



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

Tuesday, March 15, 2022

MINUTES

The regular board meeting of the Tennessee Board of Medical Examiners was called to order at 8:32 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Melanie Blake, Board President.

Board members present: Melanie Blake, MD, President
Stephen Loyd, MD, Vice President
Robert Ellis, Consumer Member, Secretary
Deborah Christiansen, MD
Samantha McLerran, MD
John Hale, MD
Randall Pearson, MD
Phyllis Miller, MD
John McGraw, MD
Keith Anderson, MD

Board member(s) absent: Jennifer Claxton, Consumer Member

Staff present: Francine Baca-Chavez, JD, Office of General Counsel
Rene Saunders, MD, Medical Consultant, BME
Angela Lawrence, BME Executive Director
Stacy Tarr, Administrative Director
Candyce Wilson, Administrative Director
Brandi Allocco, Board Administrator
Samantha Green, Board Administrator

I. CONSIDERATION OF APPLICATIONS

Nir Shimony, MD – appeared before the Board with his legal representative, Ms. Dawn M. Campbell. Dr. Shimony is an International Medical School graduate who has not completed three (3) years of U.S. ACGME accredited residency training and is not currently ABMS certified. Dr. Shimony briefly went over his practice and licensure history. Dr. Deborah Christiansen motions to table the application for up to six (6) months to allow time for Dr. Shimony to go through the Declaratory hearing process. Dr. Samantha McLerran seconds the motion, and it passes. Dr. Christiansen motions to accept Dr. Shimony's Petition for Declaratory Order. Dr. Phyllis Miller seconds the motion, and it passes.

Ben Shofty, MD – appeared before the Board with his legal representation, Ms. Dawn M. Campbell. Dr. Shofty is an International Medical School graduate who has not completed three (3) years of U.S. ACGME accredited residency training and is not currently ABMS certified. Dr. Shofty briefly discussed his training history. Dr. Christiansen motions to table the application for six (6) months to allow Dr. Shofty additional time to go through the Declaratory hearing process. Dr. Miller seconds the motion, and it passes. Mr. Robert Ellis motioned to accept the petition for declaratory order. Dr. McLerran seconds the motion, and it passes.

Muhammad Ramzan, MD – appeared before the Board without legal representation. Dr. Ramzan is an International Medical School graduate who has not completed three (3) years of US ACGME accredited residency training. Additionally, he completed all steps of the USMLE in greater than ten (10) years. He is not currently ABMS certified but is eligible to sit via an alternate pathway. He does not qualify for a temporary license due to not having at least two (2) years of US ACGME accredited residency training. Dr. Ramzan briefly went over his training history and his current job prospects in Tennessee. Dr. Ramzan explains he was unable to complete all parts of the USMLE within ten (10) years as he was denied a visa several times, which would allow him to sit for the examination. Ms. Francine Baca-Chavez went over the exceptions to rule which requires completion of the USMLE within ten (10) years. Dr. Christiansen motions to accept the extenuating circumstances resulting in Dr. Ramzan’s greater than ten (10) years completion of the USMLE. Mr. Ellis seconds the motion, and the motion passes. Dr. Christiansen motions to table the application until November 2022 to allow Dr. Ramzan the opportunity to petition for a declaratory order hearing or sit for his board certification examination. Mr. Ellis seconds the motion and the motion passes.

II. PRESENTATION: OVERVIEW OF COURSES OFFERED BY VUMC

Ms. Cone and Epiphany from Vanderbilt’s Center for Professional Health presented to the Board three (3) of the professional development courses they offer. Typically, the courses act as remediation for physicians, however they do offer training to advanced practice nurses and physician assistants. The courses are set up in smaller groups to allow for a safe atmosphere, which creates an environment of self-awareness and genuine change for participants. The courses are tailored to the individual. Currently, courses are being converted back into in-person format from the online format offered during the height of the pandemic. The “*Maintaining Professional Boundaries*” course targets the motives and causes of boundary problems in the workplace, while providing techniques for assessing personal potential for boundary violations, strategies for recognizing the potential for sexual boundary violations in the professional setting, and approaches to avoiding sexual boundary violations. The “*Prescribing Controlled Drugs*” course teaches new skills in substance abuse identification. The course simulates screening patients, providing brief interventions, and referring patients to treatment by bringing in actors. Current prescribing guidelines at a state and federal level are reviewed, and strategies are provided for avoiding risky prescribing behaviors. The “*Program for Distressed Physicians*” only accepts six attendees at a time and is only offered nine times a year. The program is a six-month intensive program. The first part of the program is three days, with the attendees returning for a follow-up at one month, three months, and six months. The program teaches the attendees skills for addressing flooding and techniques for effectively communicating with co-workers. Part of the program involves receiving evaluations from the coworkers of the attendees to help the attendees monitor their own behavioral changes over the course of the program. The follow-ups in the program take three hours, and there are multiple homework assignments leading up to each follow-up. All of these courses are confidential, and only indicate whether or not the physician attended. Many states have modeled their own programs after Vanderbilt’s “*Program for Distressed Physicians*”. Vanderbilt also offers a consultation portion that large health facilities may utilize to help address issues on a larger scale. The “*Maintaining Professional Boundaries*” course and the “*Prescribing Controlled Drugs*” course each award twenty-four (24) hours of continuing medical education (CME) and are priced at three thousand dollars (\$3,000) each. The “*Program for Distressed*

Physicians” awards 48.25 CMEs and is priced at six thousand dollars (\$6,000). Currently none of the courses have a waitlist.

