

MINUTES

Tennessee Board of Medical Examiners

November 18 and 19, 2008

The meeting was called to order at 8:50 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, Barrett Rosen, Subhi Ali, Charles White, Sr., George Eckles, Neal Beckford, Michael Zanolli, Ms. Irene Wells and Ms. Regine Webster. Absent member: 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.

Mr. Scanlan reviewed changes in the Conflict of Interest Statement and asked board members to sign the new statement. Ms. Elizabeth Miller, Director for Health Related Boards, explained the changes and how it affects board members. Board members had several opinions regarding the change and decided to defer discussion to the next meeting. They asked Mr. Scanlan to prepare a legal opinion for discussion at that time.

Minutes

Minutes from the September 23 and 24, 2008 and the November 10, 2008 Summary Suspension in the matter of Gardner Dixon, MD were reviewed. Dr. Lovelady made a motion to approve the September 23 and 24, 2008 minutes and Dr. Higdon seconded the motion. The motion passed. Dr. Lovelady made a motion to approve the November 10, 2008 Summary Suspension minutes and Ms. Webster seconded the motion. The motion passed.

Ratification of Licenses

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

Ms. Otto reviewed the application files for the following Office Based Surgery Suites:

1. Larry A. Sargent, MD/The Plastic Surgery Group
2. Galen Medical Group, Gastroenterology East Office
3. Parkwest Surgery Center

Dr. Lovelady made a motion to ratify the approval of certification for Larry A. Sargent, MD, The Plastic Surgery Group. Dr. Ali seconded the motion. The motion passed. Dr. Ali made a motion to ratify the approval of certification for the Galen Medical Group and Dr. White seconded the motion. The motion passed. Dr. Ali made a motion to ratify the approval of certification for the Parkwest Surgery Center and Ms. Wells seconded the motion. The motion passed.

New Applicant Interviews

Rodolfo Beer, MD-Dr. Beer is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Beer's application file for the Board. Dr. Beer has been through a treatment program for alcohol and drug abuse. The Minnesota Board disciplined Dr. Beer's medical license. Dr. Roland Gray, Medical Director for the Tennessee Medical Foundation (TMF), spoke on behalf of Dr. Beer. Dr. Gray stated that Dr. Beer has been under a contract with TMF since July, 2008. Dr. Arnold recommended that his license be issued but with conditions that mirror those imposed by the Minnesota Order:

1. TMF Advocacy
2. Sign release to grant BME the right to obtain medical, mental health or chemical abuse/dependency records from any treating professional, evaluator, facility or monitoring program.
3. Quarterly reports to disciplinary coordinator from TMF.
4. Notify BME of his practice location(s) and where he has hospital privileges and any changes within ten (10) days of change.
5. Notify the Minnesota Board of the action in TN and this board's order.

Dr. Ali made a motion to grant Dr. Beer a license contingent on Dr. Arnold's recommendations and to add lifetime advocacy with TMF. Dr. Rosen seconded the motion. The motion passed.

Terence S. Dunn, MD-Dr. Dunn is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Dunn's application file for the Board. Dr. Dunn surrendered his Tennessee medical license due to his history of addiction. Dr. Dunn stated he is presently under contract with the Tennessee Medical Foundation. Dr. Arnold recommended that Dr. Dunn be placed on 5 years probation, lifetime contract with 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. Dr. Rosen made a motion to grant Dr. Dunn a license contingent on Dr. Arnold's recommendations in addition to restricting Dr. Dunn to conducting physical disabilities exams for the military. Dr. Ali seconded the motion. The motion passed. Dr.

Rosen made a motion to add that in order for Dr. Dunn to get a full, unrestricted license, he will need to show clinical competency by either attending a mini residency or obtaining evaluation from the Center for Personalized Education for Physicians (CPEP). Dr. Ali seconded the motion. The motion passed.

