

MINUTES

TENNESSEE BOARD OF MEDICAL EXAMINERS

January 23 and 24, 2007

The meeting was called to order at 9:00 a.m. at the Health Related Boards' Iris Room, 227 French Landing, Ground Floor, Heritage Place Metrocenter, Nashville, Tennessee 37243 by President Dr. David Cunningham. Other members present were: Drs. Keith Lovelady, Subhi Ali, Charles White, Mitchell Mutter, Allen Edmonson, George Eckles, Michael Zanolli, Neal Beckford, Mr. Mark Brown, Ms. Mary Johnson and Ms. Irene Wells. Staff present included Rosemarie Otto, Executive Director, Dr. Larry Arnold, Medical director, Sandra Powell, Board Administrator, Marsha Arnold, Unit Manager and Mr. Robert Kraemer, Advisory Attorney.

Minutes

Minutes from the November 6 and 7, 2006 meeting were reviewed. Dr. Beckford made a motion to accept the minutes and Ms. Wells seconded the motion. The motion carried.

Ratification of Licenses

New, reinstated, failed to renew and voluntarily retired licenses for Medical Doctors, Medical X-Ray Operators, Athletic Trainers and Physician Assistants were reviewed. Dr. White made a motion to ratify the approval of licenses and Dr. Edmonson seconded the motion. The motion carried.

Dr. David Patzer appeared before the Board to request permission to amend the previous restriction on his license to include practicing with the Davidson County Mental Health Court. Dr. Gray spoke on Dr. Patzer's behalf supporting approval of the request. Dr. White made a motion to grant Dr. Patzer permission to practice with the Davidson County Mental Health Court in addition to his current permission to practice with the Davidson County Drug Court. Dr. Edmonson seconded the motion. The motion carried.

New Applicant Interviews

Gian Marie Dieudonne, MD-Dr. Dieudonne is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Dieudonne's application file for the Board. Dr. Dieudonne's Illinois medical license was disciplined due to default on a student loan. In 2005, Dr. Dieudonne's Illinois license was not renewed due to the

default also in December, 2005, the license was suspended for failing to attend a hearing regarding past due taxes. In 2006, Dr. Dieudonne appealed to the Illinois Board and the Board agreed to reinstate her license on probation. The Board asked Dr. Dieudonne several questions surrounding the discipline in Illinois. Dr. Edmonson made a motion to grant licensure on probation until her license is unencumbered in Illinois. Dr. White seconded the motion. The motion carried.

Donley D. Siddall, MD-Dr. Siddall is applying for a license in Tennessee. Dr. Arnold reviewed Dr. Siddall's application file for the Board. Dr. Siddall's medical license in Tennessee was revoked on January 7, 2004 due to prescribing for non-therapeutic purposes, dispensing unlawfully, prescribing without examination/evaluation and unprofessional conduct. The Board asked questions regarding felony charges and subsequent revocation. Dr. Edmonson made a motion to deny licensure and Dr. White seconded the motion. The motion passed unanimously.

Cortez Arthur Tucker, MD-Dr. Tucker is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Tucker's application file for the Board. Dr. Tucker's Illinois license was suspended and sanctioned by the Department of Health for not repaying a student loan and later reinstated on probation. Dr. White made a motion to grant a license on probation until his Illinois license is unencumbered. Dr. Edmonson seconded the motion. The motion carried.

Alisha Scales, MDX-Ms. Scales is applying for a limited scope x-ray license. Dr. Arnold reviewed Ms. Scales' application file for the Board. Ms. Scales had multiple arrests for theft of property and bad checks. Dr. Zanolli made a motion to grant a Limited X-Ray license and Dr. Eckles seconded the motion. The motion carried.

Reinstatement Interview

Jeffrey Wayne Seitzinger, MD-Dr. Seitzinger is applying for reinstatement of his medical license. Dr. Arnold reviewed Dr. Seitzinger's reinstatement application for the Board. Dr. Seitzinger's Alabama medical license was disciplined due to malpractice issues. Dr. Mutter made a motion to grant reinstatement and Dr. Edmonson seconded the motion. Dr. Mutter amended the motion to grant reinstatement contingent upon obtaining a successful psychiatric follow-up to be forwarded to Dr. Roland Gray and the Tennessee Medical Foundation before reinstatement could be awarded. Dr. Edmonson seconded the motion. The motion carried.

