



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

**Tuesday, September 29, 2020
Wednesday, September 30, 2020**

MINUTES

The regular board meeting of the Tennessee Board of Medical Examiners was called to order at 8:38 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
 Neal Beckford, MD
 Robert Ellis, Consumer Member
 Phyllis Miller, MD
 Deborah Christiansen, MD
 Stephen D. Loyd, MD
 Julianne Cole, Consumer Member
 Samantha McLerran, MD
 Jennifer Claxton, Consumer Member
 Randall Pearson, MD

Board member(s) absent: John Hale, MD

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

Ms. Lawrence made opening remarks to the Board and provided an overview of the requirements for a special meeting by teleconference. 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. Deborah Christiansen motioned for approval to conduct the meeting electronically for this purpose and Dr. Phyllis Miller seconded the motion. A roll call vote was taken and it passed. By roll call confirmation all members present confirmed they received all meeting materials prior to this meeting. The teleconference 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. Stephen

Loyd, Dr. Neal Beckford, Mr. Robert Ellis, Dr. Deborah Christiansen, Ms. Julianne Cole, Ms. Jennifer Claxton, Dr. Phyllis Miller, Dr. Samantha McLerran and Dr. Randall Pearson.

I. CONSIDERATION OF APPLICATIONS

Medical X-Ray Operator Applicant Interview(s):

Marielyn Victoriano, AMDX - appeared before the Board via WebEx without legal representation. Ms. Victoriano's educational training does not qualify as "significantly similar" to our requirements. Additionally, she holds a license type in Texas that is not "significantly similar" to any license that this Board issues. She has not completed the required ARRT examinations or their equivalent. The Board and applicant discussed the applicant's intent to go back to school to complete the Board approved training to qualify for licensure. It is unclear how long it may take for the applicant to complete this educational training program and leaving the application open for an extended period of time is not the pleasure of the Board. The applicant withdrew her application.

Medical Doctor Applicant Interview(s):

Kpienoba Hien, MD – appeared before the Board via WebEx without legal representation. Dr. Hien graduated from an unapproved International Medical School and is not currently ABMS Board certified. He has completed a three-year US Residency in one (1) discipline and passed Step 3 of the USMLE in one (1) attempt. Dr. Beckford motioned to grant a temporary license for up to two (2) years for the purpose of obtaining ABMS Board Certification. Dr. Miller seconded the motion. The motion passed by roll call vote with two (2) opposed by Dr. Christiansen and Dr. Pearson.

David Armstrong, MD - appeared before the Board via WebEx without legal representation. Dr. Armstrong is a Canadian Medical School graduate who has not completed a one (1) year ACGME accredited US Residency training program or a four (4) year RCPSC accredited postgraduate primary specialty training program. Based on current Rules and Statutes he does not qualify for a full and unrestricted license. The Board led a lengthy discussion on the applicants training and ABMS certification and the possibility of licensure. The consensus of the Board is they feel this applicant is highly qualified for licensure and that being ABMS Board Certified should permit this applicant to be qualified for licensure. At the July 2020 Board meeting the Board motioned for ABMS Board Certification to permit a Canadian Medical School graduate to qualify for licensure and for this to go into the rule making process. Dr. Beckford motioned to grant a full and unrestricted license. Dr. Christiansen seconded the motion and it passed by roll call vote.

At their next meeting, the Development Committee will discuss definitions of different postgraduate training levels.

Aldorian Chaney, MD - appeared before the Board via WebEx without legal representation. Dr. Chaney is a graduate of an unapproved International Medical School and is not currently ABMS Board Certified and therefore not eligible for a full medical license. Dr. Chaney has already taken her Board Certification examination and should receive her results by the end of the year. The Board led a discussion on the option of granting a temporary license. Dr. Miller motioned to grant a temporary license for up to two (2) years to allow the applicant time to pass her specialty board examination. Dr. McLerran seconded the motion and it passed by roll call vote.

Zev Neuwirth, MD - appeared before the Board via Webex without legal representation. Dr. Neuwirth is a graduate of an unapproved International Medical School. He is currently not ABMS Board Certified and

did not complete Step 3 of the USMLE on the first attempt. Dr. Beckford motioned to grant a temporary license for up to two (2) years to allow the applicant time to pass his specialty board examination. Dr. Loyd seconded the motion and it passed by roll call vote.

