

MINUTES

TENNESSEE BOARD OF MEDICAL EXAMINERS

October 1, 2009

A meeting for the Board of Medical Examiners was held at 9:00 a.m. in the Poplar Room, Ground Floor, at 227 French Landing Heritage Place Metrocenter, Nashville, TN 37243.

Members in attendance electronically: Drs. Keith Lovelady and Barrett Rosen

Member in attendance: Ms. Regine Webster

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

A meeting was held to summarily suspend the medical license of Charles M. Cowden, MD on October 1, 2009.

Marsha Arnold opened the teleconference and informed the panel that in order to ensure all requirements are met to have a valid teleconference there are several formalities that must first be accomplished, each of which required a roll call. A roll call was then taken. Drs. Lovelady and Rosen appeared by telephone with Ms. Regine Webster appeared in person.

She then asked for a roll call to determine that each panel member heard the responses of all other participants. She informed the panel that the meeting was being held to consider the summary suspension of the medical license of Charles Cowden, M.D. A motion was made and seconded, followed by a roll call vote to determine that the committee wished to proceed to conduct the meeting electronically. Then, a motion was made, seconded and followed by a roll call vote to determine that the meeting met the following requirements: (1) the subject matter required timely action; (2) the physical presence of all members was not possible considering the period of time required for action; and (3) the participation by some or all of the members of the board by electronic or other means was necessary.

The meeting was turned over to Mr. David Himmelreich, Deputy General Counsel for the Department. Mr. Himmelreich made a brief opening statement, published a notice of charges and called his witness, Mr. Kenneth Jones, RN, Investigator for the Department of Health, Health-Related Boards.

Mr. Jones and the panel were provided with copies of two Affidavits of Complaint with accompanying Affidavit of Probable Cause which contained the statements of the victims/patients. With the consent of the panel, the Affidavits were placed under seal to protect the privacy of the victims/patients. Mr. Jones testified about his interview with the two victims/patients of Dr. Cowden.

Following Mr. Jones' testimony, Mr. Himmelreich provided the panel members with a copy of a proposed order for summary judgment. Ms. Webster commented that the proposed order was consistent with the testimony and the affidavits so she made a motion to accept the proposed order of summary suspension in the matter of Charles Cowden, M.D. to be effective October 1, 2009. The motion was seconded by Dr. Rosen. A roll call vote was conducted and all members voted yes.

Members were informed of Dr. Cowden's statutory right to a hearing within seven days. The panel agreed to make themselves available within seven days if so required.

Ms. Webster made a motion to adjourn the teleconference. Dr. Rosen seconded the motion which passed unanimously by roll call vote.

Adjourned at 10:00a.m.

These minutes were ratified by the Medical Board November 2, 2009.