CONSIDERATION OF APPLICATIONS (CONTINUED)

Sergey Shushunov, MD – appeared before the Board with his legal representation, Mr. David L. Steed. Dr. Shushunov was convicted of a felony resulting in serving jail time, criminal probation, Board action on several licenses, Medicare program exclusion, as well as voluntary surrender of a DEA certification. Dr. Shushunov gave a statement regarding his nexus to Tennessee. He has not currently looked for a job in the state, as he wishes to obtain a license in the state prior to applying. Dr. Shushunov is currently practicing family medicine as a locum tenens provider at a rural clinic in Illinois. His background is in Pediatrics; however, he has been providing some care to adults in the family medicine practice with the support from his mentor. Dr. Shushunov briefly went over his criminal history, which resulted in Board action on his licenses, Medicare exclusion, and surrender of his DEA certification. The Medicare exclusion was set for ten years, meaning Dr. Shushunov will be eligible as of June 2022. Dr. Shushunov practiced in American Samoa and Vietnam as a Pediatrician while working on getting his Illinois and Kansas licenses back. Dr. Shushunov has undergone therapy at his personal psychiatric clinic but has not participated in a physician health program. Dr. Michael Baron explained that for a fitness for duty evaluation or a psych evaluation, the Tennessee Medical Foundation (hereinafter “TMF”) would refer Dr. Shushunov out to a provider local to his current address. Dr. Pearson motions to table the license for six (6) months to allow time for Dr. Shushunov to reapply for his DEA license. There was no second and Dr. Pearson withdraws the motion. After a robust discussion, Dr. McLerran motions to table the application for up to six (6) months to allow time for Dr. Shushunov to receive an evaluation by the TMF, and to provide three (3) letters of reference from those he has worked with clinically in the past three (3) years. The letters of reference should include the types of patients receiving care, the number of patients receiving care, the patient load with respect to the number and severity of illness, what type of setting the care is provided in, and what type of supervision and/or collaboration the references have provided to Dr. Shushunov. Dr. Shushunov shall appear before the Board again after all items have been submitted. Dr. McGraw seconds. A roll call vote was taken, and the motion passes unanimously.

Dwight King, MD – appeared before the Board without legal representation. Dr. King was convicted of a felony and has had several medical board licensing actions. Dr. King began by apologizing to the medical community for his lapse in judgement. Dr. Michael Baron, Medical Director of the TMF, met with Dr. King and recommended he undergo a full evaluation in the District of Columbia (DC) area. The evaluation came back with no evidence of a diagnosable mental health disorder. Dr. Barron does not recommend further involvement by TMF. Dr. King has completed a professional boundaries course and has had no further professional boundary issues. Jonas Bateman, from River Region Psychiatry Associates spoke in support of Dr. King. Dr. King was in a two (2) year and six (6) month Consent Order prior to gaining his DC license, as well as other restrictions imposed at the time, which have now been removed. Dr. Pearson motions to grant a full and unrestricted license. Dr. Miller seconds the motion. The motion passes.

Muhammad Ramzan, MD (continued) – Dr. Ramzan is petitioning the Board for a Declaratory Order hearing. Dr. Miller motions to accept the petition. Dr. Hale seconds the motion and it passes.

III. UPDATE TO THE NONRESIDENTIAL BUPRENORPHINE TREATMENT GUIDELINES

Wesley Geminn, PharmD, BCPP Chief Pharmacist and State Opioid Treatment Authority for the Tennessee Department of Mental Health and Substance Abuse Services presented the updated guidelines

for nonresidential buprenorphine treatment. Dr. Geminn went over the statutory authority given to the commissioner of mental health and substance abuse in collaboration with the commissioner of health to develop the buprenorphine guidelines. Every year by September 30th the guidelines are reviewed by the commissioners and present the guidelines and any changes to each health-related board that licenses any practitioner authorized to prescribe buprenorphine-containing products. Historically, the Board has adopted these guidelines as the standard of care for physicians who use these products. Until 2020, only physicians could prescribe buprenorphine products. The guidelines have now expanded to Nurse Practitioners (NPs) and Physician Assistants (PAs), under limited settings. These guidelines are developed in coordination with an expert panel with varying backgrounds and are formatted in a similar fashion as the Tennessee Chronic Pain Guidelines. Previously the guidelines allowed other physicians to diagnose the opioid-use disorder and the buprenorphine prescribing provider would confirm the diagnosis. Changes have been made so the diagnosis must be made by the prescriber prior to initiation of treatment. The guidelines for treatment of patients being prescribed both buprenorphine and benzodiazepines have been amended to be stricter. More information was provided regarding the physical examination prior to treatment. Providers shall document all attempts to engage their patient in counseling. The new guidelines have expanded upon the information surrounding Naloxone, and the use of buprenorphine in pregnant women. Facilities must be physically present in Tennessee; therefore, buprenorphine cannot be prescribed via telemedicine by NPs or PAs. Dr. John Hale motions to adopt the updated guidelines as standard of practice for the Board and Dr. McGraw seconds the motion. The motion passes.

IV. FINANCIAL REPORTS FROM DIVISION OF HEALTH LICENSURE AND REGULATION

Ms. Alicia Grice shared that the board is in the black, and they are projected to close in the black for the fiscal year ending June 30, 2022. Fiscal year 2022 is projected to be on track with Fiscal year 2021. Cumulative carryover is two times the three-year average of operating expenditures. This acts as a buffer should there be a need, such as a large legal case requiring greater than average expenditure. The average of the past 3 years is 4 million, so the cumulative carryover balance should be 8 million. The cumulative carryover does not exceed two times the three year average of operating expenditures.