Chaitanya Patange, MD - appeared before the Board via Webex without legal representation. Dr. Patange completed all three (3) steps of the USMLE in greater than ten (10) years. He presented his explanation/exception request to be considered by the Board. Dr. Beckford motioned to grant a full and unrestricted license based on extenuating circumstances. Dr. Miller seconded the motion and it 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. Dr. Johnson stated, if Dr. Hadi had a letter from his residency program director that he completed a three-year residency program by way of giving credit for one (1) year then the Board could accept this as having met the qualifications for licensure. The Board read through the application materials provided and discussed whether or not they felt this proof of training has been adequately provided. The consensus of the Board is that adequate proof has been submitted for the applicant to qualify for licensure. Dr. Blake motioned to grant an unrestricted license. Dr. Christiansen seconded the motion and it passed by roll call vote.

William Johnson, MD – appeared before the Board via Webex without legal representation. Dr. Johnson is an applicant to reinstate his Tennessee Medical license. Dr. Johnson has a several malpractice settlements in the field of OB/GYN. His application suggests that he plans to engage in specialty practice other than OB/GYN. Dr. Johnson reports his last obstetrics practice was in 2014 and he last practiced gynecology this year, 2020. He intends to practice in Addiction Medicine in Tennessee. He reports he began practicing in Addiction Medicine, part-time, in 2014. Dr. Johnson reports he was delivering a high number of babies on a yearly basis and attributes that to the number of malpractice suits. The Board and applicant led a discussion on the history of his malpractice suits. The Board discussed the possibilities of licensure to include the option of issuing a restricted license, which would be reportable, to prohibit him from practicing OB/GYN. Dr. Michael Baron, Medical Director of TMF, recommended the Board consider requiring the applicant to complete a boundaries course. The Board discussed the possibility of having the applicant be evaluated by TMF. Dr. Loyd motioned to grant conditional licensure, to restrict him from practicing OB/GYN in Tennessee, to obtain an evaluation from TMF and sign a monitoring contract with TMF for up to five (5) years and comply with all terms and requirements of that contract. If he would like to re-enter the practice of OB/GYN he would need to appear before the Board to request the lifting of the restriction and fulfill possible remediation requirements. Dr. Beckford seconded the motion and it passed by roll call vote with Ms. Claxton abstained.

Maria Gaviria, MD - appeared before the Board via Webex without legal representation. Dr. Gaviria has been disciplined by several state medical boards. She has also been sanctioned by the DEA. All actions appear to have been related to the practice of telemedicine. At this time, all of her active licenses are unrestricted. Dr. Gaviria reports her DEA is also full and unrestricted since the completion of her two (2) year probationary period. It is the consensus of the Board that they do not have enough information to make a licensure decision. Ms. Cole motioned to grant licensure, contingent on the consultant receiving proof of unrestricted DEA certificates in all jurisdictions she currently holds them in as well as the final memorandum which released her Maryland DEA from restrictions. Dr. Beckford seconded the motion. The motion passed by roll call vote with Dr. Blake, Dr. Miller, Dr. Loyd and Dr. Pearson abstained.

*The Board recessed for a lunch break at 12:38pm CT.
The Board meeting resumed, and a quorum was confirmed.*

Sharma Reddy, MD – appeared before the Board via Webex without legal representation. Dr. Reddy was reprimanded by the Virginia Board of Medicine for clinical conduct deemed potentially or actually harmful to the public in 2017. Dr. Reddy reports he has practiced in total for twenty-one (21) years. She presented her explanation regarding the matter which resulted in the Virginia Medical Board action. Dr. Christiansen motioned to grant an unrestricted medical license. Dr. Miller seconded the motion and it passed by roll call vote.

John Koehler, MD – appeared before the Board via Webex without legal representation. Dr. Koehler has multiple Board orders as well as a DEA restriction based on controlled substance violations, fraud and allowing unsupervised practice in another state. Dr. Koehler reported his disciplinary action was a result of one (1) incident where an administrator issued a prescription to a patient without his consent or involvement. The Board and applicant continued further discussion. Dr. Miller motioned to grant an unrestricted license. Dr. Beckford seconded the motion and it passed by roll call vote.

Alan Koffron, MD – appeared before the Board via Webex without legal representation. Dr. Koffron has two (2) DUI convictions and participated in outpatient treatment for this issue in the past. The consultant referred the applicant to TMF for evaluation and recommendations prior to meeting with the Board. It appears, during that evaluation, he only disclosed one (1) incident causing a letter of recommendation to be issued by TMF without the benefit of full disclosure to Dr. Baron. Dr. Koffron reports a sobriety date of January 2017. Dr. Baron spoke before the Board and reports he has already signed a two (2) year TMF monitoring agreement. Dr. Christiansen motioned to grant licensure conditioned on compliance with and maintaining advocacy with TMF for the length of his two (2) year contract. Dr. Loyd seconded the motion and it passed by roll call vote.

