

MINUTES

Tennessee Board of Medical Examiners

March 18 and 19, 2008

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 Vice President Dr. Charles White, Sr. Other members present were: Drs. Keith Lovelady, Neal Beckford, George Eckles, Subhi Ali, Dennis Higdon, Barrett Rosen, Michael Zanolli, Mr. Mark Brown and Ms. Irene Wells. Absent member was Dr. Mitchell Mutter.

Staff present included Rosemarie Otto, Executive Director, Larry Arnold, MD, Medical Director, Sandra Powell, Board Administrator, Marsha Arnold, Unit Manager and Matthew Scanlan, Advisory Attorney.

The Conflict of Interest Statement was reviewed with the Board by Mr. Scanlan.

Minutes

Minutes from the January 22 and 23, 2008 meeting and the January 22, 2008 Improvement Committee meeting were reviewed. Mr. Brown stated that the minutes should reflect that he and Ms. Wells opposed the rulemaking draft changes regarding Office Based Surgery. Mr. Brown made a motion to accept the minutes as amended and Dr. Zanolli seconded the motion. The motion passed.

Ratification of Licenses

New, reinstated, failed to renew and voluntarily retired licenses for Medical Doctors, Medical X-Ray Operators, Radiologist Assistants, Acupuncture and Clinical Perfusionists were reviewed. Dr. Rosen made a motion to ratify the approvals and Dr. Ali seconded the motion. The motion passed. Ms. Otto reviewed two requests for Certification as Office Based Surgical suites that were surveyed: Cumberland Surgical Arts and Paris Surgical Specialists. Dr. Ali made a motion to approve Paris Surgical Specialists and Dr. Beckford seconded the motion. The motion passed. Dr. Zanolli made a motion to approve Cumberland Surgical Arts and Dr. Higdon seconded the motion. The motion passed.

New Applicant Interviews

Richard A. Aballay, MD-Dr. Aballay is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Aballay's application file for the Board and stated that Dr. Aballay appeared at the last meeting. Dr. Aballay was terminated from his residency program for violating the moonlighting policy and did not list the incident on his application. Dr. Arnold informed the Board that he had spoken with a representative from the Federation regarding the allegations reported on Dr. Aballay's report. Dr. Aballay was represented by legal counsel, Ms. Brandi Bozarth. The Board asked several questions regarding the application and discrepancies. Dr. Beckford made a motion to grant Dr. Aballay a license contingent on correcting his application and Dr. Eckles seconded the motion. The motion passed.

Pedro J. Cardona-Quiles, MD-Dr. Cardona-Quiles is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Cardona-Quiles' application file for the Board. Dr. Cardona-Quiles has been in administrative medicine since 2002 and explained to the Board that he will be working with Blue Cross/ Blue Shield. Mr. Scanlan explained to the full Board the decision of a panel or the Board at the January, 2008 meeting relative to issuing "administrative licenses." He also discussed the rules that are currently at the Attorney General's office. Dr. Eckles made a motion to grant Dr. Cardona-Quiles a full unrestricted administrative license without clinical privileges and Dr. Beckford seconded the motion. Ms. Wells and Dr. Lovelady opposed. The motion passed.

Maria P. A. Lenaz, MD-Dr. Lenaz is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Lenaz's application file for the Board. Dr. Lenaz has worked in the insurance industry since 1996 and has not been in a clinical practice setting since 1998. Dr. Lenaz plans to work for Blue Cross/ Blue Shield of Tennessee. Dr. Ali made a motion to grant Dr. Lenaz an unrestricted administrative license and Dr. Eckles seconded the motion. The motion passed.

Landy M. Morales, MD-Dr. Morales is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Morales' application file for the Board. Dr. Morales had adverse actions taken against him during his residency program relative to an academic deficiency and professionalism issues. Dr. Morales stated he plans to work at UT/Knoxville. Dr. Zanolli made a motion to grant Dr. Morales a license and Dr. Beckford seconded the motion. The motion passed.

Adrienne R. Rawls, MD-Dr. Rawls is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Rawls' application file for the Board. Dr. Rawls began post graduate training as a pathology resident. Shortly thereafter, she left her training program. Consequently she has no post graduate training that included clinical training. Dr. Rawls informed the Board that she does volunteer work for a displaced

persons program. The Board had reservations issuing a license to Dr. Rawls without her having any clinical training. Dr. Ali opposed a full license and suggested that Dr. Rawls apply for a special training license. The Board gave Dr. Rawls the option to withdraw her application or move forward with the possibility of denial. Dr. Rawls decided to withdraw her application.

