

MINUTES

TENNESSEE BOARD OF MEDICAL EXAMINERS

January 22 and 23, 2008

The meeting was called to order at 8:45 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, George Eckles, Neal Beckford, Subhi Ali, Charles White, Sr., Dennis Higdon, Barrett Rosen, Michael Zanolli, Ms. Irene Wells and 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.

The Conflict of Interest Statement was reviewed with the Board by Mr. Scanlan.

Dr. Mutter introduced the new Health Related Boards' Director, Ms. Elizabeth Miller.

Minutes

Minutes from November 6 and 7, 2007 meeting, November 5, 2007 Improvement Committee meeting, December 6, 2007 Contested Case Hearing of Joseph Rich, MD and the December 17, 2007 Summary Suspension of Richard L. Hubbell, MD were reviewed. Dr. Eckles made a motion to accept the minutes and Dr. Rosen 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, Physician Assistants and Radiologist Assistants were reviewed. Dr. Rosen made a motion to ratify the approvals and Ms. Wells seconded the motion. The motion passed.

New Applicant Interviews

Richard A. Aballay, MD-Dr. Aballay is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Aballay's application file for the Board. Dr. Aballay was terminated from his residency program for violating the moonlighting policy. Dr. Aballay explained circumstances surrounding the termination and indicated

that he was in discussion with the Federation to amend their report of the dismissal. Dr. White made a motion to delay licensing until Dr. Arnold receives the amended report from the Federation and if everything is in order, he can be licensed administratively. Dr. Beckford seconded the motion. The motion passed.

Ralph H. Deas, MD-Dr. Deas is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Deas' application file for the Board. Dr. Deas' medical license in Georgia was summarily suspended because of alcohol and drug abuse and was later placed on probation. Dr. Deas' Georgia license is now unencumbered and he plans to work in Chattanooga, Tennessee. Dr. Eckles made a motion to grant Dr. Deas a license and Dr. Rosen seconded the motion. The motion passed.

Steven A. Matzinger, MD-Dr. Matzinger is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Matzinger's application file for the Board. Dr. Matzinger is licensed in South Carolina and is currently enrolled in the South Carolina Recovery Program. Dr. Arnold recommended that Dr. Matzinger execute an aftercare contract with the Tennessee Medical Foundation and that he be required to be in 100% compliance. Dr. Roland Gray, medical director of the Tennessee Medical Foundation informed the Board that Dr. Matzinger has a five year contract with TMF. Dr. Zanolli made a motion to grant Dr. Matzinger a license contingent on 100% compliance with his aftercare contract and Dr. Rosen seconded the motion. The motion passed.

Guy V. Teach, MD-Dr. Teach is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Teach's application file for the Board. Dr. Teach had a DUI charge and did not disclose the incident on his application. Dr. Teach explained to the Board that the charge was reduced to reckless driving. Dr. Beckford made a motion to grant Dr. Teach a license and Dr. White seconded the motion. The motion passed.

Reinstatement Interviews

Richard E. Brownstein, MD-Dr. Brownstein is applying for reinstatement of his medical license. Dr. Arnold reviewed Dr. Brownstein's application file for the Board. Dr. Brownstein had a misdemeanor conviction for witness intimidation in a bankruptcy action. The Board asked Dr. Brownstein several questions regarding the status of his license in Mississippi. Dr. Brownstein informed the Board that he plans to work at St. Mary's hospital in Knoxville, Tennessee. Dr. Ali made a motion to grant Dr. Brownstein reinstatement of his license and Dr. Beckford seconded the motion. The motion passed.

James S. Scott, MD- Dr. Scott is applying for reinstatement of his medical license. Dr. Arnold reviewed Dr. Scott's application file for the Board. The Board asked several questions regarding Dr. Scott's malpractice issues relative to laparoscopic gastric bypass surgery, a patient seen for deep vein thrombosis, and an elderly patient with a small bowel obstruction. Dr. Zanolli made a motion to grant Dr. Scott reinstatement of his medical license and Dr. Beckford seconded the motion. Ms. Wells opposed. The motion passed.