Christopher Frost, MD – appeared before the Board via Webex with legal representation by Ms. Mollie Gass. Dr. Frost appeared before the Board in January 2020 and was advised regarding the steps needed to reinstate his license. He has been unable to produce proof of clinical practice as requested by the Board. Additionally, he has declined a monitoring agreement with TMF as requested by the Board. Dr. Frost previously self-reported to TMF and had a monitoring contract in place in 2017 but disengaged after a few months. Dr. Frost reports he is unable to attend the regular meetings required per the TMF contract. It was stated on the record, by Dr. Baron, that since Dr. Frost did not maintain compliance with his initial contract a complaint was sent to the Department regarding his non-compliance. It is discussed and determined that the outcome of that complaint and probable investigation do not factor into the Board's current decision regarding licensure. Dr. Christiansen motioned to grant a conditional administrative license based on the requirement of maintaining a contract and compliance with TMF for no less than five (5) years. Mr. Ellis 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 medical board actions related to that historical incident. He has received PHP evaluations in the past and states he has not been required to submit to monitoring. He was asked to contact Dr. Baron with TMF for an evaluation and Dr. Baron has provided the Board with a letter of recommendations. Dr. Baron reports the applicant has been compliant with the recommendations of TMF. Dr. Doebler's primary residence is in Florida, he has signed a three (3) year monitoring contract, and Florida will do the monitoring and send quarterly updates to TMF. Dr. Loyd motioned to grant licensure conditioned on him maintaining TMF advocacy and compliance with his three (3) year contract. Dr. Pearson seconded the motion and it passed by roll call vote.

Disciplinary Order(s) – Order(s) of Compliance

Gregory Lewis, MD – appeared before the Board via Webex without legal representation. Ms. Francine Baca-Chavez represented the State. The State agrees he is compliant with the terms of his original consent order. The Board was presented with an order of compliance to lift his suspension. Dr. Christiansen motioned to lift his suspension but with the restriction that his medical license be limited to the practice of diagnostic radiology. Petitioner shall continue to maintain compliance with the Amended Consent Order from the Arkansas State Medical Board dated June 24, 2020. Petitioner shall also maintain compliance with his TMF contract. Ms. Claxton seconded the motion and it passed by roll call vote.

Melanie A. Dunn, MD – appeared by Webex (audio only) and was represented by Ms. Wells Trumpeter. Ms. Francine Baca-Chavez represented the State. The State agrees she is compliant with the terms of her original consent order. The Board was presented with an order of compliance. Dr. Beckford motioned for approval of this order of compliance. Dr. Miller seconded the motion and it passed by roll call vote.

Robert Allen, MD – appeared by Webex without a legal representative. Ms. Francine Baca-Chavez represented the State. Dr. Baron spoke on his behalf and confirms he has TMF advocacy and has maintained TMF compliance. Dr. Loyd recused. Currently, he must maintain lifetime advocacy of TMF and ensure quarterly reports are provided to the disciplinary coordinator. Dr. Christiansen motioned to accept the order of compliance, which lifts all restrictions on his license with the exception he must continue to maintain TMF compliance and for quarterly reports be sent to the disciplinary coordinator. Dr. Pearson seconded the motion and it passed by roll call vote with one (1) recusal from Dr. Loyd.

Joseph Mixon, MD – appeared by Webex with legal representation by Mr. Robert Kraemer. Ms. Francine Baca-Chavez represented the State. Dr. Baron reports that Dr. Mixon successfully completed his monitoring contract in May 2020. The Board was presented with an order of compliance. Dr. Christiansen motioned to accept the order of compliance, which lifts the probation and returns the license to unencumbered. Dr. Beckford seconded the motion and it passed by roll call vote.

Mohammad Abhmad-Sabry, MD - appeared by Webex without a legal representative. Ms. Francine Baca-Chavez represented the State. The Board was presented with an order of compliance. Dr. Miller motioned to accept the order of compliance which will remove all restrictions from the previous order. Dr. Christiansen seconded the motion and it passed by roll call vote.

Basam Attum, MD - appeared by Webex without a legal representative. Ms. Francine Baca-Chavez represented the State. Dr. Attum's TMF contract technically ends November 2020 but Dr. Baron is in support of terminating the contract early. Dr. Baron spoke positively regarding Dr. Attum. The Board was presented an order of compliance. Dr. Christiansen motioned to accept the order of compliance which will lift his TMF monitoring contract requirement and move his license to unrestricted. Dr. Blake seconded the motion and it passed by roll call vote.

