



**Tennessee Board of Medical Examiners  
Regular Board Meeting**

**Tuesday, November 18, 2014  
Wednesday, November 19, 2014**

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**MINUTES**

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The regular board meeting of the Tennessee Board of Medical Examiners was called to order at 8:36 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Zanolli, Board President.

Board members present: Michael Zanolli, MD  
Dennis Higdon, MD  
Michael Baron, MD  
Neal Beckford, MD  
Pat Eller, Consumer Member  
Reeves Johnson, MD  
Jeff Lawrence, MD  
C. Allen Musil, MD  
Barbara Outhier, Consumer Member

Board member(s) absent: Nina Yeiser, Consumer Member  
Keith Lovelady, MD  
Subhi Ali, MD

Staff present: Andrea Huddleston, Chief Deputy General Counsel  
Maegan Carr Martin, Executive Director, BME  
Rene Saunders, MD, Medical Consultant, BME  
Stacy Tarr, Administrative Manager  
Angela Lawrence, BME Administrator  
Jennifer Shell, Administrator

**I. CONSIDERATION OF APPLICATIONS**

**MD X-Ray Applicant Interview(s):**

**Tommy Jones** – appeared before the Board because he was separated from the military for misconduct related to drug use. Mr. Jones' application did not reveal results of his

background check. After review of the materials contained in his licensure file and interviewing him, Dr. Baron made a motion to grant a license contingent upon TMF evaluation and advocacy. Dr. Musil seconded the motion, which passed unanimously.

**Melissa Smith** – appeared before the Board due to arrests on multiple occasions for various offenses which included: disorderly conduct, DUI (found guilty of lesser charge of reckless driving), and reckless endangerment. After review of the materials contained in her licensure file and interviewing her, Dr. Beckford made a motion to grant an unrestricted license. Dr. Lawrence seconded the motion which passed unanimously.

#### **Medical Doctor Applicant Interview(s):**

**Stuart Bacon, MD** – appeared before the Board because he inadvertently allowed his license to lapse, but now wishes to volunteer for the state of Tennessee Medical Reserve Corps. After review of the materials contained in his licensure file and interviewing him, Dr. Musil made a motion to grant an unrestricted license. Dr. Lawrence seconded the motion which passed unanimously.

**Kimberly Collins, MD** – appeared before the Board because her medical school does not meet the requirements of Tenn. Comp. R. and Regs. 0880-02-.04(3). She is board-certified in family medicine; however, she did not pass the clinical knowledge component of Step 2 of the USMLE on her first attempt. After review of the materials contained in her licensure file and interviewing her, Dr. Johnson made a motion to grant an unrestricted license due to manifest injustice. Ms. Eller seconded the motion. Dr. Beckford made a friendly amendment that it would be a manifest injustice to the citizens of the state she intends to serve. Dr. Johnson seconded the motion which passed unanimously.

**Gursheel Dhillon, MD** - appeared before the Board because his license was indefinitely suspended for failure to comply with the terms of a 2008 Board order. Dr. Dhillon was initially disciplined for inappropriate prescribing, unprofessional conduct and inappropriate treatment/diagnosis. Dr. Beckford and Dr. Baron recused themselves. After review of the materials contained in his licensure file and interviewing him, Dr. Musil made a motion to deny an unrestricted license. Dr. Lawrence seconded the motion which passed unanimously.

**Mikhali Doubrovin, MD** – appeared before the Board because of a failure to complete all steps of the USMLE within seven (7) years of his first successful attempt. He seeks to become licensed under the MD/PhD exception which allows an applicant to overcome a violation of the seven (7) year rule if he or she was unable to complete all three steps within seven years due to enrollment in a MD/PhD program. Dr. Doubrovin was represented by counsel, David Steed. After review of the materials contained in his licensure file and interviewing him, Dr. Beckford made a motion to grant an unrestricted license. Dr. Johnson seconded the motion which was unanimously approved.

**Prem Gulati, MD** – appeared before the Board because Dr. Gulati's Alabama medical license was revoked following several infractions involving concerns surrounding Dr. Gulati's prescribing practices, possible impairment and ability to safely practice. After review of the materials contained in his licensure file and interviewing him, the Board permitted him to withdraw his application, which he elected to do.

**Steven Hedlesky, MD** – appeared before the Board because he has been party to a large number of malpractice claims. After review of the materials contained in his licensure file and interviewing him, Dr. Johnson made a motion to grant an unrestricted license. Dr. Beckford seconded the motion which was unanimously approved.

