

MINUTES

TENNESSEE BOARD OF MEDICAL EXAMINERS

December 3, 2008

A meeting for the Board of Medical Examiners was held at 8:00 a.m. in the Mockingbird Room, Ground Floor, 227 French Landing, Heritage Place Metrocenter, Nashville, TN 37243.

Members in attendance electronically: Dr. Mitchell Mutter

Members in attendance: Drs. Barrett Rosen, Subhi Ali and Ms. Regine Webster

Staff present: Rosemarie Otto, Executive Director;
Matthew Scanlan, Deputy General Counsel;
Sandra Powell, Board Administrator;
Marsha Arnold, Unit Manager;
Larry Arnold, MD, Medical Director

A meeting was held to permit Samuel Ashby, MD to respond to the Board's action on November 19, 2008 summarily suspending his medical license.

Dr. Ashby was in attendance electronically as well as his legal counsel, Mr. David Grimm. Mr. Thomas Miller represented the State. After agreeing to proceed with the hearing electronically, Mr. Miller gave a brief overview of the summary suspension that was taken against Dr. Ashby's medical license on November 19, 2008. Mr. Grimm followed with a brief response. Dr. Ashby was asked several questions by the panel regarding to his health and the care of his patients.

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. 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 asked Dr. Ashby questions relating to his judgment in leaving the hospital against medical advice.

The panel deliberated. Dr. Rosen stated that in his view Dr. Ashby, through his legal counsel, presented no evidence that altered his opinion that Dr. Ashby's medical license

should be suspended. Dr. Mutter suggested that the summary suspension should be upheld. He then made a motion to uphold the summary suspension and Ms. Webster seconded the motion. A roll call vote was conducted and the motion passed unanimously.

The meeting was adjourned at 9:00 a.m.

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