



**Tennessee Board of Osteopathic Examination
Regular Board Meeting**

Friday, March 20, 2020

MINUTES

The regular meeting of the Tennessee Board of Osteopathic Examination (hereinafter, “the Board”) was called to order at 9:00 a.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Michael Wieting.

Members Present: Dr. Michael Wieting, D.O.
Dr. Jan Zieren, DO
Dr. Jeffrey Hamre, D.O.
Dr. Shant Garabedian, D.O.
Ms. Penny Judd, Consumer Member
Dr. Shannon Kilkelly, D.O.

Staff Present: Rene Saunders, MD, Medical Consultant
Angela Lawrence, Director
Candyce Wilson, Administrative Director
Stacy Tarr, Administrative Director
Brenda Wimberly-Stewart, Board Administrator
Frances Baca-Chavez, Office of General Counsel

Angela Lawrence opened with the teleconference script and a roll call. Angela explained how the meeting would be conducted and to accept the meeting. Dr. Kilkelly made the motion to accept the meeting. Ms. Judd seconded. The motion carried. Dr. Kilkelly also made the motion that the meeting met the requirements to have a teleconference meeting. Dr. Zieren seconded. The motion carried. The board was asked if they received the materials that will be discussed. They all received the board materials.

ELECTION OF OFFICERS

Dr. Zieren nominated Dr. Wieting for Osteopathic Examination Board Chair. Dr. Hamre seconded. The motion carried. Dr. Kilkelly nominated Dr. Zieren for Osteopathic Examination Board Vice Chair. Dr. Hamre seconded. The motion carried. Dr. Hamre nominated Dr. Garabedian for Secretary of the Osteopathic Examination Board. Ms. Judd seconded. The motion carried.

APPROVAL OF MINUTES

The Board reviewed the minutes from the November 6, 2019 meeting. Dr. Zieren made a motion to approve the minutes with editorial changes, Capitalize National Data Bank. Dr. Shant Garabedian seconded. The motion carried.

RATIFICATION OF LICENSES

Dr. Zieren made a motion to approve the list for ratification of licenses as presented. Dr. Garabedian seconded. The motion carried.

REPORT FROM THE OFFICE OF GENERAL COUNCIL

Consent Cases

Dr. Vinson Disanto, DO- license# 1488

The Kentucky Board of Medical Licensure (“Kentucky Board”) began an investigation of Respondent’s prescribing practices in Kentucky and found four (4) patients who had received controlled substance prescriptions from Respondent. Review of these records raised concern about Respondent’s clinical competence. Under agreement with the Kentucky Board, Respondent submitted to a clinical skills assessment at the Center for Personalized Education for Professionals (“CPEP”) in the specialty of family medicine, with a focus on adult hormone deficiency. CPEP found that Respondent’s overall knowledge and judgment in the broad scope of general family medicine was outdated and opined that these needs would be best addressed through remediation in a formal educational setting such as residency, fellowship or residency-like setting. According to CPEP, this level of recommendation indicates that it would not be safe for Respondent to practice independently while attempting to remediate the noted deficiencies.

CPEP also found that Respondent’s knowledge and judgment in his focus area of male hypogonadism (adult hormone deficiency) to be inadequate; that the level of educational needs in this area would require oversight and supervision; and recommended that remediation in his focus area of adult hormone deficiency be addressed after remediation of foundational knowledge in his primary specialty, family medicine. On March 19, 2019, the Kentucky Board of Medical Licensure issued an emergency order of restriction, which prohibited Respondent from “prescribing, dispensing or professionally utilizing controlled substances” until the Kentucky Board’s Hearing Panel “has finally resolved the Complaint or until such further Order of the Board.”.

To resolve his case with the Kentucky Board, Respondent enrolled in and completed one hundred eighty (180) continuing medical education hours and a Physician Retraining and Reentry practicum entitled "General Practice for Today". The Tennessee osteopathic license of Vinson M. DiSanto, D.O., license number 1488, is hereby placed on **PROBATION**, effective the date of entry of this Order. Respondent's license shall remain on probation until the Respondent successfully complies with Kentucky's emergency order of restriction and until Respondent has established compliance with any and all conditions, restrictions, and terms ordered by the Kentucky Board. Upon establishing compliance with any Kentucky order, the Respondent may request an Order of Compliance to have the probation of Respondent's license lifted. Respondent must appear before the Board to have the probation of his license lifted unless his appearance is waived by the Board's medical consultant.

During his probation, Respondent agrees that he shall not prescribe any State or Federal controlled substances for any purpose. Respondent acknowledges that prescribing a controlled substance will be a violation of this Order and may result in further discipline from the Board. Respondent further agrees that this restriction is an encumbrance on his license and means that he cannot supervise any mid-level practitioners, such as advanced practice registered nurses or physician assistants.

