

TENNESSEE BOARD OF MEDICAL EXAMINERS
March 18-19, 2014
MINUTES

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The meeting was called to order at 8:35 a.m. at the Health Related Board's Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive Nashville, Tennessee 37243 by President Dr. Michael Zanolli. Other members present were: Dr. Keith Lovelady, Dr. Michael Baron, Ms. Barbara Outhier, Dr. Reeves Johnson, Ms. Pat Eller, Dr. Subhi Ali, Dr. Dennis Higdon, Ms. Nina Yeiser and Dr. Neal Beckford.

Staff present included: Dr. Mutter, Director of Special Projects, Rosemarie Otto, Director, Andrea Huddleston, Deputy General Counsel, Marsha Arnold, Unit Manager, and Angela Lawrence, Board Administrator.

Dr. Zanolli began the meeting at 8:35a.m. with a roll call and asked for a 15 second moment of silence for the Board members to reflect on the task of the board for this March meeting.

Consideration of Applications

Medical Doctor Applications

Andrei Avenido, MD – appeared before the board because he is outside the Board's 1-point rule. After review of the materials contained in his file and interviewing him, Dr. Beckford made a motion to grant an unrestricted license. Dr. Ali seconded the motion. The motion passed. Dr. Lovelady recused himself.

Dustin Clark, MD – appeared before the board because he had action taken against his Ohio license. After review of the materials contained in his file and interviewing him, Dr. Baron made a motion to grant a conditional license requiring a lifetime contract with TMF. Dr. Beckford seconded the motion. The vote passed by show of hands eight (8) to two (2) with Dr. Ali and Ms. Outhier opposed.

Nefeteria Coffee, MD - appeared before the board because she has not successfully completed one (1) year of post graduate training. After review of the materials contained in her file and interviewing her, the board allowed her to withdraw her application.

Wally Folad, MD – appeared before the board because he attended a medical school whose curriculum does not meet or exceed the requirements for the Board's rule. He is not board certified and not yet board eligible. After review of the materials contained in the file and interviewing him, Dr. Beckford made a motion to grant an unrestricted license contingent upon him taking and passing the boards in August 2014. Ms. Yeiser seconded the motion. The motion passed unanimously.

Ronald Greeno, MD – appeared before the board because of a question of clinical competency since he last practiced in 2007. After review of the materials contained in his file and interviewing him, Dr. Beckford made a motion to grant a restricted administrative license. Dr. Johnson seconded the motion. The motion passed. Ms. Eller recused herself.

Narendar Jain, MD – appeared before the board because he has previous discipline in Wisconsin in 2011 and in Washington in 1994. After review of the materials contained in his file and interviewing him, Dr. Ali made a motion to grant an unrestricted license. Dr. Higdon seconded the motion. The motion passed. Dr. Baron and Ms. Eller opposed.

Brittany Jones, MD – appeared before the board because she had a 2011 DUI conviction and a reprimand of her New York medical license. After review of the materials contained in her file and interviewing her, Dr. Beckford made a motion to grant an unrestricted license. Dr. Johnson seconded the motion. The motion passed. Ms. Outhier recused herself.

Paul Kitsis, MD – appeared before the board because he has prior disciplinary action taken in New York for failure to report a criminal conviction and he is outside of the board's 1-point rule. After review of the materials contained in the file and interviewing him, Dr. Beckford made a motion to grant an unrestricted license. Dr. Lovelady seconded the motion. The motion passed a voice vote with Drs. Baron and Johnson abstained.

Petros Konofaos, MD – appeared before the board because he is an international medical school graduate with no United States residency training as required by statute. After review of the materials contained in the file and interviewing him, Dr. Ali made a motion to table until additional action by the board with a possible Declaratory Order. Dr. Lovelady seconded the motion. The motion passed a voice. Drs. Beckford and Higdon recused themselves.

Junyi Lei, MD – appeared before the board because he is outside the board's 1-point rule as well as the board's seven (7) year rule. After review of the materials contained in his file and interviewing him, the board allowed him to withdraw his application.

Nahra Marfatia, MD – appeared before the board at its September 2013 meeting and is returning after completing her work with C-PEP to develop a re-entry program. After review of the materials contained in the file and interviewing her, Dr. Ali made a motion to table the board decision until the November 2014 meeting to allow Dr. Marfatia time to complete the recommendations from C-PEP. Ms. Eller seconded the motion. The motion passed.

Rodothea Milatou, MD – appeared before the board because she attended a medical school whose curriculum does not meet or exceed the requirements for the Board's rule and she is not board certified. After review of the materials contained in her file and interviewing her, the board allowed her to withdraw her application.

