



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

**Tuesday, March 16, 2021  
Wednesday, March 17, 2021**

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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 8:39 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 D. Loyd, MD, Vice President  
Robert Ellis, Consumer Member, Secretary  
W. Reeves Johnson, MD  
Neal Beckford, MD  
Deborah Christiansen, MD  
Julianne Cole, Consumer Member  
Randall Pearson, MD  
Samantha McLerran, MD  
Phyllis Miller, MD

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

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

Ms. Lawrence made opening remarks to the Board and provided an overview of the requirements for a special meeting by teleconference. All the requirements were satisfied. The electronic meeting was scheduled for the purpose of considering time sensitive matters considering the covid-19 pandemic. Dr. W. Reeves Johnson motioned for approval to conduct the meeting electronically for this purpose and Dr. Neal Beckford seconded the motion. A roll call vote was taken, and it passed. By roll call confirmation all members present confirmed they received all meeting materials prior to this meeting. The teleconference was then turned over to the President of the Board, Dr. Melanie Blake.

Dr. Blake called the meeting to order. A roll call was conducted, and a quorum of the Board was established with the following members present: Dr. Melanie Blake, Dr. W. Reeves Johnson, Dr. Stephen Loyd, Dr. Neal Beckford, Mr. Robert Ellis, Dr. Deborah Christiansen, Ms. Julianne Cole, Dr. Randall Pearson, Dr. Samantha McLerran, and Dr. Phyllis Miller.

## **I. CONSIDERATION OF APPLICATIONS**

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

**Alia Ali, MD** – appeared before the Board via WebEx without legal representation. Dr. Ali attended a U.S. medical school but has no U.S. ACGME accredited postgraduate residency training. She is ABMS Board Certified which is not contemplated in the Rules or Statutes. Dr. Ali completed her family medicine residency training in Canada. Dr. Ali has submitted a petition for declaratory order if the Board agrees to consider the petition. The Board does have pending rules, in the internal review process, which states those who completed training in Canada may obtain licensure based on ABMS Board Certification. Dr. Johnson motioned to table the application for up to six (6) months to allow the applicant time to submit to the declaratory order process. Dr. Beckford seconded the motion and it passed by roll call vote. The Board members reviewed the submitted petition for declaratory order. Dr. Johnson motioned to accept the petition for declaratory order. Dr. Beckford seconded the motion and it passed by roll call vote with Dr. Randall Pearson abstained.

**Mae Jean Englee, MD** – appeared before the Board via WebEx without legal representation. Dr. Englee is an International Medical School graduate who attended an approved medical school and has been unable to obtain an original Medical School transcript. She is currently ABMS Board Certified. Dr. Englee discussed her attempts to obtain the official transcript for the Board. Included in her application file is a copy of the official transcript that the South Carolina Medical Board received. The file includes a copy of her ECFMG certificate. Dr. Saunders reminded the Board that in the past they have extended grace, for not having the official transcript copy sent to the Boards office, for applicants who completed medical school in war torn countries. In lieu of the transcript, the Board has accepted the ECFMG certificate and ECFMG status report. The consensus of the Board is they are comfortable with the proof of medical school which has been received and that the applicant has exhausted all attempts for the Board to receive an official transcript. Dr. Beckford motioned to grant licensure. Dr. Johnson seconded the motion and it passed by roll call vote.

**Patrick Popieluszko, MD** – appeared before the Board via WebEx without legal representation. Dr. Popieluszko is a graduate of an unapproved International Medical School, has not completed 3 years of U.S. ACGME accredited postgraduate training and is not ABMS Board Certified. He will complete residency on June 30, 2021 and has passed all steps of the USMLE on the first attempt and will be ABMS board eligible upon graduation. Based on the Boards temporary licensure requirements, the applicant would be eligible for that licensure type as of July 1, 2021 after he successfully completes his residency training and becomes ABMS Board eligible. Dr. Christiansen motioned to grant a temporary license, up to one (1) year, effective July 1, 2021 for the purpose of being able to sit for his ABMS Board Certification, this license is non-renewable, all rules and regulations of a full unrestricted license shall apply, and he is not permitted to serve as a supervising physician. Dr. Miller seconded the motion and it passed by roll call vote.

**Daniel McClure, MD** – appeared before the Board via WebEx without legal representation. Dr. McClure has had adverse action taken by two Residency programs apparently relative to practice competency. He did not complete either program. He is not currently eligible for ABMS Board Certification due to not having completed a residency program. He has completed at least one (1) year of U.S. ACGME

accredited postgraduate training. Dr. McClure was not forthcoming regarding these adverse actions in his FCVS application questionnaire. This Board's application does not ask the same question for which he incorrectly answered in the FCVS packet. The Board members reviewed the FCVS questionnaire information, the postgraduate training verification forms, the program's additional information regarding their affirmative response to adverse action and Dr. McClure's explanation regarding the adverse action. He reports his last clinical practice to be in June or July of 2019. The consensus of the Board is that Dr. McClure has demonstrated clinical competency concerns and is not suitable for a full and unrestricted license at this time. Dr. Beckford motioned to deny the license, unless the applicant wishes to withdraw his application, due to the lack of demonstrated clinical competence. Dr. McLerran seconded the motion.

Dr. David Mills, the current program director of the pediatrics program at the Medical University of South Carolina appeared before the Board via WebEx. Dr. Mills was the associate program director at the time the applicant was in their training program. Dr. Mills expressed that Dr. McClure, did have challenges during training, and the competency program did recommend a remediation plan. He was unable to demonstrate clinical competence, therefore he did not complete his PGY2 training and his contract ran out at that time. He attests that the applicant is bright and has a lot to offer the medical field, but he needs to focus on finding the right specialty, organization, and prioritization. He reports higher acuity patient care as a main concern identified during Dr. McClure's training.

