



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

**Tuesday, September 25, 2018  
Wednesday, September 26, 2018**

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**MINUTES**

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The regular board meeting of the Tennessee Board of Medical Examiners was called to order at 8:40 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Subhi Ali, Board Chair.

Board members present:            John Hale, MD  
   Subhi Ali, MD  
   Melanie Blake, MD  
   Neal Beckford, MD  
   Deborah Christiansen, MD  
   Reeves Johnson, MD  
   Melanie Blake, MD  
   Charles Handorf, MD  
   Julianne Cole, Consumer Member  
   Robert Ellis, Consumer Member

Board member(s) absent:        Phyllis Miller, MD  
   Michael Zanolli, MD  
   Jennifer Claxton, Consumer Member

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 Waszmer, Administrative Director  
   Courtney Lewis, Board Administrator

**REVIEW OF THE FRESH START BILL**

Ms. Mary Katherine Bratton provided the Board with a copy of and presented an overview of Public Chapter 793 which passed this last legislative session. This bill does not apply to medical doctors or osteopathic physicians but it does apply to professions in which this Board does hold licensing authority.

**Public Chapter 793:** Licensing authorities are prohibited from denying an application or renewal for a license/certificate/registration due to a prior criminal conviction that does not directly relate to the applicable occupation. Lays out the requirements on the licensing authorities as well as the exceptions to the law (ex: rebuttable presumption regarding A and B level felonies).

#### **I. CONSIDERATION OF APPLICATIONS**

##### **Genetic Counselor Applicant Interview(s):**

**Christine Odom, GC** – appeared before the Board without legal representation. Ms. Odom appeared due to being out of practice for the past four (4) years. She had been practicing for six (6) years prior to ending her practice. Ms. Odom reported she maintained her continuing education (hereinafter “CE”) credits while being out of practice and recertified in 2017 by submitting her CE’s. The Board reviewed their re-entry policy and discussed possible options for this applicant. Dr. Debbie Christiansen motioned to grant contingent licensure based on the completion of a three (3) month preceptorship. Dr. Blake seconded the motion and the motion passed.

##### **Medical X-Ray Operator Applicant Interview(s):**

**Katrina Mercer, AMDX** – appeared before the Board without legal representation. Ms. Mercer appeared due to a history of arrests within the last five (5) years. Also, Ms. Mercer practiced without a license since January 2017 with an employer who has been notified, by this Board, that this was a rules infraction. Ms. Mercer reports she last practiced as an x-ray operator about two (2) months ago. She reports that she is currently on county probation and will be until August 2019. Dr. Handorf motioned to table this application up to six (6) months pending an evaluation with the Tennessee Medical Foundation (hereinafter “TMF”). Dr. Johnson seconded the motion. On the record it was stated that the applicant is to cease and desist practicing as an x-ray operator in any situation where a license is required. The motion passed.

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

**Robert Locklear, MD** – appeared before the Board without legal representation. Dr. Locklear appeared before the Board on November 28, 2017; at which time the Board motioned for him to complete a formal assessment and for the medical consultant, Dr. Rene Saunders, and Dr. Christiansen to devise a proposed re-entry plan. At this time, the Board is being presented with this proposed plan.

Dr. Hale motioned to grant a conditional limited license for one (1) year, to follow the proposed re-entry plan which includes six (6) months of monitoring with reports and require lifetime monitoring with TMF. Also, as long as there is one hundred percent (100%) review of charts and he is readily available the supervising physician is not required to be physically present at all times. Dr. Handorf seconded the motion and the motion passed.

**Jared Keith, MD** – appeared before the Board without legal representation. Dr. Keith has been a participant in a physician’s health program (hereinafter “PHP”) for the past year after having several DUI’s in the past. Dr. Michael Baron, with TMF, addressed the applicants history of PHP monitoring, TMF’s recommendations and reported the applicant has signed a five (5) year monitoring contract with TMF. Dr. Handorf motioned to grant a conditional license with continued compliance of his current TMF contract. Dr. Christiansen seconded the motion and it passed.

**David Crump, MD** – appeared before the Board without legal representation. Dr. Crump appeared due to being a voluntary participant in the Mississippi PHP and has arranged to continue monitoring for substance abuse disorder with TMF. Dr. Baron confirmed that a contract has been signed with TMF and goes until December 2022. The consensus of the Board is that the applicant has shown continued diligence in seeking voluntary treatment. Dr. Johnson motioned to grant unrestricted licensure. Dr. Christiansen seconded the motion and it passed with one (1) in opposition.

### **Discuss and Consider Proposed Demonstrated Competency for International Medical School Graduates Policy**

The Board has been presented with a copy of the proposed policy and Ms. Bratton discussed a review of the policy:

An applicant who is able to demonstrate competency in this manner may be issued a **temporary license** at the Board’s discretion. Such temporary license will be for a limited duration for the purpose of becoming certified by an American Board of Medical Specialties specialty board.

