involving alcohol use. He reports participation in a PHP and has prior reprimand of his California medical license for negligence in practice. The consensus of the Board was that an interview with TMF should be conducted. Dr. Christiansen motioned to table the application for up to four (4) months to allow time for him to meet with TMF. Dr. Handorf seconded the motion. The motion passed by roll call vote with Dr. Miller abstained as she joined the meeting during deliberation.

Danyelle Pam, PSGT –appeared before the Board via WebEx. Ms. Pam is a polysomnographic technician whom has requested an extension to her temporary practice permit. Ms. Pam presented before the Board regarding the issues she faced completing her examination in a timely manner. The Board led a lengthy discussion on the circumstances. Dr. Blake motioned to grant a three (3) month extension to begin at the end of the current temporary permit expiration date and Dr. Beckford seconded the motion. The motion passed by roll call vote with Dr. Christiansen opposed.

Review and Consideration to Ratify Policies

Mr. Samuel Moore with the Office of General Counsel presented the Policy on Permit Extensions which has prior approval from the Polysomnography Committee and now needs the Boards ratification. Dr. Hale motioned to ratify the policy and Dr. McLerran seconded the motion. The motion passed by roll call vote.

Mr. Samuel Moore with the Office of General Counsel presented a polysomnographic tier phased Re-entry Policy which has prior approval from the Polysomnography Committee and now needs the Boards ratification. Dr. Christiansen motioned to accept this policy and Dr. Hale seconded the motion. The motion passed by roll call vote.

Presentation from Dr. Mitchell Mutter, TDOH Special Projects Director

- Opioid overdoses continue to grow
- Number of opioid prescriptions have declined
- The growth of illicit drugs continues to be the impact on overdose deaths
- 60% of overdose deaths have nothing in the database 60 days prior to the death
- Provided an overview of the third edition to the Chronic Pain Guidelines

Dr. Hale motioned to approve updated guidelines and Dr. McLerran seconded the motion. The motion passed by roll call vote.

Ms. Claxton left the meeting.

Presentation from Dr. Michael Baron, Medical Director of TMF

Dr. Baron informed the Board that Mr. Mike Todd, longtime case manager with TMF has retired and he introduced Ms. Kathleen Haas whom has filled that position.

I. Updates from Taskforces & Committees

- a. **Development Committee (Dr. Blake, Dr. Johnson, Dr. Beckford and Mr. Ellis) –**
 - i. The Committee met this morning, May 26, 2020. At this meeting, the Committee discussed deferring the APP taskforce until after the legislative session has completed, discussed the Amphetamine rules, and led a discussion on meetings during covid-19 and how they will be conducted moving forward.
- b. Discuss and consider sending a note of thanks for response to Covid-19: Dr. Blake addressed the impact covid-19 has had on many lives and to extend thanks to all health professionals, board, staff and citizens for all doing their part in keeping everyone safe and healthy.
- c. **Larry Mason, MD –** The Board reviewed and considered a request to waive the civil penalties imposed for failure comply with the Boards CME requirements. Dr. McLerran recused herself. Dr. Christiansen motioned to deny the request. Dr. Miller seconded the motion and the motion passed by roll call vote.
- d. **Amphetamine Taskforce –** The taskforce presented to the Development Committee during this morning's meeting. The Board will review the current draft rules and consider it tomorrow, during the Boards day 2 meeting.

- II. **Review and Consider Advisory Opinion for James Sizemore, MD –** Ms. Baca-Chavez reviewed the request for advisory opinion which inquires if the Board would issue discipline on a physician who does not add a patients name on a naloxone vial. Ms. Baca-Chavez reviewed the content of a draft response letter for the Board to consider. The letter drafted states that the Board would not be of the opinion that good faith and reasonable care is established per the Addiction

Treatment Act. In general, when prescriptions are dispensed and written, they must have the name of the patient and pharmacists are required to have the name of the physician on the patient's label. In discussion of this draft letter as a possible response, the Board addressed their concerns with present law and issuing such a letter of response. The Board feels the present law and response will negatively impact the willingness of individuals to seek naloxone treatment. The Board agreed to table the matter and this discussion will be placed on the Development Committee meeting agenda to be addressed in July. Naloxone can be provided by a layperson working in addiction treatment so it needs to be carefully considered why a physician cannot issue naloxone without the patients' name. Dr. Johnson declared that any further advisory opinions can be brought before the Development Committee first. The Board permitted Ms. Baca-Chavez to update the requester that the question is under consideration and will be looked at further at the July meeting.