James M. Tramontana, MD-Dr. Tramontana is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Tramontana's application file. Dr. Tramontana has a substance abuse problem. Dr. Tramontana plans to work in the Knoxville area. Dr. Arnold recommended a five year contract with the Tennessee Medical Foundation and 100% compliance with the aftercare contract. Dr. Roland Gray, president of the Tennessee Medical Foundation spoke on behalf of Dr. Tramontana and informed the Board that a five year contract had been signed. Dr. Rosen made a motion to grant Dr. Tramontana a license and Dr. Eckles seconded the motion. The motion passed.

Barbara P. Wasserman, MD-Dr. Wasserman is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Wasserman's application file for the Board. Dr. Wasserman has been in administrative medicine since 2001 with 10 % of the workload in clinical until 2005. Dr. Wasserman works with the Social Security Administration. Dr. Ali made a motion to grant Dr. Wasserman an unrestricted administrative license and Dr. Lovelady seconded the motion. The motion passed.

David Robert Neuwar, RT-Mr. Neuwar is applying for a Radiologist Assistant license. Dr. Arnold reviewed Mr. Neuwar's application file for the Board. Mr. Neuwar did not indicate on his application that he was convicted of a DUI, aggravated assault with a weapon and battery on August 27, 1990. His driver's license was suspended for 6 months, paid a fine of \$500.00 and completed 100 hours of public service. Dr. Zanolli made a motion to grant Mr. Neuwar a license and Dr. Beckford seconded the motion. The motion passed.

Ratification of Denial of License

Margaret R. Singleton, MD-Dr. Singleton is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Singleton's application file for the Board. Dr. Singleton is outside the seven year requirement of passing all three steps of the USMLE. Dr. Arnold recommended denial of licensure. Dr. Ali made a motion to accept Dr. Arnold's recommendation of denial and Dr. Beckford seconded the motion. The motion passed.

Iffat Tameez, MD-Dr. Tameez is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Tameez's application file for the Board. Dr. Tameez is outside the seven year requirement of passing all three steps of the USMLE. Dr. Arnold stated that Dr. Tameez had indicated that she would be withdrawing her application but as of the date of the meeting, had not. Dr. Arnold recommended denial of

licensure. Dr. Ali made a motion to accept Dr. Arnold's recommendation of denial and Dr. Beckford seconded the motion. The motion passed.

Rule Action

Ms. Schean Belton reviewed the rules for the Committee for Clinical Perfusionists and stated a roll call vote was needed regarding Rules 0880-11-.03, and .15. Dr. Beckford made a motion to accept the rule and Dr. Ali seconded the motion. The motion passed. A roll call vote was conducted.

Mr. Matt Scanlan reviewed the emergency rules for the Office Based Surgery and stated a roll call vote was needed. Mr. Scanlan stated that the rule extends the Public Necessity Rule until the full rule becomes effective. Dr. Ali made a motion to accept the rule and Dr. Rosen seconded the motion. The motion passed. A roll call vote was conducted.

Discussion

The Board discussed options regarding Health Related Boards' newsletters and the option of either posting them on the internet or mailing them to licensees. Dr. Ali suggested Board staff continue mailing the newsletters plus posting on the internet. The Board concurred.

The Board discussed appointing three members of the medical board to sit on a Joint Permanent Committee of the Board of Medical Examiners and the Board of Nursing. The committee will review practice and administrative matters that affect both professions. The members appointed to the committee were Drs. Mutter, Higdon and Rosen.

The Board discussed the policy regarding failure to comply with continuing medical education relative to MD X-ray operators. Dr. Ali made a motion to adopt the policy requiring MD X-ray operators to pay \$20 per credit hour deficient and to make up the deficiency within 180 days. Dr. Rosen seconded the motion. The motion carried.

Reports

Budget Report

The Budget report was reviewed by the Board. Ms. Otto informed the Board that Ms. Lisa Tittle will have the breakdown of the budget at the next scheduled meeting. The Board continues to have a surplus.

Statistical Report from Administrative Office

Ms. Marsha Arnold reviewed the statistical report from the administrative office.

Investigation Report

Ms. Juanita stone gave a brief report in the absence of Ms. Denise Moran, Director of the Bureau of Investigations.

Disciplinary Report

The report was reviewed by the Board. Ms. Juanita Stone gave a brief breakdown of the stats that was requested at the last meeting.