George H. Jackson, MD-Dr. Jackson was previously granted a license contingent on obtaining advocacy with the Tennessee Medical Foundation and successfully passing the Spex exam. Dr. Jackson was notified in December, 2006 and has not responded. Dr. Edmonson made a motion to rescind the previous action and Dr. Mutter seconded the motion. The motion carried. Dr. White made a motion to deny reinstatement and Dr. Edmonson seconded the motion. The motion carried.

Ratification of Denial of Licensure

Praveen Korivi, MD-Dr. Korivi is applying for a license to practice medicine in Tennessee. Dr. Arnold informed the Board that Dr. Korivi graduated from Spartan University and the school does not meet the requirements for licensure in Tennessee. Dr. Arnold recommended licensure denial. Dr. Korivi's attorney spoke concerning other licensed applicants who attended Spartan University. Mr. Kraemer explained the rules governing the LCME and USMLE which are currently in effect but which were not when other applicants were granted licensure. Dr. Mutter made a motion to accept Dr. Arnold's recommendation of denial and Dr. White seconded the motion. The motion carried.

Rule Action

Mr. Jerry Kosten, Rules Coordinator reviewed the use of titles rules for rulemaking hearing. Dr. Zanolli made a motion to send the package to rulemaking hearing and Dr. Edmonson seconded the motion. The motion passed.

Mr. Kosten informed the Board of the rulemaking hearing held November 21, 2006 regarding revisions to the Office Based Surgery rules and the Medical X-Ray Operator rules. The floor was opened for discussion regarding the economic impact of the x-ray rules. The Board discussed the x-ray rules regarding specialty areas. Dr. Ali made a motion to stay with the current language and Dr. White seconded the motion. Dr. Edmonson made an amendment to the motion to delete rule 05.06 and Dr. Mutter seconded the motion. The motion passed. Dr. White made a motion to adopt the rule as amended. Dr. Ali seconded the motion. The motion passed with a roll call vote.

Mr. Kosten informed the Board of the rulemaking hearing held December 18, 2006 regarding Physician Assistants' continuing education requirements. Dr. White made a motion to ratify the action taken regarding continuing education and Dr. Zanolli seconded the motion. A roll call vote was conducted and the motion passed unanimously.

Discussion

The Office Based Surgery Task force reviewed revisions to the Office Based Surgery rules. Dr. Eckles gave an overview of what happened at the meeting and stated that recommendations could not be made on certain things and referred to the letters from the Tennessee Hospital Association (THA) and the Tennessee Medical Association (TMA). A motion by the committee was to accept (I), (H) and (G) amendments of the rule as listed in THA's letter. Dr. Ali made a motion to accept the recommendations of the Committee and Dr. Mutter seconded the motion. The motion passed. The Board voted to authorize a rulemaking hearing to include in its Office Based Surgery (OBS) rules a list of Level III procedures authorized to be performed in the OBS setting, the procedures would be those contained on the Center for Medicaid Service's (CMS) list of approved Ambulatory Surgical Treatment Center surgeries as recommended by the OBS standing committee of the Board. Dr. Ali made a motion to send to rulemaking and Dr. Mutter seconded the motion. A roll call vote was conducted with Dr. Edmonson opposing. The motion passed.

The Board discussed guidelines regarding qualifications of expert witnesses. Dr. Cunningham suggested that the Board's Medical Director review the witness first and if he feels the need for Board consultation, he can present to one member. Mr. Brown's suggestion was to collaborate with the Office of General Counsel regarding witnesses. Dr. Edmonson made a motion that expert witnesses must be approved by the Medical Director in consultation with the Office of General Counsel and Ms. Wells seconded the motion. The motion passed.

Ms. Otto addressed the Board and asked that Mr. Kraemer be designated the associate member to the FSMB when a board member is unable to attend FSMB sponsored activities. Dr. Edmonson made a motion to designate Mr. Kraemer as associate member and Dr. Beckford seconded the motion. The motion passed.