**Michael Labanowski, MD** – was asked to appear before the Board because he attended a medical school that does not meet LCME requirements or the board rules for international medical schools. However, Dr. Labanowski is board certified and did pass all three steps of the USMLE on the initial attempt. Dr. Labanowski asked to be included on the Board's November agenda; however, he was erroneously scheduled for the September meeting. Pursuant to the Board's request at the September meeting, he was sent a certified letter stating that if he did not appear before the Board at the November meeting, his application would be denied. Despite numerous attempts, administrative staff had been unable to reach Dr. Labanowski directly and he did not appear before the board. Dr. Baron made a motion to deny for failure to appear before the board. Dr. Beckford seconded the motion. After further discussion, Dr. Beckford withdrew his second. Ms. Eller seconded the motion. The motion to deny passed unanimously.

**Nisreen Jallad, MD** – appeared before the Board because she failed to pass all Steps of the USMLE within seven years of her first successful attempt. After review of the materials contained in her licensure file and interviewing her, Dr. Jallad chose to withdraw her application.

**Leif Paulsen, MD** – appeared before the Board because he was arrested in March of this year for a domestic abuse incident. The criminal charge was dropped and a citation for disorderly conduct was ultimately issued. Dr. Paulsen was dismissed by his employer for the incident. After review of the materials contained in his licensure file and interviewing him, Dr. Musil made a motion to grant a license contingent on TMF evaluation and advocacy. Dr. Beckford seconded the motion. Ms. Outhier opposed the motion, which passed.

**David Price, MD** – appeared before the Board because he submitted to a monitoring program with the Pennsylvania PHP after it was alleged that he was addicted to the nasal spray medication, Stadol. As a result of Dr. Price's advocacy, his prescribing privileges in Schedules 2, 2N, 3, 3N, 4, and 5 were voluntarily surrendered in November 1999. His prescribing privileges were obtained again about eight months later. Dr. Price also reports two malpractice claims. After review of the materials contained in his licensure file and interviewing him, Dr. Baron made a motion to grant an unrestricted license. Dr. Musil seconded the motion which passed unanimously.

**Michael Sumner, MD** – withdrew his application and did not appear before the Board.

**Sharron Thompson, MD** – was asked to appear before the Board on her application for reinstatement because her practice has been limited to administrative medicine since 2001. Dr. Thompson inadvertently allowed her medical license to lapse. She failed to appear before the Board. Her application was tabled until the January 2015 meeting.

**Neha Marfatia, MD** – was asked to appear before the Board because she retired her license in 2007 to stay home with her two young children. Dr. Marfatia now wishes to return to the practice of medicine. She appears to have not seen patients since June 2007. Dr. Marfatia

appeared before the board at its September 2013 meeting. It was suggested that she work with C-PEP to develop a re-entry program and she has done that. Dr. Baron made a motion to grant an unrestricted license. Ms. Eller seconded the motion which passed unanimously.

## **II. APPROVAL OF MINUTES**

Dr. Lawrence made a motion to approve the minutes from the regular September meeting. Dr. Higdon seconded the motion which passed unanimously. Dr. Higdon made a motion to approve the minutes from the Vatterott teleconference meeting. Dr. Johnson seconded the motion which passed unanimously. Dr. Baron made a motion to approve the minutes from the Consent Order panel meeting of Donald Ramsey, MD. Ms. Eller seconded the motion which passed unanimously.

## **III. RATIFICATION OF LICENSES**

Dr. Musil made a motion to ratify and approve the new, reinstated, failed renew and voluntary retired licenses for **Medical Doctor**. Dr. Beckford seconded the motion which passed unanimously.

Dr. Higdon made a motion to ratify and approve the new, reinstated, failed renew and voluntary retired licenses for **MD Special Training**. Dr. Musil seconded the motion which passed unanimously.

Dr. Higdon made a motion to ratify and approve the new, reinstated, failed renew and voluntary retired licenses for **MD X-ray Operators**. Dr. Beckford seconded the motion which passed unanimously.

Dr. Higdon made a motion to ratify and approve the new, reinstate, failed renew and voluntary retired licenses for **Genetic Counselors**. Dr. Musil seconded the motion which passed unanimously.