USMLE Exception Request

Douglas Robinson, MD – appeared before the Board via Webex. Dr. Robinson has submitted a waiver request which will allow him to take Step 2 CK of the USMLE again. Dr. Saunders initially denied his request but Dr. Robinson requested to be heard by the full Board for consideration. After hearing his request and circumstances, the Board noted he would need to be board certified in order to eventually qualify for licensure. Dr. Beckford motioned to support a one (1) time opportunity for Dr. Robinson to take Step 2 CK of the UMSLE again. Dr. Loyd seconded the motion and it passed by roll call vote with Dr. Christiansen and Dr. McLerran opposed. Dr. Pearson had technical difficulties and was not present to vote.

I. Updates from Taskforces & Committees

- a. **Development Committee (Dr. Blake, Dr. Johnson, Dr. Beckford, Mr. Ellis and Dr. Miller) –**
- i. The Committee met yesterday, September 29, 2020.
 - ii. Advisory Opinion - the Board reviewed the proposed letter for Dr. Mark Sherfey which comes to the Board as a motion for approval by the Development Committee. The motion passed by roll call vote with Dr. Pearson abstained. The letter will be finalized and issued to Dr. Sherfey as the Board's response to his advisory opinion.
 - iii. Supervising physicians who supervise mid-levels in matters where overprescribing is identified – The Committee wishes to invite Mr. David Silvas, the Deputy of the Overprescribing Team, to appear before the BME and discuss his thoughts on this discussion.
 - iv. CME Extension waiver in response to Covid-19 – Ms. Baca-Chavez reported the Board has not been given the authority by Executive Order to modify their CME requirements as they stand. Executive Order 50 did suspend the requirement of live CMEs.
 - v. Re-entry Policy: The Committee reviewed information provided by staff on the number of physicians that came before the Board between 2015 and 2020 due to being out of clinical practice between 2 to 5 years. The Board would like to ask the Commissioner, Dr. Piercy, to appear before the Board at their next meeting. The Reentry Taskforce will join the Development Committee meeting to revamp the policy.
 - vi. Five-hour CME grace period – the Committee would like to review previous meeting minutes prior to deciding on whether this should continue to be permitted and/or if it should be written into policy.

Alicia Grice, Financial Report Update – the Board reviewed the financial report and Ms. Grice answered any questions. Ms. Grice informed the Board that two approved projects (Visual Investigator and CSMD Gateway) have been funded through the Board's reserve funds.

Ms. Angela Lawrence presented an IMLCC update

- IMLCC Licensing Summit and Annual meeting will be November 16-17, 2020 In Gulf Shores, AL - Administrative staff we will be attending virtually
- The Licensing Summit is where those working the applications from each state meet to talk about what's working and what needs improvement
- New licensing system working well
- Converted 1 staff contractor to full time employee on August 1, 2020
- Newly hired IT Manager July 31, 2020
- Five states in pending legislation – LA, NJ, NY, PA and RI
- New rule –State of Emergency Rule- Waiver of Timeframes – this rule allows waiver in applications processing timeframes upon declaration of national emergency by the President of the US and/or Governors of compact member states
- Rulemaking hearing in November concerning assessments to compact member states

Dr. Michael Baron, TMF Medical Director, presented an overview of the Physician Sexual Misconduct policy from the FSMB (ratified in May 2020)

He reports that physician sexual misconduct is generally underreported. A contributor to this is that different State Medical Boards use different names to define physician sexual misconduct and depending

on how it is entered in the NPDB will determine how it shows up as a statistic. The policy addresses the importance of state investigators being trauma informed/trained. Also, that State Medical Boards should have special procedures for interviewing complainants. One option for this training is through Justice 3D.

II. Consider and Approve Consent Agenda

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

1. Approval of July 28-29, 2020 Board meeting minutes
2. Approval of July 27, 2020 Development Committee meeting minutes
 - a. Dr. Johnson requested two edits to the meetings and Ms. Lawrence made the changes as requested.
3. Approval of July 28, 2020 Office Based Surgery Committee meeting minutes
4. Ratification of new licenses, reinstatement and renewals of Medical Doctors, MD X-Ray Operators, Genetic Counselors, Acupuncture and Polysomnography
5. Review of Office of Investigations Statistical Complaint Report and Currently Monitored Practitioners Report
6. Review of Administrative Office Statistical Licensing Report
7. Review of the Office of General Counsel Report
8. Review and approve continuing medical education Agreed Citations – Yvonne Constancio, L.Ac., James Brian Forsythe, L.Ac., Mallory Elaine Durham, AMDX, Julie Stinson-Reynolds, MD, Donald Strickland, MD, Sarah Proffitt Clark, MD, Meagan D. Rogers, AMDX, Kierra Lynne Thompson, MDXL and Julie Melissa McKinney, AMDX.