The Board discussed delegating a member to the Federation of State Medical Boards' annual meeting May 3-5, 2007. Dr. White made a motion to nominate Dr. Beckford to attend the annual meeting and Dr. Mutter seconded the motion. The motion passed.

The Board discussed approving the continuation for an additional year of their contract with the FSMB for the purpose of administering the Flex and Spex. Dr. White made a motion to extend the contract for one year and Dr. Ali seconded the motion. The motion passed.

A discussion was conducted regarding approval to continue the contract with the Tennessee Medical Foundation for one year. Dr. White made a motion to approve the contract for one year and Dr. Ali seconded the motion. The motion passed unopposed.

Ms. Lori Doty with the Office of General Counsel gave the Board an update regarding Luther Ogle, MD. Ms. Doty handed out a memo that was from the Attorney General's Office to Dr. Kenneth Robinson, former Commissioner for the Department of Health. That memo was returned to Ms. Doty as it appeared to be an attorney client privileged document. There was no further discussion.

Reports

Budget Report

The Budget was reviewed by the Board. Ms. Otto informed the Board that they continue to have a surplus but expect some "big ticket" items in the fiscal year 2007.

Director/Manager Report

The report was reviewed by the Board. Ms. Otto stated that the processing of applications is benchmarked at 100 days and our office is processing them in 88.5 days. Ms. Otto went on to explain because of the criminal background checks the processing time has been extended considerably.

Investigation Report

The Investigative Report was reviewed by the Board. Ms. Denise Moran, director for Investigations informed the Board that there were 533 complaints at the end of November, 2006. Ms. Moran stated that the hiring process to fill the vacancies for Investigators continues.

Disciplinary Report

Ms. Lea Phelps, Disciplinary Coordinator reviewed the Disciplinary Report for the Board. She reported she had collected \$76,300 in civil penalties and \$35,800 in case costs.

OGC Report

Mr. Robert Kraemer reviewed his report for the Board. Mr. Kraemer reviewed the following rules:

1. MPLLC, X-Ray and Reference Letters
2. Office Base Surgery, Advertising and Supervision
3. Seven Year Exam Rule and Prescribing Continuing Education
4. Office Base Surgery and Radiological Certification upgrade

“Noteworthy” section of the internet

The Board did not designate anything for the “noteworthy” section of the internet.

Disciplinary Action

Order of Compliance

James M. Rynerson, MD-Dr. Rynerson was not present nor represented by legal counsel. Mr. Robert Kraemer represented the State. Mr. Kraemer informed the Board that Dr. Rynerson's presence was waived by Dr. Larry Arnold, Medical Director. Mr. Kraemer gave a brief review of Dr. Rynerson's past history. The petition for Order of Compliance was handed to the Board for review. Mr. Kraemer stated that Dr. Rynerson has met all requirements as set by the Board's Order. Dr. Edmonson made a motion to adopt the Order of Compliance and Dr. Mutter seconded the motion. The motion passed.

Isaac M. Jalfon, MD-Dr. Jalfon was present but not represented by legal counsel. Mr. Robert Kraemer represented the State. The 2005 Consent Order and Petition for Order of Compliance were handed to the Board for review. Mr. Kraemer stated that Dr. Jalfon has complied with all the conditions set by the Board's Order. Dr. Edmonson made a motion to adopt the Order of Compliance and Dr. Beckford seconded the motion. The motion passed.

Frank Knopp, MD-Dr. Knopp was not present nor represented by legal counsel. Mr. Robert Kraemer represented the State. The Board was informed that Dr. Knopp's presence was waived by the Medical Director. The petition for Order of Compliance was handed to the Board for review. Mr. Kraemer stated that Dr. Knopp has complied and met all requirements as set by the Board's Order. Dr. Mutter made a motion to adopt the Order of Compliance and Dr. Edmonson seconded the motion. The motion passed.

