

CORRECTED MINUTES

TENNESSEE BAORD OF MEDICAL EXAMINERS

January 26 and 27, 2010

The meeting was called to order at 8:45 a.m. at the Health Related Boards' Iris Room, 227 French Landing, Ground Floor, Heritage Place Metrocenter, Nashville, Tennessee 37243 by President Dr. Mitchell Mutter. Other members present were: Drs. Barrett Rosen, Neal Beckford, Subhi Ali, Charles White, Sr., George Eckles, Dennis Higdon, Michael Zanolli, Keith Lovelady, Ms. Irene Wells, Ms. Regine Webster and Ms. Monica Franklin.

Staff present included Rosemarie Otto, Executive Director, Larry Arnold, MD, Medical Director, Marsha Arnold, Unit Manager, Sandra Powell, Board Administrator and Shiva Bozarth, Deputy General Counsel and Advisory Attorney.

Ms. Ashley Carter, Deputy General Counsel discussed the Conflict of Interest policy with the Board.

Minutes

The minutes from the following meetings were reviewed: November 2 and 3, 2009 meeting and December 4, 2009 summary suspension in the matter of Daniel Fearnow, MD and ratification of an Agreed Order of Temporary Suspension in regards to Elizabeth A. Reimers, MD. Dr. Ali made a motion to accept the minutes and Dr. Higdon seconded the motion. The motion passed.

Ratification of Licenses

New, reinstated, failed to renew and voluntary retired licenses for Medical Doctors, Medical X-Ray Operator, Radiologist Assistants and Genetic Counselors were reviewed. Dr. White made a motion to ratify the approvals and Ms. Franklin seconded the motion. The motion passed.

The Board reviewed the Office Based Surgery Suite of Shire Facial Plastic Surgery, P.C. Dr. White made a motion to ratify the approval and Dr. Rosen seconded the motion. The motion passed.

A roll call vote was conducted to ratify the rules for the Polysomnography Professional Standards Committee to correct a technical error when the Board initially approved the rules. All members voted to approve the initial chapter of rules.

Legal entitlement interview /Consideration of Applications

Selorm A. Adzokpa, MD
Maqbool Ahmed, MD
Francisco J. Baraona, MD
Sandra Golamco, MD
Kamran Hayel-Moghadam, MD

Swapna Koduru, MD
Cyndya A. Shibao, MD
Haya W. Siddiqi, MD
Javier Valero-Fonsecca, MD

Ms. Otto explained to the Board the licensure process and the Boards' custom of requiring primary source verification for all documents submitted in support of an application. Ms. Otto informed the Board that USCIS, provider of primary source verification of legal entitlement to live and work in the United States, will no longer verify by paper. Instead, they require all entities to use the systematic alien verification for entitlement (SAVE). Mr. Bozarth explained the reasons preventing the State from signing a contract to utilize the SAVE program. Dr. Mutter suggested tabling the issue until a later. Dr. Ali agreed and suggested not accepting any applications without primary source verification. Ms. Franklin made a motion to table the issue until more information can be obtained and Dr. Ali seconded the motion. Dr. Beckford, Dr. Zanolli and Ms. Webster opposed. Dr. Mutter informed the members that since the applicants had traveled a distance to be present for the interview, it was suggested that these nine applicants' issues be addressed today and not be deferred to the next meeting. Dr. Mutter asked for members to decide whether to hear the nine applicants present or uphold the previous motion to defer to the next meeting. Dr. Beckford made a motion to hear the applicants and Ms. Franklin seconded the motion. Mr. Bozarth stated that he could offer one option to the Board that would not be a permanent solution but may solve some of the difficulty for the Board as well as the individuals who have traveled a great distance to be present. Mr. Bozarth informed the Board that Ms. Maryam Kassaei, with the Office of General Counsel, has a significant amount of experience in immigration law and stated that Ms. Kassaei could get immigration services on the phone and if these individuals have their documentation with them, they would be able to get verification in person over the phone. After a continuous discussion regarding verification, Board members presented their views on the matter. Ms. Franklin made a motion that after Ms. Kassaei gets the verification information needed, she presents it to Dr. Arnold and board counsel, and if that information comes back satisfactory, then the Board will grant a license to the nine applicants present today. Dr. Eckles seconded the motion. Drs. Ali, Mutter and White opposed. The motion passed. Mr. Bozarth was asked to continue his efforts to make the SAVE program available for use by the Board and staff.

Consideration of Applications

Jason Roth, MD-Dr. Roth is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Roth's application file for the Board. Dr. Roth was treated for alcoholism from April 22, 2009 thru July 8, 2009. Dr. Roland Gray, Medical Director for the Tennessee Medical Foundation, spoke on behalf of Dr. Roth and indicated that Dr. Roth self reported and has a five (5) year contract with TMF. The Board asked questions regarding the ratio of self reported physicians returning in which Dr. Gray stated the percentage is less than ten percent (10%). Dr. Beckford made a motion to approve with

the condition of the five year TMF contract. Dr. Zanolli seconded the motion. The motion passed. The motion was restated by Dr. Beckford to grant a full license contingent on receipt of the signed TMF contract. Dr. Zanolli seconded the motion. The motion passed.

Eric W. Berg, III, MD-Dr. Berg is applying for a license to practice medicine in Tennessee. Dr. Berg appeared before the Board at its previous meeting and was granted a license. Dr. Berg has a history of alcohol dependency which he self reported. Dr. Berg was present and represented by Mr. Robert Kraemer of the Nashville Bar who addressed the Board and requested clarification on the decision granting a license. Mr. Kraemer sought clarification of the Board's wish to condition his client's license or issue it contingent upon receipt of a signed contract of the TMF. The Board listened to the tape of the previous meeting. After further discussion, Ms. Franklin made a motion to grant an unrestricted and unconditional license. Ms. Webster seconded the motion. The motion was amended to add a license will be granted contingent on receipt of the signed TMF contract. Dr. Rosen opposed. The motion passed.

