

MINUTES

TENNESSE BOARD OF MEDICAL EXAMINERS

May 18 and 19, 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, Keith Lovelady, Neal Beckford, Michael Baron, Subhi Ali, Charles White, Sr., Dennis Higdon, Michael Zanolli, Ms. Monica Franklin, Ms. Irene Wells and Ms. Regine Webster.

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.

Dr. Mutter introduced Dr. Michael Baron as the new member to the Board.

Minutes

The minutes from the March 16 and 17, 2010 meeting and April 28, 2010 Teleconference meeting were reviewed. There was an amendment to the March 16 and 17, 2010 minutes correcting the name of Mr. David Dodd to Dr. David Dodd. Ms. Franklin made a motion to accept the minutes and the amended minutes and Dr. Rosen seconded the motion. The motion passed.

The Board reviewed the correction to the January 26 and 27, 2010 minutes regarding the international medical school rulemaking hearing. Dr. Ali made a motion to accept the correction to the January 26 and 27, 2010 minutes and Dr. Zanolli seconded the motion. The motion passed.

Ratification of Licenses

New, reinstated, failed to renew and voluntary retired licenses for Medical Doctors, Medical X-Ray Operators, Radiologist Assistants were reviewed. Dr. White made a motion to ratify the approvals and Dr. Ali seconded the motion. The motion passed. Dr. Ali made a motion to ratify the approvals for the Committee on Physician Assistants, Committee on Clinical Perfusionists and Genetic Counselors. Ms. Wells seconded the motion. The motion passed.

The Board reviewed and ratified the Committee on Physician Assistants' Lapsed License Policy after it was reviewed for them by Ms. Mona Jean-Baptiste. Dr. White made a motion to ratify the policy and Ms. Franklin seconded the motion. The motion passed.

Dr. Ali suggested reviewing the medical board's lapsed license policy at the next meeting.

The Board reviewed Dr. Stephen Lazarus' waiver request for his Office Based Surgery Suite. Mr. Matt Scanlan was present to represent Dr. Lazarus. Recommendations were provided to the Board for review. Dr. Ali spoke on behalf of the Office Based Surgery Committee explaining the Committee's recommendation and waiver approval. The Board granted the requested waiver to Dr. Stephen Lazarus.

Consideration of Applications

Kyle Elaine Arrowood, MD-Dr. Arrowood is applying for reinstatement of her license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Arrowood's application file for the Board and recommended a training license until she has satisfactorily completed her fellowship. Dr. Arrowood stated that she plans to do her training at Vanderbilt. The Board gave her the option of withdrawing her reinstatement application until her training has been completed. Dr. Arrowood withdrew her application.

Derik Birdwell, MDX -Mr. Birdwell is applying for a license to practice as a medical x-ray operator in Tennessee. Dr. Arnold reviewed Mr. Birdwell's application file for the Board. Mr. Birdwell was arrested on October 22, 2004 for possession of marijuana and explained the circumstances leading up to the arrest. Ms. Webster made a motion to grant Mr. Birdwell a license and Ms. Franklin seconded the motion. The motion passed.

Frank T. Cantrell, MD-Dr. Cantrell is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Cantrell's application file for the Board. Dr. Cantrell has multiple disciplinary issues in the State of Florida. Dr. Cantrell explained the circumstances of the disciplinary issues and informed the board that he planned to work in rural areas in Tennessee. Dr. Ali made a motion to grant a license to Dr. Cantrell and Dr. Beckford seconded the motion. The motion passed.

Tina Cazee, MDX- Ms. Cazee is applying for a license to practice as a medical x-ray operator in Tennessee. Dr. Arnold reviewed Ms. Cazee's application file for the Board. According to documentation received, Ms. Cazee was arrested on October 30, 2008 for a DUI in Rutherford County Tennessee. Ms. Cazee explained the charge that was reduced to reckless driving. Dr. Zanolli made a motion to grant Ms. Cazee a license and Ms. Franklin seconded the motion. The motion passed.