The board recessed at 6:20pm CT.



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

**Day Two of the Regular Meeting of the Tennessee Board of Medical Examiners
Wednesday, May 27, 2020**

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. W. Reeves Johnson, Board President.

Board members present: W. Reeves Johnson, MD, President
Melanie Blake, MD, Vice President
Charles Handorf, MD, Secretary
Neal Beckford, MD
Robert Ellis, Consumer Member
Phyllis Miller, MD
Deborah Christiansen, MD
Jennifer Claxton, Consumer Member
Stephen D. Loyd, MD
John Hale, MD
Samantha McLerran, MD
Julianne Cole, Consumer Member

Board member(s) absent: None

Staff present: Mary K. Bratton, JD, Chief Deputy General Counsel
Francine Baca-Chavez, Deputy General Counsel
Rene Saunders, MD, Medical Consultant, BME

Angela Lawrence, BME Executive Director
Stacy Tarr, Administrative Director
Candyce Wilson, Administrative Director

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

Brent Culberson, TDOH Assistant Commissioner Update – Mr. Culberson informed the Board of the newly appointed Director of the Bureau of Investigations (hereinafter “BIV”), Jamie Byerly. In looking at the investigative process, the volume of complaints and dependence on paper there is a grave need for improvement in the process. To achieve this, the visual investigator tool will now be used to improve workflows, defining workflow, better tracking of complaints, and digitizing the process while being customizable and user friendly.

Jeremy Davis – Mr. Davis introduced the “visual investigator tool” and the current progress of development for BIV.

- This tool which will be able to link supervising physicians to mid-levels.
- They have completed all work-flows for different boards.
- They are currently working with STS to get all of the data needed by the end of this week.
- The projected launch for testing is early Fall 2020.
- This tool will cost about 2.5 million dollars and the charge will be spread across all Boards.
- BME’s charge of 231 thousand dollars will be coming out the reserve funds.
- There will be a 500 thousand dollar recurring cost that will be divided among the Boards beginning in 2022.

Dr. Handorf questioned if any savings incurred from BIV will go to the Boards. Mr. Culberson reported he will look into this. Dr. Blake suggested some older reports be refined with the new system. Mr. Davis stated that the reports are customizable and if there are certain things the Board would like to see in a report to let Board staff know so those reports can be built.

Dr. Baron questioned if the online complaint entry form would change with this new program. Mr. Davis reported the complaint form is from a different program and the new Director is working on improving that process through the use of abode EchoSign.

This tool should eliminate duplicity; there won’t be multiple sets of paperwork or spreadsheets and it will be one tool that all staff can use from start to finish.

I. Update from Dr. Johnson regarding meeting with Commissioner Piercey

Dr. Johnson informed the Board that he met with Commissioner Piercey a few weeks ago and they continued their discussion, from last year’s meeting, regarding the Boards policy on re-entry. Per Dr. Johnson, the Commissioner encourages the Board to remain consistent in their execution of applying such policy and to be cognizant on the effects of re-entry. One inconsistent scenario presented was that physicians may continue to renew their license without actively engaging in

clinical practice. However, those subject to reinstatement are currently required to follow the Boards re-entry policy requirements. A suggestion presented was for the Board to loosen their stringent out of practice threshold requirement from two (2) years to five (5) years. Dr. Johnson requested this matter be brought before the Development Committee. He further outlined that many states with a re-entry policy start their threshold at five (5) years and that out of seventy-one (71) State Medical Boards that only thirty-nine (39) Boards have a re-entry pathway. Dr. Blake proposed the option of reaching out to past applicants that have completed the Boards re-entry process to determine their opinion on whether or not it was valuable.

Dr. Blake requested “discuss adding Development Committee agenda items” as a standing item on the BME’s day 2 agenda.

Presently, the other items to be on the July Development Committee include discussion on the BME Canadian rule and the recent advisory opinion still under consideration.

Discussion on current Executive Orders due to Covid-19 Pandemic –

Ms. Baca-Chavez reviewed the active executive order that removed the requirement of proving competency for physicians to reinstate their license. This executive order permitted the Boards office to approve several applications for reinstatement that would have generally been required to appear before the Board for an out-of-practice issue per the Boards re-entry policy.

