

**MINUTES**

**Tennessee Board of Medical Examiners**

**July 22 and 23, 2008**

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The meeting was called to order at 8:35 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. Keith Lovelady, George Eckles, Neal Beckford, Subhi Ali, Charles White, Sr., Dennis Higdon, Barrett Rosen, Michael Zanolli, Ms. Irene Wells and Ms. Regine Webster. Absent member was Mr. Mark Brown.

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.

Dr. Mutter recognized and welcomed the new board member, Ms. Regine Webster.

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

**Minutes**

Minutes from the May 13 and 14, 2008 meeting and the amendment to the March 18 and 19, 2008 meeting were reviewed. Dr. Zanolli made a motion to accept the May 13 and 14, 2008 minutes as written and Ms. Wells seconded the motion. Ms. Webster abstained. The motion passed. Dr. Zanolli made a motion to accept the amendments to the March 18 and 19, 2008 minutes and Ms. Wells seconded the motion. Ms. Webster abstained. The motion passed.

**Ratification of Licenses**

New, reinstated, failed to renew and voluntarily retired licenses for Medical Doctors, Medical X-Ray Operators, Radiologist Assistants and Physician Assistants were reviewed. Dr. White made a motion to ratify the approvals and Dr. Beckford seconded the motion. The motion passed.

**New Applicant Interviews**

**Matthew K. Holmes, MD**-Dr. Holmes is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Holmes application file for the Board. Dr. Holmes failed to report a previous DUI charge on his application. Dr. Holmes stated that he was

informed that the charges would be expunged. After further discussion, Dr. Lovelady made a motion to grant Dr. Holmes a license and Dr. Beckford seconded the motion. Dr. Ali made an amendment to the motion to have Dr. Holmes correct his application before a license is granted and Dr. Lovelady seconded the motion. The motion passed.

**James T. Potter, Jr., MD-**Dr. Potter is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Potter's application file for the Board. Dr. Potter had boundary issues with staff nurses and patients during his residency program. Dr. Potter informed the Board that there have been no issues in the past five years and did not wish to go through VCAP again. Dr. Lovelady made a motion to grant Dr. Potter a license and Dr. Higdon seconded the motion. The motion passed.

### **Reinstatement Interviews**

**Allick M. Dube, MD-**Dr. Dube is applying for reinstatement of his medical license. Dr. Arnold reviewed Dr. Dube's application file for the Board. Dr. Dube's license was previously suspended for six months and on probation for 4 ½ years. Dr. Dube has been out of the United States since 2001 and has had no patient contact since that time. Dr. White suggested a CPEP evaluation. The Board informed Dr. Dube that they needed evidence of clinical competency before they could reinstate his license and gave him the option to withdraw his reinstatement application. Dr. Dube withdrew his application.

**Gregory S. Uhl, MD-**Dr. Uhl is applying for reinstatement of his medical license. Ms. Otto reviewed Dr. Uhl's application and past history for the Board. Dr. Uhl's license in Ohio is under probation with restrictions. Dr. Arnold recommended that if the Board grants reinstatement, it be contingent upon a VCAP and CPEP evaluation and that the Board's licensure action mirror Ohio's Order of Probation with extended probation time. Dr. Ali made a motion to accept Dr. Arnold's recommendation and Dr. Lovelady seconded the motion. Dr. White made an amendment to add a total of five (5) years, however after further discussion, the amendment was withdrawn. The original motion passed.

### **Denial of Licensure**

**Nadine Symons, MD-**Dr. Symons is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Symons' application file for the Board. Dr. Symons attended two medical schools that are not approved but obtained her medical degree from Saba which is an acceptable medical school after attending only one year. Mr. Dan Warlick, legal counsel spoke on behalf of Dr. Symons. Dr. Ali stated he had some reservations regarding licensing Dr. Symons. Dr. Beckford made a motion to grant Dr. Symons a license and Dr. Zanolli seconded the motion. Drs. Lovelady, Ali and White opposed. The motion passed by a majority.

### **Rule Action**

There were no rules to review.

## **Discussion**

Dr. Higdon gave a brief update regarding the meeting of the Joint Standing Committee of the Board of Medical Examiners and the Board of Nursing. He informed board members that the committee's goals were to address a variety of topics ranging from professionalism and supervision to administration of propofol and med spas.