OGC Report

Mr. Matt Scanlan gave a review of the report and an update of the rules that are still at the Attorney General's office.

Mr. Scanlan reviewed the progress regarding designating cases for adjudication to the Administrative Law Judges. Dr. Zanolli made a motion to approve the assignment of cases after review by Mr. Scanlan and Dr. Arnold. Dr. Ali seconded the motion. The motion passed.

Mr. Scanlan reviewed the California list of approved and disapproved schools and requested the Board to consider adopting the lists. The Board discussed LCME approval process. Dr. Beckford made a motion that it would be the policy of the Board to accept the most current listing of the California Board of approved and disapproved schools. If a school was not listed, the applicant would have to supply the Board with documentation which would tend to show that the school's requirements meet or exceed those of the LCME. Dr. Rosen seconded the motion. The motion passed. Mr. Scanlan stated he would provide a link on the Website.

Mr. Scanlan reviewed the advisory opinion regarding application of the Office Based Surgery rules to dual licensed MD/DDS. Mr. Brown recused himself from the discussion. There were two members from the practice of Dentistry present to address the Board. David Johnson, DDS from Oak Ridge, Tennessee and Eric Carlson, MD/DDS spoke to the Board regarding the scope of practice. After further discussion Dr. Rosen made a motion to adopt the policy which would permit MD/DDS dual degree holders to be governed by the Board of Dentistry Anesthesia rule and Dr. Beckford seconded the motion. Mr. Brown abstained. The motion carried.

“Noteworthy” section of the internet

Disciplinary Action

Consent Orders

Fu J. Sheen, MD-Dr. Sheen was not present but was represented by legal counsel, Mr. Gary Spangler of the Knoxville Bar. Ms. Andrea Huddleston represented the State. Ms. Huddleston informed the board that Dr. Sheen has a serious medical condition and does not plan to return to practice. Dr. Sheen's license has been retired for one year. Between 1997 and 2004, Dr. Sheen failed to comply with guidelines promulgated by the Board regarding the prescribing, administering, ordering or dispensing of pain medications for multiple patients. In regards to the guidelines, Dr. Sheen failed to perform an appropriate history or a medically appropriate physical examination and/or failed to document such, requisite to justify prescribing or dispensing of narcotics or other medications and controlled substances to patients. Dr. Sheen failed to perform medically appropriate diagnostic tests or obtain appropriate medical consultations, failed to document such, failed to formulate a written treatment plan, document all prescribed or dispensed medications, provide patients with information about benefits and risks of narcotics and/or controlled substances and maintain accurate records of care provided for patients. The Consent Order stipulated that Dr. Sheen's medical license is permanently surrendered. Dr. Ali made a motion to accept the Consent Order and Dr. Beckford seconded the motion. The motion passed.

Delvin E. Littell, MD-Dr. Littell was not present nor represented by legal counsel. Ms. Schean Belton represented the State. Dr. Littell's office was raided for inappropriately prescribing controlled substances to several of his patients for a period of time including the years 2005 to at least the year 2007. On or about March 1, 2007, Dr. Littell surrendered Drug Enforcement Administration (DEA) Registration pursuant to an ongoing investigation regarding the diversion of controlled substances. The Consent Order stipulated that Dr. Littell's license be surrendered and pay all costs. Dr. Ali made a motion to accept the Consent Order and Dr. Beckford seconded the motion. The motion passed.

Order of Compliance

Randall Willis, MD-Dr. Willis was not present nor represented by legal counsel. Mr. Matt Scanlan represented the State. Dr. Willis was charged with unprofessional conduct resulting from three sexual encounters with a patient. Dr. Willis has advocacy with the Tennessee Medical Foundation (TMF). Mr. Scanlan informed the Board that Dr. Willis had met all requirements as set by the Board. Dr. Rosen made a motion to accept the Order of Compliance and Dr. Ali seconded the motion. The motion passed.

Joann Lynch, MD-Dr. Lynch was not present nor represented by legal counsel. Mr. Matt Scanlan represented the State. Dr. Arnold and Mr. Scanlan waived Dr. Lynch's appearance because she is unable to travel. Dr. Lynch was charged with overprescribing. Mr. Scanlan stated that Dr. Lynch has met all requirements as set by the Board and she plans to retire her license after the Order of Compliance. Dr. Zanolli made a motion to accept the Order of Compliance and Dr. Ali seconded the motion. The motion passed.