III. Public Comment – None.

Next Election – the Board discussed the need to hold elections due to Dr. Charles Handorf, Secretary, rolling off the Board. The regular elections were already to be conducted in November 2020. There is also the concern that there is a vacancy on the Development Committee, because the Secretary of the Board holds a seat on that Committee. It is the will of the Board to conduct the regular elections in November and temporarily appoint one (1) member to the Development Committee. Dr. Johnson appointed Dr. Christiansen to the Development Committee for the November meeting. The Board ratified this by roll call vote.

The board recessed at 5:40pm CT.



Tennessee Board of Medical Examiners Regular Board Meeting

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

Wednesday, September 30, 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
 Neal Beckford, MD
 Robert Ellis, Consumer Member
 Phyllis Miller, MD
 Deborah Christiansen, MD
 Stephen D. Loyd, MD
 Samantha McLerran, MD
 Julianne Cole, Consumer Member
 Jennifer Claxton, Consumer Member
 Randall Pearson, MD

Board member(s) absent: John Hale, MD

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 meeting by teleconference. 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. Christiansen motioned for approval to conduct the meeting electronically for this purpose and Dr. Miller seconded the motion. A roll call vote was taken and it passed. By roll call, all members present confirmed they received all meeting materials prior to this meeting. The teleconference was then turned over to the President of the Board, Dr. W. Reeves Johnson.

Recap on Elections – Dr. Johnson recapped that yesterday, during the day 1 Board meeting, he appointed Dr. Christiansen to the Development Committee for the November 2020 meeting and this was ratified by the Board. The elections for President, Vice President and Secretary will be held at the November 2020 Board meeting.

Dr. Loyd and Dr. McLerran joined the meeting.

Disciplinary Order(s) Consent Order(s)

Ashley Crull, 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 12, 2013 and that license currently expires November 30, 2022. From December 2018 until July 2019, and from October 2019 until July 2020, Respondent worked as a medical x-ray operator for seventeen (17) months while her medical x-ray operator certificate was expired. The facts stipulated are grounds for discipline. This order shall reprimand Respondent’s license. Respondent shall pay fifteen (15) Type C civil penalties for a

total of one thousand five hundred dollars (\$1,500.00). Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Mr. Ellis motioned to approve the order. Dr. Christiansen seconded the motion and it passed by roll call vote.

Ms. Cole joined the meeting.

Vishal Verma, MD – did not appear before the Board nor did a legal representative appear on his behalf. Mr. Marc Guilford represented the State. Respondent was licensed on September 4, 2015 and that license expires July 31, 2022. Respondent is also licensed by the Maryland Board of Physicians and has been since at least 2012. In January 2020, the Maryland Board of Physicians entered an order disciplining Respondent’s Maryland license. The order outlines several findings from the Maryland Board discipline. To include, Respondent did not conduct physical examinations as required before prescribing Latisse. The order addresses other Medical Boards and their actions taken against Respondent. The facts stipulated are grounds for discipline. The order shall place the Respondent’s license on probation. Respondent must pay actual and reasonable costs of the case not to exceed three thousand dollars (\$3,000.00). The order outlines the requirements to be met prior to the Respondent petitioning for an order of compliance. Dr. Christiansen motioned for approval. Ms. Claxton seconded the motion and it passed by roll call vote.

Robert Hunt, MD – did appear before the Board via Webex with legal representation by Mr. Todd Sandall. Mr. Marc Guilford represented the State. Respondent was licensed on April 21, 1986 and the license expires November 30, 2020. Respondent operates a medical practice out of his home under various names. In February 2020, Respondent saw an approximately six-year-old patient and her parents for the first time for an evaluation. During the encounter, Respondent exhibited impaired decision-making and possible cognitive impairments, including asking the same questions repeatedly, writing prescriptions for Adderall after agreeing with patients parents that patient did not need such a prescription, making numerous errors on the medical record and giving the patients parents documents which contained information on other patients with HIPPA-protected information. The order outlines several other facts. The facts stipulated are grounds for discipline. The order shall voluntarily surrender Respondent’s license. The order outlines the requirements of the Respondent should he wish to seek a medical license in the future. Dr. Hunt reports he last saw a patient about a month ago. The Board discussed the need for proper transfer of care for his patients. Dr. Blake motioned for approval. Mr. Ellis seconded the motion and it passed by roll call vote.