Dr. Loyd recommended the applicant seek information and/or assistance from a physician's health program to help his future be successful. The Board expressed they are interested in seeing that the applicant has received additional and successful training and to not be out of clinical practice for too long if he wishes to apply for licensure in the future. Dr. Beckford called the question. Dr. Johnson seconded the motion to call the question. The motion passed by roll call vote. Dr. McClure requested to withdraw his application.

**Robert Jolley, MD** – appeared before the Board via WebEx without legal representation. Dr. Jolley has had several large malpractice suit settlements. He practices Emergency Medicine but is trained in Family Medicine. Dr. Jolley has been ABMS Board Certified in Family Medicine since 1986. The Board questioned him regarding the emergency medicine training he has completed and his current practice setting. He reports for the last twenty (20) years his continuing medical education and medical practice has been specific to Emergency Medicine. Dr. Jolley provided a thorough explanation regarding the malpractice cases for which he is a party of. He provided insight on his procedures when consulting with a patient and handing off the patient. Dr. Jolley's South Carolina medical license has not been disciplined. Dr. Christiansen motioned to grant a full and unrestricted license. Dr. Beckford seconded the motion and it passed by roll call vote.

The Board wishes for Dr. Saunders to continue bringing forth applicants for an interview in situations which would cause for consideration of discipline if the matter(s) had been brought before the Board's investigative team.

**John Farmer, MD** – appeared before the Board via WebEx without legal representation. Dr. Farmer has prior conviction for DUI and prior Board Action with the Kentucky Medical Board secondary to substance use disorder. He is a participant in the Kentucky Physicians Health Program (hereinafter "KPHP") by Board Order. He has adverse action from his family medicine residency program. Based on the complaint against Dr. Farmer during this residency program, he was referred to KPHP for an evaluation. Dr. Farmer has already reached out to Dr. Michael Baron with the Tennessee Medical Foundation (hereinafter "TMF"). He did obtain a contract with the KY monitoring program for two (2) years. In February 2021, Dr. Farmer signed a contract with TMF based off the KY requirements. His contract will cease in December 2021. At this time TMF is a secondary monitor, if he obtains a TN license and moves to practice in TN then TMF will become his primary monitor. The KY Board order

was non-reportable, and that order requires him to maintain monitoring with the KY program monitor. Dr. Christiansen motioned to grant a full and unrestricted license. Dr. Loyd seconded the motion. The Board led a lengthy discussion on whether there is a need to issue this license conditionally, which would require a NPDB report. Based on the reports received after his evaluations and the frequency of the monitoring he has already been under, with no concerns raised to date, the consensus of the Board is that a conditional license is not necessary. The motion passed by roll call vote.

**Michael Martin, MD** – appeared before the Board via WebEx without legal representation. Dr. Martin’s Tennessee license was revoked in 2016 and he has been out of clinical practice since that time. He has complied with the Order and now wishes to be licensed to practice again. Dr. Martin provided a statement to the Board. His original order states that he must provide satisfactory proof of clinical competency to the Board before a license may be issued again. Ms. Baca-Chavez advised the Board that it is the Office of General Counsels position that an applicant can come before the Board for consideration due to other circumstances but, based on the current Executive Orders removing the rules, policies and/or statutes pertaining to clinical competency concerns, a physicians length of time being out of practice shall not be a factor at this time. With robust conversation, it is the consensus of the Board is that the Executive Order shall not fit the situation where a licensee has prior discipline by the Board and is now seeking licensure again. Dr. Baron has not reviewed the application file nor individually spoke to Dr. Martin but based on the discussion today he supports the need for a fitness of duty evaluation before a license is issued. The Board discussed that due to the disclosure of near burnout and physical and/or mental impairments he has experienced an evaluation may be considered prior to licensure. Dr. Baron reports TMF would be able to send the applicant for a medical fitness for duty if requested by the Board. Dr. Johnson motioned to table the application for six (6) months to allow time for the applicant to undergo a fitness for practice evaluation. Mr. Ellis seconded the motion and it passed by roll call vote.

**Fani Manney, MD** – appeared before the Board via WebEx without legal representation. Dr. Manney has had substance use disorder resulting in the need for monitoring. Dr. Manney reports he has a long history of substance abuse, with prior treatment and relapse history. Presently, he is being monitored by TMF. Dr. Baron provided an overview of the history of Dr. Manney’s involvement with TMF. Most recently, he was referred for an evaluation and in-patient treatment. On January 7, 2021, he signed a five (5) year monitoring agreement. TMF is the secondary monitor, with Kentucky being the primary. The Board considered that a lifetime monitoring contract with TMF would be more appropriate. Dr. Loyd motioned to grant licensure conditional to a lifetime monitoring agreement with TMF. Dr. Beckford seconded the motion and it passed by roll call vote.

*The Board recessed for lunch.*

## II. Updates from Taskforces & Committees

- a. **Development Committee (Dr. Loyd, Dr. Blake, Dr. Johnson, Dr. Beckford, Mr. Ellis and Dr. Christiansen) – Dr. Loyd presented the following update:**
  - i. The Committee met yesterday, March 15, 2021.
  - ii. **CME FAQs** – The Committee discussed the desire to phase out using Maintenance of Certification (hereinafter “MOC”) and remove it to qualify as CME proof. The Committee suggested the administrative staff could send out an electronic notification to licensees regarding this change. It was determined that the Board shall consider, on a case by case basis, the need for flexibility in the requirements of CMEs if a licensee is audited and reports they were only following the compliance of CME based on their MOC. The Committee motioned and seconded to remove MOC from the FAQs. This passed by roll call vote.