Dr. Johnson made a motion to ratify and approve the new, reinstate, failed renew and voluntary retired licenses for **Acupuncture**. Dr. Higdon seconded the motion which passed unanimously.

Dr. Johnson made a motion to ratify and approve the new, reinstate, failed renew and voluntary retired licenses for **Physician Assistants**. Dr. Beckford seconded the motion which passed unanimously.

Dr. Higdon made a motion to ratify and approve the new, reinstate, failed renew and voluntary retired licenses for **Polysomnography**. Dr. Johnson seconded the motion which passed unanimously.

## **IV. VATTEROTT COLLEGE COURSE APPROVAL**

Staff present from Vatterott included Megan Wilson, Senior Associate Counsel for Vatterott Educational Centers, as well as the campus director and program director. The additional information that had been requested previously at the Vatterott teleconference has been submitted. This additional information included a better content breakdown for the curriculum that made it clear that the curriculum was consistent with applicable rules and regulations. Additionally, information was supplied about the instructors that have been hired. After the entire Board reviewed the additional information submitted and talked with Vatterott representatives, Dr. Higdon made a motion to

approve the Vatterott College Course to become an approved course for Medical X-Ray Operators. Dr. Beckford seconded the motion which passed unanimously.

**V. REPORT ON PUBLIC CHAPTER 832**

The Ad Hoc Committee on Public Chapter 832 shared their comments and concerns regarding the legislation and draft rules. Ms. Martin reported that the Board of Osteopathic Examination proposed has proposed that a workgroup of Board of Pharmacy, Board of Medical Examiners and Board of Osteopathic Examination be convened to collaborate in an open session to finalize the Board of Pharmacy's proposed rules. Dr. Baron and Dr. Higdon will represent the Board and Dr. Zanolli will serve as an alternate. Ms. Martin will work with all Board representatives to finalize a meeting.

**VI. YEAR-END FINANCIAL REPORT**

Ms. Lisa Tittle presented the year-end financial report. The Board's actual expenses exceeded projected estimates by \$75,431.32. The Board requested that Ms. Martin recirculate all documents referred to by Ms. Tittle to the entire Board. The Board also requested that Ms. Tittle appear at the next meeting to discuss this matter further.

**VII. DEPARTMENT REPORTS**

1. **Report from BME's Administrative Office:** Ms. Stacy Tarr reported on the Administrative Office's licensing activities from September 1, 2014 through October 31, 2014. The statistics are as follows: 172 new applications for Medical Doctors, 7 for Locum Tenens, 3 for Telemedicine, 2 for Special Training, 1 for Single Purpose, and 2 for St. Jude were received. 247 new licenses were issued, 1642 renewals (1142 online renewals), 103 licensees failed to renew, 128 licensees retired their license, and 25 reinstatements. The number of active licenses as of October 31, 2014 is 20,906. The total number of active licensees as of October 31, 2014 with a Tennessee mailing address is 16,224. The total number of telemedicine licenses is 469. There were 2 TSAC suspensions, both Medical X-Ray Operators.
2. **Investigative Report:** Ms. Nichelle Dorroh presented the report to the board. There are currently one hundred ninety (190) open complaints in the office of investigations relative to medical doctors. Ms. Dorroh also gave a disciplinary report as of November 2014 and it reads as follows for Medical Doctors:
  - 37 suspended
  - 81 on probation
  - 95 revoked/surrendered and 99 Board ordered.There are currently 8 open complaints against registered Pain Clinics in the office of Investigations.

**3. OGC/Disciplinary Business**

### Orders of Compliance

**Dr. Rexford Agbenohevi** was present; his counsel, Garrett Asher, was not present. Ms. Andrea Huddleston represented the state. Dr. Agbenohevi was disciplined in 2009 for engaging in consensual sexual activity with a patient during office hours in an exam room. He is in compliance with the requirements and is entitled to have his petition granted. Dr. Beckford made a motion to accept the Order. Dr. Lawrence seconded the motion which passed on a voice vote.

**Dr. Michael Lapaglia** was present; his counsel, Stephen Johnson, was not present. Ms. Andrea Huddleston represented the state. Dr. Lapaglia was disciplined in 2013 after being possession of controlled substances and pled guilty to some of those. He self-reported to the Tennessee Medical Foundation and was inpatient for at least three months. He is in compliance with the requirements and is entitled to have his petition granted. Dr. Baron made a motion to accept the Order. Dr. Beckford seconded the motion which passed on a voice vote.