Lloyd G. Bayme, MD-Dr. Bayme is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Bayme's application file for the Board. Dr. Bayme was convicted under New York's Penal Law for criminal sale of a prescription for a controlled substance. Dr. Bayme's application for a medical license was denied in Georgia, Delaware, North Dakota, Washington and Kansas. Dr. Bayme was also placed on the Office of Inspector General's exclusion list. Dr. Arnold's recommendation is denial. Based on the documents presented and Dr. Arnold's recommendation, Dr. White made a motion to deny licensure. Ms. Franklin seconded the motion. The motion passed.

Tina Cazee, MDX-Ms. Cazee was deferred to a later meeting.

Oulimata K. Grossman, MD-Dr. Grossman is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Grossman's application file for the Board. The medical school Dr. Grossman attended does not meet the criteria for licensure in Tennessee. Furthermore, Dr. Grossman took and passed Step 3 of the USMLE on the third attempt and made a seventy-five (75). Pursuant to Rule 0880-2-.08(2) (a) 1(i), it requires a passing score of seventy-seven (77). Dr. Grossman explained the circumstances to the Board. Dr. Mutter informed Dr. Grossman that she does not meet the requirements for licensures and gave her the option to withdraw her application. Dr. Grossman withdrew her application.

Peter B. Hardin, MD-Dr. Hardin is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Hardin's application file for the Board. Dr. Hardin was previously treated for alcohol dependency. Dr. Hardin informed the Board that he self reported in 2008 and was under a monitoring contract with the Kentucky Medical Foundation. Dr. Hardin stated he has a contract with the Tennessee Medical Foundation. Dr. White made a motion to grant a license contingent on receipt of the signed contract of the TMF. Dr. Higdon seconded the motion. The motion passed.

Eric B. Hedberg, MD-Dr. Hedberg is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Hedberg's application file for the Board. Dr. Hedberg has a history of substance abuse and several relapses. Dr. Hedberg's license was restored in 1992 and has a clean record for approximately twenty years. Dr. Beckford made a motion to grant a full unrestricted license and Dr. White seconded the motion. The motion passed.

Gregory W. Johnson, MD-Dr. Johnson is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Johnson's application file for the Board. From information received, it appeared that Dr. Johnson has practiced in an administrative capacity. Dr. Johnson addressed the Board and explained that he had been working until 2000. Dr. Mutter asked Dr. Johnson when he last saw a patient. Dr. Johnson stated it was in 2009. Dr. Zanolli made a motion to grant a full unrestricted license and Ms. Franklin seconded the motion. The motion passed.

Michael E. Kuglitsch, MD-Dr. Kuglitsch is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Kuglitsch's application file for the Board. Dr. Kuglitsch has multiple violations of game laws in another jurisdiction and was denied a license in Alabama. Dr. Kuglitsch explained the circumstances his conduct and subsequent discipline. After further discussion, Dr. Zanolli made a motion to grant a license and Dr. White seconded the motion. The motion passed.

Brenda Y. Lemus, MD-Dr. Lemus is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Lemus' application file for the Board. Dr. Lemus was dismissed from her anesthesia residency program for mishandling narcotics. Dr. Lemus explained to the Board the circumstances surrounding the incident. Dr. Lemus stated she currently has a training license at Meharry Medical College. Dr. Ali made a motion to grant a license and Dr. Beckford seconded the motion. The motion passed.

Roderick L. Matticks, MD-Dr. Matticks is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Matticks' application file for the Board. Dr. Matticks' Illinois license was placed on probation for sexual boundary issues. Dr. Matticks explained the incident that happened sixteen years ago and stated he now has an unencumbered, unrestricted license in other states. Dr. Matticks plans to work in the county jail system. Dr. White made a motion to grant a full unrestricted license and Dr. Eckles seconded the motion. The motion passed.

Paul Reynolds, MDX- Mr. Reynolds is applying for a license to practice as a medical x-ray operator in Tennessee. Dr. Arnold reviewed Mr. Reynolds' application file for the Board. Mr. Reynolds was arrested on November 10, 2007 in Bartlett, Tennessee for disorderly conduct and again May 24, 2009 for public intoxication in Memphis, Tennessee. Mr. Reynolds explained both incidents to the Board. After further questioning by the Board, Ms. Franklin made a motion to grant a license and Dr. White seconded the motion. The motion passed.

Randy L. Woods, MD-Dr. Woods is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Woods' application file for the Board. Dr. Woods is outside the seven year requirement for taking all three steps of the USMLE. Dr. Arnold informed the Board that it took Dr. Woods thirteen (13) years to pass Step 3 which he did on the seventh (7th) attempt. Dr. Arnold recommended denial. Dr. Woods explained the circumstances surrounding his inability to pass all three steps of the USMLE with the required 7 years. Mr. Bozarth informed members there was not any room to accommodate Dr. Woods. The Board gave Dr. Woods the option to withdraw his application. Dr. Woods accepted the option and withdrew his application.

Sinan Yavas, MD-Dr. Yavas is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Yavas' application for the Board. Dr. Yavas had a chemical abuse problem and adverse actions were taken against him during his residency program. Dr. Yavas explained the issues surrounding the adverse actions. Mr. Mike Dodd with the Tennessee Medical Foundation addressed the Board and stated that Dr. Yavas contacted Dr. Gray prior to applying for a license. Dr. Ali made a motion to grant a license contingent on receipt of a signed TMF contract and Ms. Franklin seconded the motion.