V. CONSIDER AND APPROVE CONSENT AGENDA

Dr. Christiansen motioned to accept the consent agenda. Dr. Loyd seconded the motion and it passed. The Consent Agenda contained the following:

1. Approval of January 24, 2022 Development Committee meeting minutes
2. Approval of January 25-26, 2022 Board meeting minutes
3. Ratification of new licenses, reinstatement and renewals of Medical Doctors, MD X-Ray Operators, Genetic Counselors, Polysomnography and Acupuncture
4. Review of Administrative Office Statistical Licensing Report
5. Review of the Office of General Counsel Report
6. Review report from the Office of Investigations
7. Review and approve unlicensed practice Agreed Citations – Amanda Jurgensen, AMDX (license #8115), and Misty Devotie, AMDX (license #5955)
Review and approve continuing education Agreed Citations – Kathryn Sisson, L.Ac. (license #312), and Clara Cobb, MD (license #18478)

VI. UPDATES FROM TASKFORCES & COMMITTEE MEETINGS

a. **Development Committee Meeting Update (Dr. Blake, Mr. Ellis, and Dr. Christiansen) –**

- i. The Committee met yesterday, March 14, 2022.
- ii. TFQPH Opioid Education Proposal – A request for funding was made by the Tennessee Medical Association (hereinafter “TMA”) on behalf of a nonprofit, to develop criteria for the TMA’s opioid prescribing course at the Development Committee meeting in January. TMA returned before the Development Committee to discuss other avenues for funding. Further information is needed regarding the request for proposal process prior to full Board discussion.
- iii. Advisory Opinions -
 1. David Woznica, MD – Dr. Woznica is seeking an exemption to the Rule stating that for a Physician Assistant and Nurse Practitioner supervisory relationship, the supervising physician must visit the remote site once every thirty (30) days. Dr. Woznica works for a telemedicine based musculoskeletal healthcare company and delivers care virtually. The nurse practitioner and physician assistant meet with the supervising physician several times weekly to coordinate patient care. The supervisory relationship must be in accordance with all applicable rules governing a physician’s supervision of a nurse practitioner or physician assistant. Board Rules 0880-06-.02(9) and 0880-02-.18(9) require a supervising physician to visit any remote sites of their supervisees at least once every thirty (30) days. This is true even if the nurse practitioner or physician assistant is practicing telemedicine and whether or not they are practicing in a location geographically distant from their supervising physician. A remote site visit may not occur via videoconferencing technology. The Committee motions to approve the advisory letter ruling as written and it passes by the Board.
- iv. FARB Conference – The conference was attended by Dr. Rene Saunders and Ms. Angela Lawrence. Ms. Lawrence reports discussions were held regarding the diversification of licensing Boards, making resources for both current and potential future Board members readily available on the licensing Board websites, having quarterly meetings for Board member trainings, and the utilization of social media to streamline information to licensees and the public.

The Board recessed for lunch.

VII. PRESENTATION BY GRAHAM MCMAHON, MD, MMSC - ACCME

Dr. Graham McMahon, CEO of ACCME, gave an overview of the history of the ACCME. The ACCME accredits 1680 organizations. These organizations provide about 171,000 activities yearly for continuing medical education. By use of the ACCME digital data infrastructure, physicians and State Medical Boards may track continuing medical education credits received from participating in any activities through organizations accredited by ACCME. By digitizing continuing medical education, information may be shared seamlessly to the physician and the licensing boards, while minimizing the amount of paper record keeping. CME Passport is offered for free to physicians and State Medical Boards and is already being utilized in several states. The goal of CME Passport is to move away from box checking behaviors to promote engagement in continuing medical education, while informing physicians of each states’ requirements and whether or not the requirements are being met. The information reported on the CME

Passport is gathered from the continuing medical education activities. The Board is unable to take action at this time as the State already has a contract with CE Broker, which is being reviewed for limitations.

VIII. CONDUCT NEW BUSINESS

- a. **CME Waiver Request: Nancy Alison, MD** – The Board reviewed a request to waive the CME requirement for Dr. Alison due to personal hardships. Dr. Loyd recused. Per Board rule, the request for a waiver must be sent prior to the expiration of the calendar year in which the CME was due. In Dr. Alison’s case, the end of her CME period would have been December 2020. Per the rule, her request should have been submitted prior to the end of 2020. The request was not submitted until November 2021, which was well after the expiration date. Ms. Baca-Chavez notes that while the Board rules do not give latitude to grant a waiver, the Board is able to determine if the Office of General Counsel should proceed with disciplinary action. Dr. McLerran motions to decline the waiver. Dr. Christiansen seconded and the motion passes with Dr. Loyd recused.

- b. **CME Waiver Request: Joseph Opie, MD** – The Board reviewed a request to waive the CME requirement for Dr. Opie due to personal hardships. Per Board rule, the request for a waiver must be sent prior to the expiration of the calendar year in which the CME was due. In his case, the end of his CME period would have been December 2020. Per the rule, his request should have been submitted prior to the end of 2020. The request was not submitted until February 2022, which was well after the expiration date. Dr. Hale motions to decline the waiver. Dr. Miller seconded and the motion passes.