Henry Babenco, MD – did not appear before the Board nor did a legal representative appear on his behalf. Mr. Andrew Coffman represented the State. Respondent holds Tennessee medical license number 30242. The Department of Health reviewed Respondent’s patient’s medical records as part of its investigation. The Department alleges Respondent regularly prescribed narcotics and other controlled substances without medical justification and in combinations which increase the risks of health consequences to patients. Respondent denies he has violated the Act or the Rules set forth by the Board. Respondent denies that he inappropriately prescribed controlled substances. Respondent acknowledges that there is sufficient evidence from which the Board could determine that the Respondent violated the Act. Respondent, having already retired his medical license, in his best interest, agrees and consents to the below discipline. The facts stipulated are grounds for discipline. The order shall permanently revoke the Respondent’s license which shall permanently prohibit Respondent from practicing medicine in Tennessee. Dr. Beckford motioned for approval. Dr. Loyd seconded the motion and it passed by roll call vote.

Edward Crutchfield, MD – did not appear before the Board nor did a legal representative appear on his behalf. Mr. Andrew Coffman represented the State. Respondent holds medical license number 28578. An audit by the Department of Mental Health and Abuse Services of Respondent’s Office Based Opioid Treatment (hereinafter “OBOT”) program showed that Respondent failed to comply with certain

regulations relating to employing staff within the OBOT. For instance, Respondent's personnel files did not contain appropriate job descriptions or documentation showing the staff met the credentialing requirements of their positions. There was no documentation that staff underwent annual or ongoing training as required. Additionally, Respondent failed to comply with certain applicable Rules propounded by the Department of Mental Health and Abuse Services in connection with the operation of his OBOT. For instance, Respondent failed to maintain a diversion control policy. Respondent failed to make information about the state's complaint line available as required. Respondent failed to appropriately document counseling to patients whom he was treating for opioid use disorder. The State acknowledges that the violations described above which constitute grounds for the disciplinary action take herein, were promptly corrected by Respondent to the satisfaction of the Department of Mental Health and Abuse Services and that a subsequent audit by that Department of the Respondents OBOT revealed no such similar violations. The facts stipulated are grounds for discipline. The order presented before the Board was not approved by majority vote. The Board led a discussion on what terms they would like the order to include before considering approval. It was discussed there needs to be more information on his collaboration with those in the community (OB/GYNs and Pediatricians), information on his protocol regarding informed consent to childbearing age women, long acting contraceptive protocol, CSMD reporting information and evidence of collaboration with treatment.

Furhan Rashid Qureshi, MD – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Paetria Morgan represented the State. Respondent was licensed on January 4, 2017 and the license currently expires on January 31, 2021. On or about April 24, 2020, the West Virginia Board of Medicine entered into a Consent Order with Respondent which reprimanded the Respondent's license and assessed a \$2,000.00 civil fine. The discipline against Respondent's medical license in WV stemmed from Respondent treating patients via telemedicine without first establishing a physician-patient relationship. Specifically, the Respondent failed to utilize a video-component to facilitate face-to-face contact with each patient during the initial physician-patient encounter. The act for which Respondent was disciplined in WV would be grounds for disciplinary action in Tennessee. Respondent failed to report the WV Board action within thirty (30) days of the action. The facts stipulated are grounds for discipline. This order shall reprimand Respondent's license. Respondent shall pay one (1) Type C civil penalty for a total of one hundred dollars (\$100.00). Respondent shall pay actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Miller motioned to accept the order. Ms. Claxton seconded the motion and it passed by roll call vote.

Toby A Hampton, MD – did not appear before the Board but his legal representative, Ms. Kaycee Weeter did appear via Webex on his behalf. Ms. Paetria Morgan represented the State. Respondent was licensed on May 22, 2003 and that license is currently suspended and has an expiration date of September 30, 2020. On June 21, 2018, Respondent while on his way to work in the emergency room, the Respondent was arrested and charged with driving under the influence (hereinafter "DUI"). On or about July 2, 2019, Respondent pled guilty to a DUI. On January 31, 2019, the police were called to the Respondent's home due to a domestic dispute. The police officer discovered used syringes with bent needles lying next to the Respondent. On or about November 9, 2019, Respondent pled guilty to unlawful possession of drug paraphernalia. On February 4, 2019, Respondent was arrested and charged with a DUI. On or about August 29, 2019, Respondent pled guilty to a DUI. On May 29, 2019, the Respondent entered an Agreed Order with this Board. The order immediately suspended Respondent's license and specified terms necessary for Respondent to be eligible to enter a Consent Order which would place the license on probation with terms. On March 26, 2020 the Respondent entered a five (5) years Aftercare Monitoring Contact with the TMF. On July 24, 2020, the TMF submitted a letter confirming that the Respondent is safe to practice medicine. On March 26, 2020, the Respondent completed a six-month program at Safety Net Recovery. The facts stipulated are grounds for discipline. The order shall place Respondents license on probation for at least five (5) years. The order outlines several requirements to be