Dr. Rene Saunders provided the Board with an overview of the process administrative staff has taken to approve those applicants. She estimates about five (5) applicants approved for reinstatement ranged from ten (10) to twenty (20) years out of practice and about twelve (12) applications were two (2) to ten (10) years out of practice. Furthermore, there were about ten (10) applicants reinstated who had already appeared before the Board and were in the process of completing the re-entry process.

II. Consider and Approve Consent Agenda

Dr. Blake motioned to accept the consent agenda. Dr. Christiansen seconded the motion and it passed by roll call vote. The Consent Agenda contained the following:

1. Approval of March 25, 2020 Board meeting minutes
2. Ratification of new licenses, reinstatement and renewals of Medical Doctors, MD X-Ray Operators, Genetic Counselors, Clinical Perfusion, Physician Assistants and Acupuncturists
3. Review of Office of Investigations Statistical Complaint Report and Currently Monitored Practitioners Report
4. Review of Administrative Office Statistical Licensing Report – discussion on the increased number of new applications per month, number of new licensees and high amount of renewals processed monthly.
5. Review of the Office of General Counsel Report
 - a. Ms. Baca-Chavez invited one (1) Board member at a time to attend the weekly electronic case review.
6. Review and approve continuing medical education Agreed Citations – Eugene Kowitz, AMDX; Kelly Rigsby, AMDX; Tylelecia Williams, MDXL and Rachel Young, MXRT
7. Review and approve practicing on a lapsed license Agreed Citation – Audrey Campbell, AMDX and Paula Murphy, AMDX

III. Amphetamine Taskforce Update – Dr. Handorf motioned to approve draft minutes and seconded by Dr. Beckford. The motion passed by roll call vote.

- a. **Significant changes outlined by Dr. Christiansen:** medications listed that are no longer available removed, medications added, there were no minimal appropriate workup and documentation needed for those placed on those medications and nothing on on-going monitoring requirements. The Board voted to move the recommended changes to the rule making process.

Dr. McLerran left the meeting.

Disciplinary Order(s) Consent Order(s)

Jennifer Neuman-Williamson, AMDX – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed on November 19, 2015 and that license expires on December 31, 2020. Respondent failed to submit proof of having obtained twenty (20) hours of continuing education to include two (2) hours in a course designed to address statutes, rules, regulations and A.R.R.T's Standards of Ethics, in the 2016 and 2017 calendar years. She was notified of her deficiency in continuing education hours on January 8, 2019 and February 14, 2019 and given a chance to submit proof of having obtained the hours. She failed to do so. Respondent was offered an Agreed Citation to address her deficiency on March 11, 2019 and August 6, 2019. She failed to sign, return and comply with the terms of the Agreed Citation. After receiving a notification and Consent Order, Respondent has provided proof of having obtained 18.75 continuing education hours obtained in the 2016 and 2017 calendar years, but did not submit proof of having obtained two (2) hours related to the statutes, rules and regulations and ethics. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license. Respondent agrees to obtain two (2) hours pertaining to the statutes, rules, regulation and ethics within one hundred and eighty (180) days of ratification of this order. Respondent agrees to obtain ten (10) additional hours of continuing education within two (2) years. Respondent shall pay two (2) Type C civil penalties for a total of eighty dollars (\$80.00). Respondent must pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Hale motioned to accept the order. Mr. Ellis seconded the motion and it passed by roll call vote with Dr. Johnson abstained.

Julie Brown, AMDX – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed on May 13, 2019 and that license expires March 31, 2021. From April 2019 until December 2019, Respondent worked as a medical x-ray operator for nine (9) months while her medical x-ray operator certificate was expired. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license. Respondent shall pay seven (7) Type C civil penalties for a total of seven hundred dollars (\$700.00). Respondent must pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Beckford motioned to accept the order. Dr. Handorf seconded the motion. The motion passed by roll call vote with Dr. McLerran abstained.

Dr. McLerran rejoined the meeting.

Lorraine Hermanson, AMDX – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed on January 31, 2018 and that license expires March 31, 2021. From March 2019 until January 2020, Respondent practiced outside her scope of practice by performing bone densitometry without the proper credential. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license. Respondent shall pay eight (8) Type C civil penalties and one (1) Type B civil penalty for a total of one thousand three hundred dollars (\$1,300.00). Respondent must pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Beckford motioned to accept the order. Dr. Handorf seconded the motion and it passed by roll call vote.