Rule Action

Mr. Scanlan reported on the rulemaking hearing concerning Office Based Surgery and informed the Board that several people were present and many comments were given. Mr. Scanlan incorporated all changes into the draft and asked the Board to make a motion whether to accept changes or not. After an item by item discussion wherein each comment received was discussed by the Board, the Board pursuant to a roll call vote adopted the Rule with Mr. Brown and Ms. Wells opposing.

Discussion

The Board discussed approving the 2008 contract with the Tennessee Medical Foundation for one year and increasing the board's annual contribution. Dr. White made a motion to increase the grant to \$250,000 this year and Dr. Beckford seconded the motion. The motion passed. Ms. Lisa Tittle explained that the contract with TMF is presented to the Board every year for updating. Dr. White suggested discussing at the next meeting physicians who are required to go to TMF also pay a fee to help defray the costs. Mr. Scanlan stated that he will research whether the Board can require applicants to pay. Ms. Otto stated she would send a letter to Blue Cross/Blue Shield on TMF's behalf.

The Board discussed the advisory ruling regarding the criminal offense section of the practitioner profile of Robert A. Keane, MD. Mr. Scanlan informed the Board that misdemeanors needed to be included on the practitioner profiles. Dr. Keane is a physician who has requested this information be removed from his profile. Dr. Rosen made a motion to support the removal from Dr. Keane's profile information relative to a misdemeanor the Board believed was not serious enough to require reporting and Dr. Beckford seconded the motion. The motion passed.

The Board discussed the advisory ruling regarding the retention of mammogram films. The Jackson Clinic requested guidance on the length of time required for keeping medical records and particularly mammogram films. Dr. Ali made a motion to keep mammogram films for twenty (20) years and Dr. Lovelady seconded the motion. The motion passed.

Mr. Joel Herring reviewed last year's Limited Scope X-Ray exam results for the Board. High Tech Institute in Nashville and Memphis and Mid-South Institute in Memphis were below the 65% pass rate. Dr. Ali made a motion to ask the schools to appear before the Board at the next scheduled meeting and Mr. Brown seconded the motion. The motion passed.

The Board discussed designating a Board member to act as voting delegate at the FSMB's annual meeting May 1- 3, 2008 on the Federation's scholarship program. Dr. Beckford nominated Dr. Ali. Dr. White seconded the motion. Dr. Beckford then

nominated Drs. Rosen and Higdon to attend the annual meeting with their costs to be paid using Board funds. Dr. Lovelady seconded the motion which passed unanimously.

Reports

Budget Report

The Budget report was reviewed by the Board. Ms. Lisa Tittle was present to explain the costs for the Board. The largest cost of the budget comes under professional services. Some of the miscellaneous fees include Controlled Substances Database, Administrative Law Judges and the Office of General Counsel. Dr. Zanolli suggested breaking down the professional services to show the exact costs of each item. Ms. Tittle stated that she will have that full break down at the next scheduled meeting.

Statistical Report from Administrative Office

Ms. Marsha Arnold reviewed the statistical report from the administrative office. The Board requested the next report show the total number of active licensees in Tennessee and also the total number of active licensees with a Tennessee practice address.

Investigation Report

The report was reviewed by the Board. Ms. Denise Moran, Director of the Bureau of Investigations gave a brief overview of the report. The Board discussed the complaint process and was informed that the complaints were handled the same for all professions and were increasing across all boards.

Disciplinary Report

The Disciplinary Report was reviewed by the Board. Ms. Juanita Stone gave a brief breakdown of the report as requested. Ms. Stone informed the Board 80% to 85% of the civil penalties have been collected.