Ray H. Chen, MD-Dr. Chen is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Chen's application file for the Board. Dr. Chen was disciplined in Texas for prescribing narcotics to his wife in excessive amounts. Dr. Chen explained the circumstances surrounding the discipline. Ms. Franklin made a motion to grant a license to Dr. Chen and Dr. Rosen seconded the motion. The motion passed.

Thomas W. Davidson, MD-Dr. Davidson is applying for reinstatement of his license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Davidson's application file for

the Board. Dr. Davidson has been performing administrative duties since 2004. Dr. Davidson informed the Board that he was current with his continuing medical education credits. He stated that the last time he had seen a patient was within the last week. After further discussion Dr. Lovelady made a motion to grant reinstatement to Dr. Davidson and Ms. Webster seconded the motion. The motion passed.

Oscar D. Dellinger, III, MD-Dr. Dellinger is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Dellinger's application file for the Board. Dr. Dellinger has a history of chemical dependency. Dr. Dellinger explained that he received in patient treatment and has contacted the Tennessee Medical Foundation. Dr. Roland Gray, Medical Director for the TMF spoke on behalf of Dr. Dellinger and confirmed that the Alabama and Georgia Boards of Medicine had contracts (now completed) with Dr. Dellinger. Ms. Franklin made a motion to grant Dr. Dellinger a license and Ms. Webster seconded the motion. The motion passed.

Bart J. Goldman, MD-Dr. Goldman is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Goldman's application file for the Board. Dr. Rosen recused himself. Dr. Goldman had a conviction for driving under the influence in 2001 and did not disclose the incident on his application. Dr. Goldman's job duties consist of utilization reviews since 2002. Dr. Goldman explained that he does not treat patients but evaluates patients and makes clinical decisions. After an explanation of his job duties, Dr. Lovelady made a motion to grant Dr. Goldman a license and Dr. Beckford seconded the motion. The motion passed.

John J. Harris, MD- Dr. Harris entered into a Consent Order with the Board on November 17, 2004 and his license was surrendered. On September 15, 2009, Dr. Harris appeared before the Board for an applicant interview. The Board instructed Dr. Harris to do a mini residency because he had not been in practice for over four years. Dr. Arnold reviewed Dr. Harris' file for the Board and stated that Dr. Harris completed three months of training. Dr. Roland Gray, Medical Director for the Tennessee Medical Foundation stated that he has been getting updates from the Arkansas Foundation regarding Dr. Harris and he has continued to be in compliance. Dr. Gray stated that the Arkansas Foundation has a similar contract with Dr. Harris as the TMF. Ms. Franklin made a motion to grant a license to Dr. Harris and Dr. White seconded the motion. Ms. Wells opposed. The motion passed.

Gregory D. Head, MD-Dr. Head is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Head's application file for the Board. Dr. Head was convicted in 2007 for driving under the influence and did not disclose the incident on his application. The incident was disclosed on the practitioner profile. Dr. Mutter urged truthfulness on the application. Dr. Head explained the circumstances surrounding the incident that occurred in a national park and informed the Board that he plans to work with a urology group in Nashville, Tennessee. Dr. Rosen made a motion to grant Dr. Head a license and Dr. Zanolli seconded the motion. Dr. White made an amendment to add TMF advocacy. Dr. Rosen disagreed and Dr. Gray advised against requiring TMF advocacy. Dr. White withdrew his motion. The original motion passed.

Scott D. Jay, MD-Dr. Jay is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Jay's application file for the Board. Dr. Jay was disciplined by Hutchinson Hospital in Hutchinson, KS and then was disciplined by the Kansas Board of Medicine. Dr. Jay was disruptive in the workplace and explained the circumstances surrounding the discipline. Dr. Mutter had reservations with the comments regarding Missouri Physician Foundation and Assessment. The Board asked for suggestions from Dr. Gray. After further discussion, Ms. Franklin made a motion to grant Dr. Jay a license contingent on a positive VCAP evaluation. If there were any concerns with the VCAP evaluation, Dr. Jay will need to appear back before the Board. Dr. White seconded the motion. Dr. Beckford and Dr. Zanolli opposed. Dr. Zanolli suggested it had been a long time since the incident occurred. Dr. Beckford opposed the disruptive issues because there was no record and therefore felt it does not warrant a VCAP evaluation. A roll call vote was conducted with Drs. Zanolli, Beckford and Rosen opposing. The motion passed by a majority.