Chasity McFalls, AMDX – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed on February 4, 2014 and that license expires December 31, 2020. From January 2019 until October 2019, Respondent worked as a medical x-ray operator for ten (10) months while her medical x-ray operator certificate was expired. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license. Respondent shall pay eight (8) Type C civil penalties for a total of eight hundred dollars (\$800.00). Respondent must pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Handorf motioned to accept the order. Dr. Beckford seconded the motion and it passed by roll call vote.

James Jones, AMDX – did not appear before the Board nor did a legal representative appear on his behalf. Mr. Peyton Smith represented the State. Respondent was licensed on May 29, 2018 and that license expires August 31, 2021. From August 2019 until February 2020, Respondent worked as a medical x-ray operator for seven (7) months while his medical x-ray operator certificate was expired. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license. Respondent shall pay five (5) Type C civil penalties for a total of five hundred dollars (\$500.00). Respondent must pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Beckford motioned to accept the order. Mr. Ellis seconded the motion and it passed by roll call vote.

Megan Hendricks, AMDX – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed on November 29, 2013 and that license expires March 31, 2021. From April 1, 2019 until January 20, 2020, Respondent worked as a medical x-ray operator for approximately ten (10) months while her medical x-ray operator certificate was expired. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license. Respondent shall pay eight (8) Type C civil penalties for a total of eight hundred dollars (\$800.00). Respondent must pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Beckford motioned to accept the order. Mr. Ellis seconded the motion and it passed by roll call vote.

Whitney Roberts, AMDX – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed on March 2, 2015 and that license expires November 30, 2020. On or about December 2019, Respondent was reprimanded by the American Registry of Radiologic Technologists (hereinafter “ARRT”) for working outside her scope of practice. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license. Respondent shall pay one (1) Type B civil penalty for a total of one hundred dollars (\$100.00). Respondent must pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Beckford motioned to accept the order. Dr. Handorf seconded the motion and it passed by roll call vote.

Le’An Dobias, MDXL – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed on March 27, 2011 and that license expires February 28, 2022. On her reinstatement application, Respondent made false statements regarding her employment. The facts stipulated are ground for discipline. This order shall reprimand Respondents license. Respondent shall pay one (1) Type C civil penalty for a total of one hundred dollars (\$100.00). Respondent must pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Beckford motioned to accept the order. Dr. Christiansen seconded the motion and it passed by roll call vote.

Kylie Jones, AMDX – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed on August 16, 2017 and that license expires January 31, 2021. From February 2019 until August 2019, Respondent worked as a

medical x-ray operator for approximately seven (7) months while her medical x-ray operator certificate was expired. The facts stipulated are ground for discipline. This order shall reprimand Respondents license. Respondent shall pay five (5) Type C civil penalties for a total of five hundred dollars (\$500.00). Respondent must pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Beckford motioned to accept the order. Dr. Miller seconded the motion and it passed by roll call vote.

Patricia Rorke, AMDX – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed on February 4, 2014 and that license expires September 30, 2021. From October 2017 until December 2019, Respondent worked as a medical x-ray operator for approximately twenty-six (26) months while her medical x-ray operator certificate was expired. The facts stipulated are ground for discipline. This order shall reprimand Respondents license. Respondent shall pay twenty-four (24) Type C civil penalties for a total of two thousand four hundred dollars (\$2,400.00). Respondent must pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Beckford motioned to accept the order. Dr. Miller seconded the motion and it passed by roll call vote.

Stacey Underhill, AMDX – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed on April 27, 2011 and that license expires May 31, 2021. From October 2017 until October 2019, Respondent worked as a medical x-ray operator for twenty-four (24) months while her medical x-ray operator certificate was expired. The facts stipulated are ground for discipline. This order shall reprimand Respondents license. Respondent shall pay twenty-two (22) Type C civil penalties for a total of two thousand two hundred dollars (\$2,200.00). Respondent must pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Beckford motioned to accept the order. Ms. Cole seconded the motion and it passed by roll call vote.