**Dr. Bret Sokoloff** was present and was represented by counsel, Mr. Daniel Warlick. Ms. Andrea Huddleston represented the state. Dr. Sokoloff was disciplined in 2009 related to inappropriate behavior at the surgery center where he worked. He subsequently pled guilty to assault and surrendered his privileges at the various institutions he worked. He is in compliance with the requirements and is entitled to have his petition granted. Dr. Beckford and Dr. Higdon recused themselves. Dr. Baron made a motion to accept the Order. Dr. Johnson seconded the motion which passed on a voice vote.

**Ronald Flowers, PA** was not present and was not represented by counsel. Ms. Hughes-Toombs represented the state. Mr. Flowers was disciplined in 2008 after pleading guilty to possession of a schedule 4 drug, possession of a schedule II controlled substance, and possession of drug paraphernalia. He was sentenced to eleven (11) months and twenty nine (29) days of suspended incarceration on each count as well as a fine of \$1,150.00. At the time, he admitted to frequent use of cocaine and marijuana. He also practiced on an expired license and inappropriately prescribed. This was already approved at the PA committee meeting. Dr. Higdon made a motion to accept the Order. Dr. Lawrence seconded the motion which passed on a voice vote.

### Agreed Citations

**Megan Purcell, PA** was not present and was not represented by counsel. Ms. Hughes-Toombs represented the state. Ms. Purcell, practiced on an expired license for more than thirty days in violation of Tenn. Comp. R. & Regs. 0880-03-.09-(1). She will pay a Civil Penalty of \$200. Dr. Baron made a motion to accept the Citation. Dr. Musil seconded the motion which passed on a voice vote.

**Bart Lee Elgin** was not present nor was he represented by counsel. Ms. Mary Katherine Bratton represented the state. Mr. Elgin was disciplined for practicing as a polysomnographer without a license in violation of Tenn. Code Ann. § 63-31-

106(a)(1). Mr. Elgin has since applied for a license. He will pay a Civil Penalty of \$1,350. Ms. Eller made a motion to accept the Agreed Citation. Dr. Higdon seconded the motion, which passed unanimously.

4. **OGC Report:** Ms. Huddleston gave an update on the status of pending Board rules. The telemedicine rules are still being discussed by the Board. The rule amendment regarding continuing education goes into effect on December 2nd, 2014. The rule amendment for the one-point rule is still being reviewed by the Attorney General's office. There was a favorable decision upheld from the Chancery Court on the matter of William Whittenbock, but there was an appeal, and it is now in the Court of Appeals. There was also a favorable decision upheld with the Court of Appeals on the matter of Steven Stubblefield. Ms. Huddleston informed the board that as of July 19, 2014, there were one hundred fifty-two (152) disciplinary complaints against one hundred five (105) respondents pending in the Office of General Counsel.
5. **Director's Report:** Ms. Martin addressed the Board to update members on matters relating to the administrative office. She informed the Board that the Board of Medical Examiners is one of three Boards/Committees subject to a 2016 Sunset Audit. A state auditor was present for the Board's morning session and is on-site, and will be on-site, for the next several months. Ms. Eller requested information on the findings of the last audit, which was completed in 2012. Ms. Martin also reported that the Board's newsletter has been posted to the website and will be sent in email format to all licensees soon. Ms. Martin notified the Board that the Administrative Office has been considering how best to move toward implementation of the new continuing medical education requirements. Ms. Martin proposed that the Board enforce the prescribing CME immediately; however, for those found to be in noncompliance, issue a confidential notice of noncompliance rather than an Agreed Citation. The Board agreed to this course of action and authorized Ms. Martin to begin immediately and potentially through June 30<sup>th</sup> of 2015. The Board will reconsider the issue at a future meeting.

**Adjourn 5:53 pm**

**Day Two of the Regular Meeting of the Tennessee Board of Medical Examiners  
Wednesday, November 19, 2014**

The second day of the regular board meeting was called to order at 8:36 a.m. at the Health Related Board's Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee, by Board of Medical Examiners' President, Dr. Michael Zanolli. Members present included: Dr. Jeff Lawrence, Dr. Michael Baron, Dr. Reeves Johnson, Ms. Pat Eller, Dr. Dennis Higdon, Dr. Allen Musil, and Ms. Barbara Outhier.

