



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

**Tuesday, May 24, 2022**

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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 8:33 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  
Randall Pearson, MD  
Phyllis Miller, MD  
John McGraw, MD  
Keith Anderson, MD  
James Diaz-Barriga, Consumer Member

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  
Stacy Tarr, Interim BME Executive Director  
Candyce Wilson, Administrative Director  
Brandi Allocco, Board Administrator  
Samantha Green, Board Administrator

**I. CONSIDERATION OF APPLICATIONS**

**Terrance Kane, MD** – appeared before the Board without legal representation. Dr. Kane graduated from an unapproved International Medical School and is not currently ABMS certified. Dr. Kane stated the medical school received accreditation two months after he had graduated. Ms. Francine Baca-Chavez went over the actions the Board may take on this application. Dr. Kane will not qualify for the temporary license until the completion of three (3) years of U.S. ACGME accredited residency training on July 1, 2022. Dr. Kane is scheduled to sit for an ABMS Board exam on August 23, 2022. Dr. Deborah Christiansen motions that as of July 1, 2022, upon the completion of Dr. Kane’s residency program, the Board issue a temporary license for up to one (1) year to allow Dr. Kane to sit for the Board exam. Dr. John McGraw seconds the motion, and it passes.

**Hannah Lonsdale, MD** – appeared before the Board with her legal representation, Ms. Michele Marsicano. Dr. Lonsdale is an International Medical School graduate who has completed one (1) year of U.S. ACGME accredited fellowship training, no ACGME residency training, and is not currently ABMS certified. Dr. Lonsdale is not eligible for ABMS certification at this time. Ms. Marsicano briefly went over Dr. Lonsdale’s experience as physician in the United Kingdom and training in the United States. Ms. Marsicano requests the Board consider Dr. Lonsdale’s Petition for Declaratory Order. Dr. Christiansen motions to accept the Petition for Declaratory Order. Dr. Stephen Loyd, Vice President, seconds the motion, and it passes. Dr. Christiansen motions to table the application for six (6) months to allow Dr. Lonsdale additional time to go through the Declaratory hearing process. Dr. Samantha McLerran seconds the motion, and it passes.

**Celine Richard, MD** – appeared before the Board without legal representation. Dr. Richard is an International Medical School graduate who has no US ACGME accredited residency training and is currently not ABMS certified or eligible for ABMS certification. Dr. Richard briefly went over her training and experience, as well as her plans for practice in Tennessee. Dr. Christiansen motions to table the application for six (6) months to allow Dr. Richard additional time to go through the Declaratory hearing process. Dr. McGraw seconds the motion and the motion passes. Dr. Christiansen motions to accept Dr. Richard’s Petition for Declaratory Order. Dr. McGraw seconds and the motion passes.

**Jacqueline Smartt, MD** – appeared before the Board without legal representation. Dr. Smartt is an International Medical School graduate who has not completed 3 years of U.S. ACGME accredited residency training in one (1) discipline and is not ABMS certified. The temporary license does not appear to be an option as she does not have one (1) year of residency training left to be completed. Dr. Smartt briefly went over her nexus to Tennessee and training history. Dr. Smartt stated she passed her American Board of Family Medicine exam and is expected to complete the rest of her training by the end of June 2022, at which point she will be board certified. Should Dr. Smartt petition for a declaratory order, the Board will not be able to take up her petition until the July 20, 2022 meeting. Dr. Christiansen motions the application be tabled for up to six (6) months to allow time for the appropriate qualifications to be received in order to complete the application for a full and unrestricted license. Dr. Keith Anderson seconds the motion and the motion passes.

**Zouhair Bibi, MD** – appeared before the Board without legal representation. Dr. Bibi is an International Medical School graduate who is unable to produce the required medical school transcript per 0880-02-.04(2). Dr. Bibi briefly went over his training an experience as a licensed physician in many other states. Dr. Bibi notes the Medical Schools in Germany do not issue transcripts in the same way American Medical Schools do. Dr. Bibi has provided the Board with a letter from the medical school, his ECFMG certificate of completion, and an ECFMG status report as proof of completion of medical school. Dr. Christiansen motions to accept what was provided as proof that Dr. Bibi graduated medical school and to grant a full and unrestricted license. Dr. McGraw seconds the motion. The motion passes.

**Daniel Stein, MD** – appeared before the Board without legal representation. Dr. Stein has been out of clinical practice since June 2018. Dr. Stein briefly went over his background as an Internal Medicine, Primary Care Physician. Dr. Stein left clinical practice to open and operate his own business, however now that the practice is operating more smoothly, Dr. Stein wishes to return to clinical practice. Dr. Stein’s business is a physician quality business, which helps consumers pair with doctor’s who will fit their needs, then provides feedback to the providers on how they rate compared to their peers. Dr. Stein did not maintain his board certification during this time, so he is not currently board certified. Dr. Stein plans to contact the American Board of Internal Medicine to see what the next steps are for maintenance of certification and how to reestablish his board certification. The Board expressed concern over issuing a limited license without a preceptorship already in place. Dr. Anderson motions to table the application for

up to six (6) months, to allow time for the applicant to determine what needs to be done to obtain maintenance of certification with the American Board of Internal Medicine, and to find a preceptor for the remediation pathway. Dr. Stein will need to reappear before the Board with this information prior to issuance of a limited license. Dr. Pearson seconds the motion and the motion passes.

**Alan Rozen, MD** – appeared before the Board without legal representation. Dr. Rozen has either been out of clinical practice since 2018 or has been practicing on a lapsed license since January 2022. Dr. Rozen maintains he was not practicing medicine in Tennessee; however, he was the Medical Director for Palliative Care Services at Alive Hospice and met with HCA Hospital’s Chief Medical Officer to develop their palliative care strategy. Dr. Rozen states he was clinically active in Florida, discussing cases and conducting National Palli-COVID conversations. Dr. Rozen was also on the Board of Directors for the largest home health agency in South Florida. Dr. Rozen has not performed direct patient care since July 2018. A robust discussion was held regarding the remediation pathway for Dr. Rozen. Dr. Pearson motions to grant a limited license for up to one (1) year to allow Dr. Rozen to engage in a three-month preceptorship. The preceptor must be approved in advance by Dr. Rene Saunders, and must be board certified in the field Dr. Rozen intends to practice in. Dr. McGraw seconds the motion and the motion passes.

**Clinton Cummings, MD** – appeared before the Board without legal representation. Dr. Cummings has been out of clinical practice since January 2020. Dr. Cummings went over his experience as a physician leading to his retirement from medicine December 31, 2019. Dr. McLerran recused. The Board held a discussion regarding the reentry pathway for Dr. Cummings. Dr. Christiansen motions to grant a limited license for up to one (1) year to allow Dr. Cummings to engage in a three-month preceptorship. The preceptor must be approved in advance by Dr. Saunders and must be board certified in family medicine or internal medicine. Dr. Pearson seconds the motion. The motion passes with Dr. McLerran recused.