Ray W. Mettetal, MD-Dr. Mettetal was present and represented by legal counsel, Mr. Frank Scanlon. Mr. Robert Kraemer represented the State. The petition for Order of Compliance was handed to the Board for review. Mr. Kraemer informed the Board that Ms. Lea Phelps, Disciplinary Coordinator confirmed that Dr. Mettetal has complied with all requirements as set by the Board's Order. Dr. Edmonson made a motion to adopt the Order of Compliance and probation and Dr. Zanolli seconded the motion. Dr. Ali, Dr. White and Ms. Johnson abstained. The motion passed by a majority.

Robert J. Pomphrey, MD-Dr. Pomphrey was present but not represented by legal counsel. Mr. Robert Kraemer represented the State. The Tennessee Medical Foundation was present on behalf of Dr. Pomphrey. The petition for Order of Compliance was handed to the Board for review. Mr. Kraemer stated that Dr. Pomphrey has met all requirements as set by the Board's Order. Dr. Zanolli made a motion to adopt the Order of Compliance and Ms. Johnson seconded the motion. The motion passed.

Consent Order

Edward King, MD-Dr. King was not present nor represented by legal counsel. Ms. Lori Doty represented the State. The proposed Consent Order was handed to the panel for review. Dr. King is charged with violating TCA 63-6-214(b) (1) and TCA 63-6-214(b) (18). On October 22, 2001, Dr. King saw a new patient with a history including generalized numbness, swelling, coughing, pain/weakness/numbness in the arms and legs, hay fever or allergic rhinitis and sinus problems. On November 5, 2001, the patient returned to Dr. King's office for a physical examination. As part of the examination, Dr. King ordered a chest PA and lateral radiograph. The patient returned to Dr. King fourteen times and was never told the results of the chest PA and lateral radiograph of November 26, 2001. Dr. King never ordered any follow-up examinations or tests relating to the chest PA and lateral radiograph, or findings from the radiology report. On June 9, 2003, the patient was admitted to Summit Medical Center with a collapsed lung and died on June 25, 2003. At the time of the patient's first visit in October, 2001, Dr. King suffered from a bipolar affective disorder. He was hospitalized for deep depression in August of 2001 and again in September, 2001. Dr. King takes various medications which have the potential to impair his ability to safely practice medicine unless properly monitored and controlled. The proposed Consent Order states that Dr. King's medical license be placed on probation for a period of five (5) years on the effective date of the Order. Dr. King has attended and completed, the Vanderbilt Comprehensive Assessment Program for Professionals (VCAP) at the Vanderbilt University Medical Center, in Nashville, Tennessee. For the duration of the five (5) year period, Dr. King shall maintain a contract with and advocacy of the Tennessee Medical Foundation (TMF). Dr.

King must meet regularly with his treating psychiatrist responsible for prescribing medications and comply with all treatment recommendations including taking medication as prescribed, attend weekly Caduceus meetings, participate in regular therapy sessions, schedule and undergo regular examinations, confine medical practice to Summit Primary Care Group or similar practice as approved by TMF; ensure that TMF, Dr. King's treating psychiatrist, therapist, primary care physician and the Group provide quarterly reports to the Medical Director. Dr. King must pay all costs associated with the processing of the cases. Dr. Mutter made a motion to accept the proposed Consent Order and Dr. Beckford seconded the motion. The motion passed.

Patrick Craft, MD-Dr. Craft was not present nor represented by legal counsel. Mr. Shiva Bozarth represented the State. The proposed Consent Order was handed to the Board for review. Dr. Zanolli made a motion to deny the proposed Consent Order and Dr. Mutter seconded the motion. The motion passed.

Patrick Dean, MD-Dr. Dean was not present nor represented by legal counsel. Mr. Thomas Miller represented the State. The proposed Consent Order was handed to the Board for review. Dr. Dean is charged with violating TCA 63-6-214(b) (1) and TCA 63-6-214(B) (20). On September 14, 2006, Dr. Dean entered into a Consent Order with the North Carolina Medical Board where his license was reprimanded. Dr. Dean practiced pathology in Memphis, Tennessee between July 2004 and November 2005 and evaluated and provided reports on over six hundred (600) specimens taken from patients in North Carolina. The proposed Consent Order states that Dr. Dean's license to practice medicine in Tennessee shall be reprimanded and he must pay all costs. Dr. Zanolli made a motion to accept the proposed Consent Order and Dr. Beckford seconded the motion. The motion passed.