OGC Report

Mr. Scanlan gave a review of the report and informed the Board that the rules regarding the use of titles has been received from the Attorney General's Office and will be in effect in 75 days. Mr. Scanlan also reviewed the following rules:

1. Use of Titles
2. Clinical restrictions, administrative licenses, delete inactive licenses
3. X-ray & 1 pt. rule revisions
4. Genetic Counselors, revision distinguished faculty, special training renewals, conditions, remote services
5. Office Based Surgery rewrite
6. Licensure process for international medical school graduates

“Noteworthy” section of the internet

Disciplinary Action

Order of Compliance

David Sharfman, MD-Dr. Sharfman was not present nor represented by legal counsel. Mr. Matt Scanlan represented the State. Dr. Sharfman ordered seventy (70) x-rays in a physician’s office from persons who were either practicing outside the parameters of their limited x-ray operator certificate or while they were without a valid Tennessee limited x-ray operator certificate. Mr. Scanlan informed the Board that Dr. Sharfman had met all requirements as set by the Board. Dr. Higdon made a motion to accept the Order of Compliance and Dr. Lovelady seconded the motion. The motion passed.

Frederick Pelz, MD-Dr. Pelz was neither present nor represented by legal counsel. Mr. Matt Scanlan represented the State. Dr. Pelz ordered one hundred seventy-six (176) x-rays in a physician’s office from persons who were either practicing outside the parameters of their limited x-ray operator certificate or while they were without a valid Tennessee limited x-ray operator certificate. Mr. Scanlan stated that Dr. Pelz had met all requirements as set by the Board. Dr. Higdon made a motion to accept the Order of Compliance and Dr. Ali seconded the motion. The motion passed.

Michael Posey, MD-Dr. Posey was not present nor represented by legal counsel. Mr. Matt Scanlan represented the State. Dr. Posey ordered three hundred twenty-three x-rays in a physician’s office from persons who were either practicing outside the parameters of their limited x-ray operator certificate or while they were without a valid Tennessee limited x-ray operator certificate. Mr. Scanlan stated that Dr. Posey had met all the requirements as set by the Board. Dr. Higdon made a motion to accept the Order of Compliance and Dr. Ali seconded the motion. The motion passed.

James K. Ensor, MD-Dr. Ensor was not present nor represented by legal counsel. Mr. Matt Scanlan represented the State. Dr. Ensor ordered ninety-three (93) x-rays in a physician’s office from persons who were either practicing outside the parameters of their limited x-ray operator certificate or while they were without a valid Tennessee limited x-ray operator certificate. Mr. Scanlan informed the Board that Dr. Ensor had met all the requirements as set by the Board. Dr. Higdon made a motion to accept the Order of Compliance and Dr. Ali seconded the motion. The motion passed.

Gulshan A. Sultan, MD-Dr. Sultan was present and represented by legal counsel. Mr. Matt Scanlan represented the State. Dr. Sultan caused false claims to be submitted to Premier Behavioral Systems, a TennCare Behavioral Health Organization and Cigna, A Medicare Fiscal Intermediary in which she claimed to have provided individual psychotherapy services when, in fact, knew that the patients had been seen only by a nurse and that she did not provide individual psychotherapy services as claimed. As a result, Dr. Sultan was convicted of making and using false claims in connection with a

health care matter. Mr. Scanlan informed the Board that Dr. Sultan had met all requirements as set by the Board. Dr. Higdon made a motion to accept the Order of Compliance and Dr. Ali seconded the motion. The motion passed.

Consent Orders

Rondal K. Brock, PA- Mr. Brock was not present nor represented by legal counsel. Ms. Mona Jean-Baptiste represented the State. Mr. Brock's PA license was disciplined for several violations of the practice act. Mr. Brock was required to enter into a five year contract with the Tennessee Peer (Professional) Assistance Program (TNPAP). After being informed that he would have to enter in-patient treatment, Mr. Brock was discharged from TNPAP for dishonesty and continuous non-compliance with the TNPAP program and recommendations. On August 27, 2007, Mr. Brock pleaded guilty before the United States District Court for the Eastern District of Tennessee, having knowingly conspired to and devised a scheme to defraud various healthcare benefits programs of money by submitting fraudulent reimbursement claims to those benefit programs between January 2002 and May 2004. The Consent Order stipulated that Mr. Brock's physician assistant license be revoked. Dr. Zanolli made a motion to accept the Consent Order and Dr. Rosen seconded the motion. The motion passed.