IX. DISCIPLINARY ORDERS

Consent Order(s)

Bonnie Randolph, MD – did not appear before the Board nor did her legal representative, Ms. Renee L. Stewart, Esq., appear on her behalf. Ms. Paetria Morgan represented the State. Dr. Loyd recused. Respondent was licensed on December 9, 2003, which is currently set to expire on April 30, 2022. Respondent supervises several advanced practice registered nurses at the SLK Clinic in Nashville, Tennessee. For about twenty-two (22) months, Respondent failed to be on-site at the SLK Clinic once every thirty (30) days as required. Respondent supervises several advanced practice registered nurses at The Little Clinic. For about thirty-eight (38) months, Respondent failed to be on-site at The Little Clinic once every thirty (30) days as required. In three (3) instances, Respondent failed to certify in patient charts that she reviewed the controlled substance prescription written by a physician assistant supervisee. The facts stipulated are grounds for discipline. This order shall reprimand Respondent’s medical license. Respondent shall pay sixty-three (63) Type C civil penalties for a total of four thousand seven hundred and twenty-five dollars (\$4,725.00). For one year, Respondent shall not serve as a supervising/collaborating physician or substitute supervising/collaborating physician to any advanced practice registered nurse, physician assistant, or pharmacist. Respondent shall pay all actual and reasonable costs of the case not to exceed five hundred dollars (\$500.00). Dr. McLerran motioned to accept the order. Dr. McGraw seconded the motion and it passed with Dr. Loyd recused.

Stephanie Jeter, AMDX – did not appear before the Board nor did a legal representative appear on her behalf. Ms. Francine Baca-Chavez represented the State. Respondent was licensed on July 27, 2010, which is currently set to expire on July 31, 2023. From about January 2020 to about June 2021, Respondent worked as a medical x-ray operator for a total of eighteen (18) months while her medical x-ray operator certificate was expired. The facts stipulated are grounds for discipline. This order shall

Reprimand Respondent's license. Respondent shall pay sixteen (16) Type C civil penalties for a total of one thousand six hundred (\$1,600.00) dollars. Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Mr. Ellis motioned to approve the order. Dr. Hale seconded and the motion passed.

Elizabeth Schaller, AMDX – did not appear before the Board nor did a legal representative appear on her behalf. Ms. Francine Baca-Chavez represented the State. Respondent was licensed on July 3, 2018, which is currently set to expire on October 31, 2022. From about November 2020 until about July 2021, Respondent worked as a medical x-ray operator for nine (9) months while her medical x-ray operator certificate was expired. The facts stipulated are grounds for discipline. This order shall reprimand Respondent's license. Respondent shall pay seven (7) Type C Civil penalties for a total of seven hundred dollars (\$700.00). Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Hale motioned to accept the order. Dr. McGraw seconded the motion and the motion passed.

Ashley Brown, AMDX – did not appear before the Board nor did a legal representative appear on her behalf. Ms. Francine Baca-Chavez represented the State. Respondent was licensed on April 15, 2014, which is currently set to expire on July 31, 2024. From about November 2020 until about June 2021, Respondent worked as a medical x-ray operator for eight (8) months while her medical x-ray operator certificate was expired. The facts stipulated are grounds for discipline. This order shall reprimand Respondent's license. Respondent shall pay seven (6) Type C Civil penalties for a total of six hundred dollars (\$600.00). Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Hale motioned to accept the order. Dr. McGraw seconded the motion and the motion passed.

Gary Griffith, MD – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Francine Baca-Chavez represented the State. Respondent was licensed on September 13, 2012, which is currently set to expire on January 31, 2024. Respondent has failed to submit documented proof of properly maintaining sufficient continuing education credits upon request by the Department. Results of Respondent's continuing medical education audit for the period of January 1, 2018 thru December 31, 2019 showed that Respondent failed to obtain twenty-six (26) hours of required continuing education credits. The facts stipulated are grounds for discipline. This order shall reprimand Respondent's license. Respondent shall complete the twenty-six (26) hours of continuing education that he is deficient; to include two (2) hours related to controlled substance prescribing, which must include instruction in the Department's treatment guidelines on opioids, benzodiazepines, barbiturates, and carisoprodol, and may include such other topics as medicine addiction, risk management tools, and other topics approved by the Board. This is in addition to completing the continuing education hour requirement for the current year. Respondent shall also complete ten (10) additional continuing education hours. This requirement is in addition to the twenty-six (26) deficient hours noted above and is in addition to the continuing education requirement for the current year. Respondent shall pay twenty-six (26) Type B Civil penalties for a total of two thousand six hundred dollars (\$2600.00). Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Hale motioned to approve the order. Dr. McGraw seconded and the motion passed.