- If an applicant has graduated from an **unapproved** international medical school and is **able** to demonstrate completion of a three (3) year residency program in a single discipline – he/she may demonstrate competency by either passing all three (3) steps of the USMLE within two (2) years of graduating from medical school or by passing step 3 of the USMLE on the first attempt.
- If an applicant has graduated from an **approved** international medical school, but is **unable** to demonstrate completion of a three (3) year residency program in a single discipline – the applicant may demonstrate competency by having completed at least two (2) years of residency in a single discipline and have only one (1) year left in that residency.

The Board and staff led a lengthy discussion on the matter of one (1) discipline for residency with respect to not all residency training programs are a total of three (3) years in one (1) discipline. Dr. Handorf motioned to table this discussion until day 2 of the meeting to give the Board more time for consideration. Dr. Ali seconded the motion and it passed.

**Mathios Bayssie, MD** – appeared before the Board without legal representation. Dr. Bayssie attended an International Medical School that has not been approved/accredited by any organization. He is not Board certified but he has completed a three (3) year U.S. residency training program. Dr. Johnson motioned to grant a temporary license up to one (1) year to permit the applicant time to pass his specialty board exams. On the record, it is noted that this temporary license cannot be renewed, at the conclusion of the license length or when board certification is achieved he may apply for a new license, he cannot supervise mid-levels, he must maintain regular continuing medical education (hereinafter “CME”) requirements and there is no practice location restriction on this license. Dr. Handorf seconded the motion and it passed.

**Edith Onuorah, MD** – appeared before the Board without legal representation. Dr. Onuorah attended a medical school that was not accredited at the time of her graduation. She has completed three (3) years of residency but is not currently board certified. She took the American Board of Internal Medicine specialty board exam in August 2018. Dr. Beckford motioned to grant temporary licensure for one (1) year to allow the applicant to obtain board certification. On the record, it is noted that this temporary license cannot be renewed, at the conclusion of the license length or when board certification is achieved she may apply for a new license, she cannot supervise mid-levels, she must maintain regular CME requirements and there is no practice location restriction on this license. Dr. Johnson seconded the motion and it passed.

**Charles Ball, MD** – appeared before the Board with legal representation from Mr. Robert Kraemer. Dr. Ball’s Tennessee license was suspended due to Arkansas Board action related to substance use disorder.

He allowed his license to lapse during the period of suspension and is now requesting reinstatement of the license as well as an Order of Compliance with the current Board Order. Mr. Kraemer presented how Dr. Ball has complied with the terms of his final order to include that his Arkansas suspension being lifted should be considered as proof. Dr. Baron, with TMF, reported that he has not received quarterly monitoring reports by the Arkansas PHP. Mr. Kraemer expressed that the Arkansas PHP has been requested to provide those reports but that PHP has not followed through with the request.

The Board addressed each point of the final order to seek proof that each requirement has been met. The Board consensus is that Dr. Ball has not complied with all parts of the final order. Dr. Beckford motioned to table the order of compliance. Mr. Ellis seconded the motion and the motion passed. Dr. Handorf motioned to table the reinstatement application for twelve (12) months. The motion was seconded by Dr. Beckford and it passed.

The Board recessed for lunch at 12:06.

**Jane Ruman, MD** – appeared before the Board without legal representation. Dr. Ruman has applied for reinstatement of licensure from a voluntarily retired status. She appeared due to being out of clinical practice since 2012. Dr. Ruman explained that she is board certified; however it is time to where her specialty board requires physicians to either submit enough maintenance of certification hours or complete the assessment. The Board discussed options for re-entry. Dr. Blake motioned to grant a contingent license upon her completion of the assessment/certification exam. Mr. Ellis seconded the motion and it passed.

**Saima Cheema, MD** – appeared before the Board without legal representation. Dr. Cheema has applied for reinstatement of licensure since her license expired in April of 2018. She appeared due to being out of clinical practice since June 2015. The Board discussed re-entry options. Dr. Johnson motioned to grant a one (1) year limited license which is to be issued upon acceptance into a preceptorship, which has been approved by the Boards medical consultant. Upon successful completion of the ninety (90) day preceptorship she will be eligible to apply for a full and unrestricted license. Dr. Handorf seconded the motion and it passed.

**Discuss and consider funding to Integrate CSMD into Electronic Health Record, Presentation from Dr. David Bess**

The Board read a letter from Dr. David Reagan in support of this integrative system and funding request.

Dr. David Bess, Director of the Controlled Substance Monitoring Database (hereinafter “CSMD”), presented the vision of integrating CSMD searches and clinical risk indicators into Electronic Health Records (hereinafter “EHR”) and pharmacy systems beginning early 2019. Users could seamlessly interface between their EHR/pharmacy system rather than logging into the CSMD separately.

The proposed plan would be funded by eight (8) Boards/Committees with each ones cost being a percentage based on their total number of licensees. The request is for the Board to approve a specific amount of reserve funds to support the first two (2) years. The Board discussed the value of the proposed plan and the potential cost for physicians by the third year. Ms. Noranda French, with the Financial Office, reported that as of fiscal year 2017, the Board had about 2.8 million dollars in the reserve funds.