Lindsay Norton, MD – appeared before the board because she is currently under contract with the Kentucky Physician Health Program. After review of the materials contained in her file and interviewing her, Dr. Johnson made a motion to grant licensure contingent upon signing a three

(3) year TMF contract. Ms. Yeiser seconded the motion. The motion passed. Dr. Baron recused himself.

Matthew Nunnolley, MD – appeared before the board because he has adverse action during his initial residency training program in Nebraska. After review of the materials contained in his file and interviewing him, Dr. Beckford made a motion to grant an unrestricted license. Dr. Higdon seconded the motion. The motion passed. Ms. Yeiser opposed.

Michael Perry, MD – appeared before the board because he has had multiple malpractice actions. After review of the materials contained in his file and interviewing him, Dr. Beckford made a motion to grant an unrestricted license. Dr. Ali seconded the motion. The motion passed a show of hands vote with Drs. Baron and Zanolli and Ms. Eller and Outhier opposed. Dr. Johnson abstained.

William A.J. Ross, MD – appeared before the board because he had a previous malpractice action and withdrew his application for staff privileges while under investigation for standard of care issues. After review of materials contained in his file and interviewing him, Dr. Baron made a motion to grant an unrestricted license. Dr. Ali seconded the motion. The motion passed. Ms. Eller abstained.

Elli Saraceno, MD – appeared before the board because it took seven (7) years to complete her medical school training and she was on probation for two (2) of those years. After review of materials contained in her file and interviewing her, Dr. Ali made a motion to grant an unrestricted license. Dr. Higdon seconded the motion. The motion passed.

Thomas Woodring, MD – appeared before the board because he has a substance abuse disorder and has not practiced clinical medicine since July 2007. He is requesting a restricted administrative license. After review of materials contained in his file and interviewing him, Dr. Johnson made a motion to grant a restricted administrative license contingent upon a signed TMF lifetime contract. Ms. Yeiser seconded the motion. The motion passed. Drs. Zanolli and Baron recused themselves.

Approval of Minutes

Dr. Ali made a motion to approve the minutes from the January 28-29, 2014 meeting. Dr. Beckford seconded the motion. The motion passed unanimously.

Ratification of Licenses

Dr. Ali made a motion to ratify and approve the new, reinstated, failed to renew and voluntary retired licenses for Medical Doctors. Ms. Yeiser seconded the motion. The motion passed. Dr. Ali made a motion to ratify and approve the new, reinstated, failed to renew and voluntary retired licenses for MD X-Ray Operators. Dr. Higdon seconded the motion. The motion passed. Dr. Higdon made a motion to ratify and approve the new, reinstated, failed to renew and voluntary retired Genetic Counselors. Dr. Ali seconded the motion. The motion passed. Dr. Ali made a

motion to ratify and approve the new, reinstated, failed to renew and voluntary retired MD Office Base Surgery. Ms. Yeiser seconded the motion. The motion passed.

Reports

Report from Administrative Office: Ms. Marsha Arnold reported on the activities in the administrative office from January 1, 2014 thru February 28, 2014 concerning Medical Doctors. The report reads as follows: 343 new applicants, 198 new licenses issued, 82 retired licenses, 22 reinstatements and the average for online renewals is sixty-five percent (65%). The number of active licenses as of February 28, 2014 is 21,295 and the total number of active licenses with a Tennessee mailing address is 16,094. Ms. Arnold also thanked the board for being able to serve the board because this will be her last meeting due to her retirement in April. The board received her thanks with a standing ovation for her outstanding service to the board.

Investigation Report: Ms. Moran was present to discuss the report of the Office of Investigations. She reported there are currently 246 open complaints in the Office of Investigations relative to Medical Doctors as of February 28, 2014. Ms. Moran also gave a disciplinary report as of February 28, 2014 and it reads as follows for Medical Doctors: 31 suspended 58 on probation, 129 Board Ordered and 109 revoked/surrendered. MD X-Ray Technicians have 3, suspended, 4 Board Ordered and 1 revoked. Ms. Moran also informed the board an offer has been made to fill the position of Disciplinary Coordinator and a request to add a second Disciplinary Coordinator has also been granted. They are also in the process of conducting interviews for new investigators and they hope to be fully staffed soon.