Ronald L. Flowers, PA- Mr. Flowers was not present nor represented by legal counsel. Ms. Mona Jean-Baptiste represented the State. Mr. Flowers is charged with over-prescribing controlled substances to his relatives and others. Mr. Flowers admitted to being addicted to cocaine and marijuana. Mr. Flowers pled guilty to Possession of Scheduled VI Drug, Possession of Drug Paraphernalia and Possession of a Scheduled II Controlled Substance and was sentenced to eleven (11) months and twenty-nine (29) days of suspended incarceration on each count and a total of one thousand one hundred and fifty dollars (\$1,150.00) in fines. The Consent Order stipulated that Mr. Flowers' physician assistant license be revoked. The revocation shall remain in place for at least one year. Mr. Flowers must obtain and maintain the advocacy of the TNPAP and enter a monitoring contract not less than three (3) years in duration. Mr. Flowers must provide evidence satisfactory to the Committee of at least one year of continuous sobriety. If the Committee grants licensure, Mr. Flowers' license will be on probation to run concurrent with the remainder of the TNPAP contract. Dr. White made a motion to accept the Consent Order and Dr. Rosen seconded the motion. The motion passed.

Sung C. Ro, MD-Dr. Ro was neither present nor represented by legal counsel. Ms. Schean Belton represented the State. Ms. Belton informed the Board that Dr. Ro agreed to voluntarily retire his medical license and surrender his Drug Enforcement Administration certificate (DEA). Dr. Ro worked in two nursing homes where he failed to retain the patients' records when he discovered that he would be unable to receive reimbursement from Medicare. From 2003 to at least 2006, Dr. Ro treated several patients and failed and/or neglected to document clinical indications that would substantiate the initial and/or continued use of narcotic and/or other controlled substances in the patients' records. Dr. Ro failed to document the coordination of care with other treating physicians in the patients' record. Dr. Ro stopped seeing patients and

discontinued the private practice of medicine in January, 2007. The Consent Order stipulated that Dr. Ro's medical license shall be voluntarily retired. Dr. Ro further agrees not to reapply for a medical license in Tennessee and to surrender his DEA certificate. Dr. Zanolli made a motion to accept the Consent Order and Dr. Beckford seconded the motion. The motion passed.

Donald D. Gold, Jr., MD-Dr. Gold was neither present nor represented by legal counsel. Mr. Matt Scanlan represented the State. Dr. Gold inappropriately prescribed medications to a patient with whom he had a personal relationship. Dr. Gold further attempted to detoxify this patient with Methadone without proper DEA certification and without registering with the State of Tennessee. The Consent Order stipulated that Dr. Gold's license be placed on probation for a period not less than five years and until he has completed all the requirements as stated in the Order. Dr. Ali made a motion to accept the Consent Order and Dr. White seconded the motion. The motion passed.

Leslie Dawn Herman, MD-Dr. Herman was not present nor represented by legal counsel. Mr. Matt Scanlan represented the State. Dr. Mutter recused himself. Dr. Herman admitted she began abusing alcohol and benzodiazepines shortly after accepting employment as a hospitalist with Erlanger Medical Center in September, 2000. In 2003, Dr. Herman signed a treatment contract with the Tennessee Medical foundation (TMF) and shortly thereafter attended a thirty day inpatient treatment program only to relapse in October 2006. Hospital records indicate that Dr. Herman was hostile and uncooperative with care and treatment, her blood alcohol was positive and her drug screen was otherwise negative. Dr. Herman is currently receiving treatment for alcohol dependence and psychiatric issues. The Consent Order stipulated that Dr. Herman's medical license shall be revoked until completion of rehabilitation effective from the date of the Order. Dr. Herman's treatment team must affirm that she is healthy and safe enough to practice medicine and shall be required to personally appear before the Board to lift the revocation. Dr. Herman shall gain and maintain the lifetime advocacy of the TMF and shall cause the TMF through its director, to submit quarterly reports to the Board's Medical Director. Upon lifting the revocation, Dr. Herman's license shall be placed on probation for five (5) years and must personally appear before the Board once the total period of probation and all of the conditions have been satisfied, then Dr. Herman must petition the Board to lift the probation. Dr. Rosen made a motion to accept the Consent Order and Dr. Ali seconded the motion. The motion passed.