met by the Respondent consequences of losing TMF advocacy. Respondent shall pay one (1) Type A civil penalty for a total of one thousand dollars (\$1,000.00). Respondent shall pay actual and reasonable costs of the case not to exceed four thousand dollars (\$4,000.00). Respondent may not serve as a supervising physician while on probation. Mr. Ellis motioned to approve the order. Dr. Beckford seconded the motion and it passed by roll call vote.

Alfred Vaughn Jackson, Jr, MD - did not appear before the Board nor did a legal representative appear on his behalf. Ms. Paetria Morgan represented the State. Respondent was licensed on January 30, 2014 and that license expires September 30, 2021. On November 15, 2016, Respondent entered into a Consent Order with this Board. The Respondent's medical license was placed on probation for five (5) years. Another term of the 2016 order required the Respondent to maintain one hundred percent (100%) compliance with all provisions and terms of his continuing care contract with TMF. The discipline against Respondent's medical license stemmed from Respondent forging the name of another physician on forty-one prescriptions to obtain hydrocodone and oxycodone for personal use and for writing approximately twenty-two prescriptions for oxycodone and hydrocodone to his wife and son in order to obtain the medication for personal use. Respondent failed to maintain compliance with his TMF monitoring agreement. In May 2020, the Respondent's toxicology screen was positive for amphetamine. Respondent admitted to using Vyvanse without a prescription. Respondent was not practicing medicine during this time. The facts stipulated are grounds for discipline. The order shall place Respondent's license on probation for an additional year. Therefore, Respondent's license shall remain on probation until at least November 15, 2022. Respondent shall pay one (1) Type B civil penalty for a total of five hundred dollars (\$500.00). Respondent cannot serve as a supervising physician while on probation. Respondent must maintain TMF advocacy, cause to submit quarterly reports to the Disciplinary Coordinator and for TMF to notify the Board of any violation of the contract. Respondent shall pay actual and reasonable costs of the case not to exceed three thousand dollars (\$3,000.00). Dr. Miller motioned to accept the order. Dr. McLerran seconded the motion and it passed by roll call vote with four (4) opposed (Dr. Beckford, Mr. Ellis, Dr. Blake and Dr. Pearson), one (1) recusal by Dr. Loyd and five (5) in favor of the motion (Dr. Christiansen, Dr. Miller, Dr. McLerran, Ms. Claxton and Ms. Cole).

Agreed Order(s)

Shafeeq T. Sheikh, MD - did not appear before the Board nor did a legal representative appear on his behalf. Ms. Paetria Morgan represented the State. Respondent was licensed on November 20, 2014 and the license expired on May 20, 2016. On May 17, 2017, the Respondent entered into a Consent Order with this Board which suspended Respondent's medical license pending the final disposition of a pending criminal case. On or about August 17, 2018, Respondent was convicted of a second-degree felony for sexual assault of a female patient. The sexual assault occurred while the female patient was admitted to Ben Taub Hospital in Houston, Texas. Respondent has been required to register as a sex offender and is on probation for ten (10) years. The facts stipulated are grounds for discipline. This order shall revoke Respondent's medical license. Respondent shall pay actual and reasonable costs of this case not to exceed one thousand dollars (\$1,000.00). Dr. Beckford motioned for approval. Dr. Blake seconded the motion and it passed by roll call vote.

James Foster, MD – did appear before the Board via Webex with legal counsel by Ms. Kaycee Weeter. Ms. Lara Gill represented the State. Mr. Ellis recused. Dr. Foster confirmed he felt Dr. Johnson did not need to recuse and would act unbiased in this matter. Dr. Foster presented a statement. An order was last presented in July 2020 and was denied by the Board. Respondent holds Tennessee medical license number 18743 with a current expiration of April 30, 2021. On or about January 6, 2016, Respondent was disciplined, by way of reprimand, by the North Carolina Medical Board. The order outlines several facts pertaining to the North Carolina reprimand. The facts stipulated are grounds for discipline. The order shall reprimand Respondent's license. Respondent agrees that he will not practice at, serve as medical

director of, or own, either in whole or in part, a “pain management clinic”, as defined under TCA 63-1-301. The parties shall pay their own fees and costs associated with this case. Dr. Blake motioned to approve the order. Dr. Loyd seconded the motion and it passed by roll call vote with Mr. Ellis recused.