Barbara B. Fleming, MD-Dr. Fleming is applying for a license to practice in Tennessee. Dr. Arnold reviewed Dr. Fleming's application file for the Board. Dr. Fleming has had no patient contact since 2003 and plans to work approximately two days a week at the Upper Cumberland Region. The Board suggested CPEP evaluation prior to licensure. Dr. Zanolli made a motion to grant Dr. Fleming a license contingent on successfully passing the CPEP evaluation and having those results submitted to Dr. Arnold prior to licensing. Dr. Ali seconded the motion. The motion passed.

Gary R. Fornera, MD-Dr. Fornera is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Fornera's application file for the Board. Dr. Fornera has a history of substance abuse which resulted in the loss of his hospital privileges and the suspension of his medical license by the Florida Board. Dr. Roland Gray spoke on behalf of Dr. Fornera. Dr. Arnold recommended VCAP evaluation. Dr. Zanolli made a motion to grant Dr. Fornera a license contingent on VCAP evaluation and follow up with advocacy from the Tennessee Medical Foundation (TMF). Dr. Rosen seconded the motion. The motion passed.

Jill S. Tirpack, MD-Dr. Tirpack is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Tirpack's application file for the Board. Dr. Tirpack has a history of chemical dependency and at present has a contract with the Alabama PHP and her Alabama license is unencumbered. Dr. Arnold recommended TMF advocacy along with quarterly reports and suggested that TMF work with the Alabama PHP regarding Dr. Tirpack. Dr. Ali made a motion to grant a license and Dr. Eckles seconded the motion. The motion passed.

Justin F. Weiss, MD-Dr. Weiss is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Weiss' application file for the Board. Dr. Weiss has had multiple malpractice issues and plans to perform teleradiology. Dr. Ali made a motion to grant Dr. Weiss a license and Dr. Beckford seconded the motion. Ms. Wells opposed. The motion passed.

Reinstatement Interviews

Deidre Bloom, MD- Dr. Bloom is applying for reinstatement of her medical license. Dr. Arnold reviewed Dr. Bloom's application file for the Board. Dr. Bloom has had no patient contact since April, 2000 and informed the Board that she was recertified by the American Board of Pediatrics in 2004. Dr. White made a motion to grant Dr. Bloom reinstatement contingent on successfully passing a CPEP evaluation and approval through Dr. Arnold. Dr. Beckford seconded the motion. The motion passed.

Discussion

Mr. Vincent DiCianni, President of Affiliated Monitors, Inc. addressed the Board. Affiliated Monitoring provides monitoring of licensees for Boards at no cost to the Board. Instead, they charge the licensee. Affiliated Monitoring is currently monitoring one Tennessee licensee.

The Board reviewed and discussed course approvals for the following limited scope x-ray course providers: Radiology Education Seminars, A Plus Radiological Seminars, X-ray Instructional Programs, High Tech Institute, Memphis and Nashville and Radiological Enterprises. Ms. Otto informed the Board that Dr. Dan Starnes reviewed the course provider materials. Dr. Ali made a motion to approve Radiological Seminars, A Plus Radiological Seminars and X-Ray Instructional Programs. Dr. Rosen seconded the motion. The motion passed. Dr. White made a motion to disapprove Radiological Enterprises and remove them from the website. Dr. Rosen seconded the motion. The motion passed. The Board's decision regarding High Tech, Memphis and Nashville was deferred to the next scheduled meeting.

The Board discussed developing a CME policy for MD X-ray Operators. Mr. Scanlan reviewed the policy with the Board. Dr. Zanolli made a motion to approve the policy as written and Dr. Rosen seconded the motion. The motion passed. Mr. Scanlan asked the Board to accept agreed citations as the mechanism used to access penalties. Dr. Higdon made a motion to accept and Dr. Ali seconded the motion. The motion passed.

The Board discussed the Advisory Ruling regarding "Do Not Fill XX Date." Mr. Scanlan reviewed Dr. Perry Rothrock's letter that was presented at the last meeting. Mr. Scanlan informed the Board that the DEA regulations have a 90 day fill later script unless prohibited by state law. Dr. Rothrock is asking for clarification on when a prescription should be filled. Mr. Scanlan presented a letter addressed to Dr. Rothrock for the Board to review. Dr. White made a motion to accept the letter and Dr. Rosen seconded the motion. The motion passed.