1. **OGC/Disciplinary Business (cont.)**

### Agreed Order(s)

**Thomas Lepsch, MD** was not present nor did a legal representative appear on his behalf. Mr. Marc Guilford represented the State. Dr. Lepsch had sexual relations with two (2) patients to whom he improperly prescribed, and he consumed at least some of the improperly prescribed medication himself in violation of Tenn. Code Ann. § 63-6-214(b)(1), (12), and (14). The Agreed Order presented to the Board orders a reprimand of Dr. Lepsch's license, requires that he complete the course "Prescribing Controlled Drugs" or an equivalent course approved in advance by the Board's Medical Director, plus costs not to exceed \$1,000.00. Ms. Eller made a motion to deny the Agreed Order, which was seconded by Dr. Musil. Dr. Zanolli, speaking on behalf of the Board, clarified that the apprehension of the Board centers on the gap in time between the evaluation and this Order. Dr. Zanolli suggested that monitoring and/or an evaluation may put the Board at ease that there are no remaining issues to be resolved. The motion was unanimously approved.

**Omar Ahmad, MD** was not present; however, his counsel, Mr. Robert Talley, appeared by telephone. Marc Guilford represented the State. Dr. Ahmad suffers from a psychological impairment which prevents him from safely practicing medicine, yet he practiced medicine in violation of Tenn. Code Ann. § 63-6-214(b)(18). The Agreed Order presented to the Board ordered an indefinite suspension of Dr. Ahmad's license. Dr. Higdon made a motion to accept the Agreed Order. Dr. Musil seconded the order. Ms. Eller and Dr. Lawrence were recused. Dr. Higdon, Dr. Musil, Dr. Baron, Ms. Outhier, Dr. Johnson and Dr. Zanolli voted in favor of the motion, which passed.

**Samuel Johnson, MD** was not present; however, his counsel, Mr. Dan Warlick, appeared on his behalf. Ms. Mollie Gass represented the State. Dr. Johnson is being disciplined for improperly prescribing controlled stimulant substances in violation of Tenn. Code Ann. § 63-6-214(b)(1) and (12), as well as Tenn. Comp. R. & Regs., R. 0880-02-.14(7)(a) and Tenn. Comp. R. & Regs., R. 0880-.15(4)(d). The Agreed Order presented to the Board ordered that Dr. Johnson's medical license be placed on probation for the remainder of time he is licensed as a medical doctor in Tennessee. Additionally, Dr. Johnson is permanently prohibited from prescribing or dispensing Adderall, Concerta or any other controlled stimulant substance in any other state where Dr. Johnson may practice medicine. Ms. Eller made a motion to accept the Agreed Order. Ms. Eller's motion was seconded by Dr. Musil and passed unanimously.

**Ashraf Nashed, MD** was not present, nor did a legal representative appear on his behalf. Mr. Mark Gildford represented the state. Dr. Nashed is being disciplined due to disciplinary action taken by the Medical Board of California, in violation of Tenn. Code Ann. § 63-6-214(b)(20). The Agreed Order presented to the Board ordered Dr. Nashed's medical license be reprimanded and he must pay costs, not to exceed \$2,500. Ms. Eller made a motion to accept the order. Dr. Johnson seconded the motion which passed unanimously.

### Consent Order(s)



**Tanzania Dooley, MD** was not present, nor did a legal representative appear on her behalf. Mr. Devin Wells represented the State. Dr. Dooley is being disciplined for failing to provide medical records upon the request of the patient in accordance with Tenn. Code Ann. §§ 63-6-214(b)(1) and 63-1-117(a). The Consent Order presented to the Board orders a reprimand of Dr. Dooley's license, plus costs not to exceed \$1,000. Ms. Eller made a motion to accept the Consent Order. Dr. Lawrence seconded the motion, which passed unanimously.

**Michael Hill, MD** was not present, nor did a legal representative appear on his behalf. Mr. Devin Wells represented the State. Dr. Hill is being disciplined for failing to properly supervise an advanced practice nurse under his supervision in violation of Tenn. Comp. R. & Regs., R. 0880-6-02(7), (8), and (9). The Consent Order presented to the Board ordered a reprimand of Dr. Hill's license, civil penalties of \$1,000, plus the payment of costs not to exceed \$1,000. Dr. Higdon made a motion to accept the Consent Order. Dr. Johnson seconded the motion, which passed unanimously.