Mark Glasgow, MD-Dr. Glasgow was present but not represented by legal counsel. Mr. Matt Scanlan represented the State. Dr. Glasgow's medical license in Kentucky was revoked for substance abuse violations. Dr. Glasgow addressed the Board regarding his alcohol addiction and stated that he plans to remain in a monitoring program. Mr. Scanlan stated that Dr. Glasgow has met all requirements as set by the Board. Dr. Zanolli made a motion to accept the Order of Compliance and Dr. Ali seconded the motion. The motion passed.

Agreed Order

Raymond Enzenauer, MD-Dr. Enzenauer was not present nor represented by legal counsel. Ms. Andrea Huddleston represented the State. Dr. Ali recused himself because he was part of the panel that summarily suspended Dr. Enzenauer's license. Dr. Enzenauer's license was placed on probation by way of a Consent Order dated January 23, 2007. The Order required Dr. Enzenauer to strictly comply with his monitoring contract with the Tennessee Medical Foundation (TMF). On February 26, 2007, Dr. Enzenauer lost the advocacy with TMF. TMF at that time withdrew advocacy because Dr. Enzenauer demonstrated conduct that indicated mental incapacity. The proposed Agreed Order stipulated that Dr. Enzenauer's medical license is placed upon Suspension until such time as he meets conditions as set forth in the Order. Dr. Enzenauer must submit to an examination by either the Vanderbilt Comprehensive Assessment Program, for Professionals (VCAP) or a committee established not more than 45 days prior to applying for reinstatement of his license. A copy of any recommendations shall be submitted to the Board's consultant. Dr. Enzenauer may apply for reinstatement of his license upon a finding by VCAP or the examining committee that he is safe to practice medicine. Dr. Higdon made a motion to accept the Agreed Order and Dr. Rosen seconded the motion. The motion passed.

Dr. Beckford made a motion to adjourn the meeting and Dr. Ali seconded the motion. The motion carried.

Adjourned at 2:25 p.m.

March 19, 2008

Panel: Eckles, Lovelady, Beckford

Agreed Orders

Phillip Robertson, MD-Dr. Robertson was present and represented by legal counsel, Mr. James Clement. Ms. Andrea Huddleston represented the State. Dr. Robertson is currently being treated for major depression and has been advised to avoid acute care medicine due to the stress and uncertainty of such practice on his mental faculties. The

Agreed Order stipulated that Dr. Robertson's medical license is hereby permanently surrendered and he must pay all costs. Dr. Beckford made a motion to accept the Agreed Order and Dr. Lovelady seconded the motion. The motion passed.

Mary Chrostowski, MD-Dr. Chrostowski was not present nor represented by legal counsel. Ms. Andrea Huddleston represented the State. Between 2002 and 2005, Dr. Chrostowski failed to perform an appropriate history or a 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 several patients. Dr. Chrostowski failed to perform 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 several patients, Prescribed or otherwise distributed controlled substances to persons when the quantity, duration and method was such that the persons would likely become addicted to the habit of taking said controlled substances. Dr. Chrostowski failed to formulate a written treatment plan and failed to document all prescribed or dispensed medications. The Agreed Order stipulated that Dr. Chrostowski's medical license be revoked and allowed sixty (60) days to close down her practice, with the effective date of the revocation being May 18, 2008. Dr. Chrostowski shall surrender her D.E.A. Registration effective May, 18, 2008 for a period of at least twelve (12) months. Dr. Chrostowski must pay all costs associated with the prosecution of the case. Dr. Beckford made a motion to accept the Agreed Order and Dr. Lovelady seconded the motion. The motion passed.

Consent Order

George William Davis, MD-Dr. Davis was not present nor represented by legal counsel. Ms. Lexie Whittemore represented the State. Dr. Davis performed orthopedic surgery on numerous patients. On December 4, 2002, the Circuit Court of Davidson County found that Dr. Davis breached the standard of care with regard to the operation performed on one of the patients. That patient was awarded damages in the amount of \$913,807.00. The Consent Order stipulated that Dr. Davis shall permanently surrender his medical license, pay one (1) Type A civil penalty in the amount of one thousand dollars (\$1,000.00) each and five (5) Type B civil penalties in the amount of one hundred twenty-five dollars each (\$125.00), for a total of one thousand six hundred twenty-five (\$1, 625.00) dollars. Dr. Beckford made a motion to accept the consent Order and Dr. Lovelady seconded the motion. The motion passed.

