



**TENNESSEE BOARD OF
PHYSICIAN ASSISTANTS
Summary Suspension Meeting**

March 18, 2022

MINUTES

The summary suspension meeting of the Tennessee Board of Physician Assistants (hereinafter, "the Board") was called to order on March 18, 2022 at 9:00am via WebEx virtual meeting.

Board Members Present: Robert White, PA-C, Chair
 Marie Patterson, PA-C
 Christina Free, PA-C

Staff Present: Angela Lawrence, Executive Director
 Stacy Tarr, Administrative Director
 Candyce Wilson, Administrative Director
 Kaitlin Parham, Office of General Counsel
 James Marrs, Board Administrator
 Tom Lane, Bureau of Investigation

Ms. Angela Lawrence made opening remarks and provided an overview of the requirements for a special meeting electronically. All requirements were satisfied. The electronic meeting was scheduled for the purpose of considering time sensitive matters. Mr. White motioned for approval to conduct the meeting electronically for this purpose and Ms. Free seconded the motion. A roll call vote was taken, and it passed. By roll call confirmation, all members present attested that they received all meeting materials prior to the meeting.

Summary Suspension

Thomas J. Esser, PA- Ms. Parham informed the Board of the reason for such meeting to ensure the safety and welfare of the citizens of Tennessee.

Thomas Esser has been at all times pertinent hereto license by the Board as a physician assistant in the State of Tennessee, having been granted a licensed number 995 on August 26, 2002, which currently has an expiration date of October 31, 2023. Mr. Esser worked as a physician assistant at Chilhowee Pain Center in Maryville, TN.

Mr. Esser performed inappropriate and sexual massages on at least four (4) female patients during normal clinic hours as well as after clinic hours.

On or about July 21, 2021, Patient B.W. had an initial appointment with Mr. Esser at the clinic. Mr. Esser instructed Patient B.W. to lay face down on the table and raise up her shirt. Mr. Esser asked Patient B.W. if he could unhook her bra, and then Mr. Esser poured a liquid on Patient B.W.'s back and started rubbing her back. Mr. Esser then rubbed Patient B.W.'s left breast. Patient B.W. was against a wall, so the nurse chaperone present in the room was unable to see what Mr. Esser's actions on Patient B.W.'s left breast. Once Patient B.W. adjusted her arm to cover her left breast, Mr. Esser pulled Patient B.W.'s pants down lower and began rubbing her buttock area. Patient B.W. verbalized she was uncomfortable with Mr. Esser's actions, and then Mr. Esser began scratching her back and drawing circles on her back with his fingernail. Patient B.W. then stood up and ended the examination.

Patient G.C. stated that during her first visit with Mr. Esser, he inappropriately massaged her back with baby oil. During that first visit, Mr. Essert removed Patient G.C.'s bra, touched her breasts, and rubbed himself along her legs. During Patient G.C.'s second visit with Mr. Esser, he asked her if she needed another massage. After Patient G.C. responded "no," Mr. Esser proceeded to tell her that he could give her a better massage. Patient G.C. again said "no."

Patient S.S. stated that during an examination Mr. Esser instructed her to lie on an exam table and he would then insert three (3) to four (4) fingers in her vagina and had his other hand on her breast. Mr. Esser repeated this action on Patient S.S. over multiple visits. Patient S.S. did not say anything about Mr. Esser's actions because she feared being discharged from the clinic or losing her medication.

Patient D.B. stated that Respondent instructed her to lay down on a table and Mr. Esser rubbed baby oil on her back getting close to her waist. Patient D.B. asked how long this would take and Mr. Esser stated, "as long as [she] wanted."

The facts and conduct before May 25, 2021, constitute a violation of Tenn. Code Ann. § 63-19-104(a)(7): Deny, suspend or revoke the license of, or to otherwise discipline by a fine, not to exceed five hundred dollars (\$500), or by reprimand, a license holder who is guilty of violating any of the provisions of this part or who is guilty of violating the rules of the board promulgated pursuant to subdivision (a)(1). When sanctions are imposed on a license holder pursuant to this

subdivision (a)(7), the license holder may, in addition, be required to pay the actual and reasonable costs of the investigation and prosecution of the case, including the costs incurred and assessed for the time of the prosecuting attorney or attorneys, the investigator or investigators and any other persons involved in the investigation, prosecution and hearing of the case. The Board may limit, restrict or impose one (1) or more conditions on a license at the time it is issued, renewed or reinstated or as a sanction imposed at the conclusion of a disciplinary hearing.

The facts and conduct after May 26, 2021, constitute a violation of Tenn. Code Ann. § 63-19-110(b)(3): The commission of unprofessional or unethical conduct. All of the above-named factors constitute an immediate threat to the public health, safety, and welfare, and his physician assistant license should be immediately suspended. In consideration of the evidence presented, and pursuant to the authority granted under Tenn. Code Ann. § 4-5-320(c), Tenn. Code Ann. § 63-19-101, et. seq., and Tenn. Comp. R. & Regs. 1130-01-.01, et. seq., the Board hereby preliminarily finds that the misconduct of Thomas Esser, P.A., is so severe that it imperatively requires emergency action in order to protect the public health, safety, and welfare prior to the initiation of formal disciplinary charges. Mr. Esser's physician assistant's license number 995 is hereby summarily suspended. Mr. Esser shall cease and desist from practicing as a physician assistant in the State of Tennessee.

Ms. Free made motion to accept the summarily suspension order, seconded by Mr. White. Roll call vote taken; motion passed.

Board held discussion about Mr. Esser's supervising physician, Dr. Bailey, had the responsibility to bring a complaint forward to the Board of Medical Examiners, upon knowledge of these occurrences. Mr. Lane informed the Board the supervising physician had installed a camera system to try to find evidence of unusual behavior of Mr. Esser.

ADJOURNED