Dr. Miller entered.

**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 has previously appeared before the board and the application was tabled until Dr. Shushunov could be evaluated by the Tennessee Medical Foundation (hereinafter “TMF”) and provide three (3) letters of reference from those he has worked with clinically in the past three (3) years. Dr. Michael Baron briefly discussed the evaluation and notes Dr. Shushunov has had appropriate evaluations completed in the past, with the most recent evaluations being conducted by someone qualified to perform safety-sensitive worker evaluations. Dr. Baron does not recommend further monitoring. Dr. McGraw motions to grant a full and unrestricted license. Dr. McLerran seconds the motion and the motion passes.

**Harold Mason, MD** – appeared before the Board without legal representation. Dr. Mason has elected to appear before the Board rather than comply with a request for further information related to his medical diagnosis, current treatment, and fitness for duty. The request was being made pursuant to T.C.A. 63-6-214(b)(18). Dr. Mason reviewed his education, training, and employment history with the Board. Dr. Mason currently works for the VA in Fort Campbell; however, he wishes to remain in Tennessee upon completion of his contract. The Board heard from Dr. Saunders regarding the questions raised by the application, which led to the request for further information. Ms. Baca-Chavez addressed the Board regarding their authority to request additional information from applicants when it pertains to the health and safety of the public. Dr. Baron was questioned about the TMF evaluation process. Dr. Baron informed the Board that TMF does not do full in-house evaluations, as they do not treat in-house. Dr. Baron referred Dr. Mason to a local physician to complete the evaluation. Dr. Christiansen motions to table the application for a period of six (6) months to allow Dr. Mason to complete an evaluation directed

by the TMF and cause the reports to be shared with the Board, as well as comply with any recommendations made by the evaluating physician and TMF. Upon completion of such evaluation and compliance of recommendations, Dr. Mason will reappear before the Board for further consideration of his medical license. Dr. McLerran seconds the motion and the motion passes.

## II. TENNESSEE MEDICAL FOUNDATION UPDATE

Dr. Michael Baron, Medical Director for the Tennessee Medical Foundation (hereinafter “TMF”) provided the Board with pamphlets regarding the annual report for 2021. Dr. Baron was recently named the President-Elect for the Federation of State Physician Health Programs. Physician Health Programs (hereinafter “PHP”) are throughout forty-eight (48) of the fifty (50) states. They provide confidential resources to physicians, trainees, residents, and other healthcare providers suffering from potentially impairing diseases. PHPs do not treat in-house, so external resources are utilized for evaluation and treatment, however PHPs are responsible for accountability and on-going monitoring. PHPs treat a variety of diseases including substance abuse disorders, distressed behavior, burnout, and other psychiatric and behavioral illnesses. Although they do not provide advocacy for physicians that commit professional and sexual misconduct, PHPs act as the middlemen between the outside agencies providing monitoring and State Medical Boards. There are two tracks a physician may enter a PHP through. The first being the confidential track where providers either self-report or someone reports to the PHP on the provider’s behalf. The second track is the mandated track, where a provider is referred by the State Medical Board. Dr. Baron briefly went over participant statistics and the history of the TMF. Dr. McLerran motions for Dr. Baron to return every six (6) months with an update on the TMF and to request a new email to be sent to licensees at every update. Dr. Randall Pearson seconds the motion and the motion passes.

## III. CONDUCT NEW BUSINESS

CSMD taskforce – Dr. Blake and Mr. Ellis are currently members of the CSMD Committee. Dr. Blake extended an offer to other Board members to take their place on the CSMD Committee. The CSMD Committee meets three (3) times a year and is comprised of one member from each prescriber Board, and several consumer members. Dr. McGraw is interested in replacing Dr. Blake on the CSMD Committee. The Board voted to appoint Dr. McGraw to the CSMD Committee, and all were in favor. Dr. McGraw will take over this position at the October CSMD Committee meeting.

House of Medicine meeting – Dr. Blake has been requested to attend the House of Medicine meeting in Philadelphia to discuss misinformation and disinformation. This is an opportunity for leaders in the field to gather for five (5) hours. Dr. Blake is requesting support from the Board to attend this meeting on behalf of the Tennessee Board of Medical Examiners. Dr. McGraw motions to accept and Dr. Pearson seconds the motion. The motion passes.

Discuss, consider and take action if needed regarding additional consultant for BME case review – Jamie Byerly, Director Office of Investigations, previously requested names of individuals who may be interested in serving as a backup consultant for case reviews. Dr. Rene Saunders is currently utilized for all case reviews as the Board’s Medical Consultant. Ms. Byerly is requesting approval to utilize a second consultant in the event of recusal or other such issues that may arise. Ms. Byerly presented the curriculum vitae for Dr. B. Winifred Ruffner for the Board’s consideration. Dr. McGraw motions to approve the request for Dr. Ruffner to be appointed as a secondary consultant for case reviews. Dr. Phyllis Miller seconds the motion, and it passes.

Update on Radiologic Imaging and Radiation Therapy Board – The Board of Radiologic Imaging and Radiation Therapy (hereinafter “the Board”) met via an emergency meeting on May 12, 2022, at the

request of Speaker Sexton and the Tennessee Hospital Association. At the meeting the Board unanimously voted to withdraw their rules, which would have become effective on June 6, 2022. Until the Board has effective rules, X-Ray operators will be licensed under the Board of Medical Examiners and the Board of Osteopathic Examination. The Board of Medical Examiners will see applicants and will be approving programs that come before them.

Discuss, consider and take action as needed regarding University of Memphis Limited Scope Radiography Program – The University of Memphis Limited Scope Radiography Program previously was presented to the Board of Radiologic Imaging and Radiation Therapy. This program is based on the guidelines presented in the Tennessee Code, as well as the ARRT Limited Scope Program Handbook. The Board tabled the decision until the July meeting so the program could be thoroughly reviewed by Dr. Saunders in order for the Board to make a fully informed decision.

Discuss, consider and take action if needed regarding Board Member education as a standing agenda item – Dr. Saunders presented recommendations from the FARB conference regarding the presentation of Board education during meetings. Subject matter for these presentations may include disciplinary issues that arise, the difference between a consent order and an agreed order, or specific rules or processes the Board wishes to get more information about. Dr. McGraw motions to request ongoing Board education and refer to the Development Committee to determine the topic of discussion for the full Board to consider. Dr. Anderson seconds the motion and it passes.

