

MINUTES

TENNESSEE BOARD OF MEDICAL EXAMINERS

March 25, 2009

A meeting for the Board of Medical Examiners was held at 3:30 p.m. in the Health Related Boards' Conference Room, 3rd Floor, 227 French Landing, Heritage Place Metrocenter, Nashville, TN 27243.

Members in attendance electronically: Dr. Subhi Ali

Members in Attendance: Drs. Charles White, Sr. and Michael Zanolli

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

A meeting was held to afford Rodney G. Carter, MD an opportunity to respond to the Board of Medical Examiners' March 20, 2009 action summarily suspending his medical license.

Dr. Carter was present as well as his legal counsel, Mr. Bryan Delius and Mr. Frank Scanlan. Ms. Andrea Huddleston represented the State. Dr. Zanolli made a motion to proceed with the hearing electronically and Dr. Ali seconded the motion. After a roll call vote, the motion passed and the hearing proceeded electronically.

Ms. Mildred Chaimpo, Investigator for Health Related Boards was present electronically and was sworn in by Ms. Betty Houser, Notary. Ms. Huddleston gave a brief overview of the March 20, 2009 proceedings that gave rise to the panel's decision to summarily suspend the medical license of Dr. Carter. Mr. Delius followed with a response and introduced Mr. Thomas Hamp, a private investigator located in Sevierville, Tennessee. Ms. Huddleston objected to Mr. Hamp testifying. After a discussion between Mr. Delius and Ms. Huddleston, Mr. Hamp was not permitted to testify. Mr. Delius addressed the panel and asked the panel to lift the suspension until such time as a full hearing can be heard regarding the charges and allegations against Dr. Carter. Mr. Delius provided a letter addressed to Mr. Delius from Edward D. Kim, M.D. which identified several patients and provided an opinion about the treatment rendered by Dr. Carter to those patients. Mr. Delius also provided information to the board about one of the state's witnesses whose statements to the state's investigator were provided to the panel at the earlier proceeding. Mr. Delius told the panel that while Dr. Carter certainly denied the

allegations made by the state, because of the outstanding Grand Jury matter, he advised his client, Dr. Carter not to testify.

Ms. Huddleston responded to Dr. Delius' argument and urged the panel of the Board to uphold its previous decision suspending Dr. Carter's medical license until a full hearing can take place at its May 2009 meeting

The panel asked several questions regarding Dr. Carter's practice. Dr. Ali stated that he had not heard anything that would cause him to want to reverse his decision. Dr. Zanolli agreed and made a motion to uphold the summary suspension of Dr. Carter until such time that the case can be heard in a full hearing. Dr. Ali seconded the motion. After a roll call vote, the motion passed. A roll call vote was conducted and the meeting was adjourned.

Adjourned at 4:30 p.m.

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