

MINUTES

TENNESSEE BOARD OF MEDICAL EXAMINERS

December 17, 2007

A meeting for the Board of Medical Examiners was held at 3:00 p.m. in the Iris Room, Ground Floor, at 227 French Landing, Heritage Place Metrocenter, Nashville, TN 37243.

Member in attendance electronically: Drs. Subhi Ali and Dennis A. Higdon

Members in attendance: Dr. Charles White, Sr.

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

A meeting was held to summarily suspend the medical license of Richard L. Hubbell, MD on December 17, 2007.

Mr. Scanlan made opening remarks to the panel and instructed them as to the provisions of TCA 4-5-320. He reminded panel members that in order to take summary action against a licensee, they must find that in order to protect the public health, safety and welfare, emergency action is imperatively required. After the panel agreed to proceed to with the meeting electronically, a roll call was conducted. Everyone present was identified for the record. Mr. Scanlan then turned the proceedings over to the panel, chaired by Dr. White.

Dr. White recognized Ms. Schean Belton, Deputy General Counsel for the Office of General Counsel. Ms. Belton made a brief opening statement and presented the witnesses present and electronically. Ms. Belton called Kenneth Jones, Investigator for the Department of Health, Health-Related Boards' Bureau of Investigations. Mr. Jones was provided with information that suggested he should go to the home of Richard Hubbell, M.D. on December 10, 2007. Mr. Jones did so and saw Sumner County law enforcement personnel already there. He identified himself to law enforcement. He testified that search warrants had been issued and a search of the home was under way. Mr. Jones did not recognize Dr. Hubbell at first; his appearance had changed in that he had lost weight, his hair was "buzzed off", he had not shaved and his hands were shaking considerably. He did not interview Dr. Hubbell at that time. He did interview him at his pain management clinic on the 12th of December. The office was described as approximately 1,000 square feet with six to eight patients in the small waiting room and approximately the same number waiting outside plus more in the parking lot. Both

treatment rooms were full. Dr. Hubbell during his interview told Mr. Jones that he did not know why law enforcement was at his home two evenings earlier. Mr. Jones testified that during the interview, Dr. Hubbell's appearance was "strange" and that his eyes looked different. He talked rapidly and his hands were shaking. Dr. Jones testified that he believed that Dr. Hubbell was impaired.

Ms. Belton called Mr. Chris Young, a Registered Nurse and Nurse Supervisor at Skyline Medical Center. Mr. Young's first contact with Dr. Hubbell was when he responded to a request to come to Dr. Hubbell's room. Dr. Hubbell was unresponsive and in tachycardia. He was given narcan and a request was made to transfer him to the ICU. Dr. Hubbell did not want to be transferred to the ICU so he continued to be monitored on the floor. At that time, he was getting four (4) mgs of dilaudid every two hours.

On the following night, Mr. Young was again called to Dr. Hubbell's room because Dr. Hubbell's wife was starting an IV. Dr. Hubbell accused Mr. Young and the staff at Skyline Medical Center of ignoring his pain. A check of the chart indicated that Dr. Hubbell was never without pain medication as prescribed. After checking Dr. Hubbell's room, valium was found which did not originate from Skyline Medical Center. After some discussion, Dr. Hubbell decided he would check out of the hospital against medical advice. Security had to be called when Dr. Hubbell became aggressive over the status of an IV. Dr. Hubbell was ultimately discharged (after a conversation with Calvin Dyer, M.D.)

Ms. Belton called Calvin Dyer, M.D. as her next witness. Dr. Dyer is an Orthopaedic surgeon at Skyline Medical Center and Dr. Hubbell's physician. Dr. Dyer testified that he was suspicious about Dr. Hubbell's possible drug use because of the infection around the IV sight which was quite unusual. He contacted Roland Gray, M.D., the medical director of the Tennessee Medical Foundations' Physician Health Program. He testified that he was urged to pursue the matter regarding Dr. Hubbell to the medical board.

Ms. Belton then called Detective Dan Hardin of the 18th Judicial District Drug Task Force. He began investigating Dr. Hubbell in November of 2007. He contacted the Tennessee Bureau of Investigation for a provider investigation. Detective Hardin interviewed Dr. Hubbell on December 10, 2007. At that time, emergency medical services personnel were called to the house to see Dr. Hubbell. Dr. Hubbell became combative and sheriff personnel were called.

During his search of Dr. Hubbell's house, Detective Hardin observed used needles, syringes, etc. An inventory of the drugs in the house revealed dilaudid, diazepam, fentanyl, narcan, Demerol, morphine and meperidine. The drugs were not secured in any way, but were scattered through out the house, especially in Dr. Hubbell's bedroom. All the drugs were confiscated.

A series of pictures taken at the scene were presented to the witness and he described them for the record. The same pictures were made available to the board.

Ms. Belton gave her closing statement and urged the panel to summarily suspend the medical license of Dr. Richard Hubbell. The proposed Order of Suspension was handed to Dr. White and then Ms. Belton read the Order into the record for the panel members. Dr. Ali made a motion to accept the proposed Order of Suspension and Dr. Higdon seconded the motion. The motion passed. A roll call vote was conducted by Ms. Otto.

The meeting was adjourned 5:10 p.m.

Ratified by the Board of Medical Examiners January 22, 2008.