#### IV. UPDATES FROM TASKFORCES & COMMITTEE MEETINGS

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

- i. The Committee met yesterday, May 23, 2022.
- ii. Advisory Opinion -
  1. Subba R. Gollamudi, MD – Dr. Gollamudi is seeking permission from the Board to supervise the performance of select anterior segment ophthalmic laser procedures by qualified interns and residents of Southern College of Optometry. Rule 0880-02-.14(10) provides that any procedure encompassed within the definition of the practice of medicine contained in T.C.A § 63-6-204 that is to be performed by use of a laser shall be considered with limited exceptions provided in T.C.A §§ 63-26-102(5) and 63-9-106, to be the practice of medicine and any person performing such procedure must be under the supervision of a licensed physician. Additionally, on March 20, 2018, the Board adopted a policy statement on the delegation of medical services. Dr. Gollamudi’s letter indicated awareness of this rule and policy statement, and Dr. Gollamudi agrees to act in compliance with both. The Board’s policy statement on the delegation of medical services interprets the provisions of T.C.A. § 63-6-204(b) as requiring at a minimum the things listed in the policy from the delegating physician. Since this policy statement provides detailed guidance, the Board would advise Dr. Gollamudi to follow the guidance outlined in the policy statement before delegating medical services. The Committee motions to approve the advisory letter ruling as written and it passes.
- iii. FSMB Conference – Dr. McGraw gave an update on the Federation of State Medical Boards Conference. Dr. Blake and Dr. McGraw represented the State of Tennessee at the conference, which was held in April. Dr. McGraw shared that North Carolina’s Medical Board travels to the medical schools in the area and provide lectures to students on licensure. Dr. Blake received an award of merit at the conference. Dr. Blake gave credit to the whole Board for their efforts during

that difficult time. Dr. Loyd thanked Dr. Blake for her efforts in being the voice for everyone, and for all the time and energy spent on creating presentations and crafting letters of response.

The Board recessed for lunch.

V. **PRESENTATION ON PHYSICIAN EDUCATION PROGRAM - QUIZTIME**

Dr. Bonnie Miller has been working with medical education programs across the continuum at Vanderbilt University Medical Center for twenty (20) years. Dr. Miller presented a continuing education opportunity sponsored by the Tennessee Department of Health and the Center for Advanced Mobile Healthcare Learning at Vanderbilt University Medical Center (hereinafter VUMC). The QuizTime program has been offered since 2018 and provides daily questions using a web-based quizzing application. The questions are multiple-choice, and should a question be missed, it may be resent. On the last day of the quiz, continuing medical education credit is awarded through VUMC's Office of Continuing Education. Dr. Miller requests information on the program be spread to licensees by the Board. Dr. Loyd praised the content of the courses, however found there was difficulty in claiming continuing medical education from the QuizTime courses if the provider does not work at VUMC. Dr. Blake suggested the platform may offer suggestions for other courses the providers may be interested in after course completion. Prior to proceeding with sending information out to licensees, the Board would like Ms. Baca-Chavez to inquire further into whether or not this is a conflict of interest.

VI. **OVERVIEW OF INTENSIVE COURSES OFFERED BY PBI EDUCATION**

Dr. Catherine Caldicott, Medical Director and Kasey Cleary, Program Coordinator from PBI Education gave an overview of the history of PBI Education. Dr. Caldicott has been teaching remediation courses since 2007 and has a background in Internal Medicine and Ethics Education. Dr. Caldicott joined PBI education in 2017 and was on the FSMB Sexual Misconduct Task Force along with Dr. Michael Baron from the Tennessee Medical Foundation. PBI offers courses in professional boundaries, ethics and professionalism, civility and communication, medical record keeping, and proper prescribing. Starting in 2020, PBI transitioned courses from in-person to an online platform. They are committed to staying with the online platform at this time. While PowerPoint presentations are used in these courses, they are merely prompts for discussion. Participants of each course are required to share their story with the class, and there is one faculty member assigned to each course so they may better facilitate the discussions, as well as speak on the advancements made by the participants. The Professional Boundaries course addresses issues that are relationship-based, involving overstepping professional lines or role. The course is three days and physicians may be referred for any form of professional boundaries violations. The Ethics and Professionalism course addresses issues based in violations of law, codes of conduct, or other guidelines or policies. The course is offered as a one-day, fifteen-hour (15) course or a two-day course. The Civility and Communication course addresses disruptive behaviors and communication problems in the workplace, whether with staff, administration, or patients. The course is a three-day course. The Medical Record Keeping course addresses deficiencies in medical record keeping and is a two-day course. The Proper Prescribing course addresses deficiencies in prescribing practices, especially regarding controlled substances, pain management, and addiction. The course is two days, and it is not uncommon for individuals to be referred to both the Proper Prescribing course and the Professional Boundaries course. Courses are limited to fifteen (15) participants per course and the participants' cameras are required to be on during the entire duration of the course. To successfully pass the course, licensees must

submit all pre-course assignments satisfactorily, attend the entire duration of the course, participate and contribute to group discussion, and demonstrate application of process and concepts. Participants must also develop Personalized Protection Plans and an oral presentation of their Protection Plan. A Maintenance and Accountability Seminar may be appended onto any of the courses. This is a faculty-led group teleconference which lasts one hour a week for twelve (12) weeks. The Board held a discussion regarding the extension course offered by PBI and the letter provided at the end of each course.

## VII. CONSIDER AND APPROVE CONSENT AGENDA

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

1. Approval of March 14, 2022 Development Committee meeting minutes
2. Approval of March 15-16, 2022 Board meeting minutes
3. Approval of March 28, 2022 Summary Suspension Meeting Minutes
4. Approval of April 1, 2022 Special Meeting Minutes
5. Ratification of new licenses, reinstatement and renewals of Medical Doctors, MD X-Ray Operators, Genetic Counselors, and Clinical Perfusion
6. Review of Administrative Office Statistical Licensing Report
7. Review of the Office of General Counsel Report
8. Review report from the Office of Investigations
9. Review and approve unlicensed practice Agreed Citations – Jessica Williams, AMDX (license #6585)

Review and approve continuing education Agreed Citations – Vaughan Allen, MD (license #11027), Frederick Klein, MD (license #17355), Michael Hill, MD (license #20860), John Janovich, MD (license #6167), Alan Kennedy, MD (license #19282), Kim Robinson Emmett, MD (license #31549), Robert Rausch, MD (license #7047), Joseph Opie, MD (license #23935), Thomas McDonald, MD (license #23828), Ben Mahan, MD (license #18870), Richard Ray, MD (license #43893), and David Newsom, MD (license #20470).