Contested Case Hearing

Susan Alex, MD-Dr. Alex was present and represented by legal counsel, Mr. Frank Scanlon of the Nashville Bar. Ms. Schean Belton represented the State. The Honorable James A. Hornsby, Administrative Law Judge presided. The Stipulated Facts to the amended Notice of Charges was handed to the panel for review. Dr. Alex served as partial owner and/or staff physician for at least seven (7) dialysis clinics operating under the Tennessee Kidney Clinics (TKC), Inc. Those facilities were located in Lexington, Tennessee, Humbolt, Tennessee, Lakeland, Tennessee, Jackson, Tennessee, Brownsville,

Tennessee, Selmer, Tennessee and Camden, Tennessee. Over a period of time including June 2004 through September, 2004, medications including doses of erythropoietin and/or intravenous iron were either limited or not administered to chronic hemodialysis patients treated at the above mentioned clinics. Seventeen (17) patients, while under the care and treatment of Dr. Alex, received either limited doses or were not administered doses of erythropoietin and/or intravenous iron according to facility protocols and/or orders. Two patients required blood transfusions relating to incidents of anemia during the same time period. At the conclusion of the State's proof, the attorney for the Respondent asked for a directed verdict. After instruction by the Administrative Law Judge and deliberation, the request was granted and an involuntary dismissal entered.

Kandala Chary, MD-Dr. Chary was present and represented by legal counsel, Mr. Dan Warlick of the Nashville Bar. Ms. Schean Belton represented the State. The Honorable James A. Hornsby, Administrative Law Judge presided. The Stipulated Facts and the Amended Notice of Charges was handed to the panel for review. Dr. Lovelady made a motion to accept the amended Notice of Charges and Dr. Beckford seconded the motion. The motion passed. Witnesses were sworn in. Opening statements were given. Dr. Chary served as partial owner, medical director and/or staff physician for at least seven (7) dialysis clinics operating under the Tennessee Kidney Clinics (TKC), Inc. Those facilities were located in Lexington, Tennessee, Humbolt, Tennessee, Lakeland, Tennessee, Jackson, Tennessee, Brownsville, Tennessee, Selmer, Tennessee and Camden, Tennessee. As the medical director, Dr. Chary was responsible for the administrative operations for the above mentioned facilities. Dr. Chary, for about a four month time frame in 2004, was unable to authorize the approval for ordering sufficient quantities of medications including erythropoietin and/or intravenous iron necessary to treat chronic hemodialysis patients treated at the above mentioned clinics. Seventeen (17) patients, while under the direct care and treatment of Dr. Chary received either limited doses or were not administered doses of erythropoietin and/or intravenous iron according to facility protocols for a time period that includes June, 2004 through September, 2004. Five patients required blood transfusions relating to incidents of anemia during the same time period. At the conclusion of the State's proof, the attorney for the Respondent asked for a directed verdict. After instruction by the Administrative Law Judge and deliberation, the request was granted and an involuntary dismissal entered.

Shirish Joglekar, MD-Dr. Joglekar was present and represented by Mr. Frank Scanlon of the Nashville Bar. Ms. Schean Belton represented the State. The Honorable James A. Hornsby, Administrative Law Judge presided. The Stipulated Facts and Amended Notice of charges were handed to the panel for review. Dr. Beckford made a motion to accept the Stipulated Facts and Amended Notice of Charges and Dr. Lovelady seconded the motion. The motion passed. Witnesses were sworn in followed by opening statements. Dr. Joglekar served as partial owner and/or staff physician for at least seven (7) dialysis clinics operating under the Tennessee Kidney Clinics (TKC), Inc. Those facilities were located in Lexington, Tennessee, Humbolt, Tennessee, Lakeland, Tennessee, Jackson, Tennessee, Brownsville, Tennessee, Selmer, Tennessee and Camden, Tennessee. Over a period of time including June 2004 through September, 2004, medications including doses of erythropoietin and/or intravenous iron were either limited or not administered to

chronic hemodialysis patients treated at the above mentioned clinics. Seventeen (17) patients, while under the care and treatment of Dr. Joglekar, received either limited doses or were not administered doses of erythropoietin and/or intravenous iron according to facility protocols. Five patients required blood transfusions relating to incidents of anemia during the same time period. At the conclusion of the State's proof, the attorney for the Respondent asked for a directed verdict. After instruction by the Administrative Law Judge and deliberation, the request was granted and an involuntary dismissal entered.