Consent Order

Shoquana T. Henderson, PSPG – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Samuel Moore represented the State. Respondent has been licensed by the Committee as a licensed Polysomnographic Technologist in the State of Tennessee, having been granted a license on September 14, 2014 which is set to expire on June 31, 2021. Respondent’s Polysomnographic Technologist license expired on June 30, 2019. Respondent worked on an expired license at Sleep Unlimited in Cordova, Tennessee from approximately September of 2019 until December of 2019, practicing for a total of three (3) months on an expired license. The facts stipulated are grounds for discipline. This order shall reprimand Respondent’s license. Respondent shall pay nine (9) Type C civil penalties for a total of three hundred dollars (\$300.00). Respondent shall pay actual and reasonable costs of the case not to exceed one thousand dollars (\$1,000.00). The Polysomnography Committee has reviewed and ratified this order. Dr. Christiansen motioned to approve the order. Dr. Miller seconded the motion and it passed by roll call vote. *Dr. Loyd left the meeting briefly and did not vote on this matter.*

Development Committee Agenda items for the November 2020 Meeting

1. FAQ regarding CME
2. Five-hour grace for deficiency in CMEs
3. Clarity on residency and fellowship training definitions to assist with the Boards rules on Canadian applicants
4. Re-entry policy

Case Review Invitation - Ms. Baca-Chavez invited board members to attend virtual case review as they are available and one board member at a time.

Public Comment – None.

The regular meeting adjourned at 11:06am CT.

Contested Case

Kayur V. Patel, MD v. State of Tennessee Board of Medical Examiners

Iris Room via WebEx

Administrative Law Judge: Elizabeth Cambron

Panelists: Melanie Blake, MD; William Johnson, MD; Robert Ellis, Consumer Member

Counsel for State: Peyton Smith, Deputy General Counsel

Counsel for Petitioner: Charles Grant, Esq.

Respondent has been granted license number 36636 by the Board on July 25, 2002. Respondent’s license currently has an expiration date of June 30, 2022. Respondent is a full-time physician in Terre Haute, Indiana. Respondent served as the collaborating physician for two advanced practice registered nurses (hereinafter “APRN”) who were employed by Access 2 Integration (hereinafter “Access 2”) located in Indianapolis, Indiana. Access 2 provides medical care to patients under existing chiropractic care and has two (2) chiropractic office locations in Cookeville, TN and Maryville, TN. In addition to serving as the medical director of Access 2, Respondent also served as the supervising physician of two (2) APRNs who practiced at Cookeville and Maryville locations. Respondent signed a collaborative practice agreement

with both APRNs on their respective dates. While serving as the medical director of Access 2 and supervising physician of the APRNs at Access 2, Respondent did not review all patient charts reflecting visits at which patients received prescriptions for controlled drugs within 10 days of the patient encounter. While serving as the supervising physician of the APRNs practicing at Access 2, Respondent failed to be on-site once every thirty (30) days as required.

The panel heard both sides of the case with all presented evidence. The panel reviewed a drafted final order and considered each section as required. The panel of the Board determines the following shall be included in the final order. The order shall reprimand Respondent's license. Respondent shall pay two (2) Type B civil penalties for a total of one thousand dollars (\$1,000.00). Respondent shall pay all actual and reasonable costs of the case not to exceed fifteen thousand dollars (\$15,000.00). There was a motion to approve the discussed and reviewed order. There was a second to the motion and it passed by roll call vote.

Petition for Declaratory Order

Derek Heldzinger, MD v. State of Tennessee Board of Medical Examiners

Poplar Room via WebEx

Administrative Law Judge: Mary Collier

Panelists: Phyllis Miller, MD; Stephen Loyd, MD; Jennifer Claxton, Consumer Member

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

Counsel for Petitioner: None

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 professional background meets or exceeds the requirements of the applicable statute and regulations. The Board finds the Petitioner has satisfied the qualifications for a full medical license in Tennessee with restrictions prohibiting him from working in pain clinics or office based opioid treatment centers. Dr. Heldzinger shall limit his practice to family medicine and lifestyle treatment centers. There was a motion to approve the discussed and reviewed order and issue a full license with the limitations stated above to the Petitioner. There was a second to the motion and it passed by roll call vote.

This concludes the Board of Medical Examiners day 2 meeting.