Jeffrey W. Drinnen, MD-Dr. Drinnen was not present nor represented by legal counsel. Ms. Andrea Huddleston represented the State. The proposed Consent Order was handed to the Board for review. Dr. Drinnen is charged with violating TCA 63-6-214(b) (1), TCA 63-6-214(b) (4), TCA 63-6-214(b) (12), TCA 63-6-214(b) (13) and TCA 63-6-214(b) (14). Dr. Drinnen is charged with overprescribing narcotics. The proposed Consent Order states that Dr. Drinnen's medical license be placed on probation for a period of five years commencing from the date of the Order. During the term of the probation, Dr. Drinnen must provide quarterly prescription reports. These reports shall include the following information for all controlled drugs which shall be the controlled drug prescribed by name, quantity and dosage, the name of the patient for whom it is prescribed and the patient's diagnosis. The reports must be mailed quarterly to the Medical Director, Dr. Larry Arnold. Dr. Drinnen shall complete the Prescribing Controlled Drugs course offered by the Vanderbilt University Medical Center and shall provide proof of his completion to the Board within six months of ratification of the Order. Dr. Drinnen must pay nineteen (19) Type A civil penalties in the amount of one thousand dollars (\$1,000.00) each, for a total of nineteen thousand dollars (\$19,000.00). Dr. Mutter made a motion to accept the proposed Consent Order and Dr. Zanolli seconded the motion.

Raymond J. Enzenauer, MD-Dr. Enzenauer was not present nor represented by legal

counsel. Mr. Robert Kraemer represented the State. The proposed Consent Order was handed to the Board for review. Dr. Enzenauer is charged with violating TCA 63-6-214(b) (1). After returning from a tour of military duty in Iraq, Dr. Enzenauer began acting inappropriately at his practice location and entered into a sexual relationship with a patient beginning in January of 2006 and lasting through June of 2006 at which time he was admitted to Ridgeview Institute for inpatient evaluation and treatment. Dr. Enzenauer was placed on a five (5) year monitoring contract with the Tennessee Medical Foundation. The proposed Consent Order states that Dr. Enzenauer shall cause written confirmation from both his treating psychiatrist and psychologist stating that he is capable of safely practicing medicine to be sent to the Board's Medical Director. If confirmation is received, Dr. Enzenauer's license to practice medicine shall be placed on probation until at least the first meeting of the Board after the expiration of five (5) years from the date of the Order. Dr. Enzenauer shall strictly comply with his monitoring contract, for the first three (3) months after the date of the Order practice medicine for no more than twenty (20) hours each week and from the end of the third month until the end of the sixth month shall practice medicine for no more than thirty (30) hours each week. Dr. Enzenauer shall attend at least one (1) Twelve-Step meeting and one peer support group (Caduceus) meeting each week; attend and participate in weekly individual therapy with a psychologist and shall be medically monitored by a psychiatrist to be selected with Jim Brown, MD and shall cause quarterly progress reports beginning three (3) months from the date of the Order from both those professionals to be sent to the Medical Director. Dr. Enzenauer shall meet every six (6) months with the Tennessee Medical Foundation's Field Coordinator. The probation shall not be lifted unless and until Dr. Enzenauer petitions and if required to appear, appears before the Board and obtains an Order of Compliance. Dr. Beckford made a motion to accept the Consent Order and Dr. Lovelady seconded the motion. The motion passed.