OGC Report: Ms. Huddleston informed the board that as of March 5, 2014 there were one hundred sixty one (161) disciplinary complaints against one hundred six (106) respondents pending in the Office of General Counsel. There are three (3) pending appeals from Board action, involving three (3) physicians. There is one (1) civil suit pending which was filed against the board and/or board members or staff. *Gursheel Dhillon V. State of Tennessee et al*, was filed in the U.S. Middle District of Tennessee. The court granted the Motion to Dismiss filed by the Attorney General's office. Dr. Dhillon has appealed to the Sixth Circuit Court of Appeals, where this matter is still pending. Ms. Huddleston also brought to the board's attention that amendments to the 1-point Rule and the International Medical School Graduates Rule are in the process of internal review. Rule amendments regarding Interventional Pain Practice and regarding Medical Records were subject of a rulemaking hearing at the July meeting and were forwarded to the Attorney General's Office for review in August 2013. Rule amendments to the board's rule regarding continuing education are required as a result of Public Chapter 430 of the 108th General Assembly were subject of a rulemaking hearing in January 2014 and were forwarded to the Attorney General's Office for review in February 2014.

Vanderbilt Proposed Legislation for Canadian Medical School Graduates

Ms. Julia Morris JD was present and asked for support of legislation going forward regarding what they feel is equivalent training for Canadian applicants. Dr. Donald Brady also addressed the board to present emphasis on the proposal to add to the current rule to accept accredited training program through the Royal College of Physicians and Surgeons with a primary specialty

completed within a minimum four (4) year period. The current rule requires that all Canadian trained applicants must completed one (1) year of post graduate training the United State. The board did have some concerns and there was no Board action taken on the matter at this time.

Presentation: Prescribing Guidelines for Pain Management and Patient Safety

Yarnell Batey from the Tennessee Medical Association was present and addressed the board regarding a new CME course to offer prescribers which includes treatment guidelines that fulfill the requirement of Public Chapter 430. A slide presentation was provided for board members to review.

Order of Compliance

Rodolfo Beer, MD – Dr. Beer was not present but was represented by Attorney Robert Kraemer. Ms. Huddleston represented the state. Dr. Ali made a motion to accept the order. Dr. Beckford seconded the motion. The motion passed unanimously.

James Denham, MD – Dr. Denham was present with Attorney Dan Warlick. Ms. Huddleston represented the state. Dr. Ali made a motion to accept the order. Ms. Yeiser seconded the motion. The motion passed unanimously.

Anthony Ramirez, MD – Dr. Ramirez was present but not represented by counsel. Ms. Huddleston represented the state. Dr. Higdon made a motion to accept the order. Dr. Beckford seconded the motion. The motion passed unanimously.

Nii Quao, MD – Dr. Quao was present and represented by Attorney Eric Phillips. Ms. Huddleston represented the state. Ms. Yeiser made a motion to accept the order. Dr. Ali seconded the motion. A show of hand votes four (4) to four (4). Ms. Outhier and Dr. Zanolli abstained. The motion failed.

Michael Ralston, MD – Dr. Ralston was present but not represented by counsel. Ms. Huddleston represented the state. Ms. Eller made a motion to accept the order. Dr. Baron seconded the motion. The motion passed unanimously.

Adjourn 5:17 p.m.

**March 19, 2014
Poplar Room**

Board members Present: Dr. Ali, Dr. Higdon and Dr. Baron

Dr. James Evans, MD

The Contested Case hearing is a continuance from the last meeting where the board members began where they left off with continuing testimony from Dr. Warren's video deposition. Dr. Andrew Holt, Pharmacy Board Director and Administrator for the CSMD Controlled Substance Monitoring Database was called as witness. Dr. Holt testified that the access report shows Dr. Evans last attempted to log-in was in 2006 and his last successful login was in 2014. Dr. Evans was called to the witness stand and was being questioned by his attorney Mr. Robert Kraemer but because of the time, the board voted to continue with the hearing at the next board meeting in May 2014.

March 19, 2014
Iris Room

Board Members Present: Ms. Outhier and Ms. Eller, Drs. Higdon, Ali, Johnson, Baron and Beckford

Dr. Quao, MD

Eric L. Phillips was present as the attorney for Dr. Quao and Andrea Huddleston represented the state. After the discussion in the meeting on March 18 more information was presented for review by the Board concerning the Consent Order. Ms. Huddleston stated that Dr. Quao was in compliance with the Consent Order that had been set out by the board and that the Board needs to accept the Order of Compliance. Dr. Baron made the motion to accept the order and Dr. Johnson seconded the motion. Dr. Beckford made the statement that this should be a teaching moment for members to be more diligent when reviewing orders in the future. The motion passed with Ms. Eller opposing.

Drs. Baron, Ali and Higdon were dismissed to a hearing in the Poplar Room

Michael Reed, MD

Dr. Reed was present with his attorney for a Consent Order that was presented to the Board by the state's attorney, Jennifer Putnam. After review by the panel the panel did not accept the order for a reprimand and suggested five-year's probation and TMF advocacy. The order was sent back to the Office of General Counsel to be re-written.

