

MINUTES

TENNESSEE BOARD OF MEDICAL EXAMINERS

March 20, 2009

A meeting for the Board of Medical Examiners was held 3:00 p.m. in the Iris Room, Ground Floor, at 227 French Landing, Heritage Place Metrocenter, Nashville, TN 37243.

Members in attendance electronically: Dr. Michael Zanolli

Members in attendance: Drs. Subhi Ali and Charles White, Sr.

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

A meeting was held to summarily suspend the medical license of Rodney G. Carter, MD. on March 20, 2009.

Mr. Bozarth made opening remarks to the panel and stated that in order to take summary action against a license, they must find that in order to protect the public health, safety and welfare, emergency action is imperatively required. Dr. Ali made a motion to proceed with the meeting electronically and Dr. White seconded the motion. The motion passed and a roll call vote was conducted. Everyone present was identified for the record. Mr. Bozarth turned the meeting over to the panel, chaired by Dr. White.

Mr. Rob McKinney appeared in person and Mr. Bryan E. Delius appeared by telephone to represent Dr. Carter who also appeared by telephone. The Notice of Charges was handed to the panel for review. The Notice of Charges alleged that at all times during his practice (from approximately 2003 to 2005), Dr. Carter engaged in unprofessional conduct by inappropriately touching patients, performing at least one testicular examination on a patient without wearing gloves and conducting prostate examinations of several patients for a period of time that was longer than required. Moreover, several patients reported that prostate examinations were performed when medically unnecessary given the patients' chief complaint.

To support the allegations, Mr. Bozarth gave his opening statement and presented his witness, Ms. Mildred Chaimpo who was present electronically and sworn in by Ms. Betty Houser, Notary. Ms. Chaimpo is an investigator for the Department of Health, Health Related Boards. She testified that she interviewed several witnesses (patients and one

former employee), as part of her investigation. Witness statements were provided to the panel for review. Ms. Chaimpo's testimony was supported by the witness statements.

At the conclusion of Ms. Chaimpo's testimony, Mr. Bozarth asked the panel to summarily suspend Dr. Carter's medical license until a full hearing could take place at the Board's next regularly scheduled meeting in May 2009. Mr. McKinney asked the panel to withhold summary action until Dr. Carter and his attorney could be physically present to present evidence. Mr. Bozarth informed the panel that Dr. Carter would have an opportunity to appear within seven days if he so desired to present evidence to the panel to refute the allegations.

Dr. Ali made a motion to deny the request and proceed with the action. Dr. Zanolli seconded the motion. A roll call vote was taken and the motion passed unanimously. A Proposed Order of Suspension was handed to the panel for review. Dr. Zanolli made a motion to accept the Proposed Order of Summary Suspension in the matter of Rodney G. Carter effective March 20, 2009 and Dr. Ali seconded the motion. A roll call vote was taken and the motion passed unanimously.

Dr. Ali made a motion to adjourn and Dr. Zanolli seconded the motion. A roll call vote was taken and the motion passed unanimously.

Adjourned at 4:05 p.m.

These minutes were ratified by the Board of Medical Examiners May 19, 2009.