**Robert Locklear, MD** was not present, nor did a legal representative appear on his behalf. Ms. Jennifer Putnam represented the State. Discipline of Dr. Locklear's license to practice as a medical doctor was sought after he was arrested for smoking crack cocaine during work hours at his office and examining patients while under the influence, as well as distributing crack cocaine to others at the clinic in violation of Tenn. Code Ann. § 63-6-214(b)(1), (14), and (10). The Consent Order presented to the Board ordered a revocation of Dr. Locklear's license, and costs not to exceed \$1,000. Dr. Higdon and Ms. Outheir recused. Dr. Johnson made a motion to accept the Consent Order. Dr. Lawrence seconded the motion which passed unanimously.

**Alan Pecorella, PA** was not present, nor did a legal representative appear on his behalf. Ms. Mollie Gass appeared on behalf of the State. Discipline of Mr. Pecorella's license to practice as a physician assistant was sought after he pled guilty to simple possession of a controlled substance in 2013 and improperly prescribed opioids and benzodiazepines to a significant portion of his patient population. Mr. Pecorella failed to register with the Tennessee Controlled Substance Monitoring Database (CSMD) and never checked the CSMD before prescribing to his patients. These infractions constitute violations of Tenn. Comp. R. & Regs., R 0880-03-.15(1)(a), (b), (1), as well as Tenn. Code Ann. § 53-10-301(e). The Consent Order presented to the Board ordered a revocation of Mr. Pecorella's license for a period of no less than two (2) years; prior to reapplying for licensure the respondent shall undergo an evaluation by the Tennessee Medical Foundation, and shall be barred from practicing in a pain management clinic and prescribing controlled substances. Mr. Pecorella must also pay costs not to exceed \$5,000. Dr. Baron made a motion to accept the order. Dr. Higdon seconded the motion which passed unanimously.

**Francis Lebuffe, MD** was not present, but was represented by counsel, Mr. Frank Scanlon. Ms. Mollie Gass appeared on behalf of the State. Dr. Lebuffe is being disciplined for failure to perform or document the necessary prerequisites for prescribing opioids in violation of Tenn. Comp. R. & Regs., R. 0880-02-.14(7)(a). The Consent Order presented to the Board Ordered a reprimand of Dr. Lebuffe's license, requires he

complete the courses Medical Documentation, Clinical, Legal, and Economic Implications for Healthcare Providers, and Controlled Substance Prescribing: Pain, Anxiety, Insomnia, shall decrease his prescribing of opioids by thirty percent (30%) within six months, pay \$2,300 in civil penalties, and pay costs not to exceed \$5,000. Dr. Johnson recused. Ms. Eller made a motion to accept the order. Dr. Higdon seconded the motion. Dr. Baron opposed. The motion passed.

**Kevin Elgin** was not present, nor did a legal representative appear on his behalf. Mr. Elgin is being disciplined due to the unlicensed practice of Polysomnography, in violation of Tenn. Code Ann. § 63-31-109(5) , (7), and (13). The Consent Order presented to the Board Ordered civil penalties of \$4,600.00, and costs not to exceed \$500. Dr. Higdon made a motion to accept the Order. Dr. Musil seconded the motion which passed unanimously.

**Cynthia Woods** was not present, nor did a legal representative appear on her behalf. Ms. Elgin is being disciplined due to her RPSGT credential expiring, and while expired, she used the title “polysomnographic technologist”, in violation of Tenn. Code Ann. § 63-31-101(7), and Tenn. Code Ann. § 63-31-113. The Consent Order presented to the Board Ordered her to pay \$1,600 in civil penalties, and costs not to exceed \$300. Dr. Higdon made a motion to approve the Order. Dr. Lawrence seconded the motion, which passed unanimously.

**Jeffrey Miller, PA** was not present, nor did a legal representative appear on his behalf. Mr. Miller is being disciplined due to prescribing narcotics and other controlled substances in amounts and/or for durations that may not have been advisable or justified for a diagnosed condition, failure to document adequate support for diagnoses sufficient to justify the treatment rendered, prescribing narcotics and other controlled substances to persons when the quantity, duration, and method was such that the persons would likely become addicted, writing a prescription for Oxycotin 15 mg to an existing patient without treating and evaluation the patient on that occasion, and without ensuring a prescription for Oxycotin 10 mg had been returned, and did not keep the Committee updated regarding his supervising physician or regarding his authorization for prescribing for physician assistants. The violations include Tenn. Comp. R. & Regs., R. 0880-03-.15(1)(a), (1), and (m), Tenn. Code Ann. § 63-19-107(2)(B), and Tenn. Comp. R. & Regs., R. 0880-03-.21(2). The Consent Order presented to the Board Ordered probation for five (5) years, must complete the courses “Intensive Course in Medical Record Keeping” and “Prescribing Controlled Drugs”. Mr. Miller will also be monitored through Affiliated Monitors, Inc., and must pay costs not to exceed \$2,000. Dr. Baron abstained. Ms. Eller made a motion to ratify the Order. Dr. Lawrence seconded the motion, which passed.