Letters of Reprimand

Ernest A. Turner, MD-Dr. Turner was not present nor represented by legal counsel. Mr. Shiva Bozarth represented the State. Dr. Turner supervised foreign medical school graduates that he knew were not enrolled in an accredited residency program and who were not ECFMG certified. Dr. Turner permitted the foreign medical school graduates to use his Drug Enforcement Agency number to prescribe medications to patients. The Letter of Reprimand stipulated that Dr. Turner shall pay one (1) Type A civil penalty in the amount of one-thousand dollars (\$1,000.00). Dr. White made a motion to accept the Letter of Reprimand and Dr. Ali seconded the motion. The motion passed.

Adjourned at 4:30 p.m.

January 23, 2008

Panel: Ali, White, Higdon

Contested Case Hearing

Richard Feldman, MD-Dr. Feldman was present and represented by legal counsels, Mr. Frank Scanlon and Mr. Larry Roberts of the Nashville Bar. Mr. Shiva Bozarth represented the State. The Honorable Ann Johnson, Administrative Law Judge presided. The matter is a continuation from November 7, 2007. Between June of 2004 and March 2006, Dr. Feldman has advertised and provided treatment using mesotherapy in a process now referred to as lipodissolve. Dr. Feldman claimed to be “Tennessee’s most experienced weight loss physician”. Dr. Feldman advertised that mesotherapy was safe, it dissolves fat gradually, reduces and even removes cellulite and can permanently eliminate dimpling and misshapen fat under the skin. Dr. Feldman utilized mesotherapy for the purpose of weight reduction to four hundred thirteen (413) patients. Mesotherapy now referred to as lipodissolve is not currently recognized as the standard of care for weight reduction. Mr. Bozarth addressed the panel stating the responsibility of the physician to patients. Closing arguments were given by Mr. Bozarth and Mr. Roberts. The panel deliberated. Dr. Ali made a motion to accept the Findings of Fact and Dr. Higdon seconded the motion. The motion passed. Dr. Ali made a motion to accept the Causes of Action and Dr. Higdon seconded the motion. The motion passed. Mr. Bozarth reopened closing arguments and handed the panel evidence of previous disciplinary actions from 1991 to 1995 on Dr. Feldman. Mr. Roberts followed with arguments. After review of the previous discipline, the panel proceeded with motions. Dr. Ali made a motion to revoke Dr. Feldman’s license for one year and assess all costs of the hearing. Dr. Higdon seconded the motion. The motion passed. The policy statement was read. The reason actions were taken was 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. Higdon seconded the motion.

Panel: Beckford, Wells, Eckles

Contested Case Hearing

James Appleton, MD-Dr. Appleton was present but not represented by legal counsel. Ms. Mona Jean-Baptiste represented the State. The Honorable Mary Collier, Administrative Law Judge presided. The proposed Order was handed to the panel for review. On or about March 15, 2006, Dr. Appleton entered into an Agreed Order with the Board of Medical Examiners whereby his license was placed on probation for a minimum of three (3) years or the duration of advocacy of the Tennessee Medical Foundation (TMF), whichever is longer, or any extension thereof. In May, 2007, Dr. Appleton re-entered in-patient treatment for substance abuse after a relapse. On or about May 14, 2007, Dr. Appleton lost the advocacy of TMF as a result of the lapse into addiction in violation of the Order. Since relapse, Dr. Appleton has been in in-patient treatment and is expected to be discharged from a residential out-patient living facility in February, 2008. Dr. Appleton has maintained contact with TMF and Dr. Roland Gray, Medical Director. Dr. Gray spoke on behalf of Dr. Appleton and stated that if licensed, Dr. Appleton will be able to work under his direct supervision in a drug court clinic type setting. The proposed Order stipulated that Dr. Appleton's license be placed on probation for a period of not less than five (5) years from the effective date of the Order. The probation shall run concurrent with the probationary term on which Dr. Appleton is currently. Dr. Appleton must maintain a lifetime contract with TMF and pay two (2) Type A civil penalties in the amount of Seven Hundred and Fifty Dollars (\$750.00) each, for a total assessment of One Thousand Five Hundred Dollars (\$1, 500.00) for two(2) violations of the Medical Practice Act. Dr. Beckford made a motion to add five (5) years to the probation period and Ms. Wells seconded the motion. The motion passed. Dr. Beckford made a motion to assess the civil penalties and costs and Ms. Wells seconded the motion. The motion passed.