The Board requested more information about what other states have this integrated program, the average cost to physician to put this in their office, and to determine where the money is coming from to sustain the program by year three. The Board tabled this matter until day 2 to permit Dr. Bess more time to bring forth the requested information.

## **LORI LEONARD, REPORT FROM THE OFFICE OF INVESTIGATIONS**

Ms. Lori Leonard presented the following information to the Board.

Currently in the Office of Investigations the following are being monitored:

- twenty-four (24) suspended medical doctor licensees
- fifty-five (55) medical doctor licensees on probation
- fifty-two (52) medical doctor licensees under a board order
- sixty-three (63) medical doctor licensees are revoked or surrendered
- zero (0) x-ray technologist licensees suspended
- one (1) x-ray technologist licensee on probation
- seven (7) x-ray technologist licensees under a board order
- three (3) x-ray technologist licensees revoked or surrendered
- twelve (12) x-ray technologist complaints opened year-to-date
  - one (1) for drugs
  - one (1) unlicensed practice
  - one (1) for unprofessional conduct
  - nine (9) for lapsed licenses
- nineteen (19) x-ray technologist complaints were closed year-to-date
  - eight (8) x-ray technologist complaints were closed and sent to the Office of General Counsel for discipline
  - five (5) x-ray technologist complaints were closed without any action
  - six (6) x-ray technologist complaints closed with a letter of warning

Ms. Leonard stated she will present the Board with the correct medical doctor's complaint report tomorrow.

## **APPROVAL OF MINUTES**

The Board reviewed the July 31 – August 1, 2018 regular Board meeting minutes. Dr. Johnson motioned to approve the minutes. Dr. Beckford seconded the motion and it carried.

The Board reviewed the March 20, 2018 Office Based Surgery Committee meeting minutes. Dr. Hale motioned to approve the minutes. Dr. Beckford seconded the motion and it carried.

## **Discuss next Board elections**

Dr. Ali presented the Board with two options in regards to when the next Board elections may occur. After discussion, Dr. Johnson motioned to approve that the next Board election occur at the November Board meeting and allow the new officers to commence their roles at the January meeting and to have these elections occur biennially as such. Dr. Blake seconded the motion and it passed.

## **Review and discuss response to request for Advisory Opinion from Dr. Thomas Higgins**

Ms. Bratton reminded the Board that they are not required to respond to an advisory ruling request but if they do choose to respond that their response only applies to the individual making the request. She outlined the request submitted from Dr. Thomas Higgins, in which Board Rule 0880-.14-.03(3) is under question. Dr. Higgins is requesting permission to prescribe amphetamine to patients with hypersomnolence whom are intolerant or have failed schedule IV medications such as Armodafinil.

Information on practice parameters for the treatment of narcolepsy and other hypersomnia's of central origin was provided to the Board.

The Board discussed the need for more research to be compiled before responding to this advisory opinion request. Dr. Baron agreed that more research should be done and perhaps having a specialist in sleep disorders answer questions of the Board. Dr. Blake motioned to permit Dr. Higgins the ability to prescribe amphetamines for his ten (10) patients who have failed standard treatments. Dr. Christiansen seconded the motion and it passed.

Dr. Ali motioned to defer this matter to the Development Committee to research more information on the use of amphetamines for patients with narcolepsy. Dr. Johnson proposed that an expert be available to participate at the January 2019 Development Committee meeting. Dr. Johnson will work with staff to arrange for an expert to be present at that meeting. There was a second and the motion passed.

### **Update on the Office Based Surgery Committee**

The Committee met on Monday, September 26, 2018 and discussed the following topics:

1. Reviewed a particular licensee's petition for order of compliance: this licensee had been disciplined for performing level II office based surgery when he was not qualified to do so. Placed on probation for five (5) years and given a restriction from performing cosmetic procedures until he could prove he had adequate training. He appeared before the board in January 2018, where the Board lifted the probation but not the restriction due to the submitted coursework being deemed as insufficient proof of adequate training. The Board asked the Office Based Surgery Committee to opine on what he may do to prove adequate training. The Committee was unable to reach a consensus on a precise method for him to return to practice but the licensee will be permitted to submit his own suggestions and seek approval.
2. Reviewed the MD – Dental Dual license policy that has been in place for several years. Finding that no changes need to be made to this policy, the Committee reaffirmed the policy as it stands.
3. Review of currently licensed OBS Level III Suites – discussion that the rules may need to be updated and the Committee asked for a healthcare facilities representative attend the next Committee meeting to address two issues: 1) frequency of licensure since licensees are currently required to be inspected upon application, and 2) requiring applicants to submit a plan for the office so the inspectors already have the plan prior to inspection.

### **Opioid Minimum Discipline Taskforce**

Dr. Hale provided the following update from the first taskforce meeting held on August 29, 2018:

The Board members reviewed written minutes from that meeting. The taskforce is charged with promulgating a rule which will go before government operations similar to other rules. There was much discussion on trying to differentiate the penalty for first time offenders compared to *bad actors*. There was a consensus that the initial penalty would be five (5) years of no prescribing. The next meeting is scheduled for October 31, 2018.