The Board discussed the proposed rule change of the Board of Dentistry regarding rule 0460-1-.11(7) that will permit dentists to use Derma Fillers. Dr. Zanolli read his letter written to the Dentistry Board regarding the change. After discussion and some modifications, Dr. Ali made a motion to submit Dr. Zanolli's letter to the Board of Dentistry as an official comment to the proposed rule change. Dr. Rosen seconded the motion. The motion passed.

The Board discussed the letter submitted by Ms. Elizabeth Morgan regarding a complaint she filed against her former physician. Mr. Scanlan explained Ms. Morgan's letter and made the Board aware of the issues regarding fees for medical records and the discharging of patients. The Board took no action.

Reports

Budget Report

The Budget report was reviewed by the Board. Ms. Otto stated the new report reflects the money taken from the reserves and transferred to the General fund.

Statistical Report from Administrative Office

The Board reviewed the report from the Administrative office.

Investigative Report

Ms. Denise Moran reviewed the report for the Board. The Board discussed the need for consultants in various specialties. Dr. Rosen asked Ms. Moran to e-mail a list of specialties so that the Board could seek physicians who may be candidates for consultants. She also informed the Board that she was operating with several vacant investigator positions, but she was working to have the freeze lifted so she could fill them as soon as possible.

Disciplinary Report

The report was reviewed by Ms. Juanita Stone. Ms. Stone informed the Board that 202 physicians are currently being monitored.

OGC Report

Mr. Matt Scanlan discussed his report with the Board which included the number of open cases in OGC and the cases that are assigned to the Administrative Law Judges.

CME Audit Office regarding compliance with CME requirements

Ms. Otto informed the Board there was no report but she hoped to have one for their next meeting in January 2009.

“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

Ramesh Yalamanchili, MD-Dr. Yalamanchili was not present nor represented by legal counsel. Mr. Matt Scanlan represented the State. From approximately March 2007, until at least July 2008, Dr. Yalamanchili failed to complete, sign and medically certify death certificates in a timely manner as required by the rules and regulations promulgated by the Board. The Consent Order stipulated that Dr. Yalamanchili's medical license be reprimanded. For a period of two years, Dr. Yalamanchili shall submit all death certificates to the Memphis and Shelby County Health Department upon signing. The Memphis and Shelby County Health Department will distribute the certificates to the funeral homes or other destination. Dr. Yalamanchili shall further keep a written log of all death certificates including the date received, the date signed and the date delivered to the Memphis and Shelby County Health Department and to all hospitals at which he is employed. Dr. Yalamanchili must pay costs associated with the case. Dr. Ali made a motion to accept the Consent Order and Ms. Wells seconded the motion. The motion passed.

Robert Grindstaff, MD-Dr. Grindstaff was not present nor represented by legal counsel. Mr. Matt Scanlan represented the State. Dr. Grindstaff currently owns and operates Pinecrest Family Practice in Johnson City, Tennessee. From August 3, 2008 until about September 8, 2008, Dr. Grindstaff was hospitalized at Sycamore Shoals Hospital. During that time, patients at Pinecrest Family Practice were treated by unlicensed personnel who evaluated each patient by taking blood pressure, pulse rates, weight measurements and orally questioning patients regarding their need to be seen. These unlicensed personnel then called in refills and prescriptions for patients without consultation with Dr. Grindstaff. If a patient required a scheduled II controlled substance, a member of Dr. Grindstaff's office staff took a note to Dr. Grindstaff to have him sign the prescription. The medical records for these patients were not taken to Dr. Grindstaff and he did not review the medical records of the patients for whom he was issuing prescriptions. Dr. Grindstaff directed his Office Manager to bill patients for a nursing visit when he was not in the office despite the fact that there are no nurses on staff at Pinecrest Family Practice. None of the personnel of the Pinecrest Family Practice have any formal training or experience in any medically related field nor are they licensed as a health care provider by the State of Tennessee or any other state. The Consent Order stipulated that Dr. Grindstaff's medical license be placed on Probation for a period of two years. In addition to the continuing medical education courses required to maintain his license, Dr. Grindstaff shall attend and complete, within one (1) year of the effective date of the Order, the seminar entitled: "*Prescribing Controlled Drugs: Critical Issues and Common Pitfalls,*" which is offered at the Vanderbilt University Medical Center, in Nashville, Tennessee and provide proof of attendance to the Board. Dr. Grindstaff must attend and complete, within one (1) year, the comprehensive Physician Assessment Program offered at the University of California at San Diego, Physician Assessment and Clinical