Atif Atyia, MD – did not appear before the Board nor did his legal representative, John F. Floyd, Jr., appear on his behalf. Ms. Francine Baca-Chavez represented the State. Dr. Loyd recused. Respondent was licensed on March 17, 1999, which is currently set to expire on December 31, 2022. Respondent is also licensed as a medical doctor by the Virginia Board of Medicine, since about 1998. On or about June 29, 2021, the Virginia Board adopted a consent order disciplining Respondent's Virginia license. In the consent order, the Virginia Board found that Respondent had violated provisions of the laws and rules

governing the practice of medicine in Virginia in his care and treatment of Patient A, a 20-year-old female who was 28 weeks pregnant. The Virginia order specifically found: “On or about September 17, 2020, Patient A presented to the Emergency Department complaining of lower abdominal cramping and pain and constipation. Respondent failed to adequately evaluate the patient to rule out preterm labor in that Respondent failed to perform a pelvic examination to determine whether her cervix was dilated, order an ultrasound, or take vital signs. In addition, although Respondent did not order placement of a fetal heart rate monitor, Respondent documented fetal heart rate was 156. Further, in light of the fact that the hospital was treating only COVID patients at the time, Respondent failed to refer Patient A to a nearby full-service hospital for obstetrical evaluation. Respondent discharged Patient A with a diagnosis of constipation only twenty-four (24) minutes after Patient A’s arrival in the Emergency Department. Respondent ordered Tylenol for Patient A and recommended that she follow up with her obstetrician. Approximately ten (10) minutes after being discharged, Patient A returned to the hospital and delivered her infant in the hospital parking lot. The infant was cyanotic. Resuscitation attempts proved unsuccessful, and the infant was declared deceased.” The Virginia Order found that in caring for Patient A, Respondent violated provisions of Virginia law that authorize license discipline for unprofessional conduct. Respondent neither admitted nor denied the findings of fact and conclusions of law in the Virginia Order and does not admit or deny the findings of fact and conclusions of law in this order. Respondent’s decision to enter into this Consent Order is not an admission of liability, but he acknowledges that evidence exists such that it is possible the Board could find that the factual allegations are true. The Virginia Order reprimanded Respondent’s Virginia license and required that within six months Respondent complete a Board-approved course in the subject of evaluation of obstetrics patients for emergency physicians. On September 24, 2021, the Virginia Board verified that Respondent had fully complied with the Virginia Order. On or about January 19, 2022, the North Carolina Medical Board took reciprocal discipline on Respondent’s license based on the Virginia Board action. Respondent did not timely update his Tennessee practitioner profile to reflect the 2021 Virginia Board action. The facts stipulated are grounds for discipline. This order shall reprimand Respondent’s license. Respondent shall pay four (4) Type C civil penalties for a total of four hundred dollars (\$400.00). Respondent shall pay all actual and reasonable costs of the case not to exceed one thousand dollars (\$1,000.00). Dr. McGraw motioned to accept this order. Dr. Christiansen seconded and the motion passed with Dr. Loyd recused.

Agreed Order(s)

Kyle Payne, MD – did not appear before the Board nor did his legal representative, Mr. Michael G. McLaren, Esq. appear on his behalf. Ms. Paetria Morgan represented the State. Respondent was licensed on May 23, 2013, which is currently set to expire on May 31, 2022. Respondent allowed his licensed practical nurse to access the electronic medical record system under his login to sign off as him on procedure notes, acting inappropriately as his scribe. Respondent carried prescription pads in his bag; not properly secured and on occasion would “need them” when he traveled between clinics, which he admits was a technical offense but avers no wrongdoing was done. On or around January 29, 2020, Respondent asked a medical assistant to take an oral drug test for him. Respondent’s January 29, 2020 specimen tested positive for oxycodone. Respondent could not produce a prescription for oxycodone. Respondent completed an evaluation from the Vanderbilt Comprehensive Assessment Program (VCAP) on October 30, 2020. After successfully completing a course of residential treatment for alcohol and opioid use disorder, Respondent was discharged on or around March 2, 2021. Respondent was cleared to return to practice with certain conditions. One condition required him to enter into a monitoring contract with the Tennessee Medical Foundation (TMF). On March 1, 2021, Respondent entered into a five-year monitoring agreement with the TMF. Respondent is currently unemployed. The facts stipulated are grounds for discipline. This order shall place Respondent’s medical license on probation until at least March 1, 2026. Respondent is restricted from prescribing opioids for twelve (12) months from the effective date of this order. Respondent must maintain the advocacy of the TMF until at least March 1, 2026 and until he successfully petitions the Board for an Order of Compliance lifting the probation from

his medical license. During the period of probation and while the Respondent's license remains encumbered, Respondent shall not serve as a supervising/collaborating physician or substitute supervising/collaborating physician to any advanced practice registered nurse, physician assistant, or pharmacist. Respondent must enroll in and successfully complete within one (1) year, the two (2) day medical course entitled "*Medical Ethics, Boundaries & Professionalism*" offered by The Case Western Reserve University Continuing Medical Education Program at The Case Western Reserve University School of Medicine, or other equivalent course pre-approved by the Board's consultant. Respondent shall pay two (2) Type B Civil penalties for a total of one thousand dollars (\$1000.00). Respondent shall pay all actual and reasonable costs of the case not to exceed seventeen thousand dollars (\$17,000.00). Dr. Miller motioned to approve the order. Dr. McLerran seconded the motion and it passed.

Next Development Committee Agenda

- a. TMA update
- b. CME Passport update
- c. Senate hearing February 23, 2022

X. **PUBLIC COMMENT – None.**

The Board recessed at 3:02pm CT.



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

Day Two of the Regular Meeting of the Tennessee Board of Medical Examiners

Wednesday, March 16, 2022

Two panels of the Tennessee Board of Medical Examiners were called to order at 8:00 a.m. in the Iris and Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243.