Ronnie Outen, MD-Dr. Outen is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Outen's application file for the Board. Dr. Outen had a charge of driving while intoxicated in North Carolina and also was placed on probation during his residency program for absenteeism. The Board asked questions in reference to the driving while intoxicated incidents. Dr. Outen stated one occurred in 1987 and the other in 1989. Dr. Outen further explained that he plans to work in Paris, Tennessee. Dr. Lovelady made a motion to grant a license and Ms. Franklin seconded the motion. The motion passed.

Rule Action

There was a rulemaking hearing regarding international medical school graduates. Mr. Bozarth gave a review of the rule for the Board and informed the Board of the written comments submitted regarding the proposed rule. The floor was opened for oral comments. Mr. David Mills and Ms. Judy Morris from Vanderbilt University addressed the Board. Mr. Mills asked for clarification of language as well as specialty board issues. Dr. Donald Brady, Director of Graduate Medical Education at Vanderbilt addressed the Board. Dr. Brady described Vanderbilt's training practices and guidelines. After further discussion, Dr. Zanolli made a motion to accept the rule which was amended to read as follows:

0880-2-.04(3) is amended by deleting subparagraph (f) in its entirety and substituting the following as new subparagraph (f):

(f) If the applicant has completed medical school at a medical school which is on the list of Medical Schools approved by the Medical Board of California that shall be deemed to meet the requirements of 0880-02-.04(3).

0880-02-.04(3) is further amended by adding the following subparagraph (g).

(g) If the school does not meet these requirements the applicant cannot be considered for a license in Tennessee unless they meet the following requirements:

1. The applicant must have passed all three steps of the USMLE.
2. The applicant must have successfully completed an Accreditation Council for Graduate Medical Education approved training program of a minimum of three (3) years duration.
3. Appear before the Board for an applicant interview.

Dr. White seconded the motion. The motion passed.

There was a rulemaking hearing regarding continuing medical education required. Mr. Yarnell Beatty with the Tennessee Medical Association addressed the Board and submitted comments regarding the proposed rule which would increase the required CME to 80 hours. Mr. Beatty stated that 85% of the TMA membership did not favor the rule. The Board discussed the issues in regards to hours and requested that staff obtain information from the FSMB to see what other states require in the way of CME courses for licensure renewal. Dr. Beckford made a motion to not accept the rule and Dr. Lovelady seconded the motion. Ms. Franklin opposed. The motion passed.

Dr. Mutter suggested organizing a sub-committee to make suggestions concerning the number of CME's for renewal. The committee members appointed were Drs. Beckford, Lovelady, Rosen and Ms. Webster. Dr. Rosen will chair the committee.

Discussion

The Board discussed extending the Tennessee Medical Foundation contract for one more year. Ms. Franklin made a motion to extend the contract for another year and Dr. White seconded the motion. The motion passed.

The Board discussed the Request for a Private Advisory Opinion submitted by Joe Browder, MD of Pain Consultants of East Tennessee and the proposed response. The letter, which informed Dr. Browder that the Board declined to issue the Ruling because it would impact multiple health care providers in several allied professions and a private advisory ruling can only be issued when applicable to the licensee. Dr. Lovelady made a motion to send the letter and Dr. Rosen seconded the motion. The motion passed.

The Board reviewed the Board of Nursing's request for legislation removing supervision requirements from the Nurse Practice Act. Mr. Bozarth explained that the bill was not part of the administration's legislative package. Ms. Elizabeth Lund, Executive Director for the Board of Nursing addressed the Board and gave a brief overview of the Board of Nursing's endorsement of the National Council of State Boards of Nursing position paper

which sets a target date for the independent practice of medicine by Advanced Practice Registered Nurses.

There was a discussion regarding proposed legislation that would create a “St. Jude Children’s Research Hospital Global Collaboration license.” The Board voted to oppose this legislation because of the precedent setting nature of the bill. It is the Board’s view that should this well intentioned legislation become law, it would open the door for any institution whose physicians can not otherwise qualify for licensure under the Tennessee Medical Practice Act to seek legislation which would create a similar special license. Dr. Rosen made a motion to incorporate the Board’s view in a letter to the General Assembly. The motion was seconded by Dr. Lovelady and passed unanimously.

The Board discussed ratifying the updated program changes for High Tech Nashville and Memphis. Ms. Otto gave a brief report regarding the changes. Dr. White made a motion to ratify the updated program changes for High Tech Nashville and Memphis. Dr. Rosen seconded the motion. The motion passed.

Dr. Ali reviewed the actions of the Office Based Surgery Committee concerning safety issues in the surgery suite owned by Dr. Lazarus. Dr. Ali stated the Committee concluded issues concerning patient safety cannot be waived. For Dr. Lazarus’ application three doors were identified as needing to be changed to meet codes; no nitrous oxide could be present in the suite at any time and the ceiling tiles will be allowed to remain as is.

Reports

Budget

Ms. Christy Allen, Assistant Commissioner for Health Related Boards addressed the Board regarding the financial report for 2009. Information was presented to the Board for review. Much financial information was missing, but Ms. Allen assured the Board that the information would soon be available. Ms. Allen informed the Board that the Tennessee Medical Foundation grant was included in the figures and she believed it would be acceptable for the Board to renew that contract at the same funding level.