Education Program and provide proof to the Board. Dr. Ali made a motion to accept the Consent Order and Dr. Eckles seconded the motion. The motion passed.

Roswell Tempest Lowry, MD-Dr. Lowry was not present nor represented by legal counsel. Mr. Shiva Bozarth represented the State. On August 31, 2008, Dr. Lowry voluntarily retired his Tennessee medical license. Dr. Lowry was licensed in Virginia and on April 16, 2008, he entered into a Consent Order with the Virginia Board of Medicine. According to the April 16, 2008 order, Dr. Lowry surrendered his Virginia medical license and may not reapply for three years. Dr. Lowry acknowledged that in September of 2003 he had “experienced performance issues principally involving timeliness of his response in certain patient care situations.” The Consent Order stipulated that Dr. Lowry’s medical license shall not be reinstated or renewed and must pay all costs associated with the case. Dr. Eckles made a motion to accept the Consent Order and Dr. Beckford seconded the motion. The motion passed.

Radwan Khuri, MD-Dr. Khurri was not present nor represented by legal counsel. Ms. Andrea Huddleston represented the State. On May 30, 2008, an Agreed Order was entered before the North Carolina Medical Board reprimanding Dr. Khurri’s license for unprofessional conduct relating to his lack of supervision of nurse practitioners under his employment. The Consent Order stipulated that Dr. Khurri’s medical license be reprimanded. Dr. Khurri shall not supervise nurse practitioners or physician assistants unless he is residing in and practicing in the same state as the supervisee. Dr. Khuri shall ensure that all Tennessee-licensed supervising physicians in his employ comply with the supervision requirements of the Tennessee Board of Medical Examiners including Rule 0880-02-.18 and Rule 0880-06-.02. Dr. Beckford made a motion to accept the Consent Order and Dr. Ali seconded the motion. The motion passed.

David H. Taylor, MD-Dr. Taylor was not present nor represented by legal counsel. Ms. Andrea Huddleston represented the State. On March 28, 2003, an Agreed Order was entered before the Texas State Board of Medical Examiners disciplining Dr. Taylor’s Texas medical license. This action was taken pursuant to adverse peer review action relating to complications and/or adverse outcomes as a result of two endoscopic procedures performed by Dr. Taylor. Various restrictions were placed on Dr. Taylor’s license including requirements of consultations, monitoring and quarterly reporting to the Board. The restrictions were for one year and were satisfactorily complied with and completed on March 28, 2004. Dr. Taylor has had no further difficulties or restrictions on his Texas medical license. The Consent Order stipulated that Dr. Taylor’s Tennessee medical license be reprimanded. The Board wanted to know if Dr. Taylor reported the restrictions on his renewals. Dr. Taylor did not report that he had been disciplined in Texas on the 2007 renewal. Dr. Rosen made a motion to reject the consent Order and have Dr. Taylor explain why the discipline was not reported on his renewal. Dr. Ali seconded the motion. The motion passed.