Board members present: Melanie Blake, MD, President
 Samantha McLerran, MD
 Deborah Christiansen, MD
 Randall Pearson, MD
 John McGraw, MD
 Phyllis Miller, MD
 Keith Anderson, MD

Staff present: Francine Baca-Chavez, JD, Office of General Counsel
 Jessica Turner, JD, Office of General Counsel
 Rene Saunders, MD, Medical Consultant, BME
 Angela Lawrence, BME Executive Director

Regular Board Business Presented in the Poplar Room

I. UNIVERSITY OF MEMPHIS LIMITED SCOPE RADIOGRAPHY PROGRAM

The University of Memphis College of Health Sciences, in conjunction with Methodist LeBonheur Healthcare (MLH), is proposing a Limited Scope Radiography program. This program is being designed specifically for MLH employees that are currently serving as certified medical assistants. Eligible medical assistants will be given the opportunity for education and growth in the field of radiography. The program will help meet the needs for basic radiographic imaging in local West Tennessee ambulatory care clinics. The Board reviewed the program, however, will not take action at this time. They are deferring the decision to the new Board of Radiologic Imaging and Radiation Therapy.

The regular Board business concluded.

Order of Summary Suspension – Iris Room

Matthew Hine, MD v. State of Tennessee Board of Medical Examiners

Iris Room

Panelists: Randall Pearson, MD, John McGraw, MD, and Keith Anderson, MD

Counsel for State: Jessica Turner, Senior Associate General Counsel

Matthew Hine, MD did not appear before the Board, nor did a legal representative appear on his behalf. Respondent was granted a Tennessee medical license on September 7, 2010 and this license is currently set to expire on July 31, 2022. On or about the morning of May 19, 2020, Respondent submitted to an alcohol breathalyzer test after Respondent reported to work. The breathalyzer test detected an alcohol level of .031. Respondent admitted to putting Kahlua in his coffee prior to coming to work. AS a result of this positive alcohol test, Covenant Medical Group terminated his employment. Respondent submitted to an evaluation at Florida Recovery Center (hereinafter “FRC”) from about June 9, 2020 to about June 12, 2020. The FRC recommendations included the following: Respondent should refrain from the practice of medicine, as he cannot currently practice with reasonable skill and safety at this time. Respondent should enter into treatment at a residential or PHP level of care with a housing component at an institution with expertise in treating healthcare professionals. Respondent’s return to the practice of medicine should be contingent upon successful completion of treatment and continued monitoring by the Tennessee Medical Foundation. Respondent returned to FRC for a second opinion on or about November 16, 2020. The second opinion recommendations included the following: Respondent should refrain from the practice of medicine at this time and should, as previously recommended, enter into treatment at a residential or a PHP level of care with a housing component at an institution with expertise in treating healthcare professionals. Respondent’s return to practice of medicine should be contingent upon successful completion of treatment and continuing compliance with the Tennessee Medical Foundation. Respondent submitted to an evaluation at Bradford Health Services from about January 23, 2022 to about January 27, 2022. The Bradford evaluation concurred with the evaluations performed at FRC and opined that Respondent should complete residential treatment in a center approved by the TMF that specializes in treating healthcare professionals with substance use disorders. Bradford further opined that Respondent should not return to medical practice until he successfully completes treatment. Respondent is currently working as a medical doctor at Volunteer Comprehensive Treatment Center in Chattanooga, Tennessee. As of about March 10, 2022, the Tennessee Medical Foundation has had no contact with Respondent. The conclusions of law are outlined in the order. This order shall summarily suspend the Respondent’s medical license. Respondent shall cease and desist from practicing medicine in the state of Tennessee. This suspension shall be effective immediately and shall remain in effect until the conclusion of the contested case hearing against Respondent or until otherwise ordered by the Tennessee Board of Medical Examiners. After discussion and questions, the panel motioned and seconded, which was followed by an approval of the Order of Summary Suspension with all findings of fact and conclusions of law considered and agreed upon.

Agreed Order – Iris Room

Richard Garvin, MD v. State of Tennessee Board of Medical Examiners

Iris Room

Panelists: Randall Pearson, MD, John McGraw, MD, and Keith Anderson, MD

Counsel for State: Jessica Turner, Senior Associate General Counsel

Richard Garvin, MD did not appear before the Board, nor did a legal representative appear on his behalf. Respondent was granted a Tennessee medical license on July 8, 1986, and this license is currently set to expire on February 28, 2023. Patient C.M. reports she requested both her and her son’s medical records from Respondent by text, telephone, and mail. She never received those records. Respondent reports that he closed his medical practice in 2015 and no longer has his patients’ medical records. As a result, previous patients of Respondent have no way to access or obtain copies of their medical records. The facts stipulated are grounds for discipline. This order shall suspend the Respondent’s medical license. When Respondent can demonstrate compliance with medical records requests, Respondent becomes eligible to petition the Board for an “Order of Compliance” lifting the suspension restriction imposed by

this Consent Order. As part of his petition for an order of compliance, Respondent must appear personally before the Board unless said appearance is waived, in writing, by the Board. Respondent must pay actual and reasonable costs of the case not to exceed ten thousand dollars (\$10,000). Dr. McGraw motioned to approve the order. Dr. Anderson seconded the motion and it passed.