Bruce Fariss, MD-Dr. Fariss was not present nor represented by legal counsel Ms. Andrea Huddleston represented the State. The proposed Consent Order was handed to the Board for review. Dr. Fariss is charged with violating TCA 63-6-214(b)(1), TCA 63-6-214(b)(2), TCA 63-6-214(b)(3), TCA 63-6-214(b)(5), TCA 63-6-214(b)(10), TCA 63-6-214(b)(12), TCA 63-6-214(b)(13) and TCA 63-6-214(b)(14). Between September 2004 and May 2006, Dr. Fariss wrote and/or forged prescriptions in the names of thirteen fictitious patients and used these prescriptions to obtain various medications, including narcotics. The proposed Consent Order states that Dr. Fariss medical license be placed on probation for a period of five years, commencing with the date of the Order. During the term of his probation, Dr. Fariss shall maintain advocacy with the Tennessee Medical Foundation (TMF) and shall comply with each and every term of his contract with the TMF. Dr. Fariss must submit quarterly reports from TMF and his psychological counselor be sent to the Medical Director. Dr. Fariss must complete the Prescribing Controlled Drugs course offered by the Vanderbilt University Medical Center and shall provide proof of completion to the Disciplinary Coordinator. Dr. Fariss must pay seventy-five (75) Type B civil penalties in the amount of two-hundred dollars (\$200.00) each, for a total of fifteen thousand dollars (\$15,000.00), representing a violation for each fictional prescription passed. Dr. Beckford made a motion to accept the proposed Consent Order and Dr. Lovelady seconded the motion. The motion passed.

Nicholas W. Howard, MD-Dr. Howard was not present nor represented by legal counsel. Ms. Andrea Huddleston represented the State. The proposed Consent Order was handed to the Board for review. Dr. Cunningham recused himself. Dr. Howard is charged with violating TCA 63-6-214(b) (1) and TCA 63-6-214(b) (2). On March 16, 2006, the Board issued an Order in the matter of Dr. Howard. Dr. Howard's medical license was suspended for six months. During the six month suspension, Dr. Howard was ordered to enter into a contract with the Tennessee Medical Foundation (TMF), submit an evaluation by the Center for Professional Excellence (CPE), enter into and complete a treatment program as recommended by the CPE, immediately execute releases of all medical and psychiatric treatment records and reports as necessary for use by the TMF, the Board or other Board designee, provide proof of compliance with all recommendations of the CPE to the Disciplinary Coordinator and pay all costs. As of November 9, 2006, Dr. Howard has not fulfilled any of the requirements of the Order. The proposed Consent Order states that Dr. Howard's medical license be permanently revoked. Dr. Zanolli made a motion to accept the proposed Consent Order and Dr. Beckford seconded the motion. The motion passed.

Agreed Order

Deloyn L. McDonough, PA-Mr. McDonough was neither present nor represented by legal counsel. Mr. Shiva Bozarth represented the State. The proposed Agreed Order was handed to the Board for review. Mr. McDonough is charged with violating TCA 63-6-19-104(a) (1). Mr. McDonough completed an alcohol and drug assessment on January 27, 2005 and admitted he was an alcoholic. On March 20, 2005, Mr. McDonough signed a monitoring agreement with the Tennessee Professional Assistance Program (TNPAP) and on May 9, 2005, entered inpatient drug and alcohol treatment at Cornerstone of Recovery in Knoxville. On May 20, 2005, Mr. McDonough was discharged from Cornerstone of Recovery without completing the inpatient program. Mr. McDonough entered CADAS in Chattanooga, Tennessee on June 9, 2005 for a 15 day inpatient drug and alcohol treatment program. Mr. McDonough admitted that he previously drank alcohol while at work to prevent episodes of shaking or nausea. On May 3 2005 and May 25, 2005, Mr. McDonough failed to provide a urine drug screen as required by TNPAP. On July 1, 2005, and July 5, 2005, Mr. McDonough's urinalysis tested positive for alcohol and TNPAP withdrew advocacy. On July 28, 2005, Mr. McDonough was convicted of DUI and on December 6, 2006, entered into a new contract with TNPAP. Mr. McDonough has been in compliance with TNPAP's contract requirements since that time. The proposed Agreed Order states that Mr. McDonough's physician assistant license be placed on probation until he has completed his current five year contract with TNPAP and any subsequent contracts required by TNPAP. Mr. McDonough must maintain the advocacy of TNPAP, cause TNPAP to submit quarterly reports to the Committee and Board consultants that shall include any and all violations of Mr. McDonough's after care contract and execute all releases necessary for TNPAP to release information to the Committee. Mr. McDonough must disclose to his supervising physician the term of the Agreed Order and have his supervising physician issue quarterly reports to the Committee and the Board consultants which must include a statement that at least twice during every week Mr. McDonough worked in the preceding quarter, the supervising physician has observed him at work during an unannounced

inspection. Upon completion of the requirements in the Order, Mr. McDonough may request an Order of Compliance. Dr. Zanolli made a motion to accept the proposed Agreed Order and Dr. Beckford seconded the motion.