The Board discussed preferences regarding agreed citations relative to CME deficiencies. Comments were given by the Board regarding the required 40 hours CME credits within the 2 year time period. Ms. Otto stated that audits done to date indicate there is a high percentage of compliance among physicians. The Board decided to adopt the Agreed Citation (reportable on the Department of Health's website and internet) as the vehicle for enforcing the Board's continuing medical education rules and policy.

The Board discussed designating a member to participate on the committee to develop a HRB rule for tamper-resistant prescription pads. Ms. Allison Cleaves with the Office of General Counsel spoke on behalf of the prescription pad forms. Dr. White was appointed to represent the Board on the Committee.

There was a discussion regarding the application of Sheri Armstrong, MD. Dr. Armstrong made several attempts to have her prints scanned utilizing the State's authorized vendor, Cogent. Each time, the prints were reported back as "unreadable." After a discussion between the Board and staff, the Board permitted the use of other identifiers to confirm that she had no criminal background. Dr. Zanolli made a motion to grant Dr. Armstrong a license and Dr. Eckles seconded the motion. The motion passed.

## **Report**

### **Budget Report**

The Budget report was reviewed by the Board. Ms. Otto stated the Board still has a surplus but that amount may change by September. Ms. Elizabeth Miller, Director for Health Related Boards did an overview and informed the Board that the new financial report will be mailed out to members within a few weeks.

### **Statistical Report from Administrative Office**

Ms. Marsha Arnold informed the Board that there was no report to review but she will have the information at the next scheduled meeting. Dr. Zanolli had questions regarding fingerprinting. Ms. Otto informed the Board that the agency used is Cogent and explained their scanning process.

## **Investigative Report**

Ms. Juanita Stone gave a brief report in the absence of Ms. Denise Moran

## **Disciplinary Report**

The report was reviewed by Ms. Juanita Stone.

## **OGC Report**

Mr. Matt Scanlan gave a review of the report and an update of the following rules:

1. Clinical restrictions, administrative licenses, delete inactive licenses
2. X-ray and 1 pt. rule revisions
3. Genetic counselors, revised Distinguished Faculty, S.T., renewals, conditions, remote services
4. Licensure process for international medical school graduates.

Mr. Scanlan stated that the only rule still at the Attorney General's office was the rule regarding international medical school graduates.

## **“Noteworthy” section of the internet**

The Board did not have anything to be placed on the “noteworthy” section of the internet.

## **Disciplinary Action**

### **Consent Orders**

**Matthew Gangwer, MD**-Dr. Gangwer was not present nor represented by legal counsel. Mr. Matthew Scanlan represented the State. Dr. Gangwer admits that he has been an alcoholic and abuser of prescription pain medications dating back to 1982. Between 2000 and 2006, Dr. Gangwer relapsed and began abusing prescription drugs and alcohol. During that time, Dr. Gangwer fraudulently removed prescriptions from his office for his personal use. On November 11, 2006, Dr. Gangwer was driving while impaired on prescription medications and alcohol. After leaving the scene of the accident, Dr. Gangwer led police on a 25 mile chase, damaging two police vehicles, until finally wrecking his vehicle into a utility pole. As a result of this case, Dr. Gangwer was charged and he pled guilty to three counts of aggravated assault, a Class C felony; one count of 4<sup>th</sup> offense DUI, a Class A misdemeanor; one count of evading arrest, a Class D felony; one count of reckless endangerment with a deadly weapon, a Class E felony; and two counts of vandalism, a Class D felony. The Consent Order stipulated that Dr. Gangwer's medical license is suspended for a period of one year or the duration of his sentence for the criminal violations, whichever is longer. Dr. Gangwer must produce documentation from a treatment center acceptable to the board of his ability to reengage in the practice of medicine safely. Dr. Gangwer must obtain a contract with the

Tennessee Medical Foundation and maintain 100% compliance with the contract and have TMF report any and all violations of that contract. After submitting this documentation, Dr. Gangwer's license will be placed on probation for a period of five (5) years. Dr. Ali made a motion to reject the Consent Order and Ms. Wells seconded the motion. The motion passed.

**Joel Gooch, MD**-Dr. Gooch was not present nor represented by legal counsel. Mr. Matthew Scanlan represented the State. For the past eight to nine years, Dr. Gooch has personally misused prescription medications. Dr. Gooch's misuse eventually led to evaluation and treatment at Cornerstone. Dr. Gooch has been drug free for some time. The Consent Order stipulated that Dr. Gooch's medical license be reprimanded. Dr. White made a motion to accept the Consent Order and Dr. Beckford seconded the motion. The motion passed.