- iii. **Discussion on Supervision of NP's and PA's with the inclusion of telemedicine** – The Committee proposes that a taskforce be created to address this topic. Dr. McLerran, Dr. Christiansen and Mr. Ellis volunteered to join this taskforce. Dr. Johnson motioned to create this taskforce with Dr. McLerran, Dr. Christiansen and Mr. Ellis as the taskforce members. Mr. Ellis seconded the motion and it passed by roll call vote.
- b. **FARB Update by Ms. Francine Baca-Chavez and Dr. Rene Saunders** – The topics presented at this meeting included managing change, surviving, and thriving post Covid. In one breakout meeting, the discussion included the positives and negatives of meeting virtually. Some of the positives noted were that it provides more flexibility and is more convenient. Some negatives noted were that it was common to face technological issues and zoom/webex fatigue. Another breakout meeting discussed impediments permanently removed as it relates to licensure and rules created by Boards and how they may relate to unconscious bias. There is an FSMB workgroup collecting data from State Medical Boards during the Covid pandemic. There was a discussion on the expected expansion of telehealth changes and access to telehealth moving forward. Arizona passed a law that allows more public members than professional members on six (6) of their Boards.

### III. **Conduct New Business**

1. **Discuss and consider the voting delegate for FSMB's House of Delegates** – Dr. Blake will attend this meeting on the Boards behalf and other members may join the meeting since it is virtual and free.
2. **CME Waiver Request for Consideration by Sidney Berry, III, MD** – Dr. Christiansen motioned to deny the request for consideration. It is recommended that Dr. Berry make additional attempts to obtain internet access and it was noted there are still an additional eight months to obtain the required hours. Dr. Miller seconded the motion and it passed by roll call vote. Dr. McLerran recommended a letter of notice be sent to the requestor which may be drafted and reviewed by Dr. McLerran and Board staff.
3. **Continuing Education Rule Amendments** – The Board reviewed the proposed rule changes, in the current draft rules, that are in internal review. These rules have been in the review process longer than expected, so the language needs to be revised to update the dates of the grace period. The new language will state “Until December 31, 2024 in response to an audit the Board will accept CMEs obtained on a calendar year or those obtained during the renewal cycle. All licensees whose license expires after January 1, 2025 will be required to submit proof of CME for the past licensure renewal cycle rather than the calendar year cycle.” Dr. Johnson motioned to approve the change. Dr. Miller seconded the motion and it passed by roll call vote.
4. **Presentation of the Investigative Process and issues with Consent Orders by Mr. David Silvus with the Office of General Counsel** – Mr. Silvus advised the Board that confidentiality in the investigative process is very important. Which means, at the time of presenting consent orders, this may create an issue because it isn't always evidently clear of the circumstances identified in the investigative process that led to the proposed consent order. Mr. Silvus outlined the thorough and structured investigative process. He explained that when considering the language inside the consent order, the licensee may not agree to certain allegations when they have available testimony that negates the claim. If the licensee does not agree to the consent order and the case goes to trial then the Boards attorney must determine the level of evidence and testimony available and whether there is a question as to if the State would win the case. The office is usually able to come to an agreement on the consent order by specifying the incidences, in the consent order, which

could clearly be proven if at trial. He offered the Board with a couple of fake scenarios on how their team would handle complaints received. At the end of the process, if an order has been agreed on the Board can be assured that a consultant of the Board, with access to the investigative information, agreed to the level of discipline determined.

5. **Discuss and consider approval of consultants for overprescribing cases:** The Board of Medical Examiners must approve of anyone that reviews cases as a consultant on their behalf. The following physicians have been selected to be the Boards case review consultants: Anuj Aryal, MD, Damon Paul Dozier, MD, David Allan Edwards, MD, John Robert Schneider, MD, Tracy Powell Jackson, MD and William Clay Jackson, MD. Background checks have been completed on all of these individuals and Mr. Silvus called each of them to describe the job duties and process. These individuals would only be providing case review as a consultant on a temporary basis until the office is able to fill the vacancy created by the retirement of Dr. Mitchell Mutter last year. The Board received the CV's on each physician proposed. The Board considered the specialties of the physicians provided. The Board inquired if they were permitted to recommend other physicians as a consultant. Mr. Silvus suggested the Board members e-mail him the names of the physicians they want to suggest. Dr. Christiansen motioned to approve the six (6) physicians, named above, to serve as the Boards consultants for up to two (2) years. There were seven (7) names presented but the Board did not have his CV to review so he has been omitted from this motion. Dr. Loyd seconded the motion and it passed by roll call vote.

#### IV. Consider and Approve Consent Agenda

Dr. Christiansen motioned to accept the consent agenda. Mr. Ellis seconded the motion and it passed by roll call vote. The Consent Agenda contained the following:

1. Approval of January 12-13, 2021 Board meeting minutes
2. Approval of January 11, 2021 Development Committee meeting minutes
3. Ratification of new licenses, reinstatement and renewals of Medical Doctors, MD X-Ray Operators, Genetic Counselors, Acupuncture and Polysomnography
4. Review of Office of Investigations Statistical Complaint Report and Currently Monitored Practitioners Report
5. Review of Administrative Office Statistical Licensing Report
6. Review of the Office of General Counsel Report
7. Review and approve unlicensed practice Agreed Citations – Samantha Mary Jones, AMDX (license # 3303), Tiffany Hamby, AMDX (license # 9126) and Susan O'Meara, PSGP (license # 221)
8. Review and approve continuing education Agreed Citations – Chelsie Thompson, PSGP (license # 633) and Yvonne Constancio, L.Ac. (license # 233)

#### V. Disciplinary Order(s) – Order(s) of Compliance

**Samuel Perry, MD** – appeared before the Board via Webex with legal representation by Mr. Samuel Helmbrecht. Ms. Francine Baca-Chavez represented the State. On May 27, 2020, the Petitioner entered into a Consent Order with the Tennessee Board. Ms. Baca-Chavez reviewed the Consent Order. This order placed the Petitioners license on probation. The State agrees he is compliant with the terms of his 2020 consent order. The Board was presented with an order of compliance. Dr. Johnson motioned to accept the order of compliance. Dr. Miller seconded the motion and it passed by roll call vote.