### **Other Board Business**

Ms. Andrea Huddleston introduced a new attorney in the Office of General Counsel, Ms. Fran Baca-Chavez.

The Board received a supplemental licensure reports covering the dates and professions that were inadvertently omitted in the initially prepared reports. Dr. Higdon made a motion to ratify, which was seconded by Dr. Baron and unanimously endorsed by the Board.

Dr. Mutter notified the Board members of the change to an invitation to attend the reception for rolling out the Chronic Pain Guidelines Monday, January 12<sup>th</sup>.

There being no other Board business, the meeting adjourned.

**Adjourn 10:02 am**

**Contested Case(s) (Iris Room)**

**Panelists: Dr. Michael Baron, Dr. Alan Musil, Ms. Barbara Outhier**

**Judge: Judge Joyce Safley**

**Hearing for Dr. Robin Freeman**

**Attorney for the State: Ms. Kyonzte Hughes-Toombs**

Dr. Freeman's case was continued from September 2014. Dr. Freeman was represented by Mr. Frank Scanlon. Ms. Hughes-Toombs called investigator, Shirley Pickering, to offer her testimony. Dr. Freeman provided testimony on her own behalf. After the state and respondent presented all evidence, the Board deliberated and found the following: During some of Respondent's on-call shifts, it was difficult or impossible for staff to locate Respondent; Respondent arrived late or left early during some of her clinic hours; she sometimes failed to arrive on time for scheduled surgeries; failed to write at least one post-operative order; Respondent was observed to be disoriented, easily distracted, had difficulty recalling information and had slurred speech; Respondent had a bottle of wine and unlabeled pill bottles in a room at Volunteer Hospital; and she prescribed controlled substances to herself under her married name. The Board found that these facts were sufficient to establish violations of the Tennessee Medical Practice Act and accordingly ordered the following: Respondent's license must be placed on five-year probation and she must undergo an evaluation facilitated by the Tennessee Medical Foundation (TMF). Should TMF determine that a monitoring agreement is necessary, such agreement will run concurrently with Dr. Freeman's five year probationary period. Further, Dr. Freeman is ordered to pay a \$2,000.00 civil penalty and all costs.

**Panelists: Dr. Michael Baron, Dr. Alan Musil, Ms. Barbara Outhier**

**Agreed Order of Joseph Edward Rich, MD**

This Agreed Order of Dr. Joseph Rich came to be heard by this panel of the Board on Remand from the Tennessee Supreme Court and on the Petition of Dr. Rich for an Order lifting the suspension and reinstating his medical license. Dr. Rich was disciplined in 2007 for unprofessional conduct, improper prescribing, malpractice and violation of Board Order. At that time, Dr. Rich's license was suspended for a period of not less than one year and he was ordered to undergo a VCAP evaluation and comply with any resulting recommendations, complete forty (40) hours of Board approved pain management CME and pay costs. Dr. Rich has substantially complied with the terms of the Final Order, except that he seeks the

ability to obtain an evaluation in Florida, where he now resides. The Board considered the record and the proposed terms of Agreed Order on Remand and approved the following: Dr. Rich shall obtain an evaluation from the University of Florida, Florida Recovery Center or Healthcare Connections of Tampa and shall direct that a copy of the report be released to the Office of Investigations. Dr. Rich must comply with any resulting recommendations of the evaluation. If Dr. Rich later seeks to have his suspension lifted, he must appear before the Board and the following restrictions will apply: Dr. Rich's license shall be placed on probation for at least five (5) years, he may not engage in the solo practice of medicine, he may not engage in chelation therapy, hydrogen peroxide therapy or alternative medicines; he may not prescribe methadone or any Schedule II controlled substances for any purpose; and Dr. Rich's practice must be supervised by a Board-approved monitor.