## VIII. ORDERS OF COMPLIANCE

**Whitaker Smith, MD** – did not appear before the Board, however his legal representative, Mr. Robert J. Kraemer, Jr. appeared on his behalf. Ms. Francine Baca-Chavez presented the Order of Compliance. An Order of Compliance was not required by Dr. Smith as his license was not placed on probation, nor suspension. For this reason, Dr. Smith did not appear before the Board as is normally required. The request for a formal Order of Compliance was placed by Dr. Smith. It is the position of the Disciplinary Coordinator and the Office of General Counsel that he is compliant with the terms of his previous order, from November 2021. Dr. Christiansen motioned to accept the order of compliance. Mr. Ellis seconded the motion and it passed.

**Gregory Laurence, MD** – appeared before the Board with his legal representative, Mr. Jed Crumbo. Ms. Baca-Chavez presented the order of compliance. It is the position of the Disciplinary Coordinator and the Office of General Counsel that he is compliant with the terms of his previous order, from January 2017. Dr. Christiansen motioned to accept the order of compliance. Dr. Anderson seconded the motion and it passed.

**Dana Brown, MD** – appeared before the Board without his legal representative, Philip R. Baker, Esq. Ms. Baca-Chavez presented the order of compliance. It is the position of the Disciplinary Coordinator and the Office of General Counsel that he is compliant with the terms of his previous order, from September

2016. Dr. Brown apologized to the Board for his prior transgressions. He further expressed gratitude to the Board for having him take the prescribed course in the Order. Dr. Brown explained how much the course has helped him in his practice, and personally. Dr. Christiansen motioned to accept the order of compliance. Dr. Anderson seconded the motion and it passed.

## IX. DISCIPLINARY ORDERS

### Consent Order(s)

**Dagoberto Rodriguez, MD** – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Jessica Turner represented the State. Respondent was licensed on May 22, 2019, which is currently set to expire on June 30, 2022. On or about October 28, 2022, the Oregon Board of Medical Examiners took disciplinary action against Respondent’s medical license with the following findings: The Oregon Medical Board (hereinafter “Board”) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the State of Oregon. Dagoberto Jesus Rodriguez, MD (hereinafter “Applicant”) has applied for an unlimited license to practice medicine in Oregon. On or about July 2, 2019, the Board opened an investigation after receiving credible information regarding Applicant’s possible violation of the Medical Practice Act due to his prescribing to patients in Oregon without an Oregon medical license. On or about October 28, 2020, the Board issued a Notice of Intent to Deny License application in which the Board proposed to deny Applicant’s application for a license to practice medicine in the State of Oregon and imposing up to the maximum range of potential sanctions identified in Oregon Revised Statutes (ORS) 677.205(2), which may include denying the application for licensure, imposing a ten thousand dollar (\$10,000) civil penalty per violation, and assessment of costs, based upon violations of the Medical Practice Act. Applicant and the Board desire to settle this matter by the entry of this Stipulated Order. Applicant understands that he has the right to a contested case hearing under the Administrative Procedures Act (Oregon Revised Statutes chapter 183), and fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing of an entry of this Order in the Board’s records. Applicant neither admits nor denies, but the Board finds the Applicant engaged in conduct that violated the Medical Practice Act, to wit: ORS 677.080(4) the practice of medicine in Oregon without a license; ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a) any conduct contrary to recognized standards of ethics of the medical profession; and ORS 677.190(23) violation of the federal Controlled Substances Act, to wit: 21 CFR, §1306.03. Applicant understands that this Order is a public record and is a disciplinary action that is reportable to the National Practitioner Data Bank and the Federation of State Medical Boards. Applicant understands the terms of this Order and signs freely, without fraud or duress. Applicant and the Board agree that the Board will close this investigation and resolve this matter by entry of this Stipulated Order, subject to the following conditions: Applicant withdraws his application for an Oregon medical license while under investigation. Applicant agrees to never re-apply for a medical license in the State of Oregon. Applicant must obey all federal and Oregon state laws and regulations pertaining to the practice of medicine. Applicant stipulates and agrees that any violation of the terms of this Order shall be grounds for further disciplinary action under ORS 677.190(17). The facts stipulated are grounds for discipline. This order shall reprimand Respondent’s medical license. Respondent shall pay three (3) Type C civil penalties for a total of three hundred dollars (\$300.00). Respondent shall pay all actual and reasonable costs of the case not to exceed five thousand dollars (\$5,000.00). Dr. Christiansen motioned to approve the order. Dr. Loyd seconded, and the motion passed.

**Brent Neal, 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 April 27, 2004, which is currently set to expire on October 31, 2022. Respondent is a medical director at a hospice company. Patient J.B. died on May 16, 2021. The Respondent was the physician in charge of J.B.’s care for the illness or



condition that resulted in death. The Respondent signed the death certificate on June 3, 2021. Respondent has routinely signed death certificates during his biweekly hospice meeting. The facts stipulated are grounds for discipline. This order shall reprimand Respondent's medical license. Respondent shall pay one (1) Type C civil penalties for a total of one hundred dollars (\$100.00). Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. McLerran motioned to approve the order. Dr. Loyd seconded and the motion passed.

**Benjamin Evans, 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 June 15, 1989, which is currently set to expire on October 31, 2023. Patient E.T. died on July 5, 2019. The Respondent was the physician in charge of E.T.'s care for the illness or condition that resulted in death. The Respondent signed the death certificate on July 23, 2019. Patient R.M. died on September 6, 2021. The Respondent was the physician in charge of R.M.'s care for the illness or condition that resulted in death. The death certificate was placed in the Respondent's queue on September 29, 2021. However, the Respondent did not sign the death certificate until October 27, 2021. The facts stipulated are grounds for discipline. This order shall reprimand Respondent's medical license. Respondent shall pay two (2) Type C civil penalties for a total of two hundred dollars (\$200.00). 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 order. Dr. McGraw seconded and the motion passed.

**James McElmurray, III, 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 August 20, 2021, which is currently set to expire on June 30, 2023. On or about August 20, 2021, Respondent was granted a conditional medical license by the Board. The condition placed on the Respondent's license required him to enter into a five-year monitoring contract with the Tennessee Medical Foundation (TMF), comply with all TMF recommendations, and maintain TMF advocacy for five years. On or about December 10, 2021, the Respondent's employer asked him to provide a specimen for a urine toxicology screen. The Respondent denies being impaired at work but admits to relapsing. The Respondent failed to maintain compliance with his TMF monitoring agreement. The Respondent lost TMF's advocacy on or about December 22, 2021. Subsequently, the Respondent relocated to South Carolina. The facts stipulated are grounds for discipline. This order shall voluntarily surrender Respondent's medical license. A voluntary surrender has the same effect as a revocation. Respondent shall pay all actual and reasonable costs of the case not to exceed three thousand dollars (\$3,000.00). Dr. Christiansen motioned to approve the order. Dr. McGraw seconded and the motion passed.