Ms. Bratton informed the Board members that they may share suggestions they have at this meeting or submit them directly to Ms. Bratton herself and cautioned them to avoid unsunshined communication on this matter.

### **CONDUCT NEW BUSINESS**

#### **Ratify new licensees**

The Board reviewed the list of new licenses approved since the last Board meeting. Dr. Blake motioned to ratify the list and Mr. Ellis seconded. The motion passed.

### **Appoint a member to informed consent taskforce**

The Tennessee Board of Osteopathic Examination has requested to form a taskforce between their Board, the Medical Board and the Council on Professional Midwifery. The purpose of this taskforce is to create an *informed consent* form to be signed by patients of Professional Midwives. Dr. Phyllis Miller will be requested to join this taskforce. This item has been tabled until tomorrow.

### **ADMINISTRATIVE OFFICE REPORTS**

The Board reviewed the statistical licensing report for the time period of July 31<sup>st</sup> to August 31, 2018.

#### New Applications Received

- Medical Doctors 276
- Locum Tenens 4
- Special Training 2
- Single Purpose 0
- St. Jude 0
- Medical Spas 13
- MD X-Ray Operator (Full) 73
- MD X-Ray Operator (Limited) 8

#### Total Number of Reinstatements

- Medical Doctors 28
- MD X-Ray Operator 14

#### Total New Licenses Issued

- Medical Doctors 398
- Locum Tenens 5
- Telemedicine 0
- Special Training 11
- Single Purpose 0
- St. Jude 0
- MD X-Ray Operator (Full) 75
- MD X-Ray Operator (Limited) 9

Total Number Failed to Renew – 111

Total Number of Retired Licenses – 44

Total number of active licensees as of August 31, 2018 is 22,758.

Total number of active licensees as of August 31, 2018 with a Tennessee mailing address is 16,884.

Total number of Telemedicine License – 364

Total number of Special Training License – 73

Total number of Active Physician Assistants – 2,354, Orthopedic Physician Assistant – 15

Total number of Active X-Ray Operators – Full – 2,674 Limited – 1,210

Total number of Active Perfusionists – 137

Total number of Active Acupuncturists – 169; Acupuncture Detoxification Specialists – 56

Total number of Active Radiologist Assistants – 15

Total number of Office Based Surgery licensed – 14

Total number of Active Genetic Counselors – 173

Total number of Active Polysomnographers – 539

Ms. Angela Lawrence informed the Board that there is an Interstate Medical Licensure Compact meeting to be held in Denver this November and that both representatives from this Board and the Osteopathic Board have confirmed they will be in attendance. Also, that she was informed that Tennessee will have voting rights and those representatives will be able to vote in this compact commission.

She further reported that Dr. Zanolli has notified her of an FSMB meeting on Artificial Intelligence which will be held in Washington, DC on Wednesday November 14<sup>th</sup>. He will be in attendance as an FSMB board member and this does not preclude a representative from Tennessee joining if anyone is interested.

Dr. Johnson discussed the by-laws amendment that was previously submitted by the Board to increase the number of public members on the Federation. That amendment was tabled last year and is going to be brought up again in October of this year.

The Financial Office will present the Boards Fiscal Year-End Report at the November meeting.

#### **OFFICE OF GENERAL COUNSEL REPORT**

Ms. Bratton gave the report from the Office of General Counsel which included the following updates:

1. The Medical Spa Registration rules have an effective date of October 29<sup>th</sup>. The rules go before the Joint House and Senate Government Operations Committee tomorrow, September 26<sup>th</sup>, and one (1) member should attend if possible.
2. The examination and continuing education rules are in the internal review process.
3. The intractable pain repeal rules and the fee increase rules are in the internal review process.
4. The St. Jude rules, temporary licensure rules, limited licensure rules and surgical assistant rules are in the internal review process.
5. There are four (4) pending appeals from board action.
6. As of July 1<sup>st</sup>, there were seventy-eight (78) disciplinary complaints against fifty-four (54) respondents pending in the Office of General Counsel.
7. There is one (1) civil lawsuit pending that names Dr. Ali, as President of the Board of Medical Examiners, in his official capacity. The suit involves the enforcement of the 48 hour waiting period for an abortion and includes the Memphis Center for Reproductive Health, Planned Parenthood – Greater Memphis Region, Planned Parenthood – East Tennessee and the Knoxville Center for Reproductive Health.
8. Alton Ingram, MD has filed a lawsuit naming Dr. Ali, Dr. Zanolli, Dr. Saunders, Dr. Arnold, and Ms. Huddleston regarding the handling of his application and appeal. The Attorney General's Office is representing the named parties, and as such in the handling of that matter, all communication from Dr. Ingram should be referred to the Attorney General.



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



**Day Two of the Regular Meeting of the Tennessee Board of Medical Examiners  
Wednesday, September 26, 2018**

The regular board meeting of the Tennessee Board of Medical Examiners was called to order at 8:46 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Subhi Ali, Board Chair.