Contested Case – Iris Room

Guyton Register, MD v. State of Tennessee Board of Medical Examiners

Iris Room

Administrative Law Judge: Mattielyn Williams

Panelists: Randall Pearson, MD, John McGraw, MD, and Keith Anderson, MD

Counsel for State: Jessica Turner, Senior Associate General Counsel

Counsel for Respondent: Respondent was unrepresented

After consideration of the Notice of Charges, the evidence presented by both parties, and the record as a whole, the Board finds as follows:

Respondent was granted a Tennessee medical license on July 13, 2008 and that license expired on January 31, 2022. On or about April 26, 2021, the Virginia Board of Medical Examiners revoked Respondent's medical license with the following findings: Respondent is unfit for the performance of his professional obligations and duties and unable to practice with reasonable skill and safety. Respondent unlawfully prescribed and obtained controlled substances for his unauthorized use and without a bona fide practitioner-patient relationship for the individuals the controlled substances were purportedly prescribed to. Respondent engaged in conduct of a sexual nature that a reasonable patient would consider lewd and offensive. Respondent prescribed narcotics to Individual A and Individual D between around June 2018 and January 2020. Respondent did not have a bona fide practitioner-patient relationship with either Individual A or Individual D and did not prescribe the medications at issue for any demonstrable medicinal or therapeutic purpose. Respondent willfully refused to provide information and records as requested by the Virginia Board's representative pursuant to an investigation or to the enforcement of a statute of regulation. The conclusions of law are outlined in the order. This order shall revoke the Respondent's medical license. Respondent must pay actual and reasonable costs of the case not to exceed twenty thousand dollars (\$20,000). After discussion and questions, the panel motioned and seconded, which was followed by an approval of the Final Order with all findings of fact and conclusions of law considered and agreed upon.

Order of Summary Suspension – Poplar Room

Omar Ahmad, MD v. State of Tennessee Board of Medical Examiners

Poplar Room

Panelists: Melanie Blake, MD, Phyllis Miller, MD, and Deborah Christiansen, MD

Counsel for State: Francine Baca-Chavez, Deputy General Counsel

Omar Ahmad, MD did not appear before the Board, nor did a legal representative appear on his behalf. Respondent was granted a Tennessee medical license on June 18, 1997 and this license is currently set to expire on September 30, 2023. Respondent is a medical doctor specializing in internal medicine. Respondent has a record of disciplinary history. Respondent was suspended pursuant to an Order of Summary Suspension entered on March 27, 2014, on the grounds that he was practicing medicine when he was mentally unable to do so. On November 19, 2014, the board issued an Agreed Order based on the same grounds as the Order of Summary Suspension. The Agreed Order continued the suspension previously placed on Respondent's license when he was summarily suspended on March 27, 2014. The

suspension was to continue until Respondent complied with certain terms and petitioned the board for an Order of Compliance to lift the suspension and place his license on probation with the terms set forth in the Agreed Order. On January 14, 2020, an Order of Compliance was entered lifting the suspension on Respondent's license and placing him on probation with terms including, but not limited to, maintaining the lifetime advocacy of the Tennessee Medical Foundation Physician's Health Program (hereinafter "TMF-PHP"), and complying with all recommendations of the TMF-PHP. Respondent is currently not in compliance with the terms and conditions of his probation because he has failed to maintain advocacy with the TMF-PHP by refusing to attend his regularly scheduled therapist and psychiatrist appointments. Respondent also refuses to take his prescribed anti-psychotic medications. On or about February 18, 2022, Respondent's therapist informed the TMF-PHP that Respondent presents with psychosis. On or about February 22, 2022, Respondent's therapist called Mobile Crisis so that a mental health assessment could be performed to further address Respondent's psychotic state. As of about February 23, 2022, Respondent's therapist reported that Respondent remains in a psychotic state. Currently, Respondent does not have TMF-PHP advocacy. As of about Friday, March 4, 2022, Respondent was admitted to St. Thomas Ascension Behavioral Hospital, an inpatient psychiatric facility, in Nashville, Tennessee. Prior to being admitted to St. Thomas Ascension Behavioral Hospital, Respondent was posting delusional messages on Facebook. The conclusions of law are outlined in the order. This order shall summarily suspend the Respondent's medical license. Respondent shall cease and desist from practicing medicine in the state of Tennessee. This summary suspension shall be effective immediately and shall remain in effect until the conclusion of the contested case hearing against Respondent or until otherwise ordered by the Tennessee Board of Medical Examiners. After discussion and questions, the panel motioned and seconded, which was followed by an approval of the Order of Summary Suspension with all findings of fact and conclusions of law considered and agreed upon.

Hearing for Declaratory Order – Poplar Room

Muhammad Janjua, MD v. State of Tennessee Board of Medical Examiners

Poplar Room

Administrative Law Judge: Steve Darnell

Panelists: Melanie Blake, MD, Phyllis Miller, MD, and Deborah Christiansen, MD

Counsel for State: Francine Baca-Chavez, Deputy General Counsel

Counsel for Respondent: Respondent was unrepresented

A panel of the Board heard the position of the Petitioner and the State and reviewed any evidence presented. After discussion and consideration, the panel motioned and seconded, which was followed by an approval of the following Final Order with all findings of fact and conclusions of law considered and agreed upon.