Richard J. Kienzle, MD-Dr. Kienzle is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Kienzle's application file for the Board and recommended denial. Dr. Kienzle's license was revoked in 2005 for chemical dependency, gambling addiction and criminal charges. Dr. Kienzle explained that he is trying to do a mini residency in internal medicine at East Tennessee State University. Dr. Roland Gray, Medical Director for the Tennessee Medical Foundation spoke on behalf of Dr. Kienzle. Dr. Gray informed the Board that Dr. Kienzle has had a contract with TMF since 2005 and has been in compliance. The Board had concerns because Dr. Kienzle has been out of practice since 2005 and that prompted patient safety concerns. The Board suggested a training program and gave Dr. Kienzle the option to withdraw his application. Dr. Kienzle withdrew his application.

Floyd E. May, MD-Dr. May is applying for reinstatement of his license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. May's application file for the Board and recommended denial until he completes a mini residency program. Dr. May retired his license in 1996 and has not practiced since that time. Dr. May informed the Board he has 43 continuing medical education credits. The Board suggested being retrained and gave him the option to withdraw his application. Dr. May withdrew his application.

Phuc T. Nguyen, MD-Dr. Nguyen is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Nguyen's application file for the Board. Dr. Nguyen was disciplined by his residency program during his first year of residency regarding boundary issues. Dr. Nguyen explained the circumstances surrounding the discipline. Ms. Franklin made a motion to grant Dr. Nguyen a license and Dr. Beckford seconded the motion. The motion passed.

Cathy C. Pelham, MD-Dr. Pelham is applying for a license to practice medicine in Tennessee. Dr. Pelham was not present but had withdrawn her application prior to this meeting.

Nickolas Robinson, MDX- Mr. Robinson is applying for a license to practice as a medical x-ray operator in Tennessee. Dr. Arnold reviewed Mr. Robinson's application file for the Board. Mr. Robinson had been convicted on April 7, 2008 for possession of an illegal drug and drug paraphernalia in Bowling Green, Kentucky. Mr. Robinson explained the incident regarding the conviction. Dr. Rosen made a motion to grant Mr. Robinson a license and Dr. Lovelady seconded the motion. The motion passed.

John R. Schneider, MD-Dr. Schneider is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Schneider's application file for the Board. Dr. Schneider was charged with boating under the influence of alcohol in August 2008. Dr. Schneider explained the charge to the Board. Dr. Lovelady made a motion to grant Dr. Schneider a license and Dr. Ali seconded the motion. The motion passed.

Sandy S. Varghese, MD-Dr. Varghese is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Varghese's application for the Board. Dr. Mutter recused himself. Dr. Varghese enrolled in medical school prior to attending college. She attended Kasturba part of one year then transferred to Medical University of the Americas in St. Kitts for two years. Dr. Varghese then transferred to Windsor University where she obtained a medical degree. Neither school meets the LCME guidelines for admission. Ms. Jeaner Huff, program director at the University of Tennessee at Chattanooga spoke on behalf of Dr. Varghese. Ms. Huff explained the schools procedures and requirements. Dr. Varghese is board certified in pediatrics and has three years of residency training. Ms. Franklin made a motion to grant Dr. Varghese a license and Dr. Beckford seconded the motion. Dr. White had reservations because neither school meets Tennessee's requirements. Dr. Rosen stated that in the past the Board has looked at whether the physician was board certified and feels more comfortable with it since she is board certified. Ms. Franklin added that in regards to the schools, the board should look at them on a case by case matter. Dr. Ali stated that Dr. Varghese had passing exam scores, three years of residency training, board certified and appeared before the Board. Based on the information that Dr. Varghese has met all the requirements, a license was granted. The motion passed.