Board members present:           Subhi Ali, MD  
  Melanie Blake, MD  
  Reeves Johnson, MD  
  Neal Beckford, MD  
  John Hale, MD  
  Charles Handorf, MD  
  Julianne Cole, Consumer Member  
  Deborah Christiansen, MD  
  Robert Ellis, Consumer Member

Board member(s) absent:       Phyllis Miller, MD  
  Michael Zanolli, MD  
  Melanie Blake, MD

Staff present:                     Mary K. Bratton, JD, Chief Deputy General Counsel  
  Rene Saunders, MD, Medical Consultant, BME  
  Angela Lawrence, BME Executive Director  
  Candyce Waszmer, Administrative Director

**LORI LEONARD, REPORT FROM THE OFFICE OF INVESTIGATIONS (CONTINUED)**

Ms. Leonard presented the following information to the Board:

- five hundred and eighty-three (583) new medical doctor complaints opened year-to-date
  - One (1) on abuse/neglect
  - Nine (9) on falsification of records
  - Three (3) on fraud or false billing
  - Six (6) on drugs
  - Six (6) on sexual misconduct
  - Sixty-nine (69) on actions by another state
  - Six (6) for criminal charges
  - One hundred and seventy-two (172) for malpractice/negligence
  - Two (2) for unlicensed practice
  - One hundred and seventy-nine (179) for unprofessional conduct
  - Five (5) for violation of a board order
  - Thirty-seven (37) for medical record requests
  - Forty-three (43) for over prescribing
  - Three (3) for lapsed license
  - Eighteen (18) for failure to supervise
  - Six (6) for criminal conviction
  - Three (3) for right to know violation
  - Four (4) for mental impairment
  - Two (2) for drug diversion

- One (1) for practicing beyond the scope
- Five (5) for prescribing to friends and family
- One (1) for CME violation
- One (1) for other
- five hundred and sixty-four (564) medical doctor complaints closed year-to-date
- fifty-eight (58) medical doctor complaints were closed and sent to the Office of General Counsel for discipline
- four hundred (400) medical doctor complaints were closed with no actions
- three (3) medical doctor complaints closed with a letter of concern
- eighty-two (82) medical doctor complaints closed with a letter of warning
- two hundred (200) medical doctor complaints currently open and being investigated or reviewed

**Discuss and Consider Demonstrating Competency Policy (continued)**

Yesterday, the Board led a lengthy discussion in regards to some specialty training programs including two disciplines during the full residency. Ms. Bratton altered the draft policy to state:

- If an applicant has graduated from an approved international medical school, but is unable to demonstrate satisfactory completion of a three (3) year residency program in a single discipline, the applicant may demonstrate competency by having completed at least two (2) years of residency and having only one (1) year left in an ACGME-accredited residency program. The Board recognizes that the ACGME accredits some residency training in a single discipline program after completing residencies in different specialties. Whatever the length of the program, whether the final year is in the same specialty, the applicant must have no more than one (1) year remaining in order to demonstrate competency.
- Ms. Bratton also proposed adding language to state the intent of this license.

Dr. Hale motioned to defer the policy to the Development Committee. Dr. Beckford seconded the motion and it passed.

**Appoint one member to Informed Consent Form Taskforce**

Dr. Miller has been appointed to this taskforce.

**Discuss and consider funding to Integrate CSMD into Electronic Health Record, Presentation from Dr. David Bess (continued)**

Dr. Bess appeared before the Board to follow-up with several questions the Board raised during yesterday’s presentation. There are nine (9) States where the program has taken initiative to get it started.

Dr. Bess presented an overview of which other States and how those States are funding their integrative systems. The Board led a discussion with a consensus that there is value in such integration.

Dr. Johnson motioned to conditionally approve the request for funding of up to five hundred and thirty thousand dollars (\$530,000.00) for the first two (2) years. This approval is conditioned on all prescribing Boards, excluding veterinary board, and the pharmacy board proportionately participating and approving the funding request that will be made to each of those Boards. Dr. Handorf seconded the motion. The motion passed with one (1) abstention.

**Agreed Citation(s)**

The continuing education related agreed citations were previously distributed to the Board for review. Dr. Johnson motioned to ratify the agreed citations as a whole. Dr. Beckford seconded the motion and it passed.

*Dogwood Room: Ms. Cole, Dr. Christiansen and Dr. Beckford*

**Petition for Order of Compliance**

**Anna Ealy, PSGP** – did not appear before the Board nor did legal representation appear on her behalf. Ms. Track Alcock represented the State. This petition for order of compliance was reviewed by Ms. Alcock and noted that the Polysomnography Committee has ratified this order and as a Committee under this Board's jurisdiction this order is now before this Board for ratification. Ms. Cole motioned to approve this order of compliance. Dr. Christiansen seconded the motion and it passed.