Licensure Denial Appeal

Pilar Vargas, MD-Dr. Vargas was present and represented by Mr. Frank Scanlon of the Nashville Bar. After opening remarks and proof from both sides, the matter was referred to the Board for resolution. Dr. Beckford made a motion to amend the letter dated October 6, 2006 to Dr. Vargas concerning her administrative license adjusting the syntax of the letter to show that no disciplinary action was taken or contemplated by the Board. Ms. Wells seconded the motion. The motion carried. Dr. Beckford made a motion to have the entry with the National Practitioner Database concerning her licensure be withdrawn. Ms. Wells seconded the motion. The motion carried. Dr. Beckford made a motion to have all remarks as to disciplinary actions removed from the State's online website. Ms. Wells seconded the motion. The motion carried.

Discussion during the case centered on how to designate administrative physicians as opposed to fully licensed physicians without inferring that a disciplinary action had occurred as it appears now.

Order of Compliance

Dr. Craft was not present nor represented by legal counsel. Mr. Matthew Scanlon represented the State. Mr. Scanlan presented the Order of Compliance to the panel for

review. The panel was informed that Dr. Craft resides in North Carolina. Dr. Beckford made a motion to accept the Order of Compliance and Ms. Wells seconded the motion. The motion passed.

Agreed Order

Chetah Shah, MD-Dr. Shah was not present nor represented by legal counsel. Ms. Schean Belton represented the State. For a time period from 1999 to 2005, Dr. Shah treated twenty-six (26) patients and did not adequately document clinical indications that would substantiate the initial and/or continued use of controlled substances. Further, Dr. Shah failed to conduct a complete exam to support the continued use of controlled substances. The Agreed Order stipulated that Dr. Shah's medical license be placed on probation for a period of no less than three (3) years commencing from the effective date of the Order. Dr. Shah shall attend and complete, within twelve (12) months from the effective date of the Order, the three day seminar entitled: "*Prescribing Controlled Drugs: Critical Issues and Common Pitfalls*," which is offered at the Center for Professional Health at Vanderbilt University Medical Center, in Nashville, Tennessee and provide proof of attendance to the Board within twelve (12) months from effective date of the Order. Dr. Shah shall complete, within twelve (12) months, the medical record course entitled: "*Intensive Course in Medical Record Keeping with Individual Preceptorships*," which is offered at the School of Medicine, Case Western Reserve University in Cleveland, Ohio, and provide proof of attendance to the Board. Dr. Shah must continue a minimum of two (2) years post-review as offered by the course, for a total of eight (8) quarterly reviews. Dr. Shah must pay six (6) Type B civil penalties in the amount of Five Hundred Dollars (\$500.00) each, for the established violations of the practice act, for a total amount of Three Thousand Dollars (\$3,000.00). Ms. Wells made a motion to accept the Agreed Order and Dr. Beckford seconded the motion. The motion passed.

