

MINUTES

TENNESSEE BOARD OF MEDICAL EXAMINERS

Development Committee

November 2, 2009

The meeting was called to order at 8:00 a.m. at the Health Related Boards' Mockingbird Room, 227 French Landing, Ground Floor, Heritage Place Metro Center, Nashville, Tennessee 37243. Committee members present were Drs. Mitchell Mutter, Charles White, Sr., Subhi Ali and Ms. Regine Webster.

The Committee discussed benchmarks and development of a scorecard that would measure the progress of contested cases in the Office of General Counsel. Mr. Partee and Mr. Bozarth addressed the Committee. The Office of General Counsel reported that there were 277 open cases in the office. Mr. Partee and Mr. Bozarth opined that the biggest problem with getting cases in front of the BME was a lack of willing physicians to act as experts. Mr. Partee suggested that perhaps cases should not be transferred to OGC until an expert has been retained. There was a discussion about Board members encouraging their colleagues to be "volunteers" to help police the profession. Board members agreed to work with OGC to find experts.

The OGC provided the following information:

	2005	2006	2007	2008	2009
Civil Penalty	6	6	2	1	4
Reprimand	6	7	3	8	27
Restriction	9	6	0	1	5
Probation	13	14	19	11	5
Suspension	13	8	6	3	8
Sum Susp	1	1	2	2	2
Revocation	23	16	13	21	12
Totals	71	58	45	47	77

No agreement between the Committee and representative from the Office of General Counsel could be reached regarding benchmarks so that matter was deferred.

The Committee also discussed referring all professional privilege tax cases to the administrative law judges for hearing. After a lengthy discussion about whether or not to forward all professional privilege tax cases to the administrative law judges, (except the ones set for hearing on November 3, 2009), the Committee agreed to recommend to the full board that all professional privilege cases that are referred for litigation be included in the administrative law judge pilot project.

The Committee decided to defer to another time the agenda item relative to how the Board may better communicate with the state's physicians.

The Committee adjourned at 8:58 a.m.