Order of Compliance

John Wickman, MD-Dr. Wickman was present and represent by Mr. Seymour Rosenberg. Mr. Shiva Bozarth represented the State. In October 2007, Dr. Wickman engaged in unwanted and inappropriate sexual conduct with a female patient of his practice. At various points during his treatment of another female patient of his practice, Dr. Wickman engaged in unwanted and inappropriate sexual conduct, culminating for the final time on April 22, 2008. Recognizing that he has a problem with observing professional boundaries with female patients, Dr. Wickman sought intensive inpatient treatment at Keystone Center Extended Care Unit-Center for Healing from Sexual Compulsivity and trauma in Chester, Pennsylvania from February 16, 2009 to March 30,

2009. Dr. Wickman was discharged with a prognosis of cautious optimism for recovery contingent upon strict compliance with the aftercare plan. The Order stipulated that Dr. Wickman's license be suspended for one hundred eighty (180) days. After one hundred eighty (180) days, Dr. Wickman can petition for an Order of Compliance. Dr. Wickman must submit proof of complete and strict compliance with all requirements of his contract with Affiliated Monitors. The Board was informed that Dr. Wickman has met the requirements as set by the Board. Dr. Rosen made a motion to accept the Order of Compliance and Ms. Franklin seconded the motion. Dr. Beckford recused himself. Dr. Zanolli opposed. The motion passed.

Samir Al-Kabbani, MD-Dr. Al-Kabbani was not present nor represented by legal counsel. Mr. Shiva Bozarth represented the State. During a time period including 1994 to at least the year of 2004, Dr. Al-Kabbani treated several patients and failed and/or neglected to document clinical indications that would substantiate the initial and/or continued use of narcotic and/or other controlled substances and coordination of care with other treating physicians. The Order stipulated that Dr. Al-Kabbani be placed on probation for a period of no less than twenty-four (24) months, attend and complete the "Intensive Course in Medical Record Keeping with Individual Preceptorships" at the School of Medicine, Case Western Reserve University, Cleveland, Ohio. The Board was informed that Dr. Al-Kabbani has met the requirements as set by the Board. The Board had reservations and further stated that Dr. Al-Kabbani needed to be present to explain circumstances surrounding the controlled substances. Ms. Wells made a motion to deny the Order of Compliance and Dr. Ali seconded the motion. The motion passed.

Agreed Citations

Robert A. Helsel, MD-Dr. Helsel failed to comply with the Board rules regarding required continuing medical education. The Agreed Citation stipulated that Dr. Helsel shall pay a civil penalty in the amount of four hundred forty dollars (\$440), proof of completion of eleven (11) hours of continuing education within one hundred eighty (180) days of the citation and complete an additional ten (10) hours continuing education hours within two (2) years of ratification of the Agreed Citation. Dr. Ali made a motion to accept the Agreed Citation and Dr. Beckford seconded the motion. The motion passed.

Sharon Kaye Walls, MDX-Ms. Walls failed to comply with the Board rules regarding required continuing medical education. The Agreed Citation stipulated that Ms. Walls shall pay a civil penalty in the amount of four hundred dollars (\$400) and provide proof of completion of twenty (20) hours of continuing education within one hundred eighty (180) days of the citation. Dr. Ali made a motion to accept the Agreed Citation and Dr. Beckford seconded the motion. The motion passed.

Robert W. Robinson, Jr., MD-Dr. Robinson failed to comply with the Board rules regarding required continuing medical education. The Agreed Citation stipulated that Dr. Robinson shall pay a civil penalty in the amount of four hundred dollars (\$400), proof of completion of ten (10) hours of continuing education within one hundred eighty (180)

days of the citation and complete an additional ten (10) hours continuing education hours within two (2) years of ratification of the Agreed Citation. Dr. Ali made a motion to accept the Agreed Citation and Dr. Beckford seconded the motion. The motion passed

Mei-Suey Chen, MD-Dr. Chen failed to comply with the Board rules regarding required continuing medical education. The Agreed Citation stipulated that Dr. Chen shall pay a civil penalty in the amount of one thousand six hundred dollars (\$1,600), proof of completion of forty (40) hours of continuing education within one hundred eighty (180) days of the citation and complete an additional ten (10) hours continuing education hours within two (2) years of ratification of the Agreed Citation. Dr. Ali made a motion to accept the Agreed Citation and Dr. Beckford seconded the motion. The motion passed

Nizamuddin Khaja, MD-Dr. Khaja failed to comply with the Board rules regarding required continuing medical education. The Agreed Citation stipulated that Dr. Khaja shall pay a civil penalty in the amount of eight hundred eighty dollars (\$880), proof of completion of twenty-two (22) hours of continuing education within one hundred eighty (180) days of the citation and complete an additional ten (10) hours continuing education hours within two (2) years of ratification of the Agreed Citation. Dr. Ali made a motion to accept the Agreed Citation and Dr. Beckford seconded the motion. The motion passed

Shannon Michelle Wiederholt, MDX- Ms. Wiederholt failed to comply with the Board rules regarding required continuing medical education. The Agreed Citation stipulated that Ms. Wiederholt shall pay a civil penalty in the amount of one hundred twenty dollars (\$120) and provide proof of completion of six (6) hours of continuing education within one hundred eighty (180) days of the citation. Dr. Ali made a motion to accept the Agreed Citation and Dr. Beckford seconded the motion. The motion passed.