**Linda Foster, MD** – appeared before the Board via Webex without a legal representative. Ms. Francine Baca-Chavez represented the State. On March 18, 2015 and November 10, 2015, Petitioner entered into Consent Orders with this Board. Ms. Baca-Chavez reviewed the Consent Orders. The State agrees she is compliant with the terms of her Consent Orders. Dr. Miller motioned for approval of this order of compliance with the lifting of her probation effective March 18, 2021, which is the day she reaches her required six (6) year probation. Dr. Beckford seconded the motion and it passed by roll call vote.

#### **Petition for Order Modification**

**Chennakesava Kummathi, MD** – appeared before the Board with legal representation from Mr. Jim London. Ms. Francine Baca-Chavez represented the State. On November 3, 2020, a Consent Order was ratified by the Board. Ms. Baca-Chavez reviewed that Order. The Petitioner seeks an Order modification and states as a rural community medical provider he is required to prescribe all categories of medication treatment for his patients and he needs to be able to supervise mid-level providers. The Board reviewed the rules regarding Order modification. The rules do not allow the Petitioner to petition for lesser discipline or a civil penalty other than the one previously issued. The request for modification should only occur when the Petitioner can prove that compliance with the Order is impossible. The term impossible does not mean compliance is inconvenient or impracticable. The Office of General Counsel does not feel the Petitioner has submitted proof that compliance is impossible. He did not initially comply with submitting proof that his employer and colleagues were aware of his restrictions at the time that information should've been received. The disciplinary coordinator received proof of this early today. Dr. Saunders reminded the Board that the Order initially issued was based on the minimum discipline required per the minimum discipline standards created by the Board. Dr. Beckford motioned to deny the request for modification based on the grounds that it is not impossible for the Petitioner to carry out the terms of the Order. Mr. Ellis seconded the motion and it passed by roll call vote with Dr. Loyd abstained.

**Consider motion to Amend Order of David Michael Barrus, MD** – appeared before the Board with his legal representative, Mr. C. J. Gideon. Dr. Loyd recused himself. The initial Order for Dr. Barrus was approved by the Board on January 12, 2021. The motion to amend the Order was filed within fifteen (15) days of Dr. Barrus's receipt of the Order. The rules for Order of Modification do not apply to this situation. According to Mr. Gideon, statutory authority permits this consideration of amending the initial Order so long as it is submitted within fifteen (15) days. The requested amendments include:

- a. Paragraph 3, which recites that he had repeatedly prescribed Xanax to other individuals in the past and Dr. Barrus indicates this is not factual
- b. Paragraph 12, to recite that the appropriate penalty would be a Type C, instead of a Type A. It is requested the Type of penalty be changed because the medication prescribed was never taken by the individual so there was no injury to anyone.

Ms. Paetria Morgan, the States representative for this Order, read aloud certain sections of the signed Order and indicated that any revisions to this ratified Order is not appropriate. Ms. Morgan stated the Statute being used to request this modification only applies to Orders that are a product of a contested case, which was not the case. Furthermore, his request does not meet the Order of Modification Rules. Mr. Ellis motioned to deny the request for consideration to amend the Order. Dr. Beckford seconded the motion and it passed by roll call vote with Dr. Loyd recused.

#### **Disciplinary Order(s) – Order(s) of Compliance (continued)**

**Thomas Hughes, MD** – appeared before the Board via Webex without legal representation. Dr. Beckford recused. Ms. Francine Baca-Chavez represented the State. On July 29, 2020, a contested case was heard before a panel of this Board. Ms. Baca-Chavez reviewed the Final Order. The State agrees he is compliant with the terms of his Final Order. Dr. Miller motioned to accept the Order. Dr. McLerran seconded the motion. The motion passed by roll call vote with Dr. Beckford recused and Dr. Johnson abstained.

VI. **Public Comment** – None.

**The Board recessed at 4:16pm CT.**



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

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

**Wednesday, March 17, 2021**

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A panel of the Tennessee Board of Medical Examiners was called to order at 8:43 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 D. Loyd, MD, Vice President  
Robert Ellis, Consumer Member, Secretary  
W. Reeves Johnson, MD  
Neal Beckford, MD  
Deborah Christiansen, MD  
Julianne Cole, Consumer Member  
Randall Pearson, MD  
Samantha McLerran, MD  
Phyllis Miller, MD  
John Hale, 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  
Candyce Wilson, Administrative Director  
Brandi Allocco, Board Administrator

Ms. Lawrence made opening remarks to the Board and provided an overview of the requirements for a special meeting by teleconference. All the requirements were satisfied. The electronic meeting was scheduled for the purpose of considering time sensitive matters considering the covid-19 pandemic. Dr. W. Reeves Johnson motioned for approval to conduct the meeting electronically for this purpose and Dr. Deborah Christiansen seconded the motion. A roll call vote was taken, and it passed. By roll call



confirmation all members present confirmed they received all meeting materials prior to this meeting. The teleconference was then turned over to the President of the Board, Dr. Melanie Blake.

## **Disciplinary Order(s)**

### **Consent Order(s)**

**Emmanuel O. Soyoola, MD** – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Paetria Morgan represented the State. Respondent was licensed on February 3, 2003 and the license expired on August 30, 2020. From July 1, 2017, through June 30, 2019, four separate medical malpractice settlements were reached with respect to medical professional liability claims against the Respondent. Subsequently, in July 2020, Respondent entered into a Consent Order with the West Virginia Board of Medicine thereby permanently surrendering his medical license. The acts for which Respondent was disciplined in West Virginia would be grounds for disciplinary action in Tennessee. The facts stipulated are grounds for discipline. This order shall voluntarily surrender the Respondents license, effective the date of this order. A voluntary surrender has the same effect as a revocation. Dr. Johnson motioned to approve this consent order. Dr. Hale seconded the motion. Ms. Morgan confirmed that unless otherwise specified, it is assumed a revocation lasts for one (1) year and after which time Respondent could apply for a license. The motion passed by roll call vote.