Respondent must pay, pursuant to TENN. CODE ANN. §§ 63-6-214 (k) and 63-1-144(a)(4), the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Department. Said costs shall not exceed three thousand dollars (\$3,000.00).

Dr. Hamre made the motion to approve the consent order. Dr. Zieren seconded. The motion carried.

Dr. Brenna Rae Green, DO-

The consent order for Brianna Green Drs. Wieting and Garabedian recused themselves from this case. The respondent invested in Southwest Laboratories, LLC and simultaneously referred patient urine drug screens to Southwest. Respondent paid approximately \$1,000.00 dollars for one share in the company from approximately February 1, 2015 to December 31, 2016 the respondent received at least \$99,712.78 in dividend payouts from Southwest. The maximum amount for the assessment of cost shall be \$6,000.00 dollars. Any and all cost shall be paid in full within sixty days from the issuance of the assessment of cost. The respondent understands that this is a formal disciplinary action and will be reported to the National Practitioners Data Bank (NPDB).

Dr. Zieren made the motion to approve the consent order. Dr. Hamre seconded. The motion carried.

Agreed Orders

Dr. William Williams, DO

The May 2015 consent order was based in part that the respondent didn't appropriately supervise the pain management practice of a physician assistant. The respondent did not review or sign off on each chart in which controlled substances were prescribed to patients. The respondents own medical records contained insufficient information to support the prescribed amounts. The respondent failed to monitor the patients for compliance. The respondent was placed on probation for not less than 5 years and until the other conditions of the order were met. The respondent was required to surrender the pain management certificate for the Family Medical Clinic and prohibited the clinic from further operating as such. The probation will be extended for a period of nine months following the expiration of the initial order and must come before the board for the probation to be lifted. Respondent shall pay 9 type B civil penalties in the amount of \$300.00 dollars each. A total of \$2700.00 dollars all civil penalty payments shall be paid in full within ninety days. The respondent must also pay the assessment of cost in the amount of \$2000.00 dollars and this cost shall be paid in full within sixty days from the issuance of the Assessment. This will be reported to National Practitioners Data Bank (NPDB).

Dr. Kilkelly made the motion to approve the agreed order. Dr. Hamre seconded. The motion carried.

Dr. Willie Chester, DO

On January 28, 2019 the respondent pled guilty in the United States District Court to 1 count of Acquisition of a controlled substance by subterfuge and aiding and abetting. The respondents license will be reprimanded and this disciplined will be reported to the National Practitioners Data Bank (NPDB).The respondent shall pay the actual and reasonable cost of prosecuting this case. This cost will be established by an assessment of cost prepared and filed by counsel. This cost shall be \$2,000.00 dollars. Any and all cost shall be paid in full within thirty days.

Dr. Kilkelly made the motion to accept the Agreed order. Dr Hamre seconded. The motion carried.

Order of Compliance

Dr. Kenneth Salhany, DO

The respondent did not supervise an APRN, Ms. Warren who worked at Slim Now RX clinics located in Murfreesboro, TN and Manchester, TN. Ms. Warren was midlevel practitioner who provided care at both clinics. The respondent signed off on twenty percent of charts monitored or written by Ms. Warren every thirty days; however he did not make a personal review every ten days when a controlled drug had been prescribed. Respondent signed off on twenty percent of the charts when Phentermine, a scheduled IV controlled substance was prescribed. The respondent never visited either clinic of the Slim Now RX locations. The respondent served as Ms. Warren's supervising physician from approximately 2011-2018.

Respondent signed a power of attorney for his office manager, a licensed aesthetician to procure and dispense Phentermine. The office manager is not the Respondent's supervisee. Respondent has since revoked the power of attorney. The respondent's license will be placed on probation for a period of two years from the effective date of this order and shall personally appear before the Board for the probation to be lifted. The respondent is prohibited from serving as a supervising physician or a substitute supervising physician for a period of four years. The respondent shall pay three Type A Civil Penalties in the amount of \$1,000.00 dollars each for a total of \$3,000.00 dollars which shall be paid in full within ninety days of the effective date of the order. An assessment cost of \$2,000.00. Any and all cost shall be paid in full within sixty days of the effective date of the order. Respondent will get full license on 03/07/2020. Supervising probation will be lifted 03/07/2022.

Dr. Hamre made the motion to approve the order. Dr. Kilkelly seconded. The motion carried.

CONDUCT NEW BUSINESS

FSMB Delegate

The board needs a representative for the FSMB May 2, 2020 meeting between 4pm – 6pm. The meeting was changed from in-person to video. The board will also need a back -up representative.

Ms. Judd made a motion to nominate Dr. Wieting to represent the Board for this meeting. Dr. Hamre seconded. The motion carried. Dr. Zieren nominated Ms. Judd to be the back-up Dr. Garabedian seconded. The motion carried.

Meeting Adjourned