Agreed Order

Daniel J. Scott, III, MD-Dr. Scott was present and represented by legal counsel, Mr. Jeffrey Jones. Mr. David Himmelreich represented the State. From January 2001 until March 2008, Dr. Scott engaged in the practice of medicine as an employee of Millington Medical Clinic in Millington, Tennessee. The owner and manager of the clinic was Jean Landsee, who had no license to practice any of the health related professionals in Tennessee. While at Millington Medical Clinic, Dr. Scott became aware that Ms. Landsee was performing Level I surgical procedures on patients. Dr. Scott instructed her not to do so, but Ms. Landsee refused or failed to cease performing these surgical procedures. Dr. Scott did not report Ms. Landsee to the Department of Health. Dr. Scott failed to adequately monitor patients who were prescribed Schedule II and Schedule III medications to ensure that the patients were in fact taking what was prescribed and were not taking other drugs. Ms. Landsee, as Dr. Scott's employer, forbade him from discharging any patient on his own initiative. Patients who had demonstrated drug-seeking behavior in violation of their pain treatment agreements were not discharged as appropriate. Dr. Scott planned to leave the Clinic and establish his own practice when financially able to do so. Since March 2008, Dr. Scott has operated his own practice and has no connection with Millington Medical Clinic. The proposed Agreed Order

stipulated that the complaint shall be dismissed. It is further ordered that Dr. Scott's medical license shall be placed on suspension for a period of six (6) months and pay civil penalties in the amount of ninety thousand (\$90,000) dollars. It is further ordered that suspension of Dr. Scott's medical license shall be stayed contingent on condition that he successfully complete, within three (3) months from the order, the course entitled, "Intensive Course in Medical Record Keeping with Individual Preceptorships," which is offered at the School of Medicine , Case Western Reserve University in Cleveland, Ohio. Dr. Scott must continue a minimum of two (2) years post-review as offered by the course, for a total of eight (8) quarterly reviews, not prescribe any Schedule II or Schedule III controlled substances, with the exception that he may continue to prescribe or administer testosterone for hypogonadism, maintain good and lawful conduct and make regular periodic payments to the Department of Health pursuant to the civil penalty set forth. Dr. Rosen made a motion to accept the Agreed Order and Dr. Ali seconded the motion. The motion passed.

January 27, 2010

Iris Room

Panel: Lovelady, Rosen, Franklin

Contested Case Hearing

George Knox, III, MD-Dr. Knox was neither present nor represented by legal counsel. Ms. Andrea Huddleston represented the State. The Honorable Madelyn Williams, Administrative Law Judge presided. After examining documentation and reviewing the State's attempts to contact Dr. Knox about the upcoming proceedings, Ms. Huddleston asked for a motion to proceed in default. The Judge granted that motion. Ms. Huddleston gave her opening statement. A complaint was investigated that Dr. Knox had been convicted of domestic assault, had been prescribing both narcotic and non-narcotic medications for himself and his family members, and that he was abusing both alcohol and marijuana. These incidents allegedly occurred in the Gallatin, Tennessee area between June 2006 and June 2008. The proposed Order stipulated that Dr. Knox's license shall be revoked and shall not re-apply for a Tennessee medical license until he has obtained the advocacy of the Tennessee Medical Foundation. Dr. Knox shall pay all costs associated with the case. After closing statements, the panel deliberated. Dr. Rosen made a motion to accept the Findings of Fact and Ms. Franklin seconded the motion. The motion passed. Ms. Franklin made a motion to accept the Conclusions of Law and Dr. Rosen seconded the motion. The motion passed. Dr. Rosen made a motion to revoke Dr. Knox's medical license and assess costs. Ms. Franklin seconded the motion. The motion passed.

Kou-Wei Chiu, MD-Dr. Chiu was present and represented by legal counsel, Mr. C.J. Gideon of the Nashville Bar. Ms. Maryam Kasseh and Ms. Ashley Carter represented the State. The Honorable Leonard Polk, Administrative Law Judge presided. The Notice of Charges was handed to the panel for review and opening statements began. On or about November 2007, Dr. Chiu pled guilty to one (1) felony count of false information and threats for allegedly calling in three (3) bomb threats to the Sea Tac airport, within the western district of Washington. The proposed Order stipulated that Dr. Chiu's medical license be placed on probation for a period nine years, lifetime advocacy of the Tennessee Medical Foundation and quarterly reports from TMF. After closing statements, the panel deliberated. Dr. Rosen made a motion to accept the Findings of Facts and Ms. Franklin seconded the motion. The motion passed. Ms. Franklin made a motion to accept the Conclusions of Law and Dr. Rosen seconded the motion. The motion passed. Dr. Rosen made a motion to assess all costs associated with the case and Ms. Franklin seconded the motion. The motion passed. The policy statement was read: the reasons the action was taken are to protect the health, safety and welfare of the citizens of the State of Tennessee. Dr. Rosen made a motion to accept the policy statement and Ms. Franklin seconded the motion. The motion passed.

Agreed Orders

Sidi Yousseff Noor, MD-Dr. Noor was not present but represented by legal counsel, Mr. Frank Scanlon of the Nashville Bar. Ms. Andrea Huddleston represented the State. Between 2002 and 2004, while working for Crescent Medical Center in Morristown, Tennessee, Dr. Noor inappropriately prescribed controlled substances, including the drugs Actiq, Morphine and Ketamine, to approximately seventy-five (75) patients for pain management, despite the fact that he had failed to perform appropriate examinations or take appropriate histories, failed to obtain appropriate diagnostic testing or specialist consultations, failed to heed results of urine drug screens, failed to formulate written treatment plans or to otherwise establish a good diagnosis or justify the prescriptions written. The proposed Agreed Order stipulated that Dr. Noor's medical license be revoked with leave to re-apply after one (1) year from the date of the Order. Dr. Noor must pay all costs associated with the case. Dr. Rosen informed Mr. Scanlon that when Dr. Noor re-applies for his license, he needs to have strong evidence to convince the Board that he will comport his practice to prevailing practice standards. Dr. Rosen made a motion to accept the Agreed Order and Dr. Lovelady seconded the motion. Ms. Franklin opposed. The motion passed.