Adjourned at 6:00 p.m.

January 24, 2007

9:00 a.m.

Contested Case Hearing

Panel: Zanolli, Lovelady, Wells

Joseph Rich, MD-Dr. Rich was present and represented by legal counsel, Mr. Dan Warlick. Mr. Shiva Bozarth represented the State. The Honorable Tom Stovall, Administrative Law Judge presided. The case is a continuation from the September 26, 2006 meeting.

Contested Case Hearing

Panel: Mutter, White, Johnson

Larry Rawdon, PhD-Dr. Rawdon was present and represent by legal counsel, Mr. Donald Schwendmin. Ms. Andrea Huddleston represented the State. The Honorable Lynn England, Administrative Law Judge presided. The attorneys made their opening statements and the Notice of Charges were handed to the panel for review. Dr. Rawdon is a pharmacist in Hohenwald, Tennessee and is charged with practicing without a license. The case is to be continued to the next scheduled meeting.

Panel: Eckles, White Johnson

Lior Kahane, MD- Dr. Kahane was not present nor represented by legal counsel. Ms. Alexa Whittemore represented the State. The Honorable Lynn England, Administrative Law Judge presided. Ms. Whittemore informed the panel that certified letters sent to Dr. Kahane were returned and asked the panel to proceed in default. Dr. Eckles made a motion to accept the default and Ms. Johnson seconded the motion. The motion passed. The Notice of Charges proposed Order and the Arizona Order were handed to the panel for review. Dr. Lahane is charged with violating TCA 63-6-214(b) (1), TCA 63-6-214(b) (2), TCA 63-6-214(b) (3), TCA 63-6-214(b) (4) and TCA 63-6-214(b) (20). An Order of the Arizona Board was entered on June 12, 2003 which revoked Dr. Lahane's Arizona medical license. The Arizona Board found that Dr. Lahane had deviated from the standard of care while treating 15 patients and failed to maintain adequate medical records. The Arizona Board found that Dr. Lahane had a lack of basic understanding regarding some medical diagnoses, treatments and procedures and committed acts of

fraud and deceit in the course of practicing medicine. The proposed Order states that Dr. Lahane's Tennessee medical license be permanently revoked. After closing statements, the panel began deliberations. Dr. Eckles made a motion to accept the Findings of Fact in the proposed Order and Ms. Johnson seconded the motion. The motion passed. Dr. Eckles made a motion to accept the Conclusions of Law and Ms. Johnson seconded the motion. The motion passed unopposed. Dr. Eckles made a motion to permanently revoke Dr. Lahane's medical license and Ms. Johnson seconded the motion. The motion passed. Dr. Eckles made a motion not to assess civil penalties and Ms. Johnson seconded the motion. The motion passed. The policy statement was read and the actions taken were due to Dr. Lahane's incompetence to safely practice medicine as stated by the Arizona Board. For this reason the actions taken were to protect the health, safety and welfare of the citizens of the State of Tennessee. Dr. Eckles made a motion to accept the policy statement and Ms. Johnson seconded the motion. The motion passed.

