

MINUTES
TENNESSEE BOARD OF MEDICAL EXAMINERS'
IMPROVE COMMITTEE MEETING
SEPTEMBER 22, 2008

The meeting of the Board of Medical Examiners' Improvement Committee was called to order at 6:00 p.m. CDT at 227 French Landing, Heritage Place Metro Center, Ground Floor, Iris Room, Nashville, TN 37243 by Chair, Charles White, Sr., M.D. Committee members in attendance were: Mitchell Mutter, M.D. and Subhi Ali, M.D. Committee member absent was Mark A. Brown, J.D.

Staff present included: Rosemarie A. Otto, Executive Director, Larry Arnold, M.D., Medical Director and Matthew Scanlan, J.D., Deputy General Counsel and Advisory Attorney.

Mr. Scanlan presented a draft of possible benchmarks for the Improvement Committee to consider and adopt. The benchmarks were developed from a previous draft document that was developed in response to a previous Comptroller audit. There was a discussion about whether the benchmarks would pertain to all cases in OGC including inappropriate prescribing and Mr. Scanlan indicated that they would.

Mr. Scanlan provided the Committee with an over view of what has happened in the Office of General Counsel:

Three year look back at case dispositions:

- 2005 – 37
- 2006 – 38
- 2007 – 38
- 2008 – 31 (As of August 2008) (3 consent orders and 8 contested cases for the September meeting)

Currently in OGC:

- March – 81
- May – 75
- July – 79
- September – 80

Reviews of files in Office of Investigations:

- 6 files awaiting P2 Review by OGC
- 67 files awaiting P1 Review by OGC

Administrative Law Judge Case Trial:

28 Cases assigned to the ALJs:

- 15 over prescribing
- 5 cases involving standard of care
- 8 fraud, boundary issues, supervision and advertising cases (still needed two more)

Of those cases, 5 are set for hearing, one has been heard (order is pending), and 5 have been resolved.

Hearing schedule:

- June 30 – settled
- August 12-14 – heard

- October 13-14
- October 27-November 4
- November 5-7
- December 1-12
- December 15-16 – dismissed
- Set cases represent 21 days of trial.

The Committee asked if benchmarks could be developed for the Office of Investigations and asked that its director, Denise Moran come to the next meeting to discuss the possibility.

The Committee adjourned at 6:45 p.m.

These minutes were ratified by the Board at their September 23, 2008 meeting.