Dirk O. Wales, MD-Dr. Wales is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Wales' application file for the Board and recommended retraining. Dr. Wales has not been in a clinical practice since 1999 and has been performing administrative duties. Dr. Wales explained that he has been staying current with his continuing medical education credits. The Board had reservations because Dr. Wales had not seen patients in eleven years even though he is well qualified. The Board gave Dr. Wales the option of withdrawing his application until he gets retraining. Dr. Wales withdrew his application.

Ross T. Waterfield, MD-Dr. Waterfield is applying for a license to practice medicine in Tennessee. Dr. Waterfield was scheduled for an interview at the last meeting and did not appear. The Board deferred him to the May meeting and again he did not appear. The Board's decision was to close Dr. Waterfield's application.

Stephen F. Winer, MD-Dr. Winer is applying for a license to practice medicine in Tennessee. Dr. Winer was not present and therefore the Board decided to defer his interview to the next scheduled meeting.

Jonathon D. Woolery, MD-Dr. Woolery is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Woolery's application file for the Board. Dr. Woolery was charged with manslaughter in a vehicular accident that occurred on October 3, 1994. Dr. Woolery explained the circumstances surrounding the incident and the final outcome. Dr. Zanolli made a motion to grant Dr. Woolery a license and Dr. Beckford seconded the motion. The motion passed.

Terence Dunn, MD-Dr. Dunn was present and represented by legal counsel, Mr. Ernie Sykes. Dr. Dunn previously appeared before the Board on November 18, 2008 for a license to practice medicine in Tennessee. He was granted a license conditioned on a five-year probation, and a requirement for a lifetime contract with Tennessee Medical Foundation (TMF) and 100% compliance with the aftercare contract, quarterly reports to the disciplinary coordinator and take a prescribing course within six (6) months of being issued a license on probation. An additional requirement restricted Dr. Dunn to conducting disability exams for the military. The Board further stated in order for Dr. Dunn to be able to obtain a full, unrestricted license he must show clinical competency by either attending a mini residency or obtaining evaluation from the Center for Personalized Education for Physicians (CPEP). Dr. Dunn appeared before the Board on September 15, 2009 and provided documentation that he had completed a mini-residency and was issued an unrestricted license. Dr. Dunn is requesting the Board have the wording restriction/limited removed from the website and to send a letter to the National Practitioner Data Bank and the Federation of State Medical Boards showing his license is unrestricted. Ms. Webster made a motion to change wording to show license is contingent and Dr. Beckford seconded the motion. The motion passed.

Louis A. Leskosky, MD-Dr. Leskosky was present and represented by legal counsel, Mr. Robert Kraemer. Dr. Leskosky is requesting that the Board clarify issues regarding his license whether contingent versus conditional. Mr. Kraemer informed the Board that Kentucky issued Dr. Leskosky a full unrestricted license and he is requesting the Board to clarify whether his license is not restricted or an Order of Compliance can be issued. Dr. White made a motion to remain as before that the license is contingent on continued TMF compliance and Ms. Franklin seconded the motion. The motion passed.

Rule Action

The Board discussed authorizing a rulemaking hearing regarding St. Jude Children's Research Hospital Global Collaboration license. Mr. Bozarth gave a brief update and informed the Board that the rule has not been reviewed internally by OGC.

The Board discussed authorizing a rulemaking hearing in order to implement Senate Bill 1552 regarding an amendment to the seven year rule. The Board discussed the inability

to be heard by the General Assembly even when a physician was present. They discussed designating someone to represent them.

Discussion

Mr. Don Black, PA-C of the Tennessee Academy of Physician Assistants' was present and discussed Supervision Protocols. The Committee on Physician Assistants supported the use of protocols, including these which were prepared by the Tennessee Academy of Physician Assistants.

Dr. Ali gave a report on behalf of the Development Committee regarding international medical school graduates, administrative law judge update and the budget. Dr. Ali requested the Board withdraw the current rule in the Attorney General's office regarding international medical schools. Dr. Ali stated the Committee proposed rewording the rule and submit it back to the Board at the next meeting. Dr. White made a motion to withdraw the current rule amendment and Dr. Beckford seconded the motion. The motion passed. A draft rule will be presented at the July or September meeting.