**Consent Order**

**Jillian Garrett, PSGP** – did not appear before the Board nor did legal representation appear on her behalf. Ms. Tracy Alcock represented the State. Respondent has been licensed since June 29, 2010 with an expiration date of October 31, 2018. In 2017, Respondent began exhibiting strange and erratic behavior while working. Respondent was suspected of impairment while on shift working as a polysomnographic technologist. In June 2017, Respondent consented to a urine drug screen pursuant to the Saint Thomas Health Substance Abuse Policy. Respondent tested positive for cocaine and opiates in the urine drug screen. Respondent was terminated for violation of the Saint Thomas substance abuse policy. Respondent was arrested on November 1, 2017 and charged with a DUI and again on May 1, 2018. Respondent is currently on supervised probation due to those offenses. This order shall suspend Respondent's license for six (6) months, she must undergo an evaluation by the Tennessee Professional Assistance Program and comply with recommendations and other stipulations based on the evaluation resulting in the need for monitoring and probation at the time of reinstatement of licensure. If monitoring is not recommended then the order stipulates probation for three (3) years. Additionally, Respondent shall pay four (4) Type "C" Civil Penalties for a total of two hundred dollars (\$200.00) and pay actual and reasonable costs not to exceed four hundred dollars (\$400.00). Dr. Christiansen motioned to approve this order. Ms. Cole seconded and it passed.

*Poplar Room Panel: Dr. Handorf, Dr. Ali, Ms. Claxton*

**Consent Order(s)**

**Donald Boatright, MD** - did not appear before the Board nor did legal representation appear on his behalf. Ms. Jennifer Putnam represented the State. Respondent has been licensed since August 14, 1985 and has an expiration date of February 28, 2019. In December 2017, Respondent pled guilty to one (1) count of making or causing false statements or representations in claims under a federal healthcare program. Respondent received two (2) cash payments totaling seven hundred dollars (\$700.00) in exchange for patient referrals to a durable medical supplier. Respondent was sentenced to two (2) years supervised probation, 1,000 hours of community service and a fine of seven thousand five hundred twenty-five dollars (\$7,525.00). The order shall reprimand the Respondent's license effective the date of entry of this order. The Respondent must pay two (2) Type "B" Civil Penalties for a total of one thousand dollars (\$1,000.00). Respondent must also pay all actual and reasonable costs of the case not to exceed one thousand dollars (\$1,000.00). Dr. Handorf motioned to approve the order. Ms. Claxton seconded the motion and it passed.

**Jacquelyn Jackson, MD** – did not appear before the Board nor did legal representation appear on her behalf. Ms. Jennifer Putnam represented the State. Respondent has been licensed since July 11, 2013 with an expiration date of May 31, 2019. Respondent was the supervising physician of APRN S.J. at a clinic in Hendersonville, TN from July 28, 2016 until May 23, 2017. Respondent would visit the clinic once a

month to review and sign off on the medical records provided to her by S.J. Respondent admitted that during the ten (10) months she served as the supervising physician she only signed off on twenty percent (20%) of the medical records as a whole and did not sign off on one hundred percent (100%) of the medical records in which a controlled substance had been prescribed by S.J. Respondent was unaware that she was required to sign off on one hundred percent (100%) of the medical records in which a controlled substance had been prescribed. The order shall place Respondent's license on probation for one (1) year effective date of entry of this order. Respondent shall complete specific continuing education, pay ten (10) Type "A" Civil Penalties for a total of ten thousand dollars (\$10,000.00) and pay costs associated with this case not to exceed three thousand dollars (\$3,000.00). Dr. Handorf motioned to approve the order. Ms. Claxton seconded the motion and it passed.

**Suellen Lee, MD** – did not appear before the Board nor did legal representation appear on her behalf. Ms. Jennifer Putnam represented the State. Respondent has been licensed since August 25, 1982 with an expiration date of August 31, 2019. Respondent was a personal friend to patient E.W. and the patient served as an administrator for the Respondent's medical clinic. Respondent admitted to borrowing \$300,000.00 from E.W. in the form of a promissory note. Shortly after E.W. requested payment of the promissory note, Respondent diagnosed E.W. with dementia based only on observation and information utilized from E.W.'s power of attorney. Respondent admitted she did not use any testing method or obtain a second opinion. Respondent then submitted a letter confirming the diagnosis of dementia to E.W.'s power of attorney, who then submitted the letter to E.W.'s financial company, resulting in E.W. being denied access to her assets. E.W. was later assessed by a psychologist who stated there was no indication of dementia. This order shall voluntarily retire the Respondent's license effective the date of entry of this order. Respondent must pay two (2) Type "A" Civil Penalties for a total of two thousand dollars (\$2,000.00). Respondent must pay all actual and reasonable costs of this case not to exceed one thousand dollars (\$1,000.00). Ms. Claxton motioned to approve the order. Dr. Ali seconded the motion and it passed.

