

**MINUTES**

**TENNESSEE BOARD OF MEDICAL EXAMINERS**

**January 29, 2010**

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A meeting for the Board of Medical Examiners was held at 10:00 a.m. in the Poplar Room, Ground Floor, 227 French Landing, Heritage Place MetroCenter, Nashville, TN.

Members in attendance electronically: Drs. Keith Lovelady and Barrett Rosen

Members in attendance: Dr. Subhi Ali

Staff Present: Larry Arnold, MD, Medical Director  
Rosemarie Otto, Executive Director  
Marsha Arnold, Administrative Director

A meeting was held to summarily suspend the medical license of Visuvalingam Vilvarajah, MD on January 29, 2010.

David M. Himmelreich, Deputy General Counsel, represented the State and Mr. Frank Scanlan represented Dr. Vilvarajah. Mr. Himmelreich opened the meeting and Ms. Marsha Arnold conducted the script for a teleconference. Board members were in agreement to conduct the hearing by teleconference with Drs. Rosen and Lovelady stating they were unable to physically be present because of inclement weather.

After agreeing to proceed electronically, Mr. Himmelreich provided the members with a proposed Order of Summary Suspension. On January 11, 2010, Dr. Vilvarajah was convicted in the Circuit Court of Harlan County, Kentucky for facilitating trafficking in controlled substances in the first degree, committed from 2005 through November 10, 2008. After Dr. Vilvarajah's arrest, he was released after posting a bond of One Million dollars and voluntarily surrendering the Drug Enforcement Administration certificate which is required in order to prescribe scheduled drugs. The Commonwealth of Kentucky offered to dismiss all charges except the first organized crime count, to reduce the charge to facilitation of trafficking in controlled substances, and to reduce the sentence to four months of unsupervised probation if he would plead guilty and agree to the forfeiture of Five Hundred Thousand Dollars. Dr. Vilvarajah accepted the offer and entered a "best interest" plea. Nothing in the plea agreement or the judgment of

conviction prohibits Dr. Vilvarajah from applying to the Drug Enforcement Agency to re-activate his certificate of authority to prescribe controlled substances.

Mr. Himmelreich stated Dr. Vilvarajah's agreement to a conviction for facilitating drug trafficking by writing prescriptions requires emergency action by the Board. He further stated that Dr. Vilvarajah's surrender of his DEA certificate does not adequately protect the public. After deliberation Dr. Rosen made a motion to summarily suspend the license of Dr. Vilvarajah and Dr. Lovelady seconded the motion. After a roll call vote the motion passed unanimously. The panel stated immediate action was needed to protect the health and welfare of the citizens of the State of Tennessee.

Mr. Scanlan then requested a waiver of the seven days for the response hearing and worked with the panel for a future date.

**These minutes were approved by the Board of Medical Examiners on March 16, 2010.**