The Board discussed Senate Bill 1552 relative to the seven year rule and Senate Bill 2511 relative to the Safe Access to Medical Cannabis Act. Mr. Bozarth gave a brief update regarding both Senate Bills.

A discussion was also held concerning Senate Bill 3362 which addresses licensees on the sex offenders list. Mr. Bozarth stated if this Bill passed, the Board would be obligated to discipline licensees on that list.

Daniel Barnett, MD, JD from Blue Cross/ Blue Shield addressed the Board. Dr. Barnett discussed Blue Cross/ Blue Shield evaluation of a physician seeking credentialing.

The Board discussed delinquent student loans of health care providers. Mr. Bozarth explained the Board's rule in assisting TSAC to recover money lent to students. Dr. Mutter stated he preferred suspension rather than revocation. After further discussion, Dr. White made a motion to suspend a license for failure to pay student loans. Dr. Zanolli seconded the motion. The motion passed.

The Board discussed designating a member to replace Dr. Eckles on the Office Based Surgery Standing Committee and the Controlled Substance Database Task Force. Dr. Ali made a motion to nominate Dr. Rosen and Dr. Lovelady seconded the motion. The motion passed.

The Board discussed who would serve on a committee studying medical marijuana should the current bill in the Legislature pass. The Board decided Drs. Baron, Rosen, Ms Webster and Ms. Franklin would serve on the committee.

Dr. Zanolli gave a presentation from the FSMB meeting.

The Board discussed the Public Citizen report. Mr. Bozarth gave a brief overview of the report and stated that Tennessee has moved from #40 to #33 on the chart.

Reports

Financial Report

Ms. Otto gave a brief overview of the financial report.

Statistical Report from Administrative Office

Ms. Marsha Arnold reviewed the statistical report for the Board.

Investigation Report

Ms. Denise Moran reviewed her report for the Board.

Disciplinary Report

Ms. Denise Moran reviewed the disciplinary report in Ms. Juanita Stone's absence.

OGC Report

Mr. Shiva Bozarth reviewed the OGC report for the Board. Mr. Bozarth stated there are currently 158 cases open in which 93 are regarding privilege tax. Mr. Bozarth informed the Board the only rule action is regarding international medical schools graduates.

CME Audit Office regarding compliance with CME requirements

Ms. Otto gave a brief overview of the report received from Ms. Dea Smith regarding the CME audit. Ms. Otto informed the Board that 90% of physicians are in compliance.

Order of Compliance

Samir Al-Kabbani, MD-Dr. Al-Kabbani was present and represented by Mr. Claude Ramer. Mr. Shiva Bozarth represented the State. Dr. Al-Kabbani submitted a petition for the panel to review asking the Board to accept what he had done as compliance with the board order. Dr. Al-Kabbani entered into an Agreed Order on November 2, 2007. 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. After further discussion, Ms. Franklin made a motion to deny the petition and Dr. White seconded the motion. The motion passed.

Consent Orders

Nejat Tajen, MD-Dr. Tajen was neither present nor represented by legal counsel. Mr. Benjamin Mezer represented the State. During the course of his 50 year professional career, Dr. Tajen has not had any action taken against his medical license and no medical malpractice claims have been reported. On August 28, 2009, Dr. Tajen was informed that the Division had conducted an investigation and had audited the charts of more than 50 of his patients. The Division intended to initiate administrative proceedings on the basis that Dr. Tajen failed to keep complete and accurate records of the care provided. As of December 31, 2009, Dr. Tajen has stopped seeing patients and closed his medical office practice located in Knoxville, Tennessee. In light of his retirement, Dr. Tajen has consented to the voluntary surrender of his license to practice medicine in the State of Tennessee rather than have administrative proceedings brought against him for the alleged violation. Ms. Franklin made a motion to accept the Consent Order and Dr. Rosen seconded the motion. The motion passed.