**Stewart Stancil, MD** – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Paetria Morgan represented the State. Dr. Loyd recused. Respondent was licensed on February 8, 2013, which is currently set to expire on August 31, 2023. On or about October 7, 2021, Respondent prescribed ten (10) Xanax pills to a colleague without establishing a physician-patient relationship. Respondent failed to create a medical record for the Xanax prescription. The facts stipulated are grounds for discipline. This order shall reprimand Respondent's medical license. Within one hundred and eighty (180) days, Respondent shall enroll in and successfully complete the three (3) day medical course entitled, "*Prescribing Controlled Drugs: Critical Issues and Common Pitfalls*" offered by Vanderbilt University Medical Center or an equivalent course approved in advance in writing by the Board's Medical Consultant. Respondent shall pay one (1) Type B civil penalty and one (1) Type C civil penalty 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. McGraw motioned to approve the order. Dr. Christiansen seconded and the motion passed with Dr. Loyd recused.

**Agustin Vitualla, MD** – did not appear before the Board nor did his legal representative, F. Michie Gibson, Jr., appear on his behalf. Ms. Fine represented the State. Respondent was licensed on June 18,

2018, which is currently set to expire on March 31, 2023. On or about October 18 2021, Respondent entered a guilty plea in the Criminal Court for Benton County, Tennessee to one count of a violation T.C.A. § 71-5-2601(a)(5)(A) and (C), TennCare Fraud. Respondent's plea agreement stipulates that "...The Defendant shall immediately surrender his license to practice medicine and to prescribe medication." The facts stipulated are grounds for discipline. This order shall surrender Respondent's medical license. This surrender shall have the same effect as revocation. Respondent shall pay all actual and reasonable costs of the case not to exceed five thousand dollars (\$5,000.00). Dr. McGraw motioned to accept the order. Dr. Christiansen seconded the motion and the motion passed.

**Willard West, MD** – did not appear before the Board nor did his legal representative, B.F. Jack Lowery, Esq., appear on his behalf. Mr. Gerard Dolan represented the State. Respondent was licensed on April 27, 1976, which is currently set to expire on June 30, 2022. Respondent holds or has held a certification in Internal Medicine from the American Board of Internal Medicine. Respondent has never held a certification or obtained specialized training in pain management. The Department conducted an investigation wherein the Department reviewed thirty-eight (38) of Respondent's patient charts for which Respondent provided medical care, including pain management and prescriptions for controlled substances. It is the Department's position that Respondent's patient charting fell below the minimum standard of care for pain management patients. The facts stipulated are grounds for discipline. This order shall voluntarily surrender Respondent's medical license. Respondent understands that this action has the same effect as a revocation of his medical license. No new applications from Respondent for a Tennessee medical license will be entertained until at least three (3) years have passed. Respondent shall pay all actual and reasonable costs of the case not to exceed five thousand dollars (\$5,000.00). Mr. Ellis motioned to approve the order. Dr. McLerran seconded and the motion passed.

**Rex Yannis, MD** – did not appear before the Board nor did his legal representative, Wells Trompeter, Esq., appear on his behalf. Mr. Gerard Dolan represented the State. Dr. Blake is recused. Respondent was licensed on January 3, 2012, which is currently set to expire on June 30, 2023. Respondent holds or has held a certification in ophthalmology from the American Board of Ophthalmology. Respondent does not hold, and has not held, a certification in any other medical specialty. On multiple occasions between about November 2018 and about November 2020, Respondent prescribed controlled substances, including a benzodiazepine, to Patient 1. At all times during that period, Respondent has a family relationship with Patient 1. None of the prescriptions Respondent provided to Patient 1 were provided in an emergency situation. On multiple occasions between about May 2016 and about October 2017, Respondent prescribed controlled substances to Patient 2, including benzodiazepines and opioids. Respondent failed to create and/or maintain medical records for Patient 2. On or about June 12, 2020, Respondent entered into an Agreed Cease and Desist Order with the Texas Medical Board (hereinafter "Texas Order"). In the Texas Order, the Texas Medical Board found that Respondent had treated Patient 3, a family member, in Texas without providing appropriate evaluations or keeping adequate medical records and utilized his DEA certificate for Tennessee to issue Patient 3 prescriptions for a controlled substance from about 2014 to about 2019, which, although issued in Tennessee, were filled in Texas. Respondent failed to create and/or maintain medical records for Patient 3. The facts stipulated are grounds for discipline. This order shall reprimand Respondent's medical license. Respondent shall pay three (3) Type A civil penalties for a total of three thousand dollars (\$3,000.00). Respondent shall not prescribe opioids for a period of at least six (6) months and shall not collaborate with any advanced practice registered nurse or physician assistant for the purpose of prescribing opioids during this six (6) month period that Respondent cannot prescribe opioids. Within one (1) year, Respondent must successfully complete 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, or an equivalent course approved in advance in writing by the Board's Medical Director. Respondent must also complete the three (3) day medical course titled, "*Prescribing Controlled Drugs: Critical Issues and Common Pitfalls*" offered by Vanderbilt University

Medical Center or an equivalent course approved in advance in writing by the Board's Medical Director. Respondent shall pay all actual and reasonable costs of the case not to exceed five thousand dollars (\$5,000.00). After a robust discussion, Dr. McGraw motioned to accept this order. Dr. Anderson seconded and the motion passed with Dr. Christiansen, Mr. Ellis, and Mr. Diaz-Barigga opposed. Dr. Blake recused.

**Ginger Crigger, 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 16, 2002, which is currently set to expire on November 30, 2024. From about December 2020 until November 2021, Respondent worked as a medical x-ray operator for eleven (11) 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 nine (9) Type C civil penalties for a total of nine hundred dollars (\$900.00). Respondent shall pay all actual and reasonable costs of the case not to exceed two thousand dollars (\$2,000.00). Dr. McGraw motioned to approve the order. Dr. McLerran seconded and the motion passed with Dr. Loyd abstained.

**Allante Green, AMDX** – did not appear before the Board nor did his legal representative, Ms. Renee L. Stewart, Esq., appear on his behalf. Ms. Francine Baca-Chavez represented the State. Respondent was licensed on November 18, 2015, which is currently set to expire on April 30, 2024. From about May 2018 through December 2020, Respondent worked as a medical x-ray operator for thirty-one (31) months while his medical x-ray operator certificate was expired. The facts stipulated are grounds for discipline. This order shall reprimand Respondent's license. Respondent shall pay twenty-nine (29) Type C civil penalties for a total of two thousand nine hundred dollars (\$2,900.00). 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 the order. Dr. Miller seconded the motion and it passed with Dr. Loyd abstained.