Jane A. Shows, MD-Dr. Shows was neither present nor represented by legal counsel. Ms. Mona Jean-Baptiste represented the State. Dr. Shows failed to pay the professional privilege taxes for at least the years 2004 and 2005. The Agreed Order stipulated that Dr. Show is ordered to pay all delinquent privilege taxes and penalties to the Tennessee Department of Revenue within one hundred eighty days of the Agreed Order. Ms.

Franklin made a motion to accept the Agreed Order and Dr. Rosen seconded the motion. The motion passed.

Cary Finn, MD-Dr. Finn was neither present nor represented by legal counsel. Ms. Mona Jean-Baptiste represented the State. Between 2002 and 2004, Dr. Finn's treatment of sixteen (16) patients was deficient in that the medical records contain inadequate medical history to justify the prescription of continued pain medicine, inadequate physical findings to justify the prescription of continued pain medicine, inadequate documented diagnoses to justify the continuous prescription of controlled and scheduled drugs. Upon being made aware of the deficiencies in his practice, Dr. Finn enrolled in and completed the December 12-14, 2007 Vanderbilt University Medical Center "Intensive Course in Controlled Substance Management" course. Further, Dr. Finn has recently completed the Case Western Reserve University Medical School's "Intensive Course in Medical Record Keeping" and has begun incorporating methods in his practice to ensure the appropriate treatment of those patients requiring chronic pain management. The proposed Agreed Order stipulated that Dr. Finn's medical license be reprimanded. Dr. Finn shall obtain practice monitoring provided by Affiliated Monitors, Inc. in Boston, Massachusetts within forty-five (45) days of the Order pay sixteen (16) Type A civil penalties in the amount of six hundred twenty-five (\$625.00) dollars each for a total assessment of ten thousand (\$10,000) dollars. Ms. Franklin made a motion to accept the Agreed Order and Dr. Rosen seconded the motion. The motion passed.

Carol Cantrell, MD- Dr. Cantrell was neither present nor represented by legal counsel. Ms. Mona Jean-Baptiste represented the State. Between at least 2001 and 2006, Dr. Cantrell failed to document an appropriate history or medically appropriate physical examination and/or failed to document such, requisite to justify prescribing or dispensing of narcotics and other medications and controlled substances to nine patients. Between at least 2001 and 2006, Dr. Cantrell failed to document medically appropriate diagnostic tests or obtain appropriate medical consultations and/or failed to document such, requisite for the appropriate initiation and/or continuation of care for those patients. Dr. Cantrell failed to document a written treatment plan and failed to document all prescribed or dispensed medications. The proposed Agreed Order stipulated that Dr. Cantrell's medical license is hereby reprimanded. Dr. Cantrell shall enroll in and complete the Case Western Reserve University School of Medicine "Intensive Course in Controlled Substance Management" course within one hundred eighty (180) days of the effective date of the Order. Proof of completion should be submitted within thirty (30) days of completion. Ms. Franklin made a motion to accept the Agreed Order and Dr. Rosen seconded the motion. The motion passed.

Milton J. Arras, MD-Dr. Arras was neither present nor represented by legal counsel. Ms. Mona Jean-Baptiste represented the State. Dr. Arras failed to pay the professional privilege taxes for at least the years 2004 and 2005. Dr. Arras has paid all delinquent professional privilege taxes and their associated fees and penalties. Ms. Franklin made a motion to accept the Agreed Order and Dr. Rosen seconded the motion. The motion passed.

Robert Benson, MD-Dr. Benson was neither present nor represented by legal counsel. Ms. Mona Jean-Baptiste represented the State. Dr. Benson failed to pay the professional privilege taxes for at least the years 2003, 2004 and 2005. The Agreed Order stipulated that Dr. Benson pay all delinquent privilege taxes and penalties to the Tennessee Department of Revenue within thirty days of the Agreed Order. Ms. Franklin made a motion to accept the Agreed Order and Dr. Rosen seconded the motion. The motion passed.

Poplar Room

Panel: Higdon, Mutter, Wells

Contested Case Hearing

Ernest B. Kleier, Jr., MD-Dr. Kleier was present and represented by Brent Horst of the Nashville Bar. Mr. Benjamin Mezer represented the State. The Honorable Ann Johnson, Administrative Law Judge presided. After witnesses were sworn in, the Notice of Charges were presented to the panel for review. Mr. Mezer gave his opening statement followed by Mr. Horst. On September 23, 2008, Dr. Kleier pled guilty to DUI, a misdemeanor in Missouri. After Dr. Kleier was called as a witness, as was Trooper Aaron Harrison with the Missouri Highway Patrol. The panel reviewed the video of the arrest of Dr. Kleier. Dr. Higdon acknowledge that he had known Dr. Kleier approximately 35 years ago while in training but has had no contact with him since. Dr. Higdon informed the panel that he can be objective in the case and the hearing proceeded. Mr. Kenneth Baker, owner of the Behavioral Treatment Provider of Nashville was called as a witness by Mr. Horst. After closing arguments, the panel deliberated. Dr. Higdon made a motion to accept the Findings of Fact with addition that evidence shows Dr. Kleier's blood alcohol level was twice the legal limit and the video clearly is evident that Dr. Kleier was impaired and demonstrated poor judgment. Ms. Wells seconded the motion. The motion passed. Dr. Higdon made a motion to accept the Causes of Action and Ms. Wells seconded the motion. Dr. Higdon made a motion to require a VCAP evaluation and Ms. Wells seconded the motion. The motion passed. Dr. Higdon made a motion to require advocacy of the Tennessee Medical Foundation and Ms. Wells seconded the motion. The motion passed. Dr. Higdon made a motion to amend the probation for a minimum of six months and anytime after six months the respondent can file an Order of Compliance and come back before the Board showing he has complied with the Board's order. Ms. Wells seconded the motion. The motion passed. Dr. Higdon made a motion to assess costs in the amount of seven thousand (\$7, 000) dollars and Ms. Wells seconded the motion. The motion passed. The policy statement was read: the reasons the action is taken is to protect the health, safety and welfare of the citizens of the State of Tennessee. Dr. Higdon made a motion to accept the policy statement and Ms. Wells seconded the motion. The motion passed.