Rita Kikkawa, MD-Dr. Kikkawa was neither present nor represented by legal counsel. Mr. Benjamin Mezer represented the State. On September 4, 2008, Dr. Kikkawa displayed unprofessional conduct when she did not prepare timely documentation following a right renal cyst ablation procedure she performed on a patient. The Consent Order stipulated that Dr. Kikkawa's medical license be reprimanded. Dr. Kikkawa shall enroll in and complete ten (10) hours of continuing medical education in medical ethics within one hundred eighty (180) days of the Order. Dr. Kikkawa shall pay all costs associated with the case. Dr. Rosen made a motion to accept the Consent Order and Ms. Wells seconded the motion. The motion passed.

Curesser Parker, MDX- Ms. Parker was neither present nor represented by legal counsel. Mr. Benjamin Mezer represented the State. Ms. Parker failed to indicate on her application that she had been convicted of a felony or misdemeanor other than a minor traffic offense. The Consent Order stipulated that Ms. Parker's Tennessee X-Ray Technician license be revoked. Ms. Franklin made a motion to accept the Consent Order and Dr. Rosen seconded the motion. The motion passed.

May 19, 2010

Mockingbird Room

Panel: Ali, White, Wells

Consent Orders

George Jackson, MD of Butler, TN- was not present nor was legal counsel. Dr. Ali made a motion to conduct this hearing by default of Dr. George Jackson and Ms. Wells seconded the motion. Dr. Jackson's disciplinary actions for violation of T.C.A. 67-4-1702(a)(4)(G) and 63-6-214(b)(1) are as follows: (1) license is REVOKED from the effective date of this order (2) to pay all delinquent privilege taxes and penalties to the Tennessee Department of Revenue. Dr. Ali made a motion to revoke Dr. Jackson license and also before licensure is reinstated all fees and interest owed to the Dept. of Revenue must be paid and all cost to the Dept. of Health are not to exceed \$10,000.00 must be paid in full as well. Ms. Wells seconded the motion. Motion passed unanimously.

Stephen Heffington, MD of Columbia, TN- was not present but was represented by his legal counsel David Steed. Dr. Heffington has boundary issues. The consent order was accepted by the panel. Dr. Heffington was placed on probation.

Agreed Orders

Douglas Dewar, MD of Knoxville, TN-was present and represented by Ms. Wendy Longmire. The agreed order was initially rejected by the panel. An amendment was proposed to the order and the panel accepted. Dr. Dewar's license was suspended for one year.

Dr. Dewey H. Hood, MD of Decherd, TN- was not present nor was legal counsel. The consent order was accepted by the panel. Dr. Hood's license was revoked.

Dr. Mark Weeks, MD of Murfreesboro, TN - was not present nor was legal counsel. The consent order was accepted by the panel. Dr. Weeks' license was placed on probation.

Dr. Wayne Murray, MD of Memphis, TN- was not present nor was legal counsel. The consent order was accepted by the panel. Dr. Murray's license was placed on probation.

Kevin Collen, MD of Nashville, TN- was not present nor was legal counsel. The consent order was accepted by the panel. Dr. Collen's license was placed on probation.

Michael Jackson, MD of Seymour, IN- was not present nor was legal counsel. The consent order was accepted by the panel adding a cost not to exceed \$1,000.00.

Curtis C. Jones, PA was not present nor was legal counsel. The consent order was accepted by the panel. Mr. Jones' license was revoked for not less than one year.

Allen Powell, PA- was not present nor was legal counsel. The consent order was accepted by the panel. Mr. Powell's license was revoked.

Anne Weir, PA was not present nor was legal counsel. The **order of compliance** was accepted by the panel.

Clarence Jones, MD- was not present nor was legal counsel. The consent order was **rejected** by the panel. The disciplinary action needs to be extended to 5 years.

John Bacon, MD- was not present nor was legal counsel. The consent order was **rejected** by the panel. Order needed to include reference to the portion of the TCA that was violated. The Order must be clear as to which paragraph numbers are being referred to.

Cyrus Erickson, MD - was not present nor was legal counsel. The consent order was **rejected** by the panel. The panel agreed that the order lacked sufficient information regarding stipulations of fact and also the disciplinary action was unclear.

Kent Grotefendt, MD- was not present nor was legal counsel. The consent order was **rejected** by the panel.