Petitioner, Muhammad Janjua, MD, attended the University of the Punjab, King Edward Medical College in Lahore, Pakistan and obtained a medical degree in 2002. Petitioner has not submitted evidence of the satisfactory completion of a three-year US ACGME accredited residency and is not currently certified by an American Board of Medical Specialties, specialty board. Petitioner is certified by the American Board of Clinical Neurosurgery. Petitioner is also certified by the American Board of Spinal Surgery. Petitioner has completed over eleven years of post-graduate training in Pakistan and the United States. Petitioner completed a general surgery residency followed by neurosurgery training at Shifa International Hospital in Islamabad, Pakistan from July 2003 through March 2011. Petitioner completed a general surgery residency from PNS Hafeez Hospital in Islamabad, Pakistan from November 2006 through May 2007. Petitioner completed research fellowships in the areas of neuroanesthesia, cardiothoracic surgery, and neurosurgery at Washington University School of Medicine in St. Louis, Missouri from January 2012 through November 2014. This fellowship training included two years and four months of ACGME approved fellowship. Petitioner completed a skull base neurosurgery fellowship at CHI St. Vincent

Arkansas Neuroscience Institute in Little Rock, Arkansas from December 2014 through June 2015. Petitioner completed a neurosurgery fellowship at Weill Cornell Medical Center – NYP Hospital in New York, New York from July 2015 through June of 2016. Petitioner completed a visiting fellowship in spine surgery at Allens Hospital NYP - Columbia University in New York, New York from July 1, 2016 through July 30, 2016. Petitioner completed an ACGME neurosurgery spine surgery fellowship at NYU Langone Health and Hospital for Joint Diseases in New York, New York from August 2016 through July 2017. Petitioner completed a neurosurgery fellowship (pediatric spine) at Shriners Hospital for Children Philadelphia in Philadelphia, Pennsylvania from August 2017 through January 2018. Petitioner completed a neurosurgery spine fellowship at the University of Pennsylvania Hospital in Philadelphia, Pennsylvania from August 2017 through July 2018. Petitioner completed a pediatric neurosurgery fellowship at UT Southwestern Medical Center in Dallas, Texas from July 2018 through June 2019. Petitioner currently holds full and unrestricted medical licenses in Missouri, Illinois, and Pennsylvania. Petitioner has had no disciplinary action taken on these medical licenses. Petitioner is also active in conducting research in his specialty field and has authored neurosurgery textbooks and over forty peer reviewed publications. The Petitioner has satisfied by preponderance of evidence that the training he received meets or exceeds the requirements. The petition for Declaratory Order, for this Petitioner, was approved.

Summary Suspension – Poplar Room

Randolph Lowry, MD v. State of Tennessee Board of Medical Examiners Poplar Room

**Panelists: Melanie Blake, MD, Phyllis Miller, MD, and Deborah Christiansen, MD
Counsel for State: Lara E. Gill, Senior Associate General Counsel**

Randolph Lowry, MD did not appear before the Board, nor did a legal representative appear on his behalf. Respondent was granted a Tennessee medical license on September 7, 1979. The State provided Respondent's license verification to the Board as an attachment. Respondent is a medical doctor specializing in internal medicine. Respondent worked at Wellness North/ Behavioral Health Group (hereinafter "Wellness North"), a certified office-based buprenorphine treatment facility, from about 2017 until about 2021. Respondent concurrently works at The Ben Atchley Tennessee Veterans' Home in Knoxville, Tennessee. A complaint was received by the Office of Investigations alleging that Respondent was engaging in sexual misconduct at Wellness North. An investigation was opened. As part of the investigation, a health-related board investigator (hereinafter "HRB investigator"), and a Tennessee Bureau of Investigations agent (hereinafter "TBI agent"), gathered documentation and interviewed witnesses. The HRB investigator provided her sworn statement via affidavit which was presented to the Board by the State as an attachment. The investigation revealed that beginning in 2018, Respondent treated patient GV with suboxone for her opiate addiction. The HRB investigator and TBI agent interviewed patient GV. Patient GV provided the HRB investigator and TBI agent a sworn statement. The Board was provided this statement by the State via attachment under seal. Patient GV reported that during one visit, Respondent closed and locked the exam room door, and proceeded to inappropriately touch GV. Respondent forced GV to perform sexual acts on him. Respondent expressed to GV that if she did not allow him to do what he wanted to her or if she told anyone, he would not continue to prescribe her suboxone. Patient GV's last visit with Respondent occurred on or about May 21, 2021. The State's investigation revealed other sexual misconduct by Respondent while working at Wellness North. Patient HB, a former patient of Respondent, was interviewed by the HRB investigator. Patient HB provided a sworn statement which was presented to the Board via attachment under seal. Patient HB reported that, on at least two occasions during office visits, Respondent unbuttoned his shirt in front of her. During one office visit, patient HB stated that Respondent requested HB perform sexual acts on him, which patient HB refused. Respondent threatened to terminate patient HB's treatment. Patient HB stopped seeing Respondent because of his sexually inappropriate behavior. The TBI agent that worked with the HRB investigator was able to locate another former patient of Respondent to interview. Patient AW is a former

patient that Respondent treated for approximately one year. Patient AW reported that Respondent initially treated her professionally but later began asking patient AW about her sex life. Respondent told patient AW that if her boyfriend was not pleasing to her, that Respondent would be. Patient AW reported Respondent's behavior to Wellness North staff but did not receive a response. The Board was provided patient AW's statement as an attachment (under seal) by the State. All of the material identified above was reviewed and considered by the Board in rendering this Order. The conclusions of law are outlined in the order. This order shall summarily suspend the Respondent's medical license. Respondent shall cease and desist from practicing medicine in the state of Tennessee. This summary suspension shall be effective immediately and shall remain in effect until the conclusion of the contested case hearing against Respondent or until otherwise ordered by the Tennessee Board of Medical Examiners. After discussion and questions, the panel motioned and seconded, which was followed by an approval of the Order of Summary Suspension with all findings of fact and conclusions of law considered and agreed upon.

This concludes the Board of Medical Examiners Day 2 meeting.