**Clarinda Burton-Shannon, MD**-Dr. Burton-Shannon was not present nor represented by legal counsel. Mr. Matthew Scanlan represented the State. Dr. Burton-Shannon worked as an OB/GYN at the Lebanon Women's Clinic. Dr. Burton-Shannon admits that she began seeing a patient as an "unofficial patient" in March of 2005 for testicular pain. After seeing and evaluating the patient at her home and without keeping appropriate records, Dr. Burton-Shannon wrote a prescription for Oxycontin, knowing that the patient was being seen at a pain clinic for the treatment of his testicular pain. Dr. Burton-Shannon did not contact the pain clinic to notify them that she had written the prescription. Beginning in March 2005, Dr. Burton-Shannon began writing regular prescriptions for the patient for Oxycontin without keeping any records of his treatment or diagnosis. About November 28, 2005, Dr. Burton-Shannon was terminated from The Lebanon Women's Clinic and continued to write prescriptions on prescription pads from the Clinic. On or about October 20, 2004, Dr. Burton-Shannon was working at Riverview Medical Center and was called for consultation on a 15 year old female patient with abdominal pain. Dr. Burton-Shannon was not available to see the patient and instead called her and spoke with her on the telephone without obtaining consent of the patient's parents. Dr. Burton-Shannon dictated a note labeled consultation in which she diagnosed the patient with ovulatory pain and approved her for discharge. The Consent Order stipulates that Dr. Burton-Shannon's license be placed on probation for a period of two (2) years. In addition to the continuing medical education courses required to maintain her license, she must attend and complete, within one (1) year of effective date of the Order, the seminar entitled: "*Prescribing Controlled Drugs: Critical Issues and Common Pitfalls*," which is offered at Vanderbilt University Medical Center. Dr. Burton-Shannon must provide proof of attendance to the Board. In addition, she must attend and complete the medical record keeping course entitled: "*Intensive Course in Medical Recordkeeping with Individual Preceptorships*" which is offered at the School of Medicine, Case Western Reserve University in Cleveland, Ohio and complete three (3) hours in the area of ethics. Dr. Rosen made a motion to accept the Consent Order and Dr. Ali seconded the motion. The motion passed.

**Thomas Thrush, MD**-Dr. Thrush was not present nor represented by legal counsel. Mr. Matthew Scanlan represented the State. At various times between 2003 and 2004, Dr.

Thrush used drugs while treating patients and used his position as a physician to obtain drugs by fraud. On or about November 20, 2006, Dr. Thrush pled guilty to four counts of prescription drug fraud based on his personal use of prescription medications. Dr. Thrush was given four years of probation, ending November 20, 2010. Prior to the criminal charges being filed, Dr. Thrush underwent drug treatment at the Ridgeview Institute for a period of three months. On February 22, 2007, Dr. Thrush signed an agreement with the Tennessee Medical Foundation which continues until February 22, 2012. The Consent Order stipulated that Dr. Thrush's license is placed on probation for a period of no less than four (4) years, required to enter into a contract for the monitoring of his recovery with the Tennessee Medical Foundation (TMF) and maintain 100% compliance with that contract. Dr. Thrush must direct the TMF to report any and all failures to comply with the contract and must sign any necessary releases to permit the TMF to make such reports to the Board of Medical Examiners. Dr. White made a motion to accept the Consent Order and Dr. Ali seconded the motion. The motion passed.

**David Hubbert, MD**-Dr. Hubbert was not present nor represented by legal counsel. Mr. Matthew Scanlan represented the State. Dr. Hubbert was diagnosed with bi-polar disorder in 1998 and has a significant history of non-compliance with the medications that control his bi-polar condition. On October 12, 2004, Dr. Hubbert was placed on probation by the Hamilton County Criminal Court for two counts of vandalism over \$1,000.00, Class D felonies. On or around February and March of 2007, Dr. Hubbert was arrested for a series of incidents which violated his parole. Temporary restraining orders were issued against Dr. Hubbert, a warrant for harassment, and aggravated assault on a police officer. Throughout this period of time, Dr. Hubbert held himself out to be a practicing physician and sought employment as a physician. The Consent Order stipulated that Dr. Hubbert's license be permanently surrendered and must pay all cost associated for prosecuting the case. Ms. Wells made a motion to accept the Consent Order and Dr. White seconded the motion. The motion passed.