**Paul Coleman, MD** – did not appear before the Board nor did a legal representative appear on his behalf. Mr. Peyton Smith represented the State. Respondent was licensed on August 6, 1991 and the license expires on January 31, 2021. On April 30, 2020, Respondent pleaded guilty to one (1) count of Possession of Child Pornography and was sentenced to ten (10) years in Texas Department of Criminal Justice, Correctional Institutions Division. The facts stipulated are grounds for discipline. This order shall permanently revoke the Respondents license effective the date of entry of this order. Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Johnson motioned to approve the order. Mr. Ellis seconded the motion and it passed by roll call vote.

**Aharon Wolf, MD** – did not appear before the Board nor did a legal representative appear on his behalf. Mr. Peyton Smith represented the State. Respondent was licensed on July 2, 2018 and the license expires on June 30, 2021. On or about July 2, 2019, the Medical Board of California (hereinafter “CA Board”) denied Respondent’s application for licensure on the basis that “instead of describing his career adjustment honestly and completely in his application to the CA Board for licensure, Respondent knowingly and persistently has provided false information.” On or about July 28, 2020, based on the CA action, the Pennsylvania State Board of Medicine entered into a Consent Agreement and Order with Respondent that Reprimanded his Pennsylvania medical license. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license effective the date of entry of this order. Respondent must pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Hale motioned to approve this consent order. Dr. Miller seconded the motion and it passed by roll call vote.

**Bill Harris, MD** – did not appear before the Board nor did a legal representative appear on his behalf. Mr. Peyton Smith represented the State. Respondent was licensed on May 9, 2019 and the license expires on October 31, 2021. On or about May 21, 2018, the Kentucky Board of Medical Licensure (hereinafter “Kentucky Board”) and Respondent entered into an Agreed Order which restricted Respondent’s medical license for an indefinite period of time, and required him to complete an assessment through the Vanderbilt Comprehensive Assessment Program and to complete the “Maintaining Proper Boundaries” course at The Center for Professional Health at Vanderbilt University Health Center. This order was based upon stipulated facts that Respondent had been terminated from employment at Pikeville Medical

Center due to allegations of sexual misconduct/harassment. The allegations made by the female physician, to whom Dr. Harris was a superior, included ongoing sexual harassment, inappropriate text messages, and requests to engage in sexual activity. On November 21, 2018, the Kentucky Board terminated the Kentucky Order after Respondent fulfilled the conditions of the Order. On or about June 3, 2019, the Virginia Department of Health Professions Board of Medicine Reprimanded Respondent's Virginia medical license based on the Kentucky Order. On or about May 12, 2020, the West Virginia Board of Medicine reprimanded Respondent's West Virginia medical license based on the actions Kentucky and Virginia. The facts stipulated are grounds for discipline. This order shall reprimand the Respondents license effective the date of entry of this Consent Order. Respondent shall pay one (1) Type A civil penalty for a total of one-thousand dollars (\$1,000.00). Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Christiansen motioned to approve the consent order. Dr. Hale seconded the motion and it passed by roll call vote.

**Scott Roethle, MD** – did not appear before the Board nor did a legal representative appear on his behalf. Mr. Peyton Smith represented the State. Respondent was licensed on May 9, 2019 and the license expires on October 31, 2021. On or about June 25, 2020, the Idaho State Board of Medicine reprimanded the Respondent's license for having "prescribed controlled substances without having an Idaho Controlled Substance registration number nor an Idaho DEA number." The prescriptions were for testosterone for three patients. The facts stipulated are grounds for discipline. This order shall reprimand the Respondents license effective the date of entry of this order. Respondent must pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Miller motioned to approve the consent order. Dr. Christiansen seconded the motion and it passed by roll call vote.

*Dr. Randall Pearson joined the meeting.*

**Lisa King, AMDX** – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed on February 10, 2004 and the license expires on August 31, 2023. From February 2020 until April 2020 and from June 2020 until August 2020, Respondent worked as a medical x-ray operator for six (6) months while her medical x-ray operator certificate was expired. The facts stipulated are ground for discipline. This order shall reprimand the Respondents license effective the date of entry of this order. 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 two thousand dollars (\$2,000.00). Dr. Johnson motioned to approve the consent order. Dr. Christiansen seconded the motion and it passed by roll call vote. Dr. Rene Saunders provided the Board with the typical scenario of how the office gets informed of the lapsed license practice and the steps that follow the information received.

**Shannon Kiddy, AMDX** – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent was licensed on June 23, 2008 and the license expires on November 30, 2022. From December 2010 until July 2013 and from September 2016 until October 2019, Respondent worked as a medical x-ray operator for sixty-eight (68) months while her medical x-ray operator certificate was expired. The facts stipulated are grounds for discipline. This order shall reprimand the Respondents license effective the date of entry of this order. Respondent shall pay sixty-six (66) Type C civil penalties for a total of six thousand six hundred dollars (\$6,600.00). Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. Christiansen motioned to approve the consent order. Mr. Ellis seconded the order. Dr. Johnson inquired if there was a limit on how many months out of practice the x-ray operator can practice before the discipline would exceed the reprimand level. The Board led a brief discussion on the frequency of x-ray operators practicing on a lapsed license.