**Robert Lee, MD** – did not appear before the Board nor did legal representation appear on her behalf. Ms. Jennifer Putnam represented the State. Respondent has been licensed since July 3, 1986 with an expiration date of August 31, 2018. In March 2017, the Kentucky Board of Medical Licensure issued an Emergency Order of Restriction after the Respondent had his clinical privileges and medical staff appointment suspended by the Medical Executive Committee of Lourdes Hospital. The suspension of his privileges was due to several issues including techniques used in surgeries and patient selection for surgeries. Respondent filed a Response to Complaint and Emergency Order of Restriction. Respondent's Kentucky license was voluntarily surrendered. The Kentucky agreed order stipulates requirements that must be met before a reinstatement of licensure petition may be submitted. Those requirements include a CPEP evaluation and to follow all recommendations. In September 2017, the Mississippi Board suspended the Respondent's medical license based on the Kentucky agreed order. This order shall voluntarily retire Respondent's license effective the date of entry of this order. Respondent may petition to reactivate his medical license upon receipt of proof from the Kentucky Board that he has complied with all conditions. Respondent must pay costs of this case not to exceed one thousand dollars (\$1,000.00). Dr. Handorf motioned to approve the order. Ms. Claxton seconded the motion and it passed.

#### **Contested Case**

**Suzanne P. Riva, MD v. State of Tennessee Board of Medical Examiners**

#### **Poplar Room**

**Administrative Law Judge: Tom Stovall**

**Panelists: Subhi Ali, MD; Charles Handorf, MD; Jennifer Claxton, Consumer Member**

**Counsel for State: Paetria Morgan, JD, Esq.**  
**Counsel for Respondent: None**

The State motioned to proceed in default. Ms. Morgan presented her reasoning and proof that the Respondent was aware of the hearing today. Dr. Handorf motioned to grant the motion to proceed in default. Ms. Claxton seconded the motion and it passed.

The Board reviewed the Notice of Charges. Ms. Morgan presented her opening statement. In 2009, the Respondent was disciplined by the Board for prescribing controlled substances to herself. At which time her license was placed on probation. Subsequently, Respondents D.E.A. was revoked. Respondent continued to prescribe controlled substances to herself by forging one physicians name on prescription pads and using his D.E.A. number. Respondent also forged this signature for controlled substances for co-workers. Also, Respondent regularly pre-signed his signature on blank prescriptions so they could be available to be filled out in the Respondents absence. The State brought forth certified copies of prescription records, testimonies from the States investigator who interviewed the Respondent and Respondent admitted to using the physicians D.E.A. and forged his name to write controlled substances to her and co-workers. The State requests to have the Respondents license revoked. The Board members reviewed all submitted evidence, heard testimony from the State's investigator and received portions of the Respondents deposition. Ms. Morgan proceeded with her closing argument.

Dr. Handorf motioned to accept all four (4) Findings of Fact. Ms. Claxton seconded the motion and it passed. Dr. Handorf motioned to accept the Conclusions of Law. Ms. Claxton seconded the motion and it passed. Ms. Claxton motioned to accept the Policy Statement. Dr. Handorf seconded the motion and it passed. Dr. Handorf motioned to move for permanent revocation of licensure. Ms. Claxton seconded the motion. This motion causes for edits to be made to the final order presented before the Board. The motion passed with a unanimous roll call vote. The Board went through the other items within the order and adopted each item as written.

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

**Kumar Yogesh, MD** – did not appear before the Board nor did a legal representative appear on his behalf. Mr. Peyton Smith represented the State. Respondent has been licensed since December 19, 1990 which expires on March 31, 2019. Respondent was the medical director for Alpha Sleep Labs in Jackson, TN from May 2010 until July 2017. During this time, Marsha Grinnell, an employee of Alpha Sleep Labs, performed the tasks of a polysomnographic technologist without being licensed as such. Respondent avers that he was unaware that Ms. Grinnell was practicing without appropriate licensure. This order shall reprimand the Respondents license. Respondent shall pay seven (7) Type "A" Civil Penalties for a total of seven thousand dollars (\$7,000.00). Respondent shall pay actual and reasonable costs of this case not to exceed one thousand five hundred dollars (\$1,500.00). There was a motion to approve this order. There was a second and it passed.

**Sharicka Gibson, MDXL** – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent has been licensed since November 26, 2012 which expires on August 31, 2020. Respondent's medical x-ray operator certificate expired on August 31, 2016; she continued to practice for approximately 11 months on a lapsed certificate prior to submitting her reinstatement application on or about December 20, 2017. This order shall reprimand Respondents license effective from the date of entry of this order. Respondent shall pay nine (9) Type "C" Civil Penalties for a total nine hundred dollars (\$900.00). Respondent shall pay actual and reasonable costs of

this case not to exceed one thousand dollars (\$1,000.00). There was a motion to approve this order. There was a second and it passed.

**Nasreen Begum, MD** – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed as a special training medical doctor since November 5, 2002 which expired on June 30, 2005. On June 20, 2014, New York disciplined Respondent’s New York medical license, precluding her from “patient contact and any practice of medicine, clinical or otherwise” for inappropriately prescribing “controlled substances, including amphetamines and benzodiazepines” to various patients. On November 5, 2015, Respondent entered a guilty plea for three (3) counts of “Criminal Sale of Prescription for Controlled Substances”. On November 18, 2015, she was placed on electronic monitoring for six (6) months. May 4, 2017, she was sentenced to five (5) years’ probation. Additionally, as part of her plea agreement, she agreed to not seek reinstatement and not to work in the health profession in any capacity for a period of five (5) years. This order shall revoke the Respondents license effective date of entry of this order. There was a motion to approve this order. There was a second and it passed.