Poplar Room

Panel: Higdon, Mutter, Franklin

Declaratory Order

Sathappan Kumar, MD-Dr. Kumar was present and represented by Mr. Phillip Elbert. Mr. Shiva Bozarth represented the State. The Honorable Mary Collier, Administrative Law Judge presided. Mr. Elbert gave his opening statement and briefly explained Dr. Kumar's training and qualifications to be licensed in Tennessee. Mr. Bozarth followed with his opening statement and informed the Board that Dr. Kumar's residency program does not meet the standards as set in the rules and the Board must determine if the three years are equivalent to his unique training. The Board was directed to the statute for review. Dr. Kumar was called as a witness. The Board asked several questions regarding his training. After further questioning, closing arguments followed. Mr. Bozarth asked the Board to make a decision if Dr. Kumar is licenses, whether it is based on his qualifications and it meets the statutory and regulatory requirements. The panel deliberated. Dr. Higdon made a motion to accept the Findings of Fact and Ms. Franklin seconded the motion. The motion passed. Dr. Higdon made a motion to accept the Conclusion of Law based on the qualifications in the Findings of Fact and Ms. Franklin seconded the motion. The motion passed. Dr. Higdon made a motion to grant Dr. Kumar a license and Ms. Franklin seconded the motion. The motion passed. The policy statement was read and action taken was for the interest of the Citizens of the State of

Tennessee. Dr. Higdon made a motion to accept the policy statement and Ms. Franklin seconded the motion. The motion passed.

Contested Case Hearing

John Netterville, MD-Dr. Netterville was present and represented by Mr. Robert Kraemer. Mr. Shiva Bozarth represented the State. The Honorable Mary Collier, Administrative Law Judge presided. The Notice of Charges was handed to the panel for review. Dr. Netterville treated a patient as her psychiatrist from at least October 25, 2006 until at least October 16, 2008. Dr. Netterville began a romantic relationship with the patient in approximately March 2007. During that time period Dr. Netterville prescribed her controlled drugs. There were refills of these prescriptions filled as late as November 11, 2008. There were a total of 19 controlled substance prescriptions written by Dr. Netterville for the patient during that time. The witnesses were sworn in and opening statements began. Dr. Netterville was called for questioning and explained the circumstances surrounding his relationship with his patient and now girlfriend. After the State rested, Dr. Netterville's attorney put on his proof which included calling Dr. Netterville's patient and now girlfriend. The panel questioned Dr. Netterville. Mr. Bozarth handed the panel copies of the Code of Ethics by the AMA and asked that Dr. Netterville's license be revoked and that he be assessed the costs of the litigation. Mr. Kraemer followed with a statement and asked the panel to give Dr. Netterville an opportunity to use his license for permanent administrative practice only. The panel deliberated. Dr. Higdon made a motion to accept the Finding of Facts and Ms. Franklin seconded the motion. The motion passed. Dr. Higdon made a motion to accept the Conclusions of Law and Ms. Franklin seconded the motion. The motion passed. Dr. Higdon made a motion to revoke Dr. Netterville's license for one year and Ms. Franklin seconded the motion. Dr. Higdon made a motion that prior to appearing back before the Board Dr. Netterville must show he is fit to practice, certification that boundary issues are taken care of and in so doing, must contact TMF for guidance. Ms. Franklin seconded the motion. The motion passed. Dr. Higdon made a motion to access all costs and Ms. Franklin seconded the motion. The motion passed. The policy statement was read and the reason action is taken is to protect the health, safety and welfare of the citizens of the State of Tennessee. Dr. Higdon accepted the policy statement and Ms. Franklin seconded the motion. The motion passed.

Iris Room

Panel: Baron, Beckford, Webster

Contested Case Hearing

Gursheel S. Dhillon, MD-Dr. Dhillon was present and represented by Mr. Dan Warlick of the Nashville Bar. Ms. Andrea Huddleston represented the State. The Honorable Leonard Pogue, Administrative Law Judge presided. Opening statements were given and witnesses sworn in. The State's expert began testifying but the hearing was continued until the next meeting.

These minutes were ratified by the Board of Medical Examiners at the July 20, 2010 meeting.