Panel: Zanolli, Rosen, Mutter

Contested Case Hearing

Gursheel Dhillon, MD-Dr. Dhillon was present and represented by legal counsel, Mr. Phillip Barber. Ms. Andrea Huddleston represented the State. The Honorable Margaret Robertson, Administrative Law Judge presided. Witnesses were sworn in and called upon to testify. The case was a continuation from November 7, 2007. Dr. Dhillon treated a patient that revealed squamous cell carcinoma. Dr. Dhillon wrote prescriptions for Iressa, an anti-cancer drug. The patient was referred to a medical oncology consultation. In December, 2004 the patient saw two medical oncologists, Drs. Ahmed and Goolsby. Both doctors advised against the prescription of Iressa and independently advised the patient that the cancer was potentially curable with surgical or radiation therapy. Dr. Ahmed advised that patient not take Iressa at present and scheduled the patient for a PET

scan to further stage the lung cancer diagnosis with a thoracic surgeon but patient refused surgery. The patient returned to Dr. Ahmed for a follow up appointment on February 10, 2005, and requested a “chemotherapy pill.” Dr. Ahmed again advised against any form of chemotherapy but strongly recommended radiation therapy. Dr. Ahmed told the patient that he cannot have a pill that is recommended for non-small lung carcinoma without first taking chemotherapy or failing with chemotherapy treatment. Treatment course was initiated by Dr. Dhillon without adequate documentation of risk stratification and before consultation with oncology or thoracic surgery. On February 15, 2005, patient returned to Dr. Dhillon’s office requesting a prescription to fight non-small cell cancer. Dr. Dhillon then prescribed the patient another anti-cancer drug, Tarceva, contrary to the recommendations of the oncologist. After closing statements, the panel deliberated. Dr. Mutter made a motion to accept the Findings of Fact and Dr. Rosen seconded the motion. The motion passed. Dr. Mutter made a motion to accept the Conclusions of Law and Dr. Rosen seconded the motion. The motion passed. Dr. Dhillon’s license #31600 is placed on probation; shall attend CPEP and comply with all recommendations; shall successfully complete within the first six months of probation, the three (3) day course entitled, “Intensive Course in Medical Record Keeping” offered at Case Western University and submit proof of compliance to the Disciplinary Coordinator; shall upon completion of all requirements request for an Order of Compliance; shall pay actual costs of prosecuting the case. The policy statement was read. The reason actions were taken is to uphold the standard of care relative to clinical treatment and medical record keeping. For this reason the action is taken to protect the health, safety and welfare of the citizens of the State of Tennessee. Dr. Mutter made a motion to accept the policy statement and Dr. Rosen seconded the motion. The motion passed.

Agreed Order

Roy Page, MD-Dr. Page was neither present nor represented by legal counsel. Ms. Andrea Huddleston represented the State. Between 1997 and 2003, Dr. Page treated at least seventy-four cancer patients with what he referred to as “Gene Activated Therapy or Theracine”. This “therapy” consisted of a vaccine developed from blood and tumor samples taken from the patient. Dr. Page represented to these patients that he was conducting a study of this therapy working with Dr. George Kindness of Amscot Labs. Patients were charged for and treated by Dr. Kindness and Amscot Labs. Dr. Page charged for surgery and office visits. Dr. Page never filed an Investigational New Drug Application or protocol with the FDA nor had he received approval for the study from Methodist Hospital Investigational Review Board. On February 13, 2004, subsequent to the FDA’s investigation, Dr. Page pleaded guilty in the United States District Court for West Tennessee to a felony count of Introduction and Delivery for Introduction into Interstate Commerce a Misbranded Drug. As a result, Methodist Hospital summarily suspended Dr. Page’s privileges and the Medical Executive Committee ultimately recommended termination of his privileges. Subsequently to the summary suspension, Dr. Page completed an application for re-appointment at Baptist Memorial Hospital but did not reveal either the investigation or his summary suspension. Baptist Hospital recommended revocation of his clinical privileges in which Dr. Page voluntarily surrendered his clinical privileges. The proposed Agreed Order stipulated that Dr.

Page's license is permanently surrendered and he must pay all costs associated with the State's prosecution. Dr. Mutter made a motion to accept the Agreed Order and Dr. Rosen seconded the motion. The motion passed.

These minutes were ratified by the Board of Medical Examiners on March 18, 2008.