Jack K. Gray, Jr., MD-Dr. Gray was not present nor represented by legal counsel. Ms. Andrea Huddleston represented the State. On December 18, 2007, the Florida Board of Medicine entered a Final Order accepting Dr. Gray's voluntary relinquishment of his Florida medical license. This was taken pursuant to an Administrative Complaint alleging among other things that Dr. Gray failed to practice medicine within the standard of care, prescribed or dispensed other than in the course of professional practice, and failed to keep legible records that justify the course of treatment for various patients. Pursuant to the voluntary relinquishment executed by Dr. Gray, he agreed to never reapply for licensure as a medical doctor in the State of Florida and acknowledged that acceptance of his voluntary relinquishment by the Florida Board of Medicine would constitute disciplinary action against his license. The Consent Order stipulated that Dr. Gray's license shall be reprimanded. Dr. Gray shall give the Board at least thirty (30) days prior notice before beginning any practice of medicine in the State of Tennessee. Notice shall be given in writing to the attention of Dr. Larry Arnold. In the event that Dr. Gray intends to practice medicine in the State of Tennessee, his license shall be placed on probation for a period of two (2) years, effective the date of such practice. Dr. Zanolli made a motion to reject the Order and Dr. Ali seconded the motion. Ms. Webster opposed. The Order was rejected.

Agreed Order

Pamela D. Murray, MD-Dr. Murray was not present nor represented by legal counsel. Mr. Shiva Bozarth represented the State. Dr. Murray was practicing as an Emergency Room physician at the Emergency Department of Regional Medical Center at Memphis in Memphis, Tennessee in 2001 and 2002. On August 4, 2002, a patient was presented to the emergency department complaining of squeezing chest pain, radiating down both arms, accompanied by shortness of breath, nausea and dizziness. Dr. Murray diagnosed the patient with acute bronchitis and he was discharged home. Later that evening said patient was transported by ambulance to Methodist Central where he was pronounced dead on arrival. It was determined that the patient died of an acute myocardial infarction (heart attack) caused by coronary artery disease. On June 7, 2001, a patient presented to the Medical Center with complaints of pain in her right foot. The patient was examined by ER resident physician Dr. Boatright. Dr. Boatright examined the patient and documented that patient fell on her knee then over to her right side. Dr. Boatright noted that the patient suffered from diabetes mellitus. After examining patient, Dr. Boatright ordered an ultrasound to rule out deep vein thrombosis. However, neither Dr. Boatright, nor Dr. Murray ordered an x-ray of patient's right ankle/right lower extremity despite lab results showing no evidence of deep vein thrombosis. Dr. Murray diagnosed the patient with right leg pain and was discharged from the medical center on the same day. The patient continued to experience pain in her right lower extremity and returned to the medical center on July 12, 2001. An x-ray was taken and patient was diagnosed with a five (5) week old trimalleolar fracture of the right ankle. The patient underwent surgery to repair the fracture. The Agreed Order stipulated that Dr. Murray shall complete a board review course for the American Board of Emergency Medicine that shall be at least

a week long and pre-approved by the Medical Director for the Board. Proof of completion of this requirement must be sent to the Disciplinary Coordinator within one year of the ratification of the Order. Dr. Murray must pay all costs associated with prosecuting the case. Dr. Ali made a motion to accept the Agreed Order and Dr. Eckles seconded the motion. Ms. Wells opposed. The motion passed.

Agreed Citations

Eric L. Smith, MD-Dr. Smith failed to comply with Board rules regarding required continuing medical education. The Agreed Citation stipulated that Dr. Smith shall pay a civil penalty in the amount of six hundred ninety dollars (\$690), provide proof of completion of seventeen and one quarter (17.25) hours of continuing education within one hundred eighty (180) days of the citation and complete an additional ten (10) hours continuing education hours within two (2) years of ratification of the Agreed Citation. Dr. Ali made a motion to accept the Agreed Citation and Ms. Wells seconded the motion. The motion passed.

Kevin J. Saunders, MD- Dr. Saunders failed to comply with Board rules regarding required continuing medical education. The Agreed Citation stipulated that Dr. Saunders shall pay a civil penalty in the amount of two hundred fifty dollars (\$250), provide proof of completion of six and one quarter (6.25) hours of continuing education within one hundred eighty (180) days of the citation and complete an additional ten (10) hours continuing education hours within two (2) years of ratification of the Agreed Citation. Dr. Ali made a motion to accept the Agreed Citation and Ms. Wells seconded the motion. The motion passed.