Mockingbird Room

Panel: Ali, White, Beckford

Contested Case Hearing

Rosalie Dominguez, MD-Dr. Dominguez was not present nor represented by legal counsel. Mr. Shiva Bozarth represented the State. The honorable Mary Collier, Administrative Law Judge presided. The panel was informed that on December 11, 2009, Mr. Howard Hayden, counsel for Dr. Dominguez, filed a motion to withdraw as her legal counsel, that motion was granted. After reviewing documentation of the attempts the State made to contact Dr. Dominguez to inform her of the proceedings, Mr. Bozarth asked for a motion to proceed. Dr. Ali made a motion to proceed with the hearing and Dr. Beckford seconded the motion. Opening statements began and witnesses sworn in. While working as a psychiatrist at Western Mental Health Institute, Dr. Dominguez allegedly exhibited signs of cognitive impairment. The proposed Order stipulated that Dr. Dominguez's medical license be suspended until such time as a history and physical evaluation, including a neuropsychological assessment, can be reviewed by the panel. Said assessment must come from Bradford Health Services, Vanderbilt Comprehensive Assessment Program (VCAP) or Talbott County Addictions Program as selected by Dr. Dominguez. Dr. Dominguez must pay all costs associated with the case. After closing statements, the panel deliberated. Dr. Ali made a motion to suspend Dr. Dominguez's medical license until a physical evaluation and assessment can be done. Dr. Ali made a motion to go back on record and get a statement from Dr. Larry Arnold, Medical Director. Dr. Beckford seconded the motion. The motion carried. The panel had questions regarding the evaluations and various programs that conduct assessments and evaluations. The panel continued deliberations. Dr. Ali made a motion to accept the Findings of Facts and Conclusions of Law as amended and Dr. Beckford seconded the motion. The motion passed. Dr. Ali made a motion to assess all costs associated with the case and Dr. Beckford seconded the motion. The motion passed. The policy statement was read: the reasons the action is taken is 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. The motion passed.

Consent Orders

Andrew C. Coleman, MD-Dr. Coleman was neither present nor represented by legal counsel. Mr. Shiva Bozarth represented the State. Dr. Coleman consumed Fentanyl without prescriber authorization rendering him unconscious and requiring hospitalization. The Consent Order stipulated that Dr. Coleman's license be placed on probation for a period of not less than five (5) years. During the period of probation, Dr. Coleman shall

maintain good and lawful conduct, maintain the advocacy of the Tennessee Medical Foundation for as long as he shall maintain a Tennessee medical license, cause the TMF to issue quarterly reports to the Board's consultant and maintain one hundred percent (100%) compliance with his TMF contract. Dr. Coleman shall pay all costs associated with the case. Dr. Ali made a motion to accept the Consent Order and Dr. Beckford seconded the motion. The motion passed.

Gary Barnes, MD-Dr. Barnes was neither present nor represented by legal counsel. Ms. Mona Jean-Baptiste represented the State. On eight separate occasions, between June 2008 and February 2009, Dr. Barnes used the personal and health insurance information of A.G. C. to fraudulently obtain prescriptions for Lamictal from two CVS pharmacies in Chattanooga, Tennessee for his personal use. Dr. Barnes also admits to using the personal and health insurance information of A.W. to fraudulently obtain prescriptions for Lamictal for his personal use. Dr. Barnes prescribed Oxycodone, Clonazepam, Lyrica, Hydrocodone, Roxicodone and Diazepam to A.W. between May 2008 and July 2009 without establishing a physician-patient relationship, performing a physical exam or maintaining a medical record. The Consent Order stipulated that Dr. Barnes' medical license shall be placed on probation for a period of not less than five (5) years. Dr. Barnes shall enroll in and complete the Case Western Reserve University School of Medicine "Intensive Course in Controlled Substance Management" course within one hundred eighty (180) days of the Order. Dr. Ali made a motion to accept the Consent Order and Dr. Beckford seconded the motion. The motion passed.

Terence C. Casey, MD-Dr. Casey was neither present nor represented by legal counsel. Ms. Mona Jean-Baptiste represented the State. On November 11, 2008, Dr. Casey prescribed for a patient while employed on a locum tenens basis at Peninsula Outpatient Centers in eastern Tennessee without establishing a physician-patient relationship, performing a physical exam or maintaining a medical record. During his employment on a locum tenens basis at Peninsula Outpatient Centers in eastern Tennessee, Dr. Casey prescribed for a patient without establishing a physician-patient relationship, performing a physical exam or maintaining a medical record. On May 6, 2009, Dr. Casey fraudulently created progress notes for patients respectively without seeing the patients during his locum tenens employment with Centerstone in Nashville, Tennessee. The note for one patient was signed by Dr. Casey at 6:45 p.m. however the patient's appointment was not until 7 p.m. The note for another patient was signed approximately five minutes later even though the patient's appointment was not to occur until 7:20 p.m. Dr. Casey's locum tenens contract with Centerstone was terminated on June 2, 2009 as a result of these events. The Consent Order stipulated that Dr. Casey's medical license shall be reprimanded and he must pay all costs associated with the case. Dr. Ali made a motion to accept the Consent Order and Dr. Beckford seconded the motion. The motion passed.