**John Gernet, MD**-Dr. Gernet was not present nor represented by legal counsel. Ms. Schean Belton represented the State. On or about February 21, 2007, attorneys for the Florida Department of Health issued an administrative complaint against Dr. Gernet's Florida medical license alleging that he performed or attempted to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure or an unauthorized procedure, or a procedure that was medically unnecessary. On February 21, 2007, Dr. Gernet signed a Settlement Agreement with the Florida Department of Health. Dr. Gernet received a public Letter of Concern and was ordered to pay an administrative fine in the amount of ten thousand dollars (\$10,000.00). On April 16, 2007, the Florida Department of Health issued a final Order and reduced the administrative fine to one thousand dollars (\$1,000.00). On October 17, 2007, the North Carolina Medical Board issued Dr. Gernet a Public Letter of Concern based upon allegations involving quality of care issues that resulted in public action against a physician's medical license by another state medical board. The proposed Order stipulated that Dr. Gernet is hereby reprimanded and must pay all costs associated with the prosecution of the case. Dr. Ali made a motion to accept the Order of Reprimand and Dr. Eckles seconded the motion. The motion passed.

**Bendik Clark, MD-**Dr. Clark was not present nor represented by legal counsel. Ms. Schean Belton represented the State. Between May, 2007 and October, 2007, while employed at Unicoi Valley Family Practice, Dr. Clark engaged in a pattern of continuing or repeated malpractice and unprofessional conduct by prescribing controlled substances to a patient and failed to conduct a physical examination; to make a diagnosis based upon the examination of the patient; formulate a written treatment plan, tailored for the individual needs of the patient; document periodic review at reasonable intervals; and maintain complete and accurate records. During the same time period, Dr. Clark inappropriately prescribed and/or otherwise distributed controlled substances to a patient and used his medical credentials to fraudulently obtain scheduled and legend prescription medication for his personal use by prescribing for a patient, paying for the prescriptions and splitting the scheduled and legend medications with the patient. Dr. Clark continuously misused scheduled and legend prescription medications which adversely effected his ability to practice medicine. On October 28, 2007, Dr. Clark was charged with three (3) counts of Drug Fraud in the General Sessions Court of Unicoi County, Tennessee. Dr. Clark completed treatment in December 2007 and on January 2, 2008, signed a five-year continuing care contract with the Tennessee Medical Foundation. Dr. Clark is currently compliant. The Consent Order stipulated that Dr. Clark's medical license be suspended for ninety (90) days. At the end of the suspension, Dr. Clark must submit proof of complete and strict compliance and appear before the board to have the suspension lifted. Dr. Clark's license will be then placed on probation for a period of five (5) years. Dr. Ali made a motion to accept the Consent Order and Dr. Rosen seconded the motion. The motion passed.

**Craig Dean, PA-** Mr. Dean was not present nor represented by legal counsel. Ms. Schean Belton represented the State. Between June 2005 and December 2006, Mr. Dean engaged in a pattern of continuing or repeated malpractice and unprofessional conduct by prescribing Prozac to a patient while failing to enter into physician assistant/patient relationships, document medical histories, conduct physical exams, make diagnosis based upon examination, formulate written treatment plan, document periodic review at reasonable intervals and maintain complete and accurate records. While operating Mobile Medical Clinic, he pre-signed blank prescription sheets to be completed by staff for patients. The Consent Order stipulated that Mr. Dean's license is placed on probation for a period not less than two (2) years. Within twelve (12) months of the effective date of the probation, Mr. Dean must complete the Vanderbilt University Medical Center, "Prescribing Controlled Drugs" course. Mr. Dean must immediately surrender his Drug Enforcement Agency (DEA) certificate and shall not apply for a new DEA certificate prior to the expiration of the probation period. Mr. Dean is prohibited from writing prescriptions for scheduled drugs during the probation. The panel suggested that the policy statement language needed to be placed in a different section. Dr. White made a motion to accept the Consent Order with changes and Dr. Rosen seconded the motion. The motion passed.