**Hugh Smith, MD** – did not appear before the Board nor did his legal representative, G.J. Gideon, Jr., appear on his behalf. Ms. Francine Baca-Chavez represented the State. Dr. Blake recused. Respondent was licensed on November 25, 2019, which is currently set to expire on July 31, 2023. Respondent fraudulently wrote himself thirteen (13) prescriptions for controlled substances using another physician's name and DEA number and forging that physician's signature on the prescription. A medical record was not created, nor maintained. Respondent, upon advice from the Tennessee Medical Foundation ("TMF"), has completed a 12-week inpatient treatment program and signed a five-year contract with the TMF in approximately July of 2020. Respondent currently has advocacy of the TMF. On or about January 7, 2021, Respondent pled guilty to theft of identity and obtaining drugs by fraud, Class D Felonies. Respondent received a five-year period of judicial diversion. The facts stipulated are grounds for discipline. This order shall place Respondent's medical license on probation for a period of time to run concurrently with his five-year TMF contract, or extension thereof. Respondent shall not supervise any mid-level practitioners, such as advanced practice registered nurses or physician assistants, during his probation. Respondent is being monitored by the West Virginia Physician's Health Program (hereinafter "WVPHP") and is expected to be continually monitored by the WVPHP through at least June 30, 2022. Respondent agrees to comply with any and all recommendations of the WVPHP and must maintain advocacy of the WVPHP for the duration of his contract or extension thereof. Respondent shall cause to be submitted quarterly reports from the physician's health program that he is being monitored by detailing his compliance with his monitoring contract. Respondent agrees to maintain good and lawful conduct during the period of probation. Respondent shall not prescribe opioids for at least six (6) months, and until successful completion of the continuing education courses required by the Order. Respondent shall pay one (1) Type A Civil penalty, and thirteen (13) Type C civil penalties for a total of two thousand three hundred dollars (\$2,300.00). Respondent shall pay all actual and reasonable costs of the case not to exceed one thousand two hundred fifty dollars (\$1,250.00). At the expiration of the probationary period, Respondent becomes eligible to petition the Board for an "Order of Compliance", Respondent shall

appear personally before the Board. Dr. Christiansen motioned to accept the order. Dr. Miller seconded the motion and the motion passed with Dr. Blake recused.

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

**Matthew Hine, MD** – did not appear before the Board nor did a legal representative appear on his behalf. Ms. Jessica Turner represented the State. Dr. Blake is recused. Respondent was licensed on September 7, 2010. Respondent’s license was summarily suspended on March 16, 2022. This suspension was upheld at an informal hearing on March 28, 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. Dr. Hine 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: Dr. Hine should refrain from the practice of medicine, as he cannot currently practice with reasonable skill and safety at this time. Dr. Hine 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. Dr. Hine’s return to the practice of medicine should be contingent upon successful completion of treatment and continued monitoring by the Tennessee Medical Foundation. Dr. Hine returned to FRC for a second opinion on November 16, 2020. The second opinion recommendations included the following: Dr. Hine 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. Dr. Hine’s return to the practice of medicine should be contingent upon successful completion of treatment and continuing compliance with the Tennessee Medical Foundation. Dr. Hine 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 Dr. Hine should complete residential treatment in a center approved by the Tennessee Medical Foundation that specializes in treating healthcare professionals with substance use disorders. Bradford further opined that Dr. Hine should not return to medical practice until he successfully completes treatment. The facts stipulated are grounds for discipline. This order shall suspend Respondent’s medical license. The suspension of Respondent’s medical license shall be stayed upon Respondent obtaining advocacy from the Tennessee Medical Foundation (hereinafter “TMF”) and providing proof thereof to the Board’s medical consultant. Should Respondent lose the advocacy, the suspension of his medical license shall again become effective. Once Respondent has obtained advocacy from the TMF and his suspension has been stayed, his license shall be placed on probation for a period of no less than three (3) years, with the following terms: Respondent agrees to maintain a monitoring agreement contract with the TMF and submit quarterly reports demonstrating compliance with the monitoring agreement contract to the Disciplinary Coordinator for the Board for the duration of the probation. Should Respondent lose advocacy of the TMF, the suspension of his medical license shall again become effective. Respondent shall pay all actual and reasonable costs of the case not to exceed twenty-five thousand dollars (\$25,000.00). Dr. Christiansen motioned to approve the order. Dr. McGraw seconded the motion and it passed with Dr. Blake recused and Dr. Loyd opposed.

**Todd Brooks, MD** – did not appear before the Board, however his legal representative, Mr. Robert L. Spence, Jr, Esq., appeared by phone on his behalf. Ms. Paetria Morgan represented the State. Dr. Blake, Dr. Christiansen, and Dr. Miller are recused. Respondent was licensed on February 10, 1981, which is currently set to expire on September 30, 2022. On or about October 16, 2017, through October 18, 2017, the Respondent engaged in a comprehensive psychological evaluation at Journey Pure that revealed a significant level of impairment in cognitive abilities. Therefore, it was recommended that the Respondent obtain neurological testing and refrain from practicing medicine until the cognitive issues were resolved. Respondent has failed to follow the aforementioned recommendation. The facts stipulated are grounds for

discipline. Within sixty (60) days, Respondent must undergo an evaluation by a Tennessee Medical Foundation (hereinafter “TMF”) approved provider. Additionally, within sixty (60) days, Respondent must undergo a comprehensive fitness to practice and neuropsychological evaluation through a program such as the Vanderbilt Comprehensive Assessment Program (hereinafter “VCAP”) or an equivalent program pre-approved in writing by the Board’s medical consultant. Respondent shall cause the evaluation results and any updates or progress reports to be sent to the Board’s disciplinary coordinator and TMF and comply with all recommendations from both evaluations. If the initial evaluation findings support that the Respondent is safe to practice medicine, the disciplinary coordinator, with the approval from the Board’s medical consultant, shall immediately place the Respondent’s license on probation for two (2) years. At the expiration of the probation period and after all terms have been met, Respondent becomes eligible to petition the Board for an “Order of Compliance” lifting the restrictions imposed by this Order. If the initial evaluation findings support that the Respondent is safe to practice medicine but the Respondent needs to enter into a monitoring agreement with the TMF, the disciplinary coordinator, with the approval from the Board’s medical consultant, shall immediately place the Respondent’s license on probation for five (5) years to run concurrent with the TMF monitoring contract. Respondent shall enter into a monitoring contract with the TMF and maintain advocacy of TMF during the period of probation. During any 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. If the initial evaluation findings support that the Respondent is not safe to practice medicine or Respondent fails to comply with the order within sixty (60) days, the Board authorizes the disciplinary coordinator, after consulting with the Board’s medical consultant, to immediately suspend the Respondent’s medical license. To have the suspension lifted, Respondent must petition the Board for an Order of Compliance and personally appear before the Board. Upon a successful petition for an Order of Compliance to lift the suspension restriction from the Respondent’s medical license, Respondent’s license shall immediately be placed on probation for at least five (5) years to run concurrent with the TMF monitoring contract if the TMF recommends monitoring. At the expiration of the probation period and after all terms have been met, Respondent becomes eligible to petition the Board for an Order of Compliance lifting the restrictions imposed by this Agreed Order. Respondent shall pay one (1) Type A civil penalty for a total of one thousand dollars (\$1000.00). Respondent shall pay all actual and reasonable costs of the case not to exceed fifteen thousand dollars (\$15,000.00). Dr. Anderson motioned to approve the order. Dr. McGraw seconded the motion and it passed with Dr. Blake, Dr. Christiansen, and Dr. Miller recused.