**Camilla Bennett, MD** – did not appear before the Board nor did a legal representative appear on her behalf. Mr. Marc Guilford represented the State. Respondent was licensed on November 2, 1995 and that license expires October 31, 2022. Respondent is Board Certified by the American Board of Family Medicine and practices family medicine as a solo practitioner in her Knoxville, TN office. Starting in early 2017, Respondent developed chronic abdominal pain which was eventually diagnosed as chronic pancreatitis, and Respondent began receiving opioid therapy for her pain. By about early 2018, Respondent became addicted to and dependent on opioids. Beginning in about the spring of 2018, Respondent began diverting opioids from her patients. Respondent would write certain patients prescriptions for extended relief morphine that the patients did not need, and the patients would fill the prescriptions and give the pills to Respondent for Respondent’s use. By the fall of 2020, Respondent was taking 300 to 500 milligrams of extended relief morphine per day, most of which Respondent diverted from patients as described above. Respondent sought help for her addiction and related problems in late 2020 and was admitted to an inpatient addiction treatment facility on about November 24, 2020. As an inpatient, Respondent was placed on a Suboxone taper to detox and eventually was taken off suboxone. Respondent states her abdominal pain returned once she was no longer taking suboxone. Respondent was discharged from the addiction treatment facility on about December 18, 2020 with diagnoses of severe opioid use disorder, acute PTSD, severe recurrent major depressive disorder, chronic pancreatitis, and chronic pain. Prior to her discharge from the treatment facility, Respondent contacted the TMF and had an interview with the TMF’s medical director, who recommended that Respondent complete a clinical evaluation and assessment followed by treatment and monitoring as recommended by that assessment. Part of Respondent’s discharge recommendations were to follow up with the TMF for assessment and monitoring. At her time of discharge from the addiction treatment facility, Respondent’s treating physician at that facility believed Respondent was unsafe to practice until she was evaluated by the TMF and Respondent’s prognosis was “fair – if follow up with [TMF].” After her discharge from the addiction treatment facility, a Tennessee licensed physician began prescribing Respondent Suboxone. Since her discharge, Respondent has declined to obtain the assessment and evaluation recommended by TMF and because Respondent wants to continue taking Suboxone; Respondent would likely have to stop taking Suboxone for a time while undergoing the assessment and evaluation. After being discharged from the addiction treatment facility, Respondent resumed practicing medicine from her office in Knoxville, including prescribing opioids to patients. On March 8, 2021, Respondent stated that she did not believe her abuse of opioids impaired her practice of medicine, despite the fact that for over two years Respondent prescribed large doses of opioids to patients who did not need them and diverted those medications for her own use. As of March 10, 2021, Respondent has not complied with TMF’s recommendations and does not have TMF advocacy. The facts stipulated are grounds for discipline. This order shall suspend Respondents license effective the date of entry of this order. Respondent agrees to and by signing this order below does hereby surrender any and all DEA registrations to prescribe or dispense controlled substances. Within ninety (90) days of this order, Respondent agrees to undergo an evaluation coordinated through TMF. Respondent further agrees to comply with any and all recommendations of the TMF and to obtain advocacy of the TMF. Following this evaluation, Respondent shall ensure that the results of said evaluation are forwarded to the Disciplinary Coordinator for the Board. If the recommendations of the TMF-coordinated evaluation include follow-up or continuing treatment, Respondent agrees to enter into an aftercare agreement with the TMF within thirty (30) days. This order lists several other stipulations Respondent must adhere to and includes the measures to be taken should the Respondent wish to lift the suspension. Respondent shall pay all actual and reasonable costs of the case not to exceed five thousand dollars (\$5,000.00). The Board requested future orders not to offer the option to appear in person before the Board or virtually, considering at the time of the needed appearance we may not be meeting virtually. A discussion was led on the time period for which Respondent has to notify the disciplinary coordinator that any mid-levels whom Respondent collaborates with have been notified of this order. It is Mr. Guilford’s understanding that Respondent is not presently collaborating with any mid-levels, she has the same amount of time to undergo an evaluation with TMF and effective the date of this order Respondents license would be suspended. Dr. Loyd requested future consideration

taken to the Respondent contacting TMF within a week of the discipline. Mr. Guilford stated it is not the intent of the office to further discipline a Respondent for not contacting TMF quickly, but rather to give them a timeline to complete the evaluation and for the Respondent to obtain that help. Dr. Johnson motioned to approve the consent order. Dr. Beckford seconded the motion and it passed by roll call vote.

### **Agreed Order(s)**

**Millard Lamb, MD** – did not appear before the Board nor did his legal representative, Mr. Thomas Jessee, appear on his behalf. Mr. Samuel Moore represented the State. Dr. Loyd, Mr. Ellis and Dr. Johnson recused. On August 1, 2018 and the Board approved a Consent Order placing Respondent's license on Probation. While Respondent's license was on Probation, Respondent, when working at Bristol Regional Medical Center, supervised and collaborated with Advance Practice Registered Nurses and Physicians Assistants. Additionally, Respondent prescribed controlled substances to patient E.K. without keeping a medical record. The facts stipulated are grounds for discipline. This order shall place the Respondent's license on probation for a period of five (5) years from the entry of this order. During his probation, Respondent shall not violate the statutes, rules, state or federal law, rule or regulation relating to the practice or the ability to practice. Respondent shall not violate any local, state or federal criminal law. Respondent understands that this probation is an encumbrance on his medical license and that he is not to serve as the collaborating physician for any advanced nurse practitioners, physician assistants, or any other licensed medical practitioners during his period of probation. Respondent shall not prescribe opioids for a period of at least twelve (12) months from the date of entry of this order. At the expiration of the twelve (12) month period, and after Respondent has provided proof to the Disciplinary Coordinator that he has completed the coursework requirements in this order, Respondent may petition the Board to lift the restriction of prescribing opioids on his license imposed by this order. The Board shall lift the restrictions on prescribing opioids provided that Respondent provided successful proof of completing the required coursework. Respondent must successfully complete the course entitled *The PBI Prescribing Course on Opioids, Pain Management, and Addictions*. Respondent must successfully complete the course entitled *The PBI Medical Record Keeping Course*. Respondent shall pay one (1) Type A civil penalty for a total of one thousand dollars (\$1,000.00) and two (2) Type B civil penalties for a total of one thousand dollars (\$1,000.00). Respondent shall pay all actual and reasonable costs of the case not to exceed ten thousand dollars (\$10,000.00). At the expiration of the five (5) year probationary period, Respondent becomes eligible to petition the board for an Order of Compliance lifting the restrictions imposed by this order. Dr. Miller motioned to approve this order. Dr. McLerran seconded the motion and it passed by roll call vote with recusals from Dr. Johnson, Mr. Ellis, and Dr. Loyd.