**James W. Foster, MD-**Dr. Foster was not present nor represented by legal counsel. Ms. Schean Belton represented the State. On or about May 26, 2007, Dr. Foster closed his

medical practice in Knoxville without sufficient notice to his patients or instructions regarding retrieval of patient records. Dr. Foster failed to respond within the statutorily required ten (10) days to many of his patients' written requests. The Consent Order stipulated that Dr. Foster's medical license is hereby reprimanded and shall be assessed four (4) Type C civil penalties in the amount of one hundred dollars (\$100.00) each, representing the established violations of the practice act, for the total amount of four hundred dollars (\$400.00). Dr. Ali made a motion to accept the reprimand and Dr. Lovelady seconded the motion. The motion passed.

### **Orders of Compliance**

**Bernhard E. Dietz, MD**-Dr. Dietz was present and represented by legal counsel, Ms. Rachel Nelley of the Nashville Bar. Mr. Matt Scanlan represented the State. Dr. Dietz wrote and delivered prescriptions for controlled substances to numerous patients in amounts not medically justified and for which little, if any, substantiation existed in his records for those patients. Mr. Scanlan informed the Board that Dr. Dietz has complied with all requirements as set by the Board. Dr. Zanolli made a motion to accept the Order of Compliance and Dr. Rosen seconded the motion. Ms. Wells opposed. The motion passed.

**Herman A. Garrett, Jr., MD**-Dr. Garrett was present and represented by legal counsel, Ms. Rachel Nelley of the Nashville Bar. Mr. Matt Scanlan represented the State. Dr. Garrett agreed to surrender his Kentucky medical license in lieu of revocation regarding personal misuse of alcohol and unlawful diversion of controlled substance for personal misuse. The Kentucky Order also cited Dr. Garrett's inappropriate sexual contact with female patients while patients were anesthetized. Mr. Scanlan informed the Board that Dr. Garrett has met all requirements as set by the Board. Dr. Ali made a motion to accept the Order of Compliance and Dr. Zanolli seconded the motion. The motion passed. Ms. Nelley asked that the Order include a statement that the suspension is hereby lifted. Dr. Ali made a motion to accept the amendment and Dr. Zanolli seconded the motion. The motion passed.

**Geoffrey D. Lifferth, MD**-Dr. Lifferth was not present nor represented by legal counsel. Mr. Matt Scanlan represented the State. In July 1998, Dr. Lifferth entered into a Consent Order with the Massachusetts Board. On November 26, 1997, Dr. Lifferth withdrew Fentanyl solution (a scheduled II controlled substance) from a patient's IV bag with the intention of self-administration. On October 14, 1998, Dr. Lifferth tested positive for morphine. On March 6, 2001, Dr. Lifferth took a vial of morphine from a treatment room after the patient had vacated the room and self administered the morphine after his shift ended. On March 7, 2001, Dr. Lifferth tested positive for morphine in a random urine drug screen. Dr. Lifferth began treatment on March 15, 2001. Mr. Scanlan stated that Dr. Lifferth has met all requirements as set by the Board and that Dr. Lifferth will continue to remain under a ten (10) year contract with the Tennessee Medical Foundation. Dr. White made a motion to accept the Order of Compliance and Dr. Rosen seconded the motion. The motion passed.

Dr. Rosen made a motion to adjourn the meeting and Ms. Wells seconded the motion. The motion passed.

**Adjourned at 4:00 p.m.**

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**July 23, 2008**

**Panel: Zanolli, Higdon, Wells**

**Contested Case Hearing**

**Ronald Toolsie, MD-**

**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. Opening statements were given and the State began to put on proof. The case is to be continued at the next scheduled meeting.

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**Panel: Rosen, Ali, Webster, White, Beckford**