#### **Next Development Committee Agenda**

- a. TMF contracts and Agreed Orders
- b. CME Passport update
- c. Board Member Education
- d. Public Chapter 328

- X. **PUBLIC COMMENT** – Gena Carter, MD appeared before the Board upon recommendation made at the Tennessee Medical Association (hereinafter “TMA”) meeting. Dr. Carter spoke of her appreciation for the Board and what they do to maintain the health and safety of the public. Dr. Carter expressed her interest in the ability of the Board to interpret the rules and the intent of the rules governing the practice of medicine. Due to this, Dr. Carter is requesting the Board to consider their earlier ruling on Dr. Cummings’s application for licensure. Dr. Blake explained while the Board can interpret the rules, they cannot negate the rules in their entirety.

**The Board recessed at 3:44 pm CT.**





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

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

**Wednesday, May 25, 2022**

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Three panels of the Tennessee Board of Medical Examiners were called to order at 8:34 a.m. in the Iris, Poplar, and Dogwood Rooms Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243.

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

Staff present:                           Francine Baca-Chavez, JD, Office of General Counsel  
  Jessica Turner, JD, Office of General Counsel  
  Gerard Dolan, JD, Office of General Counsel  
  Rene Saunders, MD, Medical Consultant, BME

**Contested Case – Iris Room**

**Peter Stimpson, MD v. State of Tennessee Board of Medical Examiners  
Iris Room**

**Administrative Law Judge: Elizabeth Cambron**

**Panelists: Melanie Blake, MD, John McGraw, MD, and Phyllis Miller, MD**

**Counsel for State: Gerard Dolan, Senior Associate General Counsel**

**Counsel for Respondent: Samuel P. Helmbrecht, Esq.**

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 February 18, 1974, and that license expired on July 31, 2022. From at least March 1999 to the present, Respondent provided treatment to multiple patients. On or about September 14, 2016, the Board ratified a Consent Order placing Respondent's medical license on probation for five (5) years effective on the date of entry. Pursuant to the Consent

Order, Respondent was required to obtain practice monitoring through Affiliated Monitors within sixty (60) days of entry of the consent order. The monitoring was to continue for five years. The consent order required that: “Respondent shall comply with all recommendations of the practice monitor program.” The order further states that the practice monitor shall issue a report to the Board’s Medical Director every three months detailing the practice monitor’s findings, including Respondent’s “[c]ompliance with practice monitor’s recommendations.” Respondent has failed to be in compliance all of with the terms and conditions set by the Board by failing to follow the practice monitor’s recommendations. This is in direct violation of the consent order. In Respondent’s quarterly reports, the practice monitor has recommendations that Respondent should be making in his medical practice and his record keeping, and Respondent has failed to incorporate all of said recommendations into his practice, as they continue to be mentioned in the quarterly reports. The conclusions of law are outlined in the order. This order shall permanently revoke the Respondent’s medical license. Respondent shall pay two (2) Type B civil penalties for a total of one thousand dollars (\$1,000.00). Respondent must pay actual and reasonable costs of the case not to exceed fifty thousand dollars (\$50,000). 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**

**Yogeshwar Gill, MD v. State of Tennessee Board of Medical Examiners  
Poplar Room**

**Panelists: Stephen Loyd, MD, Jennifer Claxton, Consumer Member, and Keith Anderson, MD  
Counsel for State: Jessica Turner, Senior Associate General Counsel**

Yogeshwar Gill, MD did not appear before the Board, nor did a legal representative appear on his behalf. Respondent was granted a Tennessee medical license on August 20, 2008 and this license is currently set to expire on August 31, 2022. Respondent is a family medicine physician who is currently in private practice in Manchester, Tennessee. Respondent only sees patients on Mondays from about 1:00pm to 5:00pm. On or about February 28, 2022, an investigator with the Tennessee Department of Health, (hereinafter “HRB investigator”) made an unannounced visit to the Respondent’s medical practice because of a complaint received alleging that Respondent has a history of charges related to alcohol and that he drank very heavily, took drugs, and always smelled of alcohol at his office. During the visit, Respondent had a brief conversation with the HRB investigator. Respondent was observed by the HRB investigator to have bloodshot eyes and a fine tremor to his hand as he wrote down his attorney’s information. Respondent also had trouble recalling his current home address and current email address. He was observed to stumble when he got off the stool he was sitting on and then as he walked the HRB investigator out to the front lobby, he lost his balance and stumbled into the wall. Respondent was asked on multiple occasions whether he was under the influence of anything, and the Respondent stated that he was not. Respondent has had a history with alcohol related convictions and charges. Respondent renewed his medical license in May 2020. Respondent failed to report his convictions for reckless endangerment and public intoxication on his renewal application. On or about April 26, 2022, Respondent was indicted by the United States District Court Eastern District of Tennessee at Winchester on six (6) counts related to “routinely prescrib[ing] various Schedule II and Schedule II substances, including hydrocodone, oxycodone, and buprenorphine, outside the usual course of professional practice and without a legitimate medical purpose”. As of May 19, 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 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. The Board strongly encourages Respondent to contact the Board’s peer assistance program, the Tennessee Medical Foundation (“TMF”) to coordinate an appropriate evaluation



based on the findings in this order, and to obtain and maintain advocacy from the TMF. 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.