*Iris Room Panel: Dr. Johnson, Dr. Hale and Mr. Ellis*

#### **Petition for Order of Modification**

**Steven Jackson, MD** – did not appear before the Board nor did a legal representative appear on his behalf. Mr. Andrew Coffman represented the State. He entered into a consent order which was effective May 23, 2018. There is no cause of concern that Respondent is non-compliant with this consent order. Due to health issues, Respondent wishes to retire his medical license. The restrictions outlined in the order would be attached to any license that could potentially be granted in the future. There was a motion to accept this order of modification. There was a second and the motion passed.

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

**James Bridges, MD** –appeared before the Board and was represented by Mr. David Steed. Ms. Mary Katherine Bratton represented the State. The Board was presented with proof that Respondent met the terms of the original consent order. The State has no opposition to the lifting of his probation. Dr. Hale motioned to approve the petition for order of compliance. Mr. Ellis seconded the motion and it passed.

**John Rodney, MD** – appeared before the Board and was represented by Mr. Robert Kraemer. Ms. Mary Katherine Bratton represented the State. The Board was presented with proof that Respondent met the terms of the original order. The State has no opposition. Dr. Baron, with TMF, spoke on behalf of Respondents compliance with his contract. Mr. Ellis motioned to approve the petition for order of compliance. Dr. Hale seconded the motion and it passed.

**Nii Quao, MD** – did not appear before the Board. Ms. Mary Katherine Bratton reported the office was unable to receive confirmation if Dr. Quao would be present at this meeting. No further discussion occurred regarding this matter.

#### **Consent Order**

**Rome Sherrod, MD** – did not appear before the Board nor did a legal representative appear on his behalf. Mr. Peyton Smith represented the State. Respondent has been licensed since August 30, 1978 which expired on August 31, 2017. Reinstatement of licensure was granted to Respondent on December 19, 2017 and his license has an expiration date of August 31, 2020. Respondent has practiced obstetrics and gynecology for the past thirty (30) years. On January 17, 2018, Respondent voluntarily surrendered his

Mississippi license while under investigation. The Mississippi Medical Board began investigating the Respondent for failure to provide medical records to patients. Respondent suffered a stroke in March 2016, which resulted in his practice closing, and has since undergone physical therapy in an effort to return to practice. The Respondent was formally referred to the Mississippi Examining Committee where a determination was made that the Respondent should undergo a comprehensive psychiatric, neurological and behavioral evaluation, with fitness for duty and appropriate treatment recommendations related to the use of controlled substances. In March 2017, Respondent reported to a Behavioral health center where an evaluation was conducted. The results of this evaluation yielded the existence of cognitive problems. It was deemed that the Respondent was not currently fit to practice medicine with reasonable skill and safety, secondary to concerns about his cognitive function. It was recommended that the Respondent not be permitted to return to practice without a clearance to return to practice from a neuropsychological and neurological evaluation. Furthermore, to require a five (5) year PHP monitoring contract. In 2017, when the Respondent submitted application for reinstatement licensure in Tennessee, he answered “No” to the question, which asked if he had “a medical condition which in any way impaired or limited his ability to practice medicine with reasonable skill and safety”. This order shall suspend the Respondents license until he successfully completes an evaluation with Vanderbilt Comprehensive Assessment Program, or similar program, and complies with all recommendations. Mr. Ellis motioned to approve this consent order. Dr. Hale seconded the motion and it passed.

#### **Contested Case**

**Darrel Rinehart, MD v. State of Tennessee Board of Medical Examiners**

#### **Iris Room**

**Administrative Law Judge: Elizabeth Cambron**

**Panelists: John Hale, MD; Reeves Johnson, MD; Robert Ellis, Consumer Member**

**Counsel for State: Samuel Moore, JD, Esq.**

**Counsel for Respondent: Mr. Luper and Mr. Gorman, Esq.**

A motion for mistrial was denied. This is day three (3) of this contested case.

Dr. Jackson, expert witness, answered questions by the State’s counsel, Respondent’s counsel and the panelists in regards to three (3) patients. Dr. Jackson presented an overview of several other patient charts based on the questions from the State’s counsel, Respondent’s counsel and the panelists. At the request of a panel member, Dr. Jackson presented the patterns observed within the charts reviewed. This included, copy and paste of phrases, changes in dose or prescription not explained in the notes and hard to follow medical reasoning, patterns of testing not followed up on, abnormal results not discussed with patients, higher doses of opioids per patient, majority of patients were not referred to a pain management specialist for those reviewed, no record of risk factors discussed with patients. The State has concluded with its proof. November 14<sup>th</sup> is the next scheduled hearing.

This concludes the Board of Medical Examiners day 2 meeting.