Denis Deonarine, MD-Dr. Deonarine was neither present nor represented by legal counsel. Ms. Sara Whitehead represented the State. On or about July 30, 2001, Dr. Deonarine's Florida medical license was summarily suspended for failure to keep records that documented a reason for treatment which he provided, distributed drugs outside the scope of professional practice and engaged in the substandard practice of medicine. On

or about July 23, 2002, Dr. Deonarine's Tennessee medical license was suspended. On or about July 22, 2005, Dr. Deonarine was convicted of eight (8) felonies in the Criminal Division of the Circuit Court of the Fifteenth Judicial Circuit of Florida for one count of trafficking in Oxycodone, four counts of delivery of Diazepam, one count of delivery of Alprazolam and one count of violation of the Florida Statutes (the Racketeer Influenced and Corrupt Organizations Act (RICO)). On or about December 18, 2008, Dr. Deonarine voluntarily relinquished his Florida medical license. The Consent Order stipulated that Dr. Deonarine's license is hereby surrendered and he agrees to never reapply for licensure as a medical doctor in the State of Tennessee. Dr. Beckford made a motion to accept the Consent Order and Dr. Ali seconded the motion. The motion passed.

Agreed Orders

Jean Landsee-Ms. Landsee was neither present nor represented by legal counsel. Mr. Shiva Bozarth represented the State. Ms. Landsee has never been licensed to practice any of the healing arts in the State of Tennessee. Ms. Landsee has been sole owner of the Millington Medical Clinic located in Millington, Tennessee since 1969. Ms. Landsee employed Daniel Scott, MD as a physician at Millington Medical Center from at least June 2001 until at least November 2007. Ms. Landsee engaged in the unlicensed practice of medicine by performing surgical procedures. Despite having a physician employed at her clinic, Ms. Landsee would take patient calls after hours when the physician was not working. The surgical procedures Ms. Landsee performed constitute the practice of medicine and resulted in patients receiving untrained and potentially dangerous medical care. The proposed Agreed Order stipulated that Ms. Landsee shall immediately cease and desist engaging in any conduct that constitutes the practice of medicine. Ms. Landsee is assessed civil penalties in the amount of two thousand (\$2,000) dollars and must be paid in full within thirty (30) days of the Order. Dr. Ali made a motion to accept the Agreed Order and Dr. Beckford seconded the motion. The motion passed.

James L. McCoy, MD-Dr. McCoy was neither present nor represented by legal counsel. Ms. Mona Jean-Baptiste represented the State. On or about October 20, 2008, a Consent Order was entered before the Virginia Board of Medicine reprimanding Dr. McCoy's license. Based on findings, Dr. McCoy conducted his practice in a matter that is dangerous to the health and welfare of his patients, performed acts likely to deceive, defraud or harm the public and committed either intentional or negligent conduct that caused or was likely to cause injury to a patient or patients. Dr. McCoy satisfied all the requirements of the Virginia Consent Order. The proposed Agreed Order stipulated that Dr. McCoy's Tennessee medical license is hereby reprimanded and he must pay all costs associated with the case. Dr. Ali made a motion to accept the Agreed Order and Dr. Beckford seconded the motion. The motion passed.

James B. Durkin, MD-Dr. Durkin was present and represented by Mr. Frank Scanlon of the Nashville Bar. Mr. Shiva Bozarth represented the State. Dr. Durkin prescribed unjustified quantities of controlled medications for a patient with whom he had an inappropriate (non-sexual) relationship. Dr. Durkin has entered into a pretrial diversion regarding the conduct. The pretrial diversion requires that he be monitored for a period

of two years from the date of the Order entered October of 2009. The proposed Agreed Order stipulated that Dr. Durkin's medical license is hereby immediately placed on probation for a period of not less than five (5) years. During the period of probation, Dr. Durkin shall maintain good and lawful conduct and any violation of law will be a violation of the terms of the Order. Dr. Durkin must enroll in and successfully complete within six (6) months of the Order, the three (3) day medical course entitled "Maintaining Proper Boundaries" offered at The Center for Professional Health at Vanderbilt University Medical Center located in Nashville, Tennessee or an equivalent course pre-approved by the Board's Consultant. Dr. Durkin must enroll in and successfully complete within six (6) months of the Order, the three (3) day medical course entitled "Intensive Course in Controlled Substance Management" offered at Case Western Reserve University located in Cleveland, Ohio or an equivalent pre-approved by the Board's Consultant. Dr. Durkin shall comply with all recommendations of Vanderbilt Comprehensive Assessment Program (VCAP) and surrender his DEA certificate to prescribe controlled substances except Schedule IV drugs until such time as he has completed the course of his probationary period with the Criminal court of McMinn County as well as completing the continuing education courses listed. Dr. Durkin shall pay all costs associated with the case. Dr. Beckford made a motion to accept the Agreed Order and Dr. Ali seconded the motion. The motion passed.

Frank Knopp, MD-Dr. Knopp was neither present nor represented by legal counsel. Ms. Sara Whitehead represented the State. On or about July 11, 2000, the Tennessee Board of Medical Examiners entered an Order against Dr. Knopp to immediately and permanently surrender his Drug Enforcement Administration registration for all schedule drugs. On or about July 8, 2008, Dr. Knopp obtained a new DEA registration number in violation of the 2000 Board Order. The proposed Agreed Order stipulated that Dr. Knopp's license shall be and is hereby permanently surrendered, effective from the date of this Agreed Order. Dr. Knopp acknowledges that the surrender of his medical license shall have and be considered to have the same effect as a revocation. The permanent surrender/revocation is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank and /or similar agency. Dr. Beckford made a motion to accept the Agreed Order and Dr. Ali seconded the motion. The motion passed.

These minutes were ratified as corrected by the full board May 18, 2010.