Susan Mulligan, AMDX – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed on September 14, 2012 and that license expires on February 28, 2022. Respondent failed to obtain two (2) hours in a course designed to address statutes, rules, regulations and A.R.R.T.'s Standards of Ethics, in the 2016 and 2017 calendar years. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license. Respondent agrees to obtain two (2) hours of continuing education pertaining to the statutes, rules, regulations and A.R.R.T.'s Standards of Ethics that Respondent was deficient. The Respondent agrees to obtain ten (10) additional hours of Board approved continuing education. Respondent shall pay two (2) Type C civil penalties for a total of eighty dollars (\$80.00). Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Beckford motioned to accept the order. Dr. Miller seconded the motion and it passed by roll call vote.

Nicole A. Paier-Mullan, MD - did not appear before the Board nor did her legal representative, Mr. Jeremy Goolsby, appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed on September 18, 2014 and that license expires June 30, 2022. On or about June 28, 2018, Respondent prescribed herself a controlled substance. On or about December 19, 2018, Respondent was terminated from her employment after testing positive for benzodiazepines. In April 2019, Respondent underwent an evaluation at the Vanderbilt Comprehensive Assessment Program. In May 2019, Respondent entered a two-year after care agreement with TMF and is currently in compliance with all requirements of her monitoring contract and has the advocacy of TMF. Respondent completed the "Prescribing Controlled Drugs – CME" course offered by Vanderbilt University Medical Center. This order shall reprimand Respondents license. Respondent must pay all actual and reasonable costs of the case not to exceed three thousand (\$3,000.00). Respondent shall pay one (1) Type A civil penalty for a total of one thousand

dollars (\$1,000.00). Dr. Blake motioned for approval. Dr. Handorf seconded the motion and it passed by roll call vote.

Ricardo Causo, MD – did not appear before the Board nor did a legal representative appear on his behalf. Mr. Peyton Smith represented the State. Respondent was licensed on July 11, 1989 and that license expires June 30, 2020. On or about February 8, 2019, Respondent entered into a settlement agreement with the State of Tennessee, acting through the Office of Attorney General and Reporter on behalf of its Medicaid program known as TennCare 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 settlement, Respondent agreed to pay the State of Tennessee a sum of one hundred twenty-five thousand, eight hundred ninety-seven and 65/100 dollars (\$125,897.65), \$40,359.06 of which was restitution. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license. Respondent must pay all actual and reasonable costs of the case not to exceed three thousand dollars (\$3,000.00). Respondent must enroll in and successfully complete within one (1) year of the effective date of this Order, the two (2) day medical course entitled “Medical Ethics, Boundaries & Professionalism”. Dr. Handorf motioned for approval. Dr. Beckford seconded the motion and it passed by roll call vote with Ms. Claxton abstained.

Kristen Jensen, PA – did not appear before the Board nor did a legal representative appear on her behalf. Ms. Tracy Alcock represented the State. Respondent was licensed on November 2, 2010 and that license expires January 31, 2020. In August 2018, a Consent Order became final in which Respondent agreed to violations of the Tennessee Physician Assistants Act. Respondent agreed to have her P.A. license placed on suspension and undergo a professional assistance program evaluation and abide by any terms recommended by the program, including maintaining its advocacy. In July 2019, an Agreed Order of Modification and Compliance became final in which the suspension of Respondent’s P.A. license was lifted and Respondent’s P.A. license was placed on probation for a period of no less than five (5) years to run concurrent with Respondent’s monitoring contract with TMF. In October 2019, the Department received notification from TMF that it could no longer advocate for Respondent due to Respondent relapsing in or around October 2019 and Respondent’s failure to maintain TMF advocacy. Respondent failed to maintain 100% compliance with her TMF monitoring contract and she violated her Board order. The facts stipulated are ground for discipline. This order shall voluntarily surrender Respondents license which shall have the same effect as a revocation. Respondent must pay actual and reasonable costs of the case not to exceed five thousand dollars (\$5,000.00). Dr. Beckford motioned to approve the order. Dr. Christiansen seconded the motion and it passed by roll call vote.

Petition for Order of Modification

Marlaine Martin, PA – did not appear before the Board nor did a legal representative appear on her behalf. Ms. Tracy Alcock represented the State. On July 31, 2019, a final order placed Petitioner’s license on suspension and imposed several restrictions. The Committee finds that the Petitioner has satisfactorily complied with the requirements of the Final Order and that the suspension of Petitioner’s license should be lifted. Pursuant to the Final Order, at the time of suspension the Committee may impose additional restrictions and/or discipline Petitioner’s license. The Committee placed the Petitioner’s license on probation with several requirements. Ms. Alcock reviewed these terms with the Board. Dr. Miller motioned for approval of the order. Dr. Blake seconded the motion and it passed by roll call vote.

