

**MINUTES**

**TENNESSEE BOARD OF MEDICAL EXAMINERS**

**December 4, 2009**

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The meeting for the Board of Medical Examiners was held 4:00 p.m. in the Iris room, Ground Floor at 227 French Landing, Heritage Place Metrocenter, Nashville, TN 37243.

Members in attendance: Drs. Subhi Ali, Barrett Rosen and Charles White, Sr.

Staff Present: Rosemarie Otto, Executive Director; David Himmelreich, Deputy General Counsel; Maryam Kassae, Attorney under Supervision of Albert Partee, III, General Counsel; Sandra Powell, Board Administrator and Marsha Arnold, Unit Manager.

A meeting was held to summarily suspend the medical license of Daniel Fearnow, MD and ratification of an Agreed Order of Temporary Suspension in regards to Elizabeth A. Reimers, MD.

Mr. Himmelrich made an opening statement to the board and outlined the basis for his request that they consider the Agreed Order of Temporary Suspension in the matter of Elizabeth A. Reimers, M.D. Dr. Reimers was indicted on October 28, 2008 by the Grand Jury for the Eastern District of Tennessee for distribution of controlled substances to patients outside the scope of professional practice and not for legitimate medical purpose and for causing the deaths of certain patients. Mr. Himmelrich asked the board to ratify the agreed order which would temporarily suspend the medical license of Dr. Reimers until the conclusion of her criminal matter **and** the board hears the administrative action against her license. Dr. Rosen made a motion to accept the proposed agreed order and Dr. Ali seconded the motion. The motion passed unanimously.

Ms. Maryam Kassae introduced herself to the panel and stated that she was not licensed to practice law, but was permitted pursuant to the rules of the state Supreme Court to practice under the supervision of Mr. Al Partee. Mr. Partee was present. The state intended to seek the summary suspension of the medical license of Daniel Fearnow, M.D. because he was indicted on October 28, 2009 on twelve (12) counts violation of the Controlled Substances Act. From February 2009 until his indictment and arrest, Dr. Fearnow inappropriately prescribed to numerous patients for which he had no doctor-patient relationship, some of whom were undercover informants for the Drug Enforcement Agency. The panel was presented with a copy of the indictment from the United States District Court for the Western District of Tennessee and several affidavits

filed in support of the indictment. After reviewing the documents which included sworn statements that Dr. Fearnow prescribed scheduled drugs including Oxycodone, Loratab and Alpraxolam to patients in exchange for cash, Ms. Kassae asked the board to summarily suspend the medical license of Dr. Fearnow because his conduct posed a threat of immediate harm to the citizens of the state of Tennessee and that therefore, emergency action was imperatively required. Dr. Rosen made a motion to summarily suspend the medical license of Dr. Fearnow and Dr. Ali seconded the motion which passed unanimously. The panel (on the motion of Dr. Rosen which was seconded by Dr. Ali), adopted the Proposed Order for Summary Suspension in the Matter of Daniel Fearnow, M.D. The panel set aside Wednesday, December 9, 2009 as the date they were prepared to hear Dr. Fearnow's response to their action summarily suspending his medical license.

Dr. Ali made a motion to adjourn which was seconded by Dr. Rosen and passed unanimously.

Adjourned at 4:50 p.m.

**These minutes were ratified by the Medical Board at the January 26, 2010 meeting.**