**Agreed Order**

**Steve E. Ritchie, MD-**Dr. Ritchie was not present but represented by legal counsel, Mr. C. Corum Webb of the Nashville Bar. Ms. Andrea Huddleston represented the State. Between July and December 2002, Dr. Ritchie, as owner and Medical Director of the Memphis Center for Research and Addiction in Memphis, Tennessee, employed William Gerald as a physician’s assistant, although Mr. Gerald did not have the requisite credentials to be a physician’s assistant nor was he licensed as such. Mr. Gerald presented fraudulent documentation of his licensure status as a physician assistant and Dr. Ritchie failed to independently verify the licensure status of Mr. Gerald prior to allowing him to practice in that capacity, including the use of Dr. Ritchie’s prescription pad and DEA number. On or about March 24, 2004, Dr. Ritchie performed cosmetic procedure services on a patient, which services may have been beyond the scope of his medical training and knowledge and which services may have fallen below the accepted standard of care. Dr. Ritchie failed to properly document all necessary procedural aspects of such cosmetic procedure services. The Agreed Order stipulated that Dr. Ritchie’s license be placed on probation for a period of three (3) years. Dr. Ritchie shall comply with the educational intervention recommended by the Center for Personalized Education for Physicians (CPEP) assessment dated December 20-21, 2007 which recommends an Educational Preceptorship and additional continuing medical education. Dr. Ritchie shall attend the “Patient Care Documentation Seminar” offered by CPEP

within twelve months of the effective date of the Order. Dr. Ritchie shall permanently cease and desist any practice that may reasonably be considered “cosmetic” or “plastic surgery”. Dr. Rosen made a motion to accept the Agreed Order and Dr. Beckford seconded the motion. The motion passed.

**Gary Hobart Lea, MD**-Dr. Lea was not present but represented by legal counsel, Mr. Lawrence Hart of the Nashville Bar. Ms. Andrea Huddleston represented the State. Dr. Lea suffers from a mental and/or physical condition which prevents him from safely engaging in the practice of medicine. The Agreed Order stipulated that Dr. Lea’s medical license is permanently surrendered and must pay all costs assessed for prosecuting the case. Dr. Beckford made a motion to accept the Agreed Order and Dr. Rosen seconded the motion. The motion passed.

**Richard L. Hubbell, MD**-Dr. Hubbell was present and represented by legal counsel, Mr. Frank Scanlon of the Nashville Bar. Ms. Schean Belton represented the State. Dr. Hubbell was summarily suspended on December 17, 2007. Dr. Hubbell was admitted to Skyline Medical Center on October 30, 2007 for hip revision and treatment for a hip infection. In the early morning of October 31, Dr. Hubbell was discovered by a nurse to be unresponsive and had been given medication to achieve a response. Dr. Hubbell refused to be moved to the intensive care unit for observation and was allowed to remain in the room. The next day, while Dr. Hubbell’s bedding was being changed, a vial of Valium was found and confiscated. A few hours later, a nurse discovered Dr. Hubbell’s wife injecting a vial of some unknown substance into his IV line. On December 10, 2007, emergency personnel were dispatched to Dr. Hubbell’s residence due to Dr. Hubbell not being responsive. When additional emergency personnel arrived to Dr. Hubbell’s residence they found him responsive but also discovered large quantities of controlled substances, empty vials of controlled substances and needles in the bedroom of his residence. The local law enforcement, pursuant to a valid search warrant, confiscated at least two hundred nineteen (219) vials and ampules of Dilaudid from the bedroom. Law enforcement also found empty vials and ampules in the trash. The Agreed Order stipulated that Dr. Hubbell’s license is revoked and he may not apply for a new license prior to the expiration of at least one (1) full year from the effective date of the Order. Dr. Hubbell must submit to the Board Consultant written verification from the Tennessee Medical Foundation or other medical personnel approved by the Board that he is fit to practice medicine safely; provide substantial proof that he has been completely drug free for at least one (1) year prior to the application for licensure and pay all costs associated with the prosecution of the case. The Board expressed concerns about Dr. Hubbell’s reported drug free status. Nevertheless, Dr. White made a motion to accept the Agreed Order and Dr. Beckford seconded the motion. The motion passed.

### **Contested Case Hearing**

**Tahnaya D. See, MD**-Dr. See was present but not represented by legal counsel. Ms. Schean Belton represented the State. The Honorable Marion Wahl, Administrative Law Judge presided. Dr. See asked for a continuance in order to obtain legal counsel. The Notice of Charges was handed to the panel for review. Ms. Belton informed the panel

that several attempts had been made to contact Dr. See, to no avail. The State is asking that the Board stop Dr. See from practicing medicine and to surrender her DEA certificate. Dr. Rosen made a motion to grant the continuance to allow Dr. See to obtain legal counsel and ordered that she cease the practice of medicine and surrender her DEA certificate until such time for the case to be heard. Dr. Beckford seconded the motion. The motion passed.

**Adjourned at 10:30 a.m.**

**These minutes were ratified by the Board of Medical Examiners on September 23, 2008.**