India Van Bebber, MD-Dr. Van Bebber was not present nor represented by legal counsel. Ms. Schean Belton represented the State. The Honorable Lynn England, Administrative Law Judge presided. Ms. Belton informed the panel that certified letters were sent to Dr. Van Bebber, green cards were signed and returned and there was adequate notice given. Ms. Belton asked the panel to proceed in default. Ms. Johnson made a motion to proceed as default and Dr. Eckles seconded the motion. The motion passed. Ms. Johnson made a motion to continue the hearing and Dr. Eckles seconded the motion. The motion passed. The proposed Order and Kentucky's Order was handed to the panel for review. Dr. Van Bebber is charged with violating TCA 63-6-214(b) (1), TCA 63-6-214(b) (18) and TCA 63-6-214(b) (20). On or about April 18, 2006, the Kentucky Board ordered Dr. Van Bebber to submit to neuropsychological, psychiatric and impairment evaluations. On July 26, 2006, the Kentucky Board revoked Dr. Van Bebber's license for failure to submit to the evaluations as required. The Order also found that Dr. Van Bebber "failed to establish that her failure to successfully complete the evaluations specified in the Order was beyond her control; the licensee has failed to proffer any reason for her failure to complete the evaluation." The "licensee's unexcused failure to complete the evaluations ordered constitutes and admission that she has developed such a physical or mental disability, or other condition(s), that continued practice is dangerous to the patients or to the public." The panel deliberated. Dr. Eckles made a motion to accept the Findings of Fact and Ms. Johnson seconded the motion. The motion passed. Ms. Johnson made a motion to accept the Conclusions of Law and Dr. Eckles seconded the motion. The motion passed. Dr. Eckles made a motion to revoke Dr. Van Bebber's Tennessee medical license and Ms. Johnson seconded the motion. The motion passed. Ms. Johnson made a motion to assess all costs to Dr. Van Bebber and Dr. Eckles seconded the motion. The motion passed. The policy statement was read and actions taken to prevent improper care to patients in Tennessee. For this reason the actions taken were to protect the health, safety and welfare of the citizens of the State of Tennessee. Dr. Eckles made a motion to accept the policy statement and Ms. Johnson seconded the motion. The motion passed unopposed.

Contested Case Hearing

Panel: Beckford, Ali, Eckles

Janice Katz, MD-Dr. Katz was present and represented by legal counsel, Mr. C.J. Gideon. Mr. Thomas Miller represented the State. The Honorable Marion Wahl, Administrative Law Judge presided. Mr. Miller gave his opening statement followed by Mr. Gideon. The Notice of Charges was handed to the panel for review. Dr. Katz is charged with violating TCA 63-6-214(b)(1), TCA 63-6-214(b)(2), TCA 63-6-214(b)(3), TCA 63-6-214(b)(4), TCA 63-6-214(b)(12), TCA 63-6-214(b)(13), TCA 63-6-214(b)(14), TCA 63-6-214(b)(18) and Rule 0880-2-.15(4)(a). Dr. Katz wrote several prescriptions for patients and failed to maintain an accurate medical record of the medical treatment of a patient. Dr. Katz failed to document a medical history and physical examination and the presence of a recognized medical indication for the use of a dangerous drug or controlled substance. Witnesses were called upon and sworn in to testify. After closing statements by Mr. Miller and Mr. Gideon, the matter was turned over to the panel for deliberations. Dr. Beckford made a motion to accept the Finding of Facts #14 a-h, #15 a-i, 16 a-l (deleting item f), #17a-f and #18a-h. Dr. Ali seconded the motion. The motion was passed. Dr. Beckford made a motion to accept the Causes of Action # 19, 20, 21, 23, 24, 25, 27 and 28 as amended and Dr. Ali seconded the motion. The motion passed unopposed. Dr. Ali made a motion to place Dr. Katz's medical license on probation for three (3) years and attend a prescribing course at Vanderbilt Medical Center or similar course at approval of the medical director within 150 days of the Order and report prescribing logs to medical director for one (1) year and pay 140 Type B civil penalties in the amount of one hundred dollars (\$100.00) each with a total of fourteen thousand dollars (\$14,000.00). Dr. Beckford followed with a second. The motion passed. Dr. Ali made a motion to amend the motion to add that Dr. Katz pay civil penalties before the probation is lifted. Dr. Beckford seconded the motion. The motion passed. Dr. Ali made a motion to amend the previous motion to add prescribing logs to contain all scheduled substances 2-5 to the medical director and Dr. Beckford seconded the motion. The motion passed. Dr. Ali made a motion to assess all costs of the proceedings to Dr. Katz and Dr. Beckford seconded the motion. The motion passed. The policy statement was read and the actions taken were to protect the health, safety and welfare of the citizens of the State of Tennessee. Dr. Ali made a motion to accept the policy statement and Dr. Beckford seconded. The motion passed.

Adjourned at 4:10 p.m.

Dr. Allen S. Edmonson, MD

Date