### **Order of Summary Suspension – Poplar Room**

**Clyde Waters, MD v. State of Tennessee Board of Medical Examiners**

**Poplar Room**

**Panelists: Stephen Loyd, MD, Jennifer Claxton, Consumer Member, and Keith Anderson, MD  
Counsel for State: Jessica Turner, Senior Associate General Counsel**

Clyde Waters, MD did not appear before the Board, nor did a legal representative appear on his behalf. Respondent was granted a Tennessee medical license on March 12, 1979, and this license is currently set to expire on April 30, 2023. Respondent is an OB/GYN whose clinical privileges at Erlanger Health System are currently suspended. Respondent does not have any clinical privileges elsewhere. In 2018, after a series of eSafe complaints were received involving patient care, Respondent was asked to voluntarily submit to a neurocognitive assessment. After completing the assessment, Respondent was cleared to practice, however, he was diagnosed with an unspecified neurocognitive disorder. From about August 2021 to about October 2021, three (3) additional eSafe complaints were received which reported concerns that Respondent could not remember medications, sometimes asking nurses for recommendations, his decision-making was becoming difficult, and he needed reminders of his scheduled surgeries. Hospital staff and nurses who were working with Respondent reported increasing concerns for those patients under Respondent's care. As a result of the complaints, Respondent was asked to voluntarily limit his OB/GYN practice to the office and refrain from performing any deliveries and/or surgeries. Additionally, Respondent was asked to submit to a second neurocognitive assessment. The summary and impressions of that assessment are outlined in the order. On about November 11, 2021, the Medical Executive Committee met to discuss the recommendations of the second neurocognitive assessment. Among other things, the Committee discussed and made recommendations which are outlined in the order. Respondent is presently participating in a cognitive therapy program at Siskin Hospital for Physical rehabilitation. Based on his decline in memory and recall, it was recommended that he also participate in a program at the Center for Personalized education for Physicians (CPEP). Respondent has not participated in this program, nor has he indicated an intention to participate in this program. While Respondent remains suspended from performing surgeries or deliveries at Erlanger, he is still actively engaged in private practice Tuesday through Friday for approximately eight (8) hours a day. Additionally, Respondent has indicated he intends to begin performing laparoscopic surgeries at Physician's Surgery Center of Chattanooga and that he already has cases scheduled. However, Physician's Surgery Center has reported that Respondent does not have privileges to perform surgeries at this location. Respondent is actively prescribing phentermine to patients who are concerned about their weight although he is not a weight-loss specialist. Respondent reports that he typically does not prescribe phentermine for longer than three (3) months and only prescribes the lowest dose which is 15mg tablets. However, medical records indicate that Respondent has prescribed as much as two (2) 37.5 doses a day to patients and has, in at least one instance, given a patient eleven (11) refills. 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 – Dogwood Room**

**Nir Shimony, MD v. State of Tennessee Board of Medical Examiners**

**Dogwood Room**

**Administrative Law Judge: Claudia Padfield**

**Panelists: Deborah Christiansen, MD, Robert Ellis, Consumer Member, and Randall Pearson, MD**

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

**Counsel for Respondent: Dawn M. Campbell**

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, Nir Shimony, MD, attended Technion Israel Institute of Technology in Haifa, Israel and obtained a medical degree in August of 2010. Prior to obtaining his medical degree, Petitioner completed a one-year rotating internship at Chaim Sheba Medical Center in Ramat Gan, Israel from July 2009 through June 2010. Petitioner is an international medical school graduate who 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 a board-certified neurosurgeon in Israel by the Israeli Ministry of Health/Israeli Neurosurgery Society. Following graduation from medical school, Petitioner completed a neurosurgery residency at the Tel Aviv Medical Center in Tel Aviv, Israel from August 2010 through August 2016. As part of his residency training, Petitioner was accepted for an international observership at St. Jude Children's Research Hospital in Memphis, Tennessee. Petitioner completed a two-year fellowship in pediatric neurosurgery at Johns Hopkins University School of Medicine, Johns Hopkins All Children's Campus in St. Petersburg, Florida from October 2016 through October 2018. Petitioner passed all 3 USMLE certifying exams on the first attempt. Petitioner is employed at Geisinger Health System and Medical Center, (hereinafter "Geisinger"), in Danville, Pennsylvania. Petitioner serves as the Director of Pediatric Neurosurgery and Co-Director for the Epilepsy Program. Since 2018, Petitioner has been a member of the teaching faculty at Geisinger. The neurosurgery residency program at Geisinger is an ACGME approved program. Petitioner currently holds full and unrestricted medical licenses in Pennsylvania and Florida. Petitioner has had no disciplinary action taken on these medical licenses. Petitioner has an interest concerning research and education in neuroscience. Petitioner has authored approximately thirty-five (35) peer reviewed publications and forty-two (42) book chapters. Petitioner participates in various national and international meetings, serves as a reviewer for several journals, and serves on the editorial board for several journals. Petitioner has assigned case log with over eight hundred (800) cases performed on United States citizens. There is a significant need for a physician with his qualifications in our state most specifically at St. Jude and Le Bonheur hospitals. 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.

**Hearing for Declaratory Order – Dogwood Room**

**Muhammad Ramzan, MD v. State of Tennessee Board of Medical Examiners**

**Dogwood Room**

**Administrative Law Judge: Claudia Padfield**

**Panelists: Deborah Christiansen, MD, Robert Ellis, Consumer Member, and Randall Pearson, 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 Ramzan, MD, attended Rawalpindi Medical College, University of the Punjab in Rawalpindi, Pakistan and obtained a medical degree in 2002. Petitioner is an international medical school graduate who 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; however, he is board eligible and is scheduled to sit for the American Board of Radiology certifying exam on September 30, 2022. Additionally, Petitioner completed all steps of the USMLE in greater than ten (10) years. Petitioner passed step 1 of the USMLE in 2003 and was refused a U.S. visa six times beginning in 2004, so he was unable to sit for step 2 clinical skills (CS) of the USMLE until he was granted a U.S. visa on the 7<sup>th</sup> attempt in the Fall of 2013. Petitioner passed step 2 clinical skills (CS) of the USMLE in 2014 and passed step 3 of the USMLE on the second attempt in 2015. Petitioner has approximately twelve (12) years of post-graduate training. Petitioner completed approximately six (6) years of post-graduate training in Pakistan starting in July 2004 through June 2010. Petitioner completed a non ACGME accredited emergency and trauma radiology fellowship at Harborview Medical Center University of Washington in Seattle, Washington from July 2016 through July 2017. Petitioner completed a non ACGME accredited body oncology imaging fellowship at the University of Washington Medical Center from July 2017 through July 2018. In July 2018, Petitioner began a non ACGME accredited pediatric neuroradiology fellowship at Le Bonheur Children's Hospital University of Tennessee Health Science Center in Memphis, Tennessee and is expected to complete this fellowship in July of 2022. Petitioner has an expired medical license in Washington State with no disciplinary action. Petitioner currently holds a full and unrestricted medical license in New York. Petitioner has had no disciplinary action taken on this medical license. Le Bonheur Hospital has a documented need for his radiological experience. 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.

**This concludes the Board of Medical Examiners Day 2 meeting.**