Murty Narapareddy, MD-Dr. Narapareddy was present and represented by legal counsel, Mr. Frank Scanlon of the Nashville Bar. Ms. Schean Belton represented the State. The Honorable James A. Hornsby, Administrative Law Judge presided. The Stipulated Facts and Amended Notice of charges were handed to the panel for review. Dr. Beckford made a motion to accept the Amended Notice of Charges and Dr. Lovelady seconded the motion. The motion passed. Dr. Narapareddy served as partial owner and/or staff physician for at least seven (7) dialysis clinics operating under the Tennessee Kidney Clinics (TKC), Inc. Those facilities were located in Lexington, Tennessee, Humbolt, Tennessee, Lakeland, Tennessee, Jackson, Tennessee, Brownsville, Tennessee, Selmer, Tennessee and Camden, Tennessee. Over a period of time including June 2004 through September, 2004, medications including doses of erythropoietin and/or intravenous iron were either limited or not administered to chronic hemodialysis patients treated at the above mentioned clinics. Seventeen (17) patients, while under the care and treatment of Dr. Narapareddy, received either limited doses or were not administered doses of erythropoietin and/or intravenous iron according to facility protocols and/or orders. Five patients required blood transfusions relating to incidents of anemia during the same time period. At the conclusion of the State's proof, the attorney for the Respondent asked for a directed verdict. After instruction by the Administrative Law Judge and deliberation, the request was granted and an involuntary dismissal entered.

Panel: White, Rosen, Brown

Contested Case Hearing

Michael Lett, MD-Dr. Lett was present and represented by legal counsel, Mr. Gary Blackburn. Ms. Lexie Whittemore represented the State. The Honorable Mary Collier, Administrative Law Judge presided. The Notice of Charges was handed to the panel for review. After the Division's investigation, it was revealed that Dr. Lett pre-signed a blank prescription for a patient's eyeglasses and had a dispensing optician, who was not his employee perform testing on the patient to discern the values to put on the patient's prescription. Although the patient was never seen or examined by Dr. Lett, the prescription was presented to the patient by the dispensing optician. Ms. Whittemore gave her opening statement followed by Mr. Blackburn. Dr. Lett was sworn in and the panel presented questions. In closing arguments, Mr. Blackburn informed the panel that

Dr. Lett made a mistake and willingly wanted to set it in its proper perspective by contacting the Board. The panel deliberated. Mr. Brown stated that issuing a letter of reprimand was too severe and to consider issuing a Letter of Warning. Dr. Rosen made a motion to recommend a non-reportable Letter of Warning and pay two hundred dollars (\$200.00) civil penalties as well as costs incurred. Mr. Brown seconded the motion. The motion passed.

Licensure Denial Appeal

Ivan Marais, MD-Dr. Marais was present and represented by legal counsel, Ms. Devon Gosnell, with the University of Tennessee. Ms. Mona Jean-Baptiste represented the State. The Honorable Mary Collier, Administrative Law Judge presided. The Notice of Hearings and Stipulations was handed to the panel. Dr. Marais is applying for a Distinguished Faculty license and did not meet the criteria of having a full-time appointment as a professor. Opening statements were given and witnesses were sworn in. Ms. Gosnell presented several questions to Dr. Marais followed by Ms. Jean-Baptiste. After closing arguments the panel went into deliberations. Dr. Rosen and Mr. Brown stated that there is a problem understanding the full-time professional rank at the University of Tennessee. Dr. Rosen made a motion to accept the Finding of Facts as outlined by Ms. Gosnell and Mr. Brown seconded the motion. The motion passed. Dr. Rosen made a motion to accept the Conclusions of Law and Mr. Brown seconded the motion. The motion passed. Dr. Rosen made a motion to grant Dr. Marais a Distinguished Faculty license and Mr. Brown seconded the motion. The motion passed. The policy statement was read. The reason action taken was for the enhancing and teaching of medical students. Dr. Rosen made a motion to accept the policy statement and Mr. Brown seconded the motion. The motion passed.

Panel: Zanolli, Wells, Higdon

Contested Case Hearing

Ronald Toolsie, MD-Dr. Toolsie was present and represented by legal counsel, Mr. Charles Currier. Mr. Shiva Bozarth represented the State. The Honorable Ann Johnson, Administrative Law Judge presided. The Notice of Charges was handed to the panel for review. Opening statements were given and the State began to put on proof. The case is to be continued at the next scheduled meeting.

These minutes were ratified by the Board on May 13, 2008.