Order of Compliance

Bendik L. Clark, MD-Dr. Clark was not present nor represented by legal counsel. Mr. Matt Scanlan represented the State. Between May 2007 and October 2007, Dr. Clark engaged in a pattern of continued or repeated malpractice and unprofessional conduct by prescribing controlled substances to a patient. On October 28, 2007, Dr. Clark was charged with three counts of drug fraud. Dr. Clark completed treatment in December 2007 and on January 2, 2008 he signed a five-year contract with the Tennessee Medical Foundation. Dr. Clark’s medical license was suspended for ninety (90) days. Mr. Scanlan informed the Board that Dr. Clark has met all the requirements as set by the Board. Dr. Rosen made a motion to accept the Order of Compliance and Dr. Ali seconded the motion. The motion passed.

Adjourned at 4:30 p.m.

November 19, 2008

Panel: Mutter, Ali, Rosen, Webster

Contested Case Hearing

Samuel Ashby, MD-Dr. Ashby was not present but represented by legal counsel, Mr. David R. Grimmatt of the Nashville Bar. Mr. Thomas Miller represented the State. The Honorable Marion Wall, Administrative Law Judge presided. Mr. Grimmatt asked the panel for a motion of continuance due to Dr. Ashby's illness. In support of his motion, Mr. Grimmatt provided the Board with certain medical records of Dr. Ashby. Mr. Miller stated the State's objections to any continuance. After further discussion, Dr. Rosen made a motion to grant continuance due to Dr. Ashby being physically unable to appear. Ms. Webster seconded the motion. The motion passed. Mr. Miller then asked for a summary suspension of Dr. Ashby's medical license. Dr. Rosen made a motion to summarily suspend Dr. Ashby's license, suggesting that Dr. Ashby was unable to practice medicine safely given his current health status and Ms. Webster seconded the motion. The motion passed. The Order of Summary Suspension was handed to the panel for review. On or about August 8, 2008, Dr. Ashby suffered an acute cerebral hemorrhage involving the right parietal lobe, cortex and subcortical white matter. Dr. Ashby has on two occasions suffered focal seizures resulting in him seeking emergency medical care. On or about August 15, 2008, Dr. Ashby left the hospital against medical advice despite being told by his doctor that leaving the hospital may result in death, pain or disability. On or about November 19, 2008, Dr. Ashby filed a motion to continue this matter until such time as he is able to physically attend the hearing without possibility of danger to his health. Dr. Ashby admitted that he was unable to attend the hearing due to the severity of his illness. Dr. Ashby's leaving the hospital against medical advice coupled with his diagnosis and associated risks, reasonably suggests impairment of his cognitive ability affecting his own care and the care of his patients may exist. The panel deliberated. Ms. Webster made a motion to accept the Findings of Fact as outlined and Dr. Ali seconded the motion. The motion passed. Dr. Ali made a motion to accept the Conclusions of Law and Dr. Rosen seconded the motion. The motion passed. The policy statement was read. The reason for the action is due to Dr. Ashby's inability to safely practice and to protect the health, safety and welfare of the citizens of the State of Tennessee. Dr. Ali made a motion to accept the policy statement and Dr. Rosen seconded the motion. The motion passed.