**Steven Graham, 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 October 19, 1988 and the license expires on November 30, 2022. On or about October 31, 2019, Respondent closed his neurology practice when his lease expired on October 31, 2019. Respondent's office manager asserts that a letter was mailed out to all patients seen in the preceding five (5) years. Respondent's office manager also asserts that patients received a card about the office closure with their billing statements and were also informed of the office closure when they were seen in the office. The letter that the patients received was dated October 31, 2019 and informed patients that the practice was leaving their current location and had not yet secured a new practice location. The letter informed patients to contact their primary care physician or insurance carrier for another neurologist in their network. The letter did not inform patients how to obtain their medical records or indicate that copies of their medical records would be sent to their new physician upon authorization. Several patients were unable to contact Respondent in order to obtain copies of their medical records because the letter from Respondent informing them of the office closure was received after the practice was closed. On or about July 16, 2020, Respondent signed a contract with Pulse Systems in Kansas City, Missouri to maintain his patients' medical records. Respondent has access for the medical records of his previous patients. Respondent contacted Centennial Medical Center and

informed them to provide his email address to any of his former patients who are requesting copies of their medical records. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license. Respondent shall pay eight (8) Type A 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 three thousand dollars (\$3,000.00). Dr. Hale motioned to approve the order. Dr. Johnson seconded the motion and it passed by roll call vote.

**Karen Butler, MD** – 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 15, 2003 and the license expired on November 30, 2020. On or about July 16, 2020, Respondent was convicted in the United States District Court, Southern District of Georgia of conspiracy to make false statements relating to health care matters. Specifically, no earlier than July 2017 and continuing until at least March 2019, Respondent did knowingly and willfully combine, conspire, confederate, and agree with others known and unknown to knowingly and willfully make and use materially false writing and document, orders for orthotics and other items, knowing these documents to contain materially false, fictitious and fraudulent statements. As early as January 2017 and continuing until at least on or about March 2019, Respondent and others were part of a nationwide “telemedicine” scheme. This order includes further details in the stipulated facts. The facts stipulated are grounds for discipline. This order shall permanently revoke Respondents license, effective the date of entry of this consent order. Respondent shall pay actual and reasonable costs of this case not to exceed one thousand dollars (\$1,000.00). Dr. Christiansen motioned to approve this order. Mr. Ellis seconded the motion and it passed by roll call vote.

**Michael Hahn, MD** – 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 March 16, 1994 and the license expires on February 28, 2023. At the time of licensure, Respondent was issued a conditional license because of his restricted licensure status in North Carolina related to unprofessional conduct arising from sexual involvement with three (3) of his patients. Some of the conditions on Respondent’s license included that he had to have a female attendant present at all times when he was examining a patient, he had to retain the advocacy of TMF who would submit quarterly reports, and he was to have a designated physician submit semi-annual reports to the Board advising of his status and conduct. In February 1998, the Board lifted all prior conditions on Respondents license. On or about 2014, it was reported to hospital administration at Starr Regional Medical Center that Respondent made verbal and physical advances towards D.M., a registered nurse employed at Starr Regional Medical Center. D.M. reported that she mistakenly put the wrong color code sticker on one of Respondent’s patients medical records. D.M. reported that Respondent told her, “if you do that again you will get a spanking.” D.M. indicated that later during the same shift, Respondent patted her on the bottom three times and said “I am beginning to think you like spankings.” Later that night, when D.M. asked Respondent a question about a patient’s fetal monitoring strips, D.M. reported that Respondent put his hand high up on her thigh. Before Respondent left the hospital that night, D.M. reported that Respondent wrapped his arms around her with one arm across her breasts and his other arm around her back in a hug. Respondent admits to hugging D.M. from behind while she was sitting at the nurses’ station and admits that he told D.M. that he might have to spank her. After the incident was reported to hospital administration the Respondent was admonished. This order includes additional stipulated facts. On or about September 10, 2019, Respondent waived his right to a hearing and resigned his medical and staff membership and clinical privileges. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license effective the date of entry of this order. Within thirty (30) days of this order, Respondent agrees to contact TMF for purpose of arranging an evaluation. The evaluation should be completed within sixty (60) days of the effective date of this order. Respondent shall cause a copy of this evaluation and the TMF assessment to be forwarded to the Boards consultant by TMF. If it is determined that Respondent should sign a contract with TMF, Respondent shall comply with any and all recommendations by TMF. Respondent shall cause quarterly reports to be submitted to the Board showing compliance with the recommendations and

conditions for the length of the TMF contract. Within thirty (30) days of this order, Respondent must enroll in a distressed physician's course such as the one offered at Vanderbilt Medical Center. Respondent must pay one (1) Type A civil penalty for a total of one thousand dollars (\$1,000.00). Respondent must pay all actual and reasonable costs of this case not to exceed three thousand dollars (\$3,000.00). The Board discussed the pattern of behavior for this Respondent and importance for the Respondent to obtain assistance from TMF. The Board led a lengthy discussion on the presence of sexual misconduct by health professionals towards patients and colleagues. Not specific to the order under consideration, but the Board discussed exploring the levels of discipline for such infractions. The consensus of the Board is that this type of behavior indirectly impacts patient care. Dr. Christiansen motioned to approve the order. Dr. Miller seconded the motion. The motion passed by roll call vote with Ms. Julianne Cole opposed.