Michael LaPaglia, MD

Dr. LaPaglia was not present nor was he represented by legal counsel. The Consent Order presented to the panel would suspend his license for six months and TMF (Tennessee Medical Foundation) assessment to follow with adherence to the assessment. The panel requested that for the suspension to be lifted that Dr. LaPaglia would be required to appear before the board and if the suspension was lifted that his license would be placed on five-year's probation. Dr. Johnson made the motion to accept the order with amendments and Ms. Eller seconded the motion. The motion passed.

Stephen Landy, MD

Dr. Landy was present without council and Andrea Huddleston was the attorney representing the state. The panel was presented with an Agreed Order for Dr. Landy for poor documentation. In the order Dr. Landy agreed to a reprimand, to take specified courses on record keeping and controlled substance management and pay a fine of \$50,000. Dr. Johnson made the motion to accept the order and Ms. Outhier seconded the motion. The order was accepted.

Ramon Aquino, MD

Dr. Aquino was not present nor represented by council. Mollie Gass, attorney for the state, presented the panel with a Consent Order. Dr. Johnson made the motion to accept the order to reprimand Dr. Aquino's license and require him to attend specific courses and pay a fine and Ms. Outhier seconded the motion which passed unanimously.

Patricia Shawberry, MD

Dr. Shawberry was not present nor represented by council, the state was represented by Mr. Alex Munderloh. Dr. Shawberry left blank prescription pads for use by a nurse. The Consent Order reprimanded Dr. Shawberry's license and required her to take specific courses and pay a civil penalty. Dr. Lawrence made a motion to accept the order and Ms. Outhier seconded the motion which passed unanimously.

Sammie Long, MD

ALJ: Anne Johnson
Attorney for the state: Jennifer Putnam
Attorney for Dr. Long: Alan Woods

The Notice of Charges was distributed for the Contested Case Hearing. The judge stipulated that the state had the burden of proof. After opening statements, Mr. Woods stated that Dr. Long was willing to accept the Stipulations of Fact but that the order was to correct an error. They wish to amend the order to correspond with the Washington DC order. Dr. Johnson, seconded by Ms. Outhier to open the Findings of Fact again to add that Dr. Long has not practiced since 2008. After review of the facts the motion was made to suspend the license of Dr. Long until such time as a CPEP evaluation of her clinical skills has been made and she has fulfilled all recommendations of the evaluation and approved by the medical director. After completion Dr. Long will be eligible to petition for an Order of Compliance which will require an appearance

before the Board. Her license can then be placed on probation to run concurrently with the Washington DC order. Probation may be lifted once she appears before the board showing compliance with the DC order. She is to pay costs not to exceed \$3,000. Dr. Johnson made the motion and Ms. Outhier seconded the motion which passed unanimously.

Mark Anthony Cooper, MD

Dr. Cooper's license was disciplined by the Medical Board at the September 18, 2013 meeting. He has not followed up on VCAP recommendations and is practicing in a solo practice. Mary Katherine Bratton, attorney for the state provided documents supporting these findings as well as a statement from Dr. Gray, Director of the Tennessee Medical Foundation. Ms. Bratton submitted a proposed Order of Suspension for review by the panel. Dr. Johnson stated that Dr. Cooper was in violation of a board order and made the motion to adopt the Order of Suspension as written and Ms. Outhier seconded the motion. The motion passed unanimously.

May 6, 2014

Petition for Declaratory Order for Dr. Petros Konofaos, MD
Attorney for Dr. Konofaos: James C. Bradshaw III
Attorney for the state: Andrea Huddleston
Panel members: Dr. Ali, Ms. Yeiser and Ms. Eller

Dr. Konofaos presented an application for license to practice medicine in the state of Tennessee but has not completed three years of residency training in the United States as required under Tennessee law when you are a graduate from an international medical school. The panel was presented with documentation of the residency and fellowship training Dr. Konofaos completed beginning in 2006 through 2013 as well as letters of recommendation from fellow colleagues in support of Dr. Konofaos. Documentation was also presented to reflect Dr. Konofaos was certified as a plastic surgery specialist in Greece, his country of origin, in July of 2010. Dr. Konofaos requests that the board grant this Petition to convene a contest case hearing so evidence and testimony may be presented that he has met the criteria and be issued a license to practice medicine in the state of Tennessee. Dr. Ali made a motion to accept the petition. Ms. Yeiser seconded the motion. The motion passed unanimously by a roll call vote.