Petition for Declaratory Order

Susan Schayes, MD – appeared before the Board with legal representation from Ms. Kathryn Chandler. The Board reviewed and considered the presented petition for declaratory order. Mr. Ellis motioned to approve the petition. Dr. Christiansen seconded the motion and it passed by roll call vote.

Ronald Hall, MD – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Jennifer Putnam represented the state but Ms. Paetria Morgan presented the order on her behalf. Respondent was licensed on April 1, 1971 and that license expires April 30, 2021. On or about September 2018, patient E.P. sent a medical records release request to the Respondent. Respondent failed to respond to the patient’s medical records release request. During the investigation Respondent failed to return messages the Department left with the Respondents staff and failed to return nine (9) phone calls to his personal number. Respondent did return one (1) phone call to the Department’s investigator asking the reason for the call and also signed for a certified letter requesting he contact the board to which he refused. Respondent failed to timely respond to patient’s medical records request and all phone, letter and interview requests from the Department. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license. Respondent must pay one (1) Type A civil penalty for a total of one thousand dollars (\$1,000.00). Respondent must pay all actual and reasonable costs of the case not to exceed one thousand dollars (\$1,000.00). Dr. Christiansen motioned for approval. Dr. Miller seconded the motion and it passed by roll call vote.

Samuel Perry, MD – did not appear before the Board nor did his legal representative Mr. Samuel Helmbrecht. Ms. Jennifer Putnam represented the state but Ms. Paetria Morgan presented the order on her behalf. Respondent was licensed on May 16, 2011 and that license expires July 31, 2021. Respondent served as the supervising physician of two (2) advanced practice registered nurses (hereinafter “APRN”) at the Hopewell Family Care. While serving as the supervising physician of the APRNs, Respondent admitted to reviewing 20% of all medical records. Respondent is required to review 20% of all medical records and 100% of all medical records when a controlled substance was prescribed. While serving as the supervising physician of the APRNs, Respondent failed to be on-site once every thirty (30) days as required. Respondent admits to being on-site every other month. Respondent failed to develop protocols and clinical guidelines with the APRNs. The facts stipulated are grounds for discipline. This order shall place Respondent’s license on probation for six (6) months. Respondent must pay two (2) Type A civil penalties and twenty-four (24) Type C civil penalties for a total of two thousand and four hundred dollars (\$2,400.00). Respondent shall pay all actual and reasonable costs of the case not to exceed five thousand dollars (\$5,000.00). Dr. Handorf motioned to approve the order. Dr. Christiansen seconded the motion. The motion passed by roll call vote with Ms. Cole recused.

The regular meeting adjourned at 11:57am CT.

Petition for Declaratory Order

Martin Strueber, MD v. State of Tennessee Board of Medical Examiners

Iris Room via WebEx

Administrative Law Judge: Kim Summers

Panelists: Neal Beckford, MD; John Hale, MD; Jennifer Claxton, Consumer Member

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

Counsel for Petitioner: Dan Elrod, Esq.

The Petitioner seeks a determination that the applicable statute and regulations are not applicable to him because of his education, training, experience and professional accomplishments meet or exceed the requirements of the applicable statute and regulations. The Board heard both sides and carefully reviewed the evidence. The consensus of the Board is the Petitioner’s medical education and training in Germany, his board certifications in Germany and Europe, his academic and research endeavors, his involvement in the training of other physicians, and the totality of his experience and accomplishments, along with the opinions expressed by physician witness’s on his behalf, demonstrate that Petitioners qualifications meet or exceed the requirements of the cited statute and rules. The Board finds Petitioners submission of his proof of medical degree compliant with the rules. The Board finds the Petitioner has satisfied the

qualifications for a full, unrestricted, medical license in Tennessee. Dr. Hale motioned to approve the discussed and reviewed order and issue a full and unrestricted license to the Petitioner once applicable fees have been paid. Ms. Claxton seconded the motion and it passed by roll call vote.

This concludes the Board of Medical Examiners day 2 meeting.