**Sexual Misconduct policy, consider review of the matter regarding a First Offense DUI, and Principles and Medical Ethics policy review and consider revisions will be added to the Development Committee agenda.**

**Yuri McClendon, MD** – did not appear before the Board nor did a legal representative appear on her behalf. Ms. Francine Baca-Chavez represented the State. Dr. Blake recused. Respondent was licensed on November 14, 2017 and the license expires on June 30, 2021. On or about December 2018, the Respondent's sister in law told her that she was struggling with anxiety and wanted her to prescribe something for anxiety. Respondent complied with her sister in law's request and wrote a prescription for Lexapro 10 mg with 2 refills. Lexapro is not considered a controlled substance. The prescription was not written pursuant to an emergency. Prior to writing the prescription, the Respondent failed to perform a physical examination and failed to create a medical record related to the prescription she wrote to this family member. The facts stipulated are grounds for discipline. This order shall reprimand Respondents license effective the date of entry of this order. Respondent must enroll in and successfully complete, within one (1) year of the effective date of this order, the two (2) day medical course entitled "Medical Ethics, Boundaries & Professionalism" offered at The Case Western Reserve University Continuing Medical Education Program at The Case Western Reserve University School of Medicine located in Cleveland, Ohio, or an equivalent course approved in advance by the Board's Medical Consultant. Respondent shall pay actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Respondent shall pay three (3) Type B civil penalties for a total of six hundred dollars (\$600.00). Dr. Miller motioned to approve the order. Dr. Hale seconded the motion.

The Board expressed concerns with this infraction leading to reportable disciplinary action. This is improper prescribing to a family member and the Respondent did not establish a doctor-patient relationship. There is discussion held on the possible need for the physician to take the boundaries course but that cannot be enforced without an order in place. Dr. Johnson motioned to call the question. Dr. Beckford seconded the motion and the motion passed by roll call vote.

Ms. Lawrence conducted a roll call vote for the motion on the table, which is to approve this order. Mr. Ellis – no, Dr. Christiansen – no, Dr. Beckford – no, Dr. Johnson - yes, Dr. McLerran – no, Dr. Hale – no, Ms. Cole – no, Dr. Pearson – no, Dr. Lloyd – no. The motion failed; therefore, the order is not approved. This is the lowest level of discipline so this case will end up being closed. Ms. Baca-Chavez will contact Respondents attorney and inform them of the outcome of this order. Even though not enforceable, the Board wishes to recommend the Respondent complete the boundaries course. Dr. Loyd volunteered to draft the letter informing the Respondent of today's outcome and their desire for her to complete the course.

**Dr. Saunders expressed her sentiments that it would be helpful if the Board reviewed any policies, they may wish to consider so the review team has a better understanding of this Boards current opinions.**

**Dr. Saunders requested the Board members consider assisting her in connecting with the medical schools of the State to help educate upcoming medical students about the role of the Board and the practice guidelines.**

**Development Committee Agenda items for the May 2021 Meeting**

- Review, discuss and take action if needed regarding Telemedicine Taskforce
- Review, discuss and take action if needed regarding Sexual Misconduct Policy
- Review, discuss and take action if needed regarding Principles and Medical Ethics Policy
- Review, discuss and take action if needed regarding first-time offense DUIs
- Review, discuss and take action if needed regarding a disciplinary grid for the different layers of improper prescribing
- Review, discuss and take action if needed regarding timeline for completion of requirements in disciplinary orders

This meeting will be set for earlier in the day on Monday, May 10<sup>th</sup>.

**Public Comment** – None.

**The regular Board business concluded.**

**Hearing for Declaratory Order**

**Sydney Abramson, MD v. State of Tennessee Board of Medical Examiners**

**Iris Room via WebEx**

**Administrative Law Judge: Phillip Hilliard**

**Panelists: Melanie Blake, MD, Randall Pearson, MD, Samantha McLerran, MD**

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

**Counsel for Respondent: None**

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 attended McMaster University in Hamilton Ontario Canada and graduated with a medical degree in 1981. Thereafter, Petitioner completed a one-year postgraduate mixed internship at McGill University in Montreal, Canada from July 1, 1981 through June 30, 1982. Petitioner also completed a two-year residency in family medicine at McGill University in Montreal, Canada from July 1, 1982 through June 30, 1984. This residency was accredited by the College of Family Physicians of Canada. Petitioner has been a board certified Canadian trained family physician since 1984. Petitioner is in the process of qualifying to sit for the American Board of Family Medicine's Family Medicine Certification Examination. Petitioner currently holds full and unrestricted licenses in Arizona, New York, Oklahoma, Florida, California, and North Carolina. Petitioner has had no reportable discipline in these states. Petitioner has satisfied by preponderance of evidence that he has sufficient medical training, clinical competence, and professional experience to hold an unrestricted medical license. The petition for Declaratory Order, for this Petitioner, was approved.

**Contested Case**

**Kang Lu, MD v. State of Tennessee Board of Medical Examiners**

**Poplar Room via WebEx**

**Administrative Law Judge: D. Kim Summers**

**Panelists: John Hale, MD, Phyllis Miller, MD, Dr. W. Reeves Johnson, MD**

**Counsel for State: Marc Guilford, Senior Associate General Counsel**

**Counsel for Respondent: None**

A panel of the Board heard both parties and reviewed all evidence presented. After discussion and questions, 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. Respondent was licensed by the Board on January 25, 2012 and this license is set to expire on January 31, 2023. Respondent was licensed as a medical doctor by the Massachusetts Board of Registration in Medicine starting in about 2012. Respondent practices or practiced as a diagnostic radiologist and through at least early 2019 held licenses in about 45 states. In February 2019, the Massachusetts Board suspended Respondents license because it found that Respondent had been convicted of a crime, Respondent had fraudulently renewed that license in 2017 and 2019 failing to disclose the criminal charges and/or convictions. Respondent entered into an order revoking his Massachusetts license on about March 5, 2020. Respondents license remains in revoked status currently and that order outlines what terms must be met before Respondent may seek reinstatement of that license. Respondent has received reciprocal actions due to the Massachusetts order. The facts stipulated are grounds for discipline. This order shall revoke Respondents license. Respondent may not apply for a new Tennessee medical license until March 5, 2023. This order outlines the terms which Respondent must meet before seeking a new license. Respondent shall pay all actual and reasonable costs of this case not to exceed ten thousand dollars (\$10,000.00).

This concludes the Board of Medical Examiners day 2 meeting.