Panel: Lovelady, Beckford, White

Contested Case Hearing

James W. Denham, MD-Dr. Denham was present and represented by legal counsel Mr. Daniel Warlick. The State was represented by Ms. Mona Jean-Baptiste. The Honorable Joyce Safley, Administrative Law Judge presided. The Notice of Charges was handed to the panel for review. Witnesses were sworn in and opening statements were given by both sides. On July 20, 2005, an order was issued by the Board of Medical Examiners granting Dr. Denham's application for licensure conditioned upon his obtaining and maintaining a five (5) year contract with the Tennessee Medical Foundation's Physician Health Program (TMF). On August 2, 2005, Dr. Denham signed a letter accepting the restrictions and conditions placed on his license and agreeing to abide by them. In October 2007, Dr. Denham underwent additional treatment at Psychological Counseling Services (PCS) in Scottsdale, Arizona, which eventually resulted in the revision/amendment of his monitoring agreement with the TMF. As a result of the recommendations made by PCS, Dr. Denham's contract with the TMF was revised to include polygraph examinations in December 2007. On February 29, 2008, Dr. Denham submitted to a polygraph examination. Dr. Denham subsequently lost the advocacy of the Tennessee Medical Foundation. Dr. Denham's failure to comply with the terms of his board ordered amended TMF contract and subsequent dismissal from the TMF constitutes a violation of a Board Order. Closing statements were given by both sides. A proposed order that would have revoked the license of Dr. Denham was provided to the panel. The panel rejected the sanction imposed in the proposed order and instead opted for the following: Dr. Denham's license will remain active for a period of five (5) years contingent upon continuance to attend 12-step meetings and to send signed attendance sheets from the meetings as proof of attendance to the Medical Director of the Board of Medical Examiners. The frequency of this reporting shall rest within the Medical Director's discretion. For a period of five (5) years, Dr. Denham shall continue to attend Caduceus meetings and shall send signed attendance sheets from the meetings as proof of attendance to the Medical Director of the Board of Medical Examiners. The frequency of this reporting shall also rest within the Medical Director's discretion. For a period of five (5) years, Dr. Denham shall authorize release of reports from his psychiatrist to be submitted to the Medical Director of the Board of Medical Examiners on the following schedule: Years one (1) and two (2), quarterly reporting; Year three (3), semiannual reporting; and Years four (4) and five (5), annual reporting. (4) Dr. Denham shall execute the releases necessary to ensure the delivery to the Medical Director of reports from Dr. Denham's psychiatrist. The panel deliberated. Dr. Lovelady made a motion to accept the Findings of Facts #1-5 with changes and Dr. Beckford seconded the motion. Dr. Beckford made a motion to accept the Findings of Facts #6-7 and Dr. Lovelady seconded the motion. The motion passed. Dr. Lovelady made a motion to accept the Conclusions of Law and Dr. Beckford seconded the motion. The motion passed.

Agreed Order

Tahnnya See, MD-Dr. See was present and represented by legal counsel, Mr. Joseph Caliendriello. Ms. Andrea Huddleston represented the State. On or about May 31, 2007, Dr. See allowed her Tennessee medical license to expire. From that date until at least

May of 2008 she continued to prescribe controlled substances to several patients. The continued prescribing of controlled substances during that time frame constitutes the unlicensed practice of medicine. On or about March 17, 2006, a civil judgment was entered against Dr. See in the State of Tennessee, Davidson County, alleging among others, intentional fraud and unprofessional conduct with a patient. The Agreed Order stipulated that Dr. See's medical license shall be revoked. Dr. See shall immediately surrender her Drug Enforcement Administration (DEA) certificate and pay all costs associated with the case. Dr. Beckford made a motion to accept the Agreed Order and Dr. Lovelady seconded the motion. The motion passed.

Kelvin Douglas, MD-Dr. Douglas was present but not represented by legal counsel. Ms. Andrea Huddleston represented the State. Dr. Douglas asked for a continuance until the next scheduled meeting in order to have time to retain an attorney. He also agreed that as a condition of the grant of continuance, he would surrender his license. The proposed Agreed Order of Suspension stipulated that Dr. Douglas' medical license shall be suspended, effective immediately until further order of the Board. Dr. Lovelady made a motion to accept the Agreed Order and Dr. Beckford seconded the motion. The motion passed.

November 19 and 20, 2008

Panel: Zanolli, Higdon, Wells

Contested Case Hearing

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. The case is to be continued at the next scheduled meeting.

Adjourned at 4:30 p.m.

These minutes were ratified by the Board of